

Chapter 162

ZONING

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Zoning Map

[HISTORY: Adopted by the Borough Council of the Borough of Mansfield 1-12-2005 by Ord. No. 424. Amendments noted where applicable.]

GENERAL REFERENCES

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| Planning Commission — See Ch. 31. | Junk and junked vehicles — See Ch. 101. |
| Nonresidential building construction — See Ch. 67. | Property maintenance — See Ch. 120. |
| Residential building construction — See Ch. 68. | Solid waste — See Ch. 132. |
| Uniform construction codes — See Ch. 70. | Stormwater management — See Ch. 135. |
| Fences — See Ch. 87. | Subdivision and land development — See Ch. 141. |
| Housing standards — See Ch. 96. | |

ARTICLE I
General Provisions

§ 162-1. Title.

- A. The title of this chapter is "An ordinance permitting, prohibiting, regulating, restricting and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; and providing for the administration of such ordinance."
- B. Short title. This chapter shall be known and may be cited as the "Mansfield Borough Zoning Ordinance."

§ 162-2. Purpose.

This chapter is enacted for the following purposes:

- A. To promote public health, safety, morality and the general welfare;
- B. To encourage the most appropriate use of land;
- C. To conserve and stabilize the value of property;
- D. To provide adequate open spaces for light and air, and to prevent the spread of fire;
- E. To prevent undue concentration of population;
- F. To lessen congestion on streets and highways;
- G. To implement the Comprehensive Plan of the Borough.

§ 162-3. Application of regulations.

- A. Use of property. Except as provided in this chapter, no building or part thereof or other structure shall be erected, altered, added to, or enlarged; nor shall any land, building, structure or premises be used, designated, or intended to be used for any purpose other than for the uses hereinafter listed as permitted in the district in which such building, land or premises is located.
- B. Restrictions.
 - (1) No building shall hereafter be erected or altered to exceed the height, not including rooftop solar collectors; accommodate a greater number of families; occupy a greater percentage of lot area; have narrower or smaller rear yards, front yards or side yards than is specified herein.
 - (2) No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other space similarly required for another building.
 - (3) This chapter shall not apply to any existing or proposed building or extension thereof used or to be used by public utility corporations if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- C. Community development objectives: Refer to the Comprehensive Plan of the Borough of Mansfield.

§ 162-4. Effective date.

This chapter shall take effect on the 12th day of January 2005 and shall supersede any heretofore existing ordinances regulating zoning.

ARTICLE II
Word Usage; Definitions

§ 162-5. Word usage.

For the purpose of this chapter, the terms and words herein shall be interpreted as follows unless otherwise expressly stated:

- A. Words in the present tense shall include the future tense.
- B. The words "person," "owner," or "developer" include a profit or nonprofit corporation, company, partnership, association or individual.
- C. Words used in the singular shall include the plural; words used in the plural shall include the singular.

- D. The words "used" or "occupied" as applied to any land or building include the words "intended, arranged or designed to be used or occupied."
- E. The word "building" includes structure.
- F. The word "lot" includes the word "plot" or "parcel."
- G. The word "shall" and "will" are always mandatory.
- H. The word "may" is permissive.

§ 162-6. Definitions.

Unless otherwise expressly stated, for the purposes of this chapter, the following words, terms and phrases shall have the meanings herein indicated.

ACCESSORY BUILDING (STRUCTURE) — A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building; includes storage sheds and garages. Only two accessory structures shall be permitted per lot and will not be permitted in the front yard of a lot.

- A. **ACCESSORY GARAGE, PRIVATE** — A permanent enclosed structure or covered space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a nonresident of the premises. These structures shall comply with any applicable Uniform Construction Code.
- B. **ACCESSORY STORAGE SHED** — A structure whose dimensions are not more than 200 square feet in square footage area and not exceeding 15 feet in height, with only 1 1/2 stories or floors and used solely for the storage of household materials and/or equipment, to include four-wheel vehicles as defined by the Pennsylvania Motor Vehicles Code.

ACCESSORY USE — A use on the same lot with and of a nature customarily incidental and subordinate to the principal use; and not occupying more than 40% of the net floor area of any one floor in the principal structure and not more than 40% of the lot area.

AGENT or OWNER — Any person who can show written proof that he has the authority to act for the property owner.

ALLEY — A public or private thoroughfare which affords only a secondary means of access to abutting property.

ALTERATIONS — As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing height, or the moving from one location or position to another. Structural alterations shall include any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

ANIMAL HOSPITAL — A building used for the treatment, housing, or boarding of small domestic animals, such as dogs, cats, rabbits, and birds or fowl, by a veterinarian.

ANTENNA — See "satellite and other antenna."

AREA, BUILDING — The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, patios, terraces and steps.

AREA, LOT — The total area within the lot lines measured on a horizontal plane.

ASHES — Solid residue resulting from the burning of organic fuels.

AUTOMOBILE OR TRAILER SALES AREA — An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

AUTOMOBILE SERVICE STATION or FILLING STATION — A building or place of business where gasoline, oil and grease, batteries, tires, and automobile accessories are supplied and dispensed directly to the motor vehicle trade at retail and where the following services may be rendered:

A. MINOR REPAIR —

- (1) Sales and servicing of spark plugs and batteries.
- (2) Tire repair and servicing.
- (3) Replacement of mufflers and tailpipes, water hoses, fan belts, brake and transmission fluids, light bulbs, floor mats, seat covers (where this shall not be the principal use), windshield wipers, grease retainers, and wheel bearings.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing.
- (6) Greasing and lubrication.
- (7) Installation of fuel pumps and fuel lines.
- (8) Minor servicing and replacement of carburetors.
- (9) Emergency wiring repairs.
- (10) Adjustment and installation of brakes.
- (11) Tuning engines.
- (12) Any similar minor repair or service not listed below under "major repair."

B. MAJOR REPAIR — In addition to those repairs and services listed above as "minor repairs," any general repair, rebuilding or reconditioning not listed above; collision service, including body, frame or fender straightening or repair; painting or paint shop; mechanical car wash establishments; but not including any operations which require the heating or burning of rubber.

BAKERY — Includes establishments which manufacture quantities of goods for retail elsewhere than on the premises.

BASEMENT — That portion of a building which is partly below and partly above grade and having at least half its height above grade.

BED-AND-BREAKFAST INN — An owner-occupied building which meets the requirements of this chapter and is designed, used and occupied as a single-family residence and having, as an accessory use therein, public lodging rooms and facilities for the serving of food and drink prepared within the building to preregistered transient guests. No single-family residential building may be used or occupied as a bed-and-breakfast inn without compliance with all of the regulations established in this chapter.

BILLBOARD or ADVERTISING STRUCTURE — A sign other than one indicating a business conducted on the premises, i.e., off-premises sign; a sign upon which advertising matter of any character is printed, posted, or lettered; and it may be either freestanding or attached to a surface of a building or other structure.

BOROUGH — The Borough of Mansfield.

BUILDING, FRONT LINE OF — The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING GROUP — Any building, such as a store group, which is divided into separate parts by one or more nonpierced walls extending from the ground up.

BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE — An imaginary line located on the lot at a fixed distance from the road right-of-way line and interpreted as being the nearest point that a building may be constructed to the road right-of-way. The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line.

BUILDING, MAIN — A building in which is conducted the principal use of the lot on which it is located.

BUILDING or STRUCTURE — Anything constructed or erected with a fixed or permanent location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, poster panels, and accessory or storage buildings.

BUILDING PERMIT — A statement signed by the Code Official indicating that the application for permission to construct, alter or add is approved and in accordance with the requirements of the terms of this chapter and any applicable uniform construction codes.

CELLAR — That portion of a building which is partly or completely below grade and having at least 1/2 its height below grade.

CENTRAL BUSINESS DISTRICT — Shall be comprised of those properties within the Borough which abut the north and south sides of East Wellsboro Street and West Wellsboro Street from North Academy Street to the Tioga River Bridge; abut the east and west sides of North Main Street and South Main Street from Elmira Street to the entrance of Smythe Park.

[Amended 1-12-2011 by Ord. No. 454]

CLEAR SIGHT TRIANGLE — The triangular area formed by two intersecting road center lines and a line interconnecting points established on each center line, 100 feet from their point of intersection. This entire area is to remain clear of obstructions.

CLINIC — Any professional medical building or establishment where people or animals are examined or treated by doctors or dentists or other professionals but are not hospitalized or boarded overnight.

CLUB, LODGE AND FRATERNAL ORGANIZATION — An establishment operated for social, recreational or educational purposes but open only to members and their guests and not to the general public. It does not include fraternities and sororities.

CODE OFFICIAL — The individual authorized by the Borough Council of Mansfield to be the administrator of the daily application of the provisions contained in this Zoning Chapter. The Code Official may appoint a delegate to act on his behalf if so needed.

COMMERCIAL VEHICLE — Includes trucks, commercial vans, buses, trailers, and construction equipment but does not include private passenger cars or private vans.

CONDITIONAL USE — A proposed use of land that falls within the jurisdiction of the Borough Council rather than the Zoning Hearing Board and must be reviewed by the Planning Commission to determine its overall effect on surrounding property owners. The final decision rests with the Borough Council.

CONVENIENCE STORE — A combination of a retail store, food for off-premises consumption and automobile fuel sales but without auto repair services.

CONVERSION — A change in the use of a structure, e.g., going from an R-1 to R-2 use, going from a single-family dwelling to a business.

COUNCIL — The Council of the Borough of Mansfield.

COURT — Any open, unoccupied area which is bounded by three or more attached building walls.

DECK — A structure which does not have a roof.

DENSITY — The area of a lot or group of lots computed exclusive of any portion of the right-of-way of any street, divided by the number of dwelling units contained on the lot or group of lots.

DORMITORIES — Buildings, whether public or private, associated with a school, college or university, designed for, used for and arranged with rooms providing sleeping, studying and living accommodations for students, including what are commonly referred to as "fraternities" and "sororities." Dormitories will be considered special exception uses.

DWELLING — A building that contains one or more units arranged, intended, designed or used as the living quarters for one or more families. The term "dwelling" shall not be deemed to include hotel or motel.

DWELLING TYPE —

- A. DWELLING, ONE-FAMILY — A building containing only one dwelling unit and occupied by one family.
- B. DWELLING, TWO-FAMILY — A building containing two dwelling units and occupied by no more than two individual families.
- C. DWELLING, MULTIFAMILY — A building containing three or more separate dwelling units with shared or individual entrances and shared or individual other essential facilities and services.

DWELLING UNIT — A single unit providing complete independent living facilities for not more than one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT — A right-of-way granted for limited access to, or across private or public land.

EFFICIENCY OR ACCESSORY APARTMENT — A self-contained dwelling unit having its own exterior entrance, a minimum of 400 square feet of gross floor area and 1 1/2 parking spaces.

ERECTED — Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavation, fill, drainage and the like shall be considered part of the erection.

ESSENTIAL SERVICE INSTALLATIONS — The erection, construction, alteration, or maintenance by public utilities or municipal departments, authorities or commissions of underground or overhead gas, electric, telephone and television transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

FAMILY — One or more persons who live together in one dwelling unit and maintain a common household; may consist of a single person or two or more persons related by blood, marriage or adoption or no more than five not related by blood, marriage or adoption; may also include domestic servants and gratuitous guests.

FARM — Any parcel of land containing 10 or more acres, which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of fur-bearing animals, riding academies, livery or boarding stables and dog kennels.

FENCE — A man-made structure intended to prevent intrusion, to mark a boundary, to provide privacy, or to be utilized as a screening device where required by the Zoning Chapter.

FLOOR AREA — The floor area of a building shall be determined by the sum of the areas having floors in a building, exclusive of the basement area.

FRATERNITY — See "dormitories."

GARBAGE — Any waste material derived from animal or vegetable matter.

GROUP HOME — A home established for the sole purpose of providing supervised residential-type living for mentally, physically or socially handicapped persons; may consist of a single person or of two or more persons not related by blood, marriage or adoption, but shall not exceed a total of five live-in persons. Group homes shall be subject to the same limitations and regulations by the Borough as single-family dwellings and shall meet labor and industry standards for handicap usage and fire and panic regulations.

HEDGE — A boundary or barrier formed by a dense row of shrubs or low trees.

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes; the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling; and no goods or supplies are externally displayed on the premises other than signs as provided herein. A home occupation is considered a special exception use if customers, clients, or goods come to the premises to conduct business. Further, no home occupation shall cause a nuisance or congested conditions in the neighborhood where located.

HOSPITAL — Unless otherwise specified, shall be deemed to include sanitarium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

HOTEL/MOTEL — A building designed for occupancy as the temporary residence of individuals who are lodged, with or without meals.

IMPERVIOUS SURFACE — Sidewalks, streets, driveways, patios, buildings, and all man-made constructions that water does not readily penetrate, and which thereby hinders groundwater recharge and increases runoff which leads to erosion, stream sedimentation, and flooding. Additional areas may be determined by the Borough Engineer to be impervious within the meaning of this definition.

JUNK — Any discarded materials, household furnishings, articles or items possessing value in part, gross, or aggregate, and including but not limited to scrapped motor vehicles and parts thereof, including motors, tires, bodies of motor vehicles and vehicles which are inoperable and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania; or household furnishings, but not including garbage or other organic waste, or farm machinery, provided that said farm machinery is used in connection with a bona fide farming operation.

JUNKYARD — Any place or establishment where junk is stored or accumulated on the outside of any enclosed building or structure; or where the business of selling, buying, or dealing in junk is carried on, or where two or more motor vehicles are stored which are unlicensed, inoperable, and do not have a current and valid inspection sticker as required by the Motor Vehicle Laws of the Commonwealth of Pennsylvania.

KENNEL — A structure wherein dogs or cats or other household pets are kept for the purpose of breeding, boarding, sales, or show purposes, and which conforms to the regulations of the Commonwealth of Pennsylvania and which is so constructed that dogs or cats cannot stray therefrom.

LANDFILL — An area used for the disposal of garbage and rubbish and other waste material.

LANDSCAPING — For purposes of this chapter, the planting or arranging of natural scenery, including, but not limited to, grass and other plantings, such as trees and shrubs for an aesthetic effect.

LIMITED ACCESS HIGHWAY — A highway designed to provide no direct access to properties abutting its right-of-way and including all roads designated "limited access highway."

LINE, RIGHT-OF-WAY — The dividing line between the right-of-way and the lot.

LOADING SPACE OR UNIT — An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is not less than 12 feet wide, 45 feet in length and 14 feet in height.

LOT — Land occupied or to be occupied by a building and its accessory buildings, or by dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter, and having its principal frontage on a road or on such means of access as may be determined in accordance with the provisions of the law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

LOT AREA — The total horizontal area included within lot lines excluding space with any street right-of-way, but including the area of any easement.

LOT, CORNER — A lot abutting on two or more streets at their intersection or on two parts of the same street, such streets or parts of same street forming an interior angle of less than 135°. The point of intersection of the street lot lines is the corner.

LOT COVERAGE — The percentage of the lot area that is occupied by the area of the building(s).

LOT DEPTH — The average horizontal distance between the front and rear lot lines.

LOT FRONTAGE, IRREGULAR LOTS — In the case of nonrectangular lots (i.e., flag, cul-de-sac) the average width of the lot may be submitted for the required minimum lot frontage, but the street lot frontage shall not be less than 80% of the minimum required width.

LOT, INTERIOR — A lot other than a corner lot.

LOT LINES — The lines bounding a lot as defined herein.

LOT WIDTH — The horizontal distance across the lot between the side lot lines, measured at the building line.

MAXIMUM (LOT) COVERAGE — The maximum proportion of a lot that may be occupied by buildings or structures.

MOBILE HOME — A transportable, single-family dwelling which may be towed on its own running gear and which may be temporarily or permanently affixed to real estate and used with the same or similar electrical, plumbing and sanitary facilities as immobile housing.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of two or more mobile homes for nontransient use.

MODULAR OR SECTIONAL HOME — Two or more portable units designed and built to be towed on their own separate chassis and permanently combined on site to form a single immobile dwelling unit, and having a minimum of 900 square feet of habitable floor area; shall be regarded as a single-family detached dwelling, but may be located in a mobile home park at the discretion of the owner.

NONCONFORMING USE — The lawful employment of occupancy of a land area, building or structure which was in existence prior to the enactment of this Zoning Chapter or its amendments but does not comply with the present provisions of this Zoning Chapter or amendments hereafter enacted.

OPEN SPACE — A space unoccupied by buildings or paved surfaces and open to the sky on the same lot with the building.

OUTSIDE STORAGE AREA — An outside area located on the lot or premises, enclosed by a fence or walls, for the purpose of storing equipment, materials, furniture, and temporary storage awaiting collection of trash, garbage and similar wastes.

PARKING LOT — A public or private area containing five or more parking spaces used for other than dwelling; such spaces shall be exclusive of all areas necessary to gain access to said parking spaces, including towing areas, access aisles, fire lanes and access drives within the road right-of-way.

PARKING SPACE — An off-street space measuring not less than 10 feet by 20 feet, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one automotive vehicle. Handicapped spaces shall be marked by a sign and marking on the pavement.

PLANNING COMMISSION — The Planning Commission of the Borough of Mansfield.

PLAT — A map or layout of a subdivision indicating the location and boundaries of individual properties.

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

PREMISES — Any lot, parcel or tract of land and any building constructed thereon.

PRINCIPAL USE — The major dominant use of the lot on which it is located.

PUBLIC HEARING — A meeting open to the general public held pursuant to proper public notice.

PUBLIC NOTICE — Notice published once a week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor fewer than seven days from the date of the hearing.

PUBLIC RIGHT-OF-WAY — Land reserved for use as a road, street, alley, crosswalk, pedestrianway or other public or semipublic purpose.

PUBLIC USES, APPROPRIATE — Includes public and semipublic uses of a welfare and educational nature, such as hospitals, nursing homes, schools, parks, churches, cemeteries, civic centers, historical restorations, fire stations, municipal buildings, essential public utilities that require enclosure within a building; airports, fraternal clubs and homes; and nonprofit recreational facilities.

RECREATIONAL VEHICLE — A mobile vehicle with wheels, such as a motor home or travel trailer, designed for overnight living or camping purposes. Such vehicle is not to be used as a permanent dwelling unit.

RECREATIONAL VEHICLE CAMPGROUND — A tract of land which is used or held out for the purpose of supplying to the public a parking space for two or more recreational vehicles.

REPAIRS, ORDINARY — Ordinary repairs to structures may be made without application or notice to the Building Official; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of the structure affecting the exitway requirements; nor shall "ordinary repairs" include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public safety.

RUBBISH — Any waste material or material with no apparent value or use.

SATELLITE AND OTHER ANTENNA —

A. SATELLITE TELEVISION ANTENNA — An apparatus capable of receiving communications from a transmitter or transmitter relay located in a planetary unit.

- B. OTHER ANTENNA — Any type of antenna or device for receiving signals or transmission from space or otherwise through the atmosphere other than a satellite television antenna.
- C. USABLE SATELLITE SIGNAL — A satellite signal which when viewed on a conventional television set is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

SIGN — Any surface, fabric device or structure bearing lettered, pictorial or sculptured matter intended, designed, or used to convey information visually and exposed to public view, which directs attention to an object, product, place, activity, person, institution, organization, or business. The term "sign" does not apply to a flag, emblem, or insignia of a nation, political unit, school or religious group.

SIGN, GROSS SURFACE AREA OF — The entire area within a single continuous perimeter enclosing the extreme limits of such sign. All signs shall be limited to not more than two faces. All signs shall comply with § 162-31 of this chapter. All area limitations shall be computed in square feet. Each face of a double-faced sign may equal the maximum size permitted for the particular type of sign. When individual letters are used separately on the surface of a building wall, the spaces between said letters shall be included in computing the area of the sign.

SORORITY — See "dormitories."

SPECIAL EXCEPTION — A permission or approval granted to an applicant to use land in a district for a purpose other than that generally permitted outright in that district. The permission or special exception is granted by the Zoning Hearing Board in accordance with the standards contained in the Zoning Chapter, provided generally that the specific application of the use would not prove injurious to the public interest.

STABLE — A structure wherein cattle, sheep, or horses and other related animals are kept for the purpose of breeding, boarding, sale or show.

SUBDIVISION — The division or resubdivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, transfer of ownership of building or lot development.

- A. The enumerating of lots in a subdivision shall include as a lot that portion of the original tract remaining after other lots have been subdivided therefrom.
- B. The combining of two or more recorded lots into one lot via the creation of a new deed shall not constitute subdivision, provided that no existing lot is divided by any means.

TEMPORARY STRUCTURE — A mobile or fixed facility placed or constructed for a limited time to be used as an office or storage facility during construction of the primary facility. The temporary structure is to be removed when the primary structure is completed.

TOWNHOUSE — A building or dwelling designed for or occupied by no more than one family and attached to other similar buildings or dwellings by not more than two common walls extending from the foundation to the roof and providing two direct means of access to

the outside. A townhouse is individually owned, an owner receiving a deed enabling him to sell, mortgage, or exchange his dwelling unit attached thereto by a common wall.

USE — The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, MIXED — The occupancy of a building or of a lot for more than one use, such as both a business and a residential use; both an industrial and a residential use, etc.

VARIANCE — The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by this chapter, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the chapter.

WASTE — Will be considered to be garbage, rubbish, construction debris or waste products of manufacturing processes; also to include hazardous materials as specified by the Department of Environmental Protection, such as asbestos, oils, etc.

YARD — An unoccupied space open to the sky, on the same lot with a building or structure.

- A. YARD, FRONT — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street right-of-way line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street right-of-way line. Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.
- B. YARD, REAR — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the building projected to the side lines of the lot and the rear line of the building. A building shall not extend into the required rear yard.
- C. YARD, SIDE — An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

ZONING HEARING BOARD — The Zoning Hearing Board of Mansfield Borough as duly constituted by and established pursuant to this chapter and the Pennsylvania Municipalities Planning Code Act 247, as amended.¹

ZONING PERMIT — A statement signed by the Code Official indicating that the application for permission to construct, alter or add or for land use is approved and in accordance with the requirements of the terms of this chapter.

1. Editor's Note: See 53 P.S. § 10101 et seq.

ARTICLE III
Establishment and Designation of Districts

§ 162-7. Purpose of districts.

The purpose of zoning districts is to provide for development of the broadest possible range of compatible uses in an orderly manner:

- A. Allowing more intensive development and higher population densities in those areas where public services are or will be most readily available.
- B. Maintaining low population densities in those areas in which public services are not or will not be readily available.
- C. Restricting development in those areas, which, due to natural conditions, present a direct threat to the health and safety of persons and property.

§ 162-8. Zoning Map.

The location and boundaries of said districts are hereby established as shown on the Zoning Map of the municipality, attached hereto and hereby made a part of this chapter.² Said map or maps and all notations, references and designations shown thereon shall be as much a part of this chapter as if the same were all fully described and set forth therein.

§ 162-9. Interpretation of boundaries.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the said Zoning Map, the Code Official shall make the initial determination, using the rules outlined above and a field visit to the location in question. If either party or both parties to the dispute disagree with the ruling, it may be appealed to the Zoning Hearing Board.

§ 162-10. Map amendments.

The Zoning Map may be amended by the adoption of supplementary zoning maps amending portions of the Zoning Map adopted by this chapter or by an ordinance describing the district boundaries. In the event of any conflict between a map and a boundary description, the description shall control.

§ 162-11. Zone regulations.

The zone regulations that establish the permitted uses, special exceptions and special zone restrictions for each established zone shall be those set forth in Article III, §§ 162-12 through 162-21, of this chapter.

2. Editor's Note: The Zoning Map is included at the end of this chapter.

§ 162-12. Neighborhood Business Zone (B-1).

The Neighborhood Business Zone is establish to provide area in which the principal use of land is for restricted retail establishments offering goods and services for the day-to-day needs of the nearby residential areas. This zone must be restrictive to provide protection to and compatibility with nearby residential districts. The Neighborhood Business Zone should be located on a collector street and must be serviced by adequate water and sewer facilities.

A. Permitted uses. This district shall specifically permit:

- Arcades
- Barbershops
- Beauty shops
- Billiard parlors
- Bookstores
- Candy stores
- Cigar stores
- Convenience food stores
- Electricians
- Florists
- Locksmiths
- Newsstands
- Paint stores
- Parking garages
- Parking lots
- Pet shops
- Photographic studios
- Plumbers
- Print shops
- Restaurants
- Sewing shops
- Tailors and furriers
- TV, radio and music stores
- TV sales and service
- Undertakers and funeral homes
- Upholsterers
- And all permitted uses of the R-1, R-2, R-3, and O-1 Districts

B. Conditional uses. The following uses are conditional uses:

- Public utility and essential service facilities

C. Special exception uses. The following uses are special exception uses:

Freestanding signs

And all special exception uses of the R-1, R-2, R-3, and O-1 Districts

D. Accessory uses. The following uses are accessory uses:

All accessory uses of the R-1, R-2, R-3, and O-1 Districts and other accessory uses customarily assigned to a permitted use

E. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:

- (1) All permanent buildings shall be so constructed so as to minimize pollution to the environment.
- (2) Dimensional requirements.
 - (a) Minimum lot area: 7,500 square feet.
 - (b) Minimum lot width: 70 feet.
 - (c) Minimum front yard: 35 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 20 feet.
 - (f) Maximum height: 40 feet.
 - (g) Maximum coverage: 40%.
 - (h) Stories: 2 1/2.

§ 162-13. Community Business Zone (B-2).

The Community Business Zone is established to provide areas for the general community-wide commercial needs of the Borough and is a zone in which office, general commercial, apartments and wholesale trades are located. The Community Business Zone, because of the intensity of use, is generally associated with major street intersections, large size water, storm, and sanitary utilities as well as governmental centers and public parking areas.

A. Permitted uses. This district shall specifically permit:

Automobile service stations

Bakeries

Banks and other financial institutions
Bus stations
Carpet and rug cleaners
Clothing and clothing accessory shops
Drugstores and pharmacies
Dry goods stores
Electric substations (including transformers, switches, and auxiliary apparatus) serving a distribution area
Entertainment facilities and entertainment centers
Fire and police stations
Food stores
Furniture stores
Hardware stores
Health spas and clubs
Hotels and motels
Household appliance stores
Interior decorating stores
Photo developing
Photographic equipment and supply stores
Physical culture and health services
Post offices
Professional offices
Repair shops (including musical instruments, radio, TV, household appliances and typewriters)
Restaurants
Sporting and athletic goods stores
Taxi service
Theaters
Variety shops
Youth centers
And all permitted uses of the R-1, R-2, R-3, O-1, and B-1 Districts

- B. Special exception uses. The Board may permit the following as special exception uses after a public hearing and a finding that such uses are necessary and desirable in a particular location:

Auto service stations
Freestanding signs
And all special exception uses of the R-1, R-2, R-3, O-1, and B-1 Districts

C. Conditional uses. The following uses are conditional uses:

Public utility and essential service facilities

D. Accessory uses. The following uses are accessory uses:

All accessory uses of the R-1, R-2, R-3, O-1, and B-1 Districts as well as other accessory uses customarily assigned to a permitted use

E. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:

(1) All permanent buildings shall be so constructed so as to minimize pollution to the environment.

(2) Dimensional requirements.

(a) Outside the Central Business District:

[1] Minimum lot area: 10,000 square feet.

[2] Minimum lot width: 100 feet.

[3] Minimum front yard: 25 feet.

[4] Minimum side yard: 10 feet.

[5] Minimum rear yard: 10 feet.

[6] Maximum height: 40 feet.

[7] Maximum coverage: 50%.

[8] Stories: three.

(b) Within the Central Business District:

[1] Minimum lot area: 2,500 square feet.

[2] Minimum lot width: 25 feet.

[3] Minimum front yard: none.

[4] Minimum side yard: none.

[5] Minimum rear yard: none.

[6] Maximum height: 40 feet.

[7] Maximum coverage: 70%.

[8] Stories: three.

§ 162-14. Highway Business Zone (B-3).

The Highway Business Zone is created to provide for businesses that cater specifically to the needs of the motorist. The Highway Business Zone must be located on major streets and highways. Because of its intensity of use and the potential hazard that unrestricted highway developments create for safe and convenient traffic flow, this zone will be restricted by access control regulations of the Borough.

- A. Permitted uses. This district shall specifically permit highway-oriented stores and establishments. Permitted uses are:

Animal hospitals

Automobile, truck trailer and motorcycle repair shops (including major repairs)

Auto sales, new and used

Boat sales

Bowling alleys

Building material yards, roofing, brick yards

Carpentry (including custom woodworking, furniture making, cabinet making)

Car washes

Custom body and fender shops

Dry cleaners

Fuel, ice, oil, coal, or wood sales (open or enclosed)

Kennels

Laundromats

Linen, towel and drapery service suppliers

Machinery sales and rentals, farm equipment

Manufacturing limited to the following processes and products: advertising displays; awnings, Venetian blinds and window shades; book hand-binding and tooling; brushes and brooms; hand-weaving and tapestries; medical, dental, and drafting instruments; novelty products from the following: bone, canvas, cork, feathers, felt, fur, glass, hair, horn, plastics and shells; optical goods and equipment, watches, clocks, and other similar precision instruments

Miniature golf courses

Mirror servicing and glass cutting

Monument works and stone works

Motorcycle and trailer sales

Nurseries and greenhouses

Nursing homes

Packing and crating

Silver plating and repair

Small machine shops

Soldering and welding shops

Tinsmithing
Tire sales
Tool, die and pattern making
Trucking terminals and motor freight stations
Wholesale office and show rooms, including storage
And all permitted uses of the, R-2, R-3, O-1, B-1 and B-2 Districts

- B. Special exception uses. The Board may permit the following as special exception uses after a public hearing and a finding that such uses are necessary and desirable in a particular location:

All special exception uses of the, R-2, R-3, O-1, B-1 and B-2 Districts.

- C. Conditional uses. The following are conditional uses:

Large-scale developments
Public utility and essential service facilities

- D. Accessory uses. The following are accessory uses:

All accessory uses of the R-1, R-2, R-3, O-1, B-1 and B-2 Districts as well as other accessory uses customarily assigned to a permitted use.

- E. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:

- (1) All outdoor parking and storage facilities shall be developed on dust free all-weather surface lot, screened from adjoining residential neighborhoods.
- (2) All permanent buildings shall be so constructed so as to minimize pollution to the environment.
- (3) Dimensional requirements.
 - (a) Minimum lot area: 10,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 25 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 10 feet.
 - (f) Maximum height: 60 feet. **[Amended 10-14-2009 by Ord. No. 446]**

- (g) Maximum coverage: 50%.
- (h) Stories: five. [Amended 10-14-2009 by Ord. No. 446]

§ 162-15. Conservation Zone (C-1).

The Conservation Zone is established to prevent the construction upon or alteration of rural or natural environments which have natural conditions of soil, slope, susceptibility to flooding or erosion, geological condition, vegetation or an interaction between the aforesaid which make such lands unsuitable for urban development. Further, this zone is established to protect areas of the environment that, if altered, would cause health, or pollution problems and environmental deterioration. The Conservation Zone will also insure adequate areas for future conservation and recreational pursuits.

- A. Permitted uses. This district shall specifically permit public recreation, wildlife and forest preserves and soil and water management.

§ 162-16. Industrial Zone (M-1).

The Industrial Zone is created to provide areas in which industrial uses, office, research, administrative uses, limited warehousing, wholesaling, and other similar uses may locate. This zone shall be located so as to be as compatible as possible with surrounding districts.

- A. Permitted uses. This district shall specifically permit the following uses:

- Automobile and metal appliance manufacturing and assembly
- Brick manufacturing, forges, foundries, machine shops
- Manufacturing, assembly or packing of products from previously prepared materials such as cloth, plastic, wood, paper, leather, and precious or semiprecious metals and stones
- Manufacturing of electric and electronic instruments and devices, such as televisions, radio and phonograph equipment
- Manufacture of food products, pharmaceuticals, and the like
- Petroleum storage
- Pottery manufacturing
- Radio and television transmission towers and facilities
- Structural steel fabricating shops
- Warehousing and freight terminals, wholesaling
- All permitted uses of the B-1, B-2, and B-3 Districts

- B. Special exception uses. The following are special exception uses:

- All special exception uses of the B-1, B-2, and B-3 Districts

C. Accessory uses. The following are accessory uses:

All accessory uses of the B-1, B-2, and B-3 Districts as well as other accessory uses customarily assigned to a permitted use.

D. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:

- (1) All permanent buildings shall be so constructed so as to minimize pollution to the environment and requires an environmental impact study.
- (2) Petroleum and other flammable facilities must be at least 500 feet from residential zones.
- (3) Dimensional regulations.
 - (a) Minimum lot area: 20,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 100 feet.
 - (d) Minimum side yard: 20 feet.
 - (e) Minimum rear yard: 20 feet.
 - (f) Maximum height: 40 feet.
 - (g) Maximum coverage: 50%.
 - (h) Stories: three.

§ 162-17. Office Zone (O-1).

The Office Zone is provided explicitly for the development of offices and office complexes. This zone is considered a classification with restrictions that make it compatible as a buffer or peripheral use to residential zones. Because of the intensity of use anticipated in an Office Zone, such zones must be located on higher classified streets and must be supplied with adequate water and sewer facilities.

- A. Permitted uses. This district shall specifically permit office buildings and professional buildings.
- B. Special exception uses. This district shall include all special exception uses of the R-1, R-2, and R-3 Districts.
- C. Conditional uses. The following uses are conditional uses:

Public utility and essential service facilities

- D. Accessory uses. This district shall permit accessory uses allowed in the R-1, R-2, and R-3 Districts.
- E. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:
- (1) All permanent buildings shall be so constructed as to minimize pollution to the environment.
 - (2) Dimensional requirements.
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 30 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Maximum height: 40 feet.
 - (g) Maximum coverage: 35%.
 - (h) Stories: 2 1/2.

§ 162-18. Public and Institutional Zone (P-1).

The Public and Institutional Zone is provided for the development and use of public and institutional property.

- A. Permitted uses. This district shall specifically permit the following uses:

Colleges and universities
Convent, monastery, church, or similar religious institutions
Hospitals
Libraries
Municipal buildings and facilities
Museums
Public utilities
Schools

- B. Special exception uses: none.
- C. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:

- (1) All permanent buildings shall be so constructed so as to minimize pollution to the environment.
- (2) Dimensional requirements:
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 30 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Maximum height: 70 feet. **[Amended 10-14-2009 by Ord. No. 446]**
 - (g) Maximum coverage: 25%.
 - (h) Stories: six. **[Amended 10-14-2009 by Ord. No. 446]**

§ 162-19. Low-Density Residential/Single-Family Dwelling (R-1).

The Low-Density Residential Zone is established to provide low-density development in areas where water and sewer utilities are available to accommodate necessary police, recreation, education and fire protection needs.

- A. Permitted uses. This district shall specifically permit single-family detached dwellings, and public parks and playgrounds.
- B. Special exception uses. The following are special exception uses:

Home occupations
Libraries
Temporary tract offices

- C. Conditional uses. The following are conditional uses:

Public utility and essential service facilities

- D. Accessory uses. The following are accessory uses:

Private garages
Signs as regulated by Sign Ordinance
Other accessory uses and structures customarily appurtenant to a principal permitted use

E. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:

- (1) Temporary buildings for construction purposes for periods not to exceed the duration of construction.
- (2) All permanent buildings shall be so constructed so as to minimize pollution to the environment.
- (3) Dimensional requirements.
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 30 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Maximum height: 35 feet.
 - (g) Maximum coverage: 25%.
 - (h) Stories: 2 1/2.

§ 162-20. Medium-Density Residential/Two-Family Dwelling (R-2).

The Medium-Density Residential Zone is provided for the development of medium-density residential development. This zone, with restriction, makes it compatible as a buffer or peripheral use to residential zones. Because of the intensity of use anticipated in Medium-Density Residential Zones, such zones must be supplied with adequate water and sewer facilities.

A. Permitted uses. This district shall specifically permit two-family dwellings, plus permitted uses of the R-1 District.

B. Special exception uses. The following uses are special exception uses:

Bed-and-breakfast inns
Day-care centers as a home occupation
Public utility facilities
Special exception uses of an R-1 District

C. Conditional uses. The following uses are conditional uses:

Public utility and essential service facilities

- D. Accessory uses. This district shall permit accessory uses allowed in the R-1 District as well as parking areas.
- E. Special zone restrictions. The following are conditions where special restrictions shall apply to the uses allowed in the zone:
- (1) All permanent buildings shall be so constructed so as to minimize pollution to the environment.
 - (2) Dimensional requirements.
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 30 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Maximum height: 35 feet.
 - (g) Maximum coverage: 25%.
 - (h) Stories: 2 1/2.

§ 162-21. High-Density/Multifamily Dwelling (R-3).

The High-Density Residential Zone is provided for the development of high-density residential development. Because of the intensity of use, such zone must be located on a collector or major street and must be supplied with adequate water and sewer facilities.

- A. Permitted uses. This district shall specifically permit multiple-family dwellings and townhouses and all other permitted uses of the R-1 and R-2 Districts.
- B. Special exception uses. This District shall specifically include all special exceptions uses of the R-1 and R-2 Districts as well as the following special exception uses:
- Bed-and-breakfast inns
 - Day-care businesses
 - Fraternity and sorority houses
 - Funeral homes and mortuaries
 - Medical offices
 - Mobile home parks
- C. Conditional uses. The following uses are conditional uses:

Churches
Dormitories
Public utility and essential service facilities
Schools

- D. Accessory uses. This district shall permit accessory uses allowed in the R-1 and R-2 Districts.
- E. Special zone restrictions: The following are conditions where special restrictions shall apply to the uses allowed in the zone:
- (1) All uses must be approved by the Zoning Hearing Board.
 - (2) Dimensional requirements.
 - (a) Minimum lot area: 15,000 square feet.
 - (b) Minimum lot width: 100 feet.
 - (c) Minimum front yard: 30 feet.
 - (d) Minimum side yard: 10 feet.
 - (e) Minimum rear yard: 25 feet.
 - (f) Maximum height: 35 feet.
 - (g) Maximum coverage: 40%.
 - (h) Stories: three.

§ 162-22. Uses not provided for.

Uses not provided for in any district, except R-1, R-2, and R-3, within the Borough may be permitted as a special exception by the Zoning Hearing Board in any district, except for residential districts, provided that the proposed use is of a similar nature as other uses permitted or allowed as special exception uses in that zoning district and further provided that the proposed use is compatible with and has no adverse impacts upon immediately adjacent properties. These special exception uses shall be in accordance with the standards contained in this chapter.

ARTICLE IV

Special Exception Requirements and Conditional Uses

§ 162-23. Exceptions, additions or modifications; limitations.

- A. The provisions of the Zoning Chapter shall be subject to such exceptions, additions, or modifications as herein provided by the following supplemental regulations.
- B. No conditional or special exception use shall be permitted if it:

- (1) Substantially increases traffic congestion in the streets.
- (2) Endangers the public safety.
- (3) Creates an undue concentration of population.
- (4) Impairs an adequate supply of light, air, or visibility to adjacent property.
- (5) Unduly burdens water, sewer, school, park or other public facilities.
- (6) Is detrimental to the appropriate use of adjacent property.
- (7) Endangers the safety of persons or property by improper location or design of facilities for ingress and egress.
- (8) Otherwise adversely affects the public health, safety, morals or general welfare.

§ 162-24. Special exception uses.

A. Home occupations. A home occupation is permitted as a special exception use if it is incidental and secondary to residential units, provided that:

- (1) Official residence shall be maintained by the occupant who may be an owner, a renter or a lessee.
- (2) The subsidiary use shall be located in the principal dwelling building.
- (3) The subsidiary use shall not occupy more than 40% of the gross floor area of the principal dwelling building.
- (4) There shall be a minimum of three off-street parking spaces in addition to those required under the provisions of this chapter.
- (5) No more than two assistants shall be employed on the premises.
- (6) All applicable state regulations shall be met, i.e., labor and industry approval, etc.
- (7) Permitted uses shall include, but not be limited to the following occupations:
 - (a) Professional occupations:

Accounting
Architecture
Computer consulting
Dentistry
Engineering
Financial consulting
Insurance
Law

Professional counseling
Professional consulting
Veterinarians (excluding stables or kennels)

(b) Service occupations:

Barbers
Beauticians
Custom dressmaking
Day care
Foster family care for not more than four children simultaneously
Rooming and/or boarding of not more than two persons, except that the rooming and/or boarding of diseased or mentally ill persons is prohibited
Tutoring, for not more than four students simultaneously, including music, dancing, or business schools or similar activities. It shall clearly be incidental and secondary to the use of the dwelling unit for residential purposes.

B. Bed-and-breakfast inn.

(1) Regulations.

- (a) A bed-and-breakfast inn may be located in zoning districts as set forth in §§ 162-12 through 162-21.
- (b) The number of guest rooms for transient accommodations shall not exceed three in any building having a habitable floor area of 3,000 square feet or less. One additional guest room may be added for each additional 600 square feet of habitable floor area.
- (c) The minimum lot size shall be the minimum lot size designated in the applicable zoning district, plus an additional 2,500 square feet for each guest room for any lot less than one acre.
- (d) The building shall be the principal residence of the owner.
- (e) At a minimum, parking shall be provided as required by the minimum parking regulations of the applicable district; provided, however, that one additional parking space shall be required for each guest room and for one employee, if any. In all residential districts, the minimum parking setback from an adjacent property line shall be five feet.
- (f) No more than one employee shall be permitted to work on the premises at any time, and none shall be present between the hours of 11:00 p.m. and 6:00 a.m. Members of the owner's family who are residents on the premises shall

not be considered employees, whether or not receiving compensation for services rendered.

- (g) Notwithstanding anything contained in any of the applicable district regulations, any bed-and-breakfast inn containing four or more guest rooms shall be served by public sewer.
- (h) All applicable requirements of the Pennsylvania Uniform Construction Code shall be met.
- (i) No guest may be registered for a maximum continuous period in excess of seven consecutive nights. The owner shall maintain a guest register and preserve the registration for three years. The register and all records shall be made available for inspection by the Borough Code Official at any time.
- (j) Any meals provided and amenities connected with the guest rooms, such as a swimming pool or tennis court, shall be solely for the use of the owner, the owner's family, and the owner's registered guests.
- (k) One sign shall be permitted identifying the property as a bed-and-breakfast inn. The sign shall not exceed four square feet in area, shall be set back a minimum of three feet from the road right-of-way and shall contain no information other than identification of the premises as the named bed-and-breakfast inn, proprietor(s) and address.

C. Mobile homes and mobile home parks.

- (1) Mobile homes. Mobile homes, manufactured housing, or house trailers, whether wheels are attached or not, shall be permitted only in mobile home parks which meet the requirements of this subsection. Occupied travel trailers shall meet all of the requirements specified for mobile homes.
- (2) Mobile home parks.
 - (a) No mobile home park shall have an area of less than five acres.
 - (b) Each mobile home site or space within the park shall have an area of 5,000 square feet; provided, further, that the minimum width of each site shall not be less than 50 feet.
 - (c) No mobile home site shall be located within 10 feet of its respective site lines; provided, further, that there is no less than a twenty-five-foot clearance between mobile homes and any building within the park.
 - (d) No mobile home shall be located closer than 30 feet to any property line of the park or any abutting public street or such other lesser distance as may be established by this chapter with respect to conventional buildings in the district in which the mobile home park is located.
 - (e) Not less than 10% of the gross area of the park shall be improved for the recreational use of the residents of the park.

- (f) All service and accessory buildings shall meet the requirements of this chapter and all other applicable codes and ordinances.
- (g) The park shall meet all applicable requirements of the Borough's Land Subdivision Regulations, except as herein provided.³
- (h) Permits are required for all buildings, additions and accessory structures.

D. Freestanding signs and illumination of signs.

(1) Regulations.

- (a) No sign shall exceed 35 feet in height.
- (b) No sign shall exceed one square foot for every one foot of property frontage.
- (c) No sign shall project over a public sidewalk.
- (d) No sign shall be flashing.
- (e) Any illumination of a sign shall be from the interior, or the sign may be illuminated by shielded floodlights or spotlights shielded so there is no direct light transmitted to other properties or public rights-of-way.

E. Fraternal institutions fraternity and sorority houses in R-3 Zones.

(1) Regulations.

- (a) Lot size shall be a minimum of 15,000 square feet.
- (b) Side yard setback shall be a minimum of 50 feet.
- (c) No parking shall be in the front yard of the lot.
- (d) No outdoor loudspeakers shall be allowed.
- (e) Any refuse disposal container shall be located at the rear of the structure and enclosed on at least three sides.
- (f) Screen plantings shall be used at all side and rear yard lines which abut residential uses.
- (g) Total building area shall not exceed 3,000 square feet.
- (h) One parking space for each tenant shall be provided.

F. Funeral homes in R-3 Zones.

3. Editor's Note: See Ch. 141, Subdivision and Land Development.

(1) Regulations.

- (a) Lot size shall be a minimum of 15,000 square feet.
- (b) Total building area shall not exceed 6,000 square feet.
- (c) Side yard setback shall be a minimum of 50 feet.
- (d) No parking shall be in the front yard of the lot. Well designed off-street parking shall be provided to support funeral procession activities.
- (e) A caretaker's residence may be provided within the principal building.
- (f) Signage shall be limited and approved by the Zoning Hearing Board.
- (g) Any refuse disposal container shall be located at the rear of the structure and enclosed on at least three sides.

G. Medical offices in R-3 Zones.

(1) Regulations.

- (a) Lot size shall be a minimum of 15,000 square feet.
- (b) All parking regulations of this chapter shall be met.
- (c) All parking areas which abut residential uses or districts shall have screen plantings.
- (d) Total building area shall not exceed 6,000 square feet.
- (e) Any refuse disposal container shall be located at the rear of the structure and enclosed on at least three sides.

§ 162-25. Conditional uses.

A. A conditional use is a use of land or a structure which is normally appropriate in the district where it is permitted but that, due to the specifics of that use, could cause a potential nuisance, health or safety problem. It is the intent of this section to provide standards and procedures so that uses which are classified as "conditional" fit into a particular zone in a manner so that the best interest of surrounding property, the neighborhood, and the Borough are safeguarded.

B. Authorization to grant or deny a conditional use permit.

- (1) Authorization for a conditional use shall fall within the jurisdiction of the Borough Council and must be reviewed by the Planning Commission for recommendation to Council. The Borough Council shall make the final decision after a public hearing is conducted and a hearing fee paid. A conditional use permit shall be obtained for certain uses as listed in this chapter.

- (2) The approval of the conditional use shall expire 12 months from the date of approval if the conditional use permit had not been obtained.

C. Basis of approval.

- (1) The Borough Council shall consider the effects of such approval on the health, general welfare, safety, and economic prosperity of the Borough and of the immediate area in which such use would be located; including such considerations as the effect on established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetation cover, the prevention and control of water pollution, the location with respect to the movement of traffic, and the relationship to existing or proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect from the noise, dust, smoke, odor, and other factors.
- (2) The Borough Council may set conditions for the conditional use request.

ARTICLE V

Natural Hazard Areas and Supplemental Regulations

§ 162-26. Purpose.

The purpose of this article is to protect persons from undue and unnecessary exposure to natural conditions and locations that will result in threats to their health and safety, and damage and/or destruction.

§ 162-27. Steep slopes and slide hazard areas.

No area having a slope in excess of 25% for 100 feet horizontal measures across the slope, nor any area identified by the U.S. Soil Conservation Service's Soils Maps for Tioga County as being slide-prone shall be used for the construction of any building or structure except after approval as a special exception by the Zoning Hearing Board, subject to the requirements of this chapter.

- A. Delineation of steep slope and slide hazard areas shall be the responsibility of the landowner, certified by a professional engineer, upon a general finding that said areas may exist on the site by the Code Official.
- B. If use of steep slope and slide hazards areas is requested, plans shall be prepared and presented which demonstrate appropriate design considerations to preclude any potential damage to the proposed use and which have been certified by a professional engineer.

§ 162-28. Conversions.

Conversions shall be approved by the Code Official, and must meet the requirements of all Borough ordinances and building codes.

§ 162-29. Townhouses.

The following standards shall govern the construction of townhouses:

- A. Townhouses shall be subject to the following regulations and restrictions:
- (1) Townhouses shall be built in groups of not less than four nor more than eight individual townhouse units in a single group. The maximum number of units may be increased to 10 where all said units do not front in the same direction.
 - (2) The distance between each group of townhouses shall be not less than 35 feet.
 - (3) Of the townhouses in a single group which front in the same direction, not more than two shall have the same setback. The setback shall be at least two feet.
 - (4) No single group of townhouses shall exceed a measurement of 160 feet in its longest dimension.
 - (5) The maximum height shall be no more than 35 feet with a maximum of three stories from the lowest grade level of each unit.
 - (6) Unit size. No townhouse shall be smaller than 750 square feet, and the average size of townhouses in any group shall be a minimum of 1,000 square feet.
 - (7) Lot area for each unit. No townhouse lot shall contain an area of less than 2,000 square feet, and the average size for a group of townhouses shall not be less than 2,200 square feet. Each townhouse shall have its foundation on its individual lot, except where the townhouse units are separated by a common wall, in which event the foundation may be installed equidistant on each side of the lot line for the length of a party wall and its extension along the offset of the townhouses on the abutting lots.
 - (8) A front yard setback of 20 feet shall be maintained as open space and shall not be used for service of any kind, such as clothes drying, storage, or required vehicle parking.
 - (9) Rear yard. No rear yard shall have a depth of less than 20 feet.
 - (10) No incinerators shall be permitted. Trash shall be placed in appropriate containers and removed as set forth in the Solid Waste Ordinance.⁴
 - (11) Each townhouse unit shall be equipped with its own electric, water, gas and sewer lines or connections and with its own meters therefor.
 - (12) Parking. A minimum of two off-street parking spaces shall be provided for each townhouse. Such parking spaces may be provided on the lot of the townhouse or in a commonly owned and maintained off-street parking facility, provided that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the townhouse it is intended to serve. Where on-site parking space is provided in the front yard area, it shall be limited to two parking spaces,

4. Editor's Note: See Ch. 132, Solid Waste.

and the balance of the front yard area shall be landscaped. Each townhouse site must provide its own off-street parking area and driveway thereto where on-site off-street parking is to be provided.

- (13) No parking shall be permitted on interior streets and access drives.
- (14) The coverage by the principal buildings shall be limited to 30% of the lot area. Accessory buildings shall be permitted to cover up to an additional 10% of the lot area. Parking areas and drives shall not be permitted to cover more than an additional 30% of the lot area.
- (15) Widths of rights-of-way and construction of primary interior streets shall conform to prevailing Borough street standards.
- (16) Patios and service areas. There shall be provided on each townhouse lot at least 250 square feet of patio living area, exclusive of parking and service areas.
- (17) No townhouse unit or any part thereof may be used for professional office space or in home occupations.
- (18) No townhouse unit or any part thereof may be used or occupied by more than one family.
- (19) Each townhouse unit shall have a front entrance and a rear service entrance.
- (20) In any group or groups of townhouses, usable open space for outdoor active or passive recreation shall be provided in the amount of 800 square feet per individual townhouse unit. Such required recreational space shall not be less than 25 feet in its shortest dimension and shall not be located in the required front yard, nor within 10 feet of the side or rear of the property lines.
- (21) The following maximum density for townhouse construction shall be permitted:
 - (a) One to three acres: 10 units per acre.
 - (b) Over three acres: 10 units per acre.
- (22) The following accessory buildings and structures shall be permitted: accessory community facilities buildings for recreational and meeting rooms only, which shall be designed and used exclusively to serve the townhouse occupants; garages not exceeding one story in height; storage building; and swimming pools and other recreational facilities, provided that all such accessory buildings and structures shall comply with the setback and open space requirements.
- (23) In the event that an R-3 Zone contains historically significant structures or environmentally sensitive lands, such as extremes in topography, soil conditions, flooding, or drainage problems or the existence of endangered flora or fauna, such environmentally sensitive lands may be preserved by clustering of dwelling units with no increase in gross density. Then a developer may provide a mixture of single-level and townhouse dwelling units subject to the following conditions.

- (a) There shall be a minimal overall site area of five acres.
- (b) The overall density of the development must not exceed 10 dwelling units per acre.
- (c) All height, setback and density requirements of the R-3 Zone must be adhered to.
- (d) A parking garage may be located beneath the single-level dwelling units as long as the overall height of the garage and dwelling units do not exceed the maximum allowed in the R-3 Zone. In addition, any such garage must be designed and constructed to blend harmoniously with the residential structure located above it.

§ 162-30. Adult entertainment establishments.

- A. Legislative findings. The Borough Council finds that:
- (1) A concentration of adult entertainment establishments can cause a deleterious effect on the aesthetics and economics of the areas in which these uses are located;
 - (2) In order to prevent the deterioration of communities and neighborhoods in the Borough and to provide for the orderly planned future development of the Borough, certain special regulations are necessary to insure that such developments will not contribute to the blighting or downgrading of surrounding neighborhoods; and
 - (3) For the purpose of controlling the concentration of certain uses, special regulations relating to the location of these uses are necessary.
- B. Additional definitions. As used in this section, the following terms shall have the meanings indicated:

ADULT BOOKSTORE — An establishment having a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MINI MOTION-PICTURE THEATER — An enclosed building with a capacity for fewer than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein either individually or as part of an audience group of fewer than 50 persons.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons therein.

CABARET — An adult club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

DRUG PARAPHERNALIA STORE — Any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use or possession is subject to the provisions of the Controlled Substance, Drug, Device and Cosmetic Act, 1972, April 14, P.L. 233, No. 64, 51 et seq., 35 P.S. § 780-101 et seq., including but not limited to, water pipes, pipe screens, hashish pipes, roach clips, coke spoons, bongs and cigarette rolling paper, except that this shall not be deemed to include the sale of cigarette rolling papers by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

SPECIFIED ANATOMICAL AREAS — Less than completely and opaquely covered human genitals, pubic region; buttocks; and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Acts of human masturbation, sexual intercourse or sodomy;
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- C. Application. The following uses are designated as "adult entertainment establishments" and are referred to herein as "regulated uses":
- (1) Adult bookstores.
 - (2) Adult mini motion-picture theater.
 - (3) Adult motion-picture theater.
 - (4) Cabaret.
 - (5) Drug paraphernalia stores.
- D. Prohibited conduct.
- (1) No regulated use shall be permitted:
 - (a) Within 1,000 feet of any other existing regulated use; and/or
 - (b) Within 500 feet of any residentially zoned district, or any of the following residentially related uses:
 - [1] Churches, chapels, convents, rectories, religious article or religious apparel stores.

- [2] Schools, up to and including the 12th grade, and their adjunct play areas.
 - [3] Public playgrounds, public swimming pools, public parks and public libraries.
 - [4] All other public buildings and offices.
- (2) For the purposes of this section, spacing distances shall be measured as follows:
 - (a) From all property lines of any regulated use.
 - (b) From the outward line or boundary of all residential zoning districts.
 - (c) From all property lines of any uses identified in Subsection D(1)(b)[1] through [4] above.
- E. Signs and other visible messages. All regulated uses shall be permitted signs and visible messages based on the allowable sign area of the zoning district in which they are located, provided that:
 - (1) Signs.
 - (a) Sign messages shall be limited to verbal description of material or services available on the premises; and
 - (b) Sign messages shall not include any graphic or pictorial depiction of material or services available on the premises.
 - (2) Other visible messages.
 - (a) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display material, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing, or services offered on the premises.
- F. Discontinuance of operation. Should any regulated use cease or discontinue operation for a period of 90 or more consecutive days, it may not resume or be replaced by any other regulated use unless it complies with all the requirements set forth in Subsections C, D and E.

§ 162-31. Signs.

- A. Signs may be erected and maintained only when in compliance with the provisions of this chapter.
- B. Signs in R-1, R-2, R-3, O-1 Districts. The following types of nonilluminated, nonadvertising signs are permitted in R-1, R-2, R-3, and O-1 Districts as follows:

- (1) Nameplates and identification signs.
 - (a) Nonadvertising signs. Signs indicating the name and address of the occupant or of a permitted home occupation, provided that they shall not be more than four square feet in area. Only one such sign per dwelling unit shall be permitted, except in the case of corner lots, where two such signs (one facing each street) shall be permitted.
 - (b) Advertising signs in R-3, O-1 Districts. For buildings other than dwellings, a single sign not exceeding six square feet in area may be erected, provided that on a corner lot two such signs (one facing each street) shall be permitted.
- (2) Sale or rental signs. Signs advertising the sale or rental of the premises on which they are erected and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected and maintained, provided that:
 - (a) The size of any such sign is not in excess of six square feet.
 - (b) Not more than two signs are placed on any property unless such property fronts on more than one street, in which event two more signs may be erected on each additional frontage.
 - (c) Any such sign shall be removed within 30 days of the sale or rental of the property.
- (3) Institutional signs. Signs of schools, colleges, churches, hospitals, sanatoriums or other institutions of a similar public or semipublic nature may be erected and maintained, provided that:
 - (a) The size of any such sign is not in excess of 25 square feet.
 - (b) Not more than one such sign is placed on a property unless such property fronts on more than one street, in which event one sign may be erected on each frontage.
- (4) Signs accessory to parking areas. Signs designating entrance to or exit from a parking area shall be permitted and are limited to one sign for each such entrance or exit and to a maximum size of two square feet each. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of 12 square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.
- (5) Development signs. Signs advertising the sale or development of the premises on which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided that:
 - (a) The size of any such sign is not in excess of 20 square feet.
 - (b) Not more than two signs are placed on a property unless such property fronts on more than one street, in which event two such signs may be erected on each frontage.

- (c) Any such sign shall be removed within 30 days of the final sale or rental of the property.
 - (6) Directional signs. Signs indicating the location and direction of premises available or in the process of development but not erected on such premises, and having inscribed thereon the name of the owner, developer, building or agent, may be erected and maintained, provided that:
 - (a) The size of any such sign is not in excess of six square feet and the length is not in excess of four feet.
 - (b) Not more than one such sign is erected on each 500 feet of street frontage.
 - (c) Any such sign shall be removed within 30 days of the final sale or rental of the property.
 - (7) Artisans' signs. Signs of contractors, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that:
 - (a) The size is not in excess of 12 square feet.
 - (b) Such signs are removed within five days of completion of the work.
 - (8) Private driveway. Signs indicating the private nature of a driveway or "no trespassing" signs may be erected and maintained, provided that they shall not exceed two square feet.
 - (9) Height and projection of signs. No sign in an R-1, R-2, R-3, or O-1 District shall project into the public right-of-way or sidewalks adjacent thereto or project higher than one story or 20 feet, whichever is lower.
- C. Signs in B-1, B-2, B-3, C-1, M-1, P-1 Districts. Business signs shall be permitted as follows:
- (1) Size of signs.
 - (a) Projecting signs. The size of any projecting sign affixed to a building or structure in any B-1, B-2, or B-3 District shall not exceed a gross surface area of 50 square feet; and in any C-1, M-1, or P-1 District, the size shall not exceed a gross surface area of 100 square feet. Projecting signs shall comply with Subsection D(2) of this section.
 - (b) Wall, flush or nonprojecting signs. The gross surface area of a wall, flush or nonprojecting sign shall not exceed 10% of the area of the designated surface of the building or structure where the sign is located or affixed; provided, further, however, that only that portion of the designated surface directly related to the business use shall be used in computing the permitted area of the sign.
 - (c) Freestanding signs. The maximum size of a freestanding sign will be one square foot for every one foot of building frontage. Freestanding sign in B-3

Districts shall be permitted to be of the cluster design and shall be limited to one square foot for every one foot of building width for each business. The total size of the cluster sign shall not exceed one square foot of total building width.

- (d) All signs shall be securely attached to the building or their supporting structure.
- (2) Location of signs. In any B-1 or B-2 District all signs shall be securely attached to a building. Freestanding signs shall be permitted in all other B-3, C-1, M-1, P-1 Districts only, provided that no sign is nearer to any side yard property line than 25 feet. Freestanding signs shall be allowed in any B-1 or B-2 District as approved by special exception by the Zoning Hearing Board.
- (3) Illumination of signs. Flashing signs and revolving illuminated signs shall be considered a special use permitted in M-1 Districts, provided that such signs do not create any traffic hazard nor abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in B-1, B-2, B-3, C-1, M-1, and P-1 Districts only.

D. General regulations. The following regulations shall apply to all permitted signs:

- (1) Maintenance. Signs must be constructed of durable materials and maintained in good condition.
 - (2) Projection of signs. Attached signs shall not project from any building more than four feet in the direction of the street, provided that no such sign shall extend over the public right-of-way. Signs projecting over public sidewalks shall be limited to a maximum of 20 square feet in size, a minimum height of eight feet from grade level to the bottom of the sign, and shall be of the same architecture as the building and of a design in the nature of the district in which it is located.
 - (3) Height of signs. No sign shall be higher than the height limit in the district where such sign is located, nor shall any sign be located upon the roof of any building.
 - (4) Permits (zoning) for signs. Zoning permits shall be required for all signs except signs provided for in Subsection B(3) above and other accessory residential signs. For signs in the interest of the public information and convenience, the Code Official, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
 - (5) Utility signs. Signs necessary for the identification, protection and operation of public utility facilities shall not exceed an area of two square feet.
 - (6) Fees. No fees shall be charged for any permit for the erection of a sign necessary to the public welfare.
- E. Temporary advertising signs. Temporary advertising signs (freestanding nonattached signs) shall be permitted in B-2 and B-3 Districts only. These signs shall be allowed only

after approval by the Code Official. These signs shall be limited to use for 15 days for special events and sales only during any thirty-day period. The size of these signs shall be limited to a maximum of 32 square feet in size and shall be placed so as not to obstruct any line of site.

- F. Billboard or advertising structures. The erection of billboards or advertising structures shall not be permitted in the Borough of Mansfield.

§ 162-32. Off-street parking, loading and unloading regulations.

- A. Off-street parking. In all districts, in connection with every manufacturing, business, institutional or recreational use, there shall be provided, at the time any building or structure is erected, enlarged or increased in capacity, off-street parking space for automobiles open to the public at no charge in accordance with the requirements set forth herein.

(1) Size and access.

- (a) Each off-street parking space (10 feet by 20 feet minimum) shall have an area of not less than 200 square feet, exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established with fewer than three spaces.
- (b) There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations, and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts, except where a parking area shall be less than 35 feet in depth.

(2) Number of parking spaces required.

- (a) The number of off-street parking spaces required shall be set forth in Table I.
- (b) In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Zoning Hearing Board, shall apply.
- (c) In addition to the required parking spaces, one handicapped parking space for off-street parking shall be provided, properly maintained, marked by lines on pavement, stenciled and signed.

| Uses | Table I Required Parking Spaces |
|----------------------|--|
| Churches and schools | 1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater |

Table I

| Uses | Required Parking Spaces |
|---|---|
| Community building, social halls and bowling alleys | 1 for each 200 square feet of floor area |
| Country club | 1 for each 200 square feet of floor area occupied by all principal and accessory structures, except those structures used for parking purposes |
| Dormitories | 1 for each 2 occupants |
| Dwellings | 1.5 for each family or dwelling unit |
| Funeral homes, mortuaries | 10 for each parlor |
| Hospitals, nursing and convalescent homes | 1 for each 3 beds plus 1 for each employee |
| Manufacturing plants, research or testing laboratories, bottling plants | 1 for each 1,000 square feet of floor area plus 1 for each 4 employees in the maximum working shift; the total parking area shall be not less than 25% of the building floor area |
| Medical or dental clinics | 4 spaces for each doctor's or dentist's office |
| Motels | 1 for each family unit |
| Office buildings | 1.5 per employee |
| Professional offices | 3 for each professional |
| Residential living complex (high-density) | 1 per unit |
| Restaurants, beer parlors and nightclubs | 1 for each 4 seats |
| Retail store, store groups | 2 each 300 square feet of floor area, except for supermarkets and department stores, which shall provide not less than 1 space for each 100 square feet of retail floor area |
| Theaters (movie, auditoriums, or other places of assembly) | 1 for each 3 seats |
| Wholesale establishments | 1 for each 2 employees in the warehouse's maximum working shift; the total parking area shall be not less than 25% of the building floor area |

- (d) Notwithstanding the above, for properties located within the boundary of the Central Business District, as defined in this chapter, the following reduced parking requirements shall apply: **[Added 1-12-2011 by Ord. No. 454]**

- [1] There shall be no additional parking requirements for any use or change in use for any existing building.
 - [2] For new construction within the district, required parking equal to 40% of the parking requirements of Table I. "New construction" shall be defined as any new principal building or structure, or any addition to an existing building or structure which exceeds 25% of the total square footage of the existing building or structure. The conditions and location of these parking spaces may be altered as a conditional use in accordance with § 162-25 of this chapter.
 - [3] Reduced parking requirements shall not be permitted for multifamily dwelling units.
- (3) Off-site facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same zone lot as the use to which such spaces are accessory, except that such spaces may be provided elsewhere but shall be provided within a radius of no greater distance than 250 feet from the closest property line of that zone lot, and provided further that required spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restrictions filed in an office of record, binding the owner and his heirs, survivors and/or assigns to maintain the required number of spaces available throughout the life of such use, and that such spaces shall conform to all regulations of the district in which they are located.
- B. Off-street loading. In any district, in connection with every building or building group or part thereof hereafter erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing or commercial uses or to be used for distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot as such building, off-street loading berths in accordance with the requirements of Table II following.
- (1) Size and location. Each loading space shall be not less than 10 feet in width, 25 feet in length and 14 feet in height, and such loading spaces may occupy all or any part of any required yard, except that where located adjacent to any R District, they shall set back a minimum of six feet from any property line.

Table II

Hospitals (in addition to space for ambulances)

| | |
|--|--------------|
| From 10,000 to 30,000 square feet | 1 |
| For each additional 30,000 square feet or major fraction thereof | 1 additional |

Hotel and offices, 10,000 square feet or more 1

Retail, commercial, wholesale, manufacturing, storage, and miscellaneous

| | |
|-----------------------------------|---|
| From 10,000 to 25,000 square feet | 1 |
| From 25,000 to 40,000 square feet | 2 |

Table II

| | |
|--|--------------|
| From 40,000 to 60,000 square feet | 3 |
| From 60,000 to 100,000 square feet | 4 |
| For each additional 50,000 square feet or major fraction thereof | 1 additional |
| Schools, 15,000 square feet or more | 1 |
| Undertakers and funeral homes | |
| 5,000 square feet | 1 |
| For each additional 5,000 square feet or major fraction thereof | 1 additional |

- C. Joint facilities for parking or loading. Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. No accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.
- D. Development and maintenance of parking and loading areas. Every parcel of land hereafter used as a public or private parking area or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the following requirements:
- (1) Screening and landscaping. Off-street parking areas for more than five vehicles and off-street loading areas shall be effectively screened by a fence or hedge on each side, which adjoins or faces premises situated in any R District or institutional premises. Such fence or hedge shall be not less than four feet nor more than six feet in height and shall be maintained in good condition without any advertising thereon. Any of the space between such fence or hedge and the side lot line adjoining premises or the front lot line of the facing premises in any R District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
 - (2) Minimum distances and setbacks. No off-street parking or loading area or part thereof for more than five vehicles shall be closer than 10 feet from any dwelling, school, hospital or other institution for human care or located within five feet from the established street right-of-way line or within 50 feet of any R District.
 - (3) Surfacing. Any off-street parking or loading area shall be surfaced with an asphalt, concrete, laid stone, brick, exposed aggregate or other form of nonporous material. It shall be so graded and drained as to dispose of all surface water accumulated within the area and shall be so arranged and marked as to provide for the orderly and safe loading, parking, and storage of self-propelled vehicles.

- (4) Lighting. Lighting used to illuminate any off-street parking or loading areas shall be so arranged as to reflect the light away from the adjoining premises in any R District.

E. Service stations and parking lots.

- (1) Locations of exits and entrances.

- (a) No gasoline or other motor vehicle fuel filling stations, nor commercial parking, nor automobile repair shop, nor vehicle access thereto shall be located within 200 feet of the following uses if the property owned or dedicated to such uses is located along the same street and on the same block: schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for children (day care, group home, nursing home, etc.).
 - (b) Vehicular access to the above automotive uses shall not be closer to the intersection of any two street lines than 50 feet, nor shall any such use be located within 25 feet of any boundary line of any R District.
- (2) Location of appliances or pits. No gasoline filling station or parking garage shall be permitted where any gasoline or oil pump, oil draining pit or visible appliance for any such purpose is located within 10 feet of any street line, except where such appliance or pit is within a building.

§ 162-33. Height regulations; exceptions.

- A. Public, semipublic or public services buildings, hospitals, public institutions or schools when permitted in a district may be erected to a height not exceeding 60 feet if the building is set back from each yard line at least two feet for each additional one foot of building height above the height limit otherwise provided in the district in which the building is located. **[Amended 10-14-2009 by Ord. No. 446]**
- B. Special industrial structures, such as cooling towers, elevator bulkheads, fire towers, tanks, and water towers, which require a greater height shall be permitted provided that:
 - (1) The structure shall not occupy more than 25% of the lot area; and
 - (2) The yard requirements of the district in which the structure is erected shall be increased by two feet for each foot of height over the maximum height permitted.
- C. Agricultural uses, including barns, silos, etc., are exempt from height regulations.
- D. The height limitations of this Zoning Chapter shall not apply to flagpoles, church spires, belfries, chimneys, vents, cupolas, or solar collectors.

§ 162-34. Yard requirements.

- A. All yards required to be provided under this Zoning Chapter shall be open to the sky and unobstructed by any building or structure, except for fences or accessory buildings in the rear yard.
- B. The following may project into the required yards as established in this Zoning Chapter:
- (1) Steps and stoops not exceeding 24 square feet. Handicapped access ramps shall not exceed 50 square feet.
 - (2) Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projection of chimneys, flues, vents, and air conditioners into the side or rear yard not exceeding 3.5 feet in width and placed so as not to obstruct light or ventilation.
 - (3) Sills, eaves, belt courses, cornices and ornamental features not exceeding two feet in width.
 - (4) Patios. Patios, decks and porches may not extend into the yard requirements in that district.
- C. Irregular lots. Where any main wall of a structure located on an irregular shaped lot does not parallel the lot line which a wall faces, the yard or minimum distance to the lot line at every point shall be at least equal to the minimum dimension required for the yard or minimum distance to the lot line.

§ 162-35. Lot area measurements for deep lots.

For purposes of measuring lot area on exceptionally deep lots, only the part of depth which is less than four times the average width of the lot may be utilized in calculations.

§ 162-36. Reduction in lot area.

No lot area, though it may consist of one or more adjacent lots of record, shall be reduced in area so that the yard lot area per family, lot width, building area or other requirements of this chapter are not maintained, public utilities excepted.

§ 162-37. Fences.

- A. Permit required. No fences shall be erected within the municipality without the owner of the premises, or his representative authorized in writing to make such application, first obtaining a permit from the Code Official.
- B. Applications. Applications for such fences shall be made in writing to the Code Official and shall set forth the following information:

- (1) The owner and address of the premises where the fence is to be erected.
- (2) A description and specification of the fence, including size, height, dimensions, materials and percentage of openings.
- (3) A sketch or plan of the fence showing its location on the premises.
- (4) The preferred material shall be a green living fence; other materials, ex. wood, may be used.

C. Fees. The fee for such permit shall be established by the Borough Council.

D. Height regulations; exceptions.

- (1) No fence hereafter erected, altered or reconstructed on any residential lot in any District R-1, R-2, R-3, or O-1, or on lots in any other district on which residential buildings are erected, shall exceed six feet in height above the adjacent ground level, unless a greater height shall be required for screening.
- (2) No fence hereafter erected, altered or reconstructed in the B-1, B-2, B-3, C-1, P-1 District shall exceed the height of eight feet above ground level, except as noted in Subsection D(4) below.
- (3) No fence hereafter erected, altered or constructed in the M-1 Manufacturing District shall exceed the height of 10 feet above ground level, except as noted in Subsection D(4) below.
- (4) Exceptions. The foregoing restrictions shall not be applied so as to prevent the erection of any open-wire fence, not exceeding 15 feet in height above ground level, anywhere within a public park, public playground or public school properties. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth, provided that such wall does not exceed such heights to be measured from the ground level of the highest adjacent grade.

E. Restrictions on materials and types.

- (1) The following fences and fencing material are specifically prohibited in any location on the lot upon which a dwelling or structure is situated: barbed-wire fences, sharp-pointed fences, canvas, cloth, electrically charged fences, poultry netting, temporary fences and collapsible fences, exclusive of temporary collapsible fences for the protection of children.
- (2) In all front yards of any residential lot and in any other zone on which residential properties are erected, only a decorative fence may be erected, which height is established in Subsection D.
- (3) In commercial or industrial districts, not more than four strands of barbed wire or other restraining material may be added to the top of fencing which is a minimum of eight feet in height.

F. Maintenance standards. Every fence shall be maintained in a safe, sound, upright condition and in accordance with the approved plan on file with the Code Official.

- G. Location. All fences must be erected within the property line, and no fences shall be erected so as to encroach upon a public right-of-way, or to obstruct vision exceeding three feet in height above the established grade of a street, or to obstruct vision at a height exceeding three feet above the established grade of the street at the property line on any lot within the triangle formed by the street, lot lines of such land and a line drawn along such street lot lines 30 feet distant from their point of intersection.
- H. Replacement. Any fence in existence on effective date of this chapter may continue in existence without compliance with this chapter, except that fence shall be kept painted, where applicable, and in good repair. However, no such fence that is destroyed or removed shall be replaced except in conformity with this chapter.
- I. Maintenance. If the Code Official, upon inspection, determines that any fence or portion of any fence is not being maintained in a safe, sound, upright condition, he shall notify the owner of such fence, in writing, of his findings and shall state briefly the reasons for such findings and order that such fence or portion of such fence be repaired or removed within 10 days of the date of the written notice. Each day the person fails to obey the order referred to above shall constitute a separate violation of this chapter.

§ 162-38. Hedges.

Subject to the following conditions, hedges may be erected along the boundaries of a lot:

- A. On any corner lot, no hedge, tree, shrub or other growth shall be permitted which may cause danger to traffic on a street by obscuring the view.
- B. No solid hedge or growth shall be planted or permitted to grow higher than three feet in height on any property line or street right-of-way line between the front or side street so that the sight distance from any adjacent driveway onto a public highway or sidewalk is restricted.

§ 162-39. Structure on small lot of record.

The erection of a structure on any lot of record separately owned or under contract of sale and containing at the time of passage of this chapter an area or a width smaller than required in this chapter shall be permitted only upon authorization by the Zoning Hearing Board pursuant to Section 904(a) of this chapter. In no case shall any structure be permitted within five feet of a lot line. The lot shall meet all other requirements of this chapter.

§ 162-40. Clear sight triangle requirements.

In order to prevent the creation of a traffic hazard by limiting visibility at a street intersection, no structure, building, earthen bank or vegetation exceeding three feet in height above the finished paved area at the center of the roadway shall be allowed within the clear sight triangle on corner lots.

§ 162-41. Additional structures and accessory structures.

- A. Additional dwellings. Additional residential structures may be erected on a large tract if the required minimum land area is available and if said land area is definable with a logical parcel for each such structure. Each additional dwelling must meet the required minimum lot area for the district in which it is located. Each additional dwelling must further meet yard and open space requirements of the district in which it is located. In no case shall the additional dwelling be permitted if the gross density for the specific zone is exceeded. There shall be not more than one principal dwelling nor more than two accessory structures, including a private garage, on each residential zone lot, except that seasonal transient dwelling facilities shall not be subject to the provisions of this section.
- B. Nonresidential structures. Where a lot or tract is used for a nonresidential purpose, more than one principal building may be located upon the lot or tract, but only when such buildings conform to all open space and yard requirements of the lot for the district in which the lot or tract is located.
- C. Accessory structures.
 - (1) Maximum permitted height. Accessory structures (storage sheds) shall not exceed 1 1/2 stories or 15 feet in wall height, whichever is less. Accessory garage structures shall comply with the regulations of the Pennsylvania Uniform Construction Code.
 - (2) Minimum yard regulations.
 - (a) Unattached accessory structures in R Districts. Accessory structures which are not attached to a principal structure may be erected within one of the side yards or within the rear yard in accordance with the following requirements:
 - [1] Front yard: 50 feet.
 - [2] Side yard (interior lot): five feet.
 - [3] Side yard (corner lot): same as principal structure.
 - [4] Rear yard: five feet.
 - [5] Not closer to a principal structure than 10 feet. Exception: mobile home parks.
 - (b) Attached accessory structures in R Districts. When an accessory structure is attached to the principal building, it shall comply with the yard requirements of this chapter applicable to the principal building.
 - (c) Nondwelling accessory structures in other districts. Nondwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall not be closer to any rear property line than five feet and no closer than 10 feet to principal structure.

§ 162-42. Essential service installations.

Essential service installations, as defined in this chapter, shall be permitted subject to restrictions recommended by the Planning Commission and approved by the Borough Council with respect to use, design, yard area, setback and height.

§ 162-43. General storage; outside storage areas.

- A. General storage. No lot or premises shall be used for the storage of garbage, rubbish, waste, or miscellaneous refuse storage in the open where the same may be construed as a menace to the public health or safety.
- B. Outside storage areas. Such uses shall not abut existing residential development, be located in the front yard or side yard of any residential district, a residential street or any R District. The operation thereof shall be governed by the following and any other conditions required by the Zoning Hearing Board to protect the public health, safety, comfort, convenience and general welfare, especially with regard to abutting properties and the occupants thereof:
 - (1) In residential zones, outdoor storage is prohibited. This shall not be deemed to include the display and sale of seasonal farm produce or specifically permitted outdoor uses, the outdoor parking of farm machinery or vehicles in use on a farm nor normal outdoor storage, such as firewood intended for use on the premises. It shall include furniture, household appliances, tires, construction debris and materials, salvaged materials, junk or waste of any kind, except trash, garbage and similar wastes temporarily stored in suitable containers awaiting trash collection.
 - (2) Flammable and explosive liquids. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same premises are excluded from this provision.
 - (3) Fencing and setbacks. Outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and their contents from adjacent property.
 - (4) Deposit of wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.
 - (5) Other hazardous materials. All materials or wastes which might cause fumes or dust, which constitute a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.
 - (6) There shall be no outdoor storage or parking of construction equipment except during the course of construction on the premises.

§ 162-44. Junkyards.

All junkyards existing at the effective date of this chapter shall comply with the following provisions:

- A. No junk material, appurtenant structure, or other enclosure shall be stored or placed within 50 feet of any adjoining property or public right-of-way, and such setback area shall be kept free of weeds and scrub-growth unless the adjoining property is wooded.
- B. Any junkyard shall be completely enclosed with a visual screen of evergreen or evergreen-type hedge where practical, or a maintenance-free shadow fencing may be substituted, or a tree row of a variety and size at the time of planting that such will attain a height of eight feet within three years thereafter and shall be maintained in a sound and attractive manner.
- C. All junk shall be stored or arranged so as to permit access by fire-fighting equipment and to prevent the accumulation of water, and with no junk piled to a height of more than six feet.
- D. No oil, grease, tires, gasoline or other similar material shall be burned at any time.
- E. Any junkyard shall be maintained in such a manner as to cause no public or private nuisance, nor to cause any offensive or noxious sounds or odors, nor to cause the breeding or harboring of rats, flies or other vermin.

§ 162-45. Sanitary landfills.

Sanitary landfills shall be regulated by the applicable laws of the Pennsylvania Department of Environmental Resources.

§ 162-46. Satellite and other antennas.

No person shall cause, suffer, or permit the erection and/or maintenance of any exterior parabolic dish or other radio or satellite television or device, the purpose of which is to receive television, radio and/or microwave or other electrical signals from space satellites or any other source, except as set forth herein:

- A. Any such exterior satellite television antennas or other type of antenna shall be placed within the property line setbacks as set out in the Zoning Chapter. No more than one satellite television or any other type of antenna shall be located on any lot.
- B. Each installed antenna or satellite television antenna shall meet the following requirements:
 - (1) No installations shall be allowed over or upon an easement.
 - (2) The diameter of a dish-type antenna shall not exceed 10 feet and the height of such device and its installation shall not exceed 10 feet above the roof apex. All installations must be properly supported.
 - (3) No part of the base or the satellite television antenna or other type of antenna or its installation shall be located within five feet of the side yard or five feet of the rear yard line.
 - (4) No satellite antenna or other antenna shall be erected within the front yard.

- (5) All installations shall be accomplished in a good workmanship-like manner and shall be installed so as to assure no problems resulting from wind, electrical, or other factors giving rise to an unsafe condition.
- (6) Every effort shall be made to provide under said permit that the color be in solid earth tones so as to reduce or eliminate aesthetic concerns of the adjoining properties in so far as is possible and that said color tones be maintained in such character during the usage of said satellite television antenna or any other antenna under this permit. It is the basic requirement that the colors be solid and in black, brown, green, beige or similar muted colors, including solid mesh construction.

ARTICLE VI Performance Standards

§ 162-47. Applicability.

Permitted and special exception uses enumerated in all districts, and uses accessory thereto, are subject to the performance standards and procedures prescribed in this article. If the Code Official or the Zoning Hearing Board has reasonable grounds for believing that any other use will violate these performance standards, such use, existing or proposed, shall also be subject to these performance standards.

§ 162-48. Compliance required; procedures.

- A. Prior to construction and operation. Any application for a zoning permit for a use, which is subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth herein.
- B. Continued compliance. Continued compliance with performance standards is required, and enforcement of continued compliance with these performance standards shall be a function of the Code Official.
- C. Determination of violation. The Code Official shall investigate any purported violation of performance standards and render a decision.
- D. Termination of violation. All violations as ascertained in accordance with Subsection C above shall be terminated within 30 days.

§ 162-49. Regulation of nuisance elements.

- A. Enumeration of nuisances. No land or building in any B-2, B-3, or M-1 District which shall be used or occupied for manufacturing purposes shall be operated in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; electrical or other disturbance; glare or other substance, condition or element in such amount as to adversely affect the surrounding area or premises (referred to herein as "dangerous or objectionable elements"), provided that any use permitted by this chapter

may be undertaken and maintained in any B-2, B-3, or M-1 District if it conforms to the regulations of this section limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

- B. Locations where determinations are to be made for enforcement of performance standards. The determination of the existence of any dangerous and objectionable elements shall be made at:
- (1) The point or points where such elements shall be most apparent for fire explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
 - (2) The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

§ 162-50. Enumeration of standards.

- A. Fire and explosion hazards. In all activities involving flammable and explosive materials and in all storage of such materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices standard in such industry. Burning of waste materials in open fire is prohibited. Also, the owner shall register with the Fire Department flammable and explosive hazards as to type and location.
- B. Radioactivity or electrical disturbance. No activities shall be permitted which emit dangerous radioactivity nor shall any electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance be permitted.
- C. Noise.
- (1) At the points of measurement specified, the maximum sound-pressure level radiated in such standard octave band by use or facility (other than transportation facilities and temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table III after applying the corrections shown in Table IV. The sound-pressure level shall be measured with a sound-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, New York, and American Standard Specification for an Octave-Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.)

Table III

| Frequency Ranges Containing Standard Octave Bands and Cycles per Second | Octave Band Sound-Pressure Level in Decibels re: 0.0002 Dyne/cm² |
|--|--|
| 200 to 300 | 60 |
| 300 to 2,400 | 40 |
| Above 2,400 | 30 |

- (2) If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table IV shall be applied to the octave band levels given in Table III.

Table IV

| Type or Location of Operation or Character of Noise | Correction In Decibels |
|---|-------------------------------|
| Daytime operation only | 5 |
| Noise source operates less than ¹ | |
| 20% of any one-hour period | 5 |
| 5% of any one-hour period | 10 |
| Noise of impulsive character, hammering, etc. | -5 |
| Noise of periodic character, hum, speech, etc. | -5 |
| Property located in B-2, B-3, or M-1 District and is not within 500 feet, measured horizontally or vertically, of any R District | 5 (B-2, B-3) 10 (M-1) |

NOTE:

- ¹ Apply one of these corrections only.

- D. Vibration. No vibration shall be permitted which is detectable without instruments at the points of measurement specified in § 162-49B.
- E. Glare. No direct or sky-reflected glare shall be permitted, whether from floodlights or from high-temperature processes, such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in § 162-49B. This restriction shall not apply to signs otherwise permitted by the provisions of this chapter.
- F. Smoke. No emission shall be permitted from any chimney or otherwise of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Co., Inc., and copyrighted 1954 (being a direct

facsimile reduction of a standard Ringelman Chart as issued by the United States Bureau of Mines), except that visible gray smoke of a shade equal to No. 3 on said chart may be emitted for four minutes in any 30 minutes.

- G. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the zone lot from which they are emitted.
- H. Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases, and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling.
- I. Grass and weeds.
 - (1) No person, firm, or corporation owning or occupying any property within the Borough of Mansfield shall permit any grass or weed or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of six inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Borough in violation of any of the provisions of this subsection is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Borough.
 - (2) The owner of any premises, as to vacant premises or premises occupied by the owner, or the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of Subsection I(1) above.

ARTICLE VII Nonconforming Uses and Buildings

§ 162-51. Permitted continuation.

A nonconforming use may continue, be bought or sold, altered, restored or extended subject to the provisions of this article even though such use does not conform to the regulations established in this chapter for that use.

§ 162-52. Alterations.

- A. A nonconforming building or structure may be altered or improved within the confines of the existing building.
- B. A nonconforming building or structure may be altered or improved or reconstructed in excess of 50% of the fair market value of the building or structure, but not exceeding 100% of the fair market value as determined by the Tioga County Assessor if approved as a special exception by the Zoning Hearing Board.

- C. A nonconforming building or structure may be altered to the extent necessary if such alteration is intended and will result in the building or structure's conversion to a conforming use.

§ 162-53. Extension or expansion.

A nonconforming use may be extended upon approval as a special exception by the Zoning Hearing Board subject to and provided that the following conditions are met:

- A. The extension does not encroach upon the front, side and rear yard requirements and the maximum building height requirements of this chapter.
- B. The extension is for the purposes of expanding the nonconforming use in existence at the time of the adoption of this Zoning Chapter.
- C. Such extension does not result in an increase in total floor area, or lot use area of more than 100% of the original floor area or lot area.
- D. Adequate parking can be provided in conformance with this chapter to serve both the original, plus expanded use.
- E. Such expansion does not present a threat to the health or safety of the community or its residents.

§ 162-54. Special exception uses; special zone restrictions.

- A. Special exception. Special exception uses shall be permitted only upon authorization by the Zoning Hearing Board pursuant to § 162-66C of this Zoning Chapter and provided that such uses are found to comply with the following requirements and other applicable requirements in this chapter. The Planning Commission will review all applications for special exception uses and variances and make a written recommendation to the Zoning Hearing Board.
 - (1) The use is a permitted special exception use as set forth in §§ 162-12 through 162-21 of this chapter.
 - (2) The use is designed, located and proposed to be operated so the public health, safety, welfare, and convenience will be protected.
 - (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - (4) The use shall be compatible with adjoining development and the proposed character of the zone district where it is located.
 - (5) Adequate landscaping and screening are provided as required in § 162-32D of this chapter or as otherwise stated herein.
 - (6) Adequate off-street parking and loading are provided, and ingress and egress are designed to cause minimum interference with traffic on abutting streets.

- (7) The use conforms to all applicable regulations governing the district where located, except as may otherwise be determined for large-scale development.
- B. Special zone restrictions. No nonconforming property, building, structure or use shall be changed to another type of nonconforming use, except as a special exception under the provisions of this chapter. Such an exception shall not result in greater impact on a particular zone than the original nonconforming use.

§ 162-55. Restorations.

- A. A building which is damaged by fire, explosion, flood or other casualty to the extent of 75% or more of its value (exclusive of walls below grade) at the date of damage as determined by fair market value of the building, and which does not comply with the use, area or height regulations of this chapter, shall not be restored except in conformity with the regulations of this chapter.
- B. A lawful nonconforming building destroyed to the extent of less than 75% of its value (exclusive of walls below grade) by fire, explosion, flood or other casualty or is legally condemned, may be reconstructed and used for the same nonconforming use, provided that:
 - (1) The reconstructed building shall not exceed in height, area or volume, the building destroyed or condemned; and
 - (2) Building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption.

§ 162-56. Abandonment.

- A. The nonconforming use of a building or land which has been abandoned shall not thereafter be returned to such nonconforming use. A nonconforming use shall be considered abandoned when one of the following conditions exists:
 - (1) When the written intent of the owner to discontinue the use is made known to the Borough.
 - (2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year unless other facts show intention to resume the nonconforming use.
 - (3) When a nonconforming use has been discontinued for a period of one year.
 - (4) When it has been replaced by a conforming use.
 - (5) When it has been changed to a use permitted as a special exception by the Zoning Hearing Board.

- B. Any nonconforming use of a sign or billboard which is discontinued or not used for six months shall not be resumed; and if any sign or billboard is removed, it shall not be reconstructed.

§ 162-57. Unsafe structures.

Nothing in this chapter shall prevent the strengthening of or restoring to a safe condition any portion of a building or structure declared unsafe by an officer of the Borough.

§ 162-58. Previously approved construction.

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a permit has been issued and the construction of which shall have diligently pursued within one year of the date of such permit.

§ 162-59. Registration.

The Code Official shall prepare a list registering all nonconforming uses existing at the time of the legal enactment of this chapter. Said list shall include a general description of the nature and extent of the nonconformity and may include photographs as documentation. Further, said list shall be maintained for public use and information.

**ARTICLE VIII
Authority; Amendment**

§ 162-60. Statutory authority.

This Zoning Chapter is adopted in compliance with the provisions of Article VI, Sections 601, 603, 604, 606, 607, 608, 609 and 610 of Act 247, as amended, known and cited as the "Pennsylvania Municipalities Planning Code."⁵

§ 162-61. Amendment.

This Zoning Chapter may be amended from time to time as deemed necessary for the public welfare of convenience, in compliance with the provisions of Article VI, Sections 603, 604, 605, 607, 608, 609, 609.1, 609.2, and 610 of Act 247, as amended, known and cited as the "Pennsylvania Municipalities Planning Code."⁶

- A. Enactment of amendment. The Borough Council and the Planning Commission may initiate an amendment to this chapter. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In the case of an amendment prepared by other than the Planning Commission, the Borough Council shall submit said amendment to the Planning Commission for recommendations,

5. Editor's Note: See 53 P.S. §§ 10601, 10603, 10604, 10606, 10607, 10608, 10609 and 10610.

6. Editor's Note: See 53 P.S. §§ 10603, 10604, 10605, 10607, 10608, 10609, 10609.1, 10609.2 and 10610.

at least 30 days prior to the public hearing. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, to include land not previously affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. Thirty days prior to the public hearing held by the Borough Council, the Borough Planning Commission shall submit the proposed amendment to the Tioga County Planning Commission for recommendations.

- B. Procedure upon curative amendment. A landowner who desires to challenge on substantive grounds the validity of this chapter, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment or amendments be heard and decided in the manner prescribed by Act 247, the Pennsylvania Municipality Planning Code, and further defined as follows:

(1) Procedure for filing for curative amendment.

- (a) The landowner shall make a written request to the Borough Council that it is to hold a hearing on his challenge. The request shall contain a short statement reasonably informing the Borough Council of the matters that are in issue and of the grounds for the challenge.
- (b) Such request may be submitted at any time but if an application for a permit or approval is denied under this chapter, the request shall be made not later than 30 days after notification of such denial. In such case, if the landowner elects to make the request to the Borough Council and the request is timely, the time within which he may seek review of the denial of the permit or approval on other issues shall not begin to run until the request is finally disposed of.
- (c) The request shall be accompanied by plans and other materials describing the use or development proposed by the landowner. Such plans and other material may be general in nature, but should provide a sufficient base for evaluating the challenge.

(2) Public hearing.

- (a) Upon petition the Borough Council shall hold a hearing thereon within 60 days of the filing request.
- (b) At least 30 days prior to the hearing, the Borough Council shall refer the proposed amendment to the Borough Planning Commission and the Tioga County Planning Commission for recommendations.
- (c) The public notices of the hearing shall, in addition to the requirements for advertisement for any amendment, indicate that the validity of this chapter is in question and shall indicate the place and times a copy of the landowner's request, including all plans submitted and the proposed amendment(s) may be examined by the public.
- (d) The public hearing shall be conducted within the following guidelines:

- [1] The President or acting President of the Borough Council presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - [2] The parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - [3] Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
 - [4] The Borough Council shall keep a stenographic record of the proceedings, and a transcript of the proceedings as well as copies of graphic or written material received in evidence shall be made available to any party at cost.
 - [5] The Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved, except upon notice and opportunity for all parties to participate; shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surrounds after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.
- (e) The hearing may be postponed or continued at the request of the landowner or the Borough Council or by mutual consent of the landowner and Borough Council.
- (3) Procedure for rendering normal action. Upon completion of the hearing, the Borough Council shall render a decision and communicate said decision to all parties within 30 days.
- (a) Approval of the amendment shall be granted by formal affirmative vote at a regular or special meeting of the Borough Council.
 - (b) The landowner's request shall be considered denied when:
 - [1] The Borough Council notifies the landowner that it will not adopt the amendment.
 - [2] The Borough Council adopts another amendment which is unacceptable to the landowner.
 - [3] The Borough Council fails to act on the landowner's request within 30 days of the close of the last hearing, unless the time is extended by mutual consent of the landowner and Borough Council.

- (c) Appeal. Any action taken or decision rendered under this article may be appealed by any parties aggrieved by said action or decision under the provisions and procedures in Act 247.

ARTICLE IX
Zoning Hearing Board

§ 162-62. Creation; membership.

- A. A Zoning Hearing Board as defined by Act 247, as amended, titled the "Pennsylvania Municipalities Planning Code," is hereby created.
- B. Membership of the Zoning Hearing Board. The membership of the Board shall consist of five residents of the Borough of Mansfield appointed by the Borough Council. The terms of office of the five-member Board shall be three years and shall be so fixed that the term of office of no more than two members of the five-member Board shall expire on any year. The Board shall promptly notify the Borough Council of any vacancies that occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality, except no more than one member may also be a member of the Planning Commission. There shall also be one or more alternate members appointed by the Borough Council, as set forth in Section 903 (b) of the Municipalities Planning Code,⁷ who shall serve a three-year term. The alternate member shall serve on the Board if a quorum cannot be achieved. This alternate shall remain seated in all proceedings involving the case until the Board makes a decision.

§ 162-63. Removal of members.

Any Zoning Hearing Board member may be removed for malfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

§ 162-64. Organization.

The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, but the Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Article IX, Section 908 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.⁸ The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough

7. Editor's Note: See 53 P.S. § 10903(b).

8. Editor's Note: See 53 P.S. § 10908.

and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council once a year.

§ 162-65. Powers and duties.

- A. The Zoning Hearing Board shall have the powers and duties granted to it pursuant to Act 247, the Pennsylvania Municipal Planning Code, as amended.
- B. The Zoning Hearing Board shall hear and decide appeals from any order, requirement, decision or determination made by the Code Official in the administration of this chapter.
- C. The Zoning Hearing Board shall hear and decide all matters referred to it or upon which it is required to pass under this chapter.
- D. Variances.
 - (1) The Zoning Hearing Board shall hear requests for variances from the requirements of this chapter where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the applicant following the procedures set forth in § 162-66. The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case.
 - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Chapter in the neighborhood or district in which the property is located;
 - (b) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - (c) That such unnecessary hardship has not been created by the appellant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
 - (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Act and the Zoning Chapter.

- E. The Zoning Hearing Board shall hear and decide requests for special exceptions in those cases where this chapter indicates a special exception may be granted subject to compliance with the standards and criteria prescribed. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of the chapter.
- F. The Zoning Hearing Board may conduct a hearing and take evidence on a substantive challenge and amendment to this chapter filed by a landowner. The Zoning Hearing Board may further make findings of fact relative to the challenge, and cause to be made a record or transcript, which may serve as the basis for further action. The Zoning Hearing Board shall have the power to decide all contested questions, including validity claims.

§ 162-66. Procedures.

- A. Variance.
 - (1) The landowner shall file a request for a variance with the Code Official along with all maps, plans and text that may be relevant to the request. A fee specified by the Borough Council shall accompany said request.
 - (2) The Code Official shall transmit the request and any information received therewith, along with his file on said issue, forthwith to the Zoning Hearing Board.
 - (3) Upon receipt of a request for variance, the Zoning Hearing Board shall hold a hearing on said request within 60 days.
 - (4) The Zoning Hearing Board shall render a decision and inform the applicant in writing of said decision within 45 days of the final hearing date.
 - (5) Expiration of variance. Any variance authorized by the Zoning Hearing Board which is not exercised within one year from the date of issuance shall expire automatically without a further hearing by the Zoning Hearing Board.
- B. Appeal of the Code Official's decision. Appeals arising from the Code Official's decision on a specific provision of this chapter shall be handled in the same manner as a variance request.
- C. Special exception.
 - (1) The landowner shall file a request for the granting of a special exception along with all maps, plans and text that may be necessary to explain the development proposed and its conformance with the standards and criteria of this chapter with the Code Official. A fee specified by the Borough Council shall accompany said request.
 - (2) The Code Official shall transmit the request and background data forthwith to the Zoning Hearing Board.
 - (3) The Zoning Hearing Board shall schedule a public hearing with public notice within 60 days of said request.

- (4) The Board shall render a decision and inform the applicant in writing of said decision within 45 days of the final hearing date. The Chairperson may unilaterally continue the proceedings.
- (5) A special exception use shall be deemed to authorize only one particular use and shall expire if the special exception use shall cease for more than one year for any reason.

§ 162-67. Time limitations.

As provided by Act 247, the Pennsylvania Municipalities Planning Code, as amended, any person aggrieved by the rendering of a decision by the Borough Council, Planning Commission or Zoning Officer shall have 30 days in which to file an appeal or request for review with the Zoning Hearing Board from the date of said decision.

§ 162-68. Appeals.

As provided by Act 247, as amended, the Pennsylvania Municipalities Planning Code, as amended, appeals from a decision of the Zoning Hearing Board shall be filed and handled in the manner prescribed by Act 247, as amended, the Pennsylvania Municipalities Planning Code. Appeals will be referred to the Planning Commission for site plan review and written comments and recommendations to the Zoning Hearing Board.

**ARTICLE X
Administration**

§ 162-69. Code Official.

- A. Appointment. The position of Code Official for Mansfield Borough is hereby created, and the Borough shall appoint a Code Official pursuant to the provisions of Section 614 of Act 247, as amended, the Pennsylvania Municipalities Planning Code.⁹
- B. Powers and duties. The Code Official shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the requirements of this chapter. Within this power, the Code Official shall have duties as follows:
 - (1) The Code Official shall receive applications for and issue all required permits, certificates of use and occupancy and stop-work orders in accordance with the provisions of this chapter.
 - (2) The Code Official shall make all the required inspections or he may, subject to the approval of Borough Council, engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise.

9. Editor's Note: See 53 P.S. § 10614.

- (3) At least annually, the Code Official shall submit to the Borough Council a written statement of all zoning and sign permits, certificates of use and occupancy issued, and notices and orders issued.
- (4) An official record shall be kept of all business and activities of the office of the Code Official specified by provisions of this Zoning Ordinance, and all such records shall be open to public inspection at all appropriate times.

§ 162-70. Zoning permits.

- A. Zoning permit.
 - (1) A zoning permit shall be required prior to the issuance of any building permit or making any modifications. The zoning permit is intended to verify the present zoning classification of the subject property in order to establish the uses allowed by right, or through the written approval of the Zoning Hearing Board.
 - (2) No persons shall commence to erect, construct an addition, conversion, or alteration of any building or portion thereof prior to the use or change in use of a building or land and prior to the changes or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection, conversion or alteration of any building or for a change in land use, until a permit has been duly issued. No zoning permit shall be required in cases of normal maintenance activities or ordinary repairs.
- B. Zoning permit, signs. No permanent or temporary sign as describe in this chapter shall be erected until a zoning permit has been issued by the Code Official.
- C. Zoning permit, fence. No fences, permanent or temporary, as describe in this chapter shall be erected until a zoning permit has been issued by the Code Official.
- D. Zoning permit, satellite and other antenna. No exterior parabolic dish or other radio or satellite television device as describe in this chapter shall be erected until a zoning permit has been issued by the Code Official.
- E. Zoning permit, accessory structures. No accessory structure as describe in this chapter shall be erected until a zoning permit has been issued by the Code Official.
- F. Zoning permit, demolition. No structure, commercial or residential, or section thereof, shall be demolished until the Code Official has issued a zoning permit.
- G. Zoning permit, pool. No pool as describe in this chapter shall be erected until a zoning permit has been issued by the Code Official.
- H. Zoning permit, parking lot. No commercial parking lot as described in the Ordinance shall be constructed or altered until the Code Official has issued a zoning permit.
- I. Special exception uses and variance permits. The Code Official, upon the orders of the Zoning Hearing Board, may issue a zoning permit for a special exception use or a variance request after a public hearing is held by the Board for the purpose of deciding on the request.

J. Temporary zoning permit.

- (1) Temporary permits are required where it is intended that a mobile, temporary or seasonal use be located anywhere in the Borough for a very short period of time. Temporary permits are limited to a four-week period, renewable for a maximum of four additional weeks, during any one calendar year unless otherwise specified in this chapter.
- (2) No temporary permit shall be issued for any temporary use where said use would violate any of the provisions of this Zoning Chapter.
- (3) Written request to the Code Official for a temporary permit shall be processed within one week after receipt of the request and payment of a fee as predetermined from a fee schedule adopted by the Borough Council, provided that the use does not violate any provisions of this Zoning Chapter.

K. Time limitation for zoning permit.

- (1) Limitation of time for construction under permit. From the date of issue of the zoning permit, construction must begin within six months and be completed within one year of the time of the start of construction. Extensions of up to six months will be granted beyond the one-year completion date. Requests for extensions will be filed with the Code Official. There will be a monthly charge of 10% of the initial permit fee for each extension granted. Projects expected to require more than one year to complete shall be so stipulated at the time of the application for a permit or at site review.
- (2) Applications for permits. All applications for zoning permits shall be accompanied by site plans in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon and the exact size and location of any buildings.
 - (a) No building or structure shall be erected, converted, altered, remodeled, added to or structurally altered until a zoning permit therefor has been issued by the Code Official. All applications for zoning permits shall be in accordance with the requirements of this Zoning Chapter, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition, conversion, or alteration or use thereof would be in violation of any of the provisions of this chapter.
 - (b) General maintenance and repair of existing buildings which does not alter or convert the basic structure, create additional lot area coverage, or change the use of the parcel or building is exempt from this specific requirement.
 - (c) All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use as intended of the building and shall be accompanied by two copies of the site plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and

provide for the enforcement of this Zoning Chapter. When complete and accurate information is not readily available from existing records, the Code Official may require an applicant to furnish a survey of the lot by a registered engineer or registered surveyor.

- (d) One copy of such site plan shall be returned when approved by the Zoning and Codes Officer together with the permit to the applicant upon payment of a fee as predetermined from a fee schedule adopted by the Borough Council.
- (3) Fees. Fees for zoning permits shall be established by the Borough Council as it deems necessary.
- L. Revocation of permits. The Code Official shall revoke a zoning permit if it appears that the application or plan is misleading or that the work performed differs materially from the specifications. All copies of the zoning permit shall then be surrendered. Before issuing a new permit the official may require that an indemnity bond be filed in favor of the Borough of Mansfield, sufficient to cover the costs of compliance with the chapter and costs of removal of the use if it does not comply.

§ 162-71. Building permits; occupancy permits.

- A. Building permits. No building or structure shall be erected, reconstructed, structurally altered, enlarged, or moved, nor shall any land or building be used until a building permit has been secured from the Code Official. Building permits shall be required for all structures as required by the Borough of Mansfield's Building Construction Ordinances and the Pennsylvania Uniform Construction Code. Upon completion of the work authorized by such permit, the applicant shall notify the Zoning and Codes Officer of such completion. No permit shall be considered as complete or as permanently effective until the Code Official has issued the certificate of occupancy, as provided in Subsection B.
- (1) Limitation of time for construction under permit. From the date of issue of the building permit, construction must begin within six months and be completed within one year of the time of the start of construction. Extensions of up to six months will be granted beyond the one-year completion date. Requests for extensions will be filed with the Code Official. There will be a monthly charge of 10% of the initial permit fee for each extension granted. Projects expected to require more than one year to complete shall be so stipulated at the time of the application for a permit or at site review.
- (2) Applications for permits. All applications for building permits shall be accompanied by construction plans in duplicate, drawn to scale, showing the actual shape and dimensions of the structure to be built.
 - (a) No building or structure shall be erected, converted, altered, remodeled, added to or structurally altered until the Code Official therefor has issued a building permit. All applications for building permits shall be in accordance with the requirements of this Zoning Chapter and the Pennsylvania Uniform Construction Code, and unless upon written order of the Zoning Hearing

Board, no such zoning permit shall be issued for any building where said construction, addition, conversion, or alteration or use thereof would be in violation of any of the provisions of this chapter.

- (b) General maintenance and repair of existing buildings which does not alter or convert the basic structure, create additional lot area coverage, or change the use of the parcel or building is exempt from this specific requirement.
- (c) All requests for building permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use as intended of the building and shall be accompanied by two copies of the construction plans, drawn to scale, showing the actual dimensions of the structure to be built and such other information as may be necessary to determine and provide for the enforcement of this Zoning Chapter and the Pennsylvania Uniform Construction Code as governed by the Pennsylvania Department of Labor and Industry. When complete and accurate information is not readily available from existing records, the Code Official may require an applicant to furnish a survey of the lot by a registered engineer or registered surveyor.
- (d) One copy of such construction plans shall be returned, when approved by the Code Official, together with the permit, to the applicant upon payment of a fee as predetermined from a fee schedule adopted by the Borough Council.

B. Occupancy permit.

- (1) A certificate of occupancy, either for the whole or for a part of a new building or for the structural alteration or conversion of an existing building shall be applied for coincident with the application for a building permit and shall be issued within 10 days after the erection or alteration of such building or part of a building shall have been completed and after due inspection shows the same to be in conformance with the provisions of this Zoning Chapter.
- (2) A certificate of occupancy for the use or occupancy of vacant land or for a change of use in an existing building shall be applied for and issued before any such land or building shall be occupied, used or changed in use and such certificate of occupancy shall be issued within 10 days after application has been made, provided that such proposed use is in conformance with the provisions of this chapter.
- (3) A fee shall be charged for an application for a certificate of occupancy. The Borough Council, per a fee schedule, shall determine the charge.
- (4) Refusal by the Code Official to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.
- (5) Occupancy permits are required for the following:
 - (a) Occupancy of a new building.
 - (b) Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.

- (c) Change (conversion) in the use of an existing building other than to a use of the same type.
- (d) Occupancy and use of unimproved or vacant land.
- (e) Change (conversion) in the use of land except to another use of the same type.
- (f) Any change in use of a nonconforming use to a conforming use.
- (g) Before occupancy of any vacant, public, commercial or industrial building.
- (6) Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of law and of this Zoning Chapter and all other ordinances of the municipality. They are deemed to authorize and are required for both initial and continued occupancy and use of the building and land so long as such building and use is in full conformity with the provisions of the chapter.

§ 162-72. Inspections.

It shall be the duty of the Code Official, or his duly appointed representative, to make the following minimum number of inspections on property for which a zoning or building permit has been issued.

- A. Prior to issuance of a permit.
 - (1) A record shall be made indicating the time and date of the inspection and the finding of the Code Official in regard to conformance with the Zoning Chapter and the construction plans submitted with the application for the permits.
 - (2) If the actual construction does not conform to the application or Zoning Chapter, a written notice to cease construction shall be issued by the Code Official, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Code Official, construction shall proceed.
- B. Inspections shall be made by the Code Official or his duly appointed representative, within 72 hours of notification by the applicant, or his representative, that an inspection is needed. Inspections shall be required as set forth in the Pennsylvania Uniform Construction Code, or the Building Code adopted by the Borough Council. Additional inspections may be conducted as may be necessary to determine and provide for the enforcement of this Zoning Chapter and the Pennsylvania Uniform Construction Code as governed by the Pennsylvania Department of Labor and Industry. A record shall be made indicating the date and time of the inspection and the findings of the Code Official.
- C. At the completion of construction. A record shall be made indicating the time and date of the inspection, the findings of the Code Official in regard to the issuance of an occupancy permit and conformity with the Zoning Chapter and the Pennsylvania Uniform Construction Code.

§ 162-73. Site plan review.

- A. Before any building permit is issued for any commercial or rental structure, the site plan shall comply with the Borough's Subdivision and Land Development Ordinance.¹⁰
- B. Site plan review. Prior to the issuance of a building permit in any district for new construction, alterations, or conversions, the Code Official shall approve a site plan and application for said use. In conducting such review, the Code Official shall require that all the provisions of these regulations be complied with.

**ARTICLE XI
Enforcement****§ 162-74. Complaints of violations.**

Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Official who shall properly record such complaint and immediately investigate and report thereon.

§ 162-75. Restriction on property with violations.

No special exception use or variance permit shall be issued for a property where there is an existing violation.

§ 162-76. Abatement of violations.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the Borough Council or, with its approval, the Code Official or other proper official, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

§ 162-77. Violations and penalties.

Any person, partnership, corporation or firm who or which shall violate the provisions of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$500. In default of payment of the fine, such person, or in the case of a corporation, company, partnership or association, the members of such partnership or the officers of such corporation, company, partnership or association shall be liable to imprisonment for not more than 60 days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of the Zoning Chapter shall be paid over to the Borough of Mansfield.

10. Editor's Note: See Ch. 141, Subdivision and Land Development.

ARTICLE XII
Interpretation; Conflicts

§ 162-78. Interpretation; effect on other requirements.

The interpretation and application of the provisions of this chapter shall be held to be the minimum requirements for the promotion of the health, safety and general welfare of the Borough of Mansfield and its citizens. This chapter is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Borough previously adopted or permits previously issued by the Borough, which are not in conflict with any provisions of this chapter, nor is it intended by this chapter to interfere with, abrogate, or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of a building or premises, or upon the height of a building, or requires larger open spaces than are imposed by other such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provision of this chapter shall prevail.

ZONING
162 Attachment 1



