

45-Day Review Period Draft

Mayfield Borough Zoning Ordinance

08/03/2026 – 09/17/2026

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Borough Building for review.*

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1. General Provisions

1.1 Title and Short Title

111. Title and Authority.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures; the height, number of stories, and size and bulk of buildings and structures; the density of population; off-street parking; and similar accessory regulations in Borough of Mayfield, Lackawanna County, Pennsylvania, and for said purposes dividing Borough of Mayfield into districts and establishing the boundaries thereof, prescribing certain uniform regulations for each such district, and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. § 10101 et seq., as amended.

112. Short Title.

This Ordinance shall be known and may be cited as the “Borough of Mayfield Zoning Ordinance.”

1.2 Purpose

This Ordinance is enacted for the following purposes:

121. To promote, protect and facilitate any or all of the following: the public health, safety, and the general welfare: coordinated and practical community development and proper density of population: emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, vehicle parking and loading space, transportation, water, sewerage, schools, recreation facilities, public grounds, the provision of a safe reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements: as well as the protection of prime agricultural land, and the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
122. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
123. To provide for the use of land within the Municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-

family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.

124. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

1.3 Community Development Objectives

This Zoning Ordinance is enacted as part of the overall plan for the orderly growth and development of Borough of Mayfield. As such, this Ordinance is based upon the expressed or implied community development goals and objectives in the Community's adopted Comprehensive Plan as well as those listed below.

131. Community Goals

- a. To provide a balanced pattern of development which emphasizes an efficient and compatible arrangement of residential, commercial, industrial, and public uses.
- b. To preserve and protect natural resources.
- c. To coordinate land development with roadways and other public facilities and utilities.
- d. To preserve adequate open space, conserve and protect the aesthetic qualities of the land and restrict development in areas, such as flood plains, which will lead to severe problems.
- e. To provide adequate water and sewer facilities in areas where it is economically feasible to do so. Where municipal service is not practical, encourage developers to provide central water and sewer systems.
- f. To provide adequate fire protection.
- g. To develop and maintain adequate public open spaces, including recreational facilities for all age groups.
- h. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

132. Land Use Planning Goals

- a. Residential Land Use Goals. A variety of residential densities and types should be encouraged meet the physical, social, and economic demands of the Borough's existing and potential residents.
- b. Commercial Land Use Goals. Efforts should be made to encourage new businesses to locate in the Borough and to facilitate the expansion of existing businesses. Safeguards, through proper zoning, should be adopted to regulate

commercial developments to ensure safe traffic movement and to improve appearance.

- c. Manufacturing Land Use Goals. The Borough is primarily a residential area with a small area of commercial development and potential for expanded commercial development. The Borough has not been targeted for expanded manufacturing development. Recognizing, however, the Borough's legal extensive and moral obligation to provide the opportunity for the growth of employment opportunities through new manufacturing development as well as the employment expansion of existing manufacturing facilities, the Borough has formulated the following guidelines for the growth of manufacturing development.
 - i. Sufficient lands, suitable for manufacturing uses should be reserved for manufacturing uses.
 - ii. Zoning regulations should be designed to protect suitable areas for manufacturing development.
 - iii. Zoning regulations should provide development standards for manufacturing uses in order to protect the environment of the for Borough and to prevent incompatible development patterns.
- d. Open Space Land Use Goals. Areas will be designated to be preserved for permanent open space purposes. The preservation of the Borough's natural assets will be accomplished to provide a healthy environment for all. The importance of these natural qualities should be stressed in recognition of their vital role in stabilizing and enhancing land values and in the preservation of a desirable environment. Although the Borough will experience future growth and development, its suburban character can be preserved if the following actions are taken:
 - i. Preservation of open space, especially the streams and valleys.
 - ii. The incorporation of innovations in the design of subdivisions such as cluster development and planned unit development.

1.4 Interpretation

141. The provisions of this Ordinance shall be deemed to be the minimum requirements to meet the purposes and objectives stated herein, adopted for the promotion of the public health, safety, morals, and general welfare of Borough of Mayfield. When the provisions of this Ordinance impose greater restrictions than those of any federal or state statute, rule, regulation, or ordinance, the provisions of this Ordinance shall prevail. Where the provisions of any federal or state statute, rule, regulation, or

ordinance impose greater restrictions than those of this Ordinance, the provision of such federal or state statute, rule, regulation, or ordinance shall prevail.

142. In interpreting the language of this Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to its intended meaning, in favor of the property owner and against any implied extension of the restriction.

1.5 Applicability, Severability, and Scope

151. No building, structure, or lot shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, altered, or expanded horizontally or vertically, except in conformity with all regulations and provisions contained herein, unless relief is granted by the Borough of Mayfield Zoning Hearing Board.
152. The provisions of this Ordinance are hereby declared to be severable. If a court of competent jurisdiction declares any regulations or provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those regulations and provisions which are expressly stated in the decision to be invalid or ineffective, and all other regulations and provisions of this ordinance shall continue to be separately and fully effective. It is the expressed intent of the Borough of Mayfield Council that this Ordinance would have been enacted had such invalid or ineffective regulation or provision not been included herein.
153. This Ordinance shall not apply to an existing or proposed building or extension thereof that is used or to be used by a public utility corporation regulated by the Pennsylvania Public Utility Commission (PUC), if upon petition of the corporation, the PUC shall decide in a public hearing that the present or proposed situation of the building or extension in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the PUC to ensure that both the corporation and the Borough of Mayfield have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties, and otherwise exercise the rights of a party to the proceedings.

1.6 Effective Date

Under the authority conferred by the Pennsylvania Municipalities Planning Code (MPC), as amended, and following a public hearing, the Borough of Mayfield Council hereby enacts and ordains into an ordinance this document on the date of Month and Day, 2025. All zoning ordinances of Borough of Mayfield previously in adoption are hereby repealed.

2. Definitions

2.1 Interpretation and word usage.

For the purposes of this Article, certain terms and words used herein shall be interpreted as follows:

- 211. Words used in the present tense include the future tense.
- 212. The singular number includes the plural, and the plural number includes the singular.
- 213. Words of masculine gender include the feminine gender, and words of feminine gender include the masculine gender.
- 214. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similar entity.
- 215. If a word is not defined in this Ordinance but is defined in other ordinances of the Borough of Mayfield Code, the definition in the applicable other ordinance shall apply. If a word is defined in both this Ordinance and another Borough of Mayfield Ordinance, each definition shall apply to the provision of each applicable ordinance.
- 216. The words “such as,” “includes,” “including,” and “e.g.” shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
 - a. The words “shall” or “must” are mandatory.
 - b. The words “may” or “should” are permissive.
- 217. The word “lot” includes the words “plot,” “parcel,” and “property.”
- 218. The word “sale” shall also include rental, if the word “rental” is not specifically mentioned.
- 219. The words “used” or “occupied” as applied to land or buildings shall be construed to include the words “intended, designed, maintained, or arranged to be used or occupied.”
- 220. The word “erected” shall be construed to include the words “constructed, altered, or moved.”

2.2 Definitions.

The words, terms, and phrases in this Section are defined in order to facilitate the interpretation of this Ordinance for administrative purposes and in the carrying out of duties by appropriate offices and by the Zoning Hearing Board. When used in this Ordinance, these words, terms, and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

- 221. Land Use Definitions

1. All other residential uses not otherwise listed. If a residential land use is not specifically assigned herein or within the Zoning Ordinances of the NorLack Multi-Municipal, as amended, of Mayfield Borough, it is categorized as “Any Other Residential Land Use Not Assigned Otherwise” and shall comply with the regulations specified within this Ordinance, as amended.
2. All other non-residential uses not otherwise listed. If a non-residential land use is not specifically assigned herein or within the Zoning Ordinances, as amended, of Mayfield Borough, it is categorized as “Any Other Non-Residential Land Use Not Assigned Otherwise” and shall comply with the regulations specified within this Ordinance, as amended.
3. Animal Hospital / Vet Clinics. A building routinely used for the treatment, housing or boarding of animals. It involves treatment of only small domestic animals typically seen at veterinarian offices, including but not limited to dogs, cats, rabbits, birds, or fowl.
4. Assisted Living Facility. A building, establishment, complex or distinct part thereof which: a) accepts primarily aged persons (62 years of age or older) for domiciliary care; and b) provides on-site to its residents, room, board, non-medical living assistance services appropriate to the residents' respective needs and contract medical services as prescribed by each resident's treating physician. Such facility shall provide services to sixty (60) or more residents.
5. Automobile Repair. An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.
6. Automobile Sales. An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles in operable condition, and where no major repair work is done.
7. Bakery Retail. An establishment that produces and sells baked goods such as but not limited to bread, cakes, doughnuts, pies, cookies, and pastries.
8. Banks & Other Financial Services. An establishment for the custody, loan, exchange or issue of money, for the extension of credit, and for facilitating the transmission of funds. (See “service establishment.”)
9. Bed and Breakfast Establishment. Any single-family dwelling in which more than three (3) persons either individually or as families are housed or lodged for remuneration with meals normally included as a part of the services rendered, and shall be restricted to transient visitors to the area.
10. Billboard. An off-premises advertising sign directing patrons to a service or business located outside of the lot in which the sign is located.

11. Boarding House / Rooming House. A residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation; or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boardinghouse shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed-and- breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boardinghouse. A boardinghouse may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boardinghouse shall primarily serve persons residing on-site for five or more consecutive days.
12. Brewery/ Distillery. An establishment which produces alcoholic beverage for on-site or off-site sale and distribution, and which may include a brew pub and tasting room on the premise, or as otherwise defined as "Manufacturer" by Chapter 47, the Pennsylvania Liquor Code, as amended. Beverage production may exceed 100,000 gallons of distilled liquor, unless otherwise Regulated by the Pennsylvania Liquor Control Board.
13. Bulk Storage of Gasoline, Fuel Oil, or Other Inflammable or Explosive Liquids. The bulk storage of gasoline, fuel oil or other inflammable or explosive liquids in containers approved for this purpose prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.
14. Car Wash. A building designed or used primarily for the washing, waxing, and drying of automobiles. This use may include the use of automatic, hand washing, and/or manual automobile washing modules.
15. Casino/Betting Parlor. A place used for lawful gambling activities including, but not limited to, off-track mutual betting and any use of electronic gambling devices. This term shall not regulate state lottery sales or lawful "small games of chance."
16. Catering Establishment. A food preparation facility that prepares food for consumption on the premises or for delivery to another site. A facility for group dining, but not a restaurant where individuals order from a menu and pay based on the menu selection.
17. Cemeteries and Mausoleums. An area of land or buildings used for the burial of deceased humans, but not animals. The internment or scattering or remains of properly cremated humans is not regulated by this chapter.
18. Charging Stations. A facility or equipment designed to charge, by connective or inductive means, a battery within an electric vehicle or plug-in hybrid electric

vehicle by permitting the transfer of electricity to a battery or other storage device in an electric vehicle.

19. *Child Day Care Facilities.* A use Involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also Include educational programs that are supplementary to State-required education, including a "nursery school." The following three types of day care are permitted without regulation by this Ordinance:

- a. care of children by their own relatives,
- b. care of children within a place of worship during regularly scheduled weekly religious services and
- c. care of 1 to 3 children within any dwelling unit. In addition to children who are relatives of the care giver.

See also the definition of "adult day care center."

20. *Clubs and Lodges.* A type of boarding house used and occupied by a formal, legally incorporated cooperative organization (with each full member having a vote in the operations of the organization) of full-time college or university students. Such use may contain residential, social and eating facilities for members and their occasional guests.
21. *Colleges, Institutes of Higher Learning.* An institution or higher learning authorized to grant associates, bachelors, masters and/or doctorates degrees. (for non-degree institutions, see trade schools.)
22. *Commercial Communication Antenna.* A structure, partially or wholly exterior to a building, used for transmitting or retransmitting electronic signals, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system or for cellular telephone communications.
23. *Community Intervention Center, Type 3.* A use (other than a prison or a permitted accessory use in a "hospital") providing housing facilities for persons who need specialized housing, treatment, therapy and/or counseling for stays between 31 days and 1 year and who need such facilities because of:
- a. Chronic abuse of or addiction to alcohol and/or a controlled substance; or
 - b. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.; or
 - c. The need for a safe haven for those who are in crisis due to domestic violence, sexual violence or homelessness.

This includes activities where individuals are assisted through the period of time necessary to eliminate, by metabolic or other means, the intoxicating alcohol or other drugs, alcohol and other drug dependency factors or alcohol in combination with drugs as determined by a licensed physician, while keeping the physiological risk to the patient at a minimum; and where individuals are assisted through a planned and regularly scheduled basis to one or more persons who have already eliminated all traces of the intoxicating effects of alcohol, drugs, or other substances from his/her/their persons.

24. Compost Facility. A facility where organic waste material is processed in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.
25. Concrete Plant, Rock Crushing. An industrial facility used for the production of concrete or the crushing, processing, and recycling of rock, stone, concrete, asphalt, or similar materials. This use may include operations such as material storage, mixing, batching, washing, screening, and crushing, as well as the use of heavy machinery, conveyor systems, and related equipment.
26. Contractors' Yards. Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.
27. Conversions. The conversion of an existing building to a business/commercial use or mixed business/commercial and residential use.
28. Convenience Store. A one-story retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a "food market"). It may also include the sale of gasoline but shall not include the repair or service of vehicles.
29. DAS. A network of spatially or geographically separated antenna nodes that are connected to a common source (hub) through a transport or communication medium in order to provide wireless communication service in a specific locality.
30. Distribution Center Type 1. An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as cross-docking, order fulfillment, returned goods processing, packaging, repackaging, and labeling. This use may include the use of automated storage and retrieval systems.
31. Distribution Center Type 2. An enclosed facility used for the storage of merchandise or commodities for a short period of time, not to exceed 30 days, with additional operations such as order fulfillment, returned goods processing, packaging, repackaging, and labeling, but which does not include cross-docking or operations commonly referred to as "just-in-time" delivery.

32. *Drive in Uses.* Any part of a building or structure that, by design of physical facilities or by services or pods provided, encourages or permits customers to transact business, receive a service or obtain a product in a motor vehicle on the premises.
33. *Dry Cleaning and Laundry.* A facility which provides laundry cleaning, dyeing and similar services as part of the individual market or part of the textile manufacturing process.
34. *Dwelling 2 family, Duplex semi-attached.* A dwelling accommodating two (2) families either with units which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit; or upstairs/downstairs units. A two-family dwelling in a multi-family project shall be considered a townhouse for the purposes of regulation by this Ordinance.
35. *Dwellings, Multi Family.* A building containing three or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple-family dwelling shall comply with all of the requirements for that type of multiple-family dwelling in that district.
36. *Dwellings, Townhouse.* A low-rise multiple family building in which each dwelling unit extends from ground to roof and contains two points of independent outside access.
37. *Essential Services.* Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants, and other similar equipment. Building, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services or essential services requiring enclosure in building. (See "semi-public building or use.").
38. *Exercise Club.* A commercial business that offers active recreational and/or fitness activities. Such activities are provided only to club members and their guests. Such facilities do not include golf courses.
39. *Farmers Market.* It shall include any building, structure or other place:
 - a. owned, leased or otherwise in the possession of a person, municipal corporation or public or private organization;
 - b. used or intended to be used by two or more farmers or an association of farmers, who are certified by the Department of Agriculture of the

Commonwealth to participate in the Farmers' Market Nutrition Program subject to 7 CFR Pt. 249 (relating to Senior Farmers' Market Nutrition Program (SFMNP)), for the purpose of selling agricultural commodities produced in this Commonwealth directly to consumers;

- c. which is physically located within this Commonwealth;
 - d. which is not open for business more than twelve hours each day.
40. Flea Market. An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.
41. Food Processing. See Manufacturing, Light.
42. Forestry. Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.
43. Funeral Homes and Undertakers. A building or part thereof used for human funeral services. Such building may contain space and facilities for: (1) embalming and the performance of other services used in preparation of the dead for burial; (2) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.
44. Golf Driving Range. A facility or area where golfers practice driving golf balls, which can be attached to a golf course or operate as a stand-alone facility. Distances are typically shown with targets at measured distances.
45. Grocery Stores. A large, self-service retail market where food is the primary item which is sold.
46. Group Care Facility. Any supervised long-term group living arrangement licensed by the Commonwealth for any of the following:
- a. Persons who do not meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act.
 - b. Persons who do meet the definition of "mentally or physically handicapped" provided in the Fair Housing Amendments Act or the Americans with Disabilities Act living in an institutional setting and not maintaining a common household.
 - c. Persons who, whether handicapped or not, are criminal offenders, juvenile offenders or delinquents or who have been found by any governmental tribunal, court or agency to be a danger to society or who are under the

jurisdiction of the criminal justice system, a governmental bureau of corrections or a similar agency or institution.

47. Group Home. A use that meets all of the following criteria:
- a. involves the care of between 2 and 20 persons who are not related to each other by blood, marriage, adoption or formal foster relationship,
 - b. involves the care of persons who need non-routine support services and oversight in order to reasonably function, because of physical illness or infirmity, old age, physical disability, mental illness, mental retardation or emotional disability, but that is not a "criminal treatment center." These specifically include any individual who is covered under the Federal Fair Housing Act.
 - c. involves persons residing in a family-like residential environment, and
 - d. operates under an applicable license or certification from an appropriate State or County agency.
48. Heavy Equipment Sales and Storage. Any building or land devoted to the retail sales and/ or storage of heavy equipment, including accessory service and repair facilities if conducted within a completely enclosed building.
49. Home Occupation. Not otherwise a no-impact home business, any use customarily conducted entirely within a dwelling and carried on by the inhabitants residing therein, providing 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 contacted and maintained as a residential dwelling, and no goods are publicly displayed on the premises other than a sign as provided herein; and may include professional practice (limited to a single practitioner) of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers, and similar types of uses, excluding commercial stables, veterinarians, commercial kennels or motor vehicle or small engine repair shops and other uses not meeting the requirements of this Zoning Ordinance.
50. Hospitals. A use having an organized medical staff and providing equipment and services primarily for inpatient care for two or more persons who require definitive diagnosis and/or treatment for illness, injury, disability, or during or after pregnancy, and which also regularly makes available at least clinical laboratory services, diagnostic x-ray, MRI or like services and definitive clinical treatment services. The term shall include such premises providing either diagnosis or treatment, or both, for specific illness or condition. This does not include veterinarian services.

51. *Hotel/Motel.* A building used primarily for providing more than 10 transient lodging accommodations on a daily rate basis to the general public in which the lodging rooms provide no cooking facilities.
52. *Laboratory, Research and Testing.* A facility involving the testing, engineering and development of manufactured products.
53. *Large scale Residential Development.* A large-scale residential development shall be planned for a site of not less than twenty (20) acres.
54. *Laundromat.* A self-service establishment with coin operated washers and dryers for public use.
55. *Manufacturing, Heavy.* Any facility involving
- a. processes resulting in the generation of hazardous waste products at a scale permitted as a Large Quantity Generator (LQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or
 - b. the production of raw materials into refined materials by mechanical or chemical transformation, and/or
 - c. manufacturing processes that do not meet the definition of light industry. Heavy industry includes, but is not limited to, steel production, coke production, oil and gas production and refining, ethylene production, cracking of ethane or propane, gravel and limestone mining, pharmaceuticals, motor vehicle assembly, aerospace manufacturing, and shipbuilding.
56. *Manufacturing, Light.* Any facility involving
- a. generally unobtrusive processes resulting in the generation of hazardous waste products at a scale no greater than permitted as a Small Quantity Generator (SQG), or any future equivalent adopted metric in accordance with the Pennsylvania Department of Environmental Protection, and/or
 - b. the manufacturing of small finished goods, by which less potential exists for air, water, soil, noise, and light pollution than with heavy industry. Light industry includes, but is not limited to, the manufacture or processing of: food and beverage products, electronic devices, precision instruments, household appliances, machine tools, optical goods, personal care products, non-toxic commercial products, wood and paper products, home and office furnishings, printed materials, ceramics, glass products, jewelry and personal accessories, apparel, lightweight nonferrous metal casts and dies, graphic arts products, light sheet metal products, film, games and toys, and plastic goods. This use shall also be construed to specifically include product engineering, research and development activities.

57. Medical Marijuana Grower/ Processor. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the department under the Act 16 of Commonwealth of Pennsylvania to grow and process medical marijuana.
58. Medical Marijuana Dispensary Facilities. A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a current and valid permit issued by the Department of Health ("DOH") of the Commonwealth to dispense Medical Marijuana pursuant to the provisions of the Act 16 of Commonwealth of Pennsylvania.
59. Medical/Dental Clinics. A use involving the treatment and examination of patients by State-licensed physicians, chiropractors or dentists, provided that no patients shall be kept overnight on the premises unless a hospital is also permitted. This use may involve the testing of tissue, blood or other human materials for medical or dental purposes. Such clinics may provide medical services customarily available at hospitals, but does not provide overnight care for patients.
60. Meeting, Assembly and Banquet Hall. A building or structure designed to host, speakers, seminars, presentations and similar events. Differs from a theater in that theaters are primarily designed for artistic performances such as plays, movies and other stage shows.
61. Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral extraction includes but is not limited to the extraction of sand, gravel, topsoil, limestone, clay, coal, shale, or iron ore. The routine movement of and replacement of topsoil during construction shall not be itself considered mineral extraction. The reclamation of waste piles from mining activities conducted prior to the adoption of this ordinance shall be permitted by right in all districts and shall not be considered mineral extraction.
62. Mixed Use Structure. A structure which contains two or more distinctly separate uses such as a commercial use and a residential use.
63. Mobile Home Parks. A parcel or contiguous parcels of land which has/have been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
64. Nightclubs. An establishment that has a primary or substantial portion of the total trade in the sale of alcoholic beverages and frequently charges admission or cover charges for entertainment or music for dancing.
65. No Impact Home Business. A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic,

whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

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

66. Nurseries and Greenhouses. A structure, typically constructed of metal or wood framework and covered with glass for plastic, used for private use.

67. Nursing Homes. A use which provides for the long term care and treatment for two or more convalescents and other persons who are not relatives of the operator who are not acutely ill and do not need hospital care, but who require skilled nursing care and related medical services in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self-administration. Such a facility shall be licensed by the Commonwealth of Pennsylvania for the use.

68. Oil and Gas Facilities. The exploration, recovery processing and refining of oil and natural gas from underground formations, including accessory ponds, roads and associated equipment and structures.

69. Parking Areas. A lot or part thereof, whether within or without of a building, used for the storage or parking of motor vehicles on a fee basis, whether rent or other consideration.

70. Parks and Playgrounds. Open areas with or without such amenities as play equipment, pavilions, athletic courts or fields, trails or similar elements, which are government-owned and -operated.
71. Personal care homes or centers. A residential use providing residential and support services primarily to persons who are over age 60, physically handicapped and/or the developmentally disabled and that is licensed as a Personal Care Center by the Commonwealth of Pennsylvania and that does not meet the definition of a "Treatment Center."
72. Personal Services. Places primarily providing services, which do not involve retail sales or professional advisory services. The term "Personal Services" shall include those oriented to serving personal needs, such as barber and beauty shops, animal or dog grooming businesses, shoe repair shops, household appliance repair shops, dry cleaning and laundry pickups, laundromat and other similar establishments. This use shall include any place or establishment where a massage is available, with a massage being construed to mean the performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking, or tapping with the hand or hands or with any mechanical or bathing device with or without supplementary aids, including, but not by way of limitation, a massage school but shall not include any activity otherwise defined in or included under any Adult Business-related use.
73. Places of Worship. Building, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. A place of worship may include two (2) dwelling units as an accessory use to house full-time religious leaders and their families. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type."
74. Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use. A facility which offers various indoor recreational opportunities for the public, including such games as pool, billiards, bowling, video games and similar pursuits. The term does not include commercial gambling venues and gambling devices.
75. Pharmacy. An establishment engaged in the retail sale of prescription drugs, nonprescription medicine, cosmetics and related supplies.
76. Printing and publishing establishments. A commercial use which shall include printing, publishing, lithographing, photocopying, bookbinding and similar uses.
77. Professional Services/ Offices. A use that Involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall Include neither retail nor Industrial uses, but may Include

business offices, medical or dental offices, clinics or laboratories, photographic studios and/or television or radio broadcasting studios.

78. *Public Utility Facilities.* A facility, structure, or use operated by a public or private utility provider for the generation, transmission, distribution, or regulation of essential public services, including but not limited to electricity, natural gas, water, wastewater, stormwater, telecommunications, or cable services. Such facilities may include substations, pump stations, water towers, treatment plants, switching facilities, or similar infrastructure.
79. *Recreation Facilities, Private.* A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands, picnic groves, and other associated facilities.
80. *Recreation Facilities, Public.* Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Borough, County, school district, state, or federal government.
81. *Recycling Collection Center.* A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a municipal-owned use or an emergency services station.
82. *Restaurants, Fast Food.* An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state on edible or disposable containers either within the restaurant building or for consumption off the premises.
83. *Restaurants, Traditional.* An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state and whose principal method of operation includes one of the following characteristics. Customers, normally provided with a menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the items are consumed.
84. *Retail Stores.* A use in which merchandise is sold or rented to the general public, including any activities related to butchering (including but not limited to sales and storage). The use shall not include the following: sales of motor vehicles or

boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

85. *School, Post-Secondary.* A facility that:
- is primarily intended for education of a work related skill or craft or a hobby and
 - does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school or similar trade or vocational schools.
86. *School, Pre-Kindergarten.* A building designed and operated to provide regular instruction and daytime care for two or more children under primary grades.
87. *School, Primary and Secondary.* A public or private academic institution offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required by the Pennsylvania Department of Education.
88. *Self-Storage (Indoor Storage).* A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.
89. *Sewage Treatment Plant.* Any arrangement of devices and structures used for treating sewage.
90. *Shooting Range, Indoor.* Any fully enclosed building used for the discharge of any firearm for recreational or training purposes. Any such commercial operation, any such area operated by any private, non-profit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with twenty-five (25) or more members, and any such area which is used or is intended to be used for more than five (5) hours in any one (1) week shall be considered an indoor shooting range for the purposes of this Zoning Ordinance.
91. *Shooting Range, Outdoor.* A specialized facility designed for firearms qualifications, training or practice.
92. *Shopping Centers and Malls.* A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.
93. *Dwelling, Single Family Cluster.* A residential cluster shall include an area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space as an appurtenance. Such common or public open space shall be assured of continued operation and maintenance either through the dedication of such area to the

Municipality and the Municipality's acceptance thereof, or through the creation of a homeowners association, or the developer's acceptance of such responsibility including such legally binding agreements as may be required to achieve such assurances.

94. *Dwelling, Single Family Detached.* A detached building, designated for or occupied exclusively by one family and containing not more than one dwelling unit and which has no part of a wall in common with an adjacent building.
95. *Solar, Utility Scale.* An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Commercial solar energy systems consist of one or more freestanding ground- or roof-mounted, solar collector devices, solar-related equipment and other accessory structures and buildings including light reflectors, concentrators and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.
96. *Storage Yards.* The accessory/ primary outdoor storage of items incidental to the principal nonresidential use.
97. *Studios.* A place of work for an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
98. *Tavern / Bar.* A place where alcoholic beverages are served as a primary or substantial portion of the total trade. The sale of food may also occur.
99. *Telecommunications Facilities, Residential.* Antennas for private, non-commercial and amateur purposes, including T.V. satellite dish antennas as regulated.
100. *Temporary Businesses.* Uses such as a circus, carnival, etc. with or without a structure such as a tent.
101. *Trade/ Business Schools.* A facility that is primarily intended for education of a work-related skill or craft or a hobby, and does not primarily provide state-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.
102. *Urgent Care.* A medical facility outside of a hospital or hospital, small-format, where ambulatory patients can be treated on a walk-in basis, without an appointment and receive immediate non-emergency care.
103. *Warehousing.* Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.
104. *Wholesale Business.* Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or

professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

222. Additional Definitions

1. Access Point. One combined entrance/exit point or one clearly defined entrance point, or one clearly defined entrance point separated from another clearly defined exit point. This term shall not include access ways or driveways that are strictly and clearly limited to use by only emergency vehicles; such accesses are permitted by right as needed.
2. Accessory Use or Structure. A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.
3. Alley. A public or private thoroughfare affording only secondary access to abutting properties.
4. Alterations. Any change in the structural members of a building, such as walls, columns, beams or girders.
5. Applicant. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this Zoning Ordinance.
6. Basement. A floor level partly or completely below grade. It shall be considered a story if more than 50% of the perimeter walls of a basement are 5 feet or more above grade.
7. Building. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements.
8. Building Coverage. The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).
9. Building Envelope. An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.
10. Building Height. The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and

lowest point of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks, and similar projections.

11. **Building, Principal.** A building in which is conducted the principal use of the building site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the zone lot on which the same is located.
12. **Caliper.** Diameter of a tree's trunk measured 6 inches above the ground up to an including 4-inch caliper size, and 12 inches above the ground for larger sizes.
13. **Clear Cutting.** The removal of 70% or more of trees having a caliper of 8 inches or more from any given acre.
14. **Clear Sight Triangle.** An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.
15. **Common Area.** All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.
16. **Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.
17. **Construction Permit.** A permit indicating that a proposed construction, alteration, or reconstruction of a structure, is to the best knowledge of the Borough Staff, in accordance with the provisions of the Building Code(s) adopted by the Borough.
18. **Density.** The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.
19. **Developer.** Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
20. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, 'dredging, or drilling operations and the subdivision of land.
21. **Development Improvements.** All the physical additions and changes to a tract and the constructed facilities necessary, and/or required by the Borough to produce a usable and functional development; including, but not limited to roads, parking areas, storm water controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems. All the physical additions and changes to a tract and the constructed facilities necessary, and/or required by the Borough to produce a usable and functional development; including, but not limited to roads, parking areas, storm water

controls and drainage easements, landscaped areas, utilities, and water supplies and sewage disposal systems.

22. Development Plan. A proposed development, prepared in accordance with this Ordinance and the Borough Subdivision Ordinance, including a plat of the subject parcel and any subdivision, locations of various uses, and all covenants relating to uses, locations and sizes of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open spaces and public facilities.
23. Disturbance. Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.
24. Easement. Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property.
25. Family. An individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:
 - a. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act;
 - b. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;
 - c. Does not involve the housing of persons on a non-permanent basis;
 - d. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
 - e. Family shall not include persons living together in a Assisted Living Facility, Boarding House/ Rooming House, Group Home, Group Care Facility, Nursing Homes, Personal Care Homes/ Centers, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.
26. Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link,

metal, fiberglass, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

27. Gross Floor Area/ Floor Area. For the purposes of applying the requirements for off-street parking and loading, "floor area", in the case of offices, merchandising, or service type of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for shop windows, for offices incident to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.
28. Growth Area. A region in which residential and mixed-use development is permitted or planned for at densities of one unit to the acre or more; commercial, industrial and institutional uses are permitted or planned for; and public infrastructure services are provided or planned.
29. Impervious Coverage. The coverage of land by buildings and other impervious materials such as asphalt, which prevent the percolation of water into the ground.
30. Impervious Surface. Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff or 0.7 or higher. The Borough Engineer shall decide any dispute over whether an area is "impervious." Areas of land paved for the sole purpose of noncommercial tennis courts, trails or basketball courts or closely similar active outdoor recreation may be deleted from impervious surfaces for the purposes of determining permitted impervious coverage, unless those areas would also be used for non-recreational uses (such as parking).
31. Lot. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by this Ordinance, and having frontage on a public street.
32. Lot Area. The computed area contained within the lot lines and the ultimate right-of-way line. The area within the right-of-way shall not be computed as part of the lot area.
33. Lot Coverage. That portion or percentage of the lot area which is covered by buildings, roads, driveways, walkways, parking areas, or other impervious surfaces.
34. Lot Depth. The average horizontal distance between the front lot line and the rear lot line.

35. Lot Line. The property lines bounding the lot.
36. Nonconforming Lot. A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
37. Nonconforming Use. A use, whether of land or of structure, which does not comply with the applicable use provisions set forth herein or any amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.
38. Open Land or Open Space. That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Open land may be accessible to the residents of the development and/or the Borough, or it may contain areas of farmland, forest land or estate lots which are not accessible to project residents or the public.
39. Permit. A document issued by the proper Borough authority authorizing the applicant to undertake certain activities.
40. Right-of-Way. Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.
41. Screened. Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Borough.
42. Setback Line. A line established by the subdivision regulations and/or zoning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said codes.
43. Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.
- a. Half - A partial story under gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story shall not be used for residential purposes, other than for a janitor or caretaker or his family.
 - b. First - The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building.
44. Street. A public or private thoroughfare not less than thirty (30) feet in width if in existence prior to the passage of this ordinance nor less than fifty (50) feet in width if established subsequent to the passage of this ordinance which

affords the principal means of access to abutting property, including avenue, place, way, drive, land boulevard, highway, road and any other thoroughfares except an alley.

45. Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
46. Tract. Land held in single ownership which consists of lands to be subdivided or suitable for a land development. The tract shall consist of not less than the minimum area required for subdivision or development as set forth herein.
47. 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 non-conforming use.
48. Variance. The Zoning Hearing Board may authorize departure to a minor degree from the terms of this Ordinance in direct regard to hardship peculiar to an individual lot in accordance with the procedures set forth in the Ordinance.
49. Yard. An open space, as may be required by this Ordinance, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.
50. Zoning Permit. A permit that may be issued indicating that a proposed use, building or structure is, to the best knowledge of the Borough Staff, in accordance with this Ordinance and which authorizes an applicant to proceed with said use, building or structure, within all other applicable laws and regulations. For the purposes of this Ordinance, a zoning permit or "a permit under this Ordinance" shall mean the applicable portions of a construction permit, unless a specific system of zoning permits has been established.

3. District Designations and Map

3.1 Designation and Intent of Districts

311. Zoning Districts and Purpose Statements.

For the purpose of this Ordinance, Borough of Mayfield is hereby divided into districts which shall be designated on the Zoning Map and as follows:

TD-1 Rural Agricultural

The Zone is dedicated to preserving and promoting agricultural and forestry land while minimizing conflicts with other uses. It encourages lower-density development with larger lots, allowing regulated residential use to maintain the rural character. Open space conservation is a key priority, with select recreational activities permitted to complement the natural landscape. The zone is designed to maximize the long-term sustainability of agricultural and forestry lands.

TD-3 Town Residential

The Zone establishes a predominantly single-family residential environment focused on stability and neighborhood integrity. Other types of development are restricted to protect the residential character, while parks and playgrounds are encouraged to promote community well-being. This zone emphasizes open spaces and neighborhood cohesion, featuring small-to-medium-sized lots, dimensional averaging, and character-based regulations to maintain consistency in development.

TD-4 City Residential

The Zone accommodates a mix of residential and commercial uses, supporting urban living with increased housing density. It allows for planned residential communities and diverse housing arrangements while offering flexibility in lot sizes and higher lot coverage. Though commercial uses are permitted, the emphasis remains on residential development, with open space playing a minimal role. The goal is to create a vibrant, housing-rich environment suited for urban settings.

TD-5 Suburban Mixed Use

The Zone integrates small-scale commercial activities with residential development, creating a balanced space for families and businesses. Recreational and gathering spaces foster community interaction, while commercial uses take precedence, with residential serving as a complementary component. The zone maintains moderate density, larger lot sizes, and a focus on traffic safety, ensuring a well-planned, functional community.

TD-6 Town Mixed Use

The Zone supports a diverse range of commercial activities while allowing limited residential presence. Designed to serve both residents and visitors, it accommodates businesses, facilities, and gathering spaces that contribute to economic growth and livability. Development in this zone follows character-

based standards, ensuring appropriate setbacks, density, and lot coverage while maintaining smaller lot sizes.

TD-8 Highway Activity

The Zone serves as a large-scale commercial and recreational hub, strategically positioned along major transportation routes. It accommodates a variety of retail, service, and entertainment establishments while maintaining minimal emphasis on open space. This zone plays a vital role in connecting the community to commercial amenities and regional business centers.

TD-10 Manufacturing-Distribution

The Zone is designed for large-scale manufacturing, industrial, and distribution activities on expansive lots. It accommodates all forms of manufacturing while allowing for high-impact commercial uses, energy facilities, and forestry-related industries. This zone fosters economic growth by supporting large-scale production and efficient distribution networks along major transportation corridors, providing space for industrial operations that are not suitable for residential or commercial neighborhoods.

In addition to the 7 Zoning Districts listed above, the Borough also has Floodplain Overlay, Rural Resource Overlay, Regional Use 1 and Regional Use 2 Overlays and Growth and Future Growth Areas. Where applicable on the Zoning Map, this zone appears as an overlay to the 7 Districts established above. Permitted uses and building regulations in this zone are subject to the same requirements as the zone over which this overlay was placed, and the supplemental regulations governing the Flood Plain as described in **Article 5**.

312. Overlay Districts and Purpose Statements.

See **Article 5** of this Ordinance for the designation and intent of the overlay districts.

3.2 Zoning Map

321. The boundaries of the districts in which **Borough of Mayfield** is divided shall be shown upon a map entitled the "**Borough of Mayfield Zoning Map**," which is available on file for public viewing at the **Borough of Mayfield Municipal Building**. This map and all notations, references, and other data shown thereon is hereby incorporated by reference into this Ordinance as if these items were fully described herein.

322. Whenever there has been an amendment to the boundary of a zoning district or overlay or a reclassification of a zoning district or overlay, the Zoning Map shall be accordingly revised and shall be duly certified by the **Borough of Mayfield**.

3.3 Degree of Restrictiveness

The phrase "more restrictive uses" as employed in this Ordinance shall mean the following:

331. Those uses permitted in an **TD-1** Zone are the most restrictive.

332. All other uses are less restrictive in the order they are permitted in the Zones in the sequence shown: TD-1, TD-3, TD-4, TD-5, TD-8, TD-10.
333. Where a use is specifically enumerated in a less restrictive zone, such use shall not be permitted in a more restrictive zone unless it is specifically enumerated as a permitted use therein.
334. Except as provided in this Ordinance, no building or part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structures or premises be used, designed or intended to be used for any purpose other than the uses hereinafter listed as permitted in the zone in which such building or premises are located.

45-DAY REVIEW DRAFT

4. Zoning District Regulations

4.1 Application of district regulations.

411. Unless otherwise provided by law or specifically in this Ordinance, no land, building, or structure shall be used or occupied except for a use permitted in the zoning district within which the land, building, or structure is located.
412. The regulations set forth in this Ordinance shall apply uniformly to each class or type of land, building, or structure, except as otherwise provided for in this Ordinance.
413. No building or structure shall hereafter be erected, constructed, reconstructed, moved, or structurally altered and no building, structure, or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations of this Ordinance specified for the use and district in which it is located. These include, for example, regulations for height, lot area, floor area, yard dimensions, and residential density.
414. No part of a yard or other open space or off-street parking or loading space required in connection with any use for the purpose of complying with this Ordinance shall hereafter be included or shared as part of a yard, open space, or off-street parking or loading space similarly required for any other use, unless otherwise specified by this Ordinance.
415. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
416. No more than one (1) principal use shall be permitted on a lot, unless otherwise specified by this Ordinance.

4.2 District boundaries.

District boundary lines as a general rule follow lot lines, municipal boundary lines, and the centerlines of streets, highways, and alleys. Where uncertainty exists as to the boundaries of districts on the Zoning Map, the Zoning Officer shall interpret the locations of the boundaries based on the following rules:

421. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed as following such centerlines.
422. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
423. Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

424. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of a single-track railroad line or an imaginary line drawn midway between the main tracks of a multiple-track railroad line.
425. Boundaries indicated as approximately following shorelines shall be construed as following such shorelines. In the event of change in the shoreline, the boundary shall be construed as moving with the actual shoreline.
426. Boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines. In the event of change in the stream or other body of water, the boundary shall be construed as moving with the center line of such.
427. Boundaries indicated as approximately parallel to or extensions of features identified in Article 421 to 426 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
428. Where physical features existing on the ground are alleged to be at variance with those shown on the Zoning Map or in other circumstances not covered by Article 421 to 427 above, it shall be the function of the Zoning Officer to interpret the Zoning Map.
429. Where one (1) or more district boundary lines divide a lot held in single ownership, the regulations of the district comprising the greater proportion of the lot shall apply.

4.3 Table of Principal Uses by Base Zoning Districts and Overlays.

For any land use not otherwise identified as permitted by right, by condition, or by special exception in the table of the Mayfield Borough Zoning Ordinance, an Applicant shall reference and submit said use to another participating NorLACK Multi-Municipal Plan municipality where said land use is identified as permissible in the Zoning Ordinance, as in effect, of the applicable municipality.

Use Designation:

P - Permitted Use by Right

SE - Special Exception Use

C - Conditional Use

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LUID	Uses	TD-1	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2
8	All other residential uses not otherwise listed									C
7	All other non-residential uses not otherwise listed									C
10	Animal Hospital / Vet Clinics				P	P	P			
13	Assisted Living Facility		P							
14	Automobile Repair					P	P	P		
15	Automobile Sales					P	P			
16	Bakery Retail				P	C				
17	Banks & Other Financial Services				P	P				
18	Bed and Breakfast Establishment			P	P					
19	Billboard						P	P		
20	Boarding House / Rooming House			P	P					
21	Brewery / Distillery				P	P		P		
22	Bulk Storage of Gasoline, Fuel Oil, or Other Inflammable or Explosive Liquids							C		
23	Car Wash				P	P	P			
24	Casino/Betting Parlor					C	C			
25	Catering Establishment				P	P				
26	Cemeteries and Mausoleums	SE								
27	Charging Stations	P				P	P			
28	Child Day Care Facilities		P	P						
29	Clubs and Lodges				P	P				

LUID	Uses	TD-1	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2
31	Colleges, Institutes of Higher Learning				C	P	P			
37	Community Intervention Center, Type 3		C							
38	Compost Facility								C	
41	Concrete Plant, Rock Crushing							C		
42	Contractors' Yards					P		P		
44	Conversions		P	P						
43	Convenience Store				P	P	P			
46	DAS					P	P			
50	Distribution Center Type 1						SE	SE		
51	Distribution Center Type 2							P		
53	Drive in Uses				SE	SE	SE			
55	Dry Cleaning and Laundry				P	P				
57	Dwelling 2 family, Duplex semi-attached		P	P						
59	Dwellings, Multi Family			P	P					
60	Dwellings, Townhouse			P	P					
61	Essential Services	SE	SE	SE	SE	SE	SE	SE	SE	SE
62	Exercise Club				P	P				
64	Farmers Market	P	P		P					
65	Flea Market				P	P	P			
66	Food Processing						P	P		
67	Forestry	P	P	P	P	P	P	P		
68	Funeral Homes and Undertakers			P	P					
70	Golf Driving Range	P			SE					
71	Grocery Stores				P	P				

LUID	Uses	TD-1	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2
73	Group Care Facility									C
75	Group Home	P	P	P						
77	Heavy Equipment Sales and Storage						P	P		
81	Home Occupation	P	P	P						
82	Hospital				P					
83	Hotel/Motel					P	P			
87	Laboratory, Research and Testing				C	C		C		
93	Large scale Residential Development		SE	SE	SE					
94	Laundromat				P	P				
98	Manufacturing, Heavy							P		
99	Manufacturing, Light						P	P		
101	Medical Marijuana Grower/ Processor				C			C		
102	Medical/Dental Clinics				P	P				
100	Medical Marijuana Dispensary Facility								C	
103	Meeting, Assembly and Banquet Hall				P	P				
107	Mineral Extraction	SE						SE		
109	Mixed Use Structure				P	P				
110	Mobile Home Parks									C
112	Nightclubs					P	P			
113	No Impact Home Business	P	P	P	P					
115	Nurseries and Greenhouses	P			P					
116	Nursing Homes		P	P						

LUID	Uses	TD-1	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2
117	Oil and Gas Facilities	P						P		
121	Parking Areas				P	P	P			
122	Parks and Playgrounds	P	P		P					
123	Personal care homes or centers		P	P						
124	Personal Services				P	P				
128	Places of Worship		P	P	P					
129	Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use				P	P				
130	Pharmacy								C	
131	Printing and publishing establishments				P	P		P		
132	Professional Services/ Offices				P	P				
135	Public Utility Facilities	P				P		P		
139	Recreation Facilities, Private	P		P	SE	SE	SE			
140	Recreation Facilities, Public	P	SE	P	SE		SE			
141	Recycling Collection Center								C	
142	Restaurants, Fast Food					P	P			
143	Restaurants, Traditional				P	P				
144	Retail Stores				P	P				
148	School, Post-Secondary		SE	SE	SE	SE				
149	School, Pre-Kindergarten		SE	SE	SE	SE				
150	School, Primary and Secondary		SE	SE	SE	SE				

LUID	Uses	TD-1	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10	RUO-1	RUO-2
151	Self-Storage (Indoor Storage)				P	P	P			
152	Sewage Treatment Plant							C		
153	Shooting Range, Indoor						P	P		
154	Shooting Range, Outdoor	C						C		
155	Shopping Centers and Malls					SE	SE			
156	Dwelling, Single Family Cluster	SE	SE							
157	Dwelling, Single Family Detached	P	P	P		P				
159	Solar, Utility Scale	C								
164	Storage Yards							P		
165	Studios				P	P				
166	Tavern / Bar					P	P			
167	Telecommunication Facilities, Residential	SE	SE	SE						
168	Temporary Businesses				C	C	C			
172	Trade/ Business Schools					P	P			
174	Urgent Care				P	P				
175	Warehousing						P	P		
179	Wholesale Business					P	P	P		

4.4 Table of Dimensional Requirements.

Regulated Standards (a)							
	<u>TD-1 (f)</u>	<u>TD-3</u>	<u>TD-4</u>	<u>TD-5</u>	<u>TD-6</u>	<u>TD-8</u>	<u>TD-10</u>
Maximum Lot Density (units per acre)	1						
Minimum Lot Dimension							
Area (sq. ft. in thousands) (e)		10 Sf.	6 Sf. 3 Tf.		10		15
Width (feet)	100	90	50 Sf. 60 Tf.		80	100	100
Depth		110	100		100		100
Minimum Yards (feet)							
Front		25	20	10 (c)	10 (c)		10 (d)
Rear	100 (for primary structures) 50 (for accessory structures)	30	25	10 (c)	10 (c)		20 (d)
Side (each)		10	8 Sf. and 8 Tf.	(b)	(b)		10 (d)
Both Side Yards		25	20 Sf. 16 Tf.				
Minimum Building Setback from Right-of-way Line (ft.)	40						
Maximum Impervious Coverage	10% (of the lot)	40%	60%			60% (of the tract)	
Maximum Lot Coverage		40%	60%	80%	80%	30% (max. building coverage of the tract)	80%
Maximum Principal Building Height							
Stories	2.5	2.5	2.5	4	4	6	2
Feet	35	35	35	50	50	60	50
Maximum Accessory Building Height							
Stories	1.5					1.5	
Feet	17					17	

Additional Standards for TD-8	
Minimum Tract Area (sq. ft.)	175,000
Maximum Tract Density (g)	20
Minimum and maximum setbacks from streets (feet)	
Any building face to arterial street right-of-way	30
Any building face to collector or local street right-of-way	25
Any building face to common parking area	4
Surface parking areas - same as building face to which they are accessory	(h)
Minimum side and rear building setbacks from tract perimeter (feet)	
From other TD-8 zones	25 (i)
From a Residential or TD-1 district boundary line (j)	100 (i)
From other district boundary lines	50(i)
Minimum surface parking areas, driveways, interior roadway setbacks from tract perimeter (feet)	
From other TD-8 zoned tracts	10
From any Residential or TD-1 district boundary line	25
From other district boundary lines	10

Standards for Accessory Uses	
Maximum Permitted Height	1.5 stories or 17 ft.
Minimum Yard Regulations (uses not attached to principal structure may be erected within 1 of the side yards or within the rear yard, not permitted within the front yard)	
Side Yard (Interior Lot)	5 ft.
Side Yard (Corner Lot)	Same as for principal structure
Rear Yard	5 ft. 10 ft. (if adjacent to an alley)
Minimum distance from principal structure on same or adjacent lot	10 ft.

Abbreviations: SF = Single Family; TF = Two Family; MF = Multi-Family

- a. See Articles 6, 7 and 10 for Supplementary Provisions and for additional regulations governing accessory structures.

A blank space in the table indicates that there are no minimum criteria established for the district.

- b. Except when abutting and Residential District, then 15 feet shall be required.
- c. Except when abutting an Residential District, then 20 feet shall be required.

- d. Except when abutting an Residential District, then 30 feet shall be required.
- e. Land area required per dwelling unit for all residential uses, and for each nonresidential use.
- f. Single Family Basic - On a tract of 30 acres, there may be up to 30 1-family dwelling units and there is no open space requirement; or on a tract of 20 acres there may be up to 20 such units.

Comparative Illustration (1F Dwelling Units)	
Units Per Acre	1-Family Basic
30 Acre Illustration	1/1.0 ac
Total No. of 1-Family Units	30
Open Space Required	N/A
Typical Lot Size (ac)	1.0
Typical Dimensions	100X400

- g. Provided, however, that garden apartments shall not be developed at a density of more than 12 dwelling units per net developable acre.
- h. Refer to Article 6.15.
- i. Where a building in question is greater than 25 feet in height, for every additional foot of height above 25 feet, add a corresponding foot to required setbacks.
- j. Except that the setback for residential uses in TD-8 zones shall be not less than 50 ft.

4.5 Accessory uses.

Land Uses	TD-1	TD-3	TD-4	TD-5	TD-6	TD-8	TD-10
Accessory Uses, Residential	P	P	P		P		
Home Occupation	P	P	P		P		
Nurseries and Greenhouses, Residential	P	P	P				
Telecommunications Facilities, Residential	P	P	P				
Accessory Uses, Non-Residential				P	P	P	P
Accessory Dwelling Units (ADU)	P	P	P				
Self-Contained Living Space (temporary) for elderly parents	P	P	P				
Short-Term Rentals	P	P	P	P	P		
Bakery Retail				C			P
Commercial Communication Antenna	P					P	P
Charging Stations				P	P	P	P

5. Overlay Regulations

5.1 Floodplain

Refer to the Mayfield Borough Floodplain Ordinance on file available in the Mayfield Borough Building.

5.2 Regional Use Overlay 1

521. Permitted, Conditional, Special Exception and Accessory Uses

Within any Regional Use Overlay 1 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

522. Height

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.

523. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the Borough's Subdivision and Land Development Ordinance as amended (SALDO).

523.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

523.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.

523.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the Borough SALDO and/ or Borough Stormwater Ordinance as amended.

523.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.

523.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the Borough

SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.

523.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the Borough SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the Borough SALDO.

523.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the Borough SALDO.

524. Accessory Uses

524.1 Customary accessory structure and use

524.2 Sign, pursuant to Article 8

525. Lot Area, Width, Building Coverage and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

526. Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

5.3 Regional Use Overlay 2

531. Permitted, Conditional, Special Exception and Accessory Uses

Within any Regional Use Overlay 2 listed on the Land Use Table, no building, structure, lot or land shall be used for other than one or more of the Permitted or Accessory Uses listed in said District except for non-conforming uses and non-conforming buildings in the ordinance.

532. Height

No building or structure shall be erected to a height in excess of the maximum allowable height in said District, except as provided in Supplemental Regulations in Article 6.

533. Site Plan Approval for Permitted Uses

Where site plan review is required for a permitted, accessory, conditional or special exception use, said site plan shall be submitted to the Planning Commission for review in accordance with the Borough's Subdivision and Land Development Ordinance as amended (SALDO).

533.1 All Permitted Uses. The Planning Commission shall determine that the site makes adequate provision, where applicable, for the following:

533.2 Access facilities adequate for the estimated traffic to and from the site so as to assure the public safety and to avoid traffic congestion. Vehicular entrances and exits shall be clearly visible from the street and conform to minimum distances as required in the SALDO.

533.3 Adequate collection and disposal of storm runoff from the site shall be provided in conformance with the Borough SALDO and/ or Borough Stormwater Ordinance as amended.

533.4 Adequate provision of space between buildings on the lot and of setbacks from private drives, roads, streets or driveways, if any, so as to assure ample light, air and useable open space in the interest of public health, safety and general welfare.

533.5 Lighting facilities and required lightning plans adequate for achieving no glare and dark sky compliance for the safety of pedestrian, adjoining residential properties and vehicular traffic as required in the Borough SALDO. Sign lighting shall be in conformance with the standards set forth in Article 9.

533.6 Adequate inclusion of plant material to provide effective planting and buffer screens where deemed advisable by the Borough SALDO. A landscape planting plan specifying type, size and location of existing and proposed plant material shall be required as specified in the Borough SALDO.

533.7 Adequate parking and truck loading requirements pursuant to the provisions of Article 8 and the Borough SALDO.

534. Accessory Uses

534.1 Customary accessory structure and use

534.2 Sign, pursuant to Article 8

535. Lot Area, Width, Building Coverage and Height Regulations

	Minimum Lot Area	Minimum Lot Width	Maximum Building Coverage of Lot	Maximum Building Height
All permitted uses	1 acre	150 ft.	10%	35 ft.

536. Minimum Yard Requirements

	Front Yard	Each Side Yard	Side Yard with Abutting Street	Rear Yard
All permitted uses	50'	30'	50'	50'

537. Site Plan Review

- 537.1 Required for conditional uses and special exception uses pursuant to the provisions of this Chapter.
- 537.2 Required for all permitted uses.

5.4 Growth Area

541. Purpose.

- 541.1 To align densities of permissible land uses with areas of existing and planned public infrastructure service.
- 541.2 To facilitate Cluster Development as an optional form of infill development within areas in the Borough served by public sewer and public water.

542. Applicability. The Designated Growth Overlay shall be delineated on the Official Zoning Map.

543. Connection to public infrastructure shall be required in the Designated Growth Overlay.

544. See also SALDO requirements for Sanitary Sewer Disposal.

6. Supplemental Regulations

6.1 Zone Lot Regulation.

611. Existing Zone Lots of Record

In any District a structure may be erected on a nonconforming zone lot of official record at the effective date of this Ordinance irrespective of its area or width, the owner of which does not own any adjoining property which would create a conforming lot if all or part of said property were combined with subject zone lot. No lot shall be considered to be a nonconforming lot in single ownership where the owner of such lot owns adjacent property regardless of the ownership of such adjoining property being held under a separate deed of ownership. No lot or lots in single ownership shall hereafter be reduced so as to create one (1) or more nonconforming lots, and provided, further, that on any nonconforming lot no side yard shall be less than ten (10) feet, unless a smaller side yard is permitted in Article 6.3 hereof; provided further that the rear yard of any such lot shall in no case be less than twenty (20) feet, and the front yard shall be as required in Article 6.3 hereof.

In an residential district, only a single-family detached dwelling or an appurtenant use accessory to an adjacent principal permitted use may be erected on a nonconforming lot.

612. Minimum Lot Sizes where there is no Central Water or Sewer

Unless State or other local regulations require greater lot areas or lot widths, the minimum lot area and lot width for each dwelling unit shall be as specified in Article 4 hereof where such lot is not served by a central sanitary sewer system or a central water system; and, provided further, that any dwelling erected on such a lot shall be in accordance with the yard and coverage requirements as specified for an TD-3 District.

613. Lot Frontage

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district where located. The width of any lot in any district, except "TD-5, TD-6" and "TD-10" Districts, shall not be less than thirty (30) percent of the depth of said lot at the front lot line, provided however, that no lot need exceed a width of three hundred (300) feet nor shall any such lot having a depth of 300 feet or more, be less than one-hundred (100) feet along the front line.

614. Corner Lots

At all intersecting public right-of-way lines, no obstructions to vision (other than an existing building, post, column or tree) exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the intersecting public right- of-way and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.

615. Through Lots

Where a single lot under individual ownership extends from a street to an alley, the widest street shall be deemed the street upon which the property fronts and no principal structures and no dwelling shall be erected which shall face on the rear of such a lot.

616. Required Area or Space cannot be Reduced

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area or dimension may be continued and shall not be further reduced.

6.2 Height exceptions.

621. General Application

No building or structure shall have a greater number of stories than are permitted in Article 4 hereof, provided further that the aggregate height of such buildings or structures shall not exceed the number of feet permitted in Article 4, except as otherwise provided herein in Article 622.

622. Permitted Exceptions

Height limitations stipulated elsewhere in this Ordinance shall not apply to open amusement areas, barns, silos, schools, church spires, belfries, cupolas and domes, monuments, water towers, utility poles, chimneys, smokestacks, flagpoles, residential telecommunications facilities, or to parapet walls extending not more than four (4) feet above the limiting height of the building. Such height exceptions shall, however, be subject to building code requirements and any other specific regulations that may apply to such uses. Applicants shall also be required to demonstrate fire-safety in connection with any such use.

6.3 Yard Requirements.

631. Side Yards

631.1 Side Yard Width May Be Varied.

When the side wall of a building is not parallel with the side lot line or is broken or irregular, the side yard may be varied. In such cases the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half ($\frac{1}{2}$) the otherwise required minimum width; and, provided further that no building wall shall be nearer to any point on a side property line than five (5) feet.

631.2 Side Yard of Corner Lot.

Any corner lot delineated by subdivision after the adoption of this Ordinance shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on a side street.

632. Front Yard of Corner Lot. The front yard of any corner lot shall be established on the wider of the two (2) streets abutting said lot, except where the widths of the two (2) abutting streets are equal, then the front yard may be established on either street.

633. Front Yard Exception. When an unimproved lot is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than fifteen (15) feet.

Where any unimproved lot shall front on a right-of-way which is proposed, on the Municipality's Official Map, to be widened, the front yard of such lot shall be as required by Article 4 hereof, and shall be measured from such proposed future right-of-way.

634. Projections into Required Yards. Certain architectural features may project into required yards as follows:

634.1 Cornices, canopies, eaves, and other similar architectural features may project into a side yard a distance of two (2) feet; provided, however, that where a side yard exceeds a width of twelve (12) feet, such extension may be increased by 2 inches for each 1-foot by which the yard exceeds a width of 12 feet.

- 634.2 Fire Escapes may project into side and rear yards a distance not exceeding four (4) feet, six (6) inches.
- 634.3 Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding four (4) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- 634.4 Open patios and decks may be located in side yards and rear yards provided that they are not closer than three (3) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened in accordance with the provisions of Article 692.3 hereof. In case of a corner lot, no enclosed patios shall extend into the side yard adjoining such side street.
635. Additional Yards Required Where Nonresidential Uses Abut Residential Districts (Buffer Zone). All nonresidential uses first permitted in TD-1 or less restrictive districts, which abut, at the lot line or on the same street, an "TD-3 and TD-4" District, shall provide yards, where they abut, of not less than fifty (50) feet in depth; provided, however, that if the yard requirement for the nonresidential use is greater, then such greater distance shall be required. Such yards shall be maintained as landscaped open spaces and shall not be occupied by parking, loading or outdoor storage uses.
636. Maximum Coverage.
Impervious Coverage. Land coverage by principal and accessory buildings or structures and other impervious surfaces on each zone lot shall not be greater than is permitted in Article 4 or other pertinent sections of this Ordinance.
637. Number of Buildings Restricted. There shall be not more than one (1) principal dwelling structure nor more than two (2) accessory structures, including a private garage on each residential zone lot except as otherwise provided herein for dwelling groups, large scale developments and transient housing facilities; provided, however, that an attached garage or swimming pool and all necessary facilities and structures related to or required in connection with a swimming pool shall not be considered within this limit.

6.4 Accessory Buildings

641. Refer to Article 4.4 for dimensional standards.
642. Attached Accessory Structures in Residential Districts. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building.

- 642.1 Non-Dwelling Accessory Structures in Other Districts. Non-dwelling accessory structures shall comply with front and side yard requirements for the principal structure to which they are accessory and shall be not closer to any rear property line than ten (10) feet.

6.5 Residential Standards.

651. Mobile Home Parks

Mobile home parks are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Borough.

Refer to **Article 767** for additional criteria.

651.1 Project Design Process and procedure

651.101 Subdivision and Land Development - Mobile home parks shall be considered major subdivisions and land developments also subject to the Borough Subdivision and Land Development Ordinance. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development or home placement, and the approvals required shall be requested and acted upon concurrently as one subdivision.

651.102 Design Process and Procedure - All mobile home parks shall be designed and processed in accord with the requirements for Open Land Developments contained in **Article 5.5** of this Ordinance.

651.103 Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all mobile home sites, buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other standards which may be applicable in the Borough. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.

651.104 Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Borough or a property owners' association, for the purpose of preserving the open space in the same manner as required for Open Land Development in Article 5.5 of this Ordinance.

651.2 Design; Procedures; Parcel Size; Density; Mobile Home Sites

651.201 All mobile home parks shall be designed and processed in accord with the procedure for open land developments in accord with this Ordinance using the density factors.

651.202 All land proposed for a particular mobile home park shall be part of the same parcel and contiguous.

651.203 The minimum parcel size for a mobile home park shall be ten (10) acres and the overall density of a mobile home park shall not exceed four (4) units per acre.

651.204 Each mobile home site shall have a minimum area of five thousand (5,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths and depths shall be forty-five (45) feet. Each mobile home lot shall be defined by metes and bounds on a survey and shall be shown as such on the development plan, and markers shall be installed at each corner of every lot.

652. Mobile/Manufactured Homes on Individual Lots

Mobile homes placed on lots not in a mobile home park shall comply with all Borough regulations applicable to single-family residential dwellings and:

652.1 Shall be constructed in accordance with the Safety and Construction Standards of the U.S. Department of Housing and Urban Development. These standards supersede the BOCA Code for the actual construction of the unit itself.

652.2 Shall have a site graded to provide a stable and well-drained area.

652.3 Shall have the hitch mechanisms removed. The wheels and axles shall be removed or screened from view.

652.4 Shall be securely attached to the ground in such as way as to prevent overturning, shifting or uneven settling of the home.

652.5 Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one (1)

normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.

652.6 Homes shall have a pitched instead of a flat roof.

652.7 Shall be attached to a permanent foundation.

653. Short-Term Rentals

653.1 The dwelling must be the permanent address of the owner or lessee and the owner or lessee must occupy the dwelling for at least six (6) months of the calendar year. The owner or lessee shall register as a Short-Term Rental with the Mayfield Borough.

653.2 An owner or lessee of the dwelling may provide short term rentals up to six (6) times in one calendar year, whereas the maximum total number of days short-term rental activity shall be permitted to occur per dwelling unit shall not exceed thirty (30) calendar days in one calendar year.

653.3 The short-term rental shall not permit more than two (2) persons to occupy one (1) bed.

653.4 If the short-term rental pertains specifically to couches, the short-term rental shall not permit more than one (1) house guest to occupy one (1) couch. Additionally, if the short-term rental does not offer private sleeping quarters, then the house guests shall be limited to one (1) per dwelling at a time.

653.5 All activity at the short-term rental shall be subject to enforcement of the Borough's noise-, nuisance- and property maintenance-related ordinances including but not limited to parts of this ordinance pertaining performance standards and property maintenance.

653.6 Any noise caused by the house guests that disturbs the neighboring dwellings shall not be permitted, and if the house guest(s) is convicted for any disturbance(s) of the peace, the house owner or lessee shall not be permitted to continue to offer short term rentals.

653.7 Within the context of short-term rentals, a meeting room shall refer to the location within the dwelling unit where people gather for personal and/or professional purposes.

653.8 The short-term rental shall provide parking in accordance with part 8 of this ordinance. All house guest parking exceeding one (1) space shall be private off-street parking.

653.9 License Required.

No Owner of any Premises in Mayfield Borough shall operate a Short-Term Rental in Mayfield Borough without first obtaining a Short-Term Rental

License from the Code Enforcement Officer. Operation of a Short-Term Rental without such Short-Term Rental License is a violation of this Ordinance.

653.10 License requirements.

- a. Application requirements. Short-Term Rental License applications shall contain all of the following information:
 - i. The name, address, telephone number and email address of the Owner. If the Owner is not a full-time resident of the Borough of Mayfield or does not live or have a primary physical work address (beyond a post office box) within a twenty-mile radius of the Borough of Mayfield and within the Commonwealth of Pennsylvania, then the Owner shall designate a Person to serve as Manager who does reside or have a primary physical work headquarters (beyond a post office box) within a twenty-mile radius of the Borough of Mayfield. If the Owner is a corporation, partnership or similar entity, a Manager shall be appointed meeting the above requirements. If the Owner is not required to have, or has not designated, a Manager, then the Owner shall provide a 24-hour telephone number. If the Owner uses a Manager that Manager shall have written authorization to accept service for the owner.
 - ii. The name, address, and 24-hour telephone number of the Manager.
 - iii. Floor plans for the Short-Term Rental, including total habitable floor space and total number of bedrooms.
 - iv. If the building is a multi-dwelling unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short-Term Rentals. Each Dwelling Unit in a multi-dwelling unit structure is required to have a separate Short-Term Rental License.
 - v. A site plan showing the location and number of on-site parking spaces. If not on a central sewer system, the location, approximate age and capacity of the sewage disposal system.
 - vi. Copies of current Lackawanna County Hotel Room Excise Tax Certificate and current Pennsylvania Sales and Use Tax License.
 - vii. Signatures of both the Owner and the Manager.
 - viii. Trespass Waiver signed by the Owner allowing access to the Premises for the Code Enforcement Officer and/or the Rental Housing Inspector for the purpose of inspection to verify compliance with this Ordinance.
 - ix. Copy of the current recorded Deed for the Premises establishing ownership.

- x. Evidence that there are no delinquent Borough water, sewer and solid waste collection fees for all properties owned, in whole or in part, by the Owner in the Borough.
 - xi. A copy of a contract with a solid waste hauler to remove solid waste from the Short-Term Rental Premises. Short-Term Rental Premises are not included in the Borough's municipal solid waste collection service; Short-Term Rental Premises must have a private solid waste hauler with weekly pickup. No dumpsters are permitted.
 - xii. Evidence that there are no delinquent Lackawanna County Hotel Room Excise Tax or Pennsylvania sales/use taxes due and owing with respect to Short-Term Rentals or all properties owned, in whole or in part, by the Owner in the Borough.
 - xiii. Certificate of Insurance evidencing that at least \$500,000.00 in general liability insurance is in effect with respect to the Short-Term Rental, issued by an insurance company licensed to do business in Pennsylvania, which shall be maintained in full force and effect by the Owner for the entire period the Short-Term License is in effect.
- b. A Short-Term Rental License shall be issued only to the Owner of the Short-Term Rental Premises.
- i. A separate Short-Term Rental License is required for each Dwelling Unit; for two-family or multi-family dwellings, a separate License shall be required for each Dwelling Unit being used as a Short-Term Rental.
 - ii. A Short-Term Rental License is effective for a period of one (1) year, or until any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed, whichever shall first occur. A Short-Term Rental License must be renewed annually, and also when any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed.
 - iii. The Owner, by making application for a Short-Term Rental License and/or accepting issuance of a Short-Term Rental License, grants permission for any and all inspections authorized by Section below.
 - iv. The Borough will prescribe forms and procedures for the processing of License applications under this Ordinance.
- 653.11 Short-Term Rental standards.
- a. Overnight occupancy of a Short-Term Rental shall be limited to no more than one Family per Dwelling Unit.
 - b. The maximum number of day guests allowed at any one (1) time, in

- addition to the overnight occupants, shall be seventy-five percent (75%) of the maximum overnight occupancy of the Short-Term Rental.
- c. Off-street parking areas for Short-Term Rental uses must meet the Zoning Ordinance requirements for single-family dwellings (3 spaces/dwelling unit, stacked parking is permitted). Day visitors may park on-street in accordance with the applicable on-street parking requirements for that street. Overnight guests must park in an approved off-street parking area, not on the street. Any expansion of parking areas for a Short-Term Rental requires prior Borough approval. Parking areas shall be maintained in a mud-free condition with paving, stone or similar material and shall count as part of the maximum lot coverage limits.
 - d. Short-Term Rental Premises are not included in the Borough's municipal solid waste collection service; Short-Term Rental Premises must have a private solid waste hauler with weekly pickup. A copy of a contract with a solid waste hauler to remove solid waste from the Short-Term Rental Premises is required as part of the registration information included in Section 124-18.A.11. above. No dumpsters are permitted.
 - e. Neither Short-Term Rental Occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.
 - f. The Owner shall use best efforts to assure that the Occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of any of Mayfield Borough Ordinances or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the Occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
 - g. The Owner shall, upon notification that Occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of any of the Mayfield Borough Ordinances or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those Occupants or guests.
 - h. Overnight occupancy of recreational vehicles, camper trailers and tents at the property where the Short-Term Rental is located shall not be allowed. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
 - i. All Short-Term Rentals shall have a clearly visible and legible notice

posted within the dwelling unit on or adjacent to the front door containing the following information:

- i. The name of the Owner or the Manager of the unit, and a telephone number at which that party can be reached on a 24-hour basis.
- ii. The 911 address of the Premises.
- iii. The maximum number of Occupants permitted to stay in the Dwelling Unit and the maximum number of day guests permitted at any one (1) time.
- iv. The maximum number of all vehicles allowed to be parked on the Premises and the requirement that all overnight guest parking must be on the Premises and not in or along any private, community or public street right-of-way.
- v. Notification that an Occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of any of the Mayfield Borough Ordinances, including parking and occupancy limits.
- vi. Notification that Short-Term Rental Occupants and guests are required to make the dwelling unit available for inspection by the Code Enforcement Officer and/or Rental Housing Inspector upon request.

653.12 Fees, term and renewal.

- a. Short-Term Rental License fees, payable to the Borough upon the filing of a Short-Term Rental License application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
- b. Any Short-Term Rental License is valid for a period not to exceed one (1) year from the date of issuance and must be renewed annually. Short-Term Rental License renewal fees, payable to the Borough upon the filing of a Short-Term Rental License renewal application, shall be in such amount as may be established by resolution duly adopted by the Borough Council.
 - i. Short-Term Rental License renewal shall require inspections outlined in Section below.
 - ii. Short-Term Rental License renewal applications shall contain information regarding any changes from the immediately preceding application with respect to matters governed by this Ordinance.

653.13 Enforcement Officer and Inspections

- a. Enforcement officer.
 - i. The Mayfield Borough Code Enforcement Officer and/or the Mayfield Borough Zoning Officer shall conduct inspections, make

- reports and administer this Ordinance, and to issue notices of violation.
- ii. The Code Enforcement Officer and/or the Zoning Officer, with the authorization of the Borough Council, may engage the services of competent engineers or other consultants to determine the nature and extent of any violation.
- b. Inspections required.
- i. All Short-Term Rentals shall be subject to an annual inspection by the Code Enforcement Officer and/or the Rental Housing Inspector to verify application information, License, License renewal and/or operating requirements. All Short-Term Rentals shall be inspected to and meet the full requirements of the Borough's adopted Property Maintenance Code, which is the 2006 International Property Maintenance Code.
 - ii. The issuance of a Short-Term Rental License or inspection is not a warranty that the Premises is lawful, safe, habitable, or in compliance with this Ordinance. Rather, the license indicates that the Premises are either set to be inspected on a routine basis or, if inspected, the Premises met this Section of the Ordinance requirements on the day and at the time of the inspection.
 - iii. If there is reason to believe that any provision of this Ordinance is being violated, the Borough Council may or may cause, through an authorized representative of the Borough, entry onto Premises for the purpose of inspection of any and all Premises, properties, buildings and/or structures located within the Borough for ascertaining the existence of violations. In those matters where the nature of an alleged violation is such that an inspection of the interior of a building or structure is necessitated, prior arrangements must be made with the owner or his agent to secure access thereof.
 - iv. Within the limitations of federal and state law, the Code Enforcement Officer may apply to a Magisterial District Judge or any legal authority having jurisdiction for an administrative search warrant to enter and inspect a Short-Term Rental Unit and the Premises. Such warrant is only required where access to a Short-Term Rental Unit or common areas is denied to the Code Enforcement Officer after a request to a person with a possessory interest in the regulated rental unit.
- c. Marketing.
- The marketing of a Short-Term Rental in which the advertised occupancy exceeds the maximum occupancy requirements permitted by this Chapter, or which promotes any other activity which is prohibited by this Ordinance, shall be a violation of this Ordinance.

653.14 Violations, Penalties and Costs

a. Notice of violation.

If it appears to an Enforcement Officer that a violation of this Ordinance exists or has occurred, the Enforcement Officer shall send a written Notice of Violation to the Owner and/or Manager (if one is so designated) by personal delivery or by both United States first class and certified mail. The Enforcement Notice shall identify the Premises which is the subject of the violation, enumerate the conditions which constitute the violation, cite the specific sections of this Ordinance which are violated, indicate the action required to correct the violation, and provide a time frame (established by the Enforcement Officer based upon the nature of the violation) to correct the violation

b. Nuisance.

In the interest of promoting the public health, safety and welfare, and minimizing the burden on Borough and community services and impacts on community neighborhoods posed by Short-Term Rentals, a violation of any of the provisions of this Ordinance is declared to be a public nuisance.

c. Violations and penalties.

i. This Ordinance shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any Person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all court costs and reasonable attorney's fees incurred by Mayfield Borough in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Mayfield Borough are hereby authorized to seek equitable relief, including an injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid to Mayfield Borough for its general use.

ii. In addition to, but not in limitation of, the provisions of Section, the Code Enforcement Officer may either revoke, or deny an application to renew, a Short-Term Rental License for three (3) violations of this Ordinance in any rolling twelve (12) calendar

month period.

- iii. The revocation or denial to renew a Short-Term Rental License shall continue for six (6) months for the first set of three (3) violations, and continue for one (1) year for any subsequent sets of violations.

- d. Owners severally responsible.

If the premises are owned by more than one Owner, each Owner shall jointly and severally be responsible for violations of this Ordinance.

6.6 Traffic impact study requirements.

661. Purpose. Traffic impact studies are required for certain activities to enable the Borough to assess the effect on the transportation system in and around the Borough and to:

- 661.1 Ensure that proposed uses do not adversely affect the transportation network.
- 661.2 Identify any traffic problems associated with site access.
- 661.3 Determine traffic problems on private, Borough, County or State roads in the project traffic study area.
- 661.4 Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

662. Thresholds. A TIS shall be required for all residential and nonresidential proposals that are projected to generate 150 or more trip-ends per project peak hour or 750 trip-ends or more per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) that meet or exceed the peak hour or daily thresholds.

663. Requirement.

- 663.1 State Roads- In cases where PennDOT requires a TIF for access to a state road, a separate TIS shall not be required by the Borough. If PennDOT does not require a TIS and the traffic from the proposed use meets or exceeds the peak hour or daily thresholds, a TIS using PennDOT methodology shall be required.
- 663.2 Borough Roads- If a TIS is required for access to a Borough road, the TIS shall be prepared in accord with PennDOT methodology.

6.7 RESERVED.

6.8 Temporary structure or use.

681. Temporary Tract Office, Tract Sign, Model Home. Such temporary use in any district shall be located on the property to which it is appurtenant and it shall be limited to a six (6) month period at the expiration of which time the applicant may request a further extension of time. Otherwise such temporary use shall be removed at the expense of the owner.
682. Other Temporary Uses
- 682.1 Types of Other Temporary Uses. Temporary uses, other than "sidewalk sales" and those specified in Article 693.1 hereof, shall be permitted only as Conditional Uses and may include such uses as a circus, carnival, bazaar, flea market and other transient businesses concert, and other special exhibits, as well as the removal of culm banks and other waste deposits.
- 682.2 Time Limitation on Permits. Except for tract offices, tract signs, model homes, and the removal of culm banks and other waste deposits, no temporary permits shall be issued for a period of more than thirty (30) consecutive days. For events of one (1) to two (2) day duration the permit shall be limited accordingly. Such limitation shall not, however, preclude the applicant from securing temporary permit renewals not to exceed a period of thirty (30) days covered by any such temporary permit. Application shall be filed with the Borough Council not less than one (1) month prior to the regular meeting of the Borough Council at which approval shall be considered.
- 682.3 Condition of Site of Temporary Event. Upon the termination of the temporary event, the applicant shall restore the site to its original condition with 24 hours of termination.
- 682.4 Other Conditions. The applicant shall provide the Borough Council with evidence of adequate liability insurance in an amount to be determined by the Borough on a case-by-case basis, as well as evidence of adequate resources to assure the safety of the participants and the surrounding area.
- 682.5 Additional Requirements. The Borough Council may establish additional requirements related to the terms and conditions, and the duration of each such temporary use on a case-by-case basis as needed to protect the public health, safety and welfare.

6.9 Landscaping.

691. Areas Required to be Landscaped.

Areas that are required to be landscaped in accordance with the standards set forth herein shall be:

- 691.101 Permanent Open Space Areas
- 691.102 Off-street Parking and Loading Areas
- 691.103 Areas where buffers and/or screening is required to assure privacy and/or to block the view of unattractive development or other features

692. Screening and Buffer Standards

692.1 Permanent Open Space

- 692.101 Permanent Open Space shall be landscaped and maintained in accordance with Section 6146 hereof.
- 692.102 Up to 20% of the total required permanent open space area in TD-8 zones may also consist of exterior common use areas such as pedestrian paths, sidewalks, plazas, court yards, and recreational amenities.

692.2 Off-street Parking and Loading Areas

692.201 Location of Off-street Parking and Loading Areas

- a. No parking space shall be nearer to any property line or right-of-way line than the minimum setback required for a principal building on the subject lot, but in no case less than 10 feet.
- b. Parking lots shall be provided at the side or to the rear of nonresidential buildings that are visible from public roads; provided, however, that when such placement is not desirable or practicable the off-street parking may be provided between the front of the building and the right-of-way; in such cases, the parking area shall be setback not less than the minimum setback required for the front yard of the principal building, but, not less than 25 feet; and the front yard area shall be developed to form a buffer, as follows: a thickly vegetated buffer shall be provided; and, the width, length and planting materials shall be sufficient to visually screen the view of parked vehicles from the public right-of-way. The buffer area shall not consist of or contain any paved areas, except for pedestrian walkways.

692.202 Landscaping Off-street Parking Lots in TD-8 Zones

- a. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots. At least one (1) shade tree shall be provided for each 300 square feet (or fraction thereof) of interior landscaping.
- b. The use of small, ornamental trees in parking lots should be avoided, since these trees will never grow tall enough to provide shade and will block store signs and clear sight triangles. Canopy trees will grow tall enough so that signs can be seen under their branches.
- c. All parking lots with ten (10) or more stalls shall be landscaped according to the following regulations:
 - i. One planting island shall be provided for every ten parking stalls. There shall be no more than ten contiguous parking stalls in a row without a planting island.
 - ii. The ends of all parking rows shall be divided from drives by planting islands.
 - iii. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
 - iv. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 100 stalls.
 - v. Planting islands shall be a minimum of nine feet by eighteen feet (9' x 18') in area, underlain by soil (not base course material); mounded at no more than a 4: 1 slope, nor less than a 12: 1 slope; and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or ground cover to cover the entire area.
 - vi. All planting strips shall be a minimum of nine (9) feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be mounded at no more than a 4: 1 slope, nor less than a 12:1 slope, and shall be

protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street-type shade trees at intervals of 30 to 40 feet, plus shrubs and/or ground cover to cover the entire area at maturity. Where planting strips shall exceed a width of twelve (12) feet, the herein-described shrubbery and ground cover requirements may be reduced to lawn grass ground cover.

vii. Plant materials shall be in accordance with the provisions of Article 692.408 hereof.

d. All parking lots shall be screened from public roads and from adjacent properties as required in Article 692.302 and 692.303 hereof.

692.203 Lighting Off-street Parking Lots in TD-8 Zones

- a. For all parking areas, driveways and walkways, all pole mounted luminaries shall be low maintenance poles and fixtures; and, all branch circuiting for lighting shall be installed below grade.
- b. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
- c. Lighting shall be directed away from adjacent residential uses and residential zones, and shall be shielded from fugitive skyward emissions.

692.3 Buffer and Screening Requirements in Zones

692.301 All subdivisions and land developments shall provide the following types of buffer/screening treatment that is applicable to the use and the environment of the subject development, as follows:

- a. Property line buffers that act to integrate new development with its surroundings and to separate incompatible land uses.
- b. Site element screens that act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road right-of-way (either public or private).

692.302 Property Line and Right-of-way Line Buffer Requirements

- a. Property line and right-of-way line buffers shall be required for the following types of development and as otherwise specified herein.

- i. All nonresidential development adjoining a Residential District.
- ii. All multi-family residential structures.
- iii. All mobile home parks.
- b. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoned uses shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirements shall apply. The municipality shall have final approval of interpretation of land uses or zoning map.
- c. Buffer Area Location and Dimensions
 - i. A buffer area of not less than 25 feet in width shall be established along all property lines, and right-of-way lines unless otherwise specified herein.
 - ii. The buffer area may be included within the front, side, or rear yard setback.
 - iii. The buffer area shall be a continuous pervious planting bed consisting of trees and shrubs, grass or groundcover.
 - iv. Parking is not permitted in the buffer area.
 - v. Site element screens are permitted in the buffer area.
 - vi. Storm water basins are permitted in the buffer area.

692.303 Site element screens shall be required in all proposed land developments around the following site elements:

- i. Parking lots.
- ii. Dumpsters, trash disposal, or recycling areas.
- iii. Service or loading docks.
- iv. Outdoor storage.
- v. Vehicle storage.
- vi. Sewage treatment plants and pump stations.
- vii. Other unenclosed uses of a similar nature, and enclosed uses such as rear facades facing public right-of-way.

692.4 Site Element Screening Requirements in All Zones

692.401 Site element screens shall be required in all proposed land developments around the following site elements:

- i. Dumpsters, trash disposal, or recycling areas.
- ii. Service or loading docks.
- iii. Outdoor storage, nonresidential.

- iv. Sewage treatment plants and pump stations.
 - v. Other unenclosed uses of a similar nature.
- 692.402 Screen Location. The site element screen shall be placed between the site element and the property line or right-of-way and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on clear sight triangles.
- 692.403 Screen Types. Any of the following types of screens may be utilized in those cases where they will achieve the objective of blocking certain uses from public view.
- i. Evergreen or Deciduous Shrubs
 - ii. Double Row of Evergreen Trees
 - iii. Opaque Fence - A six-foot opaque fence surrounding the site element on at least 3 sides
 - iv. Architectural Extension of the Building-An. eight-foot minimum height architectural extension of the building (such as a wing wall) shall enclose service or loading docks. The building materials and style of the extension shall be consistent with the main building.
 - v. Berm with Ornamental Trees or grass - A two- to three-foot- high continuous curvilinear berm with ornamental trees. The maximum slope of the berm shall be 3: 1.
 - vi. Evergreen Hedge
 - vii. Low Wall - A wall of brick or stone (not concrete block), at least 50 percent opaque, not less than three nor more than four feet in height.
- 692.404 Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.
- 692.405 Existing topographic conditions, such as embankments or berms, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required screen.

- 692.406 The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Ordinance, with the approval of the governing body.
- 692.407 Plant materials shall meet the specifications of Section 692.4 hereof.
- 692.408 Plant Materials
- a. General Location Requirements
 - i. The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
 - ii. Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and aboveground utilities, and sight triangle areas required for unobstructed views at street intersections.
 - b. Design Criteria
 - i. The required plant material shall be distributed over the entire length and width of the buffer area.
 - ii. Buffer plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings that reflect the natural character of the region are encouraged.
 - iii. Plants shall be spaced to provide optimum growing conditions.
 - iv. A variety of tree species is required.
 - c. Substitutions. In accordance with the following guidelines, wherever possible, existing vegetation shall be retained and utilized as a buffer or a screen in accordance with the following guidelines:
 - i. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the governing body. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

- ii. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required property line buffers at the discretion of the governing body. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.
- d. Plant Material Specifications. The following requirements are minimum standards which shall apply to all plant materials or transplanted trees as required under this Ordinance; additional plant materials, berms, or architectural elements may be included in the plan at the applicant's discretion.
 - i. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen (AAN) Standards.
 - ii. All plant material shall be hardy and within the USDA Hardiness Zone applicable to Lackawanna County, Pennsylvania.
 - iii. Canopy trees, sometimes called shade trees, shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half inches at planting.
 - iv. Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum height of 6 feet or one-and-a-half-inch caliper. New large shrubs shall have a minimum height of two and a half to three feet at time of planting.
 - v. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of 4 feet based on AAN Standards. New shrubs shall have a minimum height of 18 inches at time of planting.
 - vi. Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN Standards for that species and shall remain evergreen throughout the year.

New evergreens shall have a minimum height at planting of six feet.

- e. Additional Plant Material Guidelines. Plant material features should be:
 - i. Able to thrive in the existing soil or soil that can be amended to reasonable specifications.
 - ii. Strong wood, not prone to breakage in wind or ice storms.
 - iii. Fruitless or otherwise free of parts that fall and could damage vehicles, clog drains, or make pavement slippery.
 - iv. Tolerant to excessive heat, de-icing salt and air pollution.
 - v. Free of unacceptable levels of disease or insect pests, including aphids that coat objects below with sticky "honeydew."
 - vi. Fits the site aesthetically and serves an intended function (shade, screen, focal point, etc.).

693. Water Storage Areas.

- 693.1 Settling Ponds and Reservoirs. If the contents of settling ponds is poisonous, toxic or caustic, the settling pond must be enclosed by a chain link fence not less than eight (8) feet in height; such fence shall be topped by not less than three (3) strands of barbed wire; if the contents emit noxious fumes, suitable ventilation controls must be exercised to prevent air pollution.
- 693.2 Retention and Detention Ponds/Basins. Except as otherwise provided in Article 693.1 hereof, any man-made water storage areas shall be enclosed by a chain link fence not less than eight (8) feet in height.

6.10 Site plan review.

The following standards have been established to guide the Zoning Hearing Board in its review of site plans and hearing of special exception requests. The standards are not absolute requirements, but any site plan should generally conform to their provisions. The Zoning Hearing Board may require any of the appropriate conditions to be met prior to approval.

6.11 Fences, Walls and Hedges.

6111. Fences.

- 6111.1 Privacy Fences. No solid fence exceeding six (6) feet in height, measured along the ground level along the full length of the fence, shall be permitted

in any residential district nor between buildings or lots used for dwelling purposes, in any district except as otherwise required herein. Open or ornamental fences may be erected to a height not exceeding eight (8) feet, provided the ratio of the solid portion to the open portion shall not exceed one (1) to four (4); and, provided further that no such ratio shall be applied to any screening provided by natural vegetation. No fence or other structure or appurtenance, more than three (3) feet in height, however, may be erected within the clear-sight triangle on all corner lots for a distance of thirty (30) feet measured along street right-of-way lot lines from their point of junction.

- 6111.2 Screening Fences. Unenclosed non-residential uses except off-street parking areas, commercial recreation areas, automobile sales areas and other similar uses shall be screened from public view and from adjacent properties in accordance with the provisions of Article 692.303 hereof.
 - 6111.3 Condition of Fences. All fences, hedges, walls and shrubs shall be maintained in good condition. When adjoining a Residential District no advertising shall be permitted on fences.
 - 6111.4 Installation of Fences. When any fence is installed, the supporting posts shall be located on the inside of the fence, facing the property to be fenced; and, the finished side of the fence shall face the adjoining property and/or right-of-way
6112. Enclosure of Porches. In any new construction, no porch shall extend into any required yard except open patios and decks as provided under Article 634.4. Any open patio, deck, or porch which has been constructed within any required yard prior to the date of this Ordinance shall not be enclosed, except as follows:
- 6112.1 On an interior lot where such porch shall be located in a front yard and the enclosure of such porch would be on a property where such enclosure would not extend beyond the front wall of the building or porch of any adjoining property.
 - 6112.2 On a corner lot, the same provisions described in Article 6112.1 shall apply. In addition, the enclosure of a front porch must also be in accordance with Article 614, concerning the clear sight triangle.
 - 6112.3 The enclosure of a front porch in a required front yard of either a corner lot or an interior lot shall not be allowed if such property adjoins an undeveloped zone lot in separate ownership.
 - 6112.4 The enclosure is in the rear yard.

6.12 Solar, Utility Scale.

6121. Process for Conditional Uses

6121.1 Applicability: A conditional use permit shall only be granted when the minimum conditions set forth in this Article and Article 7 for the specific conditional use have been met.

6121.2 Procedure.

- a. An application form prescribed by Mayfield Borough shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Mayfield Borough Council.
- b. 2. The applicant shall submit copies and necessary documentation of the proposed conditional use to enable the review of such proposal by Mayfield Borough. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the Applicant. The Applicant must demonstrate that the following conditions as stated in this Amended Ordinance have been addressed to the maximum extent applicable:
 - i. That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
 - ii. That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
 - iii. That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
 - iv. That the proposed conditional use is in general conformity with the Comprehensive Plan; and
 - v. That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Mayfield Borough Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- c. If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.

- d. The grant of approval of a conditional use permit shall not relieve the applicant from filing and having Mayfield Borough approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Mayfield Borough ordinance.
- e. The Mayfield Borough Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and the Mayfield Borough Comprehensive Plan, except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
- f. Public Hearings:
 - i. Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Mayfield Planning Commission. The Planning Commission and Borough Engineer shall be given an opportunity to provide written recommendation to Mayfield Borough Council concerning whether to approve, conditionally approve, or deny the application.
 - ii. A minimum of one (1) public hearing shall be held by the Mayfield Borough Council at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
 - iii. Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than thirty (30) days or less than seven (7) days prior to the hearing and shall be conspicuously posted by Mayfield Borough at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 1,250 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
 - iv. If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.
 - v. The Mayfield Borough Council shall render a written decision, upon review by the Planning Commission, or when no decision is called for,

make written findings on the conditional use request, within 45 days after the prior public hearing.

- vi. If Mayfield Borough denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.

6121.3 The conditional use application shall demonstrate that the proposed SEF will comply with this Ordinance.

6121.4 The conditional use application shall also attach the appropriate land development application as required by Mayfield Borough's Subdivision and Land Development Ordinance ("SALDO"). Said land development application shall be submitted contemporaneously with the conditional use application.

6121.5 Among other things, the application shall contain the following:

- a. A narrative describing the proposed SEF, including an overview of the project; the project location; the approximate generating capacity of the SEF; the estimated number of workers involved in the construction of the facility; the proposed sanitary facilities for workers; traffic and off street parking plan; the approximate number, representative types and height or range of heights of the panels or other Solar Electric System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.
- b. A deed, lease, agreement of sale or similar evidence of agreement between the Landowner(s) of the real property on which the SEF is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the SEF ("Participating Landowner Agreement"). The Participating Landowner Agreement shall be reviewed and approved by the Mayfield Borough Solicitor.
- c. Identification by property identification number, name(s) of owner(s) of record, deed book and page number of the properties or portions thereof on which the proposed SEF will be located, and the properties adjacent to where the SEF will be located.
- d. A site plan prepared by a Pennsylvania Professional Land Surveyor showing the planned location of each SEF, property lines, setback lines, access roads, draining facilities and turnout locations, substation(s), electrical cabling from the Solar Electric System to the substation(s), ancillary equipment, buildings and structures, including associated

distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

- e. A schedule for decommissioning and identification of entities or persons responsible.
- f. Other relevant studies, reports, certifications, and approvals as may be provided by the Applicant or required by Mayfield Borough to ensure compliance with this Ordinance.
- g. After review of the conditional use application, Mayfield Borough may require the applicant to place a reasonable deposit into escrow to cover the engineering and legal fees incurred with the conditional use process.

6122. Duration of the conditional use permit:

6122.1 If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Mayfield Borough Council, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

6122.2 If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained with 12 months from the date of the grant of the conditional use permit. However, the Mayfield Borough Council, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

6123. Design, Construction, Financial Security, Maintenance and Insurance

6123.1 Design Safety Certification - The design of the SEF shall conform to applicable industry standards, including_ those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories (UL), Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"); Electrical Testing Labs ("ETL"), Pennsylvania Solar Center ("PA Solar Center") or other similar certifying organizations.

6123.2 Uniform Construction Code - The SEF and the Solar Electric System shall be constructed to and comply with the Pennsylvania Uniform Construction Code ("UCC"), Act 45 of 1999, as amended, and any regulations adopted by

the Pennsylvania Department of Labor and Industry (PADOL) as they relate to the UCC., except where an applicable industry standard has been approved by the PADOL Linder its regulatory authority. Application for, and approval of; a Building Perm.it also shall be required.

6123.3 Visual Appearance: Power Lines

- a. SEFs shall not be artificially lighted, except to the extent required by safety or by any applicable federal state or local authority.
- b. SEFs shall not display advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the Facility Owner.
- c. On-site transmission and power lines shall, to the maximum extent practicable, be placed underground.

6123.4 Water Quality Standards: PA CODE, Title 25, Chapter 93 – The SEF shall abide by the water quality standards set forth in PA Code, Title 25, Chapter 93.

6123.5 Warnings

- a. A SEF shall be enclosed by a fence, barrier or other appropriate means to prevent or restrict unauthorized persons or vehicles from entering the property.
- b. Clearly visible warning signs shall be placed on the fence, barrier or SEF perimeter to inform individuals of potential voltage hazards.

6123.6 Site inspections – Mayfield Borough shall have the right to periodic inspections of the SEF after reasonable, written notice to the Facility Owner.

6123.7 Financial Security During Construction - During the construction phase of the SEF, the facility owner shall provide financial security shall be in the amount of 110% of the costs of construction. The estimate of costs shall be based upon an. estimate of the cost of completion of construction as prepared by the SEF's engineer who shall certify the costs to be fair and reasonable. Mayfield Borough's engineer shall review and approve the cost estimate. The financial security shall be posted and maintained during the life of the project in the form of a performance bond, irrevocable letter of credit; or other financial form of security acceptable to the Mayfield Borough Council. Once construction is completed in accordance with the approved permit application and this Ordinance's standards and requirements, the Facility Owner's engineer shall certify in writing that the construction is so completed and the Facility Owner may submit a written request for release of the financial security upon review and written

approval from Mayfield Borough's engineer and solicitor, the financial security shall be released. Acceptable forms of financial security are:

- a. Surety Performance Bond – A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania and approved by Mayfield Borough Council.
- b. Escrow Account – A deposit of cash either with Mayfield Borough or in escrow with a financial institution approved by Mayfield Borough Council. The financial institution must have a branch located within 100 miles of Mayfield Borough and be located within the Commonwealth of Pennsylvania.
- c. Irrevocable Letter of Credit – A letter of Credit provided by the facility owner from a financial institution subject to the approval of Mayfield Borough Council. The financial institution must have a branch located within 100 miles of Mayfield Borough and be located within the Commonwealth of Pennsylvania.

6123.8 A SEF shall be sited in such a way that it presents no threat to traffic or to public health and safety.

6123.9 All SEFs shall be situated in such a way that concentrated solar radiation or glare does not project onto any properties, structures or roadways. The solar panels shall also be coated with an anti-reflective film. At their own expense, developers must mathematically prove that no concentrated solar radiation or glare projects onto nearby structures, roadways or beyond the boundaries of the land upon which it is located. The study will be done by a third party approved by Mayfield Borough Council.

6123.10 Noise from a SEF shall not exceed a day limit of 55 dBA, as measured at the property line. The study must be quantified and proven by a third-party reputable company approved by Mayfield Borough Council.

6123.11 All SEFs should be designed and located to ensure solar access without reliance on or interference from adjacent properties.

6123.12 All SEFs shall be properly maintained and kept free from all unsafe conditions. All studies conducted will be at Council's discretion and the applicant's expense.

6123.13 Liability Insurance - The Facility Owner shall maintain a general liability insurance policy covering bodily injury and property damage with limits of at least \$1 million in the aggregate. Mayfield Borough shall be named an additional insured. Certificates of insurance shall be provided to Mayfield Borough on an annual basis.

6124. Miscellaneous

- 6124.1 Throughout the conditional use process, the applicant shall promptly notify Mayfield Borough of any material changes to the information contained in the conditional use application.
 - 6124.2 Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.
 - 6124.3 Once the applicant completes the SEF, he/she shall notify Mayfield Borough and request that the Certificate of Occupancy be issued. After review and recommendation by Mayfield Borough's engineer and solicitor that the SEF was constructed as designed and submitted, the Certificate of Occupancy will be issued.
6125. Ground Mounted SEFs
- 6125.1 Property Lines – Ground-mounted SEFs shall have a minimum setback at all property lines of 150 feet. These distances shall be measured from the closest edge of the SEF to the property line.
 - 6125.2 The surface area of the arrays of a ground-mounted SEF, regardless of the mounted angle of any solar panels, shall be considered part of the impervious lot coverage area.
 - 6125.3 Ground-mounted SEFs shall have a prepared stormwater management plan in accordance with Borough Ordinances and Pennsylvania Department of Environmental Protection ("Pa DEP") Best Management Practices. This shall include the use of low maintenance and low growing vegetative surfaces that support native pollinators under the SEF. This plan is subject to approval by the Lackawanna County Soil Conservation District and the Mayfield Borough engineer.
 - 6125.4 Ground-mounted SEFs shall have a prepared grading plan that minimizes to the best extent possible the disturbance or alteration of the existing topography on the site. This plan is subject to approval by the Lackawanna County Soil Conservation District native pollinators under the SEF.
6126. Emergency Services and Safety
- 6126.1 Training with the local emergency services shall be provided and tested annually at the cost of the owner/or operator.
 - 6126.2 Any specialized emergency services equipment associated with the handling of emergency services response shall be provided by the Facility Owner and/or Facility Operator. This shall include the full purchase price, any and all upgrades; testing, certification, etc. associated with the possession of equipment. Specialized emergency services equipment will be in the possession of the local emergency services.

- 6126.3 An Emergency Action Plan shall be prepared by the operator and approved by Mayfield Borough. Emergency Management Agency as well as the Lackawanna County Emergency Management Agency and shall be visited and updated every three (3) years or when an upgrade to the site has been made.
- 6126.4 The applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the SEF.
- 6126.5 A sign shall be posted providing the name of the operator and a phone number to be used in case of an on-site emergency at the primary entrance of the SEF. The Owner/Operator shall also install a Knox Box for emergency services access when necessary. Additionally, reflective signs shall be posted providing the name of the operator and a phone to be used in case of an on-site emergency along the perimeter of the SEF at intervals of 250 feet.
- 6126.6 The SEF must be properly maintained and be kept free from all hazards, including, but not limited to, faulty wiring and/or batteries, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.
- 6127. Decommissioning
 - 6127.1 The Facility Owner is required to notify Mayfield Borough immediately upon cessation or abandonment of the use. The SEF shall be presumed to be discontinued or abandoned if no electricity is generated by the system for a continuous period of twelve (12) months.
 - 6127.2 The Facility Owner shall then have six (6) months in which to dismantle and remove the SEF, including all solar-related equipment or appurtenances related thereto, as well as all buildings, cabling, electrical components, transmission and plumbing lines, roads, foundations, and other associated facilities from the property. The Facility Owner shall also restore the land to its original pre-construction condition. If the SEF owner fails to dismantle and/or remove the SEF and restore the land within the six (6) month period, Mayfield Borough may, but shall not be required to, complete the decommissioning and land restoration at the owner's expense.
 - 6127.3 At the time of issuance of the permit for the construction of the SEF, the Facility Owner shall provide proof of liability insurance and a financial security to Mayfield Borough to secure the (types of dismantling and removing the SEF and restoration of the land to its original condition. The financial security shall be in the amount of 150% of the costs of decommissioning, subject to the discretion of Mayfield Borough Council.

The decommissioning funds Shall be posted and maintained during the life of the project in the form of a performance bond, irrevocable letter of credit, or other financial form of security acceptable to the Mayfield Borough Council as more fully set forth in Article 6123 herein.

6127.4 An independent and registered professional engineer shall be retained by Mayfield Borough at the facility Owner's cost to estimate the total cost of decommissioning without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment. Thereafter the Facility Owner shall retain an engineer to provide Mayfield Borough with cost estimates of decommissioning after the first (1st) year of operation and every third (3rd) year thereafter. Said estimate is subject to the review and approval of Mayfield Borough's engineer.

6127.5 During the operation of the SEF, the Facility Owner shall maintain financial security in the amount of 150% of the estimate of the cost of decommissioning. The Financial Security may be in any one of the forms set forth in Article 6123 herein.

6128. Remedies

6128.1 It shall be unlawful for any person, firm or corporation to violate or fail to comply with or take any action that is contrary to the terms of this Ordinance or a permit Issued under this ordinance or cause another to violate or fail to comply, or take any action which is contrary to the terms of this Ordinance or a permit issued under this Ordinance. If this occurs, the Facility Owner and/or Facility Operator shall be issued a Notice of Violation by Mayfield Borough which specifies the violation and the action required to remedy it.

6128.2 If, after thirty (30) days from the date of the notice of violation, Mayfield Borough determines, in its discretion, that the parties have not resolved the alleged violation Mayfield Borough may institute civil enforcement proceedings or any other remedy at law or in equity to ensure compliance with this Ordinance. If Mayfield Borough institutes and prevails in such civil enforcement proceedings, legal or equitable, the Facility Owner and/or Facility Operator shall be responsible for all fees, costs and attorney's fees related to said proceedings.

6.13 RESERVED.

6.14 Miscellaneous Building Regulations and Aesthetics

6141. Uses to be Enclosed. All "TD-5, TD-6" and "TD-10" uses, except for off-street parking and loading facilities, service stations, transportation terminals, storage yards, junk yards and new and used car lots shall be conducted wholly within a completely enclosed building.
6142. Unenclosed Nonresidential Uses. Unenclosed nonresidential uses identified in Article 6141 hereof, except off-street parking and loading, shall not be located less than 500 feet distant from any Residential District.
6143. Special Regulations for Housing for the Elderly
- 6143.1 Maximum Density. In any Residential District where housing shall be designed exclusively for occupancy by elderly persons, the minimum lot area required per dwelling unit shall be 2000 square feet of net land area per dwelling unit.
- 6143.2 Off-Street Parking. Accessory off-street parking required to serve housing for the elderly shall be provided in an amount of not less than one (1) space per 3 "elderly" dwelling units.
6144. Orientation of Buildings
- 6144.1 Individual Buildings on Public Rights-of-Way. The front facade of a building shall face the road/right of way which it abuts; provided, however, that if it is located on a corner parcel, it shall face the widest road; provided, however, that if both roads are of equal or near equal width, it may face on either road, unless the existing pattern of development has predetermined the road that shall be faced.
- 6144.2 Large Scale Developments with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways; provided, however, where such an orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Article 692.3.

6145. Aesthetic Design Standards for Commercial and Manufacturing Uses.

6145.1 Aesthetic Goals. All development and construction, in the form of buildings, structures or additions and exterior alterations thereto, and other site improvements and alterations, including paving, lighting and landscaping, at or for each site shall be designed and constructed to achieve the following goals:

- 6145.101 To prevent the erection of poorly designed, constructed or proportioned structures, and structures built of improper or unsuitable materials.
- 6145.102 To increase and secure the spectrum of attractive business establishments, improvements and facilities on appropriate locations within building sites.
- 6145.103 To foster a high quality of development to enhance the value of existing development as well as to enhance the attractiveness of vacant land for future development.

6145.2 Aesthetic Design Standards.

6145.201 Construction Materials. All construction in the form of new buildings or additions and exterior alterations shall be consistent with original construction or of comparable materials to harmonize with the external design, both as to quality of workmanship and materials of existing structures. No structure shall contain less than 50% external masonry, glass, dryvit or similar type of construction materials, except that the facades of manufacturing and warehousing buildings may consist of metal materials. The buildings and structures shall not be of woodface composition. The fronts of all buildings and structures shall not expose concrete block composition, other than decorative concrete block.

6145.202 Waste Disposal.

- a. No Lot shall be used as a dumping ground for trash.
- b. All trash of any nature, shall be securely stored in covered sanitary containers. All containers and other equipment, and the areas and enclosures, for the storage and disposal of trash, shall be kept in a clean and sanitary condition.
- c. All trash shall be properly and securely contained within each site and properly and regularly removed therefrom, and disposed as may be required by state and federal law,

regulation and other requirements and standards governing same.

- d. "Trash" shall mean to include all papers, discards, waste, rubbish, refuse and garbage, of any kind or nature whatsoever, and any malodorous and objectionable materials lying around or stored at each site but not customarily used in its then present condition in the business or activities of the site occupants.

6145.203 Mechanical/Electrical Equipment. All mechanical/electrical equipment not enclosed in a structure or building (e.g. on-grade, roof-top, etc.) shall complement, enhance and be compatible with the design and construction of the buildings and structures on each site. The color scheme of such equipment shall complement and be compatible with the color scheme of the building's exterior.

6145.204 Landscaping.

- a. All terrain, grounds, area left in natural state, or areas not covered by building or paving, shall be landscaped, seeded, and otherwise maintained in a good, clean condition having aesthetic appeal.
- b. Each site and the landscaped areas shall be kept clean and free of any and all litter, refuse, and papers of any type. No litter, refuse or paper accumulations whatsoever shall occur, be placed on or remain at each Site.
- c. Each site shall be developed, improved, used and maintained to preserve and foster as much of the existing mature natural growth as is practically possible.

6145.205 Utilities. All electric, telephone, and cable television lines shall be underground.

6146. Standards for Open Space Design and Maintenance.

6146.1 Use and Design of Permanent Open Space. Permanent Open Space to be provided in accordance with certain Sections of this Ordinance shall be designed in accordance with the following standards:

6146.101 Permanent Open Space shall be so designated on the submitted plans, and the plans shall contain a notation stating, "Permanent Open Space shall not be separately sold and shall not be further developed or subdivided;"

- 6146.102 Permanent Open Space shall be contiguous to the development, not separated by existing streets, and shall not be a part of any lot within the development;
- 6146.103 Each area of Permanent Open Space shall contain not less than ten thousand (10,000) square feet;
- 6146.104 Permanent Open Space areas shall be designed as a continuous system of open space and shall be interconnected with open space areas on abutting parcels whenever possible;
- 6146.105 Permanent Open Space shall be provided with safe and convenient access to the residentially-developed area of the tract by adjoining frontage on streets or easements capable of accommodating pedestrian, bicycle, and maintenance vehicle traffic. The Permanent Open Space shall contain appropriate access improvements and shall be provided with perimeter parking areas where appropriate;
- 6146.106 All portions of a tract not occupied by buildings and required improvements shall be maintained as landscaped areas consisting of natural environmental features and/or planted vegetation. Permanent Open Space shall predominantly consist of natural environmental features or planted and maintained vegetation that may also contain walking, biking, or equestrian trails. Permanent Open Space may also contain impervious surface areas such as tennis courts, clubhouses, or other active recreation facilities, but such active recreation facilities shall consist of less than twenty-five percent (25%) of the Permanent Open Space;
- 6146.107 Permanent Open Space shall be configured so as to create areas of adequate size and shape to permit a variety of uses, active or passive, throughout the system.

6146.2 Ownership and Maintenance of Permanent Open Space. Permanent open space to be provided in accordance with certain Sections of this Article may be offered for dedication to the Borough, although the Borough need not accept any such offers. Provision for ownership and maintenance of the Permanent Open Space shall be made in a manner so as to ensure its preservation. This shall be accomplished in one of the following manners:

- 6146.201 The Borough may accept dedication of the Permanent Open Space or any interest therein for public use and maintenance, but the Borough need not accept a dedication of the Permanent Open Space if offered;

6146.202 With permission of the Borough, and with appropriate deed restrictions in favor of the Borough and in language acceptable to the Borough Solicitor, the developer may transfer the fee simple title in the Permanent Open Space or a portion thereof to a private, not-for-profit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:

- a. The organization is acceptable to the Borough and is a bona fide conservation organization with a perpetual existence;
- b. The conveyance contains appropriate provision for proper retransfer or reverter in the event that the organization becomes unable or unwilling to continue to carry out its functions, and;
- c. A maintenance agreement acceptable to the Borough is entered into by the developer, the organization and the Borough.

6146.203 The developer shall provide for and establish an organization for the ownership and maintenance of the Permanent Open Space consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.S. 33101 et seq. If such an organization is created, the deeds for the Permanent Open Space and for all individual lots within the development shall contain the following requirements in language acceptable to the Borough Solicitor.

- a. Such organization shall not dispose of the Permanent Open Space by sale or otherwise except to the Borough or other government body unless the Borough has given prior approval. Such transfer shall be made only to another organization that shall maintain the Permanent Open Space in accordance with the provisions of this Ordinance;
- b. The organization and all lot owners within the development shall agree to maintain the Permanent Open Space. If private ownership fails to do so, the Borough may proceed to maintain deteriorating open space and may assess and lien the properties within the development accordingly;
- c. All lot owners shall be required to become members of the organization and pay assessments for the maintenance of the

Permanent Open Space, which may be increased for inflation and which may provide for professional management.

6.15 Performance Standards

6151. General Application

All existing and proposed permitted uses, special exceptions, and conditional uses and uses accessory thereto, are subject to the following performance standards and procedures.

6152. Performance Standards Procedures

6152.1 Prior to Construction and Operation:

Any application for a building permit for a use, which shall be 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.

Such application shall further be accompanied by a report prepared by a licensed professional engineer describing the methods or procedures to be undertaken to assure compliance with the Performance Standards specified herein; provided, however, that the Zoning Hearing Board will consider requests for a waiver of this requirement and may waive this requirement for uses which are not considered likely to violate any of the standards set forth herein.

6152.2 Continued Compliance:

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be the responsibility of the Zoning Officer.

6152.3 Determination of Violation:

The Zoning Officer shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall initiate the procedures set forth in **Article 13.6** hereof.

6153. Regulation of Nuisance Elements

6153.1 Definition of Elements

No land or building in any District which shall be used or occupied for manufacturing purposes shall be operated in such a manner so 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 nuisance, 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 Ordinance may be undertaken and maintained in any District where it is designated if it conforms to the regulations of this Subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

6153.2 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:

6153.201 The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.

6153.202 The property lines of the use creating such elements for noise, for vibration, for glare and for odors.

6154. Standards to be Enforced

6154.1 Fire and Explosion Hazards

6154.101 In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of State and local laws and regulations shall also apply.

6154.102 No highly flammable or explosive liquids, solids or gases shall be stored in bulk above the ground except in structures according to Commonwealth and Federal Specifications.

6154.103 All outdoor storage facilities for fuel shall be enclosed by an approved safety fence to prevent access thereto by unauthorized individuals.

6154.104 All materials or wastes which might cause fumes, constitute a fire hazard, or attract rodents or insects may only be stored if enclosed in buildings or containers which are adequate to eliminate such hazards.

6154.105 No materials, fuels, wastes, or flammable substances may be deposited or stored on a lot in such a manner as to allow them to

be transferred off the lot by natural causes or forces. No substances, including but not limited to gasoline, oil, waste oil, and chemicals which can contaminate a stream or water course or render such stream or water source unusable or undesirable as a source of water supply, or recreation or which will destroy or damage aquatic life shall be stored in such a location so that it could be introduced into the said stream or water course by natural causes or forces, or by rupture of storage containers or accidental discharge.

6154.2 Radioactivity or Electrical Disturbance.

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.

6154.3 Noise.

6154.301 At the points of measurement specified in Article 6153.2, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table 3 after applying the corrections shown in Table N. 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, N.Y., 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, N.Y., shall be used.)

Table 3

Octave Band Frequency (Hz)		Residential District* (Decibels)	Non-Residential (Decibels)
>	≤		
20	75	72	79
75	150	67	74
150	300	59	66
300	800	52	59
800	1200	46	53
1200	2400	40	47

2400	4800	34	41
4800	-	32	39

If the noise is not smooth and continuous and is not radiated between the hours of 10 P.M. and 7 A.M. one or more of the corrections in Table IV shall be applied to the octave band levels given in Table.

Table 4

Type or Location of Operations or Character of Noise	Correction in Decibels
Daytime operation only	5
Noise Source Operates less than*	
a. 20% of any one-hour period	5
b. 5% of any one-hour period	10
Noise of impulsive character, hammering, etc.	-5
Noise of periodic character, hum, screech, etc.	-5
Property is located in a TD-8 and TD-10 District and is not within 500 feet measured horizontally or vertically of any residential district	10
* Apply one of these corrections only.	

6154.4 Vibration.

No activity or operation shall produce at any point along the property line continuous earthborne vibrations greater than the maximum displacement as permitted in the following table:

Frequency (Hz)		Residential District Displacement (in inches)	Non-Residential District Displacement (in inches)
>	≤		
0	10	0.0004	0.002
10	20	0.0002	0.001
20	30	0.0001	0.0006
30	40	0.0001	0.0004
40	50	0.0001	0.0003
50	-	0.0001	0.0002

Discrete pulses that do not exceed 100 impulses per minute may not produce more than twice the displacement specified in the table.

6154.5 Glare.

6154.501 No direct or sky-reflected glare, 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 Article 6153.2. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance. In no event shall a lighting intensity greater than one twenty-five hundredths (.25) footcandle (2.7lux), measured at grade, be permitted beyond property lines.

6154.6 Smoke, Dust, Fumes, Vapor, and Gas Control.

The emission of dust, dirt, fly ash, fumes, vapors, or gases which cause any damage to human health, to animals or to vegetation or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited.

No activity in any industrial district shall be reactivated, established, modified, constructed, or operated without having obtained valid permits and/or certificates from the Pennsylvania Department of Environmental Protection or its successor agency for airborne emissions. Such proof of compliance shall consist of duplicate copies of such permits and/or certificates for the current time period. In addition to the requirements of the Department of Environmental Protection or its successor agency, the following requirements shall apply:

6154.601 Particulate Matter. No use shall exceed the national ambient air quality standards established in the federal Clean Air Act or the requirements of Titles 25 and 35 of the Pennsylvania Code as they are amended and adopted for particulate matter.

6154.602 Smoke or Steam. No use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringelmann No. 1, except that an emission that does not exceed a density of equivalent capacity of Ringelmann No. 2 is permissible for a duration of not more than four minutes during any eight-hour period if the source of such emission is not located within 250 feet of a residential district. All measurements shall be taken at the point of emission of the smoke. [For the purpose of determining the density of equivalent opacity of smoke, the Ringelmann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information Circular 8333, May 1967, shall be used. The Ringelmann number referred to in this section refers to the number

of the area of the Ringelmann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringelmann No. 1 indicates a 20 percent density of the smoke observed.

6154.603 Toxic Matter and Hazardous Material. Emissions of chemicals, gases, components, or elements, listed as being toxic matter or hazardous material by the American Conference of Governmental Industrial Hygienists, the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency, or their successor agencies, shall not exceed any stated Threshold Limit Value in any industrial district. No emission of toxic matter shall exceed fifty percent (50%) of the Threshold Limit Value in any adjacent residential or commercial district.

6154.7 Odors.

No emission shall be permitted of malodorous gases or other malodorous matter in such quantities as to be readily detectable at the property line of the zone lot from which they are emitted without instruments.

6154.8 Liquid and Solid Wastes

No operation shall discharge wastes of any kind into a surface water or a groundwater source. All methods of waste disposal shall be approved by the Pennsylvania Department of Environmental Protection. Such evidence of approval shall be provided. Such evidence of approval shall be provided to the Borough. The owner of any parcel governed by this ordinance may be required at the discretion of the Borough to monitor the ground water and surface water in the vicinity of his premises. Water testing shall be conducted at an interval deemed appropriate by the governing body on any stream located on the premises or any stream within five hundred (500) feet of any area used for storage of liquid or solid wastes. In addition, the well located on the premises shall also be sampled at an interval to be deemed appropriate by the governing body. The sample shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the governing body and results shall be provided to the Borough. If samples exceed the limits established by the Pennsylvania Department of Environmental Protection, remedial action shall be taken in accordance with this Ordinance.

6154.9 Heat

No activity or use shall produce heat perceptible beyond its property lines and no use shall be permitted that would cause the ambient water temperature, as defined by the Pennsylvania Department of Environmental Protection, or its successor agency, to rise or fall more than five (5) degrees Fahrenheit (2.8 degrees Celsius) during the ten (10) year, seven (7) day low flow in any natural pond, stream, river, or other watercourse.

6.16 RESERVED.

6.17 RESERVED.

6.18 RESERVED.

6.19 RESERVED.

6.20 RESERVED.

6.21 Retail Stores

- 6211. Outdoor storage shall not be permitted within any front yard or parking area, except for the incidental display of seasonal merchandise directly within 6 feet of the front of the building. Outdoor storage shall not be permitted within any side or rear setback area.
- 6212. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- 6213. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- 6214. The use shall comply with all performance standards specified in this Ordinance.
- 6215. Any and all activities related to butchering, including but not limited to sales and storage, shall only be permitted in TD-6.

7. Specific Criteria, Special Exceptions, and Conditional Uses

7.1 Purpose.

This article sets forth the process and conditions which must be met before a special exception or conditional use can receive approval and be granted a zoning permit.

7.2 Special Exception Use Procedure.

721. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Articles 4.3 and 4.5 as permitted by special exception (notated with the letters 'SE') shall comply with the provisions of this Section, any applicable provisions for the corresponding use found in Article 6154, and all other applicable performance standards and supplementary regulations in this Ordinance. A special exception permit shall only be granted when the minimum conditions set forth in Article 6154 for the specific use by special exception have been met.

722. Procedure.

Applicants seeking to obtain approval for a use by special exception shall follow the process described in this Ordinance.

723. Conditions for Approval.

723.1 In addition to the minimum conditions contained in Article 6154 for each use by special exception, the use shall meet the following additional requirements:

723.101 The Zoning Hearing Board shall find that the proposed use by special exception will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located.

723.102 The Zoning Hearing Board shall find that the proposed use by special exception will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements.

723.103 The Zoning Hearing Board shall find that the proposed use by special exception meets all other requirements for the zoning district in which the use is proposed.

723.104 The Zoning Hearing Board shall find that the proposed use by special exception is in general conformity with the Community's adopted Comprehensive Plan.

723.105 The Zoning Hearing Board shall find that the proposed use by special exception will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Zoning Hearing Board shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.

723.2 In granting a use by special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

724. Affect of Filing an Application.

When an application for a special exception has been filed with the Zoning Hearing Board, and the subject matter of such application would ultimately constitute either a "land development" or a "subdivision" as defined in the PA Municipalities Planning Code, Act 247, as amended, no change or amendment of the zoning, subdivision or other governing ordinance or plans shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by the Zoning Hearing Board, the applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer or as may be approved by the Zoning Hearing Board following the date of such approval in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed before the Zoning Hearing Board. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of Section 508 (1) through (4) of the PA Municipalities Planning Code, Act 247, as amended, and specifically to the time limitations of Section 508 (4) which shall commence as of the date of filing such land development or subdivision plan.

7.3 Conditional Use Procedure.

731. Applicability.

Each use that is listed in the Table of Principal Use Regulations for each district and the Table of Accessory Use Regulations for each district in Articles 4.3 and 4.5 as permitted by conditional use (notated with the letter 'C') shall comply with the

provisions of this Article 6154, any applicable provisions for the corresponding use found in Article 7.4, and all other applicable performance standards and supplementary regulations in this Ordinance. A conditional use permit shall only be granted when the minimum conditions set forth in Article 7.4 for the specific conditional use have been met.

732. Procedure.

- 732.1 An application form prescribed by the Borough of Mayfield shall be submitted by the applicant for a conditional use permit along with a fee in an amount as established from time to time by resolution of the Borough of Mayfield Council.
- 732.2 The applicant shall submit seven (7) paper copies and one (1) digital copy of the necessary documentation of the proposed conditional use to enable the review of such proposal by the Borough of Mayfield. The burden of submitting adequate data to allow for full evaluation of the proposal shall rest with the applicant. The applicant must demonstrate that the following conditions have been addressed to the maximum extent applicable:
- 732.201 That the proposed conditional use will not adversely affect the health, safety, or welfare of residents in the neighborhood or district in which the use is to be located;
- 732.202 That the proposed conditional use will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage, or other public improvements;
- 732.203 That the proposed conditional use meets all other requirements for the zoning district in which the use is proposed;
- 732.204 That the proposed conditional use is in general conformity with the Community's adopted Comprehensive Plan; and
- 732.205 That the proposed conditional use will not be detrimental to the use or development of or change the essential character of the neighborhood or district in which the use is proposed. The Borough of Mayfield Council shall consider, at a minimum, the impact of noise, dust, light, odor, and adequacy of parking.
- 732.3 If subdivision or land development approval is required for the proposed conditional use, the application for a conditional use permit and the application for the subdivision or land development may be processed concurrently, provided that all requirements for the separate applications are met.

- 732.4 The grant of approval of a conditional use permit shall not relieve the applicant from filing and having the Borough of Mayfield approve any zoning permit, building permit, certificate of use and occupancy, subdivision, land development, or site plan required by this Ordinance or any other Borough of Mayfield ordinance.
- 732.5 The Borough of Mayfield Council may attach such reasonable conditions and safeguards as necessary to implement the purpose and goals of this Ordinance and of the Community's adopted Comprehensive Plan except that any such conditions shall not be related to off-site transportation or road improvements, as prescribed by Section 603(c)(2) of the Pennsylvania Municipalities Planning Code (MPC).
- 732.6 Public Hearings.
- 732.601 Prior to granting approval or denying a conditional use application, the proposal shall be reviewed by the Borough of Mayfield Planning Commission. The Planning Commission and Borough of Mayfield Engineer shall be given an opportunity to provide written recommendation to Borough of Mayfield Council concerning whether to approve, conditionally approve, or deny the application.
- 732.602 A minimum of one (1) public hearing shall be held by the Borough of Mayfield Council at a regularly scheduled meeting within 60 days of the date that the applicant filed the conditional use application.
- 732.603 Notice of said public hearing shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted by the Borough of Mayfield at least one (1) week prior to the date of the hearing at highly visible locations along the perimeter of the lot affected by the conditional use request. Written notice of the hearing shall also be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
- 732.604 If a subsequent public hearing is required, the hearing shall be held within 45 days of the prior hearing.

732.605 The Borough of Mayfield Council shall render a written decision, upon review by the Planning Commission, or when no decision is called for, make written findings on the conditional use request, within 45 days after the prior public hearing.

732.606 If the Borough of Mayfield Council denies the conditional use application, the applicant may reapply for the same use no sooner than one (1) year after the date of denial of the application or the date of denial of appeal to the Lackawanna County Court of Common Pleas.

732.7 Duration of Conditional Use Permit.

732.701 If a conditional use requires the processing of a subdivision or land development plan, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 24 months from the date of the grant of the conditional use permit. However, the Borough of Mayfield Council, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

732.702 If a subdivision or land development plan is not required, then the grant of the conditional use permit shall expire if a zoning permit, building permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the conditional use permit. However, the Borough of Mayfield Council, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the conditional use permit's expiration.

732.8 Distance from Existing Development. No Conditional Use shall be nearer to existing development than 250 feet or such greater distance as may be required to assure the health, safety and welfare of the Community, or any lesser distance specified in this ordinance.

733. Environmental Assessment

733.1 General. All applications for a Conditional Use must be accompanied by an Environmental Assessment as specified herein; provided, however, that upon the request of the developer, components of the Environmental Assessment may be waived by the Borough Council when such components are deemed unnecessary for certain Conditional Uses.

733.2 Purpose. The purpose of the Environmental Assessment is to provide the Borough Council with sufficient information to determine if the proposed

use will be harmful or beneficial to the Borough; and to determine corrective actions if needed to mitigate potential adverse environmental impacts.

733.3 Assurances. Due to the importance of securing professional, objective data in the Environmental Assessment, the selection of the professionals to be engaged in its preparation shall be subject to the approval of the Borough Council. The developer will further provide the Borough Council with assurances, adequate to protect the Borough from violations of non-compliance with measures required to mitigate identified adverse environmental impacts.

733.4 Content of the Environmental Assessment

733.401 Description of the Proposal

Describe the proposed or recommended actions, its purpose, where it is to be located, when it is proposed to take place, and its interrelationship with other projects or proposals, including information and technical data sufficient to permit assessment of environmental impact by the Borough.

733.402 Description of the Environment

Include a comprehensive description of the existing environment without the proposal and the probable future environment with the proposal. This description should focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Particular attention should be given to the potential effects of past or present use of the site as a repository for toxic or hazardous wastes.

733.403 The Environmental Impact of the Proposed Activities

Describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, both beneficial or detrimental. Whenever possible these impacts should be quantified. This discussion should include the impact not only upon the natural environment but upon land use as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

733.404 Mitigating Measures Included in the Proposed Action

Include a description of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

733.405 Any Adverse Effects which Cannot be Avoided Should the Proposal be Implemented

Include a discussion of the unavoidable adverse impacts described above, and an analysis of who or what will be affected and the degree of impact.

733.406 The Relationship Between Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

Describe the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risk to health or safety. Short-term and long-term do not refer to any fixed time period, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

733.407 Any Irreversible and Irretrievable Commitments of Resources Which Would be Involved in the Proposed Action Should it be Implemented

Describe, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

733.408 Alternatives to the Proposed Action

Identify alternatives to the proposed action, and describe the environmental impacts, both beneficial and adverse, of the various alternatives considered.

733.5 Outline Considerations for Developing Environmental Assessment

733.501 Description of Proposal

- a. Who is proposing the action?
- b. What is the nature of the action to be taken?
- c. What is it designed to accomplish? What identified needs will be met and to what degree?
- d. Where will it take place?

- e. When will it take place? Indicate phasing of acquisition and development activities, if applicable, and timetables for completion.
- f. How does it fit in with local planning efforts, comprehensive plans, etc.

733.502 Description of the Environment

- a. Present and past land uses of the site and of the surrounding area.
- b. Special topographic features which may be present.
- c. Describe the site's surface and subsurface geologic characteristics.
- d. Describe the nature of the soils in the area, particularly their fertility and susceptibility to erosion.
- e. Describe the area's water resources, with specific reference to ground water, water quality, aquifers and aquifer recharge areas, and areas subject to flooding.
- f. Describe the area's vegetation, including species composition, distribution, commercial utility and aesthetics. Special reference should be made to unusual or unique species.
- g. Describe the nature of existing transportation routes in the immediate area and the accessibility to the project site.

733.503 Environmental Impact of the Proposed Action

- a. What will be the effect on land uses in the area?
- b. Will the project affect a site listed on the National Register of Historic Places?
- c. In what way will soils and topography be affected? Consider such things as soil compaction, erosion, exposure of slopes, excavation which may create unstable slope/soil configurations, cutting and filling, removal of topsoil, paving, loss of existing natural landscape qualities, blockage of view lines to landmarks, blockage of view corridors, etc.
- d. Will solid wastes be generated? How and where will they be disposed of? Indicate what types and volumes will be generated and how and where it will be stored prior to disposal and method of disposal. Discuss removal of clearance, demolition, and construction wastes.
- e. How will water resources be affected? Consider the water table, runoff, sewer systems, rivers and streams, water supply,

etc. Indicate content of any effluent which will be discharged. Address loss of floodwater absorption capacity in natural absorption areas, effects on stream volume, velocity, and seasonal flows, diversion or blockage of surface water, alterations of natural watercourses, introduction or increase of effluents or toxic, hazardous, or radioactive substances to runoff or water bodies, effects on aquatic life, any blockage or impairment of access to watercourses, effects on groundwater recharge, release of groundwater supply, withdrawal of groundwater supplies, blockage of groundwater flow, contamination of groundwater supply, effect on water temperatures, sedimentation, changes in levels of water bodies.

- f. How will vegetation be affected? Discuss the removal of ground cover, loss of valuable local species, loss of wildlife habitat, introduction of vegetation which will spread to adjacent lands, introduction of exotic vegetation, creation of areas of highly visible, drying, or decaying vegetation.
- g. How will fauna be affected? Consider habitat destruction, reduction of population, impact caused by human intrusion, mobility restrictions, food chains, etc.
- h. How will transportation routes be affected? Consider congestion, hazards, capacities of affected roads and intersections and traffic to be generated, generation of truck traffic.
- i. Effect on air quality and ambient noise level? Include what odors will originate; types and concentrations of gases, vapors, particulates, and smoke; noise and vibration levels at property lines and the level of heat and/or glare. Indicate levels of electromagnetic radiation at property lines. Indicate effects on local temperatures and wind circulation and whether there are any plants, animals, or materials in the area that are particularly susceptible to expected emissions. Indicate the nature, concentration and quantity of radioactive material to be discharged to the environment, pathways for entering the environment, dose to populations and biota, and possible concentrations through food chains.
- j. Describe management practices proposed for the area.

- 733.504 Mitigating measures included in the proposed actions. Describe actions or measures which will be taken to avoid or alleviate adverse environmental effects. Include reference to erosion control methods and adherence to air, noise or water pollution control techniques and standards.
- 733.505 Unavoidable adverse effects. If adverse effects have been identified under other sections of the Environmental Impact Study and cannot be mitigated, they should be again identified here. Describe who or what will be affected, and to what degree. Quantify wherever possible.
- 733.506 Relationship Between the Local Short-Term Use of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity
What are the impacts of the proposal in the context of other similar projects? In what way will future generations be affected by the currently proposed actions?
How do the immediate and long-range impacts on the area with the project compare with the immediate and long-range impacts without the project?
- 733.507 Any Irreversible and Irretrievable Commitments of Resources
Describe any irrevocable commitments of resources resulting from implementation of the proposal. An evaluation must be made of the extent to which the proposed action curtails or restricts the range of possible resources uses. Such commitments may occur because of resources extraction, erosion, destruction of archaeological, geological or historic features, destruction of fragile habitat or endangered species habitat, unalterable changes in land use, and resources used in project development.
- 733.508 Alternatives to the Proposed Action
Identify alternatives which may be considered, including modification of the present proposal and different approaches to gaining the same result.
The beneficial and adverse effects of the alternatives should be discussed, along with the reasons for rejection. where appropriate, consideration should be given to alternate construction methods which may avoid environmental degradation

7.4 Specific Requirements for Special Exception and Conditional Uses.

- 741. All other residential uses not otherwise listed.
 - 741.1 The impact of the proposed use on the adjacent properties, surrounding neighborhood, and/or environment shall remain equal to or less than any use specifically listed in the same Zoning District.
 - 741.2 Any use shall be in conformance to the dimensional standards of the District.
- 742. All other non-residential uses not otherwise listed.
 - 742.1 Fire suppression systems for this facility must be approved by the Borough and verified not to contain PFOA's. Aqueous film forming foams (AFFF) is the most widely available and commonly used. "Legacy PFOS Foams" means foams that contain long-carbon-chain fluorinated compounds (C8), specifically PFOS, shall not be utilized within the firefighting suppression systems.
 - 742.2 The maximum size of all structures on site shall not exceed a cumulative total of 20,000 square feet of gross floor area
 - 742.3 The lot on which the use is erected shall be 5 acres minimum.
 - 742.4 The Applicant shall prepare and present a traffic analysis report and Land Use Compatibility Report.
 - 742.5 Performance standards of Article 6.15 shall apply.
- 743. Bakery Retail
 - 743.1 All materials and equipment shall be stored within a completely enclosed building.
 - 743.2 The use shall comply with all performance standards specified in this Ordinance.
 - 743.3 The storage or manufacture of hazardous or potentially hazardous materials shall not be permitted.
 - 743.4 Any outdoor storage conducted on the lot shall comply with Lowhill Borough ordinances and standards.
 - 743.5 Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - 743.6 An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- 744. Cemeteries and Mausoleums.

Any of these uses shall provide entrance on a street or road with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six (6)

- foot high fence, evergreen or evergreen type hedges or shrubs, at intervals of not more than six (6) feet, or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any Residential District or residential street.
745. Community Intervention Center, Type 3
- 745.1 The applicant shall prove to the satisfaction of the Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety.
- 745.2 The Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- 745.3 The applicant shall provide with the application for special exception evidence that all licensing, inspections and certifications required by appropriate local, County, Commonwealth or Federal agencies have been obtained or applied for. No zoning permit allowing operation shall be issued until such time that applicable inspections have been made and all licenses and certifications have been issued by the governing agency.
- 745.4 Any such use shall not be located or operated within 500 feet of an existing school, public playground, public park, residential housing district, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed center and shall be located a minimum of 600 feet from any existing treatment center.
746. Compost Facility
- 746.1 Compost structures shall be set back at least five (5) feet from all property lines.
- 746.2 Organic materials must be located in a defined area (such as a composting pad) or bin through the use of brick or cement block; wood and/or wire mesh; or bins or drums made of plastic or metal.
- 746.3 Standard composting practices, as outlined in the Department of Environmental Protection's Permit # WMGM017, are required, including, but not limited to, providing adequate air circulation and moisture to prevent combustion and objectionable odors to adjacent properties.
- 746.4 Drainage. The compost site shall be operated in a manner which prevents the drainage of water or leachate onto any neighboring property and protects against the attraction of rodents or other pests.
- 746.5 Prohibited materials. Composting activities may not include meat, bones, fat, oil, whole eggs, dairy products, plastics, synthetic fibers, diseased plants, or human, cat, or dog wastes or other such materials determined by the Borough.

747. Distribution Center Type 1

- 747.1 All facilities shall be designed and constructed with safety facilities to prevent accidental damages and the Borough may require such additional safety features deemed necessary to meet the intent of this Section 786. Such features may include but not be limited to increased setbacks, orientation, and a limitation of hours of operation.
- 747.2 Noise Reduction. All facilities shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Section 6.15 of this Ordinance unless more restrictive standards are required by the Borough as a condition of approval.
- 747.3 A Circulation and Safety Plan shall be submitted for review and approval.
- 747.4 An Hours of Operations Plan associated with delivery, transport, and operations shall be submitted for review and approval.

748. Drive in Uses

Such businesses, where persons are served in automobiles shall be not closer than two hundred (200) feet to an Residential District and shall be located on a major public street and shall provide ingress and egress so as to minimize traffic congestion.

749. Essential Services

- 749.1 Such uses are intended to include facilities for sewage treatment, electric substations, transformers, switches, and auxiliary apparatus, as well as local governmental services. Where such uses are proposed to be located in a Residential District, they shall be subject to the following regulations:
- 749.2 Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.
- 749.3 The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.
- 749.4 Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with the provisions of Section 6.91.
- 749.5 Noise emitted from electric substations shall not be greater than permitted in accordance with the performance standards set forth herein.

750. Golf Driving Range

Golf driving range as a Special Exception Use, subject to the following conditions

- 750.1 All exterior activity use areas and structures associated with this use shall be set back not less than fifty (50) feet from a perimeter property line and one hundred (100) feet from an ultimate right-of-way line.

- 750.2 Parking shall be set back not less than twenty (20) feet from a property line and ultimate right-of-way line.
- 750.3 In addition, any exterior portion of a driving range that adjoins an existing residential use or neighborhood including a street right of-way shall require the following minimum setbacks:

Use Area	Setback from Property Line
Driving Range	175' from any tee and target area ¹

¹ Except that the setback from a driving range tee area to a municipal property may be reduced to 25 feet.

- 750.4 No structures associated with this use including protective netting shall exceed thirty-five (35) feet in height. The need for, and actual height and location of, protective netting shall be determined by Borough Zoning Hearing Board.
- 750.5 The parcel devoted to such use shall have a minimum road frontage of one hundred (100) feet.
- 750.6 Parking shall be provided at the ratio of two (2) spaces per golf tee and batting Cage.
- 750.7 The proposed use may contain a snack bar which can serve hot and cold foods such as hot dogs, ice cream and other snack foods. Such facility shall contain no interior fixed seating or have a drive-through window. In addition, an eating establishment as defined by this Ordinance is not permitted as part of this use.
- 750.8 For the purposes of this ordinance a miniature golf course shall be defined as a course containing miniature golf holes, the play on which would require the use of a putter only.
751. Group Care Facility
- 751.1 A family care facility and a group care facility shall meet the following general requirements:
- 751.101 The site shall be conveniently located in regard to those support facilities that are essential to the functioning of the specific facility. These may include public transportation, medical, educational, recreational, work opportunities, job training, social service, and/or other facilities deemed necessary for the particular use.
- 751.102 Each site shall be:
- At least 500 feet from another such facility (such distance shall be measured in a horizontal straight line from the

nearest point on one lot to the nearest point on the other lot).

- b. Limited to no more than one facility on either side of one street along a two-block area.
- c. Limited to no more than one facility within a two-block area.
- d. Approved for all applicable federal, state, county and Borough licenses and permits.
- e. Operated so that all medical, counseling, or other services be provided for the sole benefit of those persons residing in the facility.
- f. Subject to providing off-street parking space for the occupants plus one per employee for the maximum number of employees on any one shift.

751.2 Small and large group care facilities. Additional special requirements shall be met for a small group care facility, large group care facility as follows:

751.201 Each family care facility shall meet the following requirements:

- a. No more than six residents.
- b. Adequate supervision by people qualified by training and experience in the field for which the family care facility is intended.

751.202 Each group care facility shall meet the following requirements:

- a. Adequate supervision by people qualified by training and experience in the field for which the facility is intended.

752. Large Scale Residential Development

The purpose of this Section shall be to permit the large-scale development of housing in such a manner as to provide for the flexibility of design and arrangement of dwelling structures which would achieve the objectives of this Ordinance but would not be bound by the standards established for individual lot by lot developments. Such developments, shall however, be subject to the broader standards set forth below.

752.1 Spacing and Orientation of Residential Developments. Spacing between buildings and orientation in residential building groups shall be as follows:

752.101 In buildings containing multiple dwelling units, walls containing main window exposures or main entrances, shall be so oriented as to insure adequate light and air exposures.

752.102 Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented

as to preserve visual and audible privacy between adjacent buildings.

752.103 Large Scale Developments with Interior Circulation. When a development is designed to be served by an interior pedestrian or vehicular circulation system, buildings may face the interior roadways; provided, however, where such orientation results in the rear or the side(s) of such buildings being within 100 feet of a public right-of-way, then such rear and/or side walls shall be screened from the public right-of-way in accordance with Article 6.9.

752.2 Vehicle and Pedestrian Circulation. Adequate provision for vehicle and pedestrian circulation shall be designed as follows:

752.201 Safe and convenient arrangement of walks, roadways, driveways, and off- street parking and loading space.

752.202 Separation of general vehicle traffic from pedestrian walks and public transportation loading places.

752.203 A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.

752.3 Paving and Drainage. The developer shall install throughout any proposed large scale residential development, hard-surfaced streets, which shall include curbs or gutters, catch basins and storm sewers.

752.4 Development Standards

752.401 Minimum Lot Area Per Dwelling Unit

a. Single-Family Detached. Although the average minimum lot area per dwelling unit shall not be less than the minimum area requirement for the District where the development is located, the size of each lot may) be reduced as needed, to not less than two-thirds of the minimum required in the District where located, provided, however, that for "cluster" developments each lot may be reduced to one-third of the minimum lot area, but the average area per dwelling unit, within each development section including open space shall not be less than the minimum otherwise required for the District where located.

b. Two-family Dwellings. and Multi-family Dwellings. The average minimum lot area per dwelling unit shall not be less than the minimum area required for each respective type of

dwelling structure in the district where such principal permitted uses are first permitted. The dimensions of each individual lot may, however, be reduced by not more than one-third of the minimum requirement, provided that the average lot area per dwelling unit within each development district shall not be less than the area otherwise required.

- 752.402 Minimum Lot Size. There shall be no minimum lot size requirements for any housing types other than the average minimum lot area required for such dwellings as described in Article 6.1 hereof.
- 752.403 Minimum Lot Frontage. The minimum lot frontage requirement shall be as follows:
- a. 1-family and 2-family dwellings, detached: 80 feet
 - b. 1-family and 2-family dwellings, semi-detached: 50 feet for each side
 - c. 1-family dwellings, attached (town-houses): 20 feet per dwelling unit plus an additional 25 feet at each end of all rows
 - d. 1-family cluster development: None
 - e. Multi-family dwelling structures: None
- 752.404 Minimum Lot Depth and Width. No lot for any residential structure or group of residential structures shall have a lot depth of less than 100 feet and a minimum width of 150 feet.
- 752.405 Minimum Front Yards
The minimum front yard for all residential structures shall be 30 feet, except that garden apartments and other multi-family structures not including town houses shall have a minimum front yard of not less than 50 feet; provided, however, that these minimum front yard requirements may be reduced by not more than 20 percent if the developer shall provide adequate justification acceptable to both the Planning Commission and the Zoning Hearing Board.
- 752.406 Minimum Side Yards and Other Distances Between Buildings
Minimum side yards for all single-family dwellings including "cluster" developments shall be as specified in Article 4.4 hereof for the District where located. There shall be no side yard requirements for all other residential structures, except as follows:
- a. Side Yards adjoining public rights-of-way or other thoroughfares shall be not less than 25 feet.

- b. All other distances between buildings shall be as set forth under Article 6.1 through 6.3.

752.407 Maximum Lot Coverage

There shall be no maximum lot coverage limitation on a lot-by-lot basis; provided, however, that the overall coverage of land by buildings and other impervious surfaces within any development section shall not exceed 60 percent of the net land area (excluding land used for rights-of-way).

752.5 Supporting Commercial Facilities

Local retail and service commercial facilities, including those uses designated as principal permitted uses in a TD-6 District may be permitted in a Large-scale Residential Development provided that such commercial development including required off-street parking, off-street loading and landscaping shall not exceed 10 percent of the net land area of the large-scale residential development; provided that such uses shall not include automobile service stations, bars, cocktail lounges, and similar uses; and, provided further, that the location of such commercial facilities shall be approved by the Planning Commission. Such permitted retail and service uses shall be designed to primarily serve the residents of the large-scale development of which they are a part.

752.6 Esthetic Considerations

Due to the potential impact of a large-scale development on the Borough as a whole; and since the developer is provided the opportunity to modify otherwise minimum development standards, the Zoning Hearing Board may withhold the overall approval of such projects as well as the approval of reduced standards pending their review and approval of the proposed overall design, arrangement and layout of the buildings to be erected, including the exterior design of such buildings to insure that the architectural character of the large-scale development area will be compatible with that of the adjoining areas.

753. Medical Marijuana Dispensary Facility

753.1 A dispensary facility must be owned and operated by a legally registered dispensary in the commonwealth and possess a current and valid medical marijuana permit from the DOH pursuant to the Act.

753.2 A dispensary facility may only dispense medical marijuana in an indoor, enclosed, permanent and secure building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

- 753.3 A dispensary facility may not operate on the same site on which a grower/processor facility is located.
- 753.4 A dispensary facility shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana, all of which shall be in accordance with the Act.
- 753.5 Permitted hours of operation of a dispensary facility shall be 8:00 a.m. to 8:00 p.m. (of the same calendar day).
- 753.6 A dispensary facility shall be a maximum of 3,000 gross square feet, of which no more than 500 square feet shall be used for secure storage of medical marijuana, and shall have an interior customer waiting area equal to a minimum of 25% of the gross floor area of the dispensary facility.
- 753.7 A dispensary facility shall:
- 753.701 Not have a drive-through service;
 - 753.702 Not have outdoor seating areas;
 - 753.703 Not have outdoor vending machines;
 - 753.704 Prohibit the administering of, or the consumption of, medical marijuana on the premises; and
 - 753.705 Not offer direct or home delivery service.
- 753.8 A dispensary facility may dispose only medical marijuana to certified patients and caregivers as set forth in the Act and shall comply with all lawful, applicable health regulations, including those of the DOH.
- 753.9 A dispensary facility may not be located within 1,000 feet of a property line of a public, private or parochial school or a day-care center. This distance shall be measured in a straight line from the closest exterior wall of the building or portion thereof in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of municipality in which it is located.
- 753.10 A dispensary facility shall be a minimum distance of 1,000 feet from the next nearest medical marijuana facility. This does not include complementing or supporting businesses covered by different definitions. This distance shall be measured in a straight line from the closest exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted, regardless of the municipality in which it is located. This separation distance does not apply to the distance between the grower/ processor facility or academic clinical research centers and the specific dispensary facility they serve, or with which they partner.

- 753.11 Any medical marijuana facility lawfully operating pursuant to the Act shall not be rendered in violation of these provisions by the subsequent location of a public, private or parochial school or day-care center.
- 753.12 All external lighting serving a dispensary facility must be shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
- 753.13 Parking requirements will follow the parking schedule found in this Ordinance. Off-street parking regulations shall utilize those listed for medical and dental offices including outpatient clinics.
- 753.14 A buffer planting is required where a dispensary facility adjoins a residential use or district pursuant to Ordinance, as applicable.
- 753.15 Entrances and driveways to a dispensary facility must be designed to accommodate the anticipated vehicles used to service the facility.
- 753.16 The dispensary facility shall require a site plan review and approval if it is utilizing an existing facility and a land development review and approval if a new facility is being built and utilized pursuant to the Ordinances.
- 753.17 Any and all other provisions contained in the Act affecting the construction, use and operation of a dispensary facility.
754. Medical Marijuana Grower and Processor
In addition to all requirements of the Commonwealth of Pennsylvania, a traffic impact study shall be performed and certified by a professional engineer that identifies peak hour impacts and all applicable remediation measures associated with the corresponding roadways.
755. Mineral Extraction
- 755.1 Procedure. All types of earth-extraction industrial activities shall be considered a temporary use of land and may be permitted by the Borough Zoning Hearing Board as a Special Exception use in the TD-1 and TD-10 Districts in accordance with the procedures established herein for Special Exception Uses. Such use shall only be authorized as a temporary use for a period of not more than ten (10) years or such lesser period as may be established on a case-by-case basis by the Borough Zoning Hearing Board. Such temporary use may be extended for periods of time equal to or less than the original temporary use permit; provided, however, that each such request for an extension shall be in accordance with the procedures for any new application for a Special Exception Use. Any such request for an extension of authorization shall be initiated not less than 120 days prior to the scheduled termination of the temporary use.

755.2 Excavations. All excavations must be enclosed by a fence not less than six (6) feet in height located at least ten (10) feet from the sides or perimeter of the excavation. All such excavation must be adequately drained to prevent the formation of pools of water. The side walls of all such excavations shall slope at an angle no steeper than one (1) foot of vertical distance for each two (2) feet of horizontal distance.

755.3 Special Provisions Governing Earth Extraction Activities.

755.301 The operator of any and all earth extraction operations existing within the Borough at the time of passage of this Ordinance shall apply for a permit as required under the terms of this Ordinance. Said application shall not include any such earth extraction activities which will be completed within 60 days of the passage of this Ordinance.

755.302 All applications for earth extraction permits shall be filed with the Zoning Officer and shall include the following:

- a. A map in duplicate drawn to scale of not less than one inch equals 200 feet, which outlines the entire proposed area of earth extraction activities and shows the surface features, including buildings, dwellings, schools, railroads and highways within a distance of 500 feet from the perimeter of the proposed activities. In addition, said map will indicate the approximate or proposed depth of excavation and the number of surface acres of land subject to these activities.
- b. A bond payable to the Borough of Mayfield conditioned on saving the Borough and its officials of and from any and all claims, suits or demands caused by any blasting and further, to guarantee backfilling as required herein. The amount of said bond shall be set by an engineer designated by the Borough and based on his estimate of the reasonable cost of such replacement, but in no case shall the amount be less than \$1500 per acre of land to be excavated. Such bond shall be signed by the applicant and a corporate surety licensed to do business in the State of Pennsylvania, or the applicant may elect to deposit cash or United States Securities in lieu of surety bond. Upon covering the exposed surface and approval thereof by the Engineer, the Borough will release the applicant and his surety from their bond.

- c. A certificate of insurance with limits of \$100,000 for personal injuries and \$300,000 for property damage for the benefit of all persons who might be injured or suffer property damage as a result of said earth extraction operations.
- d. All earth extraction operations shall be backfilled and all overburden material shall be replaced in a manner which will restore the premises to an equal or same grade as existed on the original site before the commencement of the proposed earth extraction operation.
- e. The perimeter of any earth extraction operation shall not be nearer than 100 feet to any public right-of-way.
- f. If required by the Borough Zoning Hearing Board to ensure the public safety and welfare of persons and property in the immediate vicinity open excavation and pits shall be enclosed with a fence of not less than six (6) feet in height.
- g. A statement signed by the applicant agreeing to comply with the requirement that no earth-extraction activities will be operated earlier than 7:00 A.M. nor later than 8:00 P.M. during each day and such activities shall not be operated on Sundays.

756. Recreational Facilities, Private

- 756.1 Such uses shall include golf courses, ice-skating rinks, ski areas, swimming pools, tennis courts and other similar uses.
- 756.2 Unenclosed recreational facilities shall be located not less than twenty-five (25) feet from any property line except where greater distances are otherwise required herein and shall be effectively screened from adjoining dwelling uses in accordance with the provisions of Section 6.91.
- 756.3 Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties in such a way as not to disturb the occupants thereof.
- 756.4 No public address system is permitted except where such system will not be audible at any residential property line.
- 756.5 Private swimming pools, permanent and portable, which shall be accessory to a principal non-commercial dwelling use shall be regulated as follows; except that these regulations shall not apply to portable swimming pools which shall be not more than 3 feet in height nor more than 15 feet in length.

- 756.501 May be erected only on the same zone lot as the principal structure.
- 756.502 Shall be distant not less than ten (10) feet from all property lines and shall not be located within a required front yard.
- 756.503 The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located, and their guests, and no fee shall be charged.
- 756.504 The swimming pool, or entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties, said wall or fence to be not less than six (6) feet in height and maintained in good condition. The terms "wall or fence" above shall not be construed to mean the side wall of an above ground pool. Above-ground pools with an attached fence or deck/fence combination are exempt from the above regulation, if;
- a. The fence is equipped with a gate that can be closed when the pool is not in use; and
 - b. The height of the fence above the entrance level of the pool is not less than thirty (30) inches.
- 756.505 All pumping, cleaning, filtering, and screening devices and water supply and discharge shall be of a type and source approved by local and/or State Health Department authorities.
- 756.6 Drive-in Theaters shall be subject to the following regulations:
- 756.601 Situated on a minimum zone lot of ten (10) acres.
- 756.602 The screen shall be obscured from public streets.
- 756.603 Lights shall be reflected away from adjoining property and streets.
- 756.604 The sounds directly appurtenant to the visual presentations at such theaters shall not be audible at the boundary line of any R-District.
- 756.605 Only one-way interior vehicular circulation.
- 756.606 Surface drainage shall be such that will not subject adjoining properties or streets to damage.
- 756.607 Any activity that is conducted at such theater shall not be closer to any Residential District than 500 feet, except where topographic considerations make such requirements excessive or unnecessary.
- 756.608 Areas of access and egress shall be not less than 24 feet in width, and shall be designed in such a manner so as to preclude the potential traffic hazards on adjacent rights-of-way caused by vehicles entering and leaving the establishment.

757. Recreation Facilities, Public

- 757.1 All buildings must be a minimum of 20 feet from the rear lot line.
- 757.2 There shall be no external evidence of any gainful activity. Access to any space used for gainful activity shall be from within the building.
- 757.3 Any such use shall be located on a street having a pavement width of at least 30 feet, or shall be able to provide access without causing heavy traffic on local residential streets.
- 757.4 Applicants shall prove that such uses proposed to be located in Residential Districts will serve primarily the residents of the surrounding neighborhood and that no other satisfactory location exists.

758. Recycling Collection Center

- 758.1 This use shall not be bound by the requirements of a solid waste disposal facility.
- 758.2 All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- 758.3 Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- 758.4 A 38 feet wide buffer yard with screening as described shall be provided between this use and any abutting residential lot line.
- 758.5 This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this section.
- 758.6 Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
- 758.7 The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- 758.8 The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.

- 758.9 The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.
759. School, Post-Secondary
In any Residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
760. School, Pre-Kindergarten
Such uses shall be situated on a zone lot of not less than one (1) acre, except where a greater area is otherwise required herein, and shall be screened in accordance with the provisions of Section 6.9. Such uses shall provide evidence of all required State approvals.
761. School, Primary and Secondary
In any Residential district, such uses, including play areas shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
762. Sewage Treatment Plant
- 762.1 All areas at the use other than alleys, drives and screening shall be set back a minimum of 250 feet from any property line.
- 762.2 Hazardous areas shall be enclosed by a fence suitable to prevent unauthorized people from gaining access to such areas.
- 762.3 The actual area of sewage treatment shall not be established in a floodway, floodway fringe or approximated floodplain.
- 762.4 The potential for noise, fumes and dust shall be evaluated by the Board and a finding shall be made that no surrounding properties will be adversely affected by noise or fumes associated with the use.
763. Shopping Centers and Malls
- 763.1 It is the intent of this Section to provide standards for the flexibility of design of shopping centers and malls, and multiple occupant commercial establishments, (referred to as multiple occupant commercial establishments) while at the same time to assure the compatibility of the commercial development with the surrounding character of the Borough. This shall be accomplished by:
- 763.101 Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;

- 763.102 Designing buildings with consideration of architectural style and type of construction material in keeping with the surrounding landscape and development pattern;
- 763.103 Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
- 763.104 Designing parking areas to complement patterns of traffic flow and to provide adequate off-street parking for shopping center patrons;
- 763.105 Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
- 763.106 Considering the impact of storm water, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts;
- 763.2 Conditional Use and Land Development: Any proposed multiple occupant commercial establishment shall be considered a conditional use, and in addition to the other applicable requirements of this Ordinance, shall be subject to the requirements of this Section. Said proposal shall also be considered a land development as defined by the Pennsylvania Municipalities Planning Code and the Borough Subdivision and Land Development Ordinance and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Borough may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Borough Ordinances.)
 - 763.201 Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;
 - 763.202 A traffic flow chart showing circulation patterns from the public right-of-way and within the confines of the shipping center.
 - 763.203 Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
 - 763.204 Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
 - 763.205 Location, arrangement, and dimensions of truck loading and unloading spaces and docks;

763.206 Location and dimensions of pedestrian entrances, exits, walks;

763.207 Location, height, and materials of walls, fences, screen plantings,
and other landscaped areas.

763.208 Preliminary architectural drawings for all buildings;

763.209 Location, size, height, and orientation of all signs other than signs
flat on building facades;

763.3 Ownership. The site proposed for any multiple occupant commercial
establishment shall be held in single ownership or in unified control; and
the applicant shall provide to the Borough evidence of said ownership
and/or control.

764. Single Family Cluster

A Single Family Residential Cluster is a form of planned residential development which
allows for additional flexibility in the design of a development in exchange for the retention
of open space.

764.1 Minimum Lot Area. The minimum lot area for a Cluster shall be 25 acres.

764.2 Use Regulations. Permitted use types as part of a Residential Cluster
development may include:

764.3 Development Regulations. The following density, area, width, and yard
regulations shall apply to all Residential Clusters.

a. Maximum Residential Density. The maximum number of dwelling
units permitted and required open space shall be calculated as
follows:

Maximum Permitted Density ¹	Minimum Required Open Space
4 DU/Ac.	20 %
5 DU/Ac.	25 %
6 DU/Ac.	30 %

¹ Density is based upon the actual site area as determined by a site survey excluding the ultimate right-
of-way of existing streets and existing easements that prohibit future development therein.

765. Telecommunications Facilities, Residential

765.1 Purpose. The following regulations governing antennae are designed to
protect the aesthetic environment of the vicinity where they are to be
located as well as to protect the public health, safety and welfare. The
provisions of this article shall not apply to a T.V. Satellite Dish Antennae and
Other Antennae having a diameter of 36 inches or less.

- 765.2 Permit Requirements. A special Satellite Reception Permit shall be required only for specific situations described below in Articles 761.3 and 761.4.
- 765.3 Allowed Locations. In TD-5, TD-6 and TD-10 they shall be allowed anywhere on the site or on the building. In Residential districts they shall be limited to the rear yard. If the applicant adequately documents that reception is infeasible in the rear yard they may be located in any side yard. If, however, reception is infeasible in either of these areas, they may be located in the front yard or on the roof of the building to which they are appurtenant. If they are to be located in the front yard or on the roof of the building, a special Satellite Reception Permit shall be required as specified in Article 761.2 hereof.
- 765.4 Size and Height. In TD-5, TD-6 and TD-10, there shall be no restrictions regarding their size or height. In all R-districts, however, except as otherwise provided herein, they shall not exceed a diameter of 12 feet or a height of 20 feet. However, where such height and/or size restrictions preclude the feasibility of reception, these dimensions may be exceeded, but a special Satellite Reception Permit shall be required.
- 765.5 Additional Requirements
- 765.501 Except in TD-5, TD-6 and TD-10, satellite television antennas shall be located and designed (to the extent reasonably feasible) to reduce visual impact on surrounding properties.
- 765.502 Antennae shall meet all manufacturers' specifications, be of non-combustible and corrosive-resistant material, and be erected in a secure, wind-resistant manner.
- 765.503 Every antenna must be adequately grounded for protection against a direct strike of lightning.
766. Temporary Businesses
- 766.1 Proposed use shall have frontage on and receive its collector or major arterial road in the Borough's Ordinances.
- 766.2 Applicants shall submit proof of a valid lease, license, or written property owner authorization for the temporary business. Documentation shall state the permitted use, term of occupancy, and any applicable conditions. The Borough may require additional information to verify compliance.
- 766.3 Any renewal or extension shall require Borough approval and must comply with all applicable regulations.
767. Mobile Home Park
- 767.1 The applicant/operator shall submit an operations and management plan for the mobile home park for review and approval by the Borough. The plan

- shall outline site management, maintenance practices, utility provisions, and other operational procedures.
- 767.2 The owner/operator shall provide the Borough with an updated list of tenants on an annual basis, or as otherwise required, for record-keeping and compliance purposes.
- 767.3 Refer to Article 651 for additional criteria.
768. Colleges, Institutes of Higher Education
In any district, this use shall be located not less than 100 feet from any lot line, except where greater distances are otherwise required herein. Schools will be located on or within close proximity to roads having a pavement width of not less than 20 feet.
769. Bulk Storage of Gasoline, Fuel Oil, or Other Inflammable or Explosive Liquids
- 769.1 Provide a detailed description of the storage, handling, use of Regulated Substances and description of the containment structures for hazardous material storage.
- 769.2 A detailed description of disposal procedures for Regulated Substances and wastes and name, address and telephone number of any waste haulers used.
- 769.3 Site map location of where hazardous materials are stored, handled and used.
- 769.4 Storage areas shall be located at least 200 feet from any property line.
- 769.5 Storage areas shall be completely screened from view from any public right-of-way or adjoining properties. Screening shall meet the requirements for "screening" as defined in this code and shall be at least 6' in height except no more than 4' tall where it would block a line of sight for motor vehicles.
- 769.6 Access to the facility shall only be from a collector or arterial street.
770. Casino/ Betting Parlor
- 770.1 In addition to the requirements of this Ordinance, the use shall comply with the provisions of the Commonwealth of Pennsylvania.
- 770.2 Applicant shall provide a plan and report to demonstrate parking demand for the Casino and Gambling facility. In addition to those spaces dedicated to the casino and gambling uses, accessory uses to the facility, including restaurants, auditoriums, retail spaces, personal service establishments, and any other similar areas open to the public shall be parked at a rate of 50% of the minimum parking requirements for each use as established in the ordinance.
- 770.3 Bus area parking and circulation shall not conflict with automobile circulation and spaces.

- 770.4 Bus parking areas shall be provided with a Class 1 or Class 2 landscape screen pursuant to the requirements of the ordinance.
- 770.5 An Access Plan shall be submitted for Borough review and evaluation to ensure minimized impacts of conflicts between the vehicular routes and alignments of the facility and surrounding uses.
- 770.6 A Traffic Impact Study shall be completed to identify and evaluate potential patronage's vehicular patterns and demands. The study shall comply with the requirements of the Subdivision and Land Development Ordinance.
- 771. Concrete Plant, Rock Crushing
 - 771.1 A Circulation and Safety Plan shall be submitted for review and approval.
 - 771.2 An Hours of Operations Plan associated with delivery, transport, and operations shall be submitted for review and approval.
 - 771.3 All site access shall be immediately adjacent to and occur on a State-owned Road.
- 772. Laboratory, Research and Testing
 - 772.1 All equipment and processing shall be contained within an enclosed building.
 - 772.2 Unless otherwise identified the Borough Building Code, no explosive materials or processes shall be used and no noise, smoke or fumes shall be noticeable beyond the limits of the lot. With regard to glare, see Article 6, required provisions pertaining to lighting and glare for all districts.
 - 772.3 The lot shall be no less than twenty thousand (20,000) square feet in area and the building or buildings shall be set back at least 100 feet from abutting highways and residential zone boundaries.
 - 772.4 Any outdoor storage conducted on the lot shall comply with Borough standards.
 - 772.5 Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - 772.6 An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
- 773. Shooting Range, Outdoor

This is intended to provide minimum standards to regulate outdoor shooting ranges and commercial outdoor archery ranges (hereinafter referred to as ranges) in order to protect neighboring property owners and the public at large from dangers of wild or ricocheting projectiles and from excessive noise and other nuisances. Such ranges shall be permitted only in those districts as specified in the schedule of uses.

773.1 Setbacks

773.101 All outdoor shooting ranges shall be situated not less than five hundred (500) feet from any property line and not less than seven hundred and fifty (750) feet from any principal residential or commercial structure existing on the effective date of this article. This shall not apply to structures on the same parcel as the shooting range.

773.102 All outdoor archery ranges shall be situated not less than two hundred (200) feet from any property line and not less than three hundred (300) feet from any principal residential or commercial structure existing on the effective date of this article. This shall not apply to structures on the same parcel as the shooting range.

773.2 Safety Design

All ranges shall be designed and constructed with safety facilities to prevent accidental wild or ricocheting projectiles and stray arrows, and the Borough may require such additional safety features deemed necessary to meet the intent of this article. Such features may include but not be limited to Increased setbacks, earthen berms and setbacks, range orientation, and a limitation of hours of operation.

773.3 Noise Reduction

All ranges shall be designed and operated to minimize any noise created by the facility and shall at a minimum comply with the requirements of Article 6.15 of this Ordinance unless more restrictive standards are required by the Borough as a condition of approval.

773.4 Hours of Operation

No firearm shall be discharged outdoors between the hours of 8:00 PM and 9:00 AM prevailing local time. However, the Borough may establish more restrictive time limits as a condition of approval.

773.5 Fence

Security fencing may be required by the Borough of such extent and design to restrict accidental access to any range.

773.6 Posting

A three hundred (300) foot perimeter around any outdoor range shall be posted with warning signs to adequately inform anyone entering the area.

773.7 NRA State and Federal Regulations

The applicant shall provide evidence of compliance with any applicable National Rifle Association guidelines and state and federal regulations.

774. Solar, Utility Scale

In addition to all other applicable standards (Article 6.12) in this Ordinance, the following regulations shall apply to commercial solar power generation facilities which shall be allowed only in the districts as provided by Article 4.3.

774.1 Purposes

774.101 To accommodate the need for solar power facilities while regulating their location and number in the Borough in recognition of the need to protect the public health, safety and welfare.

774.2 Permits, Use Regulations

774.201 Permits - A permit shall be required for every solar power facility installed in the Borough.

774.202 Associated Use - All other uses ancillary to the solar power facility (including a business office, maintenance depot, etc., greater than one thousand (1,000) sq. ft.) are prohibited from the solar power facility, unless otherwise permitted in the zoning district in which the solar power facility is located. This shall not prohibit the installation as accessory structures of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the solar power facility.

774.203 Solar Power Facility as a Second Principal Use -A solar power facility shall be permitted on a property with an existing use subject to the following land development standards:

- a. The minimum lot area, minimum setbacks and maximum height required by this Ordinance for the solar power facility shall apply, and the land remaining for accommodation of the existing principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.
- b. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- c. The applicant shall present documentation that the owner of the property has granted an easement or other legal interest for the land for the proposed solar power facility and that vehicular access is provided to the solar power facility.

774.3 Standards and Design

774.301 Height- Solar collectors shall not exceed the principal structure height limitations for the underlying zoning district.

774.302 Parcel Size; Setbacks: Lot Coverage

- a. The parcel shall be of such size that all required setbacks are satisfied.
- b. The setback for solar collectors, all structures, equipment containers and any associated mechanical facilities shall be one hundred (100) feet.
- c. The maximum lot coverage shall be seventy-five (75) percent and the area of the solar collectors shall be included in the calculation of lot coverage.

774.303 Fencing - A fence may be required around the facility or portions of the facility for safety reasons.

774.304 Landscaping- Landscaping may be required to screen as much of the solar power facility ground features as possible, the fence surrounding the support structure, and any other ground level features (such as a building), and in general buffer the solar power facility ground features from neighboring properties. The Borough may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if the same achieves the same degree of screening as the required landscaping.

774.305 Licenses; Other Regulations: Insurance-The applicant shall demonstrate that it has obtained the required licenses from governing state and federal agencies, and agreement from the local electric utility. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address and emergency telephone number for the operator of the solar power facility; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the solar power facility.

774.306 Access: Required Parking- Access to the solar power facility shall be provided by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a gravel or better surface for its entire length. If the solar power facility site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, the number of

required parking spaces shall equal the number of people on the largest shift.

- 774.307 Communications Interference - The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties shall not be disturbed or diminished, and this may be accomplished by remedial measures instituted by the solar power facility developer.
- 774.308 Glare -The applicant shall provide details about anticipated glare from the facility, including the time of day, time of year and direction of peak glare periods and document how potential nuisances to area properties and on public roads shall be controlled.
- 774.309 Historic Structures - A solar power facility shall not be located within five hundred (500) feet of any structure listed on any public historic register.
- 774.310 Standards, Certification -The design of the solar power facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories or other similar certifying organizations. The operator shall repair, maintain and replace the solar collectors and associated equipment in like manner as needed to keep the facility in good repair and operating condition.
- 774.311 Uniform Construction Code -To the extent applicable, the solar power facility shall comply with the Pennsylvania uniform Construction Code.
- 774.312 Electrical Components -All electrical components of the solar power facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
- 774.313 Warnings-A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

- 774.314 Signs - No advertising material or signs other than warning, manufacturer and equipment information or indication of ownership shall be allowed on any equipment of structures.
- 774.315 Transmissions and Power Lines – On-site transmission and power lines shall, to the greatest extent possible, be placed underground.
- 774.316 Stray Voltage/Electromagnetic Fields (EMF) -The operator shall use good industry practices to minimize the impact, if any, of stray voltage and/or EMF.
- 774.317 Emergency Services-The applicant shall provide details about any fire suppression system installed in any accessory structure or equipment container associated with the solar power facility. Upon request, the applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the solar power facility.
- 774.318 Site Plan -A full site plan shall be required for all solar power facility sites, showing the solar power facility, fencing, screening, buffers, access, and all other items required by this Ordinance.

774.4 Public Inquiries and Complaints

The solar power facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project, and the solar power facility owner and operator shall make reasonable efforts to respond to the public's inquiries and complaints.

774.5 Decommissioning

774.501 Time Limit - The solar power facility owner and operator shall, at its own expense, complete decommissioning of the solar power facility, or individual components, within twelve (12) months after the end of the useful life of the solar power facility or individual components. The solar power facility or individual components shall be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

774.502 Depth Requirement - Decommissioning shall include removal of collectors, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

774.503 Disturbed Earth-Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

- 774.504 Funds - Decommissioning funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Borough.
- 774.505 Landowner Responsibility- If the solar power facility owner or operator fails to complete decommissioning within the prescribed time period, then the landowner shall have one hundred eighty (180) days to complete decommissioning.
- 774.506 Borough Intervention – If neither the solar power facility owner or operator, nor the landowner complete decommissioning within the prescribed periods, then the Borough may take such measures as necessary to complete decommissioning. The entry into the record and submission of evidence of a participating landowner agreement to the Borough shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Borough may take such action as necessary to implement the decommissioning plan.
- 774.507 Release of Decommissioning Funds – The escrow shall release the decommissioning funds when the solar power facility owner or operator has demonstrated and the Borough concurs that decommissioning has been satisfactorily completed, or upon written approval of the Borough in order to implement the decommissioning plan.

775. Pharmacy.

In addition to the requirements as stated in the federal and state regulations, the following criteria shall be applicable.

- 775.1 A pharmacy may only dispense indoors within an enclosed, secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health as required by Act 16, as amended and not within a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
- 775.2 There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs, and the facility shall comply with the environmental controls and protection as established within the ordinance.
- 775.3 A facility may not be located within 1,000 feet of the property line of an educational institute or a day-care center; unless an adjustment or waiver of such prohibition shall have been approved by the Pennsylvania Department

of Health and satisfactory proof thereof shall have been provided to the Zoning Officer. This distance shall be measured in a straight line from the closest property line in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.

775.4 Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is designed it should be from within a secure environment, in accordance with the ordinance.

775.5 The applicant shall submit documentation showing compliance with federal and state law, as amended, and all related regulations, including, but not limited to, licensure, upon demand of the Zoning Officer.

45-DAY REVIEW DRAFT

8. Parking and Loading

8.1 Required number of parking spaces.

Sr. No.	Uses	No. of Minimum Parking as per use
1	Residential Uses, mobile home parks	2 per dwelling unit
2	Bed and Breakfast Establishments, Boarding/ Rooming House, Hotel/ Motel, Conversions	1.1 per bedroom
3	Automobile sales, Banks and other Financial Services, essential services, Professional Services/ Offices, Temporary Businesses	1 per 300 sq. ft. of gross customer use area
4	Automobile Repair	1 space per 400 square feet of gross and floor and ground area devoted to repair and service facilities in addition to areas normally devoted to automobile storage and 1 per employee on largest shift
5	Bakery Retail, Convenience Store, Dry Cleaning and Laundry, Exercise Club, Grocery Stores, Personal Services, Retail Stores, Shopping Centers and Malls, Studios	1 per 100 sq. ft. of floor area
6	Brewery/ Distillery, Restaurants (Fast Foods), Restaurants (Traditional), Tavern/Bar	1 for each 2.5 seats
7	Casino/ Betting Parlor, Clubs and Lodges, Farmers' Market, Flea Market, Nightclubs, Golf Driving Range	1 space per 200 sq. ft. of net floor area space for customer use
8	Animal Hospitals/ Vet Clinics, Medical/ Dental Clinics, Hospital, Urgent Care	5 spaces per doctor + 1 space per employee on maximum shift
9	Bulk Storage, Compost Facility, Contract Yards, Drive in Uses, Heavy Equipment Sales and Storage, Sewage Treatment Plant, Storage Yards, Warehousing, Wholesale Business	1 per employee on maximum shift
10	Assisted Living facility, Nursing Homes, Personal Care Homes or Centers, Community Intervention Center (Type 3)	1 space for each 3 units + 1 space per employee in maximum working shift
11	Colleges, Institutional of Higher Learning, Meeting (Assembly and Banquet Hall), Places of Worship, School (Post-Secondary, Pre-Kindergarten, Primary and Secondary), Trade/ Business Schools	1 for each 3.5 seats in an auditorium or for each 17 classroom seats, whichever is greater

Sr. No.	Uses	No. of Minimum Parking as per use
12	Concrete Plant, Rock Crushing, Distribution Center Type 1 and 2, Food Processing, Laboratory (research and testing), Manufacturing (Light and Heavy), Oil and Gas Facility, Solar (Utility Scale), Mineral Extraction, Printing and Publishment Establishment	1 per 1,000 square feet of floor area, plus 1 for each 4 employees in the maximum working shift; the total parking area shall not be less than 25 percent of the building floor area
13	Group Care Facility, Group Home	3 per 5 beds
14	Shooting Range (indoor, outdoor)	1 per every 3 persons of fully utilized designed capacity + 1 per 200 sq. ft. of gross floor area
15	Medical Marijuana Grower/ Processor, Medical Marijuana Dispensary Facility, Pharmacy, Recycling Collection Center	1 per 2 employees on peak shift + company vehicle normally stored on premise + 1 per 5 managers (visitor space)
16	Car Wash	1 per 100 sq. ft. of gross floor area + 2 reservoir spaces in front of each stall for self service + 5 reservoir spaces for conveyor type
17	Catering Establishment	1 per 500 sq. ft. of gross floor area open to the public + reservoir lane capacity equal to 5 spaces per drive-in window
18	Cemeteries and Mausoleum	6 parking spaces min. (not including circulation lanes)
19	Child Day care Facilities	1 per 6 students enrolled
20	Funeral Homes and Undertakers	25 for each parlors
21	Laundromat	1 space per 2 washing machines for self-service laundries and 1 space per 400 square feet of gross floor area for other laundry or dry-cleaning uses
22	Pool Hall, Bowling Alleys, or any Legal Inside Recreational Use, Recreational Facilities (Private), Recreational Facilities (Public)	5 per seats or 1 per 500 sq. ft. open to public area
23	Public Utility Facilities	1 space
24	Self-Storage (Indoor Storage)	1 space per 10 storage bays + 1 space per employee (peak shift)
25	All other non-residential uses not otherwise listed, Mixed Use Structure	1 per 100 sq. ft. of floor area + 2 per dwelling unit (where applicable)

Sr. No.	Uses	No. of Minimum Parking as per use
26	Home Occupation	1 per non-resident employee
27	Nurseries and Greenhouses	1 per 200 sq. ft of space open to the public
28	Billboard, Charging Stations, Commercial Communication Antenna, DAS, Telecommunication Facilities (Residential), Forestry, Parking, Parks and Playgrounds, No Impact Home Business	NA

8.2 General regulations for off-street parking.

Off-street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the provisions of this Article. All off-street parking must be located on paved or pervious paved surfaces or infiltrating hard-scape concrete blocks. No off-street parking is allowed on vegetated or graveled surfaces. The Borough Council may require additional parking spaces for any conditional use approval.

821. Individual Parking Spaces. Parking areas shall be marked off into parking spaces, each with a minimum width of ten feet, and a minimum area of 200 square feet, exclusive of driveways and turning areas.

8.3 Standards for off-street parking.

831. In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking space for automobiles available to the occupants of such buildings and to visitors thereto at no charge in accordance with the requirements set forth herein.
- 831.1 Size and Access. Each off-street parking space in a parking lot shall have an area of not less than one hundred eighty (180) 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 shall contain less than 3 spaces. 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. No off-street parking shall be located in the front yard of any residential lot.

No point of ingress or egress shall be nearer, one to the other, than 300 feet, except where inadequate highway frontage precludes the feasibility of complying with this requirement.

831.2 Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in Article 8.1 following in accordance with the definition of "floor area" as set forth in Article 2 hereof, provided further that in any Residential District, on any lot having an area of one (1) acre or less, private garage space may be provided for not more than four (4) motor vehicles. Space for one (1) additional motor vehicle may be provided for each one-fifth (1/5) acre by which the area of the lot exceeds one (1) acre.

In any case of a 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.

831.3 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 with a radius of no greater distance than 400 feet from the zone lot, and provided further, that required spaces are provided off the site in accordance with the provisions set forth herein and that such 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 and/or assigns to maintain the required number of spaces available throughout the life of such use, and such spaces shall conform to all regulations of the district in which they are located.

8.4 Off-street loading.

841. In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of five thousand (5,000) square feet or more, which is to be occupied by manufacturing, or commercial uses, or distribution of material or merchandise by vehicles, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement of table below.

- 841.1 Size and Location. Each loading space shall be of sufficient size to accommodate vehicles that are likely to utilize the berth, but not less than 10 feet in width, 25 feet in length and 14 feet in height, and may occupy all or any part of any required yard, except where located adjacent to any Residential District where they shall be set back a minimum of 6 feet from any such property line.

Uses	Sq. Ft. of Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulance)	From 10,000 -30,000 For each additional 30,000 or major fraction thereof.	1 1 additional
Undertakers and Funeral Homes	5,000 For each additional 5,000 or major fraction thereof.	1 1 additional
Hotels and Offices	10,000 or more	1
Retail, Commercial, Wholesale, Manufacturing, Storage & Miscellaneous	From 10,000 - 25,000 From 25,000 - 40,000 From 40,000 - 60,000 From 60,000 - 100,000 For each additional 50,000 or major fraction thereof	1 2 3 4 1 additional

842. 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 so 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. Further, 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.

8.5 Design and Layout of Off-Street Parking and Loading Facilities.

851. 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.
- 851.1 Screening and Landscaping. Off-street parking areas for more than five (5) vehicles and off-street loading areas shall be effectively screened on each side which adjoins or faces premises situated in any residential District, or institutional premises, by a solid fence or hedge. Such fence or hedge shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Any space between such fence or hedge and the side lot line adjoining premises, or the front lot line facing premises, in any residential District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. The landscaping of parking lots shall conform with the requirements of Section 693.3 hereof.
- 851.2 Minimum Distances and Setbacks. No off-street parking or loading area or part thereof for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot. If not in an residential district but adjoining such district, the parking area shall be set back not less than ten (10) feet from the established street right-of-way line within fifty (50) feet of any R-District.
- 851.3 Surfacing. Any off-street parking or loading area shall be surfaced with an asphaltic or cement binder pavement or similar durable and dustless surface which 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.
- 851.4 Residential Glare. The design of all parking and loading areas shall consider the topography of the facility so as to preclude the lights of vehicles from being directed towards adjacent dwellings or residential zones.
- 851.5 Modification of Requirements. The Zoning Hearing Board may authorize on appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that in the particular case appealed the peculiar nature of the use, or the exceptional situation or condition must justify such action. Such modification shall be granted only in accordance with the procedure for variances, Article 11.3 hereof.

- 851.6 Lighting and Off-Street Parking Lots.
 - 851.601 For all parking areas, driveways and walkways, all pole mounted luminaries shall be low maintenance poles and fixtures; and, all branch circuiting for lighting shall be installed below grade.
 - 851.602 The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
 - 851.603 Lighting shall be directed away from adjacent residential uses and residential zones, and shall be shielded from fugitive skyward emissions.
- 852. Service Stations and Parking Lots.
 - 852.1 Location of Establishments and Access Thereto. Vehicular Service Stations, commercial parking lots for five (5) or more motor vehicles, automobile repair shops, or any vehicular access thereto are regulated as follows:
 - 852.101 A site development plan shall accompany all applications and shall show building and fuel pump placement and dimensions, parking, landscaping, internal circulation, and the size and location of signage.
 - 852.102 All vehicular servicing activities except for those normally performed at fuel pumps shall be performed within completely enclosed buildings.
 - 852.103 Minimum setbacks of fuel pumps shall be twenty (20) feet from the front yard setback line.
 - 852.104 Fuel pumps shall not interfere with parking spaces or internal circulation and shall be located at least thirty (30) feet from all parking areas.
 - 852.105 A minimum lot width of two hundred and fifty (250) feet at the building setback line is required.
 - 852.106 Shall not be located within 100 feet of any boundary line of any R-District; provided, however, that where the rear lot line of the property shall be less than 100 feet distant from an R-District there shall be established along such rear lot line a buffer zone which shall be landscaped in accordance with the provisions of Article 692.3 hereof; and, no part of any parking space shall be less than 25 feet from any residential property line.
 - 852.107 Shall not be located within two hundred (200) feet of property dedicated to or intended for schools, playgrounds, churches, hospitals, public libraries and institutions for dependents or for

children, when located along the same street or road and in the same block as said properties.

852.108 Vehicular access to the above automotive uses shall be well-defined driveways and shall not be closer to the intersection of any two (2) street right-of-way lines than fifty (50) feet.

852.109 Except as otherwise required for off-street parking and loading areas in TD-8 zones, no such facilities for five (5) or more vehicles shall be nearer to any property line than five (5) feet.

853. Truck and Tractor Trailer Parking in Residential Districts. Trucks and tractor trailers may be parked in Residential Districts provided that there shall be not more than one (1) truck or one (1) tractor trailer parked on any residential zone lot, but not on any residential street except for incidental deliveries; and, provided further, that any such vehicle parked on a residential zone lot shall conform with the following additional requirements:

852.1 The motor of such a vehicle shall not be left running for more than one (1) hour during any 24-hour period.

852.2 No refrigeration units on such vehicles shall be operated on a residential zone lot.

852.3 The motor of such a vehicle shall not be left running for more than thirty (30) minutes during any 24 hour period; provided, however, that said 30 minute period shall not be between 9:00 P.M. and 6:00 A.M.

9. Signs

9.1 Purpose and applicability.

Signs may be erected, reconstructed and maintained only when in compliance with the following provisions and the Building Code of the Borough of Mayfield.

9.2 Sign Regulations according to Districts

921. Signs in Residential Districts. The following types of non-illuminated, non-advertising signs are permitted in all Residential Districts as follows:

921.1 Nameplates and Identification Signs.

921.101 Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two (2) 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 for each dwelling unit.

921.102 For buildings other than dwellings a single identification sign not exceeding six (6) square feet in area and indicating only the name and address of the building and the name of the management may be displayed, provided that on a corner lot two such signs (one facing each street) shall be permitted.

- 921.2 Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any other person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented" with the name of persons effecting the sale or rental may be erected or maintained, provided:

921.201 The size of any such sign is not in excess of six (6) square feet; and

921.202 Not more than two (2) sign is placed upon any property unless such property fronts upon more than one street, in which event two (2) more sign may be erected on each additional frontage.

- 921.3 Institutional Signs. Signs of schools, colleges, churches, hospitals, sanatoria, or other institutions of a similar public or semi-public nature may be erected and maintained, provided:

921.301 The size of any such sign is not in excess of 20 square feet; and

921.302 Not more than one (1) such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

- 921.4 Signs Accessory to Parking Areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two (2) square feet each shall be permitted for each direction of traffic flow. One sign per parking area designating the conditions of use and identity of such parking area and limited to a maximum size of nine (9) square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.
- 921.5 Development Signs. Signs advertising the sale or development of the premises upon 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:
- 921.501 The size of any sign is not in excess of 20 sq. ft.
- 921.502 Not more than two (2) signs are placed upon any property, unless such property fronts upon more than one street, in which event two (2) such signs may be erected on such frontage; and
- 921.503 Any such signs except signs identifying the development shall be removed by the developer within thirty (30) days of the final sale of property.
- 921.6 Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:
- 921.601 The size of any such sign is not in excess of six (6) square feet, and not in excess of four (4) feet in length; and
- 921.602 Not more than one such sign is erected on each five hundred (500) feet of street frontage.
- 921.7 Artisans' Signs. Signs of mechanics, 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:
- 921.701 The size thereof is not in excess of twelve (12) square feet; and
- 921.702 Such signs are removed promptly upon completion of the work.
- 921.8 Private Driveways. Signs indicating the private nature of a driveway, or trespassing sign, provided that the size of any such sign shall not exceed two (2) square feet.
- 921.9 Height and Projection of Signs. No sign in an residential district shall project into the public way or project higher than one story or twenty (20) feet, whichever is lower.

922. Signs in Non-Residential Districts. Business signs shall be permitted as follows:

- 922.1 Size of Signs. (Detached). No detached sign shall have a gross surface of more than 100 sq. ft. in any TD-5 and TD-76 Districts or 150 sq. ft. in any TD-10 Districts.
 - 922.2 Size of Signs. (Attached). No attached sign shall have a gross surface area in excess of 20 percent of the building side on which it is attached.
 - 922.3 Location of Signs. No free-standing signs shall be nearer to any property line than the height of such sign, but in no case less than twenty (20) feet.
 - 922.4 Illumination of Signs. Flashing signs are prohibited. Revolving illuminated signs shall be considered as a Special Exception permitted in TD-10 District provided that such signs shall not create any traffic hazard, or abut or face any residential property or any residential zone lot. Stationary illuminated signs are permitted in TD-5, TD-6 and TD-10 Districts only.
 - 922.5 Portable Signs. Portable signs other than temporary artisans" signs are prohibited; provided, however, that portable signs shall be permitted only on a temporary basis, for a period of not more than one (1) month; provided, further, that, upon written application such temporary permit for a portable sign may be extended by the Zoning Officer, for cause, for a period of not more than one (1) additional month.
 - 922.6 Display Windows. Signs within display windows shall not be considered a part of the permitted sign area unless the signs are self-illuminating, in which case the area shall be considered part of the permitted sign area.
923. Outdoor Advertising. Outdoor advertisements (billboards) are permitted in only TD-10 district.
- 923.1 No outdoor advertisement shall be permitted within two hundred (200) feet of any residential district, nor facing any public or parochial school, library, church, hospital or similar institutional use, if closer than two hundred (200) feet.
 - 923.2 No two outdoor advertisements shall be located closer to one another than one-thousand (1000) feet. Double outdoor advertising signs shall be treated as a single sign regarding this restriction governing the minimum distance between signs.
 - 923.3 Outdoor advertisements shall conform with all yard spaces required for the district in which they are located.
 - 923.4 The total surface area of any outdoor advertisements, exclusive of structural supports, and trim, shall not exceed, in square feet, four times the frontage of the lot or tract on which it or they stand, nor shall any individual outdoor advertisement exceed 672 square feet.

- 923.5 No outdoor advertising sign shall be nearer to any property line than the height of such sign, but in no case less than 25 feet.

9.3 General Regulations.

The following regulations shall apply to all permitted signs.

931. Maintenance. Signs shall be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
932. Wall Signs. Display signs placed against the exterior walls of buildings or structures shall not extend more than 15 inches out from the wall surface. Wall signs exceeding forty (40) square feet in area shall be of non-combustible material.
933. Projecting Signs. Attached signs shall not project from any building more than three (3) feet in the direction of a public street or public walk-way area nor shall any such sign extend over a public street or walk-way area. A clear space of not less than ten (10) feet shall be provided below all parts of projecting signs. Projecting signs exceeding forty (40) square feet in area shall be made of non-combustible material.
934. Height of Signs. No sign except a free-standing sign shall be higher than the building on which such sign is located, nor shall any sign be located upon the roof of any building; provided, however, that a business sign may be affixed to a parapet. No free-standing sign shall extend more than thirty-five (35) feet above the mean ground level where it is located.
935. Permits (Building) for Signs. Building permits shall be required for all signs except temporary political signs, signs provided for in Article 921 and other accessory residential signs. For signs in the interest of the public information and convenience, the Zoning Officer, upon approval by the Zoning Hearing Board, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
936. Fees. Fees for all signs requiring permits shall be in accordance with Article 13.9 hereof; provided, however, that no fee shall be charged for the erection of a sign necessary to the public welfare. Fees for all other signs shall be in accordance with Article 13.9 hereof.

10. Nonconformities

10.1 Intent and Applicability.

1011. It is the intent of this Article to recognize the right of nonconformities to continue but to encourage that such lots, uses, and structures be brought into conformity with this Ordinance as soon as constitutionally permissible. To achieve this end, nonconformities are subject to the regulations set forth in this Article.
1012. A lawful nonconforming use, structure, or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in use of a nonconformity shall only occur in conformance with this article and subject to the following criteria and standards:
- 1012.1 The alteration or extension provides for a natural expansion which is not detrimental to public health, safety, and general welfare, provided such expansion does not exceed 50% of the existing ground floor area of the structure or other space occupied by the use.
- 1012.2 The alteration or extension does not constitute the addition of a new nonconforming use or structure.
- 1012.3 The alteration or extension does not decrease yards when already failing to meet minimum yard setback areas.
- 1012.4 The alteration or extension meets the district regulations for such use or structure as if the use or structure were being altered or extended in a district where such use is permitted.
1013. Any lot lawfully existing prior to the adoption of this ordinance that does not conform to the current dimensional or other applicable requirements of this ordinance shall be considered a nonconforming lot and may continue to be used, developed or improved in accordance with the provisions of this article.

10.2 Nonconforming Uses.

1021. Expansion of Nonconforming Residential Uses.
An existing nonconforming residential use may be expanded in floor area as a permitted by right use, provided that:
- 1021.1 The number of dwelling units is not increased;
- 1021.2 The expansion meets all applicable setbacks;
- 1021.3 No new types of nonconformities are created; and
- 1021.4 A nonconformity is not made more severe (including the building area within the required setback area).
1022. Expansion of Nonconforming Nonresidential Uses.
A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- 1022.1 An expansion of a total of more than 5% in total building floor area in any five-year period shall require special exception approval from the Zoning Hearing Board under Article 11.4.
- 1022.2 Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- 1022.3 The total building floor area used by a nonconforming use or the total area covered by impervious surfaces of a nonconforming use shall not be more than 25% beyond each such measurement that existed in such use at the time the use became nonconforming. This maximum increase shall be measured in aggregate over the entire life of the nonconformity.
- 1022.4 Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
1023. Abandonment of Nonconforming Uses.
If a nonconforming use is discontinued or abandoned for 12 months or longer, subsequent use shall conform with the current regulations of this Ordinance.
1024. Nonconforming Outdoor Storage Activities.
If a nonconforming junkyard, outside storage area, or similar use of open land is discontinued for 90 days or more, or is damaged or destroyed to an extent of 50% or more of replacement cost, such use shall not be continued, repaired, or reconstructed.
1025. Change from One Nonconforming Use to Another.
- 1025.1 Once changed to a conforming use, such use shall not revert to nonconforming use.
- 1025.2 A nonconforming use may be changed to another nonconforming use only if permitted as a special exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects than the pre-existing nonconforming use with regard to:
- 1025.201 Traffic generation (especially truck traffic);
- 1025.202 Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, and explosive hazards;
- 1025.203 Amount and character of outdoor storage;

1025.204 Hours of operation if the use would be close to dwellings; and

1025.205 Compatibility with the character of the surrounding area.

1026. Nonconformities Due to Zoning Changes.

Any uses that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

10.3 Nonconforming Structures.

1031. Reconstruction or Expansion of Nonconforming Structures.

1031.1 The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded, provided that:

- a. Such action will not increase the severity, extent, or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity; and
- b. Any expanded area complies with the applicable height restrictions and applicable setbacks set forth in the underlying zoning district in which the nonconforming structure is located as well as all other requirements of this Ordinance.

1031.2 In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

1032. Damaged or Destroyed Nonconforming Structures.

1032.1 A nonconforming structure that has been destroyed or damaged by fire, windstorm, lightning or a similar cause to an extent of 50% or more of its total value and shall be deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if the application for a building permit is submitted within 18 months after the date of damage or destruction, work begins in earnest within 12 months afterward, and no nonconformity is created or increased by any reconstruction.

1032.2 Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this Section.

1032.3 Nonconforming agricultural structures on farms may be reestablished or reconstructed as a use permitted by right if damaged or destroyed, without a time limit.

1033. Abandonment of Nonconforming Structures.

If a nonconforming structure is razed, removed, or abandoned for 12 months or longer, subsequent use of such building or land shall conform with the current regulations of this Ordinance.

1034. New Construction and Building Permits.

1034.1 New Construction.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1034.2 Building Permits and Nonconformities.

When an active building permit has been lawfully issued prior to the adoption of this Ordinance that makes such activity nonconforming, such use, lot, or structure shall be regulated under the applicable nonconforming regulations, provided that such construction is completed within a maximum of 12 months of the issuance of such permit.

10.4 Nonconforming Lots of Record.

1041. In any district in which dwellings are permitted as principal uses, a single-family detached dwelling and customary accessory uses may be erected on any single nonconforming lot of record at the effective date of adoption of this Ordinance, provides that such lot:

1041.1 Has a minimum width of 50 feet measured at the minimum building setback line;

1041.2 Has a minimum lot area of 0.15 acres;

1041.3 Will comply with minimum setbacks and other requirements of this Ordinance for any new construction or expanded area, except for minimum lot depth and those provisions specifically allowed to be altered by this Section or for which a variance is granted; and

1041.4 Has minimum side yard setbacks of eight (8) feet each or 10% each of the lot width, whichever is larger.

1042. Integration of Nonconforming Lots.

If two (2) or more abutting lots or combinations of abutting lots and portions of lots under the same ownership are of record and not in conformity at the time of adoption of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width or area, the lands involved shall be integrated to form one (1) lot that would be in conformance with this Ordinance or otherwise less nonconforming. Such integrated lot in common ownership shall not be subdivided, re-subdivided, or sold in parts using separate deeds to separate owners, unless specifically approved as a subdivision under the adopted subdivision and land development regulations of Borough of Mayfield.

10.5 Registration of Nonconformities.

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

11. Zoning Hearing Board

11.1 Organization and expenditures.

1111. Organization.

1111.1 The Borough of Mayfield 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 the 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.

1111.2 The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with the ordinances of Borough of Mayfield and the laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, records of which shall be the property of Borough of Mayfield. The Zoning Hearing Board shall submit reports of its activities to the Borough of Mayfield Council when requested.

1112. Membership, Terms, and Vacancies.

The membership of the Zoning Hearing Board shall consist of three (3) residents of Borough of Mayfield appointed by the Borough of Mayfield Council by resolution. Their terms of office shall be three (3) years and shall be so fixed that the term of office of no more than one (1) member shall expire each year. The Zoning Hearing Board shall promptly notify the Borough of Mayfield Council of any vacancies which 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 Borough of Mayfield.

1112.1 The 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 the members of the Board but the 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 Board as provided. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business which records shall be

the property of the Borough and shall submit a report of its activities to the Governing Body as requested by the Governing Body.

1112.2 If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the board shall designate as many alternate members of the board to sit on the board as may be needed to provide a quorum. Any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

1112.3 The governing body may appoint up to three (3) alternate members of the Zoning Hearing Board in accordance with the provisions of Section 903(b) of Act 247 as amended.

1113. Removal of Members.

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

1114. Appeals and Applications to the Zoning Hearing Board.

Appeals and applications to the Zoning Hearing Board from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain:

1114.1 The name and address of the applicant;

1114.2 The name and address of the owner of the real estate involved in the appeal;

1114.3 A brief description and location of the real estate involved in the appeal;

1114.4 A statement of the present zoning classification of the involved real estate and a description of the improvements thereon and the present use thereof;

1114.5 Reference to the section or sections of this Ordinance under which the appeal or application is filed; or, reference to the section or sections of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal;

1114.6 An accurate description of the present and/or proposed use intended to be made, indicating the size and use of such proposed use;

1114.7 A plot plan of the involved real estate as required to accompany applications for permits; and

- 1114.8 An application fee, in an amount as established from time to time by resolution of the Borough of Mayfield Council, payable to Borough of Mayfield.
1115. Conduct of Hearings.
The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).
1116. Expenditures for Services.
Within the limits of funds appropriated by the Borough of Mayfield Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by resolution of the Borough of Mayfield Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Borough of Mayfield Council.

11.2 Jurisdiction and functions.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

1121. Substantive challenges to the validity of any land use ordinance, except when a curative amendment is brought before the Borough of Mayfield Council;
1122. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance;
1123. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure, or lot;
1124. Appeals from a determination by the Borough of Mayfield Engineer, floodplain administrator or the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
1125. Applications for variances from the terms of this Ordinance and/ or the Floodplain Ordinance;
1126. Applications for uses by special exception under the terms of this Ordinance;
1127. Appeals from the determination of any officer or agency charged with the administration of any transfer of development rights or performance density provisions of this Ordinance;

- 1128. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- 1129. Appeals from any determination of the Borough of Mayfield Engineer or the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

11.3 Variances.

- 1131. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the applicant. Upon appeal, the Zoning Hearing Board shall have the power to authorize variances from the requirements of this Ordinance and to attach conditions to such variances as it deems necessary to assure compliance with the purposes of this Ordinance. A variance may be granted if all of the following findings are made, where relevant in a given case:
 - 1131.1 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 lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the lot is located;
 - 1131.2 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 this Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot;
 - 1131.3 That such unnecessary hardship has not been created by the appellant;
 - 1131.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lots, nor be detrimental to the public welfare; and
 - 1131.5 That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.
- 1132. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the policy, goals, and community development objectives of this Ordinance.

1133. Unless specifically authorized by the Zoning Hearing Board, the grant of a variance shall expire if a zoning permit, building, permit, certificate of use and occupancy, or grading permit is not obtained within 12 months from the date of the grant of the variance. However, the Zoning Hearing Board, in its discretion, may grant an extension of up to 12 additional months upon written request by the applicant prior to the initial expiration date.

11.4 Uses by Special Exception.

The Zoning Hearing Board shall have the power to hear and decide on applications for uses by special exception as authorized by this Ordinance, in harmony with the purpose and goals of this Ordinance and of the **Community's adopted comprehensive plan**, and in accordance with the provisions set forth in Article 6. The Zoning Hearing Board shall approve a use by special exception only if it meets all applicable requirements of this Ordinance and the express standards and criteria set forth in **Article 6154**. In granting a use by special exception, the Zoning Hearing Board may attach such reasonable safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to properly implement the purpose and goals of this Ordinance and to protect the public health, safety, and welfare.

11.5 Hearings and decisions.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 908 of the Pennsylvania Municipalities Planning Code (MPC). The rules and procedures for such hearings shall be as follows:

1151. Public notice shall be placed in the classified section of a newspaper of general local circulation once in each of two (2) successive weeks, the first notice appearing not more than 30 days or less than seven (7) days prior to the hearing, and shall be conspicuously posted at highly visible locations along the perimeter of the subject lot at least one (1) week prior to the hearing. In addition, written notice of the hearing shall be sent by first-class mail to the owners of lots abutting the subject lot or within 300 linear feet of the subject lot and other recognized parties at least one (1) week prior to the date of the hearing. Notices shall indicate the date, time, and place of the hearing, the particular nature of the matter to be considered, and the street address of the specific lot involved.
1152. The parties to the hearing shall be the applicant, the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person, including civic or community organizations, permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall require all persons who wish to be considered parties to enter

- such request on an appearance form provided by the Zoning Hearing Board for that purpose.
1153. The Chairman of the Zoning Hearing Board or the hearing officer presiding shall conduct the hearing and shall have the power to administer oaths and issue subpoenas to compel attendance of witnesses and/or the production of relevant documents and papers, including witnesses and documents requested by the parties.
1154. The parties in a hearing shall have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence and cross-examine adverse witnesses on all relevant issues.
1155. Formal rules of evidence shall not apply and irrelevant or redundant evidence may be excluded.
1156. The first hearing before the Zoning Hearing Board or the hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time.
1157. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record.
1158. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing.
1159. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven (7) hours of hearings within the 100 days, including the first hearing.
1160. Persons opposed to the application shall complete the presentation of their opposition to the application within 100 days of the first hearing held after the completion of the applicant's case-in-chief. An applicant may, upon request, be granted additional hearings to complete his case-in-chief provided the persons opposed to the application are granted an equal number of additional hearings. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Borough of Mayfield, be granted additional hearings to complete their opposition to the application, provided the applicant is granted an equal number of additional hearings for rebuttal.
1161. The Zoning Hearing Board, or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer, or shall be paid by the person appealing the decision of the Zoning Hearing Board if such an appeal is

made, and in either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

1162. The Zoning Hearing Board, or the hearing officer, as the case may be, shall not communicate, directly or indirectly, with any party and/or representative of any party in connection with any issue relevant to the hearing except upon notice and opportunity for all parties to participate; shall not take notice of any communications, reports or other materials, except advice from the Zoning Hearing Board's legal counsel, unless all parties are afforded an opportunity to contest the material so noticed; and shall not inspect the site or its surroundings with any party and/or representative of any party after the start of hearings unless all parties are given an opportunity to be present.
1163. The Zoning Hearing Board, or the hearing officer, as the case may be, shall render a written decision, or, when no decision is required, a written finding on the application, within 45 days after the last hearing. Decisions shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or any other ordinance or regulation shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
1164. If the hearing is conducted by a hearing officer and there has been no stipulation that his or her decisions or findings are final, the Zoning Hearing Board shall make the hearing officer's report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Zoning Hearing Board prior to final decision or entry of findings. The Zoning Hearing Board may concur in the hearing officer's decision, overturn it, or order a new hearing, provided that such decision by the Zoning Hearing Board is entered no later than 30 days after the report of the hearing officer.
1165. Where the Zoning Hearing Board fails to render the decision within the period required by this Section or fails to hold the required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to an extension of time.
1166. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein provided, the Zoning Hearing Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this Section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this Section shall prejudice the right of any party

opposing the application to appeal the decision to the Lackawanna County Court of Common Pleas.

1167. A copy of the final decision, or the findings, if no decision is required, shall be mailed to the applicant not later than the day after the date of the decision. All others requesting notice of the decision not later than the last day of the hearing shall receive by mail a summary of the findings or decision and a statement of the place at which the full decision or findings may be examined.

11.6 Parties appellant before the Board.

Appeals under Article 10.2, may be filed in writing with the Zoning Hearing Board by:

1161. The landowner affected;
1162. Any officer or agency of the Borough of Mayfield; or
1163. Any person aggrieved.

11.7 Mediation.

1171. Parties to proceedings authorized in this Section may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Section once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
1172. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough of Mayfield, in offering the mediation option, shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
- 1172.1 Funding mediation;
- 1172.2 Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
- 1172.3 Completing mediation, including time limits for such completion;
- 1172.4 Suspending time limits otherwise authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC), provided that there is written consent by the mediating parties, and by an applicant or decision-making body of the Borough of Mayfield, if either is not a party to the mediation;

- 1172.5 Identifying all parties and affording them the opportunity to participate;
 - 1172.6 Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
 - 1172.7 Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).
1173. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

11.8 Time Limitations.

1181. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough of Mayfield officer, agency, or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision by the Zoning Officer on a challenge to the validity of an ordinance or map pursuant to Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC), shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the preliminary submission.
1182. All appeals from determinations adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

11.9 Appeals to Court and Other Administrative Proceedings.

Nothing contained in this Article shall be construed to deny the appellant the right to proceed directly to a court where appropriate, pursuant to the Pennsylvania Rule of Civil Procedure No. 1091, relating to action in mandamus. Appeals to court from any decision of the Zoning Hearing Board may be taken by any party aggrieved in accordance with the time frame and manner provided by Article X-A of the Pennsylvania Municipalities Planning Code (MPC).

12. Amendment Procedure

12.1 Amendments.

1211. Zoning Ordinance Amendments.

The Borough of Mayfield Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

1212. Zoning Map Amendments (Rezoning).

1212.1 Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity, and efficiency of the Borough of Mayfield's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Community's adopted comprehensive plan.

1212.2 Rezoning Applications.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated by the following, to demonstrate the compatibility of a rezoning proposal:

- a. Statement of existing and proposed base and overlay zoning districts;
- b. Conceptual site development plan;
- c. Topographic survey;
- d. Site conditions report;
- e. Estimated infrastructure demands (sanitary sewer and potable water) in gallons per day;
- f. Off-street parking projections (number of parking spaces) available on site;
- g. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, and hours of operation;
- h. Other related studies that the Borough of Mayfield may require, depending upon the location of lot access, infrastructure service/demands, and impacts identified on adjoining lots, such as a:
 - i. Traffic impact study;
 - ii. Fiscal impact analysis;

- iii. Density comparison between existing and proposed zoning districts;
and/or
- iv. Geotechnical/stormwater analysis.

1212.3 Landowner Curative Amendments.

A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map, or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, shall submit to Borough of Mayfield a curative amendment, any fees established by resolution of the Borough of Mayfield, and a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code (MPC). The Borough of Mayfield Council shall commence the associated procedures in accordance with Section 609.1 of the Pennsylvania Municipalities Planning Code (MPC).

1212.4 Municipal Curative Amendments.

If the Borough of Mayfield Council determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take actions in accordance with Section 609.2 of the Pennsylvania Municipalities Planning Code (MPC).

12.2 Public hearing.

Proposed zoning ordinances and amendments shall be published, advertised, and available for review in accordance with the procedures found in Section 610 of the Pennsylvania Municipalities Planning Code (MPC).

12.3 Review by Planning Commission.

1231. Review of Rezoning Applications.

1231.1 The Zoning Officer will:

- a. Perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the applicant. A completed application and packet will be forwarded to the Borough of Mayfield and Lackawanna County planning commissions for review;
- b. Provide the applicant written confirmation within seven (7) business days stating that the application has been received with all required information; and
- c. Submit a written recommendation to the Planning Commission and the Borough of Mayfield Council, either in favor of or not in favor of the rezoning proposal, including a specific statement as to whether or not

the proposed rezoning is in accordance with the objectives of the
Community's adopted comprehensive plan;

- 1231.2 As part of the rezoning approval process, the Borough of Mayfield Council and Planning Commission can consider the motivation and implications of each plan, analysis, and report.
- 1231.3 The Planning Commission will:
- a. Consider any projected beneficial and/or detrimental effects on the Borough of Mayfield and hold a public hearing on the application, if deemed applicable; and
 - b. Forward to the Borough of Mayfield Council a recommendation for the nature of action regarding rezoning.
- 1231.4 The Lackawanna County Planning Commission shall review such requests and provide comments as necessary to the Borough of Mayfield Council and Planning Commission.
- 1231.5 The Borough of Mayfield Council will hold a public hearing on the application and may compose a brief summary explanation of its decision and will forward the decision and explanation to the applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.

12.4 Review by County Planning Agency.

1241. A completed application and packet will be forwarded to the County planning commissions for review by the Zoning Officer.
1242. The County Planning Commission shall review such requests and provide comments as necessary to the Borough Council and Borough Planning Commission.
1243. All steps for the processes shall be completed in accordance with the Pennsylvania Municipalities Planning Code (MPC) requirements.

12.5 Opportunity to be heard.

The Zoning Hearing Board shall conduct hearings and make decisions in accordance with Section 10.6 and with Section 908 of the Pennsylvania Municipalities Planning Code (MPC).

12.6 Enactment of amendment.

The Borough Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance. The enactment of a zoning amendment shall be in accordance with Section 609 of the Pennsylvania Municipalities Planning Code (MPC).

12.7 Copy to County Planning Agency.

All copies for the ordinance and amendments must be provided to the County Planning Agency in accordance with the Pennsylvania Municipalities Planning Code (MPC).

12.8 Curative amendments.

The Borough Council may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map 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 governing body with a written request that their challenge and proposed amendment be heard and decided on as provided in §609.1 and §916.1 of the Pennsylvania Municipalities Planning Code.

45-DAY REVIEW DRAFT

13. Administration and Enforcement

13.1 General procedure.

The applicant shall be responsible to submit sufficient data with his or her applications for a zoning permit, a certificate of use and occupancy, and/or a building permit to enable the Borough of Mayfield to review said applications for full compliance with the provisions of this and other applicable ordinances. The Borough of Mayfield reserves the right to request that the applicant submit information certified by a professional engineer or registered surveyor licensed by the Commonwealth of Pennsylvania when it is deemed necessary for an accurate review of the application(s).

13.2 Zoning permit.

1321. Zoning Permits.

1321.1 A zoning permit shall be required prior to:

- a. A change in use of land or structure;
- b. The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value exceeding \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay and the Airport Hazard Overlay, regardless of cost;
- c. The alteration or improvement of any existing structure, where such improvement or alteration thereof increases the amount of space enclosed by the structure;
- d. The alteration or development of any improved or unimproved real estate; and
- e. The erection or alteration of any signs specified in Article 8, except for those specifically exempted from permit.

1321.2 No zoning permit shall be required for the following:

- a. The placement, erection, construction, improvement, or alteration of a structure, or portion thereof, including a fence, that has a fair market value of less than \$500, except that a zoning permit shall be required prior to all construction or development located in the Floodplain Overlay and the Airport Hazard Overlay, regardless of cost;
- b. Ordinary repair to existing structures, except signs;
- c. Light fixtures for single-family and two-family dwellings complying with the provisions of Article 6.15
- d. Sidewalks or walkways on grade;

- e. Sidewalk or walkway steps, when not connected to a building, porch, deck, or other part of a building or structure;
- f. Handrails along sidewalk or walkway steps;
- g. Access drives;
- h. Parking spaces for dwellings having three (3) or fewer dwelling units;
- i. Flagpoles of the display of official government flags of the United States and its political subdivisions placed on lots containing single-family and two-family dwellings, provided that such flagpoles do not exceed the maximum height limitations for the underlying zoning district;
- j. Vegetation, including trees, landscaping, and vegetative buffering;
- k. Landscaping materials, excluding patios, decks, and porches;
- l. Decorative lawn ornaments and walls not exceeding 32 inches in height;
- m. Children's play yards, trampolines, treehouses, and swing sets placed on lots containing dwellings;
- n. Stormwater management facilities;
- o. Traffic control devices located within a public right-of-way or governmental easement;
- p. Utility structures not exceeding seven (7) feet in height, including emergency call stations, except that wireless communication facilities and lighting poles for recreational uses shall require permitting;
- q. Railroad sidings;
- r. Public transit stops involving surface improvements only;
- s. Signs specifically exempted from permit; and
- t. Temporary construction buildings or trailers as permitted in Article 4.

1321.3 A zoning permit shall only be issued when it is deemed that the proposed use or improvement is in conformity with:

- a. All applicable regulations of this Ordinance;
- b. Any conditions imposed upon the site by the Borough of Mayfield Zoning Hearing Board or the Borough of Mayfield Council; and
- c. Any recorded subdivision or land development plan, when specifically required by the adopted subdivision and land development regulations of Borough of Mayfield.

1321.4 Application Procedures.

- a. Applications for zoning permits shall be submitted by the applicant to the Zoning Officer.
- b. An application for a zoning permit shall be made by the owner of any building or structure or the agent thereof; provided, however, that if the application is made by a person other than the owner or agent, it

shall be accompanied by a written authorization of the owner or agent that the proposed work is authorized by the owner or agent. The full name and address of the owner or agent shall be stated in the application.

- c. The Zoning Officer may consult with or call upon other Borough of Mayfield staff and/or Borough of Mayfield-appointed consultants in the review of submitted materials for applications.
- d. Upon receiving the application, the Zoning Officer shall examine the application and grant or deny such application, in whole or in part, within 30 business days of the filing date. If the application or plans do not conform to the provisions of all pertinent ordinances and laws, the Zoning Officer shall deny such application in writing, stating the reasons therefor, and inform the applicant of his or her right to appeal the Zoning Officer's decision to the Borough of Mayfield Zoning Hearing Board. If satisfied that the proposed work and/or use conforms to the provisions of this Ordinance and all ordinances and laws applicable thereto and that a certificate of use and occupancy as required herein has been applied for, the Zoning Officer shall grant such zoning permit application.
- e. The Zoning Officer may revoke a zoning permit or approval issued under the provisions of this Section in the case of any false statement or misrepresentation of fact in the application or on the plans on which the zoning permit or approval was based or for any other cause set forth in this Ordinance.
- f. No zoning permit shall be issued until the fee, in an amount as established from time to time by resolution of the Borough of Mayfield Council, is paid to the Borough of Mayfield. The payment of fees under this Section shall not relieve the applicant or holder of the zoning permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law. Where a zoning permit is required by this Section but the work or the use is commenced or changed prior to obtaining such zoning permit, the fee set by resolution of the Borough of Mayfield Council shall be doubled to reflect the additional expense incurred by the Borough of Mayfield resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices, and/or process additional applications. The payment of such increased permit fee shall not relieve any person from the compliance with all requirements of this Ordinance or any other

applicable ordinances or laws or from any penalties or enforcement actions authorized by this Ordinance or the Pennsylvania Municipalities Planning Code (MPC).

- g. In all instances in which the Zoning Officer expresses reasonable doubt as to the ability of a proposed use or improvement to meet all of the requirements of this Section, it will be incumbent upon the applicant to furnish adequate evidence in support of his or her application. If such evidence is not presented, the zoning permit will be denied.
- h. An applicant whose request for a zoning permit has been denied by the Zoning Officer may make a later application for a zoning permit, provided that all deficiencies which were the basis for the prior denial of the permit have been eliminated. The Zoning Officer shall not be required to conduct a new review of the application if this condition is not met.
- i. The zoning permit shall expire after one (1) year from the date of issuance; provided, however, that the permit may be extended every six (6) months for a period not to exceed an additional two (2) years, upon written request by the applicant that demonstrates good cause to the Zoning Officer. When a zoning permit is issued in conjunction with a building permit, the zoning permit shall remain valid for up to five (5) years so long as the building permit is valid.
- j. The zoning permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a zoning permit does not indicate that a building permit will be issued nor is it considered a license to begin work where a building permit is also required.
- k. All approved zoning permits shall be prominently and continuously displayed on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. Such permit displays shall occur within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first, and shall remain on display until the site receives its certificate of use and occupancy.

1321.5 General Application Requirements.

Applications for zoning permits shall contain a general description of the proposed work, development, use, or occupancy of all parts of the

structure or land and shall be accompanied by plans in duplicate drawn to scale and showing the following, where applicable:

- a. The actual dimensions and shape of the lot to be developed;
- b. The exact location and dimensions of any structures to be erected, constructed, and/or altered;
- c. Existing and proposed uses, including the number of dwelling units, tenant spaces, employees, etc., that all structures are designed to accommodate;
- d. The location and number of off-street parking and loading spaces;
- e. Utility systems affected and proposed, including the locations of any primary and alternate on-lot sewage disposal systems and the required isolation distances imposed thereupon and any sewer permitting required;
- f. Alteration or development of any improved or unimproved real estate;
- g. Two (2) copies of any approved highway occupancy or driveway permits;
- h. Any supplementary information required as a condition for use or development in the Floodplain Overlay and the Airport Hazard Overlay as detailed in Article 4;
- i. Information related to needed conservation plans, nutrient management plans, and erosion and sediment pollution control plans; and
- j. Any necessary approvals granted by the Pennsylvania Department of Labor and Industry or any other state agencies.

1321.6 Additional Application Requirements for Nonresidential Uses.

Applications for zoning permits for uses of a nonresidential nature shall also contain, where applicable:

- a. A location plan showing the lot(s) to be developed, zoning district boundaries, adjoining lots, significant natural features, and streets for a distance of 200 feet from all lot boundaries;
- b. A plot plan of the lot showing the location of all existing and proposed buildings, structures, driveways, parking lots, access drives, circulation patterns, curb cut accesses, screening fences and walls, waste and sewage disposal areas, other construction features, and the location of all topographical features;
- c. A description of the proposed operations in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise,

glare, air pollution, water pollution, vibration, fire hazards, safety hazards, or the emission of any potentially harmful or noxious matter or radiation;

- d. Designation of the manner by which sanitary sewage and stormwater shall be conveyed and water supply obtained;
- e. The proposed number of shifts to be worked and the maximum number of employees on each shift; and
- f. Where use by more than one (1) business/firm is anticipated, a list of the businesses/firms which are likely to be located in the development, their floor area, and estimated number of employees for each.

1322. Certificates of Use and Occupancy.

1322.1 It shall be unlawful to use and/or occupy any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein until a certificate of use and occupancy for such building, structures, sign, and/or land or portion thereof has been issued by the Zoning Officer. The application for issuance of a certificate of use and occupancy shall be made at the same time as an application for a zoning permit is filed with the Zoning Officer.

1322.2 The application for a certificate of use and occupancy shall be in such form as the Zoning Officer prescribes and may accompany the application for a zoning permit.

1322.3 The application for a certificate of use and occupancy shall contain the intended use and/or occupancy of any building, structure, sign, and/or land or portion thereof for which a zoning permit is required herein.

1322.4 The Zoning Officer or his or her assign shall inspect any building, structure, or sign within 10 days upon notification that the proposed work that was listed under the zoning permit has been completed, and if satisfied that the work is in conformity and compliance with the work listed in the issued zoning permit and with all other pertinent provisions, ordinances, and laws, shall issue a certificate of use and occupancy for the intended use listed in the application.

1322.5 Upon request of a holder of a zoning permit, the Zoning Officer may issue a temporary certificate of use and occupancy for a building, structure, sign, and/or land, or portion thereof, before all work covered by the zoning permit has been completed provided that such portion or portions may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. Such temporary certificates shall be valid for a period of time to be determined by the Zoning Officer, however, in no

case for a period exceeding six (6) months, unless an extension of the temporary permit has been requested from and granted by the Zoning Officer.

- 1322.6 A certificate of use and occupancy shall not be issued for buildings and structures located in subdivisions or land developments requiring improvement guarantees until the building or structure has access to either a roadway which has been dedicated to and accepted by the Borough of Mayfield or which abuts upon a street which has been paved with a base wearing course.
- 1322.7 The certificate of use and occupancy or a copy thereof shall be kept available for official inspection at all times.
- 1322.8 If a zoning permit and/or building permit is not required, a certificate of use and occupancy will still be required.
1323. Building Permits.
- 1323.1 Building permit administration shall be governed by provisions of the current building code adopted by Borough of Mayfield; provided, however, that no building permit shall be deemed valid until the Zoning Officer has certified that the proposed building, structure, addition, or alteration thereto or any change of use complies with all of the provisions of this Ordinance and has issued to the applicant a zoning permit.
- 1323.2 The building permit shall be a license to proceed with work and shall not be construed as authority to violate, cancel, or set aside any provisions of this Ordinance. The issuance of a building permit does not indicate that a zoning permit will be issued nor is it considered a license to begin work where a zoning permit is also required.
- 1323.3 The Zoning Officer shall deny any permit authorized by this Ordinance to any applicant to whom a permit may be denied pursuant to the Neighborhood Blight Reclamation and Revitalization Act, Act 90 of 2010, 53 Pa.C.S.A. § 6101 et seq.

13.3 Zoning Officer.

It shall be the duty of the Zoning Officer to:

1331. Examine, record, and file all applications for zoning permits, with any accompanying plans and documents, and to issue such permits only for lots, uses, and structures which are in conformity with the provisions of this Ordinance or which are permitted nonconformities as regulated by Article 10.

- 1331.1 The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance. He is authorized to institute civil enforcement proceedings as a means of enforcing the regulations of this Ordinance for which he has designated responsibilities. He shall examine all applications for permits, issue permits for the construction, alteration, enlargement and occupancy of all uses which are in accordance with the requirements of this Ordinance and all nonconforming uses, record and file all applications for permits with accompanying plans and documents, and make such reports to the Planning Commission and the Zoning Hearing Board as may be required.
- 1331.2 Zoning permits for a variance from the requirements of this Ordinance and for such special exceptions as may be enumerated, hereof shall be issued only upon written order of the Zoning Hearing Board. Zoning permits for Conditional Uses shall be issued only upon written order of the Borough Council.
- 1331.3 In addition, the Zoning Officer shall have the following duties and powers:
- a. Inform Applicants. The Zoning Official shall provide information for prospective applicants as to the type of form to be filed, the information to be submitted, and explain the procedures for filing applications. Such information shall be offered as a public service and no charge shall be made for such service.
 - b. Form of Applications, Permits and Certificates. The form of all applications, permits and certificates to be used by the Zoning Official under the terms of this Ordinance, shall be prescribed by the Governing Body.
 - c. Receive Applications. He shall receive and examine all applications for permits, certificates and variances and other applications required under the terms of this Ordinance, and shall distribute applications to appropriate bodies as specified herein.
 - d. Issue Permits. He shall issue permits for the construction, major alteration and occupancy of all uses which are in accord with the requirements of this Ordinance.
 - e. Refuse Permits. He shall refuse applications for permits or certificates which are not in accord with the requirements of this Ordinance. Said refusal shall be in writing and shall state the reasons for such action. Duplicate copies of such refusals shall be forwarded to the Zoning Hearing Board.

- f. Keep Records. He shall keep records of applications, or permits or certificates issued or denied, of variances granted, of inspections made, of reports rendered and of notice of orders issued. All records are to be maintained by the Borough Secretary in the Borough Building.
 - g. Monthly Report. He shall submit a monthly report to the Borough Council and the Planning Commission on the number of Applications made, of permits or certificates issued or denied, of variances granted, of inspections made, of reports rendered, of notice of orders issued, and of any other information required by the Governing Body.
- 1332. Initiate enforcement proceedings;
 - 1332.1 Receive all fees to the Borough of Mayfield as required by this Ordinance and to post a schedule of fees in the Borough of Mayfield Municipal Building;
 - 1332.2 Receive complaints and notify persons of violations of the provisions of this Ordinance;
 - 1332.3 Conduct inspections of property for which zoning permits have been issued to ascertain if the construction or use is in conformity with the provisions of the permit;
 - 1332.4 Present to the Borough of Mayfield Council, Planning Commission, or Zoning Hearing Board such facts, records, and any similar information required to assist such bodies in their deliberations;
 - 1332.5 Keep records of all applications received, permits and certificates of use and occupancy issued, reports of inspection, and notices and orders issued, and to file and safely keep copies of all plans permitted, which shall be available for the use of the Borough of Mayfield Council and other Borough of Mayfield officials;
 - 1332.6 Keep current copies of this Ordinance and the Zoning Map for distribution to the public; and
 - 1332.7 To perform other duties in the administration and enforcement of this Ordinance as may be directed by the Borough of Mayfield Council.
- 1333. Appeals. All appeals from decisions of the Zoning Officer shall be taken in the manner set forth in this Ordinance and as otherwise prescribed by the Pennsylvania Municipalities Planning Code.
- 1334. Qualifications of the Zoning Officer. The zoning officer shall be able to demonstrate to the satisfaction of the local governing body a working knowledge of municipal zoning.

1335. Registration of Nonconforming Uses and Structures. The zoning officer may identify and register nonconforming uses and structures and shall identify the reasons for their identification as nonconformances.

13.4 Planning Commission.

The Borough of Mayfield Planning Commission has been created in accordance with Article II of the Pennsylvania Municipalities Planning Code (MPC) to fulfill the advisory role to the Borough of Mayfield Council in the administration of this Ordinance and the adopted subdivision and land development regulations of Borough of Mayfield.

1341. Membership.

- 1341.1 The membership of the Planning Commission shall consist of five (5) members, all of whom shall be residents of Borough of Mayfield. At least three (3) of the five (5) members shall be citizen members and shall not be officers or employees of the Borough of Mayfield.
- 1341.2 The term of office for each member shall be four (4) years, and the terms of no more than two (2) members shall expire in any calendar year.
- 1341.3 When any vacancies occur, the chairman of the Planning Commission shall promptly notify the Borough of Mayfield Council, upon which a member of the Borough of Mayfield Council shall fill the vacancy for the unexpired portion of the term until a replacement member is found.

1342. Duties.

The Planning Commission shall, at the request of the Borough of Mayfield Council, have the power and shall be required to, at the request of the Borough of Mayfield Council:

- 1342.1 Represent the Borough of Mayfield in the development of the **Community's adopted comprehensive plan** and any future comprehensive plan;
- 1342.2 Maintain and keep records of its actions, which shall be in the possession of the Borough of Mayfield Council;
- 1342.3 Make recommendations to the Borough of Mayfield Council concerning adoption or amendment of an official map;
- 1342.4 Prepare and present to the Borough of Mayfield Council a zoning ordinance and make recommendations to the Borough of Mayfield Council on proposed amendments to it; and
- 1342.5 Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Pennsylvania Municipalities Planning Code (MPC) or as prescribed in this Ordinance.

13.5 Nonconforming use registration.

It shall be the responsibility of a property owner asserting a nonconformity to provide the evidence that it is lawful. The property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

13.6 Enforcement; violations and penalties.

1361. Causes of Action.

In case any building, structure, landscaping, or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Borough of Mayfield Council or an officer of the Borough of Mayfield, with the approval of the Borough of Mayfield Council, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business, or use constituting a violation. When any such action is to be instituted by a landowner or tenant, notice of that action shall be served upon Borough of Mayfield at least 30 days prior to the time the action is to be instituted by serving a copy of the complaint on the Borough of Mayfield Council. No such action may be instituted until such notice has been given.

1362. Enforcement Notices.

1362.1 If it appears to the Borough of Mayfield that a violation of this Ordinance has occurred, the Borough of Mayfield shall initiate enforcement proceedings by sending an enforcement notice as provided in this Subsection.

1362.2 The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

1362.3 An enforcement notice shall be in writing and shall state at least the following:

- a. The name of the owner of record and any other person against whom the Borough of Mayfield intends to take action;
- b. The location of the property in violation;
- c. The specific violation, with a description of the requirements which have not been met, citing in each instance the applicable provisions of

- this Ordinance, and an outline of remedial action which, if taken, will bring such property compliance with the provisions of this Ordinance;
- d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
 - e. A statement that the recipient of the notice has the right to appeal to the Zoning Hearing Board; and
 - f. A statement that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- 1362.4 In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough of Mayfield shall have the responsibility of presenting its evidence first.
- 1362.5 Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough of Mayfield if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- 1362.6 Appeals. Any recipient of a notice of enforcement shall have the right to appeal to the zoning hearing board to remove such notice. Such appeals, however, must be filed with the zoning hearing board not more than ten (10) days following the receipt of such an enforcement notice.
1363. Penalties and Remedies.
- 1363.1 District Justices shall have initial jurisdiction over proceedings brought under this Ordinance.
- 1363.2 Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of Mayfield, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough of Mayfield as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough of Mayfield may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, in assessing if there has been a further violation, determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day

following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

- 1363.3 The Lackawanna County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than the Borough of Mayfield the right to commence any action for enforcement pursuant to this Ordinance.

13.7 Appeal from Zoning Officer.

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- 1371. Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-deist order or the registration or refusal to register any nonconforming use, structure, or lot;
- 1372. Appeals from a determination by the Zoning Officer with reference to any floodplain or flood hazard ordinance or such provisions within a land use ordinance;
- 1373. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (MPC); and
- 1374. Appeals from any determination of the Zoning Officer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development applications or applications for a planned residential development.

13.8 Public hearings and notice.

- 1381. All procedures shall be completed in compliance with the PA Municipal Planning Code and Article 11.5 of the Ordinance.
- 1382. Rehearing. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- 1383. Publication, Advertisement and Availability of Ordinances
All processes related to the Amendments for the ordinance shall be completed in compliance with the Pennsylvania Municipal Code (MPC).

13.9 Filing fees.

1391. The Borough of Mayfield Council shall establish, by resolution, a schedule of fees and a collection procedure for all permits, applications, and appeals.
1392. The schedule of fees shall be available in the Borough of Mayfield Municipal Building.
1393. All such fees shall be payable to Borough of Mayfield.
1394. No request for any permits, applications, or appeals shall be considered complete, nor shall they be filed or docketed, until all fees have been paid in full.

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