

discontinuance of use or occupancy alone will not be deemed to be abandonment, but rather abandonment will be the affirmative act of ending or changing a currently existing legal nonconforming use or structure. Also, a nonconforming use or structure when razed or removed from the premises shall not be relocated on the premises except in conformity with the regulations of the district to which it is moved.

D. Change of Use. A nonconforming use or structure may be changed to another nonconforming use or structure only if such use is listed in the same use class subcategory in which the nonconforming use or structure is first listed as set forth in § 27-404. A permit for such a change may be approved by the Zoning Officer without referral to the Zoning Hearing Board, provided that the Zoning Officer shall determine that the following conditions which are generated by the proposed use are not higher than those generated by the existing nonconforming use at any time for a period of two years prior to the proposed change:

- (1) Number of employees.
- (2) Amount of employee and visitor parking required.
- (3) Number of commercial vehicles serving the proposed use and number of such vehicles to be parked at the premises or vicinity of the use.
- (4) Traffic volumes and congestion to be generated.
- (5) Adverse environmental effects generated by the proposed use.

A proposed change to a nonconforming use which is not listed in the same use class subcategory as required above shall be submitted to the Zoning Hearing Board subject to the special use procedures of this chapter. In such cases, the Board may approve such changes only if it determines that the change is equally or more appropriate to the character of the district and neighborhood in which it is located. Such a determination shall be based on a consideration of the same factors listed above for consideration by the Zoning Officer.

E. Termination. Certain types of nonconforming uses or structures which present a special nuisance or hazardous conditions shall be terminated as follows:

- (1) General Nuisances. Upon a complaint registered by the Zoning Officer from 50% of the property owners within 500 feet of a nonconforming use which is considered to be a general nuisance or a hazard to the health, safety, welfare and morals of uses or structures adjoining such nonconforming use or uses, the Board shall hold a hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Board after

consideration of the time required for the reasonable amortization of the capita investment in such uses, or as may be provided for by the laws of the State of Pennsylvania.

- F. Off-Street Parking. A nonconforming use may be enlarged, as provided for in § 27-504(1), only after compliance with § 27-505 for the portion of the nonconforming use to be enlarged.

§ 27-505. Off-Street Parking and Loading. [Ord. 461A-85, 3/21/1985, § 5.500]

1. Off-Street Parking. Except for the portion of the C-1 District bounded on the west by Grant Street, on the north by Mulberry Street, on the east by Broadway and on the south by Market Street, off-street parking spaces shall be provided as set forth in Schedule III whenever any building is erected, enlarged or converted. Such spaces shall have an area of at least 160 square feet exclusive of access drives or aisles and shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are accessory or within a radius of 400 feet in the same district or in an adjoining district when approved by the Board as a special use.

Said Schedule III shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Borough after the effective date of this chapter.

2. Home Occupations. Home occupations shall provide the following number of off-street parking spaces:
- A. The required number of spaces for the residential structure as shown in Schedule III.
- B. The required number of spaces for the most applicable use listed in Schedule III to which the home occupation is most similar, or if greater, one off-street parking space for each nonresident employee and one addition for each roomer, student, patron, patient, customer or other visitor which the home occupation serves during any one-hour period of maximum use.

The total number of off-street parking spaces for a home occupation may be reduced by the number of legal curb parking spaces which exist directly abutting the home occupation.

3. Off-Street Loading. Except for the portion of the C-1 District bounded on the west by Grant Street, on the north by Mulberry Street, on the east by Broadway and on the south by Market Street, every commercial, industrial or other building shall provide one off-street loading space for each 10,000

square feet of gross building ground floor area or part thereof, and each such space shall be at least 400 square feet in area.

Said loading spaces shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Borough after the effective date of this chapter.

4. Development of Parking and Loading Spaces. All off-street parking and loading areas shall conform with the following:
 - A. Off-street parking and loading spaces may be developed on any required side, front, or rear yard except that such spaces located in the R-1A, R-1B and R-2 Districts shall have a landscaping setback of at least five feet from any street on which they abut. Such spaces shall be properly designed in relation to adjoining uses and/or buildings. Adequate barriers shall be provided to protect buildings and sidewalks, and screening shall be provided as required in § 27-508(1).
 - B. They shall be surfaced with a durable bituminous or concrete paving material and shall be properly graded and drained to dispose of all surface water.
 - C. They shall be arranged and marked for the orderly and safe movement, loading, parking and storage of vehicles and shall be adequately illuminated if designed for use by more than three cars after dusk.
 - D. Exit and entrance driveways or access points shall be at least 20 feet wide for two-way driveways and 16 feet wide for one-way driveways and shall not exceed 40 feet in width and wherever practical shall not occupy the full length of the streets, alleys, or other right-of-way from which they derive their access, but shall be limited to well-defined points, and shall be so designed to provide maximum safety or other adjoining or nearby uses. This subsection applies only to nonresidential uses.
5. Off-Street Parking in Residential Areas. On any lot used for residential purposes in a residential district only one commercial vehicle may be garaged in an enclosed garage.

§ 27-506. Signs. [Ord. 461A-85, 3/21/1985, § 5.600; as amended by Ord. 1053, 10/14/1996; by Ord. 1056, 3/10/1997; by Ord. 1072, 10/12/1998; by Ord. 1093, 6/12/2000; by Ord. 1165, 1/10/2009; by Ord. 1167, 9/14/2009; and by Ord. 1170, 7/12/2010; and by Ord. No. 2110, 9/13/2021]

1. Purpose. The sign regulations, controls and provisions set forth herein are made in accordance with an overall plan and program for public safety, economic and community development, and the general welfare of the Borough of Scottdale. It shall be the purpose of these sign regulations to control and promote the erection of signs which preserve the wholesome and

attractive character of the Borough; preserve and protect property values; preserve the architectural character and environmental context of the Borough; avoid the uncontrolled proliferation of signs; encourage and support business activity through reasonable standards for advertising sign; and avoid undue concentrations of signs which distract and endanger traffic safety.

A. Application. Signs may be erected and maintained only when in compliance with the provisions contained herein and any and all other applicable ordinances and regulations of Scottsdale Borough, Pennsylvania, relating to the erection, alteration and maintenance of signs and similar devices. Application for sign permit shall be made upon forms provided by Scottsdale's Zoning Officer and shall include the following information:

- (1) Name, address and phone number of applicant.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or located.
- (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
- (4) Two-scale blueprints or ink drawings, or computer-generated drawing of the design to include plans and specifications, materials, lighting, method of construction and attachment to the building or ground.
- (5) Name of person, firm, corporation or association erecting the sign.
- (6) Written consent of the owner of the building, structure or land to which the sign is to be located.
- (7) Any electrical permit required and issued for said sign.
- (8) Such other information as the Zoning Officer shall require to show full compliance with this and all other codes and ordinances of the Borough.

B. Permit Issuance.

- (1) The Zoning Officer shall issue a permit after examining the application and accompanying information and the premises upon which the sign is proposed to be located if it shall appear that the proposed sign is in compliance with all of the requirements of this Part and any other applicable ordinance.

- (2) Such permit shall be valid for a period of 12 months and all work for which the permit has been issued shall be completed within that period of time. If work has not commenced or been completed within the 12 months' period, it shall be necessary for the applicant to apply for another permit, just as if no previous permit had been issued.
- (3) The Zoning Officer shall act within 30 days of receipt of such application together with the required fee. The Zoning Officer's action or failure to act may be appealed to the Scottsdale Borough Zoning Hearing Board which may grant approval of the application.
- (4) Every applicant, before being granted a permit, shall pay to the Borough a permit fee according to a schedule of fees which shall be set by resolution by the Borough Council. The Borough Council may amend the schedule of fees at any time thereafter by resolution. The Zoning Officer shall refuse to issue any sign permit to any applicant who refuses to pay any assessed fees.
- (5) The Zoning Officer is hereby authorized to revoke any sign permit upon failure of the applicant to comply with any provision of this Part.
- (6) Permits are not required for temporary signs.

C. Sign Types. For the purpose of this Part, all signs may be grouped by the method of their construction as follows:

- (1) Advertising Sign. 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.
- (2) Architectural Statute. A (noninflatable) freestanding figure, characterization, sculpture, etc., (of three-dimensional construction) used to attract attention to a place of business or to generate artistic interest. Inflatable figures are prohibited.
- (3) Awning Sign. An exterior sign attached to or printed upon an awning.
- (4) Building Sign. An exterior sign mounted on a wall, awning, canopy, window or other portion of any building, or painted thereon.
- (5) Bulletin/Sandwich Board. A freestanding exterior sign, not permanently attached to the ground, that provides information about current-day offerings within the business location - lunch specials, merchandise specials, etc.

- (6) Freestanding Pole Sign. A sign that is independently supported by one or more supports and not attached to any building or structure, which has a total height including the support or supports and the sign itself, in excess of 25 feet, as measured from grade level directly below the base of the sign.
 - (7) Freestanding Ground or Monument Sign. An independently supported sign permanently affixed to a foundation that is not a freestanding pole sign and not connected to any building or structure, which has a total height, including the support or supports and the sign itself, not in excess of 25 feet, as measured from grade level directly below the base of the sign.
 - (8) Interior Window Sign. A sign that is mounted on the interior surface of a glass, transparent, or semitransparent component of a building facade.
 - (9) Projecting Sign. A sign mounted on the wall, window; face or other surface of a structure and departing angularly from the plane of such surface.
 - (10) Temporary Sign. A sign made out of flexible material (cloth, vinyl, paper, etc.) mounted on poles, cords, wire, or on the facade of a building used to announce a specific activity or event associated with the subject property. Includes a banner-type signage.
 - (11) Time/Temperature/Weather Sign. Any display that is a digital sign or has flashing, blinking, or changeable light lettering that illustrates time, temperature, or weather.
 - (12) Flashing, intermittent or moving light signs, which signs shall only be permitted in the Commercial District.
- D. Exclusions and Exemptions. The following shall not be subject to the provisions of this Part and shall not require a permit for erection unless so specified:
- (1) Signs of a duly constituted local, county, state or federal governmental body, including traffic or similar safety and regulatory devices, legal notices, railway warning signals, memorial signs or tablets.
 - (2) Small signs with a surface area not exceeding two square feet, displayed for the direction or convenience of the public which identify landmarks, parking areas, convenience facilities, meeting times and places of public, nonprofit, service or charitable organizations, placement of which shall be subject to approval of the Zoning Officer.

- (3) One temporary nonlighted sign on a construction site, not exceeding an area of 32 square feet, denoting the developer, engineer, architect, contractor or funding agencies or other related information regarding the development.
 - (4) Two temporary nonlighted real estate property signs pertaining to the sale, lease, hire or rental of property on which the sign is displayed, not exceeding an area of 12 square feet.
 - (5) Temporary signs advertising yard sales, street fairs or other temporary activities, or a temporary sign directing persons to the location of such activity. Such signs shall not exceed four square feet, and shall be erected no sooner than seven days prior to the event and shall be removed within 20 hours of termination of the event. Signs shall be erected only where permission has been granted by the property owner. No sign shall be permitted in a public right-of-way.
 - (6) Historic Signage. Restoration/preservation of such signage that does not otherwise comply with the provisions of this section must first be presented to and designated as historic by Borough Council who shall have the sole right to make such designation and to impose any requirements or restrictions on same. Borough Council may, but is not required, to refer any proposal for the restoration or preservation of historic signage to the Historical Society for review and comment before making such determination; provided, however, that Borough Council is not bound to follow any comment or recommendation of the Historical Society.
 - (7) Interior Window Signs: Includes any form of advertisement or display related to the business operation, its goods; services, or prices thereof within or offered by the subject use. Such exclusion is subject to provisions and conditions specified in Subsection 1E; General Requirements, herein.
 - (8) Political Campaign Signs.
- E. General Requirements. The following standards shall apply to signs in all zoning districts of the Borough:
- (1) No sign shall be located, designed or constructed in a manner to obstruct or interfere with any traffic control signal, sign or device, or intersection sight triangle.
 - (2) No sign shall be permitted that is deemed to obscure light or air from a building, or prevent ingress or egress from any window exit.

- (3) Signs may not be attached to utility poles or street trees, except for municipal purposes.
- (4) A sign shall be removed within 30 days after notice from the Borough Code Enforcement Officer when one or more of the following occur. Nonetheless, a sign shall be removed within 24 hours after notice of safety issues identified by the Code Enforcement Officer. In all cases (for cause or safety issue) the removal of any sign shall be the responsibility of the party who erected the sign and if said party is unable or unwilling to remove the sign then it becomes the responsibility of the building owner to remove the sign in the required time period. If neither the party who erected the sign or the building owner comply with the notice to remove the sign the Borough may remove the sign at the expense of the party erecting the sign or the property owner. The Borough may file a lien against either party to recover its costs plus interest. Circumstances that dictate removal shall include, but not be limited to, the following:
 - (a) The creation of a safety hazard.
 - (b) Dilapidation, as determined by the Code Enforcement Officer.
 - (c) The completion of an event, business transaction or other activity for which the sign was originally installed.
 - (d) Any illegality under the provisions of this chapter or regulation of a duly constituted governmental authority.
- (5) Signs shall be subject to the following regulations:
 - (a) A sign shall not be permitted which contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except for on-premises signs which advertise public service, on-premises, or off-premises messages. Such signs shall be permitted in the I-2 Zoning District only, and shall not be permitted in the R-1A, R-1B, and R-2, C-1, or I-1 Zoning Districts.
 - (b) Illumination for signs shall be such that the light is concentrated upon such sign and there is not glare cast upon the street, the sidewalk or adjacent property.
- (6) No business or industrial sign shall be placed to face an abutting residential district except when authorized as a special use by special exception.

- (7) The size of the sign shall refer to the entire area of the sign facing, including any border, framing or decorative attachment, exclusive of mounting posts/brackets. In the case of freestanding, embossed, embroidered or painted letters and/or business logos, it shall be the area contained between the highest and lowest points of any letters and business logos, and the extremity point of the first and last letters and/or business logo.
- (8) Where a sign has two faces, the area of both faces shall be included in determining the area of the sign, except that where two such faces are placed back-to-back the area of the sign shall be taken as the area of one face. If the two back-to-back faces are of unequal area, the area of the larger face shall be taken as the area of the sign. For the purpose of this section, "back-to-back" is defined as a sign with no more than 10 inches of space between the two sides of the sign and such sides are parallel to each other and are permanently attached to each other.
- (9) An approved applicant for a continuation of a nonconforming commercial use in a residential district shall be permitted to install a single sign meeting requirements as specified for the C-1 District designated herein.
- (10) No signs are permitted on Borough-owned or Borough-controlled property, except signs placed by the Borough itself.
- (11) Nonconforming Signs. Any sign legally existing at the time of the passage of this section that does not conform in use, location, height or size with the regulations of the zoning district in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner. Normal maintenance of legally existing nonconforming signs, including necessary repairs and incidental alterations which do not increase the height or area of the sign or change the location of the sign, shall be permitted, so long as such necessary repairs or incidental alterations do not result in any additional nonconformance with the provisions of the ordinance. No increase in height nor enlargement of sign area, nor change in the location of the sign, shall be permitted for nonconforming signs. When ownership of or the name of a business having a nonconforming sign changes, complete replacement of the nonconforming sign will be permitted with a nonconforming sign of the same type, provided that the new nonconforming sign is not larger than, and is in the same location as, the sign being replaced.

F. Prohibited Signs.

- (1) Signs which by reason of position, shape or color may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
- (2) Signs which constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

G. Unsafe and Unlawful Signs.

- (1) If the Code Enforcement Officer finds that any sign or part thereof is unsafe or insecure, he shall notify the owner thereof to comply with the provisions of this section within 24 hours from receipt of such notice. If the owner fails to comply with such notice within the prescribed period, the Code Enforcement Officer is hereby authorized to remove this sign, or take whatever corrective action is necessary to bring it into compliance with this section, and to collect the costs associated with such removal or corrective action, together with a penalty of an additional 10% from the owner in the manner provided by law. The Zoning Officer shall refuse to issue any new sign permit to any applicant who refuses to pay any assessed costs.

H. Sign Removal.

- (1) Any sign that no longer advertises an existing business conducted or product sold on the premises, shall be removed by the owner of the sign from the premises where it is located. The Code Enforcement Officer upon determining that all business operations have ceased, and noting that a sign exists, shall notify the owner of the premises, in writing, to remove the sign within 30 days after the date of such notice. Such notice may be sent no earlier than 11 months after operations have ceased. Upon failure to comply with such notice within the prescribed period, the Code Enforcement Officer is hereby authorized to remove the sign and collect in the manner provided by law the costs associated with such removal, together with a penalty of an additional 10% from the owner of the sign, or of the property. The Zoning Officer shall refuse to issue any new sign permit to any applicant or owner who refuses to pay any assessed costs.

I. Permitted Signs.

- (1) Residential Districts R-1A, R-1B and R-2. Only one of the following signs may be installed solely in connection with: home occupation business, bed-and-breakfast businesses, group residential facilities, day-care sites, churches, multifamily

dwelling of four or more units, and legally existing nonconforming uses.

(a) Building signs:

- 1) Only one building sign is permitted.
- 2) Building signs may not exceed four square feet in area.
- 3) Signs for home occupations cannot exceed four square feet.
- 4) Awning signs may serve as building signs with contrasting letters, eight inches in height maximum. Only canvas awnings or canvas-like materials are permitted. Lettering and business logos may be placed anywhere on the awning, subject to maximum coverage of all lettering and business logos not to exceed 25% of the overall exposed awning surface. (See Subsection 1E, General Requirements, herein for measurement methodology.)
- 5) No awning, canopy or marquee shall be erected so that the lowest part is less than seven feet above the sidewalk.
- 6) Signage may be directly illuminated from the front with lighting as permitted under Subsection 1E, General Requirements, herein.
- 7) A permit is required for all building signs.

(b) Freestanding ground or monument sign:

- 1) Signs for home occupations cannot exceed four square feet.
- 2) Signage may be directly illuminated from the front with lighting as permitted under Subsection 1E, General Requirements, herein.
- 3) A permit is required for all freestanding ground or monument signs:

(c) Projecting signs:

- 1) Signage may be directly illuminated from the front with lighting as permitted under Subsection 1E, General Requirements, herein.

- 2) A permit is required for all projecting signs.
- (2) Commercial District, Industrial and Heavy Industrial Districts.
- (a) Architectural statues:
 - 1) The statue must be placed within six inches of the storefront and may not obstruct ordinary pedestrian traffic.
 - 2) There is no limit as to permitted days of display.
 - 3) A permit is required for all architectural statues.
 - (b) Building signs:
 - 1) Flush-mounted signboards may extend the width of the business storefront.
 - 2) Awning signs may serve as building signs with contrasting letters. Only canvas awnings or canvas-like materials are permitted. Lettering and business logos may be placed anywhere on the awning.
 - 3) No awning, canopy or marquee shall be erected so that the lowest part is less than eight feet above the sidewalk.
 - 4) Signs may be directly illuminated from the front with lighting as permitted under Subsection 1E, General Requirements, herein.
 - 5) A permit is required for all building signs.
 - (c) Bulletin boards/sandwich boards:
 - 1) Bulletin/sandwich boards must be placed so as not to obstruct ordinary pedestrian traffic.
 - (d) Projecting Signs.
 - 1) Should glass be incorporated in the composition of a projecting sign, only safety glass shall be permitted.
 - 2) Projecting signs may not extend more than 48 inches from the building, and shall provide a minimum of eight feet from the bottom of the sign to finished grade.

§ 27-507. Excavations and Fill Materials. [Ord. 461A-85, 3/21/1985, § 5.700]

1. Any excavations for the removal of topsoil or other earth products may be permitted only as a temporary special use by the Zoning Hearing Board. Such excavations must be adequately drained to prevent the formation of pools of water. The Board may require that such an excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety and welfare.
2. Unless specifically permitted by the Board, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.
3. The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised above the grade of the nearest road, that hazardous or nuisance conditions are not created, and that an unsightly appearance or unstable slopes are not created. Industrial or other operations requiring the dumping of such materials above the grade of the nearest road may be permitted by the Board as a special use if the Board determines that such dumping is not a menace to the public health, safety or welfare or a nuisance to nearby residential areas.

§ 27-508. Miscellaneous Provisions. [Ord. 461A-85, 3/21/1985, § 5.800; as amended by Ord. 1099, 11/13/00]

1. Screening Requirements. Adequate screening shall be provided along the side and rear boundaries of any manufacturing or commercial use or of any off-street parking or loading area for more than five vehicles which abuts a residential or institutional use or along the boundaries of any other use where such screening is required.
 - A. Open construction yards and junkyards shall be screened in accordance with the provisions of this section.
 - B. Such screening shall consist of a visual screen or obstruction of sufficient height, but not less than six feet high, to effectively obscure the area being screened from adjoining uses. Such a screen or obstruction shall consist of a suitable fence or wall or of appropriate planting materials such as shrubs, hedges or trees located within a buffer strip having a minimum width of five feet. Such fence, wall, or planting materials shall be maintained in good condition without any advertising thereon. Any space between such fence, wall or planting materials and adjoining lot lines shall be attractively surfaced and/or landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

2. Slope of yards. The surface area of any yard of open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.
3. Design of Highway (Nonresidential) Development. It is the objective of this chapter to encourage the orderly development of commercial, industrial, and other nonresidential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:
 - A. The design of streets, service drives and pedestrian ways shall provide for safe, convenient and hazard free internal circulation of goods, persons and vehicles.

- [7] A permit is required for all bulletin/sandwich boards.
- (e) Projecting Signs:
- [1] Only one projecting sign is permitted per business, and it can be in addition to a building sign.
- [2] Projecting signs shall not exceed 10 square feet in area. Projecting signs shall comply with all requirements as specified in Subsection 1E, General Requirements, Subsection 1E(9) herein.
- [3] Should glass be incorporated in the composition of a projecting sign, only safety glass shall be permitted.
- [4] Projecting signs may not extend more than 48 inches from the building and shall provide a minimum of eight feet from the bottom of the sign to finished grade.
- [5] Time/temperature/weather signs shall be classified as projecting signs for the purpose of this section.
- [6] A permit is required for all projecting signs.
- (f) Temporary Signs:
- [1] Only one temporary sign per business is permitted at any time.
- [2] The surface area of a temporary sign cannot exceed a total of nine square feet.
- [3] No permit is required for temporary signs. However, the property owner is responsible for providing a written log of specific dates of display of temporary signage upon request by the Borough.
- (g) Special Provisions for Buildings with Multiple Occupants in the Commercial District (C-1):
- [1] First-floor occupants: shall be in keeping with all provisions of this section.
- [2] Upper-Floor or Below-Grade Occupants:

- [a] Upper floor and below-grade occupants shall be permitted to erect two of three sign types: building signs, projecting signs, and/or interior window signs.
 - [b] A building sign face may not exceed 10 square feet in area.
 - [c] A projecting sign shall not exceed a total sign area of 10 square feet. Projecting signs shall comply with all requirements as specified in Subsection 1E, General Requirements, Subsection 1E(9) herein.
 - [d] Interior window signs shall comply with all requirements as specified in Subsection 1E, General Requirements, Subsection 1E(10) herein.
- (3) Industrial Districts I-1 and I-2.
- (a) Advertising Signs:
 - [1] Only one advertising sign is permitted per tax parcel, in conformance with the general requirements, as specified in Subsection 1E herein.
 - [2] Advertising signs shall not exceed a total sign area of 100 square feet, where each sign face shall not exceed 50 square feet.
 - (b) Building Signs:
 - [1] Only one building sign is permitted per first-floor business.
 - [2] Flush-mounted signboards may extend the width of the business storefront but cannot be more than 2.5 feet in height. The total size of the sign cannot exceed 50 square feet.
 - [3] Signs must be mounted above the storefront display window (and transom windows, where present) and below the second-story windowsills or signboard cornice, where present.
 - [4] Awning signs may serve as building signs with contrasting letters. Only canvas awnings or canvas-like materials are permitted. Lettering

and business logos may be placed anywhere on the awning, subject to maximum coverage of all lettering and business logos not to exceed 40% of the overall exposed awning surface. (See Subsection 1E, General Requirements, herein for measurement methodology.)

- [5] Additional building signs no larger than five square feet will be permitted for use as an indicator of business hours or ancillary services provided by the business. Such signs may also indicate employee/visitor parking areas, shipping and receiving areas, and plant or lab offices, including executive offices. These signs may be mounted on fences or standard highway sign posts where applicable.
 - [6] No awning, canopy or marquee shall be erected so that the lowest part is less than seven feet above the sidewalk.
 - [7] Signs may be directly illuminated from the front with lighting as permitted under Subsection 1E, General Requirements, herein.
 - [8] A permit is required for all building signs.
- (c) Projecting Signs:
- [1] Only one projecting sign is permitted per business, and it can be in addition to a building sign.
 - [2] Projecting signs shall not exceed 10 square feet in area. Projecting signs shall comply with all requirements as specified in Subsection 1E, General Requirements, Subsection 1E(9) herein.
 - [3] Should glass be incorporated in the composition of a projecting sign, only safety glass shall be permitted.
 - [4] Projecting signs may not extend more than 48 inches from the building and shall provide a minimum of eight feet from the bottom of the sign to finished grade.
 - [5] Time/temperature/weather signs shall be classified as projecting signs for the purpose of this section.

- [6] A permit is required for all projecting signs.
- (d) Freestanding Ground or Monument Sign:
- [1] Only one freestanding ground or monument sign is permitted.
- [2] Such signs shall not exceed 16 square feet in area not including any support posts.
- [3] All such signs are subject to the limitations of Subsection 1C(7), Sign Types, herein.
- [4] Signage may be directly illuminated from the front with lighting as permitted under Subsection 1E, General Requirements, herein.
- [5] A permit is required for all freestanding ground or monuments signs.
- (e) Temporary Signs:
- [1] Only one temporary sign per business is permitted at any time.
- [2] The surface area of a temporary sign cannot exceed a total of nine square feet.
- [3] No permit is required for temporary signs. However, the property owner is responsible for providing a written log of specific dates of display of temporary signage upon request by the Borough.
- (f) Special Provisions for Buildings with Multiple Occupants in the Industrial Districts (I-1 and I-2).
- [1] First-Floor Occupants: shall be in keeping with all provisions of this section.
- [2] Upper-Floor or Below-Grade Occupants:
- [a] Upper-floor and below-grade occupants shall be permitted to erect two of three sign types: building signs, projecting signs, and/or interior window signs.
- [b] A building sign face may not exceed 10 square feet in area.

- [c] A projecting sign shall not exceed a total sign area of 20 square feet, where each sign face shall not exceed 10 square feet. Projecting signs shall comply with all requirements as specified in Subsection 1E, General Requirements, Subsection 1E(9) herein.
 - [d] Interior window signs shall comply with all requirements as specified in Subsection 1E, General Requirements, Subsection 1E(10) herein.
- (4) Heavy Industrial (I-2) Zone Only.
- (a) Freestanding Pole Signs:
 - [1] Only one Freestanding pole sign is permitted per tax parcel in conformance with the general requirements, as specified in Subsection 1E herein.
 - [2] Freestanding pole signs shall not exceed a total sign area of 100 square feet, where each sign face shall not exceed 50 square feet.
 - (b) Flashing, intermittent or moving light signs:
 - [1] Only one flashing, intermittent or moving light sign is permitted per tax parcel, in conformance with the general requirements as specified in Subsection 1E herein.
 - [2] Flashing, intermittent or moving light signs shall not exceed a total sign area of 100 square feet, where each sign face shall not exceed 50 square feet.

§ 27-507. Excavations and Fill Materials. [Ord. 461A-85, 3/21/1985, § 5.700]

1. Any excavations for the removal of topsoil or other earth products may be permitted only as a temporary special use by the Zoning Hearing Board. Such excavations must be adequately drained to prevent the formation of pools of water. The Board may require that such an excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety and welfare.
2. Unless specifically permitted by the Board, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.

3. The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised above the grade of the nearest road, that hazardous or nuisance conditions are not created, and that an unsightly appearance or unstable slopes are not created. Industrial or other operations requiring the dumping of such materials above the grade of the nearest road may be permitted by the Board as a special use if the Board determines that such dumping is not a menace to the public health, safety or welfare or a nuisance to nearby residential areas.

§ 27-508. Miscellaneous Provisions. [Ord. 461A-85, 3/21/1985, § 5.800; as amended by Ord. 1099, 11/13/00]

1. Screening Requirements. Adequate screening shall be provided along the side and rear boundaries of any manufacturing or commercial use or of any off-street parking or loading area for more than five vehicles which abuts a residential or institutional use or along the boundaries of any other use where such screening is required.
 - A. Open construction yards and junkyards shall be screened in accordance with the provisions of this section.
 - B. Such screening shall consist of a visual screen or obstruction of sufficient height, but not less than six feet high, to effectively obscure the area being screened from adjoining uses. Such a screen or obstruction shall consist of a suitable fence or wall or of appropriate planting materials such as shrubs, hedges or trees located within a buffer strip having a minimum width of five feet. Such fence, wall, or plating materials shall be maintained in good condition without any advertising thereon. Any space between such fence, wall or planting materials and adjoining lot lines shall be attractively surfaced and/or landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.
2. Slope of yards. The surface area of any yard of open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.
3. Design of Highway (Nonresidential) Development. It is the objective of this chapter to encourage the orderly development of commercial, industrial, and other nonresidential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:
 - A. The design of streets, service drives and pedestrian ways shall provide for safe, convenient and hazard free internal circulation of goods, persons and vehicles.

- B. Nonresidential parcels shall be limited to no more than two driveway access points from the street or highway from which they derive their principal access and such driveway access points shall not be more than 40 feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
- C. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for nonresidential development consideration shall be given to the following:
 - (1) The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
 - (2) The development of parking and loading areas which permit convenient traffic circulation between adjoining parcels.
 - (3) The development of pedestrian walkways between adjoining parking areas and buildings.
 - (4) The provision of landscaping and other features which will enhance the usability, character and attractiveness of the area.

4. **Animals and Fowl.** In any district the establishment, maintenance, and operation of boarding stables, dog kennels, boarding kennels, aviaries, or similar facilities for the housing, boarding, service, treatment, care, breeding or sale of animals and fowls is prohibited, except for animal hospitals as permitted in Use Class 6.

The provisions of this section shall not apply to the keeping of pets which are the personal property of persons residing on the premises, provided that such pets shall not create nuisance or health problems.

5. **Size of Dwellings.** In order to promote the public health, safety and welfare of occupants residing in residential dwelling structures, the following minimum floor areas of human habitation shall be required in all dwelling units designed for permanent occupancy.

No. of Bedrooms	Minimum Floor Area (square feet)
Efficiency Unit	450
One Bedroom	575
Two Bedrooms	700
Three or More Bedrooms	800 + 100 for each additional bedroom exceeding 3

- A. No dwelling unit shall be less than 12 feet wide.
 - B. Any residential project which is designed primarily for the elderly or the handicapped may have a floor area which is up to 10% less than the above requirements if such lesser area is necessary to facilitate financing or approval by any federal, state or governmental agency.
6. Public Water and Sewer Facilities. All buildings within the municipality shall be served with public water and sanitary sewer facilities unless the Board determines that such facilities are not required or that suitable alternate facilities meeting the requirements of the Pennsylvania Department of Environmental Resources shall be provided.

§ 27-509. Adult Entertainment. [Ord. 1099, 11/13/2000, §§ 1-10]

1. Purpose and Intent. It is the purpose of this section to regulate and to zone sexually oriented businesses to promote the health, safety, and general welfare of the citizens of the Borough, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the Borough. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
2. Definitions.

ADULT ARCADE — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE — A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "adult bookstore" or "adult video store." Such other business purposes will not serve to exempt such commercial establishment from being categorized as an "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.

ADULT CABARET — A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (1) Persons who appear in the state of nudity.
- (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL — A hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions.
- (2) Offers sleeping rooms for rent four or more times in one calendar day during five or more calendar days in any continuous thirty-day period.

ADULT MOTION PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

BOROUGH — The Borough of Scottdale.

BOROUGH COUNCIL OR COUNCIL — The Borough Council of the Borough of Scottsdale.

CHILD-ORIENTED BUSINESS — A commercial establishment which, as one of its principal business purposes, serves and/or sells children and their families food, apparels, goods, services, plan and/or entertainment.

ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY — A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

MASSAGE ESTABLISHMENT — Any establishment or business which provides the service of massage and/or body manipulations, including exercise, heat light treatment, water treatment of the body and all forms and methods of physical therapy, excluding establishments operated or supervised by a medical practitioner, including a medical doctor, doctor of osteopathy, chiropractor or physical therapist licensed by the Commonwealth of Pennsylvania. The services provided at a massage establishment shall not include any specified sexual or adult entertainment activities of the type regulated by this section.

NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or A STATE OF NUDITY — The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.

PERMITTEE and/or LICENSEE — A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

PERSON — An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMI-NUDE — A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
- (2) Activities between male and female persons and/or persons of the same sex when one or more persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

SPECIFIED ANATOMICAL AREAS — The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES — Includes any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
- (3) Masturbation, actual or simulated.
- (4) Excretory functions as part of or in connection with any of the activities set forth in Subsections (1) through (3) above.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS — The increase in floor areas occupied by the business by more than 25%, as the floor areas exist on date of enactment of this section.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS — Includes any of the following:

- (1) The sale, lease or sublease of the business.
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.
- (3) The establishment of a trust, gift or similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

3. Classification. Sexually oriented businesses are classified as follows:

- A. Adult arcades.
- B. Adult bookstores or adult video stores.
- C. Adult cabarets.

- D. Adult motels.
 - E. Adult motion-picture theaters.
 - F. Adult theaters.
 - G. Escort agencies.
 - H. Nude model studios.
 - I. Sexual encounter centers.
4. Permit Required. Any person who operates a sexually oriented business must first obtain and must maintain at all times a valid permit issued by the Borough pursuant to Chapter 13, Part 7, of the Borough of Scottsdale Code of Ordinances.
5. Inspection.
- A. An applicant, or permittee, shall permit representatives of the Police Department, Fire Marshal, Zoning Officer, or other Borough departments or agencies or the Commonwealth of Pennsylvania Department of Labor and Industry to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time that the sexually oriented business is occupied or open for business.
 - B. A person who operates a sexually oriented business or his agent or employee violates this chapter if he refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.
6. Minimum Lot Size. Notwithstanding any other provisions of this chapter, the minimum lot size for a sexually oriented business shall be 30,000 square feet.
7. Location of Sexually Oriented Businesses.
- A. A person is guilty of a violation of this chapter if he operates or causes to be operated a sexually oriented business outside of the portion of the district in which a sexually oriented business may be permitted as a special exception use. No sexually oriented businesses shall be located outside a district in which a sexually oriented business may be permitted as a special exception use. Sexually oriented businesses as defined herein shall be permitted only in the southerly portion of the 1-2 Zone, below the part where Mulberry Street, if extended, would intersect the Industrial Zone as a special exception.
 - B. A person is guilty of a violation of this chapter if he operates or causes to be operated a sexually oriented business within 500 feet of:

- (1) A church.
 - (2) A public or private pre-elementary, elementary or secondary school.
 - (3) A public library.
 - (4) A child-care facility or nursery school.
 - (5) A public park adjacent to any residential district.
 - (6) A child-oriented business.
 - (7) A recreation trail including a walking trail and/or bike trail.
 - (8) A residential structure or dwelling unit.
- C. A person is guilty of a violation of this chapter if he causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.
- D. A person is guilty of a violation of this chapter if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof; or the increase of floor areas of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- E. For the purpose of this chapter, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child-care facility, child-oriented business, nursery school or residential dwelling unit; or to the nearest boundary of an affected public park, or recreational, walking or bike trail.
- F. For purposes of Subsection 7C of this section, the distance between any two sexually oriented business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- G. Any sexually oriented business lawfully operating on date of enactment of this section that is in violation of Subsection 7A through F of this section shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. In the event that two or more sexually oriented businesses are within

1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.

- H. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a church, public or private pre-elementary, elementary, or secondary school, public library, child-care facility, child-oriented business, nursery school, or public park, recreational walking or bike trail, or residential dwelling unit, within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
8. Hours of Operation. No sexually oriented business shall be open for business before 10:00 a.m. Monday through Saturday or after 10:00 p.m., Monday through Saturday. Sexually oriented businesses shall be closed at all times on Sundays and legal holidays.
9. Exemptions. It is a defense to prosecution under this section that a person appearing in a state of nudity did so in a modeling class operated:
- A. By a proprietary school, licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation.
 - B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.
 - C. In a structure:
 - (1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
 - (2) Where, in order to participate in a class, a student must enroll at least three days in advance of the class.
 - (3) Where no more than one nude model is on the premises at any one time.
10. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit or in violation of this section is subject to an action in equity or a suit for injunction as well as citations for violations of this chapter.

PART 6

ADMINISTRATION AND ENFORCEMENT

§ 27-601. General Procedure. [Ord. 461A-85, 3/21/1985, § 6.100]

1. General sequence of steps. Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will either issue the zoning permit or will refuse the permit after any necessary review by the Zoning Hearing Board and the Zoning Officer will indicate in writing the reason for refusal. If refused a permit, the applicant may appeal to the Board for further consideration. After the zoning permit has been received by the applicant, he may proceed to obtain other necessary permits and undertake the action permitted by the zoning permit and the other necessary permits and upon completion of such action shall apply to the Zoning Officer for an occupancy permit where such a permit is required. If the Zoning Officer finds that the action of the applicant has been taken in accordance with the zoning permit, he will then issue an occupancy permit allowing the premises to be occupied.
2. Zoning Permit Types. Under the terms of this chapter, the following classes of zoning permits may be issued:
 - A. Permitted Uses. A zoning permit for a permitted use may be issued by the Zoning Officer on his own authority.
 - B. Special Uses. A zoning permit for a special use may be issued by the Zoning Officer upon the order of the Board after a hearing and after any required review by the Planning Commission.
 - C. Zoning Permit After An Appeal or a Request for A Variance. A zoning permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

§ 27-602. Zoning and Occupancy Permits and Certificates. [Ord. 461A-85, 3/21/1985, § 6.200]

1. Applications to Zoning Officer. All applications for zoning permits for permitted or special uses, for occupancy permits, for certificates of nonconforming use, for variances and for interpretations of any fact or provision of this chapter shall be made directly to the Zoning Officer. Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Officer or the Zoning Hearing Board may require any additional information deemed necessary to properly

evaluate the application for the purpose of determining its conformity with this chapter.

2. Applications to Zoning Hearing Board. All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Secretary and/or Solicitor of the Zoning Hearing Board. Such appeals shall be in writing and shall explain fully the facts and parties in the case and shall clearly state the reasons or provisions of this chapter on which the appeal is based.
3. Zoning Permits.
 - A. The purpose of the zoning permit is to determine compliance with the provisions of this chapter, and no person shall erect, alter, or convert any structure, building, or part thereof, nor alter the use of any land, subsequent to the adoption of this chapter, until a zoning permit has been issued by the Zoning Officer. Zoning permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a zoning permit is being displayed as required by this chapter.
 - B. Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time. The Zoning Officer or the Board may revoke a zoning permit at any time if it appears that the application is in any respect false or misleading, or that work being done upon the premises differs materially from that called for in the application.
 - C. No zoning permit shall be issued, except on written order of the Board for any special use or variance or where the proposed construction, alteration or use would be in violation of any provision of this chapter.
 - D. Unless there has been substantial progress in the work for which a zoning permit was issued, said permit shall expire one year from the date of issue.
4. Occupancy Permits. The purpose of an occupancy permit is to certify that the premises comply with the provisions of this chapter and may be used for the purposes set forth in the occupancy permit. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be kept upon the premises and shall be displayed upon request made by any officer of the municipality. All applications for occupancy permits shall be in writing on forms to be furnished by the Zoning Officer.
5. Certificate of Nonconforming Use. The Zoning Officer is assigned the responsibility to identify and register nonconforming uses and nonconforming structures. The owner of the premises occupied by a lawful nonconforming use or structure will be issued a certificate of nonconforming use from the Zoning Officer. Such certificate shall be for the purpose of

certifying to the owner his right to continue such nonconforming use or structure.

§ 27-603. Zoning Officer. [Ord. 461A-85, 3/21/1985, § 6.300; as amended by Ord. 1009, 6/10/1991]

1. Appointment and Powers of Zoning Officer.
 - A. For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed.
 - B. The Zoning Officer shall meet the qualifications established by the Borough and shall be able to demonstrate to the satisfaction of the Borough a working knowledge of municipal zoning.
 - C. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter.
 - D. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
2. Duties and Powers. The Zoning Officer shall receive and examine all applications required under the terms of this chapter and shall issue or refuse permits within 30 days of the receipt of the application or where applicable shall refer said application within 10 days to the Board. The Zoning Officer shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this chapter. He shall keep records of applications, of permits, or certificates issued, of variances granted, of inspections made, of reports rendered, and of notice or orders issued and shall identify and register nonconforming uses and structures and shall make all required inspections and perform all other duties as called for in this chapter.

§ 27-604. Zoning Hearing Board. [Ord. 1009, 6/10/1991]

1. There is hereby created for the Borough a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10901 et seq.
2. The membership of the Board shall consist of five residents of the Borough appointed by resolution by the Borough Council. The terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion. Members of the Board shall hold no other office in the Borough.

3. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.
4. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in this chapter.
5. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
6. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.

§ 27-605. Jurisdiction of Zoning Hearing Board and Borough Council. [Ord. 1009, 6/10/1991]

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - A. Substantive challenges to the validity of any land use ordinance, except those brought before the Borough Council pursuant to §§ 609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. §§ 10609.1, 10916.1.
 - B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the Borough and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or

the registration or refusal to register any nonconforming use, structure or lot.

- D. Appeals from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.
 - E. Applications for variances from the terms of this chapter and flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 910.2 of the MPC, 53 P.S. § 10910.2.
 - F. Applications for special exceptions under this chapter or floodplain or flood hazard ordinance or such provisions within a land use ordinance, pursuant to § 912.1 of the MPC, 53 P.S. § 10912.1.
 - G. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter.
 - H. Appeals from the Zoning Officer's determination under § 916.2 of the MPC, 53 P.S. § 10916.2.
 - I. Appeals from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P.S. §§ 10501 et seq., 10701 et seq.
 - J. The Board shall also serve as the Code Hearing Board for the Borough of Scottdale and shall have all the duties and powers of said Board as set forth in the Borough's Code Enforcement Ordinance No. 573 of 1977.
2. The Borough Council, shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- A. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of § 702 of the MPC, 53 P.S. § 10702.
 - B. All applications pursuant to § 508 of the MPC, 53 P.S. § 10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P.S. § 10501 et seq.
 - C. Applications for conditional use under the express provisions of this chapter, pursuant to Section 603(C)(2) of the Municipalities Planning Code.

- D. Applications for curative amendment to this chapter or pursuant to §§ 609.1 and 916.1(a) of the MPC, 53 P.S. §§ 10609.1, 10916.1(a).
- E. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in § 609 of the MPC, 53 P.S. § 10609.
- F. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P.S. §§ 10501 et seq., 10701 et seq. Where such determination relates only to development not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this section. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.

§ 27-606. Hearings. [Ord. 1009, 6/10/1991]

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

- A. Public notice shall be given and written notice shall be given to the applicant, the Zoning Officer and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- B. The hearing shall be held within 60 days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- C. The hearings shall be conducted by the Board or the Board, may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the Borough, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
- D. The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

- E. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- F. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- G. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- H. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their Solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
- J. The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this chapter or of any law, ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within 45 days and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings, and the Board's decision shall be entered no later than 30 days after the report of the hearing officer. Where the Board fails to render the decision within the period required by this subsection, or fails to hold the

required hearing within 60 days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of the said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Subsection A of this section. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this Subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- K. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, a brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.
- L. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.

§ 27-607. Variances. [Ord. 1009, 6/10/1990]

- 1. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the applicant.

- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
2. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary, including the establishment of reasonable time limits for the accomplishment of said variance, to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

§ 27-608. Enactment of Zoning Ordinance Amendments. [Ord. 1009, 6/10/1990]

1. The Borough Council may from time to time amend, supplement, or repeal any of the regulations and provisions of this chapter. The procedure for the preparation of a proposed zoning ordinance as set forth in § 607 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10607, is hereby declared optional.
2. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.
3. In the case of an amendment other than that prepared by the Planning Commission the Borough Council shall submit each such amendment to the Planning Commission at least 30 days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
4. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
5. At least 30 days prior to the public hearing on the amendment by the Borough Council, the Borough shall submit the proposed amendment to the county planning agency for recommendations.

6. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the county planning agency.

§ 27-609. Procedure for Landowner Curative Amendments. [Ord. 1009, 6/10/1991]

1. A landowner who desires to challenge on substantive grounds the validity of this chapter or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in § 916.1 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10916.1. The curative amendment and challenge shall be referred to the Planning Commission and the county planning agency as provided in § 609 and notice of the hearing thereon shall be given as provided in §§ 610 and 916.1 of the MPC, 53 P.S. §§ 10609, 10610, and 10916.1.
2. The hearing shall be conducted in accordance with § 908 of the MPC, 53 P.S. § 10908, and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the Borough Council. If the Borough does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. The Borough Council, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider.
 - A. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities.
 - B. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to the affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this chapter or Zoning Map.
 - C. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features.
 - D. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the

degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

- E. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

§ 27-610. Procedure for Borough Curative Amendments. [Ord. 1009, 6/20/1991]

1. If the Borough determines that this chapter, or any portion hereof, is substantially invalid, it shall take the following actions:
 - A. The Borough shall declare by formal action, this chapter or portions hereof substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days such declaration and proposal the Borough Council shall:
 - (1) By resolution make specific findings setting forth the declared invalidity of this chapter which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of use or uses which requires revision; or,
 - (c) Reference to this entire chapter which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this chapter to correct the declared invalidity.
2. Within 180 days from the date of the declaration and proposal, the Borough shall enact a curative amendment to validate, or reaffirm the validity of, this chapter pursuant to the provisions of § 609 of the Pennsylvania Municipalities Planning Code (hereinafter "MPC"), 53 P.S. § 10609, in order to cure the declared invalidity of this chapter.
3. Upon the initiation of the procedures as set forth in Subsection 1, the Borough Council shall not be required to entertain or consider any landowner's curative amendment filed under § 609.1 of the MPC, 53 P.S. § 10609.1, nor shall the Zoning Hearing Board be required to give a report requested under §§ 909.1 or 916.1 of the MPC, 53 P.S. §§ 10909.1, 10916.1, subsequent to the declaration and proposal based upon the grounds identical or substantially similar to those specified by the resolution required by Subsection 1A. Upon completion of the procedures set forth in Subsections 1 and 2, no rights to a cure pursuant to the provisions of §§ 609.1 and 916.1 of the MPC, 53 P.S. §§ 10609.1, 10916.1, shall from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this chapter for which there has been a curative amendment pursuant to this section.

4. The Borough, having utilized the procedures set forth in this section, may not again utilize said procedure for a period of 36 months following the date of enactment of a curative amendment, or reaffirmation of the validity of this chapter; provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this section to propose a curative amendment to this chapter to fulfill said duty or obligation.

§ 27-611. Parties Appellant Before the Board. [Ord. 1009, 6/10/1991]

Appeals raising the substantive validity of any land use ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code, procedural questions or alleged defects in the process of enactment or adoption of a land use ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter; from the determination of the Zoning Officer or Borough engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.

§ 27-612. Time Limitations. [Ord. 1009, 6/10/1991]

1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this chapter or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
2. All appeals from determination adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 27-613. Enforcement Notice. [Ord. 1009, 6/10/1991]

1. If it appears to the Borough that a violation of this chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in this section.
2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.
3. An enforcement notice shall state at least the following:
 - A. The name of the owner of record and any other person against whom the Borough intends to take action.
 - B. The location of the property in violation.
 - C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this chapter.
 - D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a period of 10 days.
 - F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

§ 27-614. Causes of Action. [Ord. 1009, 6/10/1991]

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

§ 27-615. Enforcement Remedies. [Ord. 1009, 6/10/1991]

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being

found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
4. District Justices shall have initial jurisdiction over proceedings brought under this section.

§ 27-616. Filing Fees. [Ord. 461A-85, 3/21/1985, § 6.800]

The following fees for various zoning related activities shall be as established from time to time in the fee schedule resolution of Borough Council and shall be paid at the office of the Borough Manager.

PART 7

TAX EXEMPTIONS FOR IMPROVEMENTS TO DETERIORATED AREAS**§ 27-701. Definitions. [Ord. 977, 3/14/1988, § 1]**

As used in this Part, the following words and phrases shall have the meaning set forth below:

DETERIORATED PROPERTY — Any industrial, commercial or other business property owned by an individual, association or corporation, and located in the Borough of Scottsdale, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, parts or regulations, and specifically including all areas encompassed by any existing redevelopment authority.

IMPROVEMENT — Repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property, either industrial, commercial or business so that it becomes habitable or attains higher standards of safety, health, economic use of amenity, or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed as improvement.

LOCAL GOVERNING BODY — The Borough of Scottsdale.

LOCAL TAXING AUTHORITY — The Borough of Scottsdale, Southmoreland School District and Westmoreland County.

§ 27-702. Exemption Area. [Ord. 977, 3/14/1988, § 2]

1. The Council of the Borough of Scottsdale by Resolution No. 88-2 has designated the following areas as deteriorated:
 - A. The entire Borough of Scottsdale, Westmoreland County, Pennsylvania.
2. All legally existing commercial, industrial or business properties located in these areas may be eligible to participate in this tax exemption program.

§ 27-703. Exemption. [Ord. 977, 3/14/1988, § 3]

1. There is hereby exempted from all real property taxation for those eligible properties situated in the exemption areas designated in § 27-702 above, the assessed value of:
 - A. Improvements to deteriorated properties.

2. Said exemption shall apply only to those eligible properties where the improvement shall have commenced after May 11, 1987.

§ 27-704. Maximum Exemption. [Ord. 977, 3/14/1988, § 4]

1. The exemption from real property taxes shall be limited:
 - A. To that portion of the additional assessment attributable to the actual cost of improvements to deteriorated property.
 - B. To the assessment valuation attributable to the cost of construction of the new structure.
2. In all cases the exemption from taxes shall be limited to that portion of the additional assessment attributable to the improvement or new construction, as the case may be, and for which a separate assessment has been made by the County Board of Assessment Appeals and for which an exemption has been separately requested. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property except that improvements commenced between May 11, 1987, and the effective date of this Part 7 may be exempted or exonerated upon written application within 60 days of the effective date. No tax exemption shall be granted if the property as completed does not comply with the minimum standards of Zoning, Housing and Building Codes of the Borough of Scottsdale.
3. In any case, after May 11, 1987, where deteriorated property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction or demolition, the exemption from real property taxation authorized by this Part shall be limited to that portion of new assessment attributable to the original assessment that existed prior to damage, destruction, or demolition of the property.

§ 27-705. Exemption Schedule. [Ord. 977, 3/14/1988, § 5]

1. The schedule of real estate taxes to be exempted shall be in accordance with the portion of improvements to be exempted each year, as set forth below:

First Year	100%
Second Year	100%
Third Year	87.5%
Fourth Year	75.0%
Fifth Year	62.5%
Sixth Year	50%

Seventh Year	37.5%
Eighth Year	25%
Ninth Year	12.5%
Tenth Year	0% (After the ninth year, the exemption shall terminate.)

2. The exemption from taxes granted under this Part shall be upon the property and shall not terminate upon the sale or exchange of the property.
3. If an eligible property is granted tax exemption pursuant to this Part, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.

§ 27-706. Procedure For Obtaining Exemption. [Ord. 977, 3/14/1988, § 6]

1. Any person desiring tax exemption pursuant to this Part should apply to the Borough of Scottdale at the time a building and a zoning permit is secured for construction of the improvement or new construction, as the case may be. The application must be in writing upon forms specified by the Borough, setting forth the following information:
 - A. Name and address of property owner.
 - B. The date the building permit and zoning permit was issued for said improvements.
 - C. The address of the property for which an exemption is being requested.
 - D. The nature of the property to be improved.
 - E. The type or nature of the improvements, construction or reconstruction.
 - F. The summary of the plan of the improvement.
 - G. The cost of the improvements.
 - H. Indicate whether the property has been condemned by any governmental body for noncompliance to laws or ordinances.
 - I. The property has been inspected and verified by the Borough Manager or his agent, and such additional information as the Borough may require.
2. There shall be on the form application for a building permit and zoning permit, the following:

"Notice to Taxpayer"

Under the provisions of Ordinance No. 977 of 1988, you may be entitled to exemption from real estate property tax on your contemplated improvement or reassessment. An application for exemption may be secured from the Borough Manager or other properly designated official and should be filed at the time the building permit and zoning permit is secured.

3. A copy of the exemption request shall be forwarded to the Westmoreland County Board of Assessment Office by the Borough Manager. The Board shall, upon completion of the improvements and notification from the Borough Manager that the improvements comply with all applicable Zoning, Building and Housing Codes, assess separately the improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Part and notify the taxpayer and the local taxing authorities of the reassessment and amounts of the assessment eligible for exemption. In the case of new construction, the Board shall assess separately, the structure unit and the land upon which the new construction stands and shall otherwise perform its duties as above provided for construction of improvements to properties.
4. The cost of improvements to properties to be exempted and the schedule of taxes exempted, existing at the time of the initial request for tax exemption, shall be applicable to that exemption request, and subsequent amendment to this Part, if any, shall not apply to requests initiated prior to their adoption.
5. Appeals from the reassessment and the amount eligible for the exemption may be taken by the Borough or by the taxpayer as provided by the law.

§ 27-707. Amendments. [Ord. 977, 3/14/1988, § 8]

No amendment to this Part shall be effective unless consented to by resolution or ordinance of each local taxing authority who has consented to be bound by the terms of this Part.

§ 27-708. Termination Date. [Ord. 977, 3/14/1988, § 10; as amended by Ord. 1068, 3/9/1998; and by Ord. 1162, 3/10/2008]

This Part shall automatically expire and terminate 10 years following the effective date of the passage of Ord. 1162, said effective date of passage being March 10, 2008; provided, however, that any taxpayer who has received or applied for the exemption granted by this Part prior to the expiration date herein provided shall, if said exemption is granted, be entitled to the full exemption authorized herein.

ZONING

27 Attachment 1

Borough of Scottdale

**SCHEDULE I
REGULATIONS GOVERNING THE USE OF LAND
[Last amended by Ord. No. 1196, 3/12/2018]**

Use Class	ZONING DISTRICT					
	R-1A	R-1B	R-2	C-1	I-1	I-2
Permitted Uses (a)						
1. Single Family Dwellings	X	X	X			
2. Two-Family Dwellings			X			
3. General Commercial [Ord. 1082]				X	X	X
4. Heavy Commercial				X	X	X
5. General Industrial					X	X
6. Heavy Industrial						X
7. Customary Accessory Uses and Essential Services	X	X	X	X	X	X
Special Uses (b)						
8. Related Residential Uses [Ord. 1084]	X	X	X	X		
9. Multi-Family Dwellings [Ord. 1137]	X	X	X	X		
11. Mobile Home Parks	X					
12. Planned Unit Development	X					
13. Appropriate Public Uses	X	X	X	X	X	X

NOTE: "X" indicates that the Use Class is permitted. See Section 4,400 for a description of the uses included in each Use Class and for an explanation of the conditions under which they are permitted in each District.

(a) Uses which require no special action by the Zoning Hearing Board or the Planning Commission.

(b) Uses which must be referred to the Zoning Hearing Board and which require a hearing.



ZONING

27 Attachment 2

Borough of Scottsdale

SCHEDULE II-FOR PERMITTED USES ONLY
REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS AND BUILDINGS FOR PERMITTED USES ONLY

Type of Regulation	Zoning District						
	R-1A	R-1B	R-2 SF	R-2 TF	C-1	I-1	I-2
Minimum Lot Size							
Area (square feet)	7,500	6,000	5,000	5,000	3,000	10,000	15,000
Width (feet)	75	60	50	50	30	80	100
Depth (feet)	100	100	100	100	100	125	150
Average Lot Area Per Dwelling Unit (square feet)	7,500	6,000	5,000	2,500	-	-	-
Minimum Yards (feet)							
Front Yard	25	25	20	20	-	25	25
Rear yard	25	25	25	25	20	20	20
One Side Yard	10	8	8	8	-	12	12
Both Side Yards Combined	25	20	20	16	-	24	24
Maximum Building Height For The Principal Building							
Number in Stories	2 1/2	2 1/2	3	3	6	3	6
Height in Feet	35	35	40	40	75	40	75
Maximum Building Coverage (%)	40%	45%	50%	55%	100%	65%	80%

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NOTES:

- (1) This Schedule does not apply to Special Uses. See Section 4.402 for regulations governing such Special Uses.
- (2) See Article 5 for other additional regulations governing accessory structures and uses, signs, fences, home occupations, off-street parking and loadings, legally encroaching structures and nonconforming uses and lots.
- (3) SF equals Single-Family Dwellings; TF equals Two-Family Dwellings.
- (4) Permitted Variations from the above Schedule for existing uses and lots are set forth in Section 5.100.

ZONING

27 Attachment 3

Borough of Scottdale

**SCHEDULE III
REGULATIONS FOR OFF-STREET PARKING SPACES^(A)**

Type of Use^(b)	No. of Parking Spaces Re-quired
1. Offices, Retail Business and Customer Service Establishments	1 for every 300 square feet of floor area
2. Restaurants, Taverns, Night Clubs	1 for every 2.5 seats
3. Medical and Dental Clinics	5 for every doctor or dentist
4. Motels	4 for every three sleeping rooms
5. Hotels	1 for every two sleeping rooms
6. Churches, Theaters, Auditoriums and Places of Assembly	1 for every 3.5 seats
7. Elementary and Secondary Public and Parochial Schools	1 for every 15 classroom seats
8. Colleges, Universities and Commercial Schools	1 for every 5 classroom seats
9. Social Halls, Clubs and Lodges	1 for every 200 square feet of floor area
10. Bowling Alleys	5 for every one alley
11. Hospitals	1 for every two beds
12. Residential Dwellings	
- Units for Elderly Families ^(c)	1 per 3 dwelling units
- Single-Family and Two-Family Unit Structures	2 per one dwelling unit
- Conversions and Accessory Dwellings	1 per 1 dwelling unit
- All other residential units	3 per 2 dwelling units
- Home Occupations	See §27-505(2)
13. Funeral Homes	3 for every one parlor
14. Rooming Houses and Dormitories	1 for every two beds
15. Manufacturing Plants and Laboratories	1 for every three employees ^(d)
16. Wholesale Establishments and Warehouses	1 for every 3 employees ^(e)
17. Nursing Homes and Group Homes	1 for every four beds

SCOTTDALE CODE

Type of Use ^(b)	No. of Parking Spaces Re- quired
18. Commercial Entertainment and Recreation Uses	1 for every 200 square feet of floor area

NOTES:

- (a) This Table applies only to new construction or to new uses and to the enlarged section of any addition.
- (b) For any use not specifically listed, the Zoning Officer shall apply the requirements of that listed use which it determines to be most similar.
- (c) Designed primarily for adults 62 years of age or older.
- (d) But not less than one space for every 1,000 square feet of floor area.
- (e) But not less than one space for every 2,000 square feet of floor area.

ZONING

27 Attachment 4

Borough of Scottsdale

ZONING MAP



