

ORDINANCE NUMBER 09-01-95

AN ORDINANCE OF THE BOROUGH OF WEST MAYFIELD ADOPTING A ZONING ORDINANCE FOR THE BOROUGH AND REPEALING THE PREVIOUS ZONING ORDINANCE AND ALL AMENDMENTS THERETO

AN ORDINANCE permitting, prohibiting, regulating, restricting, and determining: 1) use of land, watercourses, and other bodies of water; 2) size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; 3) areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; 4) density of population and intensity of use; 5) provisions for special exceptions and variances administered by the Zoning Hearing Board; 6) provisions for conditional uses to be allowed or denied by the governing body after recommendations by the Planning Commission; pursuant to express standards and criteria set forth herein; 7) provisions for the administration and enforcement of this Ordinance; 8) provisions regulating the use and development of steep slope areas and in flood plains; 9) provisions regulating land development, and 10) such other provisions as may be necessary to implement the purposes of this Ordinance.

WHEREAS the provisions of this Zoning Ordinance are designed to promote, to protect, and to facilitate public health, safety, morals, and general welfare: coordinated and practical community development; proper density of population; civil defense and disaster evacuation; airports, national defense facilities; provision of adequate light and air; police protection; vehicle parking and loading space; transportation; water; sewage; schools; public grounds, and other public requirements; and

WHEREAS the provisions of this Zoning Ordinance are designed to encourage the establishment of new economic enterprises to provide for expanded employment opportunities for residents of the Borough, and

WHEREAS the provisions of this Zoning Ordinance are designed to prevent overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic, or other dangers; and

WHEREAS the provisions of this Zoning Ordinance are designed to protect life and public health and to prevent property loss arising from periodic flooding.

BE IT HEREBY ORDAINED AND ENACTED by the Borough of West Mayfield in Council assembled as follows:

1. The Borough of West Mayfield hereby adopts a new ordinance officially entitled Zoning Ordinance of the Borough of West Mayfield, Beaver County, Pennsylvania.

2. The official zoning map of the Borough is also hereby adopted and incorporated herewith as the zoning district map of the Borough of West Mayfield, signed by the zoning officer and dated

9/11/95.

ARTICLE ONE: BASIC PROVISIONS

101 TITLE: This Ordinance may be cited as the "West Mayfield Zoning Ordinance".

102 EFFECTIVE DATE: This Ordinance shall take effect on September 11, 1995

103 DEFINED WORDS: Words used in a special sense in this Ordinance are defined in Article Six.

104 COMMUNITY DEVELOPMENT OBJECTIVES: The community development objectives which are the basis for the provisions of this Ordinance are set forth hereafter. The objectives are adopted as a statement of legislative findings and may be used in evaluating any proposed additions or deletions to the Zoning Ordinance.

104.1 The general objective for the development of West Mayfield is to provide a pleasant, attractive, healthy, safe, and convenient environment for living, working, education, shopping, and recreation. This objective shall be pursued by guiding development so as to:

- (a) Increase employment opportunities, property values, and the economic base of the community;
- (b) Preserve and improve the natural environment;
- (c) Provide safe, adequate, and attractive housing;
- (d) Provide the necessary infrastructure of utilities and vehicular and pedestrian transportation arteries; and,

104.2 The increase of employment opportunities, property values, and economic base of the community shall be pursued by:

- (a) The stimulation of the industrial base to expand employment opportunities for Borough residents; and
- (b) The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where conflicts with other uses can be minimized through site design and transitional provisions; and
- (c) The implementation of the other objectives set forth herein.

104.3 The preservation and improvement of the environment shall be pursued by:

- (a) The elimination of visual and physical blight such as overhead utility lines, concentrations of signs of excessive size and proximity, and dilapidated structures; and
- (b) The preservation of natural topography and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, and the control of flood plains and water sheds; and
- (c) The reclamation of derelict land.

104.4 The provision of safe, adequate, and attractive housing for the entire population shall be pursued by:

- (a) The provision of a range of housing density alternatives and a mix of housing types, correlating residential density and housing type with topography, environmental conditions, and the capacity of and distance from existing and proposed utilities, streets, and community facilities;
- (b) The rehabilitation of deteriorating housing, the maintenance of sound housing, and the development of new housing; and
- (c) The promotion of an attractive residential environment through the implementation of the other objectives set forth herein.

104.5 The prevention of loss of life, disruption of commerce and governmental services, unnecessary expenditure of public funds for flood protection and relief, and the related impairment of the tax base shall be pursued by:

- (a) Regulation of uses and development in flood plains which, acting alone or in combination with other uses and development, may cause unacceptable increases in flood heights, velocities, and frequencies; and
- (b) Restricting and prohibiting certain uses, activities, and development from locating within areas subject to flooding; and
- (c) Requiring all those uses, activities, and developments that occur in flood plains to be protected and floodproofed against flooding and flood damage; and
- (d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

104.6 The provision of the necessary infrastructure of utilities and transportation arteries shall be pursued by:

- (a) The extension of the municipal improvements of water lines, storm and sanitary sewers, and roads and their improvement where economically feasible to guide and promote development; and
- (b) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein, and
- (c) Traffic planning and control which will provide safe and convenient movement of people and goods within and through the Borough with a separation of through and local traffic, provision for pedestrians, and minimal disruption of existing and proposed development patterns and community integrity.

104.7 The review and approval of proposed developments and site plans shall seek to achieve the foregoing objectives and to:

- (a) Avoid intermixing incompatible land uses and protect against the detrimental effect of adjacent incompatible land uses through planting, open space, and natural breaks in topography;

(b) Concentrate development where possible to prevent sprawl, conserve open space, and make full use of utilities and services; and,

(c) Provide for safety and welfare on intensively developed sites through the review of site plans.

105 ZONING MAP: A map entitled the "West Mayfield Zoning District Map" is hereby adopted as a part of this Ordinance. The Zoning Map shall be kept on file for examination in the West Mayfield Borough Building.

106 COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be altered or used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

107 SEVERABILITY: If any provision of this Ordinance or the application of any provision to particular circumstances is held to be invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

108 INTERPRETATION: The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, morals, and general welfare of the residents of the Borough of West Mayfield.

109 REPEAL: All ordinances, including Ordinance _____, and all amendments thereto, or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

ARTICLE TWO: DISTRICT REGULATIONS

201 ZONING DISTRICTS: The Borough is divided into the Districts stated on Table 201 as shown by the District boundaries on the Zoning Map.

202 DISTRICT BOUNDARIES: District boundaries shown on the lines of roads, streams, and transportation rights of way shall be deemed to follow their centerlines. Neither the vacation of roads nor the change of stream beds shall affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such centerlines, by the scale of dimensions stated on the Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

203 PERMITTED USES: The permitted uses for each District are shown on Table 201.

204 CONDITIONAL USES: The Council may authorize Conditional Uses as specified on Table 201 if all conditions and provisions of Article Four are met.

205 PROHIBITED USES: Uses not specifically listed in any district as permitted or conditional uses shall be prohibited in that district.

206 HEIGHT REGULATIONS: No structure shall exceed the maximum height above basic grade specified in Table 201, provided:

206.1 A structure for any permitted or conditional use in any district may exceed the maximum permitted height provided that every required yard is increased by one foot for each additional foot of height.

206.2 The height regulations of this Ordinance shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads, and smokestacks.

207 LOT AND YARD REQUIREMENTS: The minimum lot area, minimum width of lot, minimum depth of front and rear yards, and minimum width of each side yard shall be shown on Table 201.

207.1 One and only one principal structure, together with permitted accessory structures, may be located on any lot.

207.2 No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, and platforms above basic grade level shall project into any minimum front, side, or rear yard, except as provided below:

(a) Structures accessory to single-family residences may extend into required rear and side yards, but not closer than five feet to rear and side yard lot lines.

(b) Minor utility fixtures, unenclosed patios, and articles of decoration around a main building may be located in any required yard.

(c) A buttress, chimney, cornice, pier, or pilaster extending no more than twenty four (24) inches from the wall of the principal structure may be located in any required yard.

(d) An unenclosed porch no more than one story or fifteen (15) feet in height and twelve feet in depth may be erected in the front or rear yard of a residential structure, but may not extend into a required side yard.

(e) In an "R" District, an unenclosed porch or stoop no more than four feet in depth may extend into a required side yard.

207.4 Non-residential structures or uses in any district shall not be located or conducted closer to any lot line in any "R" District than the distance specified in the following schedule:

Minimum Side or Rear Yard

Abutting any Lot in any

"R" District	Use
10 feet	Off-street parking spaces and access drives for non-residential uses.
20 feet	Churches, schools, public or semi-public structures.
35 feet	Recreation facilities, entertainment facilities, motels, all business uses and all industrial uses.

207.5 The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may be non-conforming with respect to the front yard, provided the resulting front yard shall not be less than the median front yard of the two adjacent structures.

207.6 Any portion of a lot once counted as lot area per family in compliance with the area requirements of the district regulations of this Ordinance shall not be counted again as required yard or lot area per family for another building.

207.7 No required yard in any district shall be used for parking vehicles except on a driveway. In single-family developments, not more than twenty-five percent of the front yard may be devoted to driveway access. In single-family attached developments, not more than fifty percent of the front yard may be devoted to driveway access. In multiple family developments, not more than fifty percent of the front yard may be devoted to driveway access. In non-residential districts, driveway access shall be as permitted by site plan approval.

208 FENCES: A fence may be erected into any required side or rear yard if the fence is no more than six (6) feet in height for residential uses. A fence which is at least fifty percent (50%) open as to construction and which is no more than three (3) feet high may be erected in any required residential front yard.

4 feet

208.1 A chain link type fence not more than ten (10) feet in height may be erected in any required yard for schools, playgrounds, or parks.

208.2 A fence of the chain link type no more than ten (10) feet high may be erected in any required yard for industrial uses or commercial uses. A solid fence no more than ten (10) feet high may be erected in any required commercial or industrial yard with the approval of the Zoning Officer.

DISTRICT	"R-1" RESIDENTIAL	"R-2" RESIDENTIAL	"R-3" RESIDENTIAL	"C-D" CONVERSATION	"C-1" BUSINESS	"I-2" INDUSTIAL	"E-1" ENTERTAINMENT
PERMITTED USES	SINGLE FAMILY PARKS/RECREATION HOME OCCUPATION ACCESSORY STRUCTURE ACCESSORY USE	SINGLE FAMILY MULTI-FAMILY GROUP HOME TOWNHOUSE ACCESSORY STRUCTURE ACCESSORY USE	SINGLE FAMILY MULTI-FAMILY GROUP HOME TOWNHOUSE ACCESSORY STRUCTURE ACCESSORY USE	SINGLE FAMILY PARKS/RECREATION ACCESSORY STRUCTURE ACCESSORY USE	BANK BUSINESS SERVICES FUNERAL HOME MEDICAL CLINIC OFFICES PERSONAL SERVICES PUBLIC BUILDING/USE RETAIL	DATA PROCESSING INDUSTRIAL INCUBATOR LABORATORY MANUFACTURING RECYCLING CENTER RESEARCH FACILITY WAREHOUSING ACCESSORY STRUCTURE ACCESSORY USE	* ADULT ORIENTED BUSINESSES
CONDITIONAL USES	CHURCH COMMUNITY USE PUBLIC BUILDING PUBLIC USE SCHOOL	BED/BREAKFAST CHURCH COMMUNITY USE GROUP HOME PUBLIC BUILDING/USES RECREATION CLUB SCHOOL	BED/BREAKFAST CHURCH GROUP HOME SCHOOL	COMMUNITY USE NATURE PRESERVE PUBLIC BUILDING USE	BILLBOARD COMMUNITY USE PUBLIC BUILDING/USE VEHICLE SALES/ SERVICE VETERINARY CLINIC ACCESSORY STRUCTURE ACCESSORY USE Single/Multi-Family Dwellings	CRITICAL PROCESS MANUFACTURING NATURAL RESOURCE RECOVERY SALVAGE CONSTRUCTION YARD OFFICES PRE-EXISTING SINGLE-FAMILY STRUCTURES	* ADULT RETAIL OUTLETS * WAREHOUSING CONSISTANT WITH ADULT BUSINESSES
MINIMUM LOT AREA	6,000 SQUARE FEET	5,000 SQUARE FEET	3,000 SQUARE FEET	1 ACRE	2,500 SQUARE FEET	5,000 SQUARE FEET	
MINIMUM LOT AREA/FAM	6,000 SQUARE FEET	3,000 SQUARE FEET	2,000 SQUARE FEET	1 ACRE	N.A.	N.A.	
MINIMUM LOT WIDTH	40 FEET	40 FEET	30 FEET	50 FEET	5 FEET	0 FEET	
MINIMUM FRONT YARD	15 FEET	15 FEET	10 FEET	20 FEET	0 FEET	5 FEET	
MINIMUM SIDE YARD	10 FEET	10 FEET	8 FEET	10 FEET	10 FEET	0 FEET	
MINIMUM REAR YARD	10 FEET	10 FEET	10 FEET	10 FEET	25 FEET	0 FEET	
MAXIMUM HEIGHT	35 FEET	35 FEET	35 FEET	35 FEET	50 FEET	35 FEET	
MAXIMUM BUILDING COVERAGE	25 PERCENT	40 PERCENT	50 PERCENT	25 PERCENT	90 PERCENT	75 PERCENT	

* SET BACKS & RESTRICTIONS APPLY AS TO SCHOOLS, HOSPITALS, RESIDENTIAL STRUCTURES & RECREATIONAL FACILITIES

ARTICLE THREE: GENERAL REGULATIONS

301 NON-CONFORMING USES: The following provisions shall apply to all non-conforming uses:

301.1 A Zoning Occupancy Permit must be obtained by the owner of any non-conforming use, lot or structure as evidence that the use or structure lawfully existed prior to the adoption of the provision which made the use or structure non-conforming. The Zoning Occupancy Permit shall specify the provision of the zoning ordinance which makes the use, lot or structure non-conforming.

301.2 A non-conforming use may be continued; however, it shall not be extended, expanded, or changed unless to a conforming use, except when permitted as a special exception by the Zoning Hearing Board with the following additional conditions:

(a) the extended or expanded use will be in keeping with the character of the neighborhood in which it is located.

(b) The changed use will more closely correspond to the uses permitted in the District.

301.3 In the event that a non-conforming use, conducted in a structure or otherwise, ceases, for whatever reason, for a period of one year, or is abandoned for any period, such non-conforming use shall not be resumed and shall not thereafter be used except in conformance with the regulations of the district it is located in.

302 NON-CONFORMING STRUCTURES: A non-conforming structure used or occupied by a permitted use may be enlarged or expanded when permitted as a variance by the Zoning Hearing Board if the expansion, considered independently of the original structure, complies with the off-street parking of this Ordinance, and such expansion otherwise conforms to all requirements of this Ordinance.

302.1 Any non-conforming structure or a structure housing a non-conforming use damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before when permitted as a special exception by the Zoning Hearing Board if such reconstruction is performed within twenty months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

302.2 Where a non-conforming use is conducted inside a structure, the floor area of the structure and the non-conforming use within it may be enlarged to an extent not greater than fifty percent (50%) of the floor area existing at the time of adoption of this Ordinance, when permitted as a special exception by the Zoning Hearing Board in accordance with the following:

(a) There shall be no increase in non-compliance, if any, with lot and yard requirements; and

(b) Off-street parking, as required by Section 308, shall be provided as to the enlarged portion.

302.3 When any non-conforming use or structure located in a flood plain is expanded, reconstructed, or otherwise modified to an extent amounting to fifty percent (50%) or less of its market value, it shall be floodproofed and elevated to the greatest extent practicable.

303 NON-CONFORMING LOTS OF RECORD: Any non-conforming lot of record existing on the effective date of this Ordinance and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth, and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one family house conform to minimum lot area per family and floor area ratio requirements of this Ordinance.

304 SPECIAL EXCEPTIONS: The Zoning Hearing Board may permit the following special exceptions in accordance with the standards stated and in compliance with the performance standards of Article Four of this Ordinance. The Zoning Hearing Board may also attach such conditions as they may deem necessary to implement the purposes of this Ordinance.

304.1 A dwelling unit in an accessory structure as an accessory use to an industrial use to accommodate employees of the principal use.

304.2 Home occupation:

The pursuit of vocational or avocational interests by a resident shall be permitted as a special exception accessory use to a dwelling, provided that all of the following conditions are met:

(a) Such activity is clearly customary and incidental to the dwelling, does not occupy more than twenty-five percent of the floor area of one floor, does not entail internal or external alterations or construction features not customary in dwellings, and there is no external evidence of any non-residential activity.

(b) In connection with the home occupation, there is no display or sign other than a name plate, no mechanical equipment used other than normal domestic or household equipment, no facilities which are dangerous or incompatible with the residential environment, and no selling of a commodity on the premises.

(c) In connection with a home office, not more than one assistant is employed and no colleagues or associates use such office.

305 ACCESSORY USES AND STRUCTURES: The following provisions shall apply to accessory uses and structures:

305.1 A Zoning Occupancy Permit shall be required for every accessory use or structure.

305.2 Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for other temporary structures may be issued for six month periods, but such permits shall not be renewed except as a special exception when approved by the Board.

305.3 Outside storage areas in Commercial and Industrial Districts, provided that such storage areas shall be buffered by fencing, planting, or topography so as to minimize adverse effect on neighboring property.

305.4 Every private swimming pool shall be enclosed by an open type ornamental fence constituting a barrier to small children, four feet in height and with a gate in said fence which shall be locked when the pool is not in use by or under the supervision of the owner or other designated responsible person of the premises upon which it is installed. Private swimming pools of the above ground type which have vertical walls of at least four feet from ground level and removable steps shall not be

required to be fenced.

305.5 Satellite dishes shall be permitted as an accessory structure to any permitted residential use, but shall not exceed a height of fifteen feet above basic grade.

305.6 Family day care of no more than seven children is a permitted accessory use to a single-family dwelling.

306 SITE PLAN REVIEW: No Zoning Permit or Zoning Occupancy Permit shall be issued for any use upon any lot except a one-family home until a Site Plan has been submitted, reviewed, and approved in accordance with the following provisions, provided however that existing structures where the occupancy is being changed without any change in use category or new construction or addition to structures and without change in the site are exempt from this requirement.

306.1 The application for approval of a proposed Site Plan shall be submitted in the office of the Zoning Officer and shall be accompanied by a fee established by resolution of Council to cover the cost of review. The Zoning Officer shall set a reasonable time schedule to be followed prior to the presentation of the application to the Council.

306.2 The application shall consist of not less than seven copies of the letter of application together with not less than seven prints of each drawing submitted as part of the proposed Site Plan. The proposed Site Plan shall be drawn in accordance with standard architectural and engineering practices to clearly indicate the following:

- (a) Property lines and total acreage of parcel proposed for development;
- (b) All existing streets, rights-of-way, and easements related to the development;
- (c) The location of existing driveways on adjacent properties;
- (d) The location of relevant natural features, including, but not limited to, streams or other natural water courses and adjacent lands which are subject to flooding, and significant stands of existing trees;
- (e) The location of existing structures, including structures located on abutting property if within fifty feet of the common property line;
- (f) Required front, side, and rear yard lines, and any required building line;
- (g) Contour lines at five (5) foot intervals where average slope is less than twenty-five (25%) percent and twenty (20) foot intervals where average slope exceeds twenty-five (25%) percent;
- (h) Location, dimensions, total square footage and ground floor elevations of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes, and other site improvements or amenities;
- (i) Contours and sufficient elevations to show proposed grading and data to show gradient of access drives, parking facilities, and surface water run-off;

- (j) Locations and approximate size of utilities to serve the development;
- (k) Schematic elevations at an appropriate architectural scale;
- (l) Surface water runoff controls;
- (m) Title block giving name of development, property owner, developer, northpoint, date, and scale (minimum, 1" - 50'); and
- (n) Such other information as may be required by the Zoning Officer.

306.3 Where any excavation or grading is proposed, a plan meeting the requirements of the Pennsylvania Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

306.4 Action shall be taken by Council, either approving or disapproving, within sixty (60) days from the date of the regular Council meeting at which the site plan first appears as an agenda item. Failure of the Council to so act shall be considered approval of the plan as submitted. Council may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by Council shall not be binding on the Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Board.

(a) Site plan approval shall not be official until and unless the site plan as approved by Council and including all conditions of approval by Council is filed with the Zoning Officer within ninety days of action by Council.

(b) Site plan approval shall be valid for a period of two years following Council action. If the proposed improvements are not under construction within two years or completed within three years, Council approval shall be void.

306.5 Council shall not approve a Site Plan unless the following standards are met:

(a) **Screening:** A planted visual barrier or landscape screen shall be provided and maintained on any property in a commercial or industrial district which is contiguous to any residential district, except where a street or alley or other physical barrier exists which is deemed by the Planning Commission to provide an adequate buffer.

(b) **Storage:** Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation shall be so screened by opaque ornamental fencing, walls, or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

(c) **Landscaping:** Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks, and designated storage areas, shall be planted with an all-season ground cover or covered with stone or gravel and shall be landscaped with trees and shrubs in accordance with an overall landscape plan.

(d) **Interior Circulation:** The interior circulation of traffic in commercial areas shall be

designated so that no driveway or access lane providing parking spaces shall be used as a through-street.

(e) **Access:** Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles, shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public streets or sidewalks, other accessways, or automobile parking facilities.

(f) **Traffic Control:** No design shall be approved which is likely to create substantial pedestrian or vehicular traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, turning lanes, traffic and lane markings, walkways, and signs. The developer shall be responsible for the construction of any such traffic control devices.

(g) **Stormwater Management:** Adequate stormwater retention facilities shall be provided to ensure that stormwater run-off after development shall not be greater than the runoff which would occur from the site in its natural state during a storm with a twenty-five year probability.

(h) **Signs:** Every existing non-conforming sign shall be removed.

307 SIGNS: No sign shall be permitted in any district except as an accessory use as herein provided:

307.1 Permit: No sign, except a name plate, a political sign or temporary real estate sign as specified herein, shall hereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. Applications for sign permits shall include detailed drawings of the construction and design of the sign, and shall be accompanied by such fee as may be required by resolution of Council. Such sign permit shall not obviate compliance with building permit requirements as required by the Building Code.

307.2 Conformance: No new sign shall be permitted on any property unless every sign on the property shall be in conformance with this Section. A sign which is not expressly permitted is prohibited.

307.3 Animation: No sign shall move, flash, or emit noise.

307.4 Traffic Hazard: No sign shall be constructed, located, or illuminated in any manner which causes undue glare, distraction, confusion, nuisance, or hazard to traffic or other properties or which obstructs free and clear vision of traffic flow.

307.5 Name Plate: In any district a sign not exceeding one square foot in surface size is permitted which announces the name, address or professional activity of the occupant of the premises on which said sign is located.

307.6 Bulletin Board: A bulletin board or marquee not exceeding twenty four (24) square feet in surface area is permitted in connection with any church, school, or similar public structure.

307.7 Temporary Real Estate Sign: One temporary real estate or construction sign of reasonable

size is permitted on the property being sold, leased, or developed. Such sign shall be promptly removed when the sale, lease, or development of the property has been completed.

307.8 Business Signs: Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements:

- (a) Signs shall not contain information or advertising for any product not sold on the premises.
- (b) Signs shall not have a combined aggregate surface size not greater than three square feet for each foot of width of the principal structure on the premises.
- (c) Signs shall not project over public right-of-way.
- (d) Signs and structures shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

307.9 Billboards: Billboards may be authorized as a special exception in the I-1 Industrial District provided:

- (a) Billboards shall not be closer than thirty (30) feet to any public right-of-way or any adjacent property,
- (b) Billboards shall not have a combined aggregate surface size greater than four hundred (400) square feet,
- (c) No billboard shall be located closer to any other billboard than eight hundred (800) feet, nor closer to any business sign than two hundred (200) feet,
- (d) Billboards shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

308 OFF-STREET PARKING: In every district, off-street parking spaces shall be provided in accordance with the specifications in this Section whenever any new use is established, or existing use is enlarged.

PARKING SPACES REQUIRED:

USE

One-family Dwelling	
Two for each Dwelling Unit	
Duplex, Town House:	Two for each Dwelling Unit
Apartments:	One and one-half for each Dwelling Unit
Group Housing: . .	One for every Three Beds
Church, School: . .	One for every five seats in the largest meeting room
Child Care, Day care: children of capacity.	One per employee plus one unloading space per 10
Retail Stores and Shops gross floor area	One for every 250 square feet of

Funeral Home:	Six for each reposing room: 20 minimum
Restaurants:	One for every 150 square feet of gross floor area
Business Services:	One for every 300 square feet of gross floor area
Hotels, Motels:	One for every rental unit
Vehicle Sales or Repair:	One for every 600 square feet of gross floor area
Gas Stations:	One for every 250 square feet of gross floor area, 5 minimum
Manufacturing Plants, Warehouses:	One for every 4000 square feet of gross floor area, at a minimum

308.1 Alternate Parking: Council may require or approve alternate design standards for off-street parking in response to unusual conditions such as dead car storage, attendant parking, indoor parking, interaction between different abutting uses in the same zoning district, or a clearly documented difference between expected parking load and required parking spaces.

308.2 Every off-street parking space shall have a rectangular area of not less than nine feet by eighteen feet. If parking spaces are indicated by lines other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking only.

308.3 Every off-street parking lot shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface. Parking aisle separators, sidewalks, and landscape plantings shall be provided as required and approved by Council.

308.4 Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan and signs, railings, and ramps will be provided as appropriate to the site.

308.5 Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any "R" District.

308.6 When determination of off-street parking results in a requirement of a fractional space, any fraction will be counted as one parking space.

308.7 Off-street parking spaces shall be located on the same zoning lot as the principal use, or on an adjacent lot in the same zoning district.

309 ENVIRONMENTAL PROTECTION REQUIREMENTS: The following provisions shall apply to all uses of land in all districts unless otherwise noted. Certain activities, such as highway construction, may be excepted from the following requirements provided such activities are closely controlled by other governmental environment protection agencies, and that municipal reviewing agencies are satisfied that the spirit and intent of the Zoning Ordinance is being met through the review processes, bonding requirements, and administrative activities of the appropriate environmental protection agencies.

309.1 Any person, partnership, or corporation proposing to dump wastes or hazardous materials on any land within West Mayfield must first obtain certificates from the United States Environmental Protection Agency and appropriate Pennsylvania and Beaver County agencies to certify that such

wastes and materials are not hazardous to the health, safety, and general welfare of the residents of West Mayfield and the surrounding region.

309.2 Reasonable safeguards shall be established for all uses in every zone to prevent possible detriment to neighboring properties through emission of smoke, fumes, odor, dust, noise, vibration, or glaring light.

ARTICLE FOUR: CONDITIONAL USES

401 CONDITIONAL USES: Conditional Uses as specified on Table 201 may be allowed or denied by the Council after recommendation by the Planning Commission in accordance with procedures set forth in this Article. A Conditional Use shall be approved if, and only if, it is found to meet the following criteria:

401.1 The proposed use shall conform to the district and Conditional Use provisions and all general regulations of this Ordinance.

401.2 The proposed use shall meet all special standards which may be applied to its class of Conditional Use as set forth in this Article.

401.3 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 402.

401.4 The proposed use shall be sited, oriented, and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety, or comfort and does not adversely affect values of adjacent property.

401.5 The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood.

401.6 The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.

401.7 The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Comprehensive Plan for the Borough of West Mayfield.

401.8 Child Care Centers shall be at least 1,000 feet apart from each other, shall not be located on lots of less than 6,000 square feet, and shall provide outdoor recreational facilities suitable to the age groups being served.

401.09 Community Uses when located in or adjacent to a residential district shall provide proper separation and protection for abutting residential property.

401.10 Group Homes shall be at least 500 feet apart from each other, shall not be located on lots of less than 6,000 square feet, nor on lots having less than four hundred (400) square feet for every sleeping room or for every two beds, whichever is greater. Such uses shall have side yards of not less than ten (10) feet, and shall not be approved unless plans prepared by an architect or engineer are submitted which clearly indicate that adequate light, ventilation, and fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility. Group Homes shall be approved only after Council has found that plans and programs for management of the group residence or facility are adequate and appropriate to the population to be housed and that adequate provisions have been made to assure the safety and welfare of the residents of the facility and of the adjacent neighborhood.

401.11 MOBILE HOMES: Mobile homes shall be permitted only if in accordance with all Township, State and County Laws and only if a site plan for the placement of the mobile home shall be approved in accordance with Section 306. The mobile home shall be placed on posts extending below the frost line or on a permanent foundation and any and all openings in such foundation shall be enclosed. The mobile home shall be anchored securely with tie downs.

401.12 Public Buildings and Uses when located in or adjacent to a residential district shall provide proper separation and protection for abutting residential property.

401.13 Clubs shall not be located on lots of less than 8,000 square feet, shall have yards of not less than ten (10) feet.

401.14 Utility Substations shall provide proper separation and protection for abutting property, and shall not require routine trucking movements on local residential or substandard streets.

401.15 Critical Process Manufacturing shall meet the standards of Section 402.

402 PERFORMANCE STANDARDS: All conditional uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, Council may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

402.1 Fire Protection: Fire prevention and fire fighting equipment acceptable to the Borough Fire Official shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

402.2 Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

402.3 Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

402.4 Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

402.5 Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

402.6 Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property.

402.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

402.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

402.9 Water Pollution: No water pollution as defined by the standards established by the State and Federal Governments shall be permitted.

ARTICLE FIVE: ADMINISTRATION AND ENFORCEMENT

501 ZONING OFFICER: The Zoning Officer, who shall be appointed in accordance with law, shall:

501.1 Administer and enforce the provisions of this 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.

501.2 Issue Zoning Permits and Zoning Occupancy Permits.

501.3 Maintain a permanent file with all zoning permits, occupancy permits, and applications as Public Records.

501.4 The Zoning Officer shall identify and register all non-conforming uses, lots and structures as required by law. A zoning occupancy permit stating the reason for the non-conformity shall then be issued to the owner of said use, lot or structure.

502 ZONING PERMIT: A Zoning Permit shall be obtained pursuant to provisions in Article Three before any person may:

502.1 Change the use of a structure or land to a different use; or

502.2 Construct, reconstruct, move, alter, or enlarge any structure or building; or

502.3 Change a non-conforming use or structure.

(a) A Zoning Permit shall not be issued to change a non-conforming use or structure without review and approval by the Zoning Hearing Board.

502.4 Applications for the Zoning Permit shall be accompanied by a site plan showing clearly and completely the location, dimensions, and nature of any structure involved, and such other information as the Zoning Officer may require for administration of this Ordinance, together with the filing fee in accordance with the schedule annually affixed by resolution of the Council.

502.5 Zoning Permits shall become null and void one year from date of issue. Prior to continuance of the activity or change for which the original permit was issued, a new Zoning Permit must be obtained. The Zoning Permit may be renewed by the Zoning Officer if there has been no change in applicable zoning regulations, and if such renewal is requested within one month of the date of expiration of said Zoning Permit. If applicable zoning regulations have been changed, the full review and approval procedure required by this Ordinance shall apply. Any zoning permit issued by authorization of the Zoning Hearing Board shall not be renewed except by authority of the Zoning Hearing Board.

502.6 Within sixty days after the receipt of an application, the Zoning Officer shall either approve or disapprove the application or submit the application to appropriate review agencies in conformance with the provisions of this Ordinance. All Zoning Permits shall be conditional upon the commencement of work within one year and substantial completion within two and one-half years.

502.7 Prior to the issuance of a zoning permit for any use in a flood plain the Zoning Officer shall

require the applicant to indicate compliance with all applicable State and Federal laws.

502.8 The Zoning Officer shall inspect the site during construction to determine whether work is in compliance with the approved zoning permit, and he may require certification by a qualified engineer or surveyor that all structures are being built to the required elevations and to other standards set forth by the zoning permit.

502.9 If the Zoning Officer finds that work does not comply with the applicable standards, or that there has been a misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit.

502.10 If the Zoning Officer finds reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, he shall give notice of such alleged violation. Such notice shall comply with all of the following requirements:

- (a) the notice shall be in writing;
- (b) the notice shall include a statement of the reasons for its issuance;
- (c) the notice shall allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
- (d) the notice shall be served upon the property owner or his agent in accordance with law; and
- (e) the notice shall contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

503 ZONING OCCUPANCY PERMITS: Prior to occupancy of land or structure or to the change of tenants, ownership, or occupants of any structure, land, or premises, or any portion thereof, a Zoning Occupancy Permit shall be obtained stating that the premises is in full compliance with this Zoning Ordinance.

503.1 A Zoning Occupancy Permit shall be revocable where the Zoning Officer determines that the occupant is not complying with every condition required by the issuance of said permit.

504 ENFORCEMENT REMEDIES: Any person, partnership, or corporation who or which shall violate the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars plus all court costs, including reasonable attorneys fees incurred by the Borough. Each day that a violation is continued shall constitute a separate offense. In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, Council may, in addition to other remedies, institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, correct, or abate such building, structure, or land, or to prevent, in or about such premises any act, conduct, business, or use constituting a violation.

505 PROCEDURES FOR CONDITIONAL USES: Applications shall be filed with the Zoning Officer and shall be accompanied by an application fee in an amount equal to that set by resolution of Council, and seven copies of a site plan prepared in accordance with Section 306.

505.1 Review: The Zoning Officer shall forward copies of the Application to the Planning Commission for review and then to Council for review and approval.

505.2 The Planning Commission shall forward its recommendation within thirty days unless the petitioner agrees in writing to a time extension. Failure to act within the allotted time shall be deemed to be a favorable recommendation.

505.3 Council shall hold a public hearing within sixty days of the filing of an application for a site plan and shall render their decision within sixty days of the conclusion of the hearing.

505.4 Council may attach such conditions as they deem necessary to the approval of any site Plan. All development, construction, and use shall be in accordance with the approved plan, unless a revised plan is submitted, approved, and recorded. Any development contrary to the approved plan shall constitute a violation of this Ordinance.

506 GUARANTEE OF IMPROVEMENTS: Prior to granting final approval of any site plan, conditional use, or other approval required by this Ordinance wherein the developer is required, or has agreed as a condition of approval, to provide and install specific amenities, including but not limited to the installation of trees, shrubbery, and other plant materials, installation of sidewalks, fences, or other landscape materials, the provision of driveways, pathways, or other related remedy to circulation, or the demolition and removal of any structure or non-conforming signs, the developer shall provide a completion bond to assure satisfactory completion of all said improvements. An escrow agreement and account approved by the Borough Attorney as to form and content shall be required in the amount of one hundred and ten (110) percent of the estimated cost of such improvements.

506.1 The Council shall promptly release the developer from the improvement bond if, and only if, the Zoning Officer certifies in writing that all improvements have been completed in accordance with all agreements set forth as a condition of the required zoning approval.

507 AMENDMENTS: The Council may amend this Ordinance as proposed by a member of the Council, by the Planning Commission, or by a petition of a person residing or owning property within the Borough in accordance with the following provisions:

507.1 Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with a schedule annually affixed by resolution. The Planning Commission shall review the proposed amendment and report its findings and recommendations in writing to the Council and to the petitioner. The proposed amendment shall be introduced before the Council only if a member of the Council elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the Borough.

507.2 Any proposed amendment introduced by a member of Council without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review at least thirty days prior to public hearing by the Council.

507.3 Before voting on the enactment of an amendment, the Council shall hold a public hearing thereon pursuant to public notice, and comply with all other legal requirements for amendment. If, after any public hearing held upon an amendment, the proposed amendment is revised or further

revised to include land previously not affected by it, the Council shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

508 ZONING HEARING BOARD: In accordance with law, Council shall appoint a Zoning Hearing Board, which Board shall adopt rules to govern its procedures. The Board shall hold meetings, keep minutes, and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule affixed by Council for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers, and obligations specifically granted by law.

508.1 Appeals from the Zoning Officer: The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of this Ordinance or of the Zoning Map or any valid rule or regulation governing the action of the Zoning Officer. Appeals from decisions or interpretations of the Zoning Officer may be made by landowners, developers, or persons aggrieved and may relate to such subject matter as to whether a Zoning Permit or Zoning Occupancy Permit should be issued or whether a stop work order should be issued.

508.2 Challenges to the Validity of the Ordinance: The Zoning Hearing Board shall hear challenges to the validity of this Ordinance or Zoning Map raising substantive questions. Procedural questions or an alleged defect in the process of enactment or adoption of any ordinance or Zoning Map shall be raised by an appeal taken directly from the action of the Council to the Court. Challenges to the validity of the Ordinance or Zoning Map to the Zoning Hearing Board include challenges such as exclusionary zoning or spot zoning.

508.3 Variances: The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the property of the applicant. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance. The Board may grant a variance provided the following findings are made where relevant in a given case:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the district in which the property is located;
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of such property;
- (c) That such unnecessary hardship has not been created by the appellant;
- (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

508.4 Special Exceptions: The Zoning Hearing Board shall hear and decide requests for special exceptions enumerated in Section 304. A special exception is issued for an exceptional use which may be permitted within a particular zoning district if the Board determines its availability. Such uses are made available as a privilege, not as a right, assuming that the requisite facts and conditions detailed in this Ordinance are found to exist. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

508.5 Stay of Proceedings: Upon the filing of proceedings before the Zoning Hearing Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception and during the pendency of such proceedings before the Board all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

508.6 Hearings: The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

(a) Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by the Pennsylvania Municipalities Planning Code.

(b) The hearing shall be conducted by the Zoning Hearing Board, or the Board may appoint a hearing officer.

(c) The parties to the hearing shall be the Borough, 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.

(d) The chairman or acting chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(e) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

(f) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(g) The Zoning Hearing Board or hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The appearance fee for the stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the party ordering it.

(h) The Board or hearing officer shall not communicate directly or indirectly with any party or his representative in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda, or other materials unless parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

(i) The Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the Board fails to render the decision within forty-five (45) days after the last hearing before the Board or hearing officer or fails to hold the required hearing on the application within sixty (60) days from the date of the applicant's request for hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Borough shall give public notice of said decision within ten (10) days in the same manner as provided in Subsection 1 of this section.

(j) A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant and to all other persons who have filed their name and address with the Board personally or by mail not later than the day following its date.

ARTICLE SIX: DEFINITIONS

601 GENERAL: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word "shall" is mandatory and not permissive.

ACCESSORY STRUCTURE: A subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

ACCESSORY USE: A subordinate use which is clearly incidental and related to that of a main structure or main use of land.

BASEMENT: A story partly below ground and having forty (40%) percent or more of its height below the average level of the adjoining ground.

BASIC GRADE: A reference plane representing the average of the finished ground level adjoining a structure at all its exterior walls.

BOARD: The Zoning Hearing Board of the Borough of West Mayfield.

BUILDABLE AREA: That portion of a zoning lot bounded by the required front, side, and rear yards.

BUSINESS SERVICES: A service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.

CEMETERY: Land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHILD CARE CENTER: Any place, home, or institution which cares for four (4) or more children under the age of sixteen (16) years apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term "child care center" shall not include or apply to bona fide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person, or churches and other religious or public institutions caring for children within an institutional building.

CLUB: An organization comprised mainly of the residents of the neighborhood in which it is located, the primary purpose of which is the advancement of its members or of the community in education, cultural or civic pursuits and activities.

COMMERCIAL RECREATION: A theater, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical, or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

CONDITIONAL USE: A specific exception to the standard regulations of this Ordinance which required approval by the Council under terms and procedures and with conditions prescribed herein.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

CONSTRUCTION BUSINESS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods, but not including the wrecking salvaging dismantling or storage of junked automobiles and similar vehicles.

COUNCIL: The Governing Body of the Borough of West Mayfield.

CRITICAL PROCESS MANUFACTURING: The processing and fabrication of certain materials and products where some process may involve the production of noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

DATA PROCESSING CENTER: A business which processes electronic or mail transfers of large quantities of financial records.

DEVELOPER: A land owner, or holder of an agreement to purchase land, lessee or other person having a proprietary interest in land or the heirs, successors, assigns of such person who has filed an application for the use, improvement, or development of any parcel or structure under this Ordinance.

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

DEVELOPMENT PLAN: A graphic and written presentation of a Planned Residential Development, including a plat of subdivision, and all provisions relating to use, location, and bulk of structures, intensity of development, streets, ways and parking facilities, common open space, and public facilities.

DWELLING UNIT: One or more living or sleeping rooms with cooking and sanitary facilities for one person or one family.

FAMILY: Either an individual, or a group (not counting servants) occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FLOOR AREA: In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club, or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FLOOR AREA RATIO: The ratio obtained when the gross floor area minus unoccupied basement area is divided by the total lot area.

FRONT YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right of way.

GAS STATION: A premises providing fuel and minor accessories and services to automobiles, but not including major overhaul, spray painting, recapping of tires, or auto wrecking.

GROUP RESIDENCE: A dwelling facility operated for not more than ten persons plus staff, living together as a single family or as a single housekeeping unit.

HAZARDOUS MATERIAL: Any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium sulphur, sulphur products, pesticides, insecticides, fungicides, and all poisons, flammable gasses, and radioactive substances.

HEIGHT: The vertical distance from basic grade at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

INDUSTRIAL INCUBATOR: One or more buildings which lease space to light manufacturing firms, or service industries for light, heavy, or critical process manufacturing firms.

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

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices, timepieces, jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products; but not animal slaughtering, curing, nor rendering of fats.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT: A parcel of land occupied or capable of being occupied by one or more structures.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of Beaver County.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines.

LOT, AREA OF: The horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

LOT, WIDTH OF: The distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

LOT, ZONING: A parcel of land, fronting on a street, which is or may be occupied by a main structure or a unit group of buildings with accessory uses and structures and the open spaces required under this Ordinance, including easement areas if any, but not including any public or private street or alley.

MANUFACTURING: The processing and fabrication of any article, substance, or commodity.

MEDICAL CLINIC: Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed to perform medical healing arts.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangements of parts of a structure affecting the exitway of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent, or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

MOBILE HOME: A prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

NON-CONFORMING STRUCTURE: Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments which does not conform to the provisions of this Ordinance.

NON-CONFORMING LOT: A lot whose width area or other dimension does not conform to the regulations of this Ordinance and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

NON-CONFORMING USE: Any use or arrangement of land or structures legally existing at the time of enactment of a preceding Ordinance, this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

PARKS AND RECREATION: An open area of ground set aside for public use with recreational facilities, playgrounds and structures or left in a natural state, owned by the municipality, municipal authority or otherwise dedicated to public use or owned and operated by a non-profit association for the benefit of the public or the residents of the Borough. It may include a municipal golf course, but not miniature golf or a driving range. Public recreation shall not include amusement parks or any purely commercial enterprises.

PUBLIC BUILDING OR USE: A school, playground, or related recreation facility, or public maintenance facility.

REAR YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

RECREATION CLUB: A non-commercial facility operated by and for its members and providing recreational facility for the use of members and guests.

RECYCLING FACILITY: The salvage, collection, and recovery of scrap and other resources, but not including any processing operation which does not meet the Performance standards of Section 402.

RESEARCH FACILITY: A facility for applied research conducted within an enclosed structure where no goods are produced in quantity.

SEAT: A fixed seat in a theatre, auditorium, or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.

SCREENING: Screening relative to this Ordinance shall mean a fence, evergreen hedge, or wall at least six feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.

SIDE YARD WIDTH: The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

SIGN: Any surface or structure exposed to public view and intended, used, or designed to identify, advertise, or promote any product, person, business, institution, organization, or place with written, graphic, or sculptured matter, but not including 1) signs to regulate and control traffic and parking or to promote public health, safety, and welfare; 2) religious, patriotic, fraternal, national, or cultural symbols, if unaccompanied by lettering and applied to a tower, spire, flagpole, wall, or cornice of a structure; nor signs lighted only by reflected light and posted inside a display window where such signs do not obstruct clear vision into the store by police and health authorities.

SINGLE-FAMILY HOUSE: A detached building having accommodations for and occupied by not more than one (1) family.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A right-of-way intended primarily for vehicular traffic and usually providing for utilities and pedestrian travel. A street may be designated by other appropriate names such as highway, thoroughfare, boulevard, parkway, road, avenue, drive, lane, or place.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land including in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios.

SWIMMING POOL: A container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Ordinance only if it has at least one dimension greater than fifteen (15) feet, or is more than thirty-six (36) inches in depth. As herein defined the term

"Swimming Pool" shall be deemed to be a structure.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division 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 division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

TOWN HOUSE: A row of three or more attached, one-family dwellings, separated by vertical party or lot-line walls, and each having private entrances.

TWO-FAMILY DWELLING: A detached structure having accommodations for and occupied by not more than two (2) families.

USE: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

VARIANCE: An authorization to vary slightly from the strict interpretation of the standards of this Ordinance which may be granted by the Zoning Hearing Board in accordance with law.

VEHICLE SALES AREA: The sale or leasing of automobiles, mobile homes, trucks, recreational vehicles, or farm equipment on a predominantly open lot where no repair work except that which is minor and incidental to the sale of vehicles is performed.

VEHICLE SALESROOM: The sale or leasing of automobiles, mobile homes, trucks, recreational vehicles, or farm equipment within an enclosed structure which may also include the servicing and maintenance of such vehicles when conducted within a fully enclosed structure.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by structure or used for parking or storage, except as otherwise provided, and not including any portion of a street or alley.

ZONING OCCUPANCY PERMIT: A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, and indicating that the use and structure is in compliance with the Ordinances of the Borough having jurisdiction over the location of such use or structure, that all conditions attached to the granting of the Zoning Certificate have been met, and that the structure and land may be occupied and used for the purposes set forth in the Zoning Permit.

ZONING PERMIT: A document issued by the Zoning Officer stating that a proposed use or development will be in compliance with this Ordinance, and authorizing the applicant to proceed to obtain all required Building Permits.

Enacted and Ordained this 11th day of September 1995.

Witness: Patricia J. Gansberry
Borough Secretary

Borough of West Mayfield
By:

Paul Farber
President of Council

Approved: Thomas Brozick
Mayor

