

BOROUGH OF WESLEYVILLE.

ORDINANCE 208.

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Harry Miller, Recorder

An Ordinance pursuant to Act No. 568, 1947, an act of the General Assembly, Commonwealth of Pennsylvania, (P. L. 1621 Art. 35) and any and all amendments and supplements thereto to regulate and restrict the height, number of stories, bulk and size of buildings and other structures, the size, depth, and width of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes; to divide the borough into districts for the purpose of carrying out these regulations; to provide for the amendment of these regulations and the revision of the district boundaries; to create a board of appeals and prescribe the powers and duties thereof, and to provide for the enforcement of the aforesaid regulations and penalties for violation.

WHEREAS, the Borough Council of the Borough of Wesleyville deems it necessary, in order to protect and encourage the most appropriate use of land; to secure safety from fire and other dangers; to insure the provision of adequate light, air and amenity; to prevent undue concentration of population and the crowding of land; to conserve the value of property; to facilitate the provision of public and private development in harmony with these purposes; and to promote the health, safety, welfare and convenience of the community; NOW, therefore, BE IT ORDAINED AND ENACTED BY COUNCIL OF THE BOROUGH OF WESLEYVILLE, PA: AND IF IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF SAME THAT:

ARTICLE I GENERAL

101 - This ordinance shall be known as the "Zoning Ordinance." The map, showing the division of the Borough into the designated zoning districts, shall be known as the "Zone Map". The said map shall be an integral part of the ordinance.

102 - Should the courts declare any portion of this ordinance to be invalid, such declaration shall not affect the validity of the ordinance as a whole or of any part thereof, other than the specific portion declared to be invalid.

103 - The provisions of this Ordinance shall control wherever they impose greater restrictions (on the use of land, or on the use or height of buildings, or on the density of population) than those imposed by other laws, ordinances, rules, regulations, or permit, or by easements, agreements or covenants.

104 - Any ordinance, or part of any ordinance, in conflict with the provisions of this ordinance, is hereby repealed.

105 - The effective date of this ordinance shall be the date of its approval.

ARTICLE II DEFINITIONS

201 - For the purpose of this ordinance, certain terms and words are herein defined. Words used in the present tense include the future tense; the singular number includes the plural and vice versa; the words "used for" include the meaning "designed for".

ALLEY - Any roadway or public way dedicated to public use and 20 feet or less in width.

CERTIFICATE OF OCCUPANCY - A statement, signed by the administrative
305.

Officer, setting forth either that a building, or a structure complies with the zoning ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

COURT - An open, unoccupied space, other than a yard, on the same lot with a building, unobstructed from the lowest level to the sky.

COURT, INNER - A court extending to a side yard not abutting a street or way.

COURT, WIDTH OF - The least horizontal dimension.

CURB ELEVATION - The elevation of the top of the curb, or the established curb grade opposite the center of the building or portion thereof under consideration. Where no curb has been set the elevation of the curb shall be designated by the Borough Engineer. Where the building does not adjoin a street the average elevation of the proposed grade line of the ground immediately adjacent to the building as shown in the building plans shall be considered as the curb elevation.

DWELLINGS -

ONE-FAMILY DWELLING - A separate, detached building designed for, or occupied by, only one family.

TWO-FAMILY DWELLING - A separate, detached building designed for, or occupied by, only two families.

MULTIPLE DWELLING - A dwelling designed or occupied otherwise than as a one-family dwelling or a two-family dwelling. The term "Multiple Dwelling" shall be understood to include apartment houses, row houses, tenement houses and all other family dwellings of similar character, where apartments or suites are occupied and used as a separate complete housekeeping unit; but not to include hotels.

FAMILY - An individual, or two (2) or more persons related by blood or marriage or a total of five (5) individuals who may or may not be related by blood or marriage, living together as a single housekeeping unit.

GARAGE - A building designed and/or used for the storage and service of motor vehicles.

GARAGE, PRIVATE - An accessory building or part of a main building used only for the storage of motor vehicles as an accessory use, when the storage space does not exceed that for the following number of vehicles:

(1) For any one and two-family dwellings: three passenger vehicles;

(2) For any other dwelling: Passenger vehicles equal in number to

150% of the number of dwelling units in the dwelling, providing that the lot when upon such garage is located contains not less than fifteen hundred (1500) square feet for each vehicle capacity.

(3) For any other use: no limitation.

GARAGE, PUBLIC - A building or part thereof used for the storage, incidental and minor service and repair of motor vehicles for remuneration including any sale of motor vehicle accessories, or where motor vehicles are kept for hire.

GASOLINE STATION - Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but not including the painting thereof by any means.

HEIGHT OF BUILDING - The vertical distance measured from the curb elevation to:

(a) for flat roofs - the highest point of the roof adjacent to the front wall;

(b) the deck line of mansard roofs;

(c) for gabled hipped and gambrel roofs - the mean height between eaves and ridge.

HOME OCCUPATION - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes

and does not change the character thereof. The conducting of a clinic, hospital barber shop, beauty parlor, tearoom, animal hospital, or any similar use, shall not be deemed to be a home occupation.

HOSPITAL - Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of human ailments.

HOTEL - A building in which rooms or suites of rooms are used, or intended to be used, for the lodging of ten (10) or more guests, with or without meals.

LOT - A parcel of land which is or may be occupied by one main building or use and its accessories, including the open spaces required by this ordinance.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line.

LOT, CORNER - A lot abutting upon two or more streets at their intersection.

LOT, INTERIOR - A lot the side lines of which do not abut on a street.

LOT, THROUGH - An interior lot having frontage on two streets.

LOT, AREA - The total horizontal area included within lot lines.

NON-CONFORMING USE - Use of a building or of land that does not conform to the regulations as to use for the district in which it is situated.

PROCH - A roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed features of glass, wood, screening, or other material more than thirty (30) inches above the floor thereof, except the necessary columns to support the roof.

ROOMING HOUSE - Any building or portion thereof containing more than two (2) and less than ten (10) rooms that are used, rented, or hired out to be occupied, or that are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. The term "rooming house" shall be deemed to include lodging house and boarding house, but not tourist home or automobile court.

SIGN - Any device for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignie of any Government or governmental agency, or of any civic, charitable, religious, patriotic or fraternal or similar organization.

STABLE - An accessory building or portion of a main building in which horses are kept, for private use.

STORY - That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF - A story with at least two opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such area.

STREET - Any roadway or public way dedicated to public use, except an alley.

STRUCTURE - Any-thing constructed or erected the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION - Any change in the supporting members of a building.

TELEPHONE EXCHANGE BUILDING - A building with its equipment, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, and other business of the telephone company; but in a residence district, as established by this ordinance, not to include public business facilities, repair facilities, storage of plant materials or spare parts (other than those carried for the particular building), or storage of equipment, automobiles or trucks, or housing or quarters for installation, repair or trouble crews.

TOURIST HOME - A dwelling in which sleeping accommodations in less than ten (10) rooms are provided or offered for transient guests for compensation.

USE, ACCESSORY - A use which is customarily incidental and subordinate to the principal use of a lot or a building and located on the same lot therewith.

YARD - An open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise provided herein.

YARD, FRONT - A yard across the full width of the lot, extending from the front line of the building to the front line of the lot. (the front line of the building is not the front line of the porch. See Section 901-4)

YARD, REAR - A yard across the full width of the lot extending from the rear line of the building, to the rear line of the lot.

YARD, SIDE - A yard between the side line of the building and the adjacent side line of the lot, extending from the front yard to the rear yard. If there be no front yard the side yard shall be considered as extending to the front line of the lot and if there be no rear yard the side yard shall be considered as extending to the rear line of the lot.

ARTICLE III DISTRICTS

301 - The Borough of Wesleyville is hereby divided into six (6) Use Districts and five (5) Height and Area Districts, hereinafter in this Article named, the location and boundaries of which are and shall be as shown upon the Zone Map, which accompanies this ordinance.

Use Districts

"A" Residence Districts
 "B" Residence Districts
 "C" Residence Districts
 Business Districts
 Light Industrial Districts
 Heavy Industrial Districts

Height & Area Districts

First Height & Area Districts
 Second Height & Area Districts
 Third Height & Area Districts
 Fourth Height & Area Districts
 Fifth Height & Area Districts

302 - Boundaries of Districts

The location and boundaries of districts are and shall be as shown on the Zone Map; provided, that where the designation on the Zone Map indicates a district boundary approximately on a street or alley line or on a lot line, such street or alley, or such lot line, shall be construed to be the boundary.

303 - Application of Regulations

(1) Hereafter no land shall be used or occupied, and no building or structure shall be erected, altered, used or occupied, except in conformity with the regulations herein established for the district in which such land, building or structure is located.

(2) In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.

ARTICLE IV USE REGULATIONS

401 - "A" Residence Districts

In this district, the land, buildings, and structures may be used, and the buildings and structures may be erected, altered, enlarged, and maintained for the following uses only:

1. One-family dwellings, but not to exceed one dwelling on any one lot.
2. Elementary and high schools, but not including dancing academies or trade or vocational schools conducted for gain.
3. Universities, colleges, seminaries, and convents,

including fraternity and sorority houses and customary indoor and outdoor recreational facilities in connection with any of the aforesaid uses and on the site thereof.

4. Churches and other places of worship, including parish houses, rectories, convents, in connection with schools.
5. Libraries or museums.
6. Park, playground, athletic field, or swimming pool, not operated as a business, for profit.
7. Country club or golf course; (not including a miniature golf course operated for profit).
8. Telephone exchange building.
9. Electric substation without rotary machinery; or gas regulating station.
10. Accessory uses, incident to any of the principal uses above listed. (See Section 404) See Section 1104 (e) for variations which may be authorized, upon appeal, by the Board of Appeals.

402. "B" Residence Districts

In this district, the land, buildings, and structures may be used, and the buildings and structures may be erected, altered, enlarged, and maintained for the following uses only:

1. All uses permitted in "A" Residence Districts, as permitted therein.
2. Two-family dwellings, but not to exceed one two-family dwelling on any one lot.
3. Hospitals (See Section 1104 (e)6)
4. Accessory uses, incident to any of the principal uses above listed. (See Section 404) See Section 1104 (e) for variations which may be authorized upon appeal, by the Board of Appeals.

403 - "C" Residence Districts.

In this district, the land, buildings, and structures may be used, and the buildings and structures may be erected, altered, enlarged, and maintained for the following uses only:

1. All uses permitted in "B" Residence Districts, as permitted therein.
2. Multiple Dwellings.
3. Rooming Houses.
4. Tourist Homes.
5. Hospitals.
6. Accessory uses, incident to any of the principal uses above listed. (See Section 404). See Section 501 for exceptions to use Regulations and Section 1104 (e) for variations which may be authorized, upon appeal, by the Board of Appeals.

404 - Accessory Uses, Residence Districts

In any Residence District, accessory uses shall be uses customarily incident to the principal uses listed as permitted therein. They shall be

1. Offices of physicians, dentists, architects, engineers and similar professional persons, when conducted in dwellings by the inhabitants thereof.
2. A private garage, located not less than sixty (60) feet from the front line, if a separate building; or in a suitable room within or attached to the dwelling.
3. A private stable, located not less than eighty (80) feet from the front lot line.
4. A sign or signboard not exceeding six (6) square feet in area, appertaining either to the lease or sale of the premises, or to the renting of rooms.
5. A name plate not exceeding two (2) square feet in area.
6. A sign or bulletin board, not exceeding twelve (12) square feet in area, so placed as not to interfere with front yard requirements nor obstruct the view across the corner of intersecting street; and erected upon the premises of a church or a similar institution for the purpose of displaying the name and activities thereof, or the services therein provided.
7. A sign or signboard, not exceeding one hundred sixty (160) square feet in area, located on and appertaining to the sale of property of a first subdivision; provided that the sign or sign board is located at least

(50) feet from a street line and that it shall be removed when the property fronting same, adjacent thereto or in the rear thereof, becomes occupied.

8. A fence, hedge or enclosure wall, provided:

- (a) A solid fence, hedge or enclosure wall shall not exceed a height of four (4) feet; except when located along a rear lot line of an interior lot; in which case the height shall not exceed six (6) feet.
- (b) An ornamental fence exceeding the height specified herein for a solid fence shall have a ratio of solid portion to open portion not in excess of one to four.

9. Any home occupation.

405 - Business Districts

In this district, the land, buildings, and structures may be used, and the buildings and structures may be erected, altered, enlarged, and maintained for the following uses only:

1. All uses permitted in "C" Residence Districts, as permitted therein.
2. Grocery, confectionery, and similar retail stores.
3. Banks.
4. Hotels.
5. Offices.
6. Personal service shops.
7. Amusement or recreation enterprises.
8. Restaurants and cafes.
9. Clubs.
10. Laundries (self-service)
11. Studios.
12. Theaters.
13. Undertaking.
14. Signs.
15. Parking lots.
16. Barber shops.
17. Beauty parlors.
18. Auditoriums.
19. Automobile Sales.
20. Public Garages (Permitted under conditions prescribed in Section

502) 21. Gasoline stations (Permitted under conditions prescribed in Section 503)

22. Baths (Turkish and the like)
23. Schools conducted for gain.
24. Department Stores
25. Cleaning establishments using non-explosive and non-inflammable cleaning fluids, and excluding bag and rug cleaning.
26. General photography (including blue-printing and photostating)
27. Printing plant for local newspapers.
28. Printing shop.
29. Market house.
30. Beverage distributor.
31. Manufacturing or processing which is incidental and essential to an enterprise in which all merchandise is sold at retail on the premises.

32. And, in general those uses which are noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise are prohibited from this district.

406 - Light Industrial Districts.

In this District, the land, buildings, and structures may be used and the buildings and structures may be erected, altered, enlarged and maintained for the following uses only:

1. All uses permitted in "Business Districts", as permitted therein, except "A", "B" and "C" residence uses.
2. Gasoline station (Permitted under conditions prescribed in Section

503)

3. Animal hospital.
4. Automobile body and fender repair, painting, upholstering, re-building, reconditioning and overhauling; truck repairing or overhauling; tire retreading or recapping; battery manufacture.
5. Building material sales and storage.
6. Warehouse or storage yard.
7. Ice plant.
8. Feed & fuel yard.
9. Freighting or trucking terminal.
10. Laundry.
11. Wholesale business.
12. Lumberyard and millwork.
13. And, in general those uses which are noxious or offensive by reason of the emission of odor, dust, smoke, gas, vibration or noise are prohibited from this district.

407 - Heavy Industrial Districts.

In this District, the land, buildings, and structures may be used and the buildings and structures may be erected, altered, enlarged, and maintained for any purpose except the following:

Prohibited Uses:

- *1. Abattoir.
 - *2. Animal fertilizer manufacture.
 - *3. Garbage, offal, dead animals or refuse; reduction or conditions
 4. Gasoline service station (Permitted under conditions prescribed in Section 503)
 5. Gunpowder, fireworks or other explosive; manufacture or storage.
 - *6. Stockyards.
- *(See Section 1104 (e) 8)

ARTICLE V - EXCEPTIONS TO USE REGULATIONS

501 - Garages Accessory to Multiple Dwellings

In a WOW Residence District, a garage may be erected upon the same lot with a Multiple Dwelling, for the housing of automobiles for those who have residence in such dwelling provided:

- (1) No portion of such garage shall be nearer than sixty (60) feet to the principal frontage of the block, unless located in a suitable room within such dwelling.
- (2) No repair facilities are maintained and no repairs excepting those of a minor nature are made.
- (3) Any door for vehicles, opening upon a street, shall be at least fifteen (15) feet from the street line and an open, unoccupied space shall be maintained between said door and street line. The height of such open, unoccupied space shall be not less than twelve (12) feet and the other dimensions shall be such that no part of the structure encroaches on the triangular area circumscribed by lines joining the center of the doorway and two points on the street line, one on either side of the center line of the doorway and each twelve (12) feet therefrom.

502 - Public Garages - Business Districts

In a Business District, a Public Garage may be established, erected or enlarged, provided:

- (1) No street entrance or exit of such garage, for vehicles, shall be within two hundred (200) feet of a street entrance or exit of any school, park, or playground conducted for and attended by children.
- (2) No portion of such garage shall be within one hundred (100) feet of any hospital, church or public library; or within fifty (50) feet of a Residence District as established by this ordinance.
- (3) No repair facilities shall be maintained on the front portion of the lot or in the front portion of the first story of the building, within thirty (30) feet of the street.

(4) Any door for vehicles, opening upon a street, shall be at least fifteen (15) feet from the street line and an open, unoccupied space shall be maintained between said door and the street line. The height of such open, unoccupied space shall be not less than twelve (12) feet and the other dimensions shall be such that no part of the structure encroaches on the triangular area circumscribed by lines joining the center of the doorway and two points on the street line, one on either side of the center line of the doorway and each twelve (12) feet therefrom.

503 - Service Stations - Business and Industrial Districts

In a Business or Industrial District, a station for the storage and sale of fuel, lubricating oil and accessories for motor vehicles may be established, erected or enlarged, provided:

(1) No street entrance or exit of such service station, for vehicles, shall be within two hundred (200) feet of a street entrance or exit of any school, park or playground conducted for and attended by children.

(2) No portion or equipment of such service station shall be within one hundred (100) feet of any hospital, church or public library; or within fifty (50) feet of a lot in a Residence District, as established by this ordinance.

(3) No equipment, above surface of ground, for the service of motor vehicles shall be closer to any street line than fifteen (15) feet.

(4) No portion of any entrance driveway leading from a public street to such service station shall be closer than fifteen (15) feet to the curb line of an intersecting street, nor three (3) feet to a fire hydrant, catch basin, end or curb circle at corner, or to the street line of an intersecting street.

(5) The width of any entrance driveway leading from the public street to such service station shall not exceed thirty (30) feet at its intersection with curb or street line.

(6) No two driveways leading from a public street to such service station shall be within fifteen (15) feet of each other at their intersection with curb or street line.

(7) A pipe railing, post and chain barricade, raised curbing or similar device shall be constructed and maintained upon the property in the vicinity of street corners, sidewalk safety zones, entrance driveways and at other points in such manner as to prevent vehicles from crossing the sidewalks other than by means of an entrance driveway as herein above prescribed.

ARTICLE VI - NON-CONFORMING USES

601 - General

1. The lawful use of land existing at the time of the enactment of this ordinance, or of an amendment thereto, although such use does not conform to the provisions hereof, may be continued but not extended; but if such non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of this ordinance.

2. The lawful use of a building or structure existing at the time of the enactment of this ordinance, or of an amendment thereto, although such does not conform to the provisions hereof, may be continued and such use may be extended throughout the building; provided no structural alterations are made, other than those ordered by an authorized public officer to assure the safety of the building; and provided further that such extension does not displace a conforming use in a district established by this ordinance.

3. A non-conforming use of a building may be changed to another non-conforming use of the same or of a more restrictive classification, provided no structural alterations are made, other than those ordered by an authorized public officer to assure the safety of the building or structure.

4. Whenever a non-conforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

5. Whenever a non-conforming use of a building, or portion thereof, has been discontinued for a period of at least six (6) months, such non-conforming use shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this ordinance.

6. A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, or other calamity or act of God, to the extent of less than fifty (50%) per cent of its assessed value, may be restored and its previous occupancy or use resumed, provided that such restoration is started within one year of the occurrence of the damage and diligently prosecuted to completion. If, however, such damage amounts to fifty (50%) per cent of more of the assessed value of the building or structure, no restoration shall be made unless every portion of the building or structure is made to conform to all the regulations of the district in which it is located.

ARTICLE VII - HEIGHT AND AREA REGULATIONS

701 - Schedule of Regulations

In any district, the maximum height of buildings or structures, the minimum dimensions of yards, courts and other open spaces, and the area of lot required per family house thereon, shall be as shown on the "Schedule of Height and Area Regulations" accompanying this ordinance and hereby declared to be a part thereof.

ARTICLE VIII - APPLICATION OF HEIGHT LIMITATIONS AND EXCEPTIONS

801 - General

The height limitations of this ordinance shall be applied as follows:

1. A cellar or basement, when designed for occupancy as a dwelling, shall be counted as a story; when otherwise designed and used, it shall not be counted as a story.
2. On a corner lot having two or more frontages, the height shall be taken from a level midway in elevation, and this height limitation shall apply upon such lot not further than to the center line of the block, beyond which any portion of the same lot shall have a height limitation similar to that applying upon the property next adjacent thereto.
3. On a Through Lot the height limit, including all exceptions thereto, beginning at either frontage, shall apply to depth not exceeding one-half the depth of the lot.
4. On an Interior Lot the height limit, including all exceptions thereto, shall apply to a depth equal to one-half the depth of the block as measured from frontage to frontage on a line projected through the center of the lot in question. Any rear portion of such lot, beyond the center line of the block, shall have a height limit similar to that applying upon the lot immediately abutting in the rear thereof.

802 - Height of Public or Semi-Public Buildings

In a First, Second, Third and Fourth Height and Area District, the height limitation for public or semi-public buildings, churches, hospitals or schools may be erected to a height of sixty (60) feet, provided the required side yards are increased an additional foot for each three (3) feet such building or structure exceeds the height limitation for that district.

803 - Height of Monuments, Spires, etc.

In any Height and Area District, the height limitation of the district may be exceeded by a monument, shaft, spire, dome, tower, if erected for ornamental purposes only.

804 - Height of Special Structures - Fifth Height and Area Districts
 In a Fifth Height and Area District, the height limitation of the district may be exceeded by structures requiring special design on account of their particular use in industry or commerce, such as chimneys, stacks, grain elevators, detached water or wireles towers, etc., provided the otherwise comply with the regulations herein prescribed.

805 - Height of Accessory Buildings

In any Residence District the height limitation of an accessory structure shall not exceed twelve (12) feet.

ARTICLE IX - APPLICATION OF AREA REGULATIONS
 AND EXCEPTIONS

901 - General

1. No yard, court or other open space, provided about any building or structure for the purpose of complying with this ordinance, shall be considered as a yard, court or other open space for another building or structure.

2. In any district, yards or courts, even though not specifically set forth in the "Schedule of Height and Area Regulations" shall be provided for a lot upon which a building intended to include living or sleeping accommodations is to be located, unless at least one window in each room wherein people are intended to live or sleep shall open directly upon a street or alley ten (10) feet or more in width. Where required, such yards or courts shall be so arranged that at least one window in each room wherein people are intended to live or sleep shall open directly upon a front yard; or upon a rear yard not less than ten (10) feet, or less than three (3) feet for each story of building height, in depth; or upon a court having a width not less than ten (10) feet or less than three (3) inches for each foot of the height of such court measured from the bottom thereof to the top of the highest wall abutting it; or upon a side yard not less than four (4) feet, or less than two (2) feet for each story of building height, in width.

3. In measuring the width and depth of the yards prescribed herein, a cornice projecting not more than eighteen (18) inches, or a fence, shall not be held to reduce such required dimensions.

4. A porch may be erected in a front or rear yard, provided it be not closer to an adjoining property line than the required width of the side yard.

902 - Front Yards

1. In any Residence District, where forty (40%) per cent or more of the property frontage upon one side of a street between two intersecting streets, and located in such district, has been improved with buildings at the time of the passage of this ordinance, and a front yard of greater depth than the minimum or of less depth than the minimum, required by the "Schedule of Height and Area Regulations" has been provided for the majority of such buildings, such minimum may be disregarded, but no building or structure hereafter erected or altered in such residence district shall be placed nearer to the street line than the average depth of front yard established by such majority; except that the minimum depth of front yard for a dwelling on a lot between two adjoining lots, on each of which a building exists at the time of the passage of this ordinance, shall be the average of the depth of front yards observed by such buildings.

Where less than forty (40%) per cent of such property has been improved with buildings, or where dwellings do not front upon a street, the minimum depth of front yard shall be as required by the "Schedule of Height and Area Regulations".

2. For a corner lot in a First, Second, Third or Fourth Height and Area District, the minimum depth of yard along either frontage shall be the depth of yard which is required along the same street for adjoining lots; provided that nothing in this provision shall be so interpreted as to reduce the buildable width of a corner lot of record at the time of passage of this ordinance to less than eighteen (18) feet in a residence or business district; or in a residence or business district to require more than one yard adjacent to the street lines in excess of twenty (20) feet in depth or width.

3. In a Business District, located within a height and area district where front yards are required, the depth of front yards need not exceed that required by this ordinance for buildings in an adjoining residence district and located in the same block and fronting on the same street.

903 - Side Yards

1. The width of a side yard shall be taken as the least distance from any part of or point on the building to the adjacent side line of the lot, except as provided in Section 901 (3).

2. In any district other than a Residence District, a building other than a dwelling shall not require a side yard unless the side lot line abuts a lot in a residence district, in which case there shall be a side yard ten (10) feet in width adjoining that side lot line.

904 - Rear Yards

1. An accessory building may occupy not more than thirty (30%) per cent of the area of a required rear yard.

2. In computing the depth of a rear yard for any building where such a yard opens into an alley, one-half the width of such alley may be considered as a portion of the yards.

3. In measuring the depth of rear yards in cases where the rear lot line is not parallel with the street line, average dimensions may be used.

4. In a business district located within a Second, Third or Fourth Height and Area District, a building not used in whole or in part as a dwelling shall not require a rear yard.

5. In any residence district, no dwelling shall be so located on a lot that the rear thereof faces a street line unless such dwelling be located thirty (30) feet or more from such street line.

905 - Courts

In any business district, when a portion of the building above the ground floor, but not the ground floor itself, is used as a dwelling, an outer court in the rear thereof shall be provided for the stories used for residence purposes. Such court shall be open and unobstructed for the full width of the dwelling section of the building and at least fifteen (15) feet in depth.

906 - Lot Area Per Family

1. Nothing in the area requirements of this ordinance, relating to lot area per family, shall be held to prohibit the erecting of a one-family dwelling upon a lot, the area of which is less than that prescribed as the lot area per family, provided such lot, the time of the passage of this ordinance, was held under a separate ownership from the adjoining lot; or provided that, at the time of the passage of this ordinance, the majority of the lots fronting on the same street and situated between the two adjacent intersecting streets are each held under separate ownership and are each of the same or less area than the lot in question.

2. In any district, the minimum lot area per family required under the "Schedule of Height and Area Regulations" may be reduced ten (10%) per cent for a corner lot.

3. In any residence district, an accessory building, located not less than sixty (60) feet from the front lot line, if a detached building, shall have a two (2) foot side yard.

ARTICLE X - ADMINISTRATION

1001 - Administrative Officer

The duty of administration and enforcing the provisions of this ordinance is hereby conferred upon an executive officer, hereinafter referred to as the Administrative Officer.

1002 - Plats

All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of each lot to be built upon, the size and location of each building to be erected upon each lot and such other information, including corner lot stakes placed by a competent registered engineer or land surveyor or one permitted to practice surveying in Pennsylvania, to enable the administrative officer to determine that the proposed structure and use of land conforms to the provisions of this ordinance. A record of such applications and plats shall be kept in the office of the administrative officer.

1003 - Building Permit - Certificate of Occupancy

1. No excavation for foundation, nor the erection, construction or structural alteration of any structure or part of a structure, or occupancy of streets or alleys with building materials or temporary structures for construction purposes, shall be undertaken until a permit therefor shall have been issued by the administrative officer. No such permit shall be issued before application has been made for a Certificate of Occupancy.

2. No vacant land shall be occupied or used and no structure hereafter erected, structurally altered or changed in use shall be used or changed in use until a Certificate of Occupancy shall have been issued by the administrative officer.

3. A Certificate of Occupancy, either for the whole or a part of a new building or for alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this ordinance.

4. A Certificate of Occupancy for use or occupancy of vacant land, or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used, or such land or building changed in use, and such Certificate shall be issued within ten (10) days after application has been made, provided such proposed use is in conformity with the provisions of this ordinance.

5. A like certificate shall be applied for and issued for maintaining, renewing, changing or extending a non-conforming use, existing at the time of the passage of this ordinance; and such certificate shall state that the use does not conform with the provisions of this ordinance. For the purpose of complying with this requirement, the administrative officer shall mail such certificate to the occupants or owners of all such property within six (6) months after the passage of this ordinance.

6. A record of all Certificates of Occupancy shall be kept on file in the office of the administrative officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

1004 - Completion of Buildings

All structures started within six (6) months prior to the passage date of this ordinance and not in conformity therewith, shall be discontinued, provided, (a) no substantial construction has been made and

construction is not prosecuted without delay and completed within a period of six (6) months from date of enactment of this ordinance, or (b) no contract or contracts have been let.

1005 - Fees

A fee of Two (\$2.00) Dollars per thousand dollars or fraction thereof, based on the estimated cost of the building, will be charged for each building permit and shall be paid at the time such permit is issued. A fee of Two (\$2.00) Dollars for the issuing of a Certificate of Occupancy for the use of vacant land, or for the use of a building already existing, shall be charged.

ARTICLE XI - BOARD OF APPEALS

1101 - Creation - Membership

A board of zoning appeals is hereby established. The word "Board" when used in this ordinance shall be construed to mean the Board of Zoning Appeals. The Board shall consist of three (3) members to be appointed by Borough Council; one of whom shall be a member of the Borough Zoning Commission. One member shall be designated to serve until the first Monday of January, One Thousand Nine Hundred and Fifty-Three (1953); one until the first Monday of January, One Thousand Nine Hundred and Fifty-Four (1954); and one until the first Monday of January, One Thousand Nine Hundred and Fifty-Five (1955). Their successors shall be appointed on the expiration of their respective terms, to serve three years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Not more than one member shall hold any borough office, or employment, whether with or without salary.

1102 - Meetings

Meetings of the Board shall be held at the call of the chairman. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings other than executive sessions shall be open to the public. Quarters for the Board (Office space with light and heat, necessary supplies, clerical and other services as required) shall be provided by Borough Council. The Board shall appoint a secretary who shall keep its records. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote on each question considered; all of which shall be filed and become a public record.

1103 - Appeals

Any order, requirement, decision, or determination made by the administrative officer in the administration of enforcement of the provisions of the Zoning Ordinance may be appealed to the Board by any person aggrieved, or by the head of any department of the Borough interested in the question involved. The taking of an appeal shall stay proceedings in the matter appealed from until the determination of the appeal. The appellant shall file with the administrative officer and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. Upon receipt of the record, the Board shall set the matter for public hearing, shall serve notice on the parties, and shall not adjudicate until such hearing has been held. The determination of the Board on any matter shall be made within fifteen (15) days of the date of the hearing on said matter.

1104 - Powers and Duties

(a) The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the administrative

officer, in the enforcement of application of this ordinance, and upon such appeal may, in accordance with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify, any such order, requirement, decision or determination.

(b) If after a permit has been authorized by the Board, such permit is not lifted from the office of the administrative officer within a period of six (6) months from the date of authorization, then such authorization shall be null and void and no permit shall be issued thereunder.

(c) The Board shall fix a reasonable time for the hearing of an appeal, shall give public notice thereof as well as due notice, at least six (6) days prior to the hearing, by mail, to the parties in interest, at the address filed with the appeal, and shall decide the same within a reasonable time. Upon the hearing of such appeal, the party may appear in person or by agent or attorney.

(d) Where the street layout actually on the ground, or as recorded, differs from the street layout as shown on the Zone Map, the Board shall interpret the Zone map in such a way as to carry out the intent and purpose of this ordinance and the Zone Map for the particular section or district in question.

(e) Where by reason of topographical conditions, district border line situations, immediately adjoining existing developments or because of other unusual circumstances, the strict application of any provision of this ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Board, in passing upon appeals, shall have the power to vary or modify such strict application or to interpret the meaning of this ordinance so as to relieve such difficulty or hardship; provided that such variance, modification or interpretation shall remain in harmony with the general purpose and intent of the ordinance, so that the health, safety and general welfare of the community shall be conserved and substantial justice done.

In granting variations, the Board, if it deem proper to the carrying out of the intent and purpose of the ordinance, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of the ordinance.

In the exercise of its power the Board may, among other variances, modifications and interpretations, authorize a permit to be issued:

1. For the use of land or the erection or use of a building or structure, such as a real estate office or a contractor's stable or storage yard, for commercial or industrial purposes in a Residence District, in cases which such use is incidental and reasonably necessary to the development of the district for residential purposes, and where the proposed use is clearly of a temporary nature, to be removed as the adjacent areas become occupied for residence purposes. Any permit so authorized shall be only for such limited period of time as the Board shall determine is reasonable considering the character of the district in question, and in no case for a period of more than one (1) year.
2. For a sand, gravel or clay pit, stone quarry or mine, together with the necessary accessory buildings or structures, in a district restricted against such use by this ordinance, for such period and under such conditions as are reasonable, considering the character of the district in question.
3. For a reasonable extension of the regulations of either district over a lot divided by a district boundary line, when all parts of such lot are held under the same ownership at the time of the passage of this ordinance.
4. For resumption of a non-conforming use of a building in a Residence District when such non-conforming use has been discontinued for a period exceeding six (6) months, provided such use has not been followed by a more restricted use.
5. For the erection or use of a structure in any district by a public service corporation when such erection or use is reasonably necessary for the service of the public and not unreasonably detrimental to the character of the development.

6. For a hospital in a "B" Residence District (but not including a hospital for persons suffering from insanity or from diseases such as are commonly isolated in a separate building) or for other public or semi-public institutions, educational or charitable, (but not including a jail, reformatory, or other correctional institution), in a "B" Residence District. In either case, such variation shall be authorized only where, on account of ample area of site, adequate open spaces on all sides of the proposed structure, and other considerations the residential character of the neighborhood will be preserved.

7. For an aviation field, a cemetery, or a municipal utility or building in any district.

8. For the use of land and the erection and alteration of structures in a Heavy Industrial District for the prohibited uses listed as Items 1, 3 & 6 of section 407 of this ordinance, provided that each use thus authorized is reasonably necessary and essential for the public convenience or welfare and not seriously detrimental to the character of the district in question.

9. For such variation of the area requirements of this ordinance as the Board may deem necessary to secure an appropriate improvement of a lot of such restricted area, size or shape that it cannot reasonably be improved without modification of the strict application of the provisions of this ordinance; provided such lot, at the time of the passage of this ordinance, either was held under a separate ownership from the adjoining lots, or was shown on a recorded plat to be separate and distinct numbered lot.

10. For a front yard of less depth than that required by this ordinance where topography or existing building development makes strict compliance unreasonable or substantially impossible.

11. For an arrangement and size of yards varying from that specified in the "Schedule of Height and Area Regulations" in case of a group of buildings on a parcel of land, forming in effect a multiple dwelling made up of separate units, provided that the depth of yard adjacent to a street line and the required lot area per family, as specified in this ordinance, shall be complied with in the location of said buildings.

12. For such reasonable variation of the Height and Area Regulations herein set forth as the Board may deem necessary for the suitable use of a telephone exchange building located in a Residence District; where the Board determines such variation is reasonably necessary for the public convenience of welfare, harmonious to the purposes of the district, and not unreasonably injurious to the property of the district in which the structure is or is to be located.

13. For an enclosed portion of a building projecting into a front yard, provided:

- (1) Such building is located in a Residence District where forty (40%) per cent or more of the property fronting upon one side of a street between two intersecting streets, and located in such districts, has been improved with buildings at the time of the passage of this ordinance.
- (2) Such projection shall not extend into the required front yard for a distance greater than ten (10) feet nor farther than to the average front line of existing porches in the block.
- (3) Such projection shall not exceed a height of one (1) story or fourteen (14) feet.
- (4) In considering such variation from the terms of this ordinance, the Board shall, among other things, give particular weight to the attitude of the owners of adjoining lots, and other lots fronting on the same street and located between the two nearest intersecting streets.

1105 - Filing Fee for Appeal to the Board
Before accepting for filing, any application for an appeal to the Board, the administrative officer shall charge and collect, a fee of Ten (\$10.00) Dollars.

ARTICLE XII - ENFORCEMENT OF ORDINANCE

1201 - Violation - Penalty

Any person, firm or corporation, violating any of the provisions of this ordinance, shall for each violation upon conviction thereof, pay a penalty of not less than Ten (\$10.00) Dollars or more than Three Hundred (\$300.00) Dollars, with costs recoverable before any justice of the peace of the Borough of Wesleyville, and in default of payment of the penalty and costs, the person or persons convicted may be committed to imprisonment not exceeding ninety (90) days. Each day that a violation is permitted to exist shall constitute a separate offense.

1202 - Violations - Additional Remedies

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

ARTICLE XIII - CHANGES AND AMENDMENTS

1301 - Procedure

1. The Borough Council may, from time to time, on their own initiative, or on petition signed by a majority of the property owners according to frontage in any district, or portion thereof, as large as one block between two intersecting streets amend, supplement or change the regulations, restrictions or district boundaries herein described or established or subsequently established. This will be done only after a public hearing before the Borough Council, official notice of which shall be given in an official newspaper of the Borough at least fifteen (15) days prior to such hearing.

2. In case the proposed amendment, supplement or change be disapproved by the Borough Council, or a protest be presented duly signed by the owners to twenty (20%) per cent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of the members of Council.

3. The Borough Council shall take final action upon such petition for amendment, supplement or change within forty-five (45) days after the filing of the petition with the secretary of the Borough Council and if said members of Council shall fail to take action upon such petition within said time, the petition shall be deemed to have been rejected.

1302 - Filing Fee for Petition for Zone Change

Before accepting for filing any petition for change of district boundaries or reclassification of district, the administrative officer shall charge and collect a fee of Twenty (\$20.00) Dollars.

ARTICLE XIV - HEIGHT & AREA DISTRICTS

Section 1401 - SCHEDULE OF HEIGHT & AREA REGULATIONS, which shall be considered in connection with articles VIII and IX, whether or not

specific reference is made thereto.

- (A) FIRST HEIGHT & AREA DISTRICT, DESIGNATED ON ZONE MAP AS (1)
"A" and "B" Residence included in area classification.
Height Limitation: $2\frac{1}{2}$ stories or 35 feet.
Open Spaces: Front yard; two side yards and rear yard.
Front Yard: Minimum depth 25 feet, except as provided in Section 1104 (e) 10 and 13.
Side Yard: Two required, minimum width for either 5 feet or 12 feet for the sum of both.
Rear Yard: Minimum depth 40 feet.

Lot Area Per Family Minimum Required
One-family dwelling 6,000 sq. ft.
Two-family dwelling 3,000 sq. ft.

- (B) SECOND HEIGHT & AREA DISTRICT, DESIGNATED ON ZONE MAP AS (2)
"A" and "B" Residence and Business included in area classification.
Height Limitation: $2\frac{1}{2}$ stories or 35 feet.
Open Spaces: Front yard; two side yards and rear yard.
Front Yard: Minimum depth 20 feet, except as provided in Section 1104 (e) 10 and 13.
Side Yard: Two required, minimum width for either 4 feet or 10 feet for the sum of both.
Rear Yard: Minimum depth 35 feet.

Lot Area Per Family Minimum Required
one-family dwelling 4800 sq. ft.
two-family dwelling 3000 sq. ft.

- (C) THIRD HEIGHT & AREA DISTRICT, DESIGNATED ON ZONE MAP AS (3)
"A", "B" and "C" Residence and Business included in area classification.
Height Limitation: $2\frac{1}{2}$ stories or 35 feet.
Open Spaces: Front yard; two side yards and rear yard.
Front Yard: Minimum depth 20 feet, except as provided in Section 1104 (e) 10 and 13.
Side Yard: Two required, minimum width for either 4 feet or 8 feet for the sum of both.
Rear Yard: Minimum depth 30 feet.

Lot Area Per Family Minimum Required
one-family dwelling 3000 sq. ft.
two-family dwelling 2000 sq. ft.
multiple dwelling 1200 sq. ft.

- (D) FOURTH HEIGHT & AREA DISTRICT, DESIGNATED ON ZONE MAP AS (4)
"A", "B" and "C" Residence and Business included in area classification.
Height Limitation: "A" and "B" Residence - $2\frac{1}{2}$ stories or 35 feet. "C" Residence and Business - 3 stories or 45 feet.

Open Spaces: Front yard; two side yards and rear yard.
Front Y ard: Minimum depth 15 feet, except as provided in Section 1104 (e) 10 and 15.

Side Yard: Two required, minimum width of each 2 feet for each story of building height and in no case less than four (4) feet.

Lot Area Per Family
one-family dwelling
two-family dwelling
multiple dwelling

Minimum Required
2400 sq. ft.
1200 sq. ft.
800 sq. ft.

Minimum number of square feet, first floor area of a dwelling used for living purposes shall be four hundred (400) square feet.
(E) FIFTH HEIGHT & AREA DISTRICT, DESIGNATED ON ZONE MAP AS (5)
Light and Heavy Industry included in area classification.
Height Limitation: 4 stories or 60 feet.
Open Spaces: None.

Enacted and Ordained this the 10th. day of March, A.D. 1952

J. Frank Francis
President of Council

Attest

Charles F. Lapple
Secretary of Council

Approved this the 10th. day of March A.D. 1952

David Walters
Burgess

I do hereby certify that the foregoing is a full, true and correct copy of the Zoning Ordinance No.208 of the Borough of Wesleyville, Pennsylvania that was finally passed by the Borough Council on March 10, 1952.

Borough Secretary