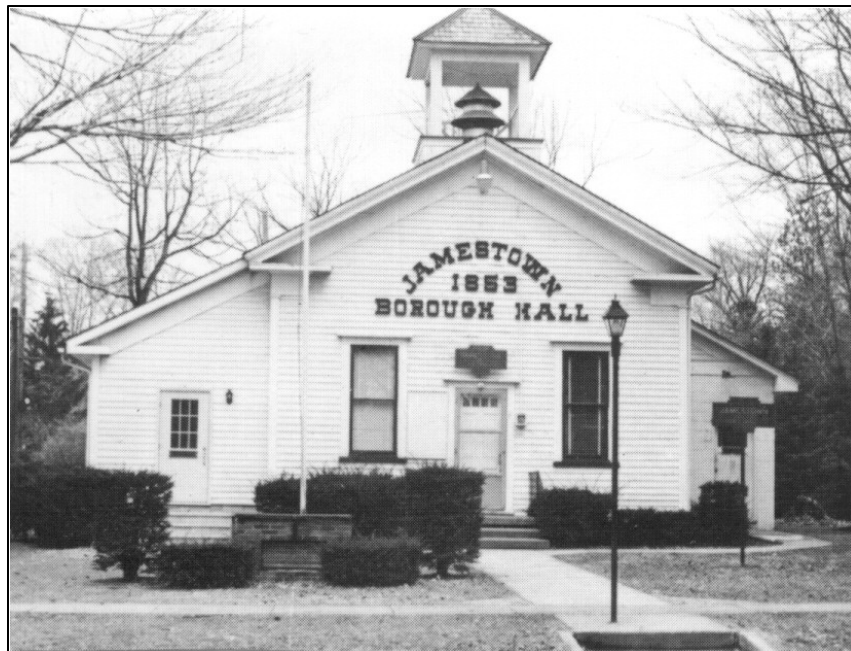


# **Jamestown Borough**



## **Zoning Ordinance**

**Adopted June 8<sup>th</sup>, 2004**

**Prepared by the Jamestown Borough Planning Commission & the  
Mercer County Regional Planning Commission**

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# **ARTICLE I**

## **SHORT TITLE, PURPOSE, SCOPE, INTERPRETATION, APPLICABILITY AND SEVERENCE**

### **SECTION 100: SHORT TITLE**

This Ordinance shall be known as the "Jamestown Borough Zoning Ordinance" hereinafter referred to as the "Zoning Ordinance" or "Ordinance".

The official map showing zoning districts and boundaries shall be known as the "Jamestown Borough Zoning Map" hereinafter referred to as the "Zoning Map" copies of which shall be retained by the Borough Zoning Officer and the Borough Secretary. The Zoning Map included herein is a reproduction of the official map and is for reference only.

### **SECTION 101: PURPOSE AND AUTHORITY**

This Zoning Ordinance and its regulations are adopted by authority granted to the Borough under the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) and are made in accordance with the following purposes:

1. To promote the health, safety, morals and general welfare of the citizens;
2. To promote coordinated, orderly, harmonious and practical community development;
3. To discourage the intermixture of incompatible land uses and, where such intermixture may be beneficial or where zoning district boundaries present transitions between incompatible uses, to control impacts of incompatible uses;
4. To lessen congestion and promote public safety and convenience on roads and highways;
5. To secure safety from fire, disaster, panic, pollution hazards and other dangers;
6. To provide adequate light and air;
7. To prevent the overcrowding of land;
8. To avoid undue congestion of population;
9. To facilitate the adequate provision of housing, commercial and industrial development, transportation, water, sewer, schools, parks and other public requirements;
10. To establish reasonable standards to which buildings and development shall conform;
11. To protect and enhance the value of land.

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

## **SECTION 102: SCOPE**

This Zoning Ordinance regulates and restricts within the boundaries of the Borough of Jamestown, Mercer County, Pennsylvania:

1. The height, number of stories and size of buildings and other structures;
2. Their construction, placement, alteration, extension, repair and maintenance;
3. All facilities and services in or about such buildings and/or structures;
4. The percentage of the parcel that may be occupied;
5. The size of yards, courts and other open spaces;
6. The density of population;
7. The location and use of buildings, structures and/or land for trade, industry, residence, or other purposes;
8. The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways.

## **SECTION 103: INTERPRETATION**

In interpreting and applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience and general welfare. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance, or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than the Zoning Ordinance, those provisions shall be controlling.

This Zoning Ordinance is not intended to interfere with, abrogate, or annul any easement, covenant, or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant, or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant, or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.



## **SECTION 104: APPLICATION**

The provisions of the Zoning Ordinance shall apply to the use and/or occupancy of all buildings, structures, and/or parcels. Except as provided in this Ordinance, no building, or part thereof, or other structure shall be placed, erected, altered, added to, or enlarged, nor shall any land, building, structure, or premises be used for any purpose other than for the uses hereinafter listed as permitted in the zone in which such building, land, or premises is located. Any use that is not listed in a specific zoning district shall be interpreted as prohibited in that district.

## **SECTION 105: SEVERANCE**

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

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

## **ARTICLE II DEFINITIONS**

### **SECTION 200: GENERAL INTERPRETATION**

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

### **SECTION 201: DEFINITION OF TERMS**

**Abutting**: Having property or district lines in common, or being separated from such a common border by a right-of-way or easement.

**Access**: A means of approach, entry to, or exit from a property.

**Accessory Apartment or Dwelling Unit**: A separate, complete housekeeping unit that is contained on the same parcel or within the same structure of a single-family dwelling.

**Accessory Building**: A subordinate building, the use of which is incidental and subordinate to that of the principal building, that is located on the same parcel as the principal building.

**Accessory Structure**: A subordinate structure, the use of which is incidental and subordinate to that of the principal structure, that is located on the same parcel as a principal structure.

**Accessory Use**: A building, structure, and/or use is accessory if it 1.) is subordinate to and serves a principal building, structure, and/or use; 2.) is subordinate in area, extent, or purpose to the principal building, structure and/or use served; 3.) contributes to the comfort, convenience, or necessity of the occupants of the principal building, structure, and/or use; and 4.) is located within the same zoning district as the permitted principal building, structure, and/or use.

**Acre**: A land area of 43,560 square feet.

**Addition**: Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

**Adjacent**: All contiguous properties, buildings, structures, uses, or zoning districts, with the assumption that railroads, right-of-ways, easements, driveways and roads, except limited access highways, do not exist.

**Adverse Impact**: A negative consequence for the physical, social, or economic environment resulting from an action or project.

**Agent of Owner:** Any person who can show written proof that he/she has the authority to act on behalf of the property owner.

**Agricultural Activity/ Operation:** The use of land for purposes of farming, harvesting, seeding, dairying, pasturage agriculture, horticulture, floriculture, viticulture, silviculture, aquaculture, livestock, animal and poultry husbandry, and the necessary accessory uses for storing the products and equipment. Forestry and tree harvesting shall not be included as an agricultural activity.

**Alley:** A public right-of-way for the use of vehicles and/or pedestrians, containing a width of no greater than twenty (20) feet, that provides a secondary means of access to abutting properties.

**Alley Parcel Line:** A parcel line separating the parcel from an alley.

**Alteration:** A change, enlargement, reduction, rearrangement, addition and/or relocation of any building and/or structure.

**Applicant:** The party applying for approvals and/or permits.

**Aquaculture:** The hatching, raising and breeding of fish or other aquatic plants and/or animals for sale or personal use.

**Attached Building:** A building where all or some sides are commonly shared party walls.

**Attached Dwelling Unit:** A building and/or structure containing two (2) or more dwelling units within the same building and/or structure that are separated by a common party wall.

**Awning:** A temporary structure, attached to and supported by a permanent building and/or structure, providing cover for a driveway, sidewalk, road, public right-of-way, yard, window, entrance, or other outdoor space, including covers that may be retracted, folded, or collapsed to be stored.

**Banner:** A sign that is applied to paper, fabric, flexible plastic, or other type of flexible material with only such material used as the background.

**Basement:** A portion of a building partly underground, having at least one-half (1/2) of the floor to ceiling height below the average grade of the adjoining ground.

**Bed & Breakfast:** A residential dwelling, including no more than four (4) rooms intended for lodging, providing for pay, overnight or short-term lodging, not to exceed twenty (20) days, and meals for transient guests.

**Billboard:** Any sign that is greater than fifty (50) square feet in area.

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

**Boarding House (also Lodging House or Rooming House):** A residential dwelling where no more than six (6) rooms are provided for lodging for individuals whom are not members of the proprietor's family for definite periods of times. There is one (1)

common kitchen facility and meals may or may not be provided, but not to outside guests.

**Buffer**: A strip of land, fence, wall, landscaping, trees, etc., used to separated one building, structure, land use, and/or zoning district from another, intended to reduce negative impacts each building, structure, land use, and/or zoning district may have on the other.

**Build-to-Line**: A line, set at a distance from the cartway edge, along which a building and/or structure shall be built, not including fences, porches, steps, handicapped ramps, etc.

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

**Building Sign**: Any sign supported by, affixed, attached, or displayed on a building.

**Campground**: Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter.

**Canopy**: Any structure, other than an awning, supported by the ground, providing cover for a driveway, sidewalk, road, public right-of-way, yard, entrance or other outdoor space, including covers that may be retracted, folded, or collapsed to be stored.

**Carport**: An accessory, roofed structure having two (2) or more open sides used primarily as a shelter for automotive vehicles and/or recreational equipment.

**Cartway**: The surface of a street (usually the paved area) within which vehicles are permitted including travel lanes and parking lanes, but not including shoulders, curbs, sidewalks, or swales. When there are curbs, the cartway shall mean the portion between the curbs.

**Centerline**: The line located at the middle of a road cartway, equidistant from both edges of the cartway or curbs, if they exist.

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

**Child Care Facility**: Any place operated by a person, society, agency, corporation, institution, or any other group that is licensed by the state where children, fifteen (15) years old or younger receive care for consecutive periods of time less than twenty-four (24) hours. This Ordinance identifies three (3) levels of child care facilities consistent with current regulations of the Commonwealth of Pennsylvania:

**Family Day Care Home**: A state certified family residence with one (1) caregiver providing care for four (4), five (5), or six (6) children unrelated to the caregiver.

**Group Day Care Home**: A state certified facility providing care for no more than twelve (12) children where the child care area is a family residence.

**Day Care Center:** A state certified facility providing care for seven (7) or more children where the child care area is not a family residence.

**Church:** A building and/or structure used for the purpose of worship and related activities.

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

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

**Communications Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence mounted satellite dishes or television antennas, or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

**Communications Equipment Building :** An unmanned building and/or structure containing communications equipment required for the operation of communications antennas and communications towers and covering an area on the ground not greater than two hundred fifty (250) square feet.

**Communications Tower:** A structure other than a building, such as a monopole, self-supporting, lattice, or guyed tower, designed and used to support communications antennas.

**Conditional Use:** A permission or approval granted by the Borough Council to use land in a zoning district for a purpose other than that permitted outright in that district. Conditional uses are specified in the Zoning Ordinance and may be approved or denied by the Borough Council only in accordance with the express standards and conditions set forth herein. The Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the Zoning Ordinance in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

**Construction:** The erection, fabrication, installation, addition, alteration, relocation, demolition, or removal of any building and/or structure including the placement of manufactured and/or mobile homes.

**Convalescent Home :** A building where nursing services and custodial care are provided on a twenty-four (24) hour basis for three (3) or more unrelated individuals whom for reasons of illness, injury, physical infirmity, or advanced aged require such services.

**Corner Parcel:** A parcel abutting two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street parcel lines is the "corner".

**Courtyard**: An uncovered area, partly or wholly enclosed by buildings, structures, walls, and/or landscaping and typically containing landscaping and pedestrian facilities.

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

**Curb**: A stone, concrete, or asphalt boundary marking the edge of the cartway.

**Dedication**: The transfer of private property to public ownership.

**Deed Restriction**: See covenant.

**Detached Building**: A building that does not contain any commonly shared party walls.

**Detached Dwelling Unit**: A building and/or structure containing no more than one (1) dwelling unit.

**Detention Area**: An area that is designated and designed to capture and store stormwater on a temporary basis to avoid flooding.

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

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

**Double Frontage Parcel**: A parcel abutting two (2) or more non-intersecting streets, as distinguished from a corner parcel.

**Driveway**: A private roadway providing vehicular access to a street, highway, or parking area, or providing for interior vehicular movement on the parcel or within a development.

**Dumpster**: Any container that temporarily holds garbage, junk, recycles, or other waste items until taken off site.

**Dwelling**: A building or part thereof arranged and used for residential occupancy, and containing living, sleeping, housekeeping and sanitary facilities for one (1) or more families.

**Dwelling Unit**: A building or portion thereof providing complete living, sleeping, housekeeping and sanitary facilities for one (1) family. The term shall include all buildings and/or structures designed and used for living purposes such as manufactured and/or mobile homes and other portable buildings and/or structures.

**Easement**: A right given by a property owner to another party for a specific limited use of that land.

**Enlargement**: A construction activity that increases the size of a building and/or other structure.

**Essential Services**: The erection, construction, alteration, placement, or maintenance, by public utilities, municipal, or other governmental agencies, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, communication, supply, or disposal systems, including poles, wires, mains, drains,

sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment, accessories and their essential buildings, excluding communications antennas and communications towers, as herein defined.

**Facade**: The exterior area of a building wall exposed to public view, extending from the roof or parapet to the ground, not including any structural or nonstructural elements that extend beyond the roof or parapet of the building.

**Family**: A group of individuals that may or may not be related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**Farm**: A lot, parcel, or tract of land used for agricultural activities/ operations on which the principal building and/or structure(s) shall be the agricultural related buildings and/or structures and farm house(s).

**Fence**: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**Fence, Open**: A fence, including any gates in said fence, that permits direct, clear vision through the fence surface area.

**Fence, Solid**: A fence, including any gates in said fence, through which indistinguishable or no visual images may be seen.

**Flag**: Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flagpole**: A freestanding structure, or a structure attached to a building used for the sole purpose of displaying a flag.

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

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

**Front Parcel Line**: The line separating the parcel from a street right-of-way.

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

**Garage**: A building and/or structure or part thereof used or designed to be used for the parking and storage of vehicles.

**Glare**: The effect produced by bright lights sufficient to cause annoyance, discomfort, or loss of visual performance and visibility.

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

**Gross Floor Area**: The total area of all floors of a building and/or structure as measured to the outside surface of exterior walls, including halls, stairways, elevator shafts, attached garages, porches and balconies.

**Ground Floor**: The first floor of a building and/or structure, excluding the cellar or basement.

**Group Home**: A single dwelling unit that is occupied, on a permanent basis, by a group of unrelated individuals with some sort of disability in a family-like environment and which may be occupied by paid professional support staff provided by a sponsoring agency.

**Height of a Building and/or Structure**: The vertical distance from the grade to the highest point on a building and/or structure.

**Height of a Sign**: The vertical distance from the grade to the highest point on a sign, including ornamental and/or decorative features.

**Home Based Business**: A business or professional use conducted within a dwelling or its accessory structure(s) that is conducted in whole or part by the occupant(s) of the dwelling unit and that remains subordinate and incidental to the residential use.

**Home Occupation**: A business or professional occupation, in which only the occupant(s) of a dwelling unit is (are) engaged, that occurs within the dwelling unit or customarily subordinate accessory building and/or structure, that remains subordinate and incidental to the residential use, that does not alter the appearance or essential character of the residential use, and that does not have signs, parking, traffic, lighting, odors, noise, etc., uncharacteristic of a residential use.

**Hotel, Motel, Inn**: A building, or group of buildings on the same parcel, in which lodging is provided and offered to the public for compensation, and which is open to transient guests, not including a boarding house, convalescent home, bed & breakfast, or group home.

**Household**: A family living together in a single dwelling unit with common access to, and common use of, all living and eating facilities.

**Interior Parcel**: A parcel whose side parcel lines do not abut a street.

**Junk**: Worn, cast off, or discarded articles or materials that have been collected or stored for salvage, destruction, or conversion to some other use, but not including any article or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

**Junk Dealer**: Any person who buys, sells, exchanges, collects, or stores any article or material of junk, as defined.

**Junkyard**: A parcel, or any portion thereof, used for the exterior collection, storage, display, keeping, or sale of junk. Three (3) or more unregistered and inoperable vehicles stored, displayed, kept, or put for sale on a parcel shall be considered a junkyard.



**Kennel**: Any place where domestic animals, such as dogs, are raised, boarded, trained, bred, sold, shown, treated, or groomed.

**Land**: The solid portion of the Earth's surface that is capable of being used or occupied.

**Landscaping**: Changing, rearranging, or adding to the original vegetation, grade or scenery of land to produce an aesthetically pleasing effect appropriate for the character and use of the land.

**Land Use**: A description of how land is occupied and/or utilized.

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

**Major Recreational Equipment**: For purposes of this Ordinance, includes travel trailers, pickup campers or coaches, motor homes, camper/tent trailers, boats and boat trailers, and the like, and cases or boxes used for transporting recreational equipment, whether or not occupied by such equipment, located on the same parcel as a residential dwelling. Specific definitions include:

**Travel Trailer**: A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation purposes permanently identified as a travel trailer by the manufacturer of the trailer.

**Pickup Camper or Coach**: A structure designed primarily to be mounted on a pickup truck or truck chassis with sufficient support and facilities to render it suitable for use as a temporary dwelling for travel, recreational, or vacation purposes.

**Motor Home**: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. It can either be a converted truck, bus, or a custom-built unit.

**Camping/Tent Trailer**: Usually consists of a foldout tent mounted completely on a low trailer.

**Manufactured Home**: A factory built dwelling that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act of 1974 and is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of non-transient human habitation.

**Marquee**: Any permanent roof-like structure projecting beyond a building and/or structure or extending along and projecting beyond the wall of the building and/or structure, but not extending the full width of the building and/or structure, generally designed and constructed to provide protection from the weather.

**Mineral Excavation**: The excavation or extraction of any earth products of natural mineral deposit, including but not limited to limestone and dolomite, sand and gravel, rock and stone, salt, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas, except where such excavation is for purposes of grading for a building parcel or roadway.

**Mobile Home**: A transportable, self-contained, dwelling designed for occupancy by one (1) family and designed to be transported on its own wheels or on a flatbed or other trailer or detachable wheels and that may be temporarily or permanently affixed to land, and used for non-transient residential purposes.

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

**Mobile Home Park**: A parcel of land under single ownership that has been specifically planned and improved for the long-term placement of two (2) or more mobile homes for non-transient use, as regulated by the Mercer County Subdivision and Land Development Ordinance.

**Modular Home**: A manufactured home that requires extensive finishing (other than placement on a foundation and connection of utilities) and/or assembly, of which when finished, cannot be unassembled and is intended to become a permanent dwelling.

**Multi-Family Dwelling**: A building having two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families, each unit containing its own living, sleeping, housekeeping and sanitary facilities and each with its own exterior entrance door or own entrance door from an interior hallway.

**No-Impact Home Based Business**: A business or commercial activity administered or conducted as an accessory use that is clearly secondary to the use as a residential dwelling and that 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 a residential use.

**Non-Agricultural Commercial Vehicle**: Any truck, truck-trailer, or trailer that: a) has a gross weight of over twenty-six thousand (26,000) pounds (including combined weight if towed unit weighs over ten thousand (10,000) pounds; b) is used to transport hazardous materials; or c.) requires a commercial driver's license (CDL) to operate or tow.

**Non-Commercial Recreation**: Recreational facilities operated as a non-profit enterprise by the Borough or other governmental entity, or any non-profit organization that are open to the general public.

**Non-Conforming Building and/or Structure**: A building and/or structure lawfully existing at the effective date of this Zoning Ordinance or by subsequent amendment thereto that does not completely conform with the area, height, and/or setback regulations and other provisions prescribed for the zoning district in which the parcel is located.

**Non-Conforming Parcel**: A parcel lawfully existing at the effective date of this Zoning Ordinance or by subsequent amendment thereto that does not completely conform to the area regulations and other provisions prescribed for the zoning district in which the parcel is located.

**Non-Conforming Use**: A use lawfully existing at the effective date of this Zoning Ordinance or by subsequent amendment thereto that does not meet the provisions, or is not a permitted use in the zoning district in which the use is located.

**Nursery**: An establishment that conducts the growth, display, trade, retail and/or wholesale of plants as well as accessory equipment used for planting and landscaping.

**Nursing Home**: A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.

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

**Parapet**: The portion of a wall that extends above the roofline.

**Parcel**: A contiguous piece of land in identical ownership with fixed boundaries to be used for buildings, structures and/or other land uses permitted by this Ordinance.

**Parcel Area**: The computed area of a parcel contained within the parcel lines and measured at grade on a horizontal plane, exclusive of any area in a public right-of-way.

**Parcel Coverage**: The percentage of the parcel area occupied or covered by principal and accessory buildings and/or structures.

**Parcel Depth**: The mean horizontal distance between the front parcel line and the rear parcel line, or the distance between the midpoint of the front parcel line and the midpoint of the rear parcel line.

**Parcel Lines**: The property lines bounding the parcel.

**Parcel (or lot) of Record**: A parcel (or lot) that is part of a recorded subdivision or a parcel (or lot) of land that has been recorded or registered in the Office of the Recorder of Deeds of Mercer County, Pennsylvania.

**Parcel Width**: The mean horizontal distance between the side parcel lines of a parcel measured at right angles to the depth.

**Parking Area**: An off-street area, used to service a principal use on the same parcel, for the temporary, daily, or overnight storage of four (4) or more vehicles.

**Parking Lot**: A parking area that is considered the principal use on a parcel.

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

**Party Wall**: A wall common to but dividing contiguous buildings. Such wall shall contain no openings and extend from its footing below the finished grade to the roof.

**Pedestrian Oriented Development**: Development designed with the emphasis primarily on the sidewalk and on pedestrian access to the site, building and/or structure, rather than on auto access and parking areas. The buildings are generally placed close to the street and close together and the main entrance is oriented towards the sidewalk. There are numerous windows along building facades that face the street and large, monotonous, blank facades are discouraged. Parking areas are generally kept to the rear of the parcel.

**Pennsylvania Municipalities Planning Code**: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as further amended by Act 209 of 1990, Act 131 of 1992, Act 67 and 68 of 2000, Acts 2 and 43 of 2002, and including any further amendments.

**Personal Care Home**: A profit or nonprofit facility licensed by the Commonwealth of Pennsylvania providing lodging, food and some support services to the aged, ill, or disabled.

**Personal Storage Unit**: A building and/or structure or group of buildings and/or structures containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

**Plat**: A map, plan, or chart of a section or subdivision of the Borough indicating the location and boundaries of individual parcels.

**Porch**: A structure (whether open, covered, or enclosed) projecting from the front, side, or rear wall of a building and/or structure. A porch is considered a part of the principal building and/or structure and is not permitted to extend beyond any side or rear setback lines but may extend beyond the front setback line by no more than five (5) feet.

**Principal Building**: A building in which is conducted the principal use of the parcel on which it is located.

**Principal Structure**: A structure in which is conducted, or acting as, the principal use of the parcel on which it is located.

**Principal Use**: The main or primary purpose for which a building, structure, and/or land is designed, arranged, or intended, or for which it may be used, occupied, or maintained under the Zoning Ordinance. All other uses on the same parcel and incidental or supplemental thereto and permitted under this Zoning Ordinance, shall be considered accessory uses.

**Rear Parcel Line**: The parcel line opposite and most distant from the front parcel line.

**Recreational Vehicle**: Any building, structure and/or vehicle designed and/or used for living, sleeping, and/or recreational purposes and equipped with wheels to facilitate movement from place to place.

**Recreational Vehicle Park**: A parcel of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes, as regulated by the Mercer County Subdivision and Land Development Ordinance.

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

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

**Roadside Stand**: A temporary structure, not permanently affixed to the ground or a building and/or structure and is readily removable in its entirety, that is used for the display and sale of agricultural products and home made crafts.

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

**Setback**: The required distance that must be maintained between the cartway edge or parcel line and the nearest principal and/or accessory structure.

**Side Parcel Line**: Any parcel line other than a front or rear parcel line or a side parcel line separating a parcel from a street is called a side parcel line.

**Sign**: Any building, structure, object, device and/or display including, but not limited to, paintings, letters, words, numerals, symbols, pictures, images, figures, emblems, or any part or combination used to identify, advertise, and/or attract attention to a business, product, service, organization, event, and/or location.

**Sign Face**: The area or display surface used to display a sign.

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

**Site**: A parcel of land intended or suitable for development.

**Site Plan**: A plan, drawn to scale, showing buildings, structures and uses both existing and proposed for a parcel of land.

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

**Story**: A part of a building comprised between a floor and a floor or roof next above.

**Street**: Same as Road.

**Structural Alteration**: Any change in the supporting members of a building and/or structure, such as bearing walls, columns, beams and/or girders (other than incidental repairs) that would prolong the life of the building and/or structure.

**Structure**: Anything placed, erected, or constructed that requires locations on the ground or supported by, attached, or affixed to something having location on the ground.

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

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

**Utility (Public or Private)**: Any agency that, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar

service; or, a closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance**: Relief granted by the Zoning Hearing Board, upon application in specific cases, from certain regulations and provisions of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship, and so that the spirit of the Zoning Ordinance will be observed and substantial justice done.

**Veterinary Hospital**: A building and/or structure designed or converted for the care and/or treatment of sick or injured domestic animals.

**Visual Obstruction**: Any building, structure, trailer, vegetation, and/or vehicle, or a combination thereof that limits visibility.

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

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

**Yard Sign**: Any sign not supported by, affixed, attached or display on a building, and placed elsewhere on the parcel. The computation of area or number of yard signs does not pertain to signs in Section 1005: Signs Exempt From Permits and Fees.

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

## **ARTICLE III COMMUNITY DEVELOPMENT OBJECTIVES**

### **SECTION 300: PURPOSE OF COMMUNITY DEVELOPMENT OBJECTIVES**

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

### **SECTION 301: COMMUNITY DEVELOPMENT OBJECTIVES**

The Jamestown Borough Zoning Ordinance shall promote and advance the following vision statement and objectives of the 2002 Jamestown Borough Community Development visioning session.

#### **301.1: Community Vision**

Jamestown is a scenic and historic community that should retain its rural, small-town and historic character, build on strong educational and civic organizations, maintain a variety of businesses, market itself as a gateway to Pymatuning State Park, and plan for quality development and community improvement.

#### **301.2: Land Use Objectives**

1. The Borough should center itself around the Gibson House;
2. The Borough should utilize mixed-use neighborhoods;
3. Businesses should be allowed in residential areas but should not overpower the residential character of the neighborhood;
4. New development should be designed to fit into the character of the surrounding neighborhood;
5. The Borough should not zone for large industry since there is limited available space;
6. The Borough should make some use of the floodplain area.

### **301.3: Economic Objectives**

1. The Borough should create a "light industrial" district to promote small industrial businesses;
2. The Borough should utilize and promote the tourism industry by creating an area that is attractive to tourists.

### **301.4: Housing Objectives**

1. The Borough should retain its residential character;
2. The Borough should attempt to reduce housing blight;
3. The Borough should prevent overcrowding of residences;
4. Existing mobile homes and mobile home parks should be upgraded;
5. Multi-family dwellings should keep in character with the surrounding neighborhood;
6. The Borough should allow larger single-family dwellings to be converted into multi-family dwellings, as long as the structure is not greatly altered;
7. The Borough should promote new houses that utilize traditional architectural techniques.

### **301.5: Community Design**

1. The Borough should have a unique appearance and feel to it;
2. The Borough should be friendly to pedestrians;
3. The Borough should attempt to become a "green" community through the planting of trees and landscaping and preservation of existing vegetation;
4. The Borough should regulate signs and billboards;
5. The Borough should regulate wireless communications facilities;
6. The Borough should regulate exterior lighting;
7. The Borough should promote a clean and litter free downtown area.

### **301.6: Community Facilities**

1. The Borough should improve its existing sidewalks;
2. The Borough should improve its management of waste and litter;
3. Vehicular traffic within the Borough should be slowed down;



# ARTICLE IV ZONING DISTRICTS

## SECTION 400: ZONING DISTRICTS

The following zoning districts are hereby created in Jamestown Borough:

ZONING DISTRICT	ABBREVIATION
Rural Residential	R-1
Village Residential	R-2
Village Business	B-1
General Business	B-2

## SECTION 401: PURPOSE AND CHARACTER OF ZONING DISTRICTS

**401.1: Rural Residential (R-1)**- A zoning district to promote and allow for open space, recreational facilities, low density single-family residential, manufactured and mobile home parks and agricultural operations as found primarily on the outskirts of the Borough.

**401.2: Village Residential (R-2)**- A zoning district to promote and allow for medium density mixed-use neighborhoods similar to the existing older neighborhoods of Jamestown Borough with buildings oriented towards the sidewalk.

**401.3: Village Business (B-1)**- A zoning district to promote and allow for a medium density mixed-use business district to match the existing downtown character of Jamestown Borough with small businesses and residences oriented to the sidewalk, creating a walkable downtown area that is attractive to visitors and tourists.

**401.4: General Business (B-2)**- A zoning district to promote and allow for light industrial uses, larger commercial establishments and other uses that are less desirable in other zoning districts.

## **SECTION 402: BOUNDARIES OF ZONING DISTRICTS**

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

**402.1: Where a Zoning District Boundary Follows a Street, Alley, Railroad, or Watercourse-** The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the zoning district boundary.

**402.2: Where a Zoning District Boundary Approximately Parallels a Street or Alley-** The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

**402.3: Where a Zoning District Boundary Approximately Follows a Parcel Line -** The parcel line shall be interpreted to be the zoning district boundary.

**402.4: Submerged Areas-** Where areas within the Borough are underwater and are bounded by two (2) or more zoning districts, the boundary lines of these districts shall be extended to the center of the body of water.

**402.5: Annexed Lands-** Any land annexed to or made a part of the Borough subsequent to the adoption of this Ordinance shall immediately be classified as Village Rural (R-1) as of the effective date of annexation.

**402.6: Vacation of Public Ways-** Whenever any street or alley is vacated, the zoning district or districts adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.

**402.7: Where a Zoning District Boundary Does Not Follow a Physical Feature or Parcel Line and None of the Previous Rules Apply-** The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

# ARTICLE V PERMITTED USES

## SECTION 500: PERMITTED PRINCIPAL USES

The following table lists the zoning districts in Jamestown Borough, created through this Ordinance and shown on the Zoning Map, and the principal uses that are permitted in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article II, Definitions. Uses not specifically listed shall not be permitted.

Principal uses that are permitted in a certain zoning district are identified in the respective zoning district column with an X. Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional regulations or provisions that apply to that use.

### 500.1: Table of Permitted Principal Uses

Permitted Principal Uses	R-1	R-2 <sup>1</sup>	B-1 <sup>2</sup>	B-2 <sup>3</sup>
Single-Family Residential Dwellings (800.1)	X	X	X	
Multi-Family Residential Dwellings (2-4 units) (800.2)		X	X	
Residential Dwelling Units Located Above Street Level Businesses (800.3)			X	
Manufactured/ Mobile Home Parks (800.5)	X			
Tent Camps and Recreational Vehicle Parks (800.6)	X			
Group Homes		X		
Convalescent Homes		X		
Child Care Center			X	
Health Care Facility	X		X	
Personal Care and Nursing Homes			X	
Bed & Breakfast	X	X	X	
Hotels, Motels and Inns			X	X
Clubs, Lodges and Fraternal Organizations			X	X
Funeral Homes			X	X
Churches	X	X	X	X
Cemeteries	X			X
Government and/or Community Facilities	X	X	X	X
Educational Facilities	X	X	X	X
Public, Non-Commercial Parks	X	X	X	X
Golf Courses	X			X
Agricultural Operations	X			
Greenhouse/ Nursery	X			X
Kennels (800.11)	X			X

<b>Permitted Principal Uses- Cont.</b>	<b>R-1</b>	<b>R-2<sup>1</sup></b>	<b>B-1<sup>2</sup></b>	<b>B-2<sup>3</sup></b>
Veterinary Clinic / Animal Hospital (800.11)	X		X	X
Roadside Agricultural / Food Stands	X		X	X
Home Based Business (800.7)	X	X	X	X
General and Professional Offices			X	X
General and Professional Offices Located Above Street Level Businesses			X	X
Medical and Dental Offices			X	X
Medical and Dental Offices Located Above Street Level Businesses			X	X
Service Businesses			X	X
Convenience / Food Store			X	X
Eating and Drinking Establishments			X	X
Retail Establishments			X	X
Drive In/ Through Establishments				X
Gas and Service Stations				X
Automotive, Boat, Recreational Vehicle or other Motorized Vehicle Sale Establishment				X
Automotive Repair Establishment				X
Parking Lots				X
Industrial Establishments for Manufacturing, Processing, Packing and Bottling				X
Industrial Research and Development Establishments				X
Chemical and/or Petroleum Storage Establishments				X
Self Storage Units				X
Warehousing and/or Wholesaling				X
Contractor and Supply Yards				X
Trucking and Shipping Facilities				X
Utility Substations and/or Facilities (800.17)	X			X
Forestry	X	X	X	X
Essential Services	X	X	X	X

<sup>1</sup> See Section 801 for Additional Village Residential (R-2) Zoning District Provisions

<sup>2</sup> See Section 802 for Additional Village Business (B-1) Zoning District Provisions

<sup>3</sup> See Section 803 for Additional General Business (B-2) Zoning District Provisions

## SECTION 501: PERMITTED ACCESSORY USES

The following table lists the zoning districts in Jamestown Borough, created through this Ordinance and shown on the Zoning Map, and the accessory uses that are permitted in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article II, Definitions. Uses not specifically listed shall not be permitted.

Accessory uses that are permitted in a certain zoning district are identified in the respective zoning district column with an X. Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional regulations or provisions that apply to that use.

**501.1: Table of Permitted Accessory Uses**

Permitted Accessory Uses	R-1	R-2 <sup>1</sup>	B-1 <sup>2</sup>	B-2 <sup>3</sup>
Garage, Carport, or Storage Shed	X	X	X	X
Dwelling Units (800.4)	X	X	X	X
Greenhouse/ Nursery	X			X
Gazebo, Porch, or Deck	X	X	X	X
Agricultural Facilities	X			
Roadside Agricultural/ Food Stands (800.16)	X		X	X
Communications Antennas (800.19)	X	X	X	X
Antennas	X	X	X	X
Play Equipment	X	X	X	X
Pools	X	X	X	X
Essential Accessory Uses	X	X	X	X

<sup>1</sup> See Section 801 for Additional Village Residential (R-2) Zoning District Provisions

<sup>2</sup> See Section 802 for Additional Village Business (B-1) Zoning District Provisions

<sup>3</sup> See Section 803 for Additional General Business (B-2) Zoning District Provisions

# **ARTICLE VI CONDITIONAL USES**

## **SECTION 600: CONDITIONAL USES**

The following table lists the zoning districts in Jamestown Borough, created through this Ordinance and shown on the Zoning Map, and the uses that are a conditional use in each zoning district. Uses shall be interpreted according to the common meaning of the term or as defined in Article II, Definitions. Uses not specifically listed shall not be permitted.

Conditional uses shall be considered the principal use on a parcel unless otherwise noted. Conditional uses may be granted or denied by the Borough Council in accord with conditions and standards expressed in this Ordinance.

When considering a conditional use, the Borough Council shall evaluate a use and its potential impacts on neighboring properties and its compatibility with the surrounding neighborhood with respects to its appearance, size, intensity of use, traffic, parking, noise, lighting, number of employees, number of deliveries, storage, etc., to determine if the proposed use shall be permitted. The Borough Council may attach reasonable conditions and safeguards when granting a conditional use. Such conditions are to implement the stated objectives of this Ordinance and the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

Uses that are a conditional use in a certain zoning district are identified in the respective zoning district column with an X. Where listed uses are followed by a section or sub-section number in parentheses, refer to that section or sub-section for additional regulations or provisions that apply to that use.

### **600.1: Procedures for Conditional Uses**

Applications for conditional uses shall follow the following review and approval process in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended):

1. Public Notice and Hearing- Public notice shall be provided and a public hearing shall be held by the Borough Council in accord with the Pennsylvania Municipalities Planning Code prior to making a decision on the application.
2. Decision- The Borough Council shall render a decision on the application and any conditions to be required as part of an approved application within forty-five (45) days of receipt of the application.

**600.2: Table of Conditional Uses**

<b>Conditional Use</b>	<b>R-1</b>	<b>R-2<sup>1</sup></b>	<b>B-1<sup>2</sup></b>	<b>B-2<sup>3</sup></b>
Multi-Family Residential Dwellings (5 or more units)		X	X	X
Child Care Center (801.2)		X		
Personal Care and Nursing Homes (801.2)		X		
Funeral Homes (801.2)		X		
General and Professional Offices (801.2)		X		
Medical and Dental Offices (801.2)		X		
Gas and Service Stations (800.8)			X	
Drive In/ Through Establishments (800.9)			X	
Automotive, Boat, Recreational Vehicle or other Motorized Vehicle Sales Establishments (800.10)			X	
Parking Lots (800.12)			X	
Commercial Recreational Facilities (800.13)	X			X
Establishments for the Storage and Sale of Junk (800.14)				X
Sanitary Landfill, Solid Waste Transfer Stations or Similar Facility for Processing and Disposal of Solid Waste (800.15)				X
Adult Entertainment Establishments (800.18)				X
Communications Towers (800.19)	X			X
Utility Substations and/or Facilities (800.17)		X	X	
Mineral Excavation (800.21)	X			X

<sup>1</sup> See Section 801 for Additional Village Residential (R-2) Zoning District Provisions

<sup>2</sup> See Section 802 for Additional Village Business (B-1) Zoning District Provisions

<sup>3</sup> See Section 803 for Additional General Business (B-2) Zoning District Provisions

# ARTICLE VII PARCEL, YARD & HEIGHT PROVISIONS

## SECTION 700: PARCEL, YARD AND HEIGHT PROVISIONS

The following table sets provisions for each zoning district concerning minimum parcel sizes, minimum parcel width, building setbacks, maximum height and maximum parcel coverage. When different provisions exist for a principal use and an accessory use, they are distinguished with a "P" representing the provisions for the principal building, structure and/or use and an "A" representing the provisions of the accessory building, structure, and/or use.

**700.1: Parcel, Yard and Height Provisions Table**

Zoning District	Land Use	Min. Parcel Area	Min. Width	Front Setback	Side Setback	Rear Setback	Max. Height	Max. Coverage
<b>R-1</b>	All Uses	7,200 sq. ft.	60'	Build-to-line ± 5'	P: 10' A: 5'	P: 15' A: 5'	35'	30%
<b>R-2</b>	Single-Family Residential Dwellings <sup>1</sup>	4,000 sq. ft.	50'	Build-to-line ± 5'	P: 10' A: 5'	P: 15' A: 5'	50'	50%
	Multi-Family Residential Dwellings <sup>2</sup>	6,000 sq. ft.	50'	Build-to-line ± 5'	P: 10' A: 5'	P: 15' A: 5'	50'	50%
	All Other Uses	6,000 sq. ft.	50'	Build-to-line ± 5'	P: 10' A: 5'	P: 15' A: 5'	50'	50%
<b>B-1</b>	Single-Family Residential Dwellings <sup>1</sup>	3,600 sq. ft.	30'	0' & no more than 10'	P: 5' A: 5'	P: 15' A: 5'	50'	50%
	Multi-Family Residential Dwellings <sup>2</sup>	3,600 sq. ft.	30'	0' & no more than 10'	P: 5' A: 5'	P: 15' A: 5'	50'	50%
	All Other Uses	2,400 sq. ft.	30'	0' & no more than 10'	P: 0' A: 5'	P: 15' A: 5'	50'	70%
<b>B-2</b>	Multi-Family Residential Dwellings <sup>2</sup>	7,200 sq. ft.	50'	Build-to-line ± 5'	P: 10' A: 5'	P: 15' A: 5'	35'	30%
	All Other Uses	7,200 sq. ft.	50'	Build-to-line ± 5'	P: 10' <sup>3</sup> A: 5'	P: 15' <sup>3</sup> A: 5'	35'	50%

<sup>1</sup> Includes Home Based Businesses and Home Occupations.

<sup>2</sup> The minimum parcel area for Multi-Family Residential Dwellings shall be as listed in the table for the first two (2) units and 1,000 square feet for each additional unit after two (2).

<sup>3</sup> When bordering a residential dwelling or a R-1, R-2 or B-1 Zoning District, the side and rear setback for a principal building shall be twenty (20) feet.



## **SECTION 701: BUILD-TO-LINE DETERMINATION**

1. The Zoning Officer shall determine the front setback build-to-line by measuring the distance between the cartway edge (curb) and the nearest portion of the nearest two (2) neighboring buildings on each side. When a parcel is located on a corner, the nearest two (2) neighboring buildings on the same side of the street adjacent to the corner parcel shall be used to determine the build-to-line. When neighboring buildings do not exist to determine a build-to-line, the Zoning Officer shall determine the best way to determine the build-to-line by using existing buildings and other structures on the street or by using a street that is similar in character. Where no build-to-line can be determined, the build-to-line shall be twenty (20) feet.
2. Once the build-to-line is determined, the front setback shall be placed within five feet (5') of the build-to-line.
3. Variances to the build-to-line shall be approved only by the Zoning Hearing Board.
4. Additions to an existing building or structure shall occur behind the build-to-line.

# **ARTICLE VIII ADDITIONAL LAND USE AND ZONING DISTRICT PROVISIONS**

## **SECTION 800: SPECIFIC LAND USE PROVISIONS**

### **800.1: All Residential Dwellings**

1. Dwelling units located in single-family residential dwellings shall have a minimum floor area of seven hundred fifty (750) square feet.
2. Dwelling units located in multi-family dwellings, above street level businesses, or intended for senior housing shall have a minimum floor area of five hundred forty (540) square feet.
3. Accessory dwelling units shall have a minimum floor area of four hundred (400) square feet.
4. Every dwelling unit shall have a minimum of one (1) exterior exposure.
5. All residential dwellings shall have a pitched roof, similar to the roof pitch of adjacent residential dwellings.
6. All residential dwellings shall be oriented towards, and have a front entrance facing the street on which the dwelling fronts. When a residential dwelling fronts more than one (1) street, the dwelling shall be oriented towards, and have a front entrance facing, the street on which more residential dwellings front.
7. When an open air space exists between the dwelling and its foundation and/or ground, the space shall be enclosed by a continuous material consistent in quality and design with the upper portion of the dwelling in order that there is no penetration of air, outside elements, or animals permitted into the open air space and the dwelling's interior.
8. All residential dwellings shall be placed on a permanent concrete foundation with footings extending to a minimum depth of thirty-six (36) inches.
9. Manufactured/ mobile homes:
  - a. Shall comply with the U.S. Department of Housing and Urban Development's (HUD) Manufactured Housing Standards, The National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401;
  - b. Shall have been constructed after July 15, 1976 and contain the manufacturer's certification ("Red Label") that the home is built in accordance with HUD's construction and safety standards. HUD standards cover body and frame requirements, thermal protection, plumbing, electrical, fire safety and other aspects of the home.

- c. Shall have the visible wiring and plumbing connections certified as safe and safely connected to public lines by a certified plumber and electrician if said home is more than seven (7) years past its date of manufacture.

### **800.2: Multi-Family Residential Dwellings (5 or more units)**

The following provisions shall apply to any new multi-family construction or conversions of single-family dwellings into multi-family dwellings of five (5) or more units.

1. Maximum number of twelve (12) dwelling units shall be permitted per structure.
2. Multi-family developments containing more than one (1) structure shall be arranged in such a way to allow for adequate light, air and access.
3. Multi-family developments containing more than one (1) structure may be excused from provision 800.1 (6), all residential dwellings shall be oriented towards, and have a front entrance facing the street in which the dwelling fronts, provided:
  - a. The structures are oriented towards, and have a front entrance facing an interior courtyard or pedestrian way. This courtyard or pedestrian way shall have access from the sidewalk and right-of-way;
  - b. No parking shall be permitted within the interior courtyard or pedestrian way;
  - c. The sides of multi-family structures that have frontage on a street shall follow 800.2 (2), if applicable, contain windows and be compatible in design, height, scale, setback and orientation with other structures on the same street;
  - d. The sides of multi-family structures that have frontage on a street shall follow the requirements for front yard setback for that particular zoning district or if fronting a private road shall have a minimum front setback of twenty (20) feet.
4. Internal streets built and maintained for private service to the development shall be paved and shall be located and have capacity to:
  - a. Prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/ vehicular and vehicular/ vehicular movements within the site.
  - b. Provide adequate area for servicing of the site by delivery trucks, refuse collection and other service vehicles without blockage or interference with the use of driveways or off-street parking.
5. Adequate, pedestrian facilities shall be incorporated into the development to assure the safe movement of pedestrians between dwellings, to parking areas, community office, or other service areas and recreational areas.
6. When sidewalks exist along a street, multi-family residential developments shall provide a sidewalk connection, either directly from an entrance or by constructing

- pedestrian facilities or continuing the sidewalk throughout the development, providing pedestrian access from all dwellings to the existing sidewalk. Sidewalks shall be separated from vehicular traffic by grade separation, curbing, or landscaping.
7. Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks and/or streets in such quantities as to cause detrimental effect or inconvenience.
    - a. Design of stormwater management shall meet the requirements of the Mercer County Subdivision and Land Development Ordinance.
    - b. Maximum rates of stormwater runoff from the property after development shall not exceed the rate of runoff from the property prior to development.
    - c. Drainage of increased stormwater runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing onto adjacent properties, sidewalks and/or streets using the *Best Management Practices* as specified by the Pennsylvania Association of Conservation Districts.
    - d. Storm drains may be required throughout the site where such could connect into a municipal stormwater system. Additional flow into surface gutters is discouraged.
  8. Open space requirements:
    - a. In multi-family developments of greater than twelve (12) units, a minimum of ten percent (10%) of the gross area of the development or one thousand (1,000) square feet per dwelling unit, whichever is greater, shall be provided for recreation or open space. The recreation or open space shall be easily accessible to all units. The applicant shall show how such recreation or open space shall be maintained permanently and shall present implementing documents to ensure such maintenance.
    - b. At the determination of the Zoning Hearing Board, this requirement may be reduced by fifty percent (50%) if there is a public park within five hundred (500) feet of the proposed development that can be accessed via a sidewalk or other pedestrian or bicycle way.
  9. Multi-family residential developments of five (5) or more units shall provide landscaping in order to minimize their effects on neighboring properties and reduce the impacts of noise, light and heat. These requirements shall apply where a new development is proposed on vacant land, an existing structure will be expanded in gross floor area by 50% or greater, or an existing use is removed and a new development is proposed, provided:
    - a. A variety of landscaping components shall be used such as canopy trees, ornamental and flowering trees, evergreens, shrubs and bushes, and perennial and annual flowers and plants.
    - b. Any part or portion of a multi-family residential development of five (5) or more units that is not used for buildings and/or structures, parking or

loading spaces, streets, driveways, aisles, pedestrian ways, recreational equipment and facilities and areas designated for storage shall be planted and maintained with grass or other all season groundcover vegetation.

- c. Parking areas shall be landscaped according to Article IX: Parking and Loading Provisions.
  - d. In addition to the landscaping requirements of Article IX: Parking and Loading Provisions, multi-family residential developments of five (5) or more units shall provide one (1) canopy tree or two (2) ornamental, flowering or evergreen trees for every five (5) dwelling units and two (2) shrubs or bushes for each dwelling unit. Where there already exists street trees along a street that the multi-family dwellings will front, the tree requirement may be waived, however, two (2) shrubs or bushes per dwelling unit shall still be required.
  - e. The preservation of existing vegetation is encouraged, and each canopy tree at least twenty (20) feet in height, or ornamental, flowering, or evergreen tree of ten (10) feet in height that is preserved shall constitute the planting of two (2) respective new canopy, ornamental, flowering, or evergreen trees.
  - f. All plantings shall be installed and maintained in healthy condition by the developer/ owner of the property. Any canopy, ornamental, flowering, or evergreen tree, shrub, bush, perennial and/or annual flower or plant that dies within eighteen (18) months of initial planting shall be replaced.
  - g. Any landscaping shall not, by reason of location or height, constitute a traffic hazard.
10. Repair, maintenance, storage areas or facilities, sewage treatment buildings and dumpsters shall be effectively and attractively screened from dwelling units, internal private streets and public streets by man-made screens or natural plant materials. A man-made screen shall mean a wood or vinyl solid fence or a brick, cobblestone, or other decorative concrete wall of at least six (6) feet in height capable of fully screening such facilities. A natural plant screen shall mean a single row of evergreen shrubs, capable of forming a complete screening of at least six (6) feet in height at maturity or a ten (10) foot screen of existing vegetation. All dwelling units shall be located at least fifty (50) feet from any of the above facilities and structures.
11. In addition to the requirements of a zoning permit application (see Article XII), new construction or the conversion of an existing structure into multi-family dwellings of five (5) or more dwelling units shall comply with the following plan requirements:
- a. A site plan shall be submitted to the Zoning Officer at a scale of 1"=50', 1"=30', or 1"=20' on up to 24" x 36" pages.
  - b. The site plan shall consist of existing property information including the property survey, existing topography shown at two (2) foot contours, existing utilities and all other significant features, whether natural or man-

made. The site plan shall also show proposed development information including proposed buildings, structures, utility connections, parking and access plans, landscaping and buffers, grading and storm water management plan.

- c. A storm water management plan shall be submitted documenting compliance with the previously stated requirements. The storm water management plan shall receive a letter of acceptance from the Borough Engineer.
- d. The site plan shall be reviewed by the Jamestown Borough Planning Commission and shall show proof of compliance with all provisions of this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance.

### **800.3: Residential Dwelling Units Located Above Street Level Businesses**

1. Any building and/or structure in a Village Business (B-1) Zoning District in which a residential use is permitted shall comply with all requirements of this Ordinance applicable to the principal use of the ground floor conducted therein. Residential dwelling units located above the principal use shall be exempt from Article XII: Parcel, Yard & Height Provisions, but shall still follow the provisions of 800.1: All Residential Dwellings, except that residential dwelling units located above street level businesses are not required to be oriented towards, and have a front entrance facing the street that it fronts on and shall not be required to incorporate roof pitches.
2. Residential dwelling units located above street level businesses shall not greatly alter the size, character and/or design of the building.
3. Entrance ways shall all be interior, except when an exterior fire escape is required, it shall be located preferably at the rear of the building, but may be located on the side of a building provided it is never located on any side of the building facing a public right-of-way.

### **800.4: Accessory Dwelling Units**

1. In all zoning districts, an accessory dwelling unit may be created in an existing single-family dwelling or an existing lawful accessory structure to a single-family dwelling, provided:
  - a. Only one (1) accessory dwelling may be created per single-family dwelling parcel.
  - b. The accessory dwelling shall be a complete, separate housekeeping unit that can be isolated from the original unit.
  - c. The accessory dwelling unit shall not greatly alter the size, character and/or design of the single-family dwelling or accessory structure to a single-family dwelling accessory dwelling.

- d. Any additions shall not increase the square footage of the original single-family dwelling or accessory structure to a single-family dwelling by more than ten percent (10%).
  - e. Entrance ways shall all be interior. Where an interior entrance way is unfeasible or an exterior fire escape is required, it should be located preferably at the rear of the building, but may be located on the side of a building provided it is never located on any side of the building facing a public right-of-way.
  - f. The accessory dwelling unit shall be clearly a subordinate part of the original single-family dwelling. In no case shall it be more than thirty percent (30%) of the building's total floor area nor have more than two (2) bedrooms, unless, in the opinion of the Zoning Hearing Board, a greater or lesser amount of floor area is warranted by the circumstances of the particular building. Any alterations shall not violate Article XII: Parcel, Yard & Height Requirements for a single-family dwelling or an accessory structure to a single-family dwelling in the respective zoning district.
  - g. The design and size of the accessory dwelling shall conform to all applicable standards in health, building, fire and other laws.
2. Any other appropriate or more stringent conditions deemed necessary might be required by the Zoning Hearing Board to protect public health, safety, welfare and the character of the neighborhood.
  3. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Zoning Hearing Board may allow reasonable deviation from the stated conditions, where necessary, to install features that facilitate access and mobility for disabled persons.

**800.5: Manufactured/ Mobile Home Parks**

All applications for a manufactured/ mobile home park in the Borough shall follow the requirements of the Mercer County Subdivision and Land Development, except that the following shall provide additional provisions for manufactured/ mobile home parks.

1. A manufactured/ mobile home park shall have a minimum size of five (5) acres.
2. Individual manufactured/ mobile home parcels shall meet the following requirements:
  - a. Each parcel shall be immediately adjacent to and have access to an approved internal street without the necessity of crossing any other space.
  - b. Each parcel shall have a minimum width of fifty (50) feet and a minimum area of five thousand (5,000) square feet.
  - c. Each parcel shall have a minimum side and rear setback of ten (10) feet. Manufactured/ mobile home entrances may utilize stoops, landings, patios,

or awnings that may encroach up to five (5) feet into the required ten (10) foot side and/or rear setback.

- d. Each parcel shall provide off-street parking in accord with requirements in Article IX, Parking and Loading Regulations.
3. The manufactured/ mobile home park and any manufactured/ mobile home parcels shall conform to the building setback requirements for the applicable zoning district where the park or its parcels abut a public street or road. Each manufactured/ mobile home parcel shall have a minimum distance of twenty (20) feet between a manufactured/ mobile home and the cartway edge of any internal street built and maintained for private use within the park.
4. No manufactured/ mobile homes shall be permitted to have visible, uncloseable openings that allow penetration of air, outside elements, or animals into the structure's interior.
5. All manufactured/ mobile homes shall be placed on a basement foundation, concrete pad, piers, or other permanent foundation with footings to a minimum depth of thirty-six (36) inches and secured, anchored, or tied down to withstand a wind pressure of fifteen (15) pounds per square foot on an exposed vertical surface.
6. Manufactured/ mobile home park developments containing more than one (1) building and/or structure may be excused from provision 800.1 (4), all residential dwellings shall be oriented towards, and have a front entrance facing the street in which the dwelling fronts, provided:
  - a. The structures are oriented towards, and have a front entrance facing an interior courtyard or pedestrian way. This courtyard or pedestrian way shall have access from the sidewalk and right-of-way;
  - b. No parking shall be permitted within the interior courtyard or pedestrian way;
  - c. The sides of manufactured/ mobile home structures that have frontage on a street shall follow 800.2 (2), if applicable, contain windows and be compatible in design, height, scale, setback and orientation with other buildings and/or structures on the same street;
  - d. The sides of manufactured/ mobile home buildings and/or structures that have frontage on a street shall follow the requirements for front yard setback for that particular zoning district, or if fronting a private road shall have a minimum front setback of twenty (20) feet.
7. Internal streets built and maintained for private service to the manufactured/ mobile home park shall be paved and shall be located and have capacity to:
  - a. Prevent blockage of vehicles entering or leaving the site and minimize conflicts between pedestrian/ vehicular and vehicular/ vehicular movements within the site.



- b. Provide adequate area for servicing of the site by delivery trucks, refuse collection and other service vehicles without blockage or interference with the use of driveways or off-street parking.
8. Adequate, pedestrian facilities shall be incorporated into the development to assure the safe movement of pedestrians between dwellings, to parking areas, community office, or other service areas and recreational areas.
9. When sidewalks exist along a street, manufactured/ mobile home park developments shall provide a sidewalk connection, either directly from an entrance or by constructing pedestrian facilities or continuing the sidewalk throughout the development, providing pedestrian access from all manufactured/ mobile homes to the existing sidewalk. Sidewalks shall be separated from vehicular traffic by grade separation, curbing, or landscaping.
10. Adequate stormwater drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks and/or streets in such quantities as to cause detrimental effect or inconvenience.
  - a. Design of stormwater management shall meet the requirements of the Mercer County Subdivision and Land Development Ordinance.
  - b. Maximum rates of stormwater runoff from the property after development shall not exceed the rate of runoff from the property prior to development.
  - c. Drainage of increased stormwater runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing onto adjacent properties, sidewalks and/or streets using the *Best Management Practices* as specified by the Pennsylvania Association of Conservation Districts.
  - d. Storm drains may be required throughout the site where such could connect into a municipal stormwater system. Additional flow into surface gutters is discouraged.
11. Manufactured/ mobile home park developments shall provide landscaping in order to minimize their effects on neighboring properties and reduce the impacts of noise, light and heat. These requirements shall apply where a new development is proposed on vacant land or when an existing use is removed and a new development is proposed, provided:
  - a. A variety of landscaping components shall be used such as canopy trees, ornamental and flowering trees, evergreens, shrubs and bushes, and perennial and annual flowers and plants.
  - b. Any part or portion of a manufactured/ mobile home park development of that is not used for buildings and/or structures, parking or loading spaces, streets, driveways, aisles, pedestrian ways, recreational equipment and facilities and areas designated for storage shall be planted and maintained with grass or other all season groundcover vegetation.
  - c. Parking areas shall be landscaped according to Article IX: Parking and Loading Provisions.

- d. In addition to the landscaping requirements of Article IX: Parking and Loading Provisions, manufactured/ mobile home park developments shall provide one (1) canopy tree or two (2) ornamental, flowering or evergreen trees for every five (5) manufactured/ mobile home parcels and two (2) shrubs or bushes for each manufactured/ mobile home parcel. Where there already exists street trees along the street that the manufactured/ mobile home parcels will front, the tree requirement may be waived, however, two (2) shrubs or bushes per manufactured/mobile home parcel shall still be required.
  - e. The preservation of existing vegetation is encouraged, and each canopy tree at least twenty (20) feet in height, or ornamental, flowering, or evergreen tree at least ten (10) feet in height that is preserved shall constitute the planting of two (2) respective new canopy, ornamental, flowering, or evergreen trees.
  - f. All plantings shall be installed and maintained in healthy condition by the developer/ owner of the property. Any canopy, ornamental, flowering, or evergreen tree, shrub, bush, perennial and/or annual flower or plant that dies within eighteen (18) months of initial planting shall be replaced.
12. Repair, maintenance, storage areas or facilities, sewage treatment buildings and dumpsters shall be effectively and attractively screened from the manufactured/ mobile home parcels, internal private streets and public streets by man-made screens or natural plant materials. A man-made screen shall mean a wood or vinyl solid fence or a brick, cobblestone, or other decorative concrete wall of at least six (6) feet in height capable of fully screening such facilities. A natural plant screen shall mean a single row of evergreen shrubs, capable of forming a complete screening of at least six (6) feet in height at maturity or a ten (10) foot screen of existing vegetation. All manufactured/ mobile homes shall be located at least fifty (50) feet from any of the above facilities and structures.
13. A minimum of ten percent (10%) of the gross manufactured/ mobile home park area or one thousand (1,000) square feet per unit, whichever is larger, shall be provided for recreational or open space. This recreational or open space shall be easily accessible to all manufactured/ mobile home parcels. The applicant shall show how such recreation or open space shall be maintained permanently and shall present implementing documents to ensure such maintenance. At the determination of the Zoning Hearing Board, this requirement may be reduced by fifty percent (50%) if there is a public park within five hundred (500) feet of the proposed development that can be accessed via a sidewalk or other pedestrian or bicycle way.
14. All manufactured/ mobile home parcels within the manufactured/ mobile home park shall be improved for use by independent manufactured/ mobile homes, including the provision of adequate and safe water supply, sewage disposal, solid waste disposal and other utility systems. Underground installation of the utility distribution and service lines is required, except where it is infeasible due to site-specific conditions (such as shallow bedrock).

15. The manufactured/ mobile home park owner shall be responsible for the maintenance of all park facilities, including areas designated as open space, recreation areas, streets, sewage disposal and water supply systems, and solid waste collection.
16. A copy of the final plan of the manufactured/ mobile home park, indicating approval of the Mercer County Regional Planning Commission, shall be submitted to the Zoning Officer prior to issuance of a permit.

#### **800.6: Tent Camps and Recreational Vehicle Parks**

All applications for a tent camp and/or recreational vehicle park in the Borough shall follow the requirements of the Mercer County Subdivision and Land Development Ordinance, except that the following shall provide additional provisions for tent camps and/or recreational vehicle parks.

1. A tent camp and/or recreational vehicle park shall have a minimum size of two (2) acres.
2. Drainage of increased stormwater runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties, sidewalks and/or roads.
3. No recreational vehicle, tent, campsite, or building shall be located within seventy-five (75) feet of a neighboring parcel line or an abutting public street.
4. An internal street system and off-street parking shall be incorporated into the tent camp and/or recreational vehicle park development to provide access to recreational vehicles, tents, campsites or buildings and for convenient and safe movement of patrons and recreational vehicles with minimal disturbance to the environment.
5. A copy of the final plan of the tent camp and/or recreational vehicle park, indicating approval of the Mercer County Regional Planning Commission, shall be submitted to the Zoning Officer prior to issuance of a permit.

#### **800.7: Home Based Businesses**

1. It shall be conducted entirely within either the dwelling unit or accessory building and/or structure provided that such accessory building and/or structure is clearly accessory and subordinate to the dwelling;
2. No more than twenty-five percent (25%) of the combined gross floor area of the dwelling and accessory building(s) and/or structure(s) shall be devoted to the home based business;
3. No more than two (2) persons other than occupants of the dwelling shall be employed at the home based business.

### **800.8: Gas and Service Stations**

Gas stations are permitted as a Conditional Use in the Village Business (B-1) zoning district, subject to all other requirements of this ordinance and the following conditions:

1. Gas pumps are only allowed in the side or rear of the principal building;
2. All required parking must be located in the side or rear of the principal building, subject to Article IX, Parking and Loading Requirements.

### **800.9: Drive In and Drive Through Establishments**

Drive In and Drive-Through Establishments are permitted as a Conditional Use in the Village Business (B-1) zoning district, subject to the following conditions:

1. Drive-through windows, lanes, and stacking spaces is required to be located to the side or rear of the principal building or structure;
2. All parking areas must be located in the rear of the principal building or structure, in accord with Article IX, Parking and Loading Requirements;
3. Stacking spaces are required as follows:
  - a. At least five stacking spaces must be required for the first drive-through window, and three stacking spaces are required for each additional drive-through window.
  - b. All stacking spaces must be located to the rear of the drive-through window.

### **800.10: Automotive, Boat, Recreational Vehicle or other Motorized Vehicle Sale Establishment**

Automotive, Boat, Recreational Vehicle or other Motorized Vehicle Sale Establishments are permitted as a Conditional Use in the Village Business (B-1) zoning district, subject to the following conditions:

1. The dealer shall provide an indoor showroom for the equipment or vehicles.
2. To ensure that the building is the focus of the streetscape, all vehicles displayed or stored outdoors and all required parking shall be located in the rear yard area behind the showroom or any other buildings on the lot.

### **800.11: Kennels and Veterinary Clinic/ Animal Hospitals**

1. Any parcel containing a kennel, veterinary clinic and/or animal hospital shall be completely enclosed by a solid fence;
2. Kennels, veterinary clinics and/or animal hospitals located in the Rural Residential (R-1) or Village Residential (R-2) Zoning Districts shall not locate within two hundred (200) feet of a residential dwelling.

### **800.12: Parking Lots as a Principal Use**

Parking Lots as a Principal Use are permitted as a Conditional Use in the Village Business (B-1) zoning district, subject to the requirements of Article IX, Parking and Loading Regulations, and the following conditions:

1. Only one ingress or egress point shall be located on Liberty Street. Any other ingress or egress points shall be from rear alleys or connecting streets.
2. In addition to the landscaping buffer provided for in Article IX, a front setback area of 10 feet shall be kept along Liberty Street. The front setback area shall be kept planted with grass and shrubs, and shall also have screening according to Section 901.4 located on all sides of any parking lots.

### **800.13: Commercial Recreational Facilities**

1. All commercial recreational facilities shall be located on a lot of no less than two acres.
2. All side and rear yards shall be increased by 25 feet.
3. Safety fencing of at least four feet in height shall be provided to enclose all spaces utilized that abut a public road or street or a commercial parking lot.
4. Hours of operation shall not commence before 8:00 A.M. or after 10:00 P.M. Any outdoor speakers shall not be employed for any non-emergency use during this time as well.
5. The Borough Council may impose additional reasonable conditions based on the site, its surroundings, and the intensity of the Commercial Recreation Facility.

### **800.14: Establishments for the Storage and/or Sale of Junk**

1. Any parcel on which establishments for the storage and/or sale of junk are located shall be enclosed on all sides, except for an entrance or exit not over twenty-five (25) feet in width, by a solid wall or solid fence at least six (6) feet in height and maintained in good condition. As an alternative, an open fence at least six (6) feet in height and surrounded, except for an entrance or exit described above, by

- evergreens at least six (6) feet in height and planted no further than six (6) feet apart so as to form a solid screen may be used;
2. It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases;
  3. It shall not exhaust into the air any excessive dust or smoke;
  4. Buildings and/or structures on the property shall be classified as fire-resistant and activities shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to adjacent properties;
  5. Junk shall not be allowed to accumulate or be stacked or piled to a height greater than six (6) feet above ground level;
  6. It shall meet all applicable requirements including, but not limited to, waste management and air quality of state and federal agencies including, but not limited to, the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and U.S. Environmental Protection Agency.

**800.15: Sanitary Landfills, Solid Waste Transfer Stations, or Similar Facilities for Processing and Disposing of Solid Waste**

1. The applicant shall comply with all applicable regulations and requirements of the Pennsylvania Department of Environmental Protection and shall present to the Borough Council an approved permit for the proposed facility from the Pennsylvania Department of Environmental Protection.
2. The applicant shall provide the Borough with a copy of the permit application submitted to the Pennsylvania Department of Environmental Protection and all accompanying site plans, engineering data and other information.
3. The applicant shall grant a right of entry to the proposed facility to Borough Council or its authorized representatives, upon written request by the Borough, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.
4. The Borough Council may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, that do not violate the minimum standards of the Pennsylvania Department of Environmental Protection and that are reasonably necessary to provide maximum protection to the Borough's underground and surface water supplies and to minimize adverse impacts to surrounding properties.

### **800.16: Roadside Agricultural/ Food Stands**

Roadside agricultural/ food stands may be permitted as a temporary structure provided:

1. The stand shall not be located in any public right-of-way;
2. The stand shall not be used and/or operated for a period of more than twenty-five (25) consecutive days and not more than forty-five (45) days per year;
3. The stand shall be removed when not in use or when the permitted time period has expired;
4. Maximum size of a roadside agricultural/ food stand shall be one hundred (100) square feet.

### **800.17: Utility Substations and/or Facilities**

1. Any parcel on which utility substations and/or facilities are located shall be enclosed on all sides, except for an entrance or exit not over twenty-five (25) feet in width, by a solid fence or wall at least six (6) feet in height and surrounded, except for an entrance or exit described above, by evergreens at least six (6) feet in height and planted no further than six (6) feet apart so as to form a solid screen;

### **800.18: Adult Entertainment Establishments**

#### **800.18a: Purpose and Legislative Intent**

The location of adult entertainment establishments is of vital concern to the Jamestown Borough Council, especially when the location is in or near areas where minors may learn, play, pass by, or would be exposed to the advertising, window displays, or general atmosphere accompanying the operation. Thus, it is a firm belief of the legislative body that it has a vital duty and role to protect the moral fiber and standards of Borough residents, in particular the minors of the community.

Borough Council, in enacting these regulations relative to adult entertainment establishments, exercises the power that has been granted to them. The Borough Council does not attempt nor intend to absolutely prohibit adult entertainment establishments in the Borough but rather seek to regulate matters to promote, protect and facilitate the public health, safety, morals and general welfare of all of the residents of Jamestown Borough.

## **800.18b: Definitions**

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

For the purpose of this Section, adult entertainment establishments are defined as follows:

1. Adult Bookstore – Any establishment having twenty-five percent (25%) or more of its stock in:
  - a. Books, films, magazines, or other periodicals or other forms of audio or visual representation that are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
2. Adult Cabaret – (1) An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
3. Adult Mini Motion Picture Theater – An enclosed or unenclosed building and/or structure with a capacity of more than five (5) but less than fifty (50) persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Model Studio – Any place where, for any form of compensation or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment that meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance of or conferring of, and is in fact authorized thereunder to issue, a diploma.
5. Adult Motel – A motel or similar establishment offering public accommodations for any consideration, that provides patrons with material distinguished or



characterized by an emphasis on depiction or descriptions of specified sexual activities or specified anatomical areas.

6. Adult Motion Picture Arcade – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time measured on an annual basis is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Motion Picture Theater – An enclosed or unenclosed building with a capacity of fifty (50) or more persons used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material that is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
8. Adult Newsrack – Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
9. Adult Theater – A theater, concert hall, auditorium, or other similar establishment, either indoor or outdoor in nature that regularly features live performances that are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
10. Bath House – An establishment or business that provides the services of baths of all kind, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed or specified sexual activity occurs. This section shall not apply to hydrotherapy treatment practiced by, or under the supervision of a medical practitioner. A medical practitioner for the purpose of this Ordinance shall be a medical doctor, physician, chiropractor, or similar professional licensed by the Commonwealth of Pennsylvania.
11. Body Painting Studio – Any establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.
12. Massage Parlor – Any establishment or business that provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by medical practitioner, chiropractor, or professional physical therapist licensed by the Commonwealth. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
13. Out Call Service Activity – An establishment or business that provides an out call service that consists of individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of

providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.

14. Sexual Encounter Center – Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical area, excluding psychosexual workshops, operated by a medical practitioner (as previously defined) licensed by the Commonwealth, to engage in sexual therapy.
15. Any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

### **800.18c: Specifications**

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

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

Specified sexual activities include the following:

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

### **800.18d: Minimum Spacing and Proximity Provisions**

Adult entertainment establishment uses shall be required to observe the following spacing:

1. 500 feet from any other adult entertainment establishment;
2. 250 feet from a dwelling unit;
3. 500 feet from any parcel of land that contains any one or more of the following specified land uses:
  - a. Amusement park;
  - b. Camp (for minors' activities);
  - c. Child care facility;

- d. Church;
  - e. Community center;
  - f. Museum;
  - g. Park;
  - h. Playground;
  - i. School
4. The distance between any two (2) adult entertainment establishments shall be measured in a straight line, without regard to intervening buildings and/or structures, from the nearest point on the property line of each establishment. The distance between any adult entertainment establishment and any land use specified in 800.15d(2) and 800.15d(3) shall be measured in a straight line, without regard to intervening buildings and/or structures, from the nearest point on the property line of the adult entertainment establishment to the closest point on the property line of said land use.

**800.18e: Visibility from the Street**

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

**800.18f: Sign Provisions for Adult Entertainment Establishments**

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

**800.19: Wireless Communications Facilities**

This section applies to the construction, modification and locations of all Wireless Communications Facilities, as defined in Article II, Definitions, within Jamestown Borough.

**800.19a: Wireless Communications Facilities in Rural Residential (R-1) and General Business (B-2) Zoning Districts**

- 1. Communications Antennas mounted on existing buildings and/or structures shall be a *permitted use*, subject to the following provisions:

- a. The placement of the Communications Antenna mounted on existing buildings and/or structures shall not increase the height of the building and/or structure by more than twenty (20) feet.
2. Communications Towers shall be a *conditional use*, subject to the following provisions:
  - a. The maximum height of a Communications Tower is one hundred and fifty (150) feet.

**800.19b: Wireless Communications Facilities in Village Residential (R-2) and Village Business (B-1) Zoning Districts**

1. Communications Antennas mounted on existing buildings and/or structures shall be a *conditional use*, subject to the following provisions:
  - a. The placement of the Communications Antenna on the existing building and/or structure shall not increase the height of the building and/or structure by more than ten (10) feet.
  - b. Communications Antennas mounted on existing buildings and/or structures shall compliment the colors, materials and design of the existing building and/or structure as much as possible and shall not change or alter the appearance, character, or design of the existing building and/or structure.
2. Communications Towers are **NOT** a permitted or conditional use in the Village Residential (R-2) and/or Village Business (B-1) Zoning Districts.

**800.19c: Additional Provisions for Communications Antennas**

1. Communications Antennas mounted on existing buildings and/or structures shall not extend more than five (5) feet horizontally from the edge of the building and/or structure to which it is attached and shall not encroach on abutting properties. If a Communication Antenna is attached to an existing building and/or structure, it shall not have any horizontal extension on any side facing a public right-of-way.
2. Communications Antennas shall be mounted on the existing building and/or structure in a way to best screen it from abutting properties and public rights-of-way. For example, if a Communications Antenna is to be mounted on an existing building, it should be screened by a roof pitch, parapet or other architectural feature.
3. Communications Antennas shall not greatly alter the design, architecture, or appearance of the existing building and/or structure.
4. Communications Antennas shall be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the

maximum extent possible. Unless otherwise required, muted colors, earth tones and subdued hues shall be used.

5. Communications Antennas shall not be mounted on any existing single-family dwelling or multi-family dwelling (2-4 units).
6. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
7. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
8. The applicant shall demonstrate that he/she is licensed by the Federal Communications Commission (FCC) to operate Communications Antennas.
9. Any applicant proposing a Communications Antenna to be mounted on an existing building and/or structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building and/or structure, considering wind and other loads associated with the Communications Antenna location.
10. Any applicant proposing a Communications Antenna to be mounted on an existing building and/or structure shall submit evidence of agreements and/or easements necessary to provide access to the building and/or structure on which the Communications Antennas are to be mounted so that installation and maintenance of the antennas and communications equipment building can be accomplished.
11. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
12. Communications Antennas shall not cause radio frequency interference with other communications facilities located in the Borough.
13. If a Communications Antenna remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Antenna within six (6) months of the expiration of such twelve (12) month period.

**800.19d: Additional Provisions for Communications Towers**

1. The foundation and base of any Communications Tower shall be setback from any property line at least seventy-five (75) feet and from any residential property line at least one hundred (100) feet.
2. The applicant shall demonstrate that he/she is licensed by the Federal Communications Commission (FCC) to operate a Communications Tower, and Communications Antennas.
3. The applicant shall demonstrate that the proposed Communications Tower and Communications Antennas proposed to be mounted thereon comply with all

- applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
4. Communications Towers shall comply with all applicable Federal Aviation Administration (FAA), Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.
  5. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antennas on an existing building and/or structure. A good faith effort shall mean that the applicant show, through certified mail receipts and a copy of the letter, that all owners of potentially suitable buildings and/or structures within a one thousand (1,000) foot radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such building and/or structure apply:
    - a. The proposed Communications Antennas and related equipment would exceed the structural capacity of the existing building and/or structure and its reinforcement cannot be accomplished at a reasonable cost.
    - b. The proposed Communications Antennas and related equipment would cause radio frequency interference with other existing equipment for that existing building and/or structure and the interference cannot be prevented at a reasonable cost.
    - c. Such existing buildings and/or structures do not have adequate location, space, access or height to accommodate the proposed Communications Antennas and equipment or to allow it to perform its intended function.
    - d. Addition of the proposed Communications Antennas and related equipment would result in electromagnetic radiation from such building and/or structure exceeding applicable standards established by the Federal Communications Commission (FCC) governing human exposure to electromagnetic radiation.
    - e. A commercially reasonable agreement could not be reached with the owners of such buildings and/or structures.
  6. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or an access right-of-way or easement to a public street. The access right-of-way or easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all weather surface for its entire length.
  7. Communications Towers, Communications Equipment Buildings and all other necessary equipment shall be secured by a fence at least six (6) feet in height.
  8. A row of evergreens, capable of forming a landscape screen of at least six (6) feet in height, shall be planted along the outside of the fence to screen the foundation and base of the Communications Tower, the Communications Equipment Building and the security fence from abutting properties and public rights-of-way.
  9. One (1) off-street parking spot shall be provided within the fenced area.

10. Existing trees and other vegetation shall be retained as much as possible to screen the Communications Tower.
11. A Communications Tower may be located on a parcel occupied by other principal buildings and/or structures and may occupy a leased parcel within a parcel meeting the minimum parcel size requirements for the zoning district.
12. The applicant shall submit certification from a Pennsylvania registered professional 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 Borough Building Code.
13. The applicant shall submit a copy of its current Federal Communications Commission (FCC) license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
14. All guy wires associated with guyed Communications Towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure, subject to the provisions of 800.16d(7), 800.16d(8), and 800.16d(10).
15. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or other governmental agency, which has jurisdiction.
16. Communications Towers shall be protected and maintained in accordance with the requirements of the Borough Building Code.
17. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period.
18. The applicant and owner of record of any Wireless Telecommunications Facilities must file, at its cost and expense, a security performance bond with the Township for at least \$75,000 to insure the removal of abandoned or unused Facilities.

**800.19e: Communications Equipment Buildings**

1. The Communications Equipment Building shall comply with the required yard and height requirements of the applicable zoning district for an accessory building and/or structure.
2. The floor area of the Communications Equipment Building shall not exceed two hundred fifty (250) square feet.

3. Communications Equipment Buildings servicing Communications Antennas mounted on existing buildings and/or structures shall be placed in a location to best screen it from abutting properties and public rights-of-way.
4. Communications Equipment Buildings proposed for the Village Residential (R-2) and/or Village Business (B-1) Zoning Districts shall additionally be screened with landscaping if placed on the ground; or if constructed on the existing building and/or structure, shall compliment the colors, materials and design of the existing building and/or structure as much as possible and shall not change or alter the appearance, character, or design of the existing building and/or structure.
5. Communications Equipment Buildings servicing Communications Towers shall be placed within the fenced area of the tower.

#### **800.20: Dumpsters**

1. All dumpsters shall be located on the parcel for which they are intended to serve.
2. Dumpsters shall be screened, as much as possible, from abutting properties and public rights-of-way through use of a solid fence or wall, landscaping, or placed on the property in a way that it is screened from abutting properties and public rights-of-way by a building and/or other structure. A landscape screen shall mean a single row of evergreen shrubs, capable of forming a complete screening of at least six (6) feet in height at maturity or a ten (10) foot screen of existing vegetation.

#### **800.21: Mineral Excavation**

1. Mineral excavation shall be permitted in the Rural Residential (R-1) and General Business (B-2) Zoning Districts, only as a conditional use upon application to and approval by the Jamestown Borough Council. Conditional approval and these regulations do not apply where such mineral excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the zoning district.
2. Prior to approval of the mineral excavation activities by the Jamestown Borough Council, the applicant for conditional approval shall comply with the following conditions:
  - a. An approved permit from the Pennsylvania Department of Environmental Protection shall be presented to the Borough Council.
  - b. The applicant shall guarantee that a notice of the final inspection conducted by the Department of Environmental Protection will be provided to the Borough Council in order that members of the Jamestown Borough Council have the opportunity to participate in the inspection.
  - c. The Borough Council may require additional, reasonable safeguards, considering the character of the zoning district in which the activity will be



located, to protect the public health, safety and general welfare of the Borough and its residents.

## **SECTION 801: ADDITIONAL PROVISIONS FOR VILLAGE RESIDENTIAL (R-2) ZONING DISTRICT**

### **801.1: Buildings and/or Structures Constructed in the R-2 Zoning District**

1. In preserving the village residential character and scale of Jamestown Borough's existing residential neighborhoods, newly constructed buildings and/or structures in the Village Residential (R-2) Zoning District shall be compatible in character, design, height, scale, setback and orientation with nearby buildings and/or structures on the same street;
2. The maximum gross floor area of any building and/or structure shall be three thousand five hundred (3,500) square feet;
3. All buildings and/or structures shall be oriented towards, and have a front entrance facing the street on which the building and/or structure fronts. When a building and/or structure fronts more than one (1) street, the building and/or structure shall be oriented towards, and have a front entrance facing the street on which adjacent buildings and/or structures on the same street front;
4. Buildings and/or structures that contain a front façade, or a façade that faces a public right-of-way or interior courtyard or pedestrian way, of greater than fifty (50) feet in width shall incorporate recesses, projections, different façade materials, colors, and/or designs, and/or different rooflines and roof pitches, as to reduce the effect of a monotonous, blank wall look that would deteriorate the appearance of the Borough;
5. All accessory storage of junk, waste, discarded, or salvaged material, machinery, or equipment, shall not be permitted except within a completely enclosed building and/or structure.

### **801.2: Reuse of Existing or Former Residential Buildings and/or Structures for Conditional Uses listed in Section 600.2**

Reuse of existing or former residential buildings and/or structures for any Child Care Center, Personal Care and Nursing Home, Funeral Home, General and Professional Office, and Medical and Dental Office may be permitted as a conditional use, subject to the following provisions:

1. The use shall be conducted entirely within the existing or former residential structure, provided the structure retains its residential appearance and character, and it shall not produce offensive noise, vibration, smoke, heat, humidity, or glare from lights shining on adjacent properties.
2. Sufficient off-street parking shall be provided in accord with Article X: Parking and Loading Requirements, and shall be located behind the principal building and

accessed from the rear alley. Access from the front street may be utilized only if such access exists and has been historically utilized by the existing or former residential structure. Parking areas shall be screened in accord with Section 901.4.

## **SECTION 802: ADDITIONAL PROVISIONS FOR VILLAGE BUSINESS (B-1) ZONING DISTRICT**

1. In preserving the small, pedestrian oriented scale of the village downtown area of Jamestown, all newly constructed buildings and/or structures in the B-1 Zoning District shall be compatible in character, design, height, scale, setback and orientation with nearby buildings and/or structures on the same street;
2. The maximum gross floor area of any building and/or structure shall be twenty-five thousand (25,000) square feet;
3. All buildings and/or structures shall be oriented towards, and have a front entrance facing the street on which the building and/or structure fronts. When a building and/or structure fronts more than one (1) street, the building and/or structure shall be oriented towards, and have a front entrance facing the street on which adjacent buildings and/or structures on the same street front;
4. When a commercial use is located on a corner parcel where one (1) street is predominately residential and one (1) street is predominantly commercial, the commercial building and/or structure shall front on the street that is predominantly commercial;
5. To ensure public welfare and safety, every building and/or structure in the Village Business (B-1) Zoning District shall have at least one (1) window along the front façade, or any façade facing a public right-of-way, interior courtyard, or pedestrian way, for every fifteen (15) feet of such façade;
6. Buildings and/or structures that contain a front façade, or a façade that faces a public right-of-way or interior courtyard or pedestrian way, of greater than fifty (50) feet in width shall incorporate recesses, projections, different façade materials, colors and/or designs, and/or different rooflines and roof pitches, as to reduce the effect of a monotonous, blank wall look that would deteriorate the appearance of the Borough;
7. Eating and drinking establishments located in the Village Business (B-1) Zoning District may conduct their business along the sidewalk or within a public right-of-way provided:
  - a. The outdoor area shall be for the seating of patrons of that establishment only. The storage of goods, whether temporary or permanent, shall not be permitted outside of the building and/or structure;
  - b. The maximum outdoor seating area shall be no larger than two hundred (200) square feet, and shall not extend further than twenty (20) feet from the building and/or structure in which the business is located;

- c. At least five (5) feet of the sidewalk shall remain free of such eating area and associated structures to allow for the safe and efficient movement of pedestrians;
  - d. The outdoor seating area shall be a temporary area, and shall not contain any permanent buildings and/or structures.
8. All accessory storage of junk, waste, discarded, or salvaged material, machinery, or equipment, shall not be permitted except within a completely enclosed building and/or structure.

## **SECTION 803: ADDITIONAL PROVISIONS FOR GENERAL BUSINESS (B-2) ZONING DISTRICT**

### **803.1: Buffer and Screening Provisions for B-2 Zoning District**

Where any permitted or conditional principal and/or accessory use, being newly constructed and/or developed, expanded in floor area by fifty percent (50%) or greater, or removed and a new use created, abuts a Rural Residential (R-1) or a Village Residential (R-2) Zoning District, the following buffer and screening provisions shall apply:

- 1. A buffer strip at least ten (10) feet in width shall be provided and maintained along the entire length of a yard that abuts a Rural Residential (R-1) or Village Residential (R-2) Zoning District. Buffer strips shall not be used for parking; storage of vehicles, equipment, or materials; nor for any other use incompatible with their purpose as a visual, noise, dust and pollution barrier;
- 2. The buffer strip shall contain suitable screening, defined as any one of the following:
  - a. Existing vegetation that includes canopy trees, ornamental trees, flowering trees, evergreen trees, pine trees, shrubs and bushes that are left in their natural state, as existing prior to development, that form a sight obscuring buffer of at least six (6) feet in height;
  - b. A planting of evergreens, not less than six (6) feet in height at the time of planting and planted not more than eight (8) feet apart, capable of forming a continuous, sight obscuring buffer at time of maturity, or;
  - c. A solid fence or wall, architecturally compatible with existing nearby buildings and/or structures, no less than four (4) feet nor more than six (6) feet in height.

# **ARTICLE IX**

## **PARKING AND LOADING PROVISIONS**

### **SECTION 900: OFF-STREET PARKING AND LOADING REQUIREMENTS**

#### **900.1: Applicability**

Off-street parking and loading spaces shall be provided in accordance with the provisions of this Section in all zoning districts whenever:

1. Any new building, structure, and/or use of land is created or established.
2. An existing building, structure, and/or use of land is enlarged through addition of dwelling units, gross floor area, parcel area, or other means.
3. An existing building, structure, and/or use of land is changed to a different use or a new use is added.

Such new, enlarged, or changed building, structure, and/or use shall fully comply with the provisions of this Section prior to being given a Certificate of Use and Occupancy.

#### **900.2: Waiver of Parking and Loading Requirements in B-1 Zoning District**

The following buildings, structures, and/or uses may be exempt from the parking and loading provisions of Section 900.4, Off-Street Parking:

1. Existing residential dwelling units in any zoning district that are altered or enlarged;
2. Uses located in existing buildings and/or structures in the Village Business (B-1) Zoning District;
3. Uses located in existing buildings and/or structures in the Village Business (B-1) Zoning District that have been altered or enlarged;
4. Uses located in newly constructed buildings and/or structures in the Village Business (B-1) Zoning District of less than one thousand (1,000) square feet.

#### **900.3: Off-Street Loading**

Every commercial and industrial use that requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The permit applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate. Each off-street loading space shall not be less than ten (10) feet wide by fifty (50) feet

long. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space.

**900.4: Off-Street Parking**

Every use shall provide off-street parking as specified in this Section. Each off-street parking space shall not be less than nine (9) feet wide by eighteen (18) feet long, exclusive of access drives and aisles (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition. The minimum number of off-street parking spaces for each use is specified below.

For new mixed-use structures in the Village Business (B-1) Zoning District, parking requirements may be reduced to one (1) space per use or dwelling unit, when such buildings provide storefront area at street level along the build-to-line and provide residential dwelling units or office space on additional floors.

<b>Use</b>	<b>Minimum Required Parking Spaces</b>
Single Family Dwellings	2 for each dwelling unit
Multi-Family Dwellings	1.5 for each dwelling unit
Accessory Dwelling Units	1 for each dwelling unit
Dwelling Units Located Above Street Level Businesses	1 for each dwelling unit
Housing for Senior Citizens	1 for each dwelling unit
Group Homes and Convalescent Homes	1 for each bed
Manufactured/ Mobile Home Parks	2 for each mobile home parcel
Tent Camps & Recreational Vehicle Parks	1 for each tent and/or recreational vehicle
Child Care Center	1.5 for each employee, except 1 per employee where there exist adequate loading and unloading areas.
Personal Care & Nursing Homes	1 for each bed
Health Care Facilities	1 for each bed
Kennels and Veterinary Clinics	1 for each 750 sq. ft. of gross floor area
Bed & Breakfast	1 for each guest room
Hotels, Motels & Inns	1 for each guest room
Community Facilities, Clubs, Lodges, Fraternal Organizations, etc.	1 for each 60 sq. ft. of public floor area
Funeral Homes	25 for the first parlor plus 10 for each additional parlor
Churches	1 for each 3 seats
Educational Facilities	1 for each teacher and staff plus 1 for each 4 classrooms plus 1 for each 4 high school students

Sports Arenas, Stadiums, Theaters, Auditoriums, Assembly Halls, etc.	1 for each 3 seats
Home Based Businesses	1 for each 500 sq. ft. of gross floor area
Home Occupations	1 for each 750 sq. ft. of gross floor area
General & Professional Offices	1 for each 500 sq. ft. of gross floor area
General & Professional Offices Located Above Street Level Businesses	1 for each 750 sq. ft. of gross floor area
Medical & Dental Offices	1 for each 500 sq. ft. of gross floor area
Medical & Dental Offices Located Above Street Level Businesses	1 for each 750 sq. ft. gross floor area
Service Businesses	1 for each 500 sq. ft. of gross floor area
Convenience/ Food Store	1 for each 500 sq. ft. gross floor area
Eating & Drinking Establishments	1 for each 2 patron seats
Retail Establishments	1 for each 500 sq. ft. of gross retail area
Drive In/ Through Establishments	1 for each 500 sq. ft. of gross floor area, except where a drive in/through is the only means of patronizing an establishment, it may be 1 for each employee.
Gas & Service Stations	1 for each 500 sq. ft. of gross floor area
Automobile, Boat, Recreational Vehicle or Other Motorized Vehicle Sale Establishment	1 for each 1,000 sq. ft. of sale area, not including spaces used for display and sale of such equipment.
Industrial Establishments for Manufacturing, Processing, Packing and Bottling	1 for each 750 sq. ft. of gross floor area
Industrial Research and Development Establishments	1 for each 750 sq. ft. of gross floor area
Chemical and/or Petroleum Storage Establishments	1 for each 750 sq. ft. of gross floor area
Warehousing and/or Wholesaling	1 for each 750 sq. ft. of gross floor area
Contractor & Supply Yards	1 for each 750 sq. ft. of sales area
Trucking & Shipping Facilities	1 for each 750 sq. ft. of gross floor area
Self Storage Units	1 for each 10 units
Communications Towers	1 for each communications tower or communications equipment building
Golf Courses	4 for each hole
Commercial Recreational Facilities (not otherwise covered)	1 for each 3 persons, or 1 for each 300 sq. ft. of gross commercial activity area
For Uses Not Specified Herein	1 for each 2 patrons or occupants of the use at peak use times, or 1 for each 300 sq. ft. of gross area devoted to the use

Parcels that contain a mix of permitted or conditional principal and/or accessory uses, as described in Article V, Permitted Uses, or Article VI, Conditional Uses, shall contain a combined total of parking spaces for each use located on the parcel. When operating hours or peak activity times of the uses vary, the amount of total parking may be reduced by up to fifty percent (50%).

#### **900.5: Availability of Public Parking**

The Zoning Hearing Board may grant a variance to the off-street parking requirements of a use upon determination that it is impractical to provide off-street parking on the same parcel as said use and/or that there is adequate off-street or on-street public parking, available within reasonable walking distance of said use.

#### **900.6: Shared Use of Required Parking and Loading Spaces**

In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. To encourage shared parking and loading, reduce the amount of land dedicated to parking and loading and to improve the character of the Borough by limiting unsightly parking areas, the Zoning Hearing Board may grant a variance to reduce the number of required parking and/or loading spaces or waive the parking and/or loading requirements of a building, structure and/or use when such building, structure, and/or use can share a private parking area with another building, structure, and/or use on another parcel within walking distance, subject to the following:

1. An agreement between the involved parties to share the parking area and its maintenance is presented;
2. The parking parcel meets the minimum parking space requirements of the most intensive use;

#### **900.7: Encroachment or Reduction**

A required parking and/or loading space shall not be encroached upon by a building, structure, storage, and/or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section.

## **SECTION 901: GENERAL PROVISIONS**

#### **901.1: Construction Standards**

Parking areas for the storage of four (4) or more automobiles in any zoning district shall be constructed in compliance with the following minimum standards:

1. Parking areas shall be constructed of a hard surface asphalt or concrete, or of a technologically advanced, safe, dust free permeable surface.

2. Parking areas shall be so designed to direct stormwater drainage to natural watercourses and/or municipal stormwater sewer systems.
3. Entrance and/or exit curb cuts shall have a minimum width of eighteen (18) feet for two-way traffic and nine (9) feet for one-way traffic, with concrete approach ramp and concrete curb returns at a minimum five (5) foot radius on each side.
4. Striping- each parking space shall be designated by painted strips.
5. Bumpers (wheel stops)- shall be installed when necessary to prevent vehicle encroachment upon abutting pedestrian walks, landscaped areas, stormwater detention areas, public roads, and/or private property.

### **901.2: Location of Parking and Loading Spaces**

1. Required off-street parking and loading spaces shall be located on the same parcel with the principal use they are intended to serve. The Zoning Officer may permit off-street parking spaces to be on a private parcel within three hundred (300) feet of the parcel of said use if it is impractical to provide off-street parking on the same parcel as said use. In such cases, the private parcel shall be in same ownership as said use or be available in the long-term to the owner of said use via other documented means including deed restriction, lease, or other similar legal interest.
2. Parking and loading areas located in the Village Residential (R-2) or Village Business (B-1) Zoning District, except parking parcels created as a principal use on a parcel, shall not be located in any front or side yard. Where it is impractical to locate a parking and/or loading area at the rear of a parcel (such as on corner parcels) the parking and/or loading area shall include a landscaped area, according to Section 901.3(2).

### **901.3: Landscaping of Parking and Loading Areas**

1. In areas where no curb currently exists, curbed planting islands of ten (10) feet minimum width shall be provided with appropriately spaced breaks so as to clearly designate ingress and egress points between the parking and loading areas and any adjacent street or roadway. The landscaped area shall contain at least one (1) canopy, ornamental, flowering, or evergreen tree at least six (6) feet in height at the time of planting, for every twenty (20) feet of the landscape island length, and at least two (2) shrubs or bushes for every ten (10) feet of the landscape island length;
2. Where it is impractical to locate a parking and/or loading area at the rear of a parcel in a R-2 or B-1 Zoning District (such as on corner parcels), the parking and/or loading area shall include a landscaped area of no less than ten (10) feet in width between the parking and/or loading area and the public right-of-way. The landscaped area shall contain at least one (1) canopy, ornamental, flowering, or evergreen tree at least six (6) feet in height at the time of planting, for every



- twenty (20) feet of public right-of-way the parking and/or loading area abuts, and at least two (2) shrubs or bushes for every ten (10) feet of public right-of-way the parking and/or loading area abuts;
3. Contiguous parking spaces of ten (10) or more shall be separated by a landscaped island, with a minimum width of six (6) feet, and containing at least one (1) canopy, ornamental, flowering, or evergreen tree at least six (6) feet in height at the time of planting, for every twenty (20) feet of the landscape island length, and at least two (2) shrubs or bushes for every ten (10) feet of the landscape island length;
  4. Parking areas with greater than twenty-five (25) parking spaces shall meet the following provisions:
    - a. In addition to the landscaped island provisions of Section 901.2(2), one (1) canopy, ornamental, flowering, or evergreen tree shall be planted for each ten (10) parking spaces;
    - b. The preservation of existing vegetation is encouraged, and each canopy tree at least twenty (20) feet in height, or ornamental, flowering, or evergreen tree of ten (10) feet in height that is preserved shall constitute the planting of two (2) new canopy, ornamental, flowering, or evergreen trees;
    - c. The parking area shall have a connection to adjacent parking areas, when they exist. If no adjacent parking area exists, there shall be an area reserved for the future connection to adjacent parking areas.

#### **901.4: Screening and Buffering of Parking and/or Loading Areas**

1. Screening- where parking and/or loading areas abut a residential parcel on any side, adequate screening of car lights shall be provided by a landscape buffer, solid fence, or wall a minimum of six (6) feet in height. A landscape screen shall mean a single row of evergreen shrubs, capable of forming a complete screening of at least six (6) feet in height at maturity or a ten (10) foot screen of existing vegetation.

#### **901.5: Lighting of Parking and/or Loading Areas**

1. Lighting - where parking and/or loading areas are to contain lighting, it shall be installed in accord with applicable codes and shall not create glare onto adjacent properties or public rights-of-way. When lights are affixed to a pole or other supporting structure intended solely for the support of lights, such structure shall utilize neutral, earth tone colors, or the colors of nearby built and natural environment and shall be no greater than twenty-five (25) feet in height.

## **SECTION 902: PARKING AND STORAGE OF MAJOR RECREATIONAL EQUIPMENT AND NON-AGRICULTURAL COMMERCIAL VEHICLES**

### **902.1: Parking and/or Storage**

No major recreational equipment and/or non-agricultural commercial vehicle may be parked and/or stored on a parcel that contains a residential dwelling in a Village Residential (R-2), or Village Business (B-1) Zoning District, except in a garage or carport, or behind the nearest portion of a building to a street, provided:

1. Major recreational equipment and non-agricultural commercial vehicles may be parked and/or stored anywhere on a residential parcel for not more than twenty-four (24) consecutive hours during loading or unloading;
2. No more than one (1) non-agricultural commercial vehicle may be parked and/or stored on a parcel.

### **902.2: Occupancy**

No major recreational equipment and/or non-agricultural commercial vehicles shall be used for living, sleeping, housekeeping, or human habitation purposes except that recreational vehicles, travel trailers, motor homes, camper/tent trailers, pickup campers, or coaches may be temporarily parked and occupied for sleeping purposes only by visitors and house guests in accordance with the following:

1. The temporary parking or occupancy period shall not exceed seven (7) days;
2. Such vehicles and/or trailers shall have adequate off-street areas to be parked behind the nearest portion of the principal building to a street.

### **902.3: Derelicts**

No major recreational equipment and/or non-agricultural commercial vehicle shall be parked and/or stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the current market value of the equipment. In no case shall any such equipment be so parked and/or stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it was intended.

# **ARTICLE X SIGNS**

## **SECTION 1000: PURPOSE**

This section is intended to place reasonable provisions on signs within Jamestown Borough to retain and enhance the small village character and atmosphere, reduce potential negative impacts signs may have on nearby private and public properties and reduce potential pedestrian and vehicular traffic safety hazards, all while allowing its businesses to promote themselves to nearby residents and tourists. These sign provisions are designed to address the following community development objectives:

1. Businesses should be allowed in residential areas but should not overpower the residential character of the neighborhood.
2. The Borough should utilize and promote the tourism industry by creating an area that is attractive to tourists.
3. The Borough should retain its residential character.
4. The Borough should have a unique appearance and feel to it.
5. The Borough should regulate signs and billboards.

## **SECTION 1001: APPLICATION**

Any exterior sign erected, constructed, or placed on a building, land, roof, wall, awning, canopy, pole, or other structure within Jamestown Borough must do so in accordance with the provisions set forth in this Article and any other regulations concerning the placement, design, size, height and lighting of signs throughout the Borough.

## **SECTION 1002: PERMITS AND FEES FOR SIGNS**

All proposals for the erection, construction, or placement of signs within Jamestown Borough, except those noted in Section 1005, Signs Exempt from Permits and Fees, shall comply with the following:

1. An application for a zoning permit shall be filed with the Zoning Officer;
2. The application shall be accompanied by a Master Signage Plan, as defined in Section 1002.1, Master Signage Plan;
3. The application shall be accompanied by the fee, as described in Section 1002.2, Fees.

### **1002.1: Master Signage Plan**

As a means of determining whether the erection, construction, or placement of a sign meets the provisions of this Article, a Master Signage Plan shall be submitted to include the following:

1. Name, address, phone number and signature of the property owner or the person responsible for the sign;
2. Location of the property showing:
  - a. The location and names of adjacent streets;
  - b. The existing land use and zoning classification of the property;
  - c. Existing land uses and zoning classification of all adjacent properties;
  - d. The size and location of existing buildings and/or structures on the property.
3. The proposed location of every sign to be erected, constructed, or placed on the property;
4. An elevation drawing of the sign showing, with dimensions:
  - a. The size of the sign, ornamental features, and all supporting structures;
  - b. The height of the sign, ornamental features, and all supporting structures;
  - c. The colors and materials of the sign, ornamental features, and all supporting structures.
  - d. If the sign is to be attached to the building, the location and attachment method of the sign on the building shall be shown;
  - e. The proposed lighting of the sign, ornamental features, and all supporting structures;
  - f. Wording to be placed on each sign face.

### **1002.2: Fees**

The fee amount for any erection, construction, or placement of a sign shall be an amount as set annually by the Borough Council to cover the costs of application review and administration of permits.

## **SECTION 1003: FEES**

1. Any sign erected, constructed, or placed in the Borough prior to application approval, except for signs identified in Section 1005, Signs Exempt from Permits and Fees, shall be subject to a fine, as set by the Borough Council, for each thirty (30) days of non-compliance with the permit requirements.

2. The Borough Council shall also set a fine for failure to remove a sign or safely maintain a sign.

## **SECTION 1004: GENERAL PROVISIONS FOR SIGNS**

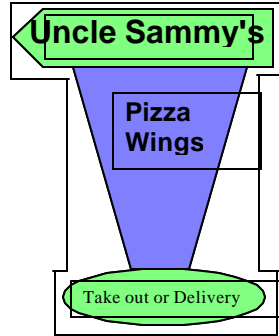
### **1004.1: Construction and Design Standards**

1. Signs shall not be erected, constructed, or placed within the public right-of-way, unless specified as being permitted within the public right-of-way.
2. Signs shall not be erected, constructed or placed in a way that reduces visibility or causes a traffic hazard.
3. Erection, construction, or placement of any sign shall be by accepted building standards meeting the requirements for the health, safety and welfare of the public.
4. No sign shall obstruct, partially or fully, a window, door, fire escape, stairway, opening intended for light and/or air, or ingress and/or egress to and from a building.
5. Signs erected, constructed, or placed on a building shall compliment the architecture and colors of the building.
6. Signs may not increase the original height of a building by more than five (5) feet and may not protrude from the side of a building more than five (5) feet.
7. No sign shall project beyond a property line.
8. Except for signs identified in Section 1005, Signs Exempt from Permits and Fees, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a wall, frame, or structure.

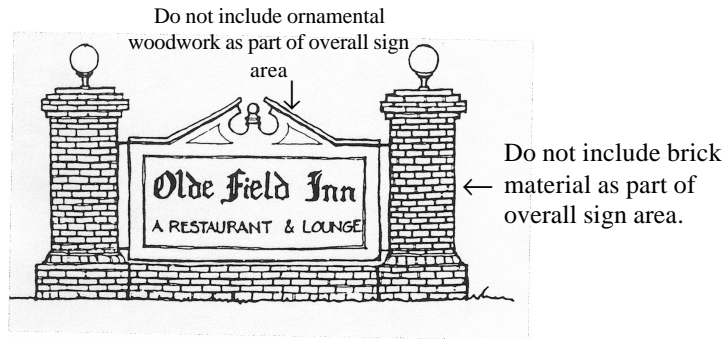
### **1004.2: Measurement of Signs**

1. Each sign face shall be considered a separate, individual sign. Multi-sided signs in which no more than one (1) side of the sign can be seen at any one time from any point shall be considered as one (1) sign, of which the larger of the sign face areas shall be calculated as part of the maximum allowable sign area.
2. Signs shall contain a minimum amount of words to convey the purpose of the use of the property upon which the signs are placed.
3. The area of the sign shall be that portion of the sign used to place wording, symbols, or other ways to advertise the business. The area of a sign shall be computed by using right angles and no more than twelve (12) straight lines to draw a continuous perimeter around the wording, symbols, or other advertising of the sign. If individual letters are placed upon a building wall, the sign calculation shall include the perimeter around the entire lettering area. In the following

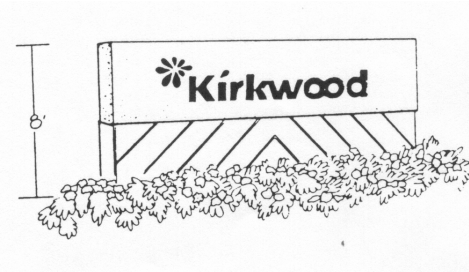
example, a perimeter, using right angles and twelve (12) straight lines, is drawn around the arrow, trapezoid and oval sign to create a continuous perimeter around the sign for which the area is calculated.



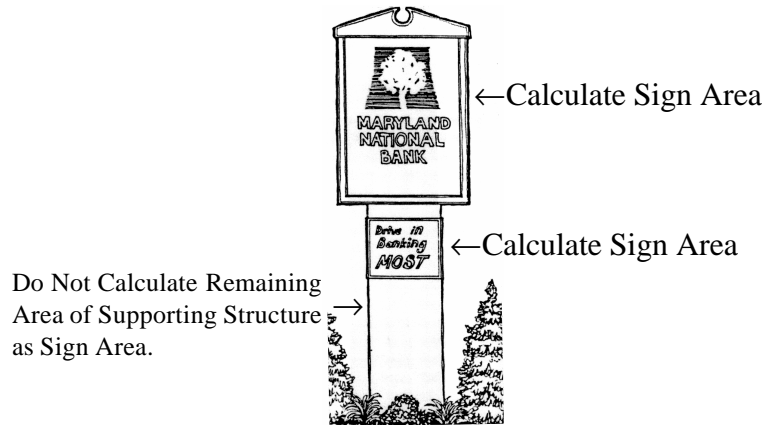
- Any ornamental scroll work or decorative bracing used around the perimeter of a sign shall NOT be included in the calculation of the sign area provided it contains no additional wording. In the following example, the brick on either side of the sign and the ornamental design at the top would not be included in the calculation of the sign area.



- Ornamental scrollwork or decorative bracing used around the perimeter of the sign will be considered when determining the maximum height and minimum sidewalk clearance of a sign. In the following example, although the woodwork at the base of the sign is not calculated as part of the sign area, it is included in determining the height of the sign. If ornamental or decorative material were used at the top of this sign, it would also be included in determining the height of the sign.



- Structures used to support a sign shall NOT be included in the calculation of the sign area provided it contains no additional wording or symbols. In the following example, there are two (2) separate signs that should be calculated as part of the total sign area, the remainder of the structure is only calculated in determining the maximum height.



- Signs permitted in Section 1005, Signs Exempt from Permits and Fees, shall not be considered when calculating the total area of signs.

## SECTION 1005: SIGNS EXEMPT FROM PERMITS AND FEES

The following signs are permitted in all zoning districts and shall be exempt from permit and fee requirements as stated in Section 1002, Permits and Fees for Signs.

- Street address or 911 identification sign- may include the name, address and street number for the building and/or property and may be no larger than two (2) square feet.
- Governmental signs- including, but not limited to, historical markers and/or municipal or special interest identification not to exceed four (4) square feet (may be permitted within the public right-of-way).
- Emergency signs- official and governmental emergency signs depicting location of emergency services, directions, etc., (may be located within the public right-of-way).
- Traffic signs- official government and Pennsylvania Department of Transportation traffic regulatory, cautionary and/or directional signs (may be permitted within the public right-of-way).
- Directional signs- signs on private property directing pedestrian and/or vehicular traffic throughout the premises, or depicting areas such as a restroom, telephone, exit, or other public benefit, not to exceed four (4) square feet. Such signs shall not incorporate any commercial logos, signs, messages or names.

6. Real estate signs- promoting the sale, lease, or rent of property, not to exceed six (6) square feet and to be removed within seven (7) days of the sale, lease, or rental of the property.
7. Work being performed signs- advertising work being performed on a property, not to exceed six (6) square feet and removed within seven (7) days of project completion.
8. Political signs- addressing the candidacy of one (1) or more persons for elective office, not to exceed six (6) square feet and removed within seven (7) days of the election.
9. Political campaign signs- addressing the candidacy of one (1) or more persons at a polling site, not to exceed six (6) square feet and not placed prior to twenty-four (24) hours and removed within twenty-four (24) hours of an election.
10. Special event signs- advertising a public auction, birth of a child, marriage, garage sale, or other similar event, not to exceed sixteen (16) square feet and removed within seven (7) days of the event.
11. Announcement signs- advertising a special promotion, grand opening, or other event, not to exceed sixteen (16) square feet and removed within seven (7) days.
12. No trespassing signs- signs depicting the private nature of property and/or a road, not to exceed four (4) square feet.
13. Public utility signs- signs placed by a public utility showing the location of underground facilities, not to exceed two (2) square feet (may be permitted within the public right-of-way).
14. Seasonal and/or religious signs- signs celebrating a holiday or religious event, so long as there is no commercial advertising of any product.
15. Handicapped services signs- signs that depict services for the handicapped, such as handicapped parking areas and access ramps, not to exceed two (2) square feet.
16. Subdivision signs- signs advertising a subdivision of land, not to exceed six (6) square feet and removed within seven (7) days of completion of the subdivision.
17. Farmer's market sign- signs advertising a roadside stand, not to exceed six (6) square feet and removed when the roadside stand is removed.
18. Flags- representing the nations and governments, military, public entities, religious entities, corporate symbols, seasons, or designer flags, provided:
  - a. The size of a flag depicting a corporate symbols shall not exceed twelve (12) square feet;
19. Banners- placed by the municipality, tourist agency, special event agency, business district, or public agency to promote a business district, special event, attraction or other event to promote tourism, business, identity, or enthusiasm within the municipality (may be permitted within the public right-of-way).



In addition, the following operations shall not be considered as erecting, constructing, or placing a sign and shall be exempt from permit and fee requirements as stated in Section 1002, Permits and Fees for Signs.

1. The changing of advertising messages, such as dates, promotions, specials, events, and similar messages, repairs and improvements to signs, and the changing of colors, provided:
  - a. The size, shape, location, materials, or lighting of the sign is not changed;
  - b. There are no structural alterations to the sign or its supporting structures;
  - c. The business type, name, or symbol is not changed.

## **SECTION 1006: SIGNS PROHIBITED IN ALL ZONING DISTRICTS**

The following signs are prohibited in all zoning districts throughout the Borough:

1. Signs that resemble or imitate governmental and/or Pennsylvania Department of Transportation traffic signs.
2. Signs that resemble or imitate official and governmental emergency signs.
3. Billboards
4. Any portable and/or temporary signs, except those permitted in Section 1005, Signs Exempt from Permits and Fees.
5. Any sign that is attached to a tree, utility pole (except public utility signs), wireless communications tower, or derelict or non-operating vehicle.
6. Any sign not specifically permitted either throughout the entire Borough or within a specified zoning district.
7. Any sign advertising an off-site business erected, constructed, or placed on a parcel containing a residential dwelling.

## **SECTION 1007: ADDITIONAL SIGN PROVISIONS**

### **1007.1: Sign Provisions for Rural Residential (R-1) Zoning District**

In addition to the general provisions for signs in this Article, the following provisions are for all signs erected, constructed, or placed within a Rural Residential (R-1) Zoning District.

1. Any sign in the R-1 Zoning Districts shall meet the following provisions:
  - a. Yard signs shall have a maximum area of twelve (12) square feet;
  - b. Yard signs shall have a height no greater than four (4) feet as measured from the grade;

- c. There shall be a maximum of one (1) yard sign;
- d. Building signs shall have a maximum size of three (3) square feet;
- e. Building signs shall not be located on a roof, shall not extend above the roof line and shall not protrude from the building;
- f. Total sign area for a recorded parcel containing a home based business, home occupation, no-impact home based business, or any business run out of a building that was originally a dwelling shall not exceed twelve (12) square feet.

**1007.2: Sign Provisions for Village Residential (R-2) Zoning District**

In addition to the general provisions for signs in this Article, the following provisions are for all signs erected, constructed, or placed within a Village Residential (R-2) Zoning District.

- 1. Any sign in the R-2 Zoning District shall meet the following provisions:
  - a. Yard signs shall have a maximum area of twelve (12) square feet;
  - b. Yard signs shall have a height no greater than four (4) feet as measured from the grade;
  - c. There shall be a maximum of one (1) yard sign;
  - d. Building signs shall have a maximum size of two (2) square feet;
  - e. Building signs shall not be located on a roof, shall not extend above the roof line and shall not protrude from the building;
  - f. Total sign area for a recorded parcel containing a home based business, home occupation, no-impact home based business, or any business run out of a building that was originally a dwelling shall not exceed twelve (12) square feet.

**1007.3: Sign Provisions for Village Business (B-1) Zoning District**

In addition to the general provisions for signs in this Article, the following provisions are for all signs erected, constructed, or placed within a Village Business (B-1) Zoning District.

- 1. Any sign in the B-1 Zoning District shall meet the following provisions:
  - a. Have a maximum area of twenty-five (25) square feet;
  - b. Yard signs shall have a maximum height of sixteen (16) feet as measured from the grade;
  - c. Total sign area for a recorded parcel containing a business use permitted in a B-1 Zoning District shall not exceed fifty (50) square feet.
- 2. Temporary signs may be placed on the sidewalk provided:

- a. They are a temporary A-frame (or similar) sign not exceeding six (6) square feet per side and not exceeding a height of three (3) feet;
  - b. They are removed at the end of every day;
  - c. They do not obstruct pedestrian traffic and do not create a traffic hazard.
3. Building signs may extend over the sidewalk provided:
- a. They are attached to the principal building;
  - b. They do not extend over the sidewalk by more than five (5) feet;
  - c. They do not extend over any part of the cartway;
  - d. There is at least ten (10) feet of clearance between the bottom of the sign and the sidewalk;
  - e. Any sign extending over a sidewalk shall not exceed eight (8) square feet in area.

**1007.4: Sign Provisions for General Business (B-2) Zoning District**

In addition to the general provisions for signs in this Article, the following provisions are for all signs erected, constructed, or placed within a Village Business (B-2) Zoning District.

- 1. Any sign in the B-2 Zoning District shall meet the following provisions:
  - a. Have a maximum area of forty (40) square feet;
  - b. Yard signs shall have a maximum height of sixteen (16) feet as measured from the grade;
  - c. Any yard sign shall be set back from a residential property line or R-1, R-2, or B-1 Zoning District by at least twenty (20) feet.
  - d. Total sign area for a recorded parcel containing a business use permitted in a B-2 Zoning District shall not exceed one hundred (100) square feet.

**SECTION 1008: SIGN LIGHTING**

Signs within the Borough may be illuminated using ground mounted, building and/or structure mounted lights, indirect lighting, backlit illumination, light or neon tubing, and/or interior illumination, according to the following provisions:

- 1. Illumination of signs shall be for the purpose of making the sign readable during evening hours, not for the purpose of creating additional light for the property or casting light on other buildings and/or structures;
- 2. Illumination of signs shall not create any glare onto adjoining properties or public rights-of-way;

3. Lighting of signs shall not attempt to imitate the lighting used by emergency vehicles.

## **SECTION 1009: NON-CONFORMING SIGNS**

Any sign erected, constructed, or placed prior to the enactment of this Zoning Ordinance shall be considered a lawfully existing non-conforming sign, and shall be allowed to continue to exist provided:

1. The business that the sign is advertising shall not cease operation for more than six (6) months;
2. The size, shape, location, materials, and/or lighting of the sign is not changed or altered in any way;
3. There are no structural alterations to the sign or its supporting structures;
4. The business type, name, or symbol is not changed.

If any of the above changes or alterations are made to a non-conforming sign, the sign shall no longer be considered a non-conforming sign and should follow the process outlined in this Article to gain a zoning permit. If any non-conforming sign is destroyed or taken down, any replacement for that sign must conform to the regulations of this Ordinance.

# **ARTICLE XI SUPPLEMENTARY REGULATIONS**

## **SECTION 1100: SUPPLEMENTARY PARCEL AND YARD PROVISIONS**

### **1100.1: Number of Principal Structures on a Parcel**

Not more than one (1) principal building and/or structure shall be located on a parcel except in the case of planned developments associated with permitted uses, for example, a cemetery, church, college, multi-family dwelling development, farms, governmental or governmental authority facility, hospital, nursing home, public utility facility, educational facility, or planned residential, commercial, or industrial developments.

A parcel plan showing the location and arrangement of multiple buildings and/or structures in planned developments shall be submitted with the zoning permit application. Building and/or structure arrangements and spacing within such developments shall comply with any additional provisions specified elsewhere in this Ordinance.

### **1100.2: Projection Into and Occupancy of Yards or Other Open Spaces**

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

1. Steps, stoop, window sill, awning, belt course, rain leader, chimney, walls, fences, and similar architectural or structural features;
2. Exterior stairway, fire tower, balcony, fire escape, or other required means of egress.

### **1100.3: Porches, Carports and Similar Attached Accessory Structures Whether Open or Enclosed**

Shall be located in compliance with minimum yard and setback requirements, except that front porches newly constructed on existing dwellings may encroach into the front setback by no more than five (5) feet.

### **1100.4: Determination of Yards and Minimum Distance to Parcel Lines on Irregularly Shaped Parcels**

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

### **1100.5: Subdivision of Parcel**

The subdivision of parcel(s) shall be permissible only in accordance with the standards of this Zoning Ordinance and the Mercer County Subdivision and Land Development Ordinance, as amended.

### **1100.6: Use of Yards for Driveways and Parking**

Residential Uses – Yard areas for residential uses may contain a driveway and a turnaround area.

Other Uses – Yard areas for other uses may contain driveways and turnaround areas and may include off-street parking spaces.

### **1100.7: Visibility at Intersections and Driveways**

On a parcel in any zoning district, no building, structure, sign, solid fence, wall, hedge, or planting shall be erected, constructed, placed, or displayed at a height of more than three feet above the curb line within the triangle formed by the street parcel or driveway lines and a straight line joining said street parcel or driveway lines at points which are twenty feet distant from the point of intersection of the street parcel or driveway lines.

## **SECTION 1101: SUPPLEMENTARY HEIGHT PROVISIONS**

### **1101.1: Exceptions to Height Requirements**

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

1. The following appurtenances attached to or part of a principal or accessory buildings and/or structures:
  - a. Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, Communications Antenna, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment, roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus one (1) foot horizontally for each two (2) feet in which it exceeds the maximum height permitted in the zoning district in which it is located.
2. Existing Designed Buildings and/or Structures - The vertical extension of a building and/or structure existing at the effective date of the Zoning Ordinance may be erected, constructed, or placed to such height as the original drawings of said building and/or structure indicated, provided the building and/or structure was actually designed and constructed to support the additional stories necessary for such height.

## **SECTION 1102: PROVISIONS FOR LIGHTING**

Any light and/or structure intended to support lights shall conform to the following provisions:

1. Lights shall be directed downwards, and shall not be directed or arranged towards public rights-of-way and/or adjoining properties;
2. Any lighting shall not create any glare onto adjoining properties and/or public rights-of-way;
3. Structures used to support lights, except buildings, shall have a maximum height of twenty-five (25) feet and shall utilize neutral or Earth tone colors, or the colors of the surrounding built and/or natural environment.

## **SECTION 1103: FENCES**

Any fence erected, constructed, or placed within the Borough shall comply with the following provisions:

1. Any solid fence or wall erected, constructed, or placed in the front setback area shall have a maximum height of forty-two (42) inches; and in accordance with section 1100.7, if applicable.
2. Any solid fence or wall erected, constructed, or placed in an area other than the front setback area shall have a maximum height of eight (8) feet; and in accordance with section 1100.7, if applicable.
3. Any open fence erected, constructed, or placed in a front yard shall have a maximum height of six (6) feet;
4. Any open fence erected, constructed, or placed in a side or rear yard shall have a maximum height of eight (8) feet;
5. Fences shall be permitted within the setback area of a zoning district, provided:
  - a. The fence is not erected, constructed, or placed within any right-of-way and shall not protrude onto any adjoining property or right-of-way.

## **SECTION 1104: POOLS**

Any pool placed within the Borough shall comply with the following provisions:

1. All pools shall be set back at least ten feet from all property lines or any other primary or accessory structures;
2. To prevent access from children on neighboring properties, either a fence with a gate and a lock of at least four feet in height shall completely surround the pool, or steps that can be removed or folded upwards when the pool is not in use must be in place.

# **ARTICLE XII NON-CONFORMING BUILDINGS, STRUCTURES, USES & PARCELS**

## **SECTION 1200: INTENT AND STANDARDS**

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

### **1200.1: Intent**

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed or abandoned. Such uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved.

### **1200.2: Standard**

A non-conforming use of a building and/or structure, a non-conforming use of land, or a non-conforming building and/or structure shall not be extended or enlarged after passage of this Ordinance by any means including attachment of additional signs to a building and/or structure, or the placement of additional signs or display devices on the land outside the building and/or structure, nor shall there be a change to or addition of a use prohibited in the particular zoning district. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the Zoning Hearing Board, provided any such enlargements or expansions of uses as approved by the Board shall meet any and all conditions and provisions specified for that type of use in this Zoning Ordinance.

### **1200.3: Construction in Progress**

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



## **SECTION 1201: NON-CONFORMING PARCELS OF RECORD**

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

If two (2) or more parcels or combinations of parcels and portions of parcels with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the parcels do not meet the requirements for parcel width and area in the respective zoning district, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold that does not meet parcel width and area requirements established by this Ordinance, nor shall any division of the parcel be made that leaves remaining any parcel with width or area below the requirements stated in this Ordinance.

## **SECTION 1202: NON-CONFORMING USES OF LAND**

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

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except as specified;
2. No such non-conforming use shall be moved in whole or in part to any other portion of the parcel or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
3. If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.

## **SECTION 1203: NON-CONFORMING USES OF BUILDINGS AND/OR STRUCTURES**

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

1. An existing building and/or structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located may not be enlarged, extended, constructed, reconstructed, or structurally altered, except as specified;
2. A non-conforming use may be extended throughout any parts of a building and/or structure that were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building and/or structure;
3. If no structural alterations are made, any non-conforming use of a building and/or structure, or building and/or structure and premises, may be changed to another non-conforming use provided that the Zoning Hearing Board, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zoning district than the existing non-conforming use. In permitting such change, the Zoning Hearing Board may require appropriate conditions and safeguards in accord with the provisions of this Ordinance;
4. Any building and/or structure, or building and/or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district in which such building and/or structure is located, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a building and/or structure, or building and/or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the building and/or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.

## **SECTION 1204: NON-CONFORMING BUILDINGS AND/OR STRUCTURES**

Where a lawful building and/or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on areas, parcel coverage, height, yards, or other characteristics of the building and/or structure or its location on the parcel, such building and/or structure

may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A building and/or structure may be enlarged or altered only in a way that such enlargement or alteration does not result in a new structural non-conformity or increase an existing structural non-conformity. Any other enlargement or alteration must be approved by variance granted by the Zoning Hearing Board;
2. Should such building and/or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after moved.

## **SECTION 1205: DAMAGE OR DESTRUCTION OF NON-CONFORMITIES**

Any non-conforming building, structure, or use that is damaged or destroyed by fire or any other means beyond the control of the property owner may be reconstructed and used as before, if such reconstruction is commenced within one (1) year of the date of said damage or destruction. The reconstructed building, structure, and/or use may cover no greater area and contain no greater cubic content than the building, structure, and/or use prior to damage or destruction and must conform to parcel, yard, and height requirements of the zoning district and provide required off-street parking and loading spaces for the intended use(s), unless a variance is granted by the Zoning Hearing Board.

## **SECTION 1206: REPAIRS AND MAINTENANCE**

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

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

## **SECTION 1207: SPECIAL EXCEPTIONS AND CONDITIONAL USES NOT NON-CONFORMING USES**

Any use for which a special exception or conditional use is authorized, as provided in this Ordinance, shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such zoning district.

# **ARTICLE XIII ADMINISTRATION AND ENFORCEMENT**

## **SECTION 1300: OFFICE OF ZONING OFFICER**

### **1300.1: Creation of Office**

The Office of Zoning Officer is hereby created.

### **1300.2: Appointment**

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

### **1300.3: Official Records**

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

### **1300.4: Compensation of the Zoning Officer**

The compensation of the Zoning Officer shall be as determined by the Borough Council.

## **SECTION 1301: DUTIES AND POWERS OF THE ZONING OFFICER**

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

### **1301.1: Zoning Permits and Certificates of Use and Occupancy**

The Zoning Officer shall issue zoning permits and certificates of use and occupancy. Zoning permits and certificates of use and occupancy for construction and uses that are permitted as a conditional use shall be issued only upon approval of the Borough Council. Zoning permits and certificates of use and occupancy for construction and uses that are permitted as a special exception or variance shall be issued only upon approval of the Zoning Hearing Board.

### **1301.2: Annual Report**

The Zoning Officer shall annually submit to the Borough Council a report of all zoning permits and certificates of use and occupancy, notices issued and orders.

### **1301.3: Inspections**

The Zoning Officer shall have the authority to examine or cause to be examined all building, structures, and/or land for which an *active or pending* application for a zoning permit and/or certificate of use and occupancy has been filed for purposes of enforcing this Zoning Ordinance. Visual inspections may be legally made from any public right-of-way, sidewalk, or public place. The Zoning Officer may enter upon property of a private home or business from time to time during construction only during daylight hours between 8:00 a.m. and 8:00 p.m. and only after obtaining permission from a responsible adult upon presentation of proper identification. The right of inspection conferred herein shall be written out on every zoning permit issued and an acknowledgement that it has been read and accepted shall be signed by the applicant before a zoning permit may be issued.

## **SECTION 1302: ZONING PERMIT**

### **1302.1: When Zoning Permit is Required**

A zoning permit shall be required for any of the following (except where otherwise indicated in this Ordinance):

1. Commencing a use, changing the use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the Borough.
2. Erection, construction, placement, enlargement, reconstruction, or structural alteration of any building, structure, and/or sign, including the placement of a mobile home on a property.

An application for a zoning permit must be submitted in writing to the Zoning Officer. A fine of twenty-five dollars (\$25.00) shall be added to the cost of the zoning permit for failure to obtain a zoning permit before construction.

### **1302.2: When a Certificate of Use and Occupancy is Required**

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

### **1302.3: Forms of Application**

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 as prescribed in Section 1304, Fees.

### **1302.4: Parcel Diagram**

Applications shall be accompanied by a parcel plan diagram in duplicate. The parcel plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings, structures and/or parcels, both existing and proposed, abutting streets, proposed uses of buildings, structures, and/or parcels, north arrow and scale, and other information that the Zoning Officer may require to make a decision on the zoning permit. One (1) copy shall be returned to the applicant indicating approval or disapproval, one (1) copy shall be retained by the Zoning Officer.

### **1302.5: Additional Application Requirements for Uses Specified in Article VIII, Additional Land Use and Zoning District Provisions**

An application for a use specified in Article VIII, Additional Land Use and Zoning District Provisions, shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the provisions specified for that use in Article VIII. If such use is a conditional use or special exception, further information and drawings may be required by the Borough Council or Zoning Hearing Board respectively to address compliance with any other conditions imposed.

### **1302.6: Amendments to a Zoning Permit**

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

### **1302.7: Expiration of Zoning Permits**

If work described in any zoning permit has not begun within one hundred eighty (180) days from the date of issuance, the permit shall expire. The Zoning Officer shall give a written notice to the persons affected. If permitted work has not been substantially completed within one (1) year of the date of issuance, the permit shall expire. The Zoning Officer shall give a written notice to the persons affected. Upon expiration of a zoning permit, work may not continue until either a permit extension or a new permit has been obtained. The Zoning Officer may issue a zoning permit extension when the

proposed activities, information, and conditions contained in the original permit application will be continued without change. The zoning permit extension shall include limitations on time not to exceed one (1) year allowed for substantial completion of the work. The Zoning Officer may require the provision of a reasonable performance bond to ensure completion with the time limit specified in the permit extension.

## **SECTION 1303: ACTION ON ZONING PERMITS AND CERTIFICATES OF USE AND OCCUPANCY**

### **1303.1: Action on Zoning Permit Application**

The Zoning Officer shall act on all applications for zoning permits and amendments thereto within ten (10) days after filing except where otherwise indicated. He/she shall conduct a preliminary inspection of all buildings, structures, and/or land for which an application has been filed for a zoning permit. Disapproval of a zoning permit shall be in writing to the applicant.

### **1303.2: Posting of Zoning Permit**

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

### **1303.3: Revoking a Zoning Permit**

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

### **1303.4: Action Upon Completion**

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

If the Zoning Officer is satisfied that the completed work conforms with the issued zoning permit and complies with the Zoning Ordinance, he/she shall issue a certificate of use and occupancy for the use indicated in the zoning permit.

The Zoning Officer shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within ten (10) days after receiving notice of completion of the permitted work.

## **SECTION 1304: FEES**

### **1304.1: Payment of Fees**

No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution of the Borough Council have been paid.

### **1304.2: Exemptions**

Any accessory building and/or structure used solely for agricultural purposes or any building and/or structure less than one hundred (100) square feet in floor area shall be exempt from payment of fees.

## **SECTION 1305: ENFORCEMENT NOTICE**

Where the Zoning Officer finds that any provisions of this Ordinance are being violated, he/she shall initiate enforcement proceedings by sending an enforcement notice to the owner of the parcel on which the violation has occurred, any person who has filed a written request to receive enforcement notices regarding that parcel, and to other appropriate parties in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) with copies provided to the Borough Secretary and Borough Solicitor. As specified in the Planning Code, the enforcement notice shall state the nature and location of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

## **SECTION 1306: PROSECUTION OF VIOLATION**

If the enforcement notice is not complied with, the Zoning Officer shall request the Borough Council to authorize the Borough Solicitor to institute appropriate proceedings to prosecute such violations. Such proceedings are provided for and shall be in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).



## **ARTICLE XIV ZONING HEARING BOARD**

### **SECTION 1400: CREATION, MEMBERSHIP AND ORGANIZATION**

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

### **SECTION 1401: JURISDICTION AND FUNCTIONS**

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

### **SECTION 1402: HEARINGS**

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

### **SECTION 1403: TERMINATION AND MODIFICATION OF PERMIT**

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

1. Termination of permits: If after a permit has been authorized by the Zoning Hearing Board, such permit is not applied for within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.
2. Modification of a permit: Any permit so issued shall not be modified except by action of the Zoning Hearing Board.

## **SECTION 1404: PARTIES APPELLANT BEFORE THE ZONING HEARING BOARD**

Appeals and challenges within the jurisdiction of the Zoning Hearing Board as prescribed by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended) may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Applications for variance or special exception may be filed with the Zoning Hearing Board by any landowner or tenant with the permission of such landowner.

## **SECTION 1405: APPLICATIONS AND FEES**

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

## **SECTION 1406: SPECIAL EXCEPTIONS**

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

1. Other principal uses not explicitly permitted within a zoning district: A use that is not explicitly listed as a permitted principal use within the regulations of a zoning district may be permitted provided that the use is similar to and not more objectionable to the general welfare than the permitted uses listed in that zoning district. Similar uses shall mean that the use is like other permitted uses in a particular zoning district, or other uses in the neighborhood in terms of character, appearance, size, scale, traffic generation, hours of operation, number of employees, and/or business operation.
2. Such uses shall be permitted as a special exception only upon the judgment and approval of the Zoning Hearing Board, which may also require compliance with such conditions as may be necessary to protect and promote the general welfare of the Borough.

# **ARTICLE XV AMENDMENT**

## **SECTION 1500: PROCEDURE FOR AMENDMENTS**

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

1. Initiation: Any amendment may be initiated by:
  - a. The Borough Planning Commission;
  - b. The Borough Council;
  - c. A notarized petition to the Borough Council by the owner of the property involved or by a party having legal interest therein.
2. Public Review and Input: Before voting on the enactment of an amendment, the Borough Council shall provide opportunity for public review and input in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). At a minimum, such shall include:
  - a. A public hearing on the proposed amendment;
  - b. Public notice of the proposed amendment and public hearing published in a newspaper of general circulation and posted on the affected tract of land;
  - c. Referral of the proposed amendment to the Borough Planning Commission and Mercer County Regional Planning Commission;
  - d. Planning Commission for review and comment.
3. Application Form: An application for amendment shall be submitted in a form prescribed by the Borough Council containing the following minimum information:
  - a. Name, address and phone number of the applicant or his agent;
  - b. The applicant's legal interest in the affected property(ies);
  - c. A map showing the location of the affected property(ies), the present and proposed zoning classification and boundaries and a perimeter sketch of the affected property(ies) showing dimensions and size.
4. Fee: Any application for amendment to the Zoning Ordinance shall be accompanied by a reasonable fee in such amount as set by resolution of the Borough Council.

## **ARTICLE XVI APPEALS**

### **SECTION 1600: ZONING APPEALS**

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

**ARTICLE XVII  
EFFECTIVE DATE & ADOPTION**

**SECTION 1700: EFFECTIVE DATE**

The Zoning Ordinance shall take effect thirty (30) days after the date of adoption by the Borough Council of Jamestown Borough, Mercer County, Pennsylvania.

**SECTION 1701: ADOPTION**

We hereby certify that the Jamestown Borough Zoning Ordinance was adopted by the Borough Council of Jamestown Borough, Mercer County, Pennsylvania this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

Jamestown Borough, Mercer County, Pennsylvania

\_\_\_\_\_  
PRESIDENT OF BOROUGH COUNCIL (SEAL)

\_\_\_\_\_  
BOROUGH SECRETARY

\_\_\_\_\_  
MAYOR

**ARTICLE XVIII  
CERTIFICATION**

**SECTION 1800: CERTIFICATION**

I do hereby certify that the foregoing is a true copy of Ordinance Number \_\_\_\_\_,  
adopted by the Borough Council of Jamestown Borough, Mercer County, Pennsylvania  
on \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
BOROUGH SECRETARY

# Jamestown Borough Zoning Map

