

## CHAPTER 27

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### PART 1

### GENERAL PROVISIONS

[53 P.S. § 10601 et seq.]

**§ 27-101. Short Title. [Ord. 461A-85, 3/21/1985, § 1.100]**

This chapter shall be known and cited as the "1985 Zoning Ordinance Amendment of the Borough of Scottdale."

**§ 27-102. Application of Ordinance. [Ord. 461A-85, 3/21/1985, § 1.200]**

No building, sign or other structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this chapter. However, this chapter shall not require any change to any building, structure or use legally existing at the effective date of this chapter, or any amendment thereto; or to any building, structure or use planned and construction started in compliance with existing laws prior to the effective date of this chapter or any amendment thereto, and completed within a one-year period after the effective date of this chapter, or any amendment thereto, except as provided in § 27-504, Subsection 5.

**§ 27-103. Jurisdiction. [Ord. 461A-85, 3/21/1985, § 1.300]**

The regulations and provisions of this chapter shall apply to and affect the incorporated Borough of Scottdale.

**§ 27-104. Purpose of the Ordinance. [Ord. 461A-85, 3/21/1985, § 1.400; as amended by Ord. 1009, 6/10/1991]**

1. The purposes of this chapter are to comply with the provisions of State Act No. 247 of 1968, the Pennsylvania Municipalities Planning Code as amended by Act 170 of 1988, and to promote, protect and facilitate the following: the public health, safety, morals, general welfare, coordinated and practical development of the Municipality, the proper density of population, airports, the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.
2. The chapter is also designed to prevent the following: the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

**§ 27-105. Statement of Community Development Objectives. [Ord. 461A-85, 3/21/1985, § 1.500]**

The Borough of Scottsdale hereby establishes the following community development objectives which constitute a statement of legislative findings on which this amended Zoning chapter is based. Said community development objectives are related to the Comprehensive Plan of the Borough of Scottsdale with respect to land use, density of population, location and functioning of streets and other community facilities and utilities and other factors:

A. General Community Development Objectives.

- (1) Promote, protect and facilitate the public health, safety, morals and general welfare.
- (2) Promote coordinated and practical community development and provides for the overall improvement and development of the Borough.
- (3) Provide for proper densities of population, adequate light and air, vehicle parking and loading space.
- (4) Provide opportunities for proper development of transportation, water, sewage facilities and other appropriate public facilities.
- (5) Prevent overcrowding of land, blight, danger and congestion, loss of health, life or property from fire, flood, panic or other dangers.
- (6) Balance the needs for new development against the need to conserve the natural environment and other existing uses and development in the Borough.

B. Specific Community Development Objectives.

- (1) Protect existing residential, commercial, industrial and public land uses and provide opportunities for continued development of such uses in accordance with the comprehensive planning studies and recommendations prepared by the Planning Commission and the Borough Council.
- (2) Establish zoning districts which protect existing uses from encroachment of incompatible land uses of a type which would adversely affect existing neighborhoods or districts.
- (3) Specific objectives with regard to various types of uses are listed below:
  - (a) Residential Uses.
    - (i) Protect existing residential neighborhoods from adverse location of incompatible uses in such neighborhoods.

- (ii) Provide a variety of choices for different housing types in residential areas, at generally low densities of development, which are needed to meet the economic and social needs of the population and the specialized needs of the elderly.
  - (iii) Maintain the general integrity of existing single-family and two-family residential areas but provide for controlled development in such areas of multifamily dwellings (including conversions of larger structures into multifamily use) and of other uses normally related to or appropriate in residential areas.
  - (iv) Provide a range of low population densities of development suitable for single-family, two-family and multiple housing structures.
  - (v) Provide suitable areas where sufficient vacant land exists for the controlled development of mobile home parks and planned unit development.
  - (vi) Provide opportunities for the development of home occupations in residential areas in a manner which does not detract from the quality of the residential neighborhood.
  - (vii) Promote the rehabilitation and improvement of the existing housing stock and provide for conversion of larger structures into multiple units where necessary.
  - (viii) Provide opportunities for new residential development in the established residential neighborhoods and districts.
- (b) Nonresidential Development.
- (i) Provide opportunities for strengthening the existing economic base and economic activities in the Borough by establishment of well-defined areas for commercial and industrial development.
  - (ii) Protect existing commercial and industrial areas from adverse location of incompatible uses and where conflicts between residential and nonresidential uses exist, balance the needs of both types of uses.
  - (iii) Provide opportunities for broadening the type of economic development which exists in the Borough by promoting activities which serve local, regional and expanded economic markets.

- (iv) Provide for suitable commercial development through the establishment of well-defined areas for the location of general and heavy commercial uses and also provide for the controlled development of residential uses in such areas in a manner which protects both types of uses.
- (v) Promote the rehabilitation and improvement of the older commercial areas and encourage the utilization of underutilized commercial space.
- (vi) Provide opportunities for new commercial development.
- (vii) Provide for expanded industrial development through the establishment of well-defined areas for heavy commercial and general and heavy industrial uses.
- (viii) Provide for a lesser intensity of industrial development in those areas which are closer to the residential neighborhoods.
- (ix) Promote the rehabilitation, improvement and appropriate conversion of older buildings into other nonresidential uses.
- (x) Provide opportunities for new industrial development.
- (c) Appropriate Public Use. Provide for the controlled development of appropriate public uses and facilities in all areas which such uses are needed to serve the area or the community as a whole.
- (d) Customary Accessory Uses and Essential Services.
  - (i) Permit development in all areas of accessory uses which are needed to complement other residential and nonresidential uses to which they are related.
  - (ii) Permit the development in all areas of necessary public utilities and public services which are needed to serve the public and to maintain the general welfare and safety of the population.
- (e) Special Facilities and Uses.
  - (i) Where feasible, provide for the development of off-street parking and loading facilities needed to serve any new development, except in those areas of the central business district where space is limited.
  - (ii) Provide for the controlled development, in appropriate areas, of signs, fences, swimming pools, screening and

mobile homes which should be located only in mobile home parks.

- (iii) Prohibit obscene sexual uses or activities which violate state law and local ordinances or contemporary community standards of the Borough of Scottdale.
- (f) Nonconforming Lots.
  - (i) Recognize that the Borough of Scottdale is an older established community with many small lot sizes which do not meet current and more modern standards for development.
  - (ii) Establish a reduced bulk, density and area standard for such lots which permits their development or which permits existing uses on such lots to be expanded in a manner which is in keeping with the general character of the neighborhood in which they are located.
  - (iii) Such small lots shall not, by reason of the size of the lot or by its area dimensions or coverage, render an existing use to be a nonconforming use or structure.
- (g) Nonconforming Uses or Structures. Identify existing uses or structures which do not conform with the use provisions established in the chapter and establish standards under which and conditions under which such uses may be enlarged, restored, discontinued or changed.
- (h) Existing Conforming Uses. Provide for the continuation and expansion of existing conforming uses, including such uses which because of their development prior to the effective date of Scottdale Zoning Ordinance No. 461 or this amendment thereto, have encroached into required yard areas or exceeded the height requirements of this amendment.

**§ 27-106. Interpretation and Validity. [Ord. 461-A, 3/21/1985, § 1.600]**

1. Interpretation. In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the provision of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances provided that where this chapter imposes greater restrictions upon the use of buildings or premises, or upon the use of buildings or premises, or upon the height or bulk of a building, or requires large open spaces, the provisions of this chapter shall prevail.
2. Validity. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision of this chapter.

3. Repealer. The Borough of Scottsdale Zoning Ordinance No. 461 adopted August 12, 1963, and all amendments thereto are hereby completely amended by this chapter. All other existing ordinances or parts of ordinances in conflict with this chapter, to the extent of such conflict and no further, are hereby repealed, including the Fence Ordinance amendment adopted on August 10, 1982.

**§ 27-107. Effective Date. [Ord. 461-A, 3/21/1985, § 1.700]**

This chapter shall take effect immediately subsequent to adoption.



PART 2  
DEFINITIONS

**§ 27-201. Applicable Definitions. [Ord. 461A-85, 3/21/1985, § 2.100; as amended by Ord. 1009, 6/10/1991; and by Ord. 1144, 4/11/2005]**

Except where specified in the following definitions, all words used in this chapter shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; and the word "shall" is intended to be mandatory and the word "may" is permissive; the word "abut" shall include the words "directly across from" and the word "lot" includes "parcel," "tract" or "plot."

**ACCESSORY USE OR STRUCTURE** — A use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal use or building. Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

**ALLEY** — A public or private way affording only secondary means of access to abutting property. Alleys may also be known as courts, places or lanes.

**ALTERATIONS, STRUCTURAL** — As applied to a building or structure, a change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.

**AMUSEMENT GAMES OR MACHINES** —

- A. **AMUSEMENT GAME MACHINES** — A coin operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

- B. **AMUSEMENT MACHINES, OTHER** — A coin-operated machine or device, not including amusement games, which provides a ride, sensation, electronic reading of weight, photograph, lamination of item of merchandise provided at random among other items of merchandise, for use by and to the amusement of the public.
- C. **AMUSEMENT MACHINE COMPLEX** — A group of more than five amusement games or other amusement machines, in the same place, location or premises.

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

**AUTO SERVICE STATION** — A building or place of business where gasoline and automobile accessories are dispensed directly to the motor vehicle trade, and where automotive repair services may be rendered.

**AUTO WRECKING** — The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**BASEMENT** — A floor level partly or completely below grade. A basement shall be considered story if more than one-third of the perimeter walls are five feet or more above the finished grade level of the ground immediately adjacent to the walls.

**BOARD** — Any body granted jurisdiction under a land use ordinance or under this chapter to render final adjudications.

**BOARDING HOUSE** — See "rooming house."

**BUILDING** — Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property. Structures divided by unpierced masonry division walls extending from the ground to the roof shall be deemed to be separate buildings.

**BUILDING COVERAGE, MAXIMUM** — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breeze-ways, but excluding open patios, parking areas, swimming pools, tennis courts, and other structures which are open to the sky) by the total area of the lot upon which the buildings are located.

**BUILDING HEIGHT** — The vertical distance derived from the average finished grade at the foundation corners of the building or structure to the highest point of the building or structure excluding a chimney or other similar structure listed in § 27-501, Subsection 2. See "fence" for fence height definition.

**BUILDING, PRINCIPAL** — A building in which is conducted the main or principal use of the lot on which it is situated.

**BULK** — The size and shape of building uses and the exterior relationship of their exterior walls, or their location, to lot lines and other buildings or other walls of the same building; and all open spaces required in connection with a building. Bulk regulations include, but are not limited to, regulations dealing with lot size, lot area per dwelling unit, lot width and depth, building height, required yards, building coverage, courts, usable open space, floor area ratio, spacing between buildings on a single lot and the length of buildings in a row.

**COMMISSION** — See Planning Commission.

**COMMERCIAL VEHICLE** — Any motor vehicle which is required by law to bear any license plate other than that issued for passenger car use. Also, any motor vehicle including passenger cars which by reason of a characteristic coloring or marking exceeding one square foot in area is identified or commonly associated with any business, industry, or public agency shall be considered a commercial vehicle within the terms of this chapter. Other passenger cars used in business by a resident shall not be considered a commercial vehicle.

**CONVALESCENT HOME** — See "nursing home."

**DECK** — See definitions of "patio" and "porch."

**DECISION** — Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the Borough lies.

**DENSITY, NET PROJECT** — The net project density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street rights-of-way, open space and other nonresidential uses).

**DETERMINATION** — Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The Borough Council;
- B. The Zoning Hearing Board; or
- C. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final

plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DISTRICT or ZONE** — A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

**DUMP** — A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, vehicles or parts thereof, or waste material of any kind.

**DWELLING** — Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons and as defined further below. The term dwelling shall not be deemed to include automobile court, rooming house, tourist home, hotel, hospital, nursing home, dormitory, fraternity, or sorority house.

- A. **DWELLING UNIT** — One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family (as defined herein) for living and sleeping purposes.
- B. **DWELLING, SINGLE-FAMILY** — A detached building, designed for or occupied exclusively by one family, except for an "accessory dwelling unit" as defined below and excluding a "mobile home dwelling" as defined below.
- C. **DWELLING, TWO FAMILY** — A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls and/or horizontal floors.
- D. **DWELLING, MOBILE HOMES** — A transportable dwelling structure, intended for permanent occupancy for use by one family, contained in one or more sections designed to be joined into one integral unit and constructed so that it may be used without a permanent foundation and capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; except for a travel trailer as defined herein and excluding such mobile home dwellings or prefabricated homes or sections thereof which when assembled or combined into a single unit are more than 19 feet in width.
- E. **DWELLING, MULTIFAMILY** — A building designed for occupancy of families living independently of each other, and containing three or more dwelling units per building.
- F. **DWELLING UNIT, ACCESSORY** — A separate second dwelling unit which may be located within a structure in which the principal use is for a single-family dwelling provided that such accessory dwelling shall be permitted only if it conforms with the following conditions:

- (1) Shall not exceed three rooms or 800 square feet in total livable area.
- (2) Is not intended for occupancy by more than three persons.
- (3) The owner of the structure resides in the principal dwelling unit.

**ESSENTIAL SERVICES** — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone booths, fire houses, pump stations, treatment plants, and similar facilities which shall also be considered as essential service facilities hereunder.

**FAMILY** — Any individual, or two or more persons related by blood, marriage, legal adoption, foster placement or a group of not more than five persons who need not be related by blood or marriage, living together in a dwelling unit. A "family" shall not be deemed to include the occupants of a boarding house, rooming or lodging house, club, fraternity/sorority or hotel.

**FAMILY CARE FACILITY** — A facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding houses for children, group homes and family homes.

**FENCE** — Any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. For the purpose of this chapter, a fence is a boundary line fence when the average center line of the fence is established on the lot within two feet of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.

- A. **NATURAL LIVING FENCE** — A barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered to be a fence if 50% or more of the horizontal dimension of such materials or growth provides a visual screen or obstruction to vision.
- B. **FABRICATED MATERIALS FENCE** — Any structure or wall, regardless of composition or material, except for a natural living fence,

which is constructed and installed to act as a visual or physical outdoor barrier.

**FLOOD PRONE AREA** — An area subject to flooding as defined in the Borough of Scottsdale Ordinance No. 915 adopted on November 9, 1981, and as it may be amended thereafter.

**FLOOR AREA** — The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two buildings.

**FLOOR AREA RATIO** — The total floor area of a building divided by the area of the lot on which it is located.

**GARAGE** — A building or part thereof used for the storage of one or more vehicles.

**GROUP CARE FACILITY** — A facility which provides resident services to seven or more individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state or county health/welfare agency, such as group homes (all ages), halfway houses, resident schools, resident facilities and foster or boarding homes.

**HOME OCCUPATION** — An occupation which is permitted under the terms of this chapter to be conducted in a residential dwelling unit as an accessory use.

**HOSPITAL** — A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation.

**HOTEL** — A building or part thereof which has a common entrance and common dining room, and which contains seven or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

**JUNK AND JUNK YARD** —

- A. **JUNK** — Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods, any of which are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are

subject to being dismantled or processed for reclamation, salvage or recycling.

- B. **JUNK YARD** — Shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

**LEGALLY ENCROACHING STRUCTURE** — A building or structure which was lawfully in existence prior to the enactment of Ordinance No. 461 of the Borough of Scottdale or this amendment thereto, or amendment hereafter enacted, except for a nonconforming structure as defined herein, which does not comply with the regulations of this chapter with respect to required yards, height or building coverage requirements.

**LOT** — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- A. **LOT, CORNER** — A lot situated at and abutting the intersection of two streets.
- B. **LOT, DEPTH** — The average distance between the front and the rear lot lines.
- C. **LOT LINES** — The property lines bounding the lot.
- (1) **LOT LINE, FRONT** — The line separating the lot from a street right-of-way.
- (2) **LOT LINE, REAR** — The lot line opposite and most distant from the front lot line.
- (3) **LOT LINE, SIDE** — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
- D. **LOT WIDTH** — The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
- E. **LOT AREA** — The computed area contained within the lot lines.

**MEMBERSHIP CLUB** — See "social hall, club or lodge."

**MOBILE HOME LOT** — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MOTEL** — A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar uses.

**MUNICIPALITY** — The Borough of Scottsdale, Pennsylvania.

**MUNICIPAL AUTHORITY** — A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

**NONCONFORMING LOT** — A lot the area or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

**NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** — A use, whether of land or of structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of this chapter or amendment, or prior to the application of this chapter or amendment to its location by reason of annexation.

**NURSING HOME** — A "group care facility" as defined herein including any premises containing sleeping rooms or beds to be used by seven or more persons who are lodged and furnished with meals and nursing care for hire.

**PATIO** — A surfaced area or courtyard or a deck less than one foot above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls four feet or less in height, or shrubs or hedges. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure.

**PERMIT** — A document issued by the proper authority of the municipality authorizing an applicant to undertake certain activities, as further defined below:

- A. **ZONING PERMIT** — A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this



chapter or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building or structure.

- B. **BUILDING PERMIT** — A permit indicating that a proposed construction alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Borough and authorizing an applicant to commence with said construction, alteration or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as may be required under the terms of this chapter.
- C. **OCCUPANCY PERMIT** — A permit issued upon completion of the construction of a structure, or change in use of structure or parcel of land indicating that the premises comply with the provisions of this chapter and may be used for the purposes set forth in the occupancy permit.

**PERMITTED USE** — Any use which does not require special action by the Planning Commission or the Zoning Hearing Board before a zoning permit is granted by the Zoning Officer.

**PLANNING COMMISSION** — The Planning Commission of the Municipality.

**PORCH** — A structure or part of a structure which is enclosed on one or more sides by a fence or wall over four feet or by a roof or awning, or a patio or deck which is one foot or more above the ground elevation.

**PRINCIPAL USE** — The primary or more important use of a lot, parcel or structure.

**PROFESSIONAL OFFICE** — Professional offices shall include the office of a physician, dentist, optometrist, architect, landscape architect, engineer, planner, insurance man, realtor, accountant, lawyer, author or other member of a recognized profession.

**PUBLIC GROUNDS** — Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** — A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC MEETING** — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§ 271 et seq.

**PUBLIC NOTICE** — Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**REPORT** — Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**ROOMING OR BOARDING HOUSE** — A building containing one or more dwelling units in which at least two rooms are offered for rent, payable in money or other consideration, whether or not meals are furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents and other similar uses are not deemed as a boarding or rooming house.

**SIGN, ADVERTISING** — A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

**SIGN, BUSINESS** — A sign which directs attention to a business or profession or to a commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located, or to which it is affixed.

**SIGN, GROSS SURFACE AREA** — The entire area within a single continuous perimeter enclosing the extreme limits of such sign or structure and in no case passing through or between any adjacent elements of same, but not including any structural or framing elements located outside the limits of the display of such sign.

**SOCIAL HALL, CLUB or LODGE** — A building, structure, lot or land area, or portion thereof, used as a private club or social organization not conducted for individual profit or gain.

**SPECIAL EXCEPTION** — A use permitted in a particular zoning district pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. §§ 10601 et seq., 10901 et seq.

**SPECIAL USE** — Shall have the same meaning and be identical with "special exception."

**STORY AND HALF-STORY** — That portion of a building, included between the surface of any floor, but excluding the basement or cellar, and the ceiling next above it and having a vertical distance of not less than seven feet. Any such portion of a building having a distance of less than seven feet shall be considered to be a half-story.

**STREET** — Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SWIMMING POOL** — Any body of water or receptacle for water having a depth at any point greater than two feet used, or intended to be used, for swimming or bathing and constructed, installed, or maintained in or above the ground, outside any building.

**TEMPORARY OR SEASONAL OCCUPANCY** — The use of any premises or structure for living and/or sleeping purposes for 100 or less days in any calendar year.

**TRAVEL TRAILER** — A vehicle, less than 29 feet in length and used for temporary living or sleeping purposes and standing on wheels, and containing not more than one dwelling unit.

**USABLE OPEN SPACE** — A portion of a lot or tract used for residential purposes exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

**USE CLASS** — A group of similar, related or compatible land uses which re grouped together for inclusion in one or more zoning districts.

**USE CLASS SUBCATEGORY** — Within any single use class, those uses which are considered to be similar or of the same type are included in the same paragraph in § 27-404. Any use located in the same paragraph as another use as set forth in § 27-404 shall be considered to be in the same Use Class Subcategory.

**VARIANCE** — Relief granted pursuant to the provisions of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

**YARD** — An open space, as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this chapter.

- A. **YARD, FRONT** — An open space extending the full width of the lot between the principal building and the front lot line.
- B. **YARD, REAR** — An open space extending the full width of the lot between the principal building and the rear lot line.
- C. **YARD, SIDE** — An open space extending from the front yard to the rear yard between the principal building and the nearest side lot line.

**ZONING HEARING BOARD** — The Zoning Hearing Board of the Municipality.

**ZONING OFFICER** — The administrative officer charged with the duty of enforcing the provisions of this chapter.

## PART 3

## ESTABLISHMENT OF ZONING DISTRICTS

**§ 27-301. Names of Zoning Districts. [Ord. 461A-85, 3/21/1985, § 3.100]**

The Borough of Scottdale is divided into the following seven districts:

R-1A	Low Density Residential District-A
R-1B	Low Density Residential District-B
R-2	Medium Density Residential District
C-1	Community Commercial District
I-1	General Industrial District
I-2	Heavy Industrial District

**§ 27-302. Zoning Map. [Ord. 461A85, 3/21/1985, § 3.200; as amended by Ord. 1033, 4/28/1994; by Ord. 1045, 7/10/1995, § 1; by Ord. 1089, 1/10/2000; by Ord. 1107, 6/11/2001; by Ord. 1123, 11/12/2002; and by Ord. 1125, 12/9/2002]**

The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of Scottdale. The Zoning Map is hereby made a part of this chapter.<sup>1</sup>

- A. The lots of ground situate in the Borough of Scottdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Lot Nos. 195, 196 and 197 in the Easthouse Place plan of lots laid out by the Scottdale Land and Improvement Company and recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, in Plan Book volume 7, page 209, and as more specifically described in Deed Book volume 2822, page 461, are hereby removed from the Low Density Residential District (R-1B) and included in the Community Commercial District (C-1).
- B. The lots of ground situate in the Borough of Scottdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Lot Nos. 10, 11, 12 and 13 in the Porter and Stoner plan of lots laid out by Porter and Stoner, also known as lots laid out by Porter and Stauffer, in the revised plan recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, in Plan Book, volume 5, page 197, and as more specifically described in the Deed Book volume 2541, page 610, are hereby removed from the Medium Density Residential District (R-2) and included in the Community Commercial District (C-1).
- C. The lots of ground situate in the Borough of Scottdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Lot Nos. 18, 19 and 20 in the East Home Place plan of lots, and as more specifically described in the deed dated July 26, 1994, and recorded in the Office of the

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1. Editor's Note: The Zoning Map is included as an attachment to this chapter.

Recorder of Deeds of Westmoreland County, Pennsylvania, in Deed Book volume 3271, page 036, are hereby removed from the General Industrial District (I-1) and included in the Low Density Residential District - B (R-1B).

- D. The lot of ground situate in the Borough of Scottsdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Tax Map Parcel No. 30-02-03-0-028, being on a portion of Mulberry Street, is hereby removed from the Medium Density Residential District (R-2) and included in the Community Commercial District (C-1). The said Parcel No. 30-02-03-0-028 is a small rectangular lot area measuring approximately 37 feet wide by 74 feet bounded by Mulberry Street along the front of the parcel and along the west side of an unnamed alley which extends from the northerly end of Centennial Way. The said property is further described in Deed Book volume 2436, page 177, as recorded in the Westmoreland County, Pennsylvania, Recorder of Deeds Office, as follows:

All that certain lot of ground situate in the Borough of Scottsdale, County of Westmoreland and Commonwealth of Pennsylvania, being the extreme easterly portions of Lots Nos. 73 and 74 in the plan of lots laid out by Everson, Graff and Marcus and recorded in the Office of the Recorder of Deeds, in and for said County of Westmoreland in Corp. Book Vol. 1, page 134, and being more particularly bounded and described as follows, to wit:

Fronting 36 feet 8 inches on the northerly line of Mulberry Street and extending in a northerly direction, between parallel lines, a distance of 73 feet four inches to Lot. No. 75 in the aforesaid plan of lots; and being bounded on the east by an alley and on the west by other parts of said two Lots Nos. 73 and 74.

- E. The lot of ground situate in the Borough of Scottsdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Tax Map Parcel No. 30-02-02-0-095, being on a portion of Pittsburgh and Grant Streets, is hereby removed from the Medium Density Residential District (R-2) and included in the Community Commercial District (C-1). The said Parcel No. 30-02-02-0-095 is a small lot area bounded by Pittsburgh Street to the south, Grant Street to the east and an unnamed alley to the north. The said property is recorded in Deed Book Volume 1920, page 716, in the Westmoreland County, Pennsylvania, Recorder of Deeds Office, and is described as follows:

All that certain lot of ground situate in the Borough of Scottsdale, County of Westmoreland and Commonwealth of Pennsylvania, beginning at a point common to Grant Street and Pittsburgh Street; thence north 73° 28' west, a distance of 36.50 feet to a point; thence north 24° 32' east, a distance of 121.08 feet to a point; thence south 65° 28' east, a distance of 36.14 feet to a point; thence south 24° 32' west, a distance of 116.00 feet to a point, the place of beginning. In accordance with the attached survey prepared by James R. Sapola dated August 30, 1975.

- F. The lot of ground situate in the Borough of Scottdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Parcel 2 to a subdivision to Tax Map Parcel No. 30-02-02-0-147, (a copy of said subdivision being attached hereto), (1) having as its address 310 Mulberry Street, is hereby removed from the Medium Density Residential District (R-2) and included in the Community Commercial District (C-1). The said Parcel 2 to the subdivision to Parcel No. 30-02-02-0-147 is a rectangular lot described as follows:

Beginning at a point common to Parcel 1 of said subdivision, thence south 65°00'00" east, a distance of 44.65 feet; thence south 25°00'00" west, a distance of 110.00 feet; thence north 65°00'00" west, a distance of 44.65 feet; thence north 25°00'00" east, a distance of 110.00 feet to the place of beginning. Being a portion of the property described in Deed Book Volume 3175, page 151. Further being Parcel 2 of a subdivision survey dated July 27, 1999, by James R. Sapola, P.L.S., which subdivision was approved by the Borough on November 8, 1999, a true and correct copy of said subdivision survey being attached hereto.

- G. The lot of ground situate in the Borough of Scottdale, County of Westmoreland, Commonwealth of Pennsylvania, being known as Tax Map Parcel No. 30-02-03-0-027 having as its address 110/112 Mulberry Street, is hereby removed from the Medium Density Residential District (R-2) and included in the Community Commercial District (C-1). The said Parcel No. 30-02-03-0-027 is a rectangular lot described as follows:

Beginning at a point on the north side of Mulberry Street, 36'8" easterly from Everson Avenue; thence by land now or late of Clarence Chain, north 23 5/8°, east 73'8" inches to line of land now or late of William Todd; thence along line of land of William Todd, south 65 1/4°, east 36'8" to line of land now or late of William Lobb; thence along line of William Lobb, south 23 5/8°, west 73' 8" to Mulberry Street; thence along Mulberry Street, north 65 1/4°, west 36' 8" to the place of beginning, being known as part of Lots. Nos. 73 and 74 in Plan "B" of a plan of lots laid out by Everson, Graff and Macrum, which plan is recorded in Corporation Book 1, page 154, and on the original plan Mulberry Street is shown as Sherman Avenue.

Being the property described in Deed Book Volume 3509, page 113, in the Westmoreland County, Pennsylvania, Recorder of Deeds Office.

**§ 27-303. Interpretation of Boundaries. [Ord. 461A-85, 3/21/1985, § 3.300]**

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.





## PART 4

## BASIC DISTRICT REGULATIONS

**§ 27-401. Basic Regulations. [Ord. 461A-85, 3/21/1985, § 4.100]**

The basic regulations governing the use of land, the size of lots, yards and buildings within each zoning district are established in this Part. For certain specific uses or exceptional situations, these basic regulations are supplemented by Part 5 and by other provisions of this chapter.

- A. Regulations Governing the Use of Land. Regulations governing the use of land within the various zoning districts shall be as set forth in Schedule I.
- B. Regulations Governing the Size of Lots, Yards and Buildings for Permitted Uses. Regulations governing the size of lots, yards and buildings in the various zoning districts for permitted uses shall be as set forth in Schedule II.
- C. Regulations Governing Special Uses. Regulations governing certain special uses shall be as set forth in § 27-404, Subsection 2.

**§ 27-402. Performance Characteristics. [Ord. 461A-85, 3/21/1985, § 4.200]**

No use shall be permitted in any district if it is to be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, environmental or other hazard; noise or vibration; smoke, dust, dirt, or other form of air, solid waste or water pollution; electrical, glare, or other disturbance which will adversely affect the surrounding area or premises, or be dangerous to public health and safety.

**§ 27-403. Flood Prone Area Requirements. [Ord. 461A-85, 3/21/1985, § 4.300]**

Areas located in identified Flood Prone Areas as defined herein shall be subject to the following restrictions.

- A. Flood Plain Ordinance. All uses proposed for location in a designated Flood Prone Area shall conform with the requirements and definitions of the Borough of Scottdale Ordinance No. 915 entitled "Flood Plain Ordinance." All such proposed development shall be designed in accordance with the flood plain management principles and requirements of said Ordinance.
- B. Uses in Flood Areas Shall be Considered as Special Uses. All uses proposed for location in a Flood Prone Area as defined herein shall be considered to be a "special use" subject to all of the special use review provisions set forth in this chapter and the Board may also require approval by a competent authority or agency recognized by the Board.
- C. Applicable Authorities. As a basis for determining conformance with these requirements, the Board may utilize information provided by recognized

applicable authorities or studies. Said authorities may include the U.S. Army Corps of Engineers, the U.S. Geological Survey, the U.S. Soil Conservation Service, the Federal Insurance Administration, the Pennsylvania Department of Environmental Resources, or some other competent authority or agency recognized by the Board.

- D. Partial Development. If the Board determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

**§ 27-404. Use Classes in Zoning Districts. [Ord. 461A-85, 3/21/1985, § 4.400; as amended by Ord. 1051, 8/12/1996; by Ord. 1082, 7/12/1999; by Ord. 1084, 10/11/1999; and by Ord. 1105, 5/14/2001; by Ord. 1137, 5/10/2004; and by Ord. 1144, 4/11/2005]**

1. The following use classes are hereby established as shown in Schedule I. The specific uses included in each use class are outlined below.
2. Permitted Uses. Uses listed as "Permitted Uses" in Schedule I shall require no special action by the Zoning Hearing Board or by the Planning Commission before a zoning permit is granted by the Zoning Officer.
  - A. Use Class 1. Single Family Dwellings. Includes single-family detached dwellings.
  - B. Use Class 2. Two-Family Dwellings. Includes two-family dwelling structures and the conversion of single-family dwelling structures into two residential units.
  - C. Use Class 3. General Commercial. Includes the following general commercial uses which shall be carried on in a completely enclosed building except for off-street parking and loading facilities and limited outdoor displays not occupying more than 25% of the lot area.
    - (1) Retail business establishments including shops selling food, drugs, cigars, candy, clothing and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety goods, household goods, appliances, flowers, package liquor, photo supplies, garden supplies, artist and hobby supplies, sporting goods, specialty and gift items, furniture and office supplies. The limited production of such goods which are primarily intended for retail sale on the premises, shall be permitted provided that such production is a necessary adjunct of the retail establishment.
    - (2) Customer service establishments including shops engaged in the repair of household goods, clothing, shoes and appliance items, pick-up stations, and self-service establishments for the dry cleaning and laundering of clothes, business and professional offices, eating and drinking establishments, off-

street parking lots, gymnasiums and physical health salons, photographic studios, medical and dental centers, hotels and motels, banks and financial institutions, blueprinting and graphic reproduction shops, printing and publishing establishments, wholesale offices and showrooms, office buildings and offices of all types, radio and television studios, auto supply stores, bus passenger stations, funeral homes, and hairdressing or other similar establishments providing personal services to individuals.

- (3) Commercial recreation and entertainment establishments (except for sexually oriented businesses as defined in § 27-509 which businesses are prohibited in the within zoning classification), including theaters, night clubs, art galleries and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs and lodges, amusement game machines and "other amusement machines" as defined herein limited to no more than five to any single establishment and swimming pools.
  - (4) Commercial education establishments, including schools for the study of business, technical trades, art, music, dancing and photography.
  - (5) Medical and allied uses including hospitals, medical and dental testing laboratories, medical and orthopedic appliance stores, retail outlet for drugs and medical supplies and medical and dental offices and centers and group care facilities as defined herein.
  - (6) Residential apartment units conforming with the size requirements of § 27-508(5) which are located above the ground floor level.
  - (7) Personal storage by individuals or storage incidental to businesses including, but not limited to, garages for the parking of vehicles, whether or not business activities are conducted on site, provided that all storage and parking shall be carried on in a completely enclosed building and shall not be conducted on the grounds outside of a building.
- D. Use Class 4. Heavy Commercial. Includes the following heavy commercial and limited industrial establishments which shall be carried on in a completely enclosed building, except for off-street parking and loading facilities, auto service stations and auto sales areas.
- (1) Limited heavy commercial uses including auto service stations, auto service dealers and sales lots or showrooms for autos, auto

car wash and amusement machine complexes, hardware plumbing, heating and ventilating establishments.

- (2) Limited industrial uses which are conducted above the first floor including experimental, photo and testing laboratories, the manufacture of musical and small precision instruments, watches and clocks, toys, novelties, garments, pottery and ceramic products using kilns fired only by electricity or gas and other limited industrial production or testing activities employing no more than 30 persons.

E. Use Class 5. General Industrial. Includes all types of general industrial uses of which at least 60% of the activity shall be carried on in an enclosed building, except as listed further below and except for off-street parking and loading facilities, incidental storage and vehicle, boat, trailer and mobile home sales areas.

- (1) Such general industrial uses include the manufacture, fabrication, processing, assembly, repair, testing, packing and storage of all types of products made from previously prepared materials and also the processing of raw materials and animal hospitals.
- (2) Also included are wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, wholesale produce and meat markets, mechanical and vehicle equipment repair establishments, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries and sign painting.
- (3) Also included are construction contractors and construction service firms including related equipment storage and repair which were existing in the district at the time of passage of this Zoning Agreement. Such activities may be carried on in an enclosed building and/or an outdoor area.

All such uses except for incidental storage and off-street parking or loading facilities, which are carried on outside of a completely enclosed building and which abut a residential area or are visible from a residential area across a street or alley, shall be enclosed by a permanent fence or wall, as specified in § 27-508.1, which is adequate to screen such uses from said residential area.

F. Use Class 6. Heavy Industrial. Includes heavy industrial uses of which at least 40% of the activity shall be carried on in an enclosed building, except for off-street parking and loading facilities and incidental storage. Such heavy industrial uses include industrial activities which require greater use of outdoor areas such as

contractor yards, recycling operations and other similar uses. All such uses except for incidental storage and off-street parking or loading facilities, which are carried on outside of a completely enclosed building, shall be enclosed by a permanent fence or wall, as specified in § 27-508(1) which is adequate to screen such uses from adjacent properties and from any public street.

G. Use Class 7. Customary Accessory Uses and Essential Services. Includes uses customarily accessory to the principal use of a lot and essential services provided by public utilities. Such uses include the following:

- (1) Accessory uses which are customarily subordinate to the principal use of a lot or a building located on the same lot, and which serve a purpose customarily incident to the use of the principal building or lot within any district. Such uses include home occupations as regulated in Part 5, home gardening, nurseries and greenhouses (not including outdoor storage of equipment), a single accessory dwelling unit as defined herein, private garages or parking areas, signs, off-street parking and loading, temporary tract offices, unoccupied accessory travel trailers and buildings and other uses customarily appurtenant to other permitted or special uses which comply with minimum yard, area and other requirements of this chapter.
- (2) Essential services for public utilities as defined in Part 2 which conform to the height regulations of the zoning district in which they are proposed.

3. Special Uses. Uses listed as special uses in Schedule I shall require individual consideration in each case because of their unique characteristics. Such special uses may be referred to the Planning Commission by the Board for review and recommendation and such uses may be permitted only upon authorization by the Board subject to certain conditions and safeguards, as provided in this section and after a hearing.

Such special uses which are authorized by the Board shall be subject to any additional conditions and safeguards established by the Board in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes and Statement of Community Objectives of this chapter.

A special use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the district where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets; and any required or permitted signs shall be compatible with adjoining development and such special uses and shall not jeopardize the public health, safety, welfare and convenience. Such special uses shall be appropriate to the character of the district and neighborhood in which it is proposed and with the presence of other conforming uses located in the area and also with the area which the uses will serve.

Applicants for special uses shall submit plot plans in sufficient detail to provide the Board and the Planning Commission with enough information to properly evaluate the proposed planned use.

The following regulations shall apply to special uses which are authorized by the Board.

- A. Use Class 8. Related Residential Uses. Includes family care facilities as defined herein, rooming houses, nurseries for the day care of young children and nonprofit social halls, clubs and lodges. Such uses shall comply with the following:
- (1) Except for a sign, there shall be no external evidence of any gainful activity for such uses which are located in a residential zone.
  - (2) Any such use shall have sufficient parking to serve the anticipated number of users and employees as specified in § 27-505 and shall have suitable street access without causing excessive traffic on local residential streets.
  - (3) All such uses shall have a minimum lot size of 10,000 square feet in the R-2 District and 6,000 square feet in the C-1 District and shall conform to the Minimum Yards, Maximum Building Height and Maximum Building Coverage Regulations specified in Schedule II for single family uses in the R-2 District.
  - (4) All such uses must be fully registered with and licensed by the Borough of Scottsdale with information provided on their operation, availability of professional personnel, physical facilities and other characteristics.
- B. Use Class 9. Multifamily Dwellings. Includes two-family structures in the R-1A and C-1 Districts and multifamily dwelling structures in the R-1A, R-2 and C-2 Districts developed on a minimum lot area of at least 15,000 square feet. Such dwelling structures shall be served with adequate public water, sewer and parking facilities and adequate yard

planting and screening shall be provided to effectively screen off any adjoining commercial uses and shall be designed to complement abutting commercial uses and not to conflict with or bisect natural areas for commercial development.

Such dwelling structures shall be planned and developed with adequate yards, building layout and spacing and open space and shall comply with the following:

	Maximum Building Height In Stores	Maximum Building Coverage	Net R-1A	Project R-2	Density C-1
Two-Family Structures	2.5	50%	10	—	14
Town or Row Houses	2.5	45%	12	16	16
Garden Apartments	3.0	45%	16	22	22
High Rise for Elderly	8.0	35%	40	60	100

Any proposed with 20 or more dwelling units which are designed for non-elderly residents shall be provided with usable open space suitably designed and maintained for use as play areas for children and/or as outdoor recreation space for residents in amounts not less than 250 square feet per dwelling unit.

C. (Reserved)<sup>2</sup>

D. Use Class 11. Mobile Home Parks. Includes the development of Mobile Home Parks planned as a unit which are located on tracts of land at least 10 acres in size. Such Mobile Home Parks shall comply with all appropriate federal, state and county regulations, with the Land Subdivision and Development Ordinance of the Borough of Scottsdale, and with the applicable requirements listed under Use Class 12, Subsection 3E(2) through (9), below.

Mobile Home Parks shall have a net project density which does not exceed ten-mobile home units per acre and no single mobile home shall be situated on a plot or usable parcel area which is less than 4,000 square feet.

E. Use Class 12. Planned Unit Development. Residential uses of all types located on a tract of land at least five acres in size which is planned for development in its entirety under single ownership or control shall conform with the provisions of this section. Such planned unit

2. Editor's Note: Former Subsection C, Use Class 10 (Conversions), was repealed by Ord. No. 1196, 3/12/2018.

developments may be permitted by the Board for the purposes of encouraging a flexibility of design which will result in an integrated site plan designed to benefit the residents or occupants of such development and of neighboring properties and shall comply with the following:

- (1) It shall consist of either single-family, two-family or multifamily dwellings or combinations thereof as shown below:

	<b>Minimum Average Land Area Per Dwelling Unit (Square Feet) (a)</b>	<b>Maximum Height In Stories</b>
<b>Residential Type</b>		
— Single Family	7,500	2.5
— Two Family	3,000	2.5
— Low rise	2,500	3.0
<b>Active Recreation Area (b)</b>	300	—
<b>Other Requirements</b>		
Net Project Density (a)	8	
Minimum Common Open Space	7%	
Maximum Land Coverage		
— By Buildings	35%	
— By All Developments(c)	60%	

Footnotes:

- (a) Average net residential land area per dwelling unit excluding streets, recreation, public, commercial or other permitted land uses.
- (b) Such areas shall be conveniently located to serve the development.
- (c) Includes buildings, pavement and all impervious ground cover.



The proposed planned unit development may be arranged in a conventional or cluster design pattern provided that the requirements and densities for each dwelling type specified above are adhered to.

- (2) The developer shall demonstrate that a sufficient market exists for the type, size and character of the development proposed.
- (3) Adequate, safe and convenient pedestrian and vehicular circulation facilities including roadways, driveways, off-street parking and loading, sidewalks, malls and landscaped areas, to serve the development shall be provided.
- (4) Required public recreation areas shall either be proposed for dedication to the Borough in a form suitable to Borough Council or shall otherwise be reserved as permanent recreation space. The developer shall provide assurances in a form suitable to the Board that adequate provisions have been made for the permanent maintenance and preservation of such permanent recreation space and any other common open space proposed in the development which is not accepted for dedication by the Borough.
- (5) Paving and drainage facilities shall be designed to handle adequately storm waters, prevent erosion and formation of dust.
- (6) The orientation of buildings shall provide adequate light, air and open space and adequate yards, building layout and spacing shall be provided and structures three stories or less in height shall generally be designed to avoid long rows or blocks of buildings which exceed 100 feet in length.
- (7) Existing trees shall be preserved wherever practicable and development programmed to avoid destruction of natural amenities as determined by the Board.
- (8) No residential use of the type herein specified shall be allowed unless said planned residential development is attached to public water and public sewer before inhabitation of any portion of the development.
- (9) Proposed development of the Planned Unit Development shall be designed to be harmonious with neighboring areas.
- (10) The Board may, in the case of Planned Unit Developments exceeding 100 dwelling units, approve the development of related commercial facilities of a type listed in "Use Class 3-General Commercial" or any other community facility or

amenity which is designed to service the Planned Unit Development and any adjoining residential area which can also be logically be served by such commercial development or facility. Such commercial facilities shall not constitute more than 10% of the entire development parcel and all facilities and amenities shall be so located and designed to enhance the residential development and not create traffic, parking or other nuisance factors.

- (11) All Planned Unit Developments shall conform with all of the requirements of the Land Subdivision and Development Ordinance of the Borough of Scottsdale, Pennsylvania.

- F. Use Class 13. Appropriate Public Uses. Includes public and quasi-public uses of a welfare, educational, religious, historic, recreation, governmental and cultural nature, and associated accessory uses; radio and television, transmission or receiving towers; and essential public utilities that require enclosure within a building.

All proposals for new public uses or for additions or changes to existing public uses shall be submitted to the Zoning Hearing Board, together with required plans, to provide the Board with sufficient information to determine compliance with the special use provisions of this chapter.

An appropriate public use permitted by the Zoning Hearing Board as a special use shall be appropriate to the character of the district and the neighborhood in which it is proposed and also with the presence of other conforming uses located in the area and also with the general area which the use will serve. Such appropriate public uses shall have adequate access, shall provide off-street parking and loading as specified in § 27-505, shall provide necessary landscaping and screening to protect adjoining areas, and shall have lot areas, yards and building coverage consistent with the character of the neighborhood and the district requirements in which they are proposed.<sup>3</sup>

4. Conditional Uses. The Borough Council may authorize conditional uses as specified within the Use Tables attached as Schedule I to this chapter after submitting requests for same for recommendations to the Planning Commission in accordance with procedures set forth in this section hereafter. A conditional use shall be approved if and only if it is found to meet the following criteria: **[Added by Ord. No. 1196, 3/12/2018]**
- A. The proposed use conforms to the district, is listed as a conditional use therein and complies with the general regulations of this chapter.

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3. Editor's Note: Former Subsection G, Use Class 14 (Adaptive Use Development), which immediately followed this subsection, was repealed by Ord. No. 1196, 3/12/2018.

- B. The proposed use meets any and all special standards which apply to such use as set forth in this Part.
  - C. The proposed use does not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or person and complies with the performance standards of this chapter, the Unity Township Subdivision and Land Development Ordinance and any other ordinance, law, rule or regulation associated with same.
  - D. The proposed use is sited, oriented and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not adversely affect the public health, safety, or welfare or the comfort of surrounding property owners, or devalue adjacent properties.
  - E. The proposed use will produce a total environmental effect consistent with and not harmful to the environment and character of the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted and the number of people to be assembled or to use the premises at any one time.
  - F. The proposed use organizes vehicular access and parking to minimize conflicting traffic movement on adjacent streets and within the site.
  - G. The proposed use will promote the objectives of this chapter and shall be consistent with the developmental objectives set forth for each conditional use.
5. Procedure for Conditional Uses Requiring Land Development Plan Approval. **[Added by Ord. No. 1196, 3/12/2018]**
- A. Intent and Purpose. Scottdale Borough Council finds it is difficult, if not impossible, to make those findings necessary for approval of any requested conditional use set forth in Subsection 4 above absent a land development application filed under the Borough's Subdivision and Land Development Ordinance. It is the objective of Borough Council to provide an efficient procedure for the review of conditional use requests and land development applications for the same site concurrently. Therefore, any application for a land development containing a conditional use shall include not less than seven prints of a site map and a proposed land development plan for the implementation of the conditional use. The application shall also include any documents required for a land development under the Borough's Subdivision and Land Development Ordinance and any other information required to make preliminary determinations as to whether the proposed conditional use meets all applicable standards set for the requested use.

- B. Referral to Planning Commission. The conditional use application and the land development application shall be referred to the Planning Commission. Within 30 days of receipt of such application by the Borough, the Planning Commission shall conduct its review, make preliminary determinations as necessary and recommend approval or disapproval of the proposed conditional use to Borough Council in accordance with the standards set forth for the requested use. The Planning Commission may request additional information from the applicant as it deems necessary for consideration of the request.
- C. The Planning Commission may recommend that the proposed conditional use and land development application be granted, denied or granted with reasonable conditions and safeguards to ensure its compliance with this chapter and as it may deem necessary to implement its purposes.
- D. The Borough Council shall conduct a public hearing on the proposed conditional use and land development application not less than 60 days from the Borough's receipt of an application for same. Such public hearing shall be advertised, and any decision issued by Council thereafter shall conform to the requirements for conditional uses under the Pennsylvania Municipalities Planning Code.<sup>4</sup>
- E. Following the conclusion of the public hearing or hearings, Council may accept, reject or modify the recommendations of the Planning Commission and, upon granting such relief, attach such conditions as they deem appropriate to any approval. Approval may be conditioned upon the grant of relief (e.g., dimensional variances, etc.) by the Zoning Hearing Board where same is required, but such conditional approval by Council shall not be binding on the Zoning Hearing Board, and the conditional approval shall be deemed vacated if any requested relief is denied by the Zoning Hearing Board.
- F. All development, construction and use of the site shall be in accordance with the approved applications and plans, unless an application for a revised site plan is submitted to and approved by the Borough. Borough Council may, at their discretion, refer any request for a site plan revision to the Planning Commission for review, comment and recommendation; provided, however, that regardless of a referral to the Planning Commission, Borough Council shall conduct a public hearing on any request for a revision prior to approving same. Any development contrary to the approved plan shall be a violation of this chapter.
6. Permitted Conditional Uses; Institutional Conversions. It is the policy of the Borough of Scottsdale to encourage the conversion and rehabilitation of older institutional structures, such as churches, public schools and other public

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

buildings which are no longer used or capable of being used for their originally intended purpose. Institutional conversions (hereafter "IC") are permitted as conditional uses in those zoning districts identified in Schedule I.<sup>5</sup> In addition to the general requirements for a conditional use, any institutional conversion must meet the following specific requirements: **[Added by Ord. No. 1196, 3/12/2018]**

- A. The property and structures being converted must have previously been owned by a church, municipal entity, school district or authority and used for a public purpose;
- B. The prior use of the property for a public purpose must have been abandoned by the church, municipal entity, school district or authority for use in its public operations;
- C. The development of the property shall be contained within the area of the property previously dedicated to the public use and may not be expanded onto or use any adjoining property without approval by Council;
- D. The development shall be limited to the renovation, repair and rehabilitation of the existing principal structure or structures on the property, and no new principal structures may be built to accommodate the new use without approval by Council;
- E. Existing accessory structures may be removed and new accessory structures may be constructed on the property, provided same are necessary and subordinate to the principal use anticipated for the property and specifically approved by Council;
- F. The rehabilitation and use of the structure or structures on the property shall be limited to multifamily residential uses, offices and other low-traffic commercial uses, or combinations of same, including, but not limited to, the offices and operations of doctors, lawyers, insurance agents, barbers, beauticians and similar businesses. All commercial uses shall be conducted within the lower level or levels of such structures unless otherwise approved by Council.

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5. Editor's Note: Schedule I is included as an attachment to this chapter.



PART 5  
SUPPLEMENTARY REGULATIONS

**§ 27-501. Permitted Variations From Required Areas. [Ord. 461A-85, 3/21/1985, § 5.100; as amended by Ord. 1073, 1/12/1998; by Ord. 1074, 10/12/1999; by Ord. 1080, 7/12/1999; by Ord. 1081, 7/12/1999; and by Ord. 1140, 8/9/2004]**

1. The minimum lot, yard and height requirements of Part 4 shall prevail in all cases, except as follows:

A. Existing Nonconforming Lots. In any district where a nonconforming lot exists and a separate entity at the time of passage of this chapter, and where the owner of the nonconforming lot does not own an adjoining lot, then the following development is permitted:

(1) If the lot is located in the R-1A, R-1B or R-2 District, a single-family dwelling, including any attached permitted accessory use, may be constructed on it as a permitted use subject to the following requirements:

Minimum Lot Size	3,000 square feet
Minimum Lot Width	30 feet
Minimum Front Yard	20 feet
Minimum Rear Yard	20 feet
Minimum Side Yards	
One Side Yard	8 feet
Both Side Yards Combined	11 feet
Maximum Building Height for Principal Building	2 1/2 stories or 35 feet
Maximum Building Coverage	70%

Accessory structures which are not attached to the principal structure may be built up to two feet to any side lot line or not less than five feet from the rear lot line, provided that such accessory structures are not located closer than eight feet from any principal structure.

(2) If the lot is located in any remaining district, then a structure not exceeding two stories in height may be constructed on it, for a use permitted in the district in which it is located, as shown on Schedule I, provided that the off-street parking and loading requirements of this chapter shall be complied with and that

the front, side and rear yards are not reduced by more than 50% of the requirements of Schedule II.

- (3) For changes to existing conforming uses located on nonconforming lots, see § 27-501(5).
  - (4) For requirements governing nonconforming uses and structures, see § 27-504.
- B. Height Limitations. District heights limitations for church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, antennas, farm structures, silos, flag poles, utility and television towers may be increased by five feet.
- C. Front Yard Exception. When an unimproved lot is situated between two improved lots each having a principal building within 25 feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below 15 feet in residential districts.
- D. Projections Into Yards. Projections into required yards shall be permitted as follows, except that no such projection shall be located closer than three feet to any side or rear lot line or 10 feet to any front lot line, except as provided for in § 27-501(1) for existing nonconforming lots.
- (1) Fire escapes, uncovered stairs and landings, canopies, eaves, or other architectural features not required for structural support may project into the required side, front or rear yard not more than total of three feet.
  - (2) Accessory structures may project into yards as set forth in § 27-503(1).
  - (3) Patios may be located in the required yard area not closer than the following to any property line, except that patios constructed on existing nonconforming lots may line up with and be as wide as the principal structure on the lot:
    - (a) Side and rear property lines: five feet.
    - (b) Front property line: 10 feet.
  - (4) Notwithstanding any of the above provisions, handicap access ramps shall be permitted to project into required yards to an extent necessary to make such handicap access ramps safe and accessible, in compliance with the standards established pursuant to the Americans with Disabilities Act or as otherwise determined by the Borough of Scottsdale Zoning Officer.



- E. Changes to Conforming Uses and Buildings. Any conforming use or building may be repaired, maintained, restored or reconstructed to the same dimensions existing at the time that this chapter was adopted, or to smaller dimensions, but not to larger dimensions and shall be so repaired, maintained restored or reconstructed at the same location as the existing conforming use or building.

Any enlargement of a structure, on the same lot, of any conforming use must comply in all respects with the regulations of this chapter; except as provided further for legally encroaching structures as set forth in § 27-501.6 below.

- F. Legally Encroaching Structures. Except as may be otherwise governed or prohibited by the terms of this chapter, any legally encroaching structure, including an accessory structure, as defined herein may be expanded, enlarged, restored or reconstructed as provided below, and any otherwise permissible new structures may be added regardless of whether the new structure is attached to an existing structure, so long as the new structure, or the existing structure, as expanded, enlarged, restored, and/or reconstructed, does not encroach further into the required yard than the existing legally encroaching structure, as provided below:

- (1) Where the existing encroachment is into the required front yard, the building or structure may be expanded, enlarged, restored or reconstructed vertically and laterally even though part of the expansion, enlargement, restoration or reconstruction is located in the required front yard, and any otherwise permissible new structures may be added regardless of whether the new structure is attached to an existing structure, so long as the new structure, or the expanded, enlarged, restored, and/or reconstructed existing structure, does not encroach further into the required front yard than the existing legally encroaching structure.
- (2) Where the existing encroachment is into the required side yard, the building or structure may be expanded, enlarged, restored, or reconstructed vertically and laterally even though part of the expansion, enlargement, restoration or reconstruction is located in the required side yard, and any otherwise permissible new structures may be added regardless of whether the new structure is attached to an existing structure, so long as the new structure, or the expanded, enlarged, restored, and/or reconstructed existing structure, does not encroach further into the required side yard than the existing legally encroaching structure.
- (3) Where the existing encroachment is into the required rear yard, the building or structure may be expanded, enlarged, restored

or reconstructed vertically and laterally even though part of the expansion, enlargement, restoration or reconstruction is located in the required rear yard, and any otherwise permissible new structures may be added regardless of whether the new structure is attached to an existing structure, so long as the new structure, or the expanded, enlarged, restored, and/or reconstructed structure does not encroach further into the required rear yard than the existing legally encroaching structure.

- (4) Where the existing encroachment is in excess of the height limitations, the building or structure may be expanded, enlarged, restored or reconstructed horizontally at the same height as the existing structure, and any otherwise permissible new structures may be added regardless of whether the new structure is attached to an existing structure, so long as the new structure, or the expanded, enlarged, restored, and/or reconstructed structure does not exceed the height of the existing encroaching structure.
  - (5) Where the existing encroachment is a combination of the required yard and height requirements, the building or structure may be expanded, enlarged, restored or reconstructed, and any otherwise permissible new structures may be added to the extent permitted by Subsection 1A through D herein.
2. Such expansion, enlargement, restoration, reconstruction, and/or new structure shall comply with all parking and loading requirements of this chapter.
  3. Front Yard Exception for Improved Lots Directly Between Two Lots with Less Than the Minimum Front Yards. When an improved lot is situated directly between two improved lots each having a principal building or an attached accessory structure which do not meet the front yard requirements established by this chapter for the applicable zoning district, the front yard may be reduced to a depth equal to that of the adjoining lot which least encroaches into the required front yard as established by this chapter.

**§ 27-502. Unique Lots and Building Locations. [Ord. 461A-85, 3/21/1985, § 5.200; as amended by Ord. 1070, 7/13/1998]**

1. Two or More Buildings on a Lot. Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building if each were on a separate lot.
2. Through Lots. Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning

Commission shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in §§ 27-502(1) and 27-502(3).

3. Lots Fronting On An Alley. Individual lots existing at the effective date of this chapter, fronting on an alley, shall comply with all the requirements of this chapter and the district in which said lots are located.
4. Side Yard of a Corner Lot. The side yard of a corner lot which abuts a street, shall be equal to 1/2 of the required front yard for that street.
5. Corner Lots. No obstruction to vision (other than an existing building, fence, post, sign, column or tree) exceeding 30 inches in height above the street or alley level shall be erected, planted or maintained that would restrict sight distance looking left or right from the street or alley from a point measured 10 feet back from the edge of pavement of the intersecting street or alley. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

**§ 27-503. Accessory Structures and Uses. [Ord. 461A-85, 3/21/1985, § 5.300; as amended by Ord. 1049, 5/13/1996; by Ord. 1069, 7/13/1998; by Ord. 1094, 6/12/2000; and by Ord. 1152, 3/13/2006]**

1. Accessory Structures. All accessory structures shall conform with the minimum yard regulations established in Part 4, except for nonconforming lots as set forth in § 27-501(1), and except as permitted below:
  - A. Unattached Structures Accessory to Residential Buildings. Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than 15 feet or 1 1/2 stories and may be erected within the required rear and side yards of a principal structure provided that they conform with the following:
    - (1) Distance From Side Lot Line. Not less than five feet from the side lot line, except in the case of corner lots where the side yard as specified in § 27-502(4) shall be maintained.
    - (2) Distance From Rear Lot Line. Not less than five feet from the rear lot line, except where abutting an alley where the extension may not be less than 10 feet from the alley.
    - (3) Distance From Principal Structure. Not less than eight feet from a principal structure.
  - B. Unattached Structures Accessory to Nonresidential Buildings. Such accessory structures shall comply with front and side yard requirements for the principal structure and shall be not less than 10 feet from the rear lot line.

- C. Variation for Nonconforming Lots. In lieu of the above requirements, permitted accessory structures located on nonconforming lots may comply with the requirements of § 27-501, Subsection 1.
2. Home Occupations. A single home occupation per residential dwelling unit may be permitted as either a permitted use or a special use as provided herein:
- A. Permitted Use Home Occupations. A home occupation shall be considered to be an accessory use to a residential dwelling unit. Such accessory home occupations shall be subject to the following requirements:
- (1) They shall be conducted only by no more than two persons, one of whom shall be a permanent resident of the dwelling unit.
  - (2) They shall be restricted to occupations which do not generate more than six customers, visitors or clientele in any one hour.
  - (3) They shall comply with all other legal requirements.
  - (4) They shall not detract from the residential character of the neighborhood or exhibit any influences which are detrimental to the health, safety, welfare or morals of the residents of the neighborhood.
  - (5) They shall comply with all off-street parking requirements of § 27-505.
  - (6) They shall not exhibit any external characteristics or evidence of their presence, except for a sign not to exceed two square feet in area.
  - (7) They shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- B. Special Use Home Occupations. Any resident wishing to operate a home occupation which is to be conducted by more than a total of two persons, but not more than a total of four persons, of which at least one must be a permanent resident of the dwelling unit may apply for a permit which shall be subject to all of the special use procedures of this chapter. In such cases, the Zoning Hearing Board shall review said application to determine the following before any special use permit is granted:
- (1) That the home occupation is in conformity with all of the other applicable provisions set forth in Subsection 2A above.
  - (2) That, beyond a reasonable doubt, the nature of the home occupation and of the traffic and clientele to be generated shall

remain relatively stable and shall not grow to a point where it may detract from the residential character of the neighborhood or exhibit any of the adverse influences on the neighborhood.

- C. Application for Home Occupation. All applicants for permits to undertake a home occupation shall submit the following information to the Zoning Officer:
- (1) A complete description of the nature and operation of the home occupation.
  - (2) The type of use, product or service produced rendered.
  - (3) The names of the residents who will operate the home occupation.
  - (4) The number of additional employees or other nonresident personnel, if any, to be utilized by the home occupation.
  - (5) The portion of the residential structure to be devoted for the use of the home occupation.
  - (6) Any building or structural modifications, signs or other physical changes required to the interior or the exterior of the structure.
  - (7) The expected maximum number of customers, visitors or clientele expected to be served by the home occupation during any one hour and the number of hours and schedule of operations when home occupation shall be open to the public.
  - (8) A description or plan indicating how compliance will be achieved with off-street parking requirements.
  - (9) A certification by the applicant that the home occupation shall not detract from the residential character of the neighborhood and that all of the facts submitted with the application are true and correct and that any incorrect information submitted shall be cause for the Borough to require cessation of the home occupation.
  - (10) A certification and agreement by the applicant that the home occupation will be discontinued if changes occur in the character of the operation so that it no longer complies with the requirements of this Zoning Ordinance.
3. Home Gardening, Nurseries and Greenhouses. Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas, provided that they shall not include the outdoor storage of equipment and supplies.

4. Private Outdoor Swimming Pools.
  - A. A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or their guests. Such a pool may be located within the required rear or side yards for the district in which the pool is to be located except that no portion of the body of water in the pool shall be located closer to the property line than four feet and no portion of any walk or accessory pool appurtenances surrounding the body of water shall be closer than two feet to any property line.
  - B. At a minimum, all pools shall be surrounded and enclosed by a four-foot-high fence structurally suitable to deter direct access to the body of water in the pool. Such a fence shall not have openings, holes or gaps therein larger than four inches in width, or, if larger than four inches in width, no larger than four inches in length except for doors or gates; provided, however, that if a picket fence is erected or maintained the horizontal dimensions shall not exceed four inches. A dwelling house or accessory building may be used as a part of such a fence; and provided, further, that existing hedges may be used as such enclosure or a part or parts thereof with the written approval of the Zoning Officer. The Zoning Officer, in his discretion, may approve such existing hedges, which substantially comply with the above requirements for fences.
  - C. Fences shall be constructed of weather resistant materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps.
  - D. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings in forming any part of the enclosure hereinabove required need not be so equipped.
  - E. The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool; provided that such side of the pool be at least four feet high; and provided further, that any stairs, steps or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which would prevent their use when the pool is not in operation by the residents of the property or their guests.
  - F. A privacy fence may be constructed to surround and enclose a pool constructed above the ground level; provided, however, that the height

of any such fence shall not be greater than 4 1/2 feet, measured from top of the side of the pool to the top of the fence.

- G. Any pool whose body of water is closer than six feet to a property line shall be shielded by a six-foot-high privacy fence, hedge or suitable visible obstruction where required to insure privacy for the adjoining property as determined by the Zoning Officer. Such a privacy fence may also serve as the fence required to deter direct access to the body of water as required herein if it conforms with the other requirements of this section.

5. Fences, Walls, and Planting Materials.

- A. General Requirements. Any person, corporation, firm or association intending to erect a fence shall, before work is commenced, make application to the Zoning Officer as required below and by this chapter and no work on such a fence shall be commenced before receipt of a permit from the Zoning Officer.

- (1) Fences may be either a "natural living fence" or a "fabricated materials fence," as defined herein.
- (2) Fences or walls exceeding the height limitations set forth herein shall be subject to the accessory structure requirements of § 27-503, Subsection 1, except where otherwise required by this chapter.
- (3) Well-maintained and safe trees, shrubs or hedges and other appropriate plant material, which do not constitute a natural living fence as defined herein, and which are designed to enhance the livability and attractiveness of any lot may be located in any yard or court, provided that they do not encroach on adjoining properties or uses.

- B. Location of Fences. Fences may be located within any front, rear or side yard, except that no fence shall be placed closer than six inches to any property line or closer than one foot from any sidewalk or right-of-way which is open for use by the general public.

- C. Height of Fences. The height of all fences shall be as set forth in the Table on the following page. However, these height restrictions do not apply to any fence which constitutes an opening for ingress and egress unto a property, such opening being in the nature of an arch or other passageway, whether freestanding or connected to a fence or wall system, such an opening for ingress and egress to a property in the nature of an arch or other passageway is permitted to be 15 feet high, only at the place of such opening and shall not be considered an accessory structure subject to the provisions of Subsection 1.

- D. Obstruction to Vision. No fence shall be constructed or maintained in the vicinity of any street or alley intersection which causes an obstruction to vision, thereby creating potential vehicular safety hazards. Any fence exceeding 30 inches in height above the street or alley, erected, planted or maintained on any lot within the triangle formed by starting at the corner point where the two street or alley cartways intersect, going 10 feet from this corner point along each street or alley and making a point on each street or alley, and drawing a line between these latter two points shall be a per se obstruction to vision.

<b>Height of Fences</b>		
<b>Type of Fence and Location</b>	<b>Maximum Height (feet)</b>	
	<b>Residential Districts (R-1A, R-1B, R-2)</b>	<b>Nonresidential Districts (C-1, I-1, I-2)</b>
<b>Fabricated Materials Fence - Located in:</b>		
Front Yard	6	6 <sup>(a)</sup>
Side Yard	6	6 <sup>(a)</sup>
Rear Yard	6	6 feet except that chain-link fences may be 8 feet <sup>(a)(b)</sup>

<b>Natural Living Fence - Located in:</b>	<b>Residential Districts (R-1A, R-1B, R-2)</b>	<b>Nonresidential Districts (C-1, I-1, I-2)</b>
	Front Yard	6
Side Yard	6	8 <sup>(a)</sup>
Rear Yard	10	12 <sup>(a)</sup>

Note: Any fabricated material fence exceeding the height limitation established in this table, unless permitted under footnote (a) below or under the exception for arches and other passageways set forth in Subsection 5C shall be considered to be an accessory structure subject to the provisions of Subsection 1.

Footnotes:



- (a) Special situations requiring security, complete prevention of access of the provision of buffers to protect adjoining uses may have a high fence of approved by the Board as a special use. The board shall determine that such additional height is necessary to meet these objectives and also to protect the public safety and general welfare.
  - (b) Chain-link fences which are eight feet high may be topped with barbed wire where necessary to prevent access and provide security.
  
- E. Removal of Unsafe or Nuisance Fences. Any fence which obstructs vision as defined above or which impedes vehicular or pedestrian traffic or which causes a fire hazard, restricts safe access, unduly restricts light or air and/or affects public or traffic safety, or which creates a nuisance as defined under § 27-504, Subsection 5A, shall be removed. The Zoning Officer shall have the authority to direct the removal of such unsafe or nuisance fences or to direct the trimming or modification of any natural living fence or of any other vegetation so as to eliminate the unsafe or nuisance conditions.
  
- F. Swimming Pool Fences. Private outdoor swimming pools shall be protected with a fence as set forth in § 27-503, Subsection 4, above.
  
- G. Fence Materials and Construction.
  - (1) The following fences or fencing materials are specifically prohibited:
    - (a) Barbed wire, except on a permitted chain-link fence which is eight feet high in a nonresidential area.
    - (b) Short, pointed fences.
    - (c) Canvas fences.
    - (d) Cloth fences.
    - (e) Electrically charged fences.
    - (f) Poultry fences.
    - (g) Turkey wire.
    - (h) Temporary fences such as snow fences and expandable fences and collapsible fences, except during construction of a building.
  - (2) All chain-link fences erected shall be erected with the closed loop at the top of the fence.

- (3) All entrances or gates shall open into the property.
  - (4) All fences or walls must be erected so as not to encroach upon a public right-of-way or easement.
  - (5) If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designated as to provide equal frame and cover area to adjoining yards.
  - (6) If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.
  - (7) If the fence is of masonry construction, a finished surface must be provided on the exterior side.
- H. Application for Fence. All applicants for permits to construct a fence shall submit the following information to the Zoning Officer:
- (1) Completion of a form supplied by the Zoning Official.
  - (2) A plan or sketch showing the proposed location of the fence and the materials to be used, including sufficient information to determine conformance with the requirements of this chapter.
  - (3) The required fee.

**§ 27-504. Nonconforming Uses and Structures. [Ord. 461A-85, 3/21/1985, § 5.400; as amended by Ord. 1075, 10/12/1998; and by Ord. 1079, 7/12/1999]**

Any legal nonconforming use or structure may be continued, repaired, maintained, improved and restored or reconstructed, except as provided below:

- A. Enlargement. Such nonconforming use or structure may not be enlarged more than 40% of the existing floor or ground area except for junkyards which may not be enlarged. Such enlargement shall not exceed the maximum height or maximum building coverage requirements set forth in Schedule II for the district in which such nonconforming use is located.
- B. Restoration or Reconstruction. If an existing nonconforming use or structure is destroyed, then a permit for its reconstruction may be obtained if such permit application is filed within 90 days of the initial destruction, and reconstruction is completed within 18 months after obtaining the said permit. An existing nonconforming use or structure which is damaged but not destroyed can be restored without regard to when the initial damage occurred or when the restoration is completed, so long as the building permit applicant otherwise qualifies for a building permit.
- C. Abandonment. No such use or structure may be re-established after it has been abandoned for a period of 18 months. Mere temporary vacating or