

CODIFIED ORDINANCES OF WEST MAYFIELD
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UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

INVESTIGATION OF THE ACTS OF VIOLENCE

AND THE ASSOCIATED ACTS OF VIOLENCE

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CODIFIED ORDINANCES OF WEST MAYFIELD

PART TWELVE - PLANNING AND ZONING CODE

CHAPTER 1250

General Provisions and Definitions

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| 1250.01 Short title. | 1250.04 Separability. |
| 1250.02 Purposes. | 1250.05 Definitions. |
| 1250.03 Amendments. | |

CROSS REFERENCES

General provisions and definitions - see Penna. Mun.

Plan. Code, Art. I

Zoning - see Penna. Mun. Plan. Code, Art. VI

Exemptions - see Penna. Mun. Plan Code, §619

1250.01 SHORT TITLE.

This Part Twelve shall be known and may be cited as the Zoning Code of the Borough of West Mayfield or just "the Zoning Code."

(Ord. 97. Passed 6-7-43.)

1250.02 PURPOSES.

The purposes of this Zoning Code are to regulate and restrict the location of businesses, buildings and land designed for specific uses and to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

(Ord. 97. Passed 6-7-43.)

1250.03 AMENDMENTS.

(a) Council shall, upon petition signed by the owners of the majority of the properties, according to frontage, in any district or portion thereof, or may, upon its own initiative, amend, supplement or change the district boundaries or the regulations herein established. Subsequent to the introduction of any such amendments, supplements or changes and at least fifteen days prior to the passage thereof, notice of the introduction thereof shall be

given to all persons concerned by at least one advertisement in any newspaper of general circulation in the Borough and by at least ten printed or typewritten handbills posted in conspicuous places within the area affected by the proposed changes. This notice shall set a date for a public hearing for consideration of such proposed amendments, supplements or changes.

(b) Whenever a written protest against such change, signed by the owners of twenty percent of the frontage proposed to be altered, or by the owners of twenty percent of the area to the rear thereof, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, has been filed with Council, such proposed amendment, supplement or change shall not be passed except by a three-fourths vote of Council. Council shall take final action upon such ordinance within forty-five days after the receipt of such written protest. (Ord. 97. Passed 6-7-43.)

1250.04 SEPARABILITY.

If any portion of this Zoning Code should be found to be unreasonable, unconstitutional or void by any court of competent jurisdiction, such finding shall not affect the remaining portions, it being hereby declared that this Zoning Code would have been enacted had such unreasonable, unconstitutional or void provision not been included therein.
(Ord. 97. Passed 6-7-43.)

1250.05 DEFINITIONS.

As used in this Zoning Code:

- (a) General Usage. Words used in the present tense include the future tense; the singular number includes the plural number and the plural includes the singular; "building" includes "structure" and vice versa; and "used for" means and includes "designed for."
- (b) Alley. "Alley" means a street for pedestrian or vehicular traffic having a width of twenty feet or less.
- (c) Building and Structure. "Building" and "structure" mean anything constructed or erected, the use of which demands a location on the soil or attachment to something located on the soil.
- (d) Dwelling. "Dwelling" means any building which is designed for or occupied in whole or in part as the home, residence or sleeping place of one or more persons, either permanently or transiently.
- (e) Dwelling, Multiple. "Multiple dwelling" means a dwelling designed for or occupied otherwise than as a single-family dwelling, two-family dwelling or double house.
- (f) Dwelling, Single-Family. "Single-family dwelling" means a separate building designed for and occupied exclusively by one family.
- (g) Dwelling, Two-Family (Duplex). "Two-family dwelling" or "duplex" means a separate building designed for and occupied exclusively by two families, one above the other.
- (h) Double House. "Double house" means a dwelling designed for or occupied exclusively by two families under one roof, with a wall or party wall between them.

- (i) Family. "Family" means an individual; two or more persons related by blood or marriage living together; or a group of individuals of not more than six persons not related by blood or marriage, but living together as a single housekeeping unit.
- (j) Garage. "Garage" means a building, structure or any part thereof in which one or more motor vehicles are housed, kept or repaired. Garages are classed as either "private garages" or "major garages."
 - (1) "Major garage" means any garage not included within the definition of "private garage."
 - (2) "Private garage" means a garage appurtenant to a dwelling used primarily for storage of power-driven vehicles, in which space for not more than one vehicle is rented to persons who are not occupants of the premises upon which it is situated.
- (k) Lot. "Lot" means a parcel of ground which is or may be occupied by a building and accessory buildings and which includes the open spaces required under this Zoning Code.
- (l) Nonconforming Use. "Nonconforming use" means the use of a building or land that does not agree with the regulations of the district in which it is situated.
- (m) Signboards and Billboards. "Signboards" and "billboards" mean any structure or part thereof on which lettered or pictorial matter is displayed for advertising purposes.
- (n) Street. "Street" means all lands established by dedication, usage or ordinance of Council, or laid out upon the Borough plan as streets or highways, except alleys, and shall be synonymous with road, avenue, highway, parkway and other terms commonly applied to public streets.
- (o) Street Line. "Street line" means a line dividing a street from private property.
- (p) Structural Alterations. "Structural alterations" means any change in the supporting members of a building or structure, such as bearing walls, bearing partitions, columns, beams or girders or the enclosure of any previously open space.
(Ord. 97. Passed 6-7-43.)
- (q) Zoning Code. "Zoning Code" means Ordinance 97, passed June 7, 1943, as amended, codified herein as Part Twelve - Zoning Code.

CHAPTER 1254
Administration, Enforcement and Penalty

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| 1254.01 Enforcement. | 1254.03 Building permit required; fee. |
| 1254.02 Application for building permits
and certificates of compliance. | 1254.99 Penalty; equitable remedy. |

CROSS REFERENCES

Zoning - see Penna. Mun. Plan. Code, Art. VI
 Enforcement, penalties and remedies - see Penna. Mun. Plan.
 Code, §§616, 617
 Zoning Hearing Board - see Penna. Mun. Plan. Code, Art. IX
 Appeals - see Penna. Mun. Plan. Code, Art. X
 General provisions and definitions - see P. & Z. Ch. 1250

1254.01 ENFORCEMENT.

The duty of administering and enforcing the provisions of this Zoning Code is hereby conferred upon Council or its authorized representatives who shall have such powers as are conferred upon them hereby and are reasonably implied for that purpose.
 (Ord. 97. Passed 6-7-43.)

1254.02 APPLICATION FOR BUILDING PERMITS AND CERTIFICATES OF COMPLIANCE.

Applications for building permits and certificates of compliance shall be made on forms provided and shall be accompanied by a plot, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and such other information as may be necessary, together with a complete set of plans, in duplicate, of the building to be erected. A file of such applications, plots and building plans shall be kept in the office of Council. (Ord. 97. Passed 6-7-43.)

1254.03 BUILDING PERMIT REQUIRED; FEE.

No person shall begin construction on any building or any addition or alteration thereto without first obtaining a permit therefor. Such permits shall be issued by Council and the fee for the same shall be one dollar (\$1.00), which sum shall be paid to the Borough Secretary-Treasurer for use by the Borough. (Ord. 97. Passed 6-7-43.)

1254.99 PENALTY; EQUITABLE REMEDY.

Whoever violates any of the provisions of this Zoning Code shall be fined not more than one hundred dollars (\$100.00) for each offense or imprisoned not more than thirty days, or

both. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Proceedings for a violation hereof may be instituted by any taxpayer of the Borough by placing any information relating thereto before the Mayor or a Justice of the Peace, who may issue either a summons or a warrant after such information has been given as is now provided by law relating to the Borough. In case any building or structure is, or is to be, erected, constructed, altered or repaired or any land is used in violation of this Zoning Code, the proper local authorities, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(Ord. 97. Passed 6-7-43.)

CHAPTER 1258
Districts Generally; Zone Map

1258.01 Districts established; Zone Map.

CROSS REFERENCES

Official Map - see Penna. Mun. Plan Code, Art. IV

Zoning - see Penna. Mun. Plan. Code, Art. VI

Planned Residential Development - see Penna. Mun.
Plan. Code, Art. VII

1258.01 DISTRICTS ESTABLISHED; ZONE MAP.

(a) In order to designate, regulate and restrict the location of commerce, business, trade and industry and the location of all buildings, designed, erected, altered or occupied for specific uses, the Borough is hereby divided into the following districts:

- U-1 Industrial Districts
- U-2 Commercial Districts
- U-3 Residential Districts, Type I
- U-4 Residential Districts, Type II
- U-5 Residential Districts, Type III
- U-6 Recreation Districts

(b) The location and boundaries of the districts set forth in subsection (a) hereof are shown upon the Zone Map, which is hereby declared to be part of this Zoning Code. The notations, references and other details shown thereon are as much a part of this Zoning Code as if the same were all fully described and set forth herein.

(Ord. 97. Passed 6-7-43.)

CHAPTER 1262
U-1 Industrial Districts

1262.01 Permitted uses.

CROSS REFERENCES

General provisions and definitions - see P. & Z.

Ch. 1250

Established - see P. & Z. 1258.01

Supplementary regulations - see P. & Z. Ch. 1286

1262.01 PERMITTED USES.

In U-1 Industrial Districts, structures and land may be used for any legitimate purpose in connection with the manufacture of any commercial product or by-product.

(Ord. 97. Passed 6-7-43.)

CHAPTER 1266
U-2 Commercial Districts

1266.01 Permitted and prohibited uses.

CROSS REFERENCES

General provisions and definitions - see P. & Z.

Ch. 1250

Established - see P. & Z. 1258.01

Supplementary regulations - see P. & Z. Ch. 1286

1266.01 PERMITTED AND PROHIBITED USES.

In U-2 Commercial Districts, the land may be used and structures may be erected, altered, reconstructed or used for any legitimate purpose except the following which are prohibited:

- (a) Manufacturing, other than the manufacture of products, the major portion of which is to be sold on the premises to the ultimate consumer;
 - (b) Any rendering or by-product plants;
 - (c) The storage of gasoline, oil or petroleum products in excess of the amount necessary for use on the premises or for supplying retail trade at service stations;
 - (d) The sorting or storing of scrap, metal, paper or rags;
 - (e) Billboards or signboards exceeding thirty inches by forty-eight inches;
 - (f) Yards for wrecking automobiles or for the sale of parts thereof;
 - (g) The storage of coal or coke;
 - (h) Stone or monument works;
 - (i) Bottling works;
 - (j) Carpet or bag cleaning establishments;
 - (k) Contractors' plants and the storage of construction materials, except during the course of building construction;
 - (l) The collection of garbage outside such Districts and the deposit of the same within such Districts;
 - (m) The erection of any structure except as herein provided; and
 - (n) Such other uses which may be noxious or offensive by reason of the omission of odors, dust, smoke, gas, vibration or noise.
- (Ord. 97. Passed 6-7-43.)

CHAPTER 1270
U-3 Residential Districts, Type I

1270.01 Permitted uses.

CROSS REFERENCES

General provisions and definitions - see P. & Z.

Ch. 1250

Established - see P. & Z. 1258.01

Supplementary regulations - see P. & Z. Ch. 1286

1270.01 PERMITTED USES.

In U-3 Residential Districts, Type I, no structure shall be erected or used and no land shall be used, except as otherwise provided in this Zoning Code, for other than one or more of the following specific uses or for purposes necessary or ordinarily accessory to such uses:

- (a) Single-family dwellings;
 - (b) Churches, convents and parish houses;
 - (c) Schools, libraries and museums;
 - (d) Farms, gardens, nurseries and greenhouses;
 - (e) Equipment and facilities for public services, including water distribution facilities and Municipal buildings;
 - (f) Hospitals for persons other than those suffering from mental diseases or such diseases as are commonly isolated in a separate building; and
 - (g) Telephone offices.
- (Ord. 97. Passed 6-7-43.)

CHAPTER 1274
U-4 Residential Districts, Type II

1274.01 Permitted uses.

CROSS REFERENCES

General provisions and definitions - see P. & Z.

Ch. 1250

Established - see P. & Z. 1258.01

Supplementary regulations - see P. & Z. Ch. 1286

1274.01 PERMITTED USES.

In U-4 Residential Districts, Type II, no structure shall be erected or used and no land shall be used, except as otherwise provided in this Zoning Code, for other than one or more of the following specified uses or for purposes necessary or ordinarily accessory to such uses:

- (a) Any use permitted in a U-3 Residential District;
 - (b) Two-family dwellings;
 - (c) Double houses;
 - (d) Billboards not exceeding thirty inches by forty-eight inches; and
 - (e) Railroad passenger stations and rights of way.
- (Ord. 97. Passed 6-7-43.)

CHAPTER 1278
U-5 Residential Districts, Type III

1278.01 Permitted uses.

CROSS REFERENCES

General provisions and definitions - see P. & Z.

Ch. 1250

Established - see P. & Z. 1258.01

Supplementary regulations - see P. & Z. Ch. 1286

1278.01 PERMITTED USES.

In U-5 Residential Districts, Type III, no structure shall be erected or used and no land shall be used, except as otherwise provided in this Zoning Code, for other than one or more of the following specified uses or for purposes necessary and ordinarily accessory to such uses:

- (a) Any use permitted in a U-3 or U-4 Residential District;
- (b) Multiple dwellings; and
- (c) Equipment and facilities for public service in connection with multiple dwelling projects, including administration buildings, fire protection facilities, recreation centers and similar units. (Ord. 97. Passed 6-7-43.)

CHAPTER 1282
U-6 Recreation Districts

1282.01 Permitted uses.

CROSS REFERENCES

General provisions and definitions - see P. & Z.

Ch. 1250

Established - see P. & Z. 1258.01

Supplementary regulations - see P. & Z. Ch. 1286

1282.01 PERMITTED USES.

In U-6 Recreation Districts, no structure shall be erected or used and no land shall be used, except as otherwise provided in this Zoning Code, for other than one or more of the following specified uses or for purposes necessary and ordinarily accessory to such uses:

- (a) Swimming pools;
 - (b) Picnic shelters;
 - (c) Equipment and facilities usually provided in recreational areas; and
 - (d) All other structures or uses of land ordinarily provided in recreational areas.
- (Ord. 97. Passed 6-7-43.)

CHAPTER 1286
Supplementary Regulations

1286.01 Regulations in residential districts. 1286.03 Prohibited uses.
1286.02 Regulations in all districts.

CROSS REFERENCES

Junk cars - see GEN. OFF. Ch. 640

General provisions and definitions - see P. & Z.
Ch. 1250

1286.01 REGULATIONS IN RESIDENTIAL DISTRICTS.

(a) Foundations. Structures in U-3, U-4 and U-5 Districts shall have a minimum foundation area of 800 square feet. All foundations shall extend at least eight inches aboveground and cellars shall have a minimum depth of six feet six inches. All foundations shall be constructed of concrete, brick, tile or similar substance, with a minimum thickness of eight inches. The footer and foundation shall comply with specifications of the State or Underwriters' Laboratories, Inc.

(b) Floor Area, Ceiling Height and Placement on Lot. Structures for dwelling in U-3, U-4 and U-5 Districts shall have a minimum inside floor area of 800 square feet. For one-story dwellings, the minimum ceiling height shall be eight feet; for two-story dwellings, the minimum ceiling height shall be seven feet. All mobile homes and house trailers shall comply with the requirement of a minimum inside floor area of 800 square feet. Any new structure, including a mobile home or house trailer, shall be so erected or placed that it is not less than twenty feet from any street boundary line.
(Ord. 182. Passed 7-11-70.)

1286.02 REGULATIONS IN ALL DISTRICTS.

(a) Height of Certain Dwellings. Dwellings designated for or occupied otherwise than as a single-family dwelling, two-family dwelling or double house shall not be more than thirty-five feet in height and shall not exceed three stories. The footer and foundation for any such building shall comply with specifications of the State or Underwriters' Laboratories, Inc. (Ord. 182. Passed 7-11-70.)

(b) Roofing. Roofing materials on structures in all districts must be approved by insurance underwriters.

(c) Plumbing. All dwellings must be equipped with inside toilet and bath facilities and with sanitary disposal facilities.
(Ord. 97. Passed 6-7-43.)

1286.03 PROHIBITED USES.

One year after the effective date of this Zoning Code (Ordinance 97, passed June 7, 1943), no person shall:

- (a) Deposit junk, scrap, scrap metal, paper, rags, wrecked automobiles, or parts thereof, within the limits of any zoning district;
- (b) Collect garbage outside of any zoning district and haul the same into any such district; garbage collected within the Borough to be deposited at locations to be designated by the Borough; or
- (c) Continue the use of any land or building for any purpose which may be noxious or offensive by reason of omission of odor, dust, smoke, gas, vibration or noise which may be inconsistent with the primary use of property in any such zoning district. (Ord. 97. Passed 6-7-43.)