

## ARTICLE VIII

### GENERAL REGULATIONS

#### 801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

##### 801.A. Frontage Required onto Improved Street.

1. A principal building shall only be built upon a lot with frontage on a public street improved to meet City standards abutting the lot or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance, except:
  - a. a single lot that existed as a lawful recorded lot of record prior to the adoption of this Ordinance and that is not proposed to be subdivided and that is to be used for a single family detached dwelling shall be permitted to have access onto a public street by means of a paved public alley/ court with a minimum cartway width from the subject lot to a public street of 10 feet if:
    - 1) such alley/ court provides legally-permanent access to the property and
    - 2) the Zoning Officer determines there are no other feasible methods of providing access to the property; or
  - b. a townhouse or condominium apartment development may have access to individual dwellings using a parking court and a shared accessway/ private street within the tract, provided that such shared access/private street guarantees permanent access (with a method for funding perpetual maintenance approved by the Planning Commission under the Subdivision and Land Development Ordinance) from such dwellings to reach a public street.
2. Any new lot that is granted subdivision approval shall have frontage onto a public street, except as permitted above for a townhouse or condominium apartment development.

801.B. Multiple Uses in a Building. Occupancy of a principal commercial or industrial building by more than one permitted use is specifically allowed, provided that all other requirements of this Ordinance are satisfied.

801.C. Multiple Buildings on a Lot. An approved commercial, institutional, industrial, townhouse or garden apartment lot may include more than one principal building. In such case, the minimum front, side and rear yard requirements shall only apply at exterior lot lines of the property, except as otherwise provided by this Ordinance. Individual buildings or portions of such buildings may be held in approved condominium ownership, but the lot shall be owned by a single legal entity. In cases not meeting this Section 801.C., only one principal building shall be permitted per lot. See Section 806.I. concerning the creation of new non-conforming business lots.

801.D. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 700 square feet of habitable indoor heated floor area, except:

1. such minimum for apartment units shall be 600 square feet, except

2. such minimum for apartment units within buildings containing 6 or more dwelling units that are specifically limited to persons over 55 years old and the spouses and/or the physically handicapped shall be 450 square feet.

802. **HEIGHT EXCEPTIONS; AIRPORT APPROACHES.**

802.A. Height Exceptions. The maximum structure height specified for each district shall not apply to: farm silos and associated agricultural structures, commercial communications antennae, household antennas (see Section 403), water towers, cupolas, clock or bell towers, steeples or spires of places of worship, electrical transmission lines, industrial raw material storage silos (other than for fuels), flag poles, elevator shafts, ventilators, skylights, windmills, smokestacks, chimneys or other similar appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

802.B. Height and Airport Approaches. At a minimum, any structure proposed to have a height of 75 feet or more above average surrounding ground level shall present sufficient information to the Zoning Officer to prove that the structure would comply with all applicable Federal, State and City requirements regarding airport approaches and warning lights.

803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, nonimpervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles.
3. Accuracy. The applicant is responsible to make sure that all measurements submitted to the City are accurate. See "Revocation of Permits" in Article I.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Nonconforming Lots. See Section 806.
2. Through Lots. Any lot in the R-1 or R-1A district having frontage on 2 approximately parallel streets (not including an alley) shall provide a required front yard setback abutting each of these streets.
3. Corner Lots.
  - a. For R-1, R-1C and R-1A districts, see "Setback from Public Street" in Section 307.B.2.
  - b. For a corner lot, the applicant may choose which shall be the front, unless the Zoning Officer determines that 1 side clearly should be the front based upon the predominate pattern on that block. The front door shall face the front yard.
4. Triangular Lots. If a three-sided lot does not have a rear lot line, then the required rear yard shall be measured from the corner that is furthest away from the front lot line. In such case, the lot shall have 2 side lot lines.

5. Projections Into Required Yards. The following features may project into required yards as specified:
  - a. Emergency fire escapes, new or improved fire exits and handicapped access facilities added onto a building that existed prior to the adoption of this Ordinance, provided that: 1) a fire escape shall not intrude into a required front yard and 2) that such features intrude a maximum of 5 feet into a required yard;
  - b. Routinely projecting architectural features such as bay windows, cornices, eaves, fireplaces, flues, gutters, chimneys, fire escapes or window sills which do not project more than 3 feet into a required yard;
  - c. Stairs and landings that are not covered by structural roofs that are necessary for entry into the main doors of a building;
  - d. Patios, porches and decks that:
    - 1) are not covered by a structural roof,
    - 2) are not enclosed and do not have walls of mostly solid material, glass or plexiglass,
    - 3) are not closer than 3 feet to any side or rear lot line, (except 0 feet at a shared lot line of attached dwellings) and
    - 4) are not raised an average of more than 4 feet above the surrounding average ground level;
  - e. If a covered or uncovered patios, porch or deck does not meet the standards of part "d" above, and does not have enclosed walls of mostly solid material (including glass or plexiglass), then such patio, porch or deck may be a minimum of 5 feet from a side lot line, 15 feet from a rear lot line and 0 feet from any shared lot line of abutting dwellings.
  - f. Awnings and canopies may extend into a required yard if the following standards are met:
    - 1) the awnings or canopies are constructed primarily of fabric (such as canvas) or closely similar material,
    - 2) the awnings or canopies are maintained in good condition,
    - 3) the awnings or canopies shall not be enclosed on the front or sides,
    - 4) the awnings or canopies do not extend more than 3 feet into a street right-of-way, except that canopies covering a walkways to a main entrance of a principal apartment, institutional or business building and that has a maximum canopy width of 10 feet may extend to within 1 feet of a curb,
    - 5) the canopies or awnings shall meet the requirements of the City Building Code as applicable, and
    - 6) the awnings or canopies shall not obstruct pedestrian or vehicle movement.
6. Previously Approved Setbacks. Where a subdivision or land development was granted final approval prior to the adoption of this Ordinance, and the lawful setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved setbacks may apply in place of any revised setbacks in this Ordinance.
7. Front Yard Exceptions. When an unimproved lot is situated between 2 or more lots with principal buildings with principal building front yard setbacks with less depth than required in that district, the minimum front yard shall be reduced to the depth of such abutting improved lot that has the largest depth, down to an absolute minimum of 10 feet.
8. Parking Lot Planting Strips. See Section 804.

9. Depth of Irregular Lots. On irregularly-shaped lots where the rear lot line is not parallel to the front lot line, the minimum depth may be based upon average dimensions.
10. Side Yard Variation. Where the side wall of a building is irregular and not parallel with the side lot line, the side yard may be varied as follows:
  - a. the average side yard width shall not be less than the required width and
  - b. the side yard width shall not be narrower at any point than 75 percent of the minimum side yard requirement.

803.C. Sight Distance at Intersections.

1. Purpose. To ensure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of sight obstructions between a height of 2.5 and 10 feet, including structures, non-transparent fences, vegetation and signs (but not including sign posts or utility posts of less than 1 feet in width or the trunks of deciduous trees).
3. This sight distance triangle shall be shown on development plans submitted to the City and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land.
4. If a driveway, accessway or street would enter onto a State street, the required sight triangle to be included on the development plan shall be that necessary to achieve the minimum sight distance required by PennDOT regulations.
5. If minimum sight distance requirements would not be established by PennDOT, then the sight distance triangle shall be as follows: the triangle shall be measured based upon the intersecting point of the centerlines of the street receiving the traffic and the entering street, accessway or driveway. The sight distance triangle shall be established by a distance along the centerline of the receiving street (established below) and a distance (measured along the centerline of the entering street, accessway or driveway) 25 feet back from the edge of the existing right-of-way of the receiving street. The following distances shall be used along the centerline of the receiving street in each direction from the intersection to establish the sight distance triangle:
  - a) 350 feet along the centerline of any arterial street,
  - b) 275 feet along the centerline of any collector street,
  - c) 200 feet along the centerline of any local street.

6. These sight distance requirements shall apply to all intersections involving a public street and another street, accessway or driveway, except these requirements shall not apply to an individual driveway serving only 1 or 2 dwelling units that enters onto a local or collector street.
7. A sight distance triangle shall be apply for each direction of approach to an intersection when two or more arterial or collector streets are involved.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations:

1. When Required. Buffer yards with evergreen screening shall be required whenever any new or expanded:
  - a. principal commercial use, principal institutional use, principal industrial use, industrial outdoor storage area, tractor-trailer truck loading/ unloading area or area routinely used for the parking of 2 or more tractor-trailer trucks has a side or rear yard that abuts or is across the street from a "residential lot line" (see definition in Article II), or
  - b. off-street parking lot or parking deck containing 6 or more parking spaces that abuts and is within 200 feet of a "residential lot line."See also requirements for "Junkyards" in Section 402.
2. In case of an expansion of an existing use, only the area abutting the expansion shall be required to provide the buffer yard, unless otherwise required as a condition of the Zoning Hearing Board if such use is within their purview. For a use approved by the Zoning Hearing Board, the Board may also require fencing where deemed necessary.
3. Width and Plants. Any required buffer yard shall have a minimum width of 50 feet if an industrial use or industrial outdoor storage or a tractor-trailer truck loading dock abuts a residential district, and 8 feet in all other situations where a buffer yard is required. The buffer yard shall include plant screening with an initial height when planted of 4 feet. Ninety percent of the plants shall be evergreen. Plants shall be chosen and placed so as to reasonably be expected to form a solid year-round visual screen with a minimum height of 6 feet within 3 years of planting.
4. Location of Buffer Yards.

- a. The buffer yard width shall be measured from the district boundary line, existing street right-of-way line or lot line, whichever is applicable.
  - b. Plants needed for the visual screen shall not be placed within an existing street right-of-way.
  - c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.
5. Characteristics of Buffer Yards.
- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display. No new driveways or streets shall be permitted in the buffer yards except: at points of approved perpendicular crossings for ingress or egress, which shall have a maximum width of 35 feet.
  - b. Maintenance. In buffer yards, all areas not covered by trees and shrubs shall be well-maintained in an all-season vegetative ground cover (such as grass) and shall be kept free of debris and rubbish and shall not include grass areas higher than 8 inches.
  - c. Fence. Any fence in a buffer yard shall be placed on the inside of any required evergreen screening.
  - d. Modifications. In situations where it would be impractical to develop a screen that would meet all City requirements or where an undue hardship would be created to an applicant, the Zoning Hearing Board may as a special exception agree to modify these requirements to allow an acceptable alternative. Such alternative may, for example, involve the development of a solid wooden fence that has been treated to be weather-resistant. Such modification shall only occur after a review by the Planning Commission.
6. Buffer Yard Plans.
- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
    - i) the location and arrangement of each buffer yard,
    - ii) the placement, general selection of species and initial size of all plant materials, and
    - iii) the placement, size, materials and type of all fences to be placed in such buffer yard.
  - b. The Zoning Officer shall review such plans to determine that the plans are in conformance with the terms of this Ordinance.
7. See also planting strips along parking streets in Section 804 below.

#### 804. **LANDSCAPING.**

- 804.A. Groundcover. Any part of a commercial, industrial, institutional or garden apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs.

804.B. Parking Lot Planting Strip.

1. Whenever a parking lot or parking deck including 6 or more parking spaces abuts a public street, and a buffer yard is not required under Section 803, along such lot line a planting strip with a minimum width of 3 feet shall be required.
2. Right-of-Way. Such planting strip may extend into or be within the right-of-way of a public street if authorized in writing by the City Engineer, based upon whether sufficient width for pedestrians would be maintained (which may involve the use of tree grates) and obstructions with utilities would be avoided, and if authorized by PennDOT, if a State street is involved.
3. Plants. Such planting strip shall include:
  - a. grass other other attractive vegetative ground cover,
  - b. shrubs intended to have a maximum height of 3 feet, which shall be designed to eventually form a continuous hedge if within the C-D or C-N district and
  - c. deciduous shade trees with a minimum trunk width when planted of 2 inches measured 1 feet above the average surrounding ground level, with an average of 1 such tree for every 50 feet of length of parking area along such street.
4. Maintenance. Such planting strip shall be maintained by the abutting property-owner, regardless of whether the plantings are located within the public right-of-way or not.

805. **ULTIMATE/ FUTURE STREET RIGHT-OF-WAY WIDTHS.** See the City Subdivision and Land Development Ordinance, as amended.

806. **NONCONFORMITIES.** (See definitions in Article II)

806.A. Purposes. These provisions are intended to gradually encourage greater separation of less compatible uses. As non-conforming uses may desire to grow significantly in intensity, those uses are intended to be encouraged to relocate in areas that are more suitable. Generally, existing non-conformities are intended to be permitted to be continued and to be re-sold and modified within certain limits.

806.B. Registration and Continuation of Nonconformities.

1. It shall be the responsibility of a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may, but is not required to, prepare a partial or complete list of existing non-conformities.
2. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.

806.C. Expansion of, Construction Upon or Change in Use of Nonconformities.

1. Nonconforming Structure.
  - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
    - i) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required setback) or create any new nonconformity,

- ii) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance and
  - iii) that if the structure uses an on-lot septic system, the City Sewage Enforcement Officer determines that such system is adequate for the proposed use.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
  - c. If a residential building has a lawfully nonconforming side or rear building setback, additions may occur to increase the height above such setback or to extend other portions of the building up to such non-conforming setback line, provided that the structure is not extended beyond the existing setback line and provided that no additional non-conformity is created and if all other requirements of this Ordinance are met.
  - d. If a non-residential building has a lawfully nonconforming side or rear building setback, additions may occur to increase the height above such setback or to extend other portions of the building up to such non-conforming setback line, provided that the structure is not extended beyond the existing setback line and provided that no additional non-conformity is created and if all other requirements of this Ordinance are met. However, such additions shall not be permitted if the non-residential building abuts an existing primarily residential use.

## 2. Nonconforming Lot.

- a. New permitted structures for a single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot of record as a permitted by right use if all of the following requirements are met:
  - i) The lot area is at least 40% of the minimum lot area.
  - ii) The lot width is at least 40% of the minimum lot width.
  - iii) The lot is a lot of record that lawfully existed prior to the adoption of this Ordinance or an applicable subsequent amendment.
  - iv) Minimum setbacks and other requirements of this Ordinance are complied with for any new construction or expanded area.
  - v) If a new principal building will be served by an on-lot septic system, the lot shall comply with all State septic regulations, and shall provide an approved alternative drainfield location.
  - vi) For a dwelling on a non-conforming lot, the front door shall face a public street, and the dwelling shall have a side facing onto a public street that has an appearance typical of a front of a dwelling.
- b. Setbacks. The Zoning Hearing Board may grant a special exception to reduce the required setbacks for construction on a nonconforming lot if the Board determines that such reduction would result in a building that would be more compatible with neighboring residences than would be built if the setback requirement was not reduced.
- c. Integration. Contiguous nonconforming lots under common ownership shall be integrated to form lots that would be conforming or less nonconforming.

- d. If a proposed development on a nonconforming lot does not meet the requirements of the above Section 806.C.2. parts a. and b., then development of the lot shall not occur unless a variance is granted by the Zoning Hearing Board. In addition to the standards stated for a variance in the PA. Municipalities Planning Code, the Zoning Hearing Board shall also review whether any alternative permitted uses could reasonably be made of the property that would less significantly adverse impacts upon the established character of an existing residential neighborhood than the proposed use.
3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:
- a. An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Section 119.
  - b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
  - c. The: 1) total building floor area used by a nonconforming use or the 2) total land area used by a nonconforming use, whichever is more restrictive, shall not be increased by greater than 25% beyond each such measurement that existed in such use at the time such use became nonconforming. These maximum increases shall be measured in aggregate over the entire life of the nonconformity.
  - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
  - e. The Zoning Hearing Board may require a non-conforming use that is expanding to provide: a) a buffer yard with a planting screen meeting the requirements of Section 803 and/or b) an attractive solid wood fence of 6 feet minimum height.
4. Expansion of a NonConforming Residential Use. An existing non-conforming residential use may be expanded in floor area as a permitted by right use provided that:
- a. the number of dwelling units or boarding house units or other types of living units is not increased,
  - b. the expansion meets all applicable setbacks,
  - c. no new types of nonconformities are created and
  - d. a nonconformity is not made more severe (including the building area within the required setback area).

806.D. Damaged or Destroyed Nonconformities.

- 1. Except as provided for in part "4." below, a nonconforming structure that has been destroyed or damaged equal up to a maximum of 75 percent of its appraised fair market value by fire, windstorm, lightning or a similar cause deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if:
  - a. the application for a building permit is submitted within 12 months after the date of damage or destruction,
  - b. work begins in earnest within 6 months afterwards,
  - c. a new nonconformity shall not be created or increased by any reconstruction and
  - d. the applicant proves to the satisfaction of the Zoning Officer that the damage or destruction was not greater than 75 percent of the appraised fair market value.

2. A nonconforming structure that has been destroyed or damaged equal by more than 75 percent of its appraised fair market value by any cause shall not be rebuilt in a nonconforming fashion, except as provided in part "D.5." below.
3. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one nonconforming use to another nonconforming use shall comply with the provisions of this section.
4. Nonconforming Use of Open Land. All nonconforming off- premise signs, junkyards, outside storage areas and similar nonconforming uses of open land, when damaged to an extent of 50 percent or more of replacement cost, shall not be continued, repaired or reconstructed. The burden of proof concerning the extent of the damage shall be upon the applicant.
5. Dwellings. A destroyed or damaged nonconforming building including only 1 or 2 dwelling units may be reconstructed regardless of the percentage destruction provided that:
  - a. no new nonconformity is created or increased by the reconstruction, and
  - b. that work begins in earnest within 18 months of the date of damage or destruction unless the Zoning Hearing Board grants a time extension for good cause.
6. Fair Market Value. An applicant shall have the burden of proof to prove the percent of the fair market value that was damaged or destroyed. Such proof shall involve an appraisal by a licensed real estate broker with substantial real estate appraisal experience. Fair Market Value shall generally be defined as the price a property would bring under normal conditions on the open market - before and after the damage. Such value shall assume that the owner is under no compulsion to sell within a shorter than average time period, and that the property would remain on the market for an average length of time for such properties.

806.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 months or more, or is discontinued or abandoned for 24 or more months in any 3 year period, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - a. as provided for in the "Damaged or Destroyed Non-conformities" provisions of this section and
  - b. If a nonconforming off-premise junkyard, outside storage area or similar nonconforming use of open land is discontinued for 30 days or more, the non-conforming use shall not be continued, repaired or reconstructed.
2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
3. By special exception, the Zoning Hearing Board may permit an "Abandoned" non-conformity to be re-used if the Board determines that the structure is suitable for the new use and will be capable of meeting City code requirements, that the site is highly unlikely to be used for a conforming use and that the proposed use would be compatible with the surrounding area and surrounding uses.

806.F. Floodplain. See the flood-prone area regulations in Section 516.

806.G. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land or portion thereof shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different type of nonconforming use only if permitted as a Special Exception by the Zoning Hearing Board. The Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equally or less objectionable in external effects compared to the pre-existing nonconforming use. The Board should review the following types of effects:
  - a. Traffic generation (especially truck traffic),
  - b. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosive hazards,
  - c. Amount and character of outdoor storage,
  - d. Hours of operation if the use would be close to dwellings,
  - e. Compatibility with the character of the surrounding area and
  - f. Potential of the expansion to alleviate existing congestion and parking shortages by improved site design, addition of parking and improved loading areas.
3. Approval of the Zoning Hearing Board shall not be required for a change from one non-conforming retail sales use to another non-conforming retail sales use or from one personal service use to another personal service use, provided that:
  - a. the hours of operation are not increased between 9 p.m. to 7 a.m.,
  - b. the new use is not a "Sexually-Oriented Business" (see definition in Article II),
  - c. the new use meets any applicable conditions placed by the Board on the prior use and
  - d. the total floor area of the use is not increased by more than 5 percent.

806.H. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806.I. Division of Lots with Existing Buildings. Notwithstanding limitations imposed by other provisions of this Ordinance, a lot which had 1 or more principal commercial or industrial buildings existing prior to the adoption of this Ordinance may be divided after receiving special exception approval into more than 1 nonconforming lot provided such division is for purposes of conveyance into separate ownership and provided the following conditions are met:

1. Each lot shall have a guaranteed permanent method of vehicle access onto a public street, through a permanent legal access easement or other method approved by the Zoning Hearing Board.
2. Each lot shall be served by both public water and public sewage service.
3. The boundaries of all lots shall be designed in such a manner to maximize lot area, lot width, lot depth and yard areas and to result in a functional configuration that minimizes non-conformities.
4. The applicant shall prove to the satisfaction of the Zoning Hearing Board that each lot will include adequate off-street parking areas and loading areas, or a permanent legally binding method to ensure joint use of such facilities.
5. See Planning Commission review provisions in Article I for a special exception.

6. The applicant shall prove that there will be an adequate mechanism for joint ownership and/or maintenance of any shared facilities or features.

806.J. Approval Granted Prior to Passage of Ordinance. A proposed structure or use that is granted a zoning permit, building permit or subdivision or land development approval prior to the adoption of this Ordinance shall be deemed a legal non-conforming use, provided that:

1. The construction of the structure or use was actually started prior to the adoption of this Ordinance;
2. The ground story framework including the second tier of beams is completed within 6 months of adoption of this Ordinance; and
3. The entire structure or use is completed or installed and ready for operation or occupancy within 1 year of the adoption of this Ordinance.

#### 807. **TEMPORARY STRUCTURE OR USE.**

807.A. Construction Vehicle Parking and Temporary Offices. See "Essential Services", a permitted by right accessory use, in Section 306.

807.B. Tents. The following are permitted by right accessory uses: tents erected for a use during a maximum of 5 days in any calendar year for- 1) routine and customary accessory non-commercial uses (such as weddings in a rear yard) and for 2) a routine and customary accessory use to an existing commercial use.

807.C. Temporary Uses by Special Exception. For temporary structures or uses that are not specifically permitted by right by this Ordinance, and other than customary accessory uses and other than those uses that were lawfully occurring on a periodic basis prior to the adoption of this Ordinance, a temporary permit may be issued by the Zoning Hearing Board as a special exception for structures or uses that would not otherwise be permitted, subject to the following additional provisions:

1. Duration. The Zoning Hearing Board shall establish a limit on the duration of the use. In the case of a special event, except under special circumstances, this should be a maximum of 7 days in any 60 day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.
2. Statement from Owner. The applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the use or structure is removed once the permit expires.
3. Removal. Such structure or use shall be removed completely upon expiration of the permit without cost to the City. If the structure or use is not removed in a timely fashion after proper notification, the City may remove the use or structure at the cost of the person who owns the land upon which the structure or use is located.
4. Conditions. The temporary use or structure shall: 1) be compatible with adjacent uses and 2) clearly be of a temporary nature.
5. Fee. Either the Zoning Hearing Board or the City Council may waive and/or return the required application fee if the applicant is a Internal Revenue Service recognized and well-established nonprofit organization, and the applicant clearly shows that the proposed use is temporary and will be used to clearly primarily serve a charitable or public service purpose.

6. Nonprofit. Only a well-established and Internal Revenue Service-recognized nonprofit organization proposing a temporary use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary commercial use in a district where that use is not permitted.
7. Special Events. For a special event that will attract significant numbers of the public, the Zoning Hearing Board may deny the use if it determines that the following will not be generally appropriate: sanitary and water service, traffic control, off-street parking and protection of the public health and safety.

808. **MOTOR VEHICLE ACCESS.** The following regulations apply to access from a lot to a public street.

808.A. Each lot with less than 250 feet of frontage on an arterial street shall have not more than one access point involving left-hand turns onto each such street, and no lot with 250 feet or more feet of total frontage on an arterial street shall have more than 2 access points involving left-hand turns onto any such arterial street.

1. This provision shall not apply to the following: 1) construction of new streets onto an existing arterial street, or 2) access points that are clearly limited to use by only emergency vehicles.
2. A separate ingress point and a separate egress point shall be considered one access point, if well-marked.

808.B. Shared Driveways. Where practicable, access to 2 or more non-residential lots should be combined and/or shared and/or coordinated to minimize the number of access points onto an arterial street. Shared parking lots and driveways connecting adjacent non-residential lots are strongly encouraged. See possible reduction of parking requirements in Section 601.B.

808.C. Driveway Separation and Setback. The edges of driveways entering onto an arterial or collector street shall be a minimum of 12 feet apart. The centerline of a driveway entering onto a street shall be a minimum of 50 feet from the intersection of rights-of-ways of two public streets. Driveways shall be setback a minimum of 3 feet from any side lot line of a dwelling, unless the driveways are approved by the City as shared driveways or unless dwellings are attached along such lot line.

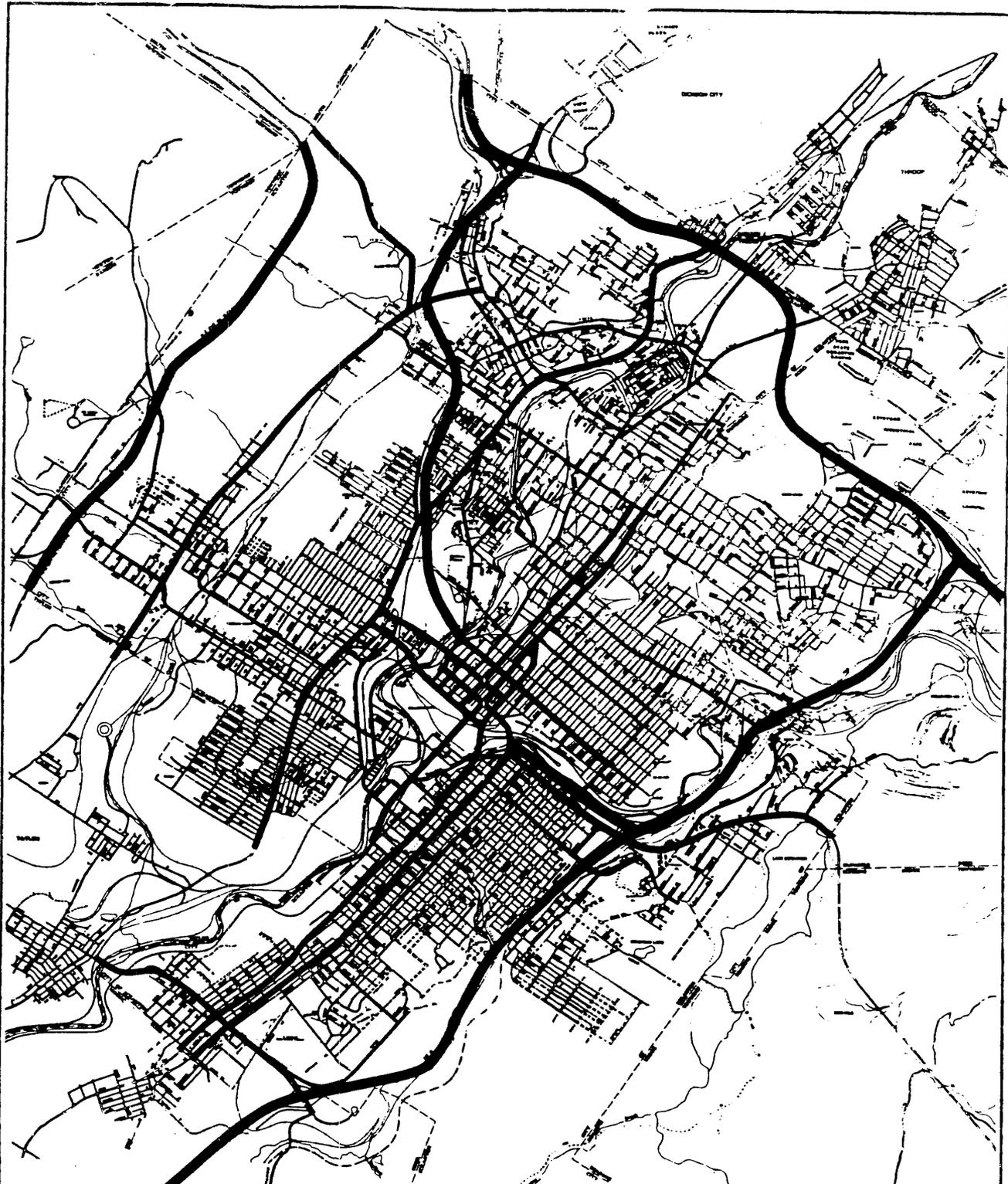
808.D. Width. A driveway shall have a maximum width of 35 feet measured at the existing right-of-way line, except as may be increased by the City Engineer or PennDOT to provide sufficient turning radii for trucks or buses.

808.E. Ramps. Access shall not be provided to an arterial street within 300 feet of the intersection of such street with an off-ramp ramp from an interchange of an expressway.

809. **DEMOLITION OF AN ATTACHED BUILDING.** The following shall apply unless a more restrictive provision is established under a future City Building Code:

809.A. If a building is to be demolished that is attached to another building that is not to be demolished on another lot, and the party wall is to be exposed, then the owner of the building being demolished shall at his/her expense preserve the exposed party wall by permanently waterproofing the party wall on the exposed side. Such waterproofing shall involve stucco, brickote, gunite or other approved noncombustible materials.

809.B. This provision shall not apply to buildings demolished by the City of Scranton or the Scranton Redevelopment Authority, or if an active development plan has been approved by the City for the development of a new building attached to such wall.



## STREET CLASSIFICATION MAP

-  Expressway
-  Arterial Street
-  Collector Street

All Other Existing Streets are Local Streets