

ARTICLE XXV
~~ACCESSORY USE BUILDINGS~~
~~ACCESSORY STRUCTURES~~
ACCESSORY STRUCTURES AND ACCESSORY USES

[Added 3-18-70 by Ord. No. 471¹]

[Amended 1-19-00 by Ord. No. 912]

[Repealed & Replaced 8-5-20 by Ord. No. 1137 – ACCESSORY STRUCTURES]

[Amended 12-15-21 by Ord. No. 1145]

[Replaced 5-4-22 by Ord. No. 1152 – General Regulations & Accessory Use Building]

[Added 6-15-22 by Ord. No. 1154]

§ 180.81. ACCESSORY STRUCTURES

180.81.1. The following accessory structures are permitted in Residence Districts R-1, R-2, R-3, R-4, R-5 and R-7, provided that a residential use shall be the principle use:

180.81.1.1. ACCESSORY USE BUILDNG

180.81.1.2. CARPORT

180.81.1.3. DETACHED GARAGE

180.81.1.4. FREESTANDING DECK

180.81.1.5. GAZEBO

180.81.1.6. GREENHOUSE

180.81.1.7. PAVILION

180.81.1.8. PERGOLA

180.81.1.9. SPORTS COURT that may only be used by the occupants of the Principal DWELLING and their guests for no fee.

180.81.1.10 PRIVATE SWIMMING POOL that may only be used by the occupants of the principal DWELLING and their guests for no fee. ***[Added 6-15-22 by Ord. No. 1154]***

¹ Editor's Note: Provisions of this Article were originally adopted as § 3901 and have been assigned an Article number to preserve the logical sequence of the CODE at the request of the BOROUGH COUNCIL.

180.81.2. General Regulations

180.81.2.1. One of each ACCESSORY STRUCTURES listed in Section 180.81.1. shall be permitted.

180.81.2.2. An ACCESSORY STRUCTURE shall not encroach into the FRONT YARD.

180.81.2.3. An ACCESSORY STRUCTURE shall not encroach into a SIDE YARD

180.81.2.4. Zoning and building permits shall be issued before the erection of any ACCESSORY STRUCTURE.

180.81.2.5. The cumulative area of the Principal DWELLING and all ACCESSORY STRUCTURES shall not exceed 30 percent of the total LOT area.

180.81.2.6. A permit shall be required. The following information shall be submitted:

180.81.2.6.1. An Application on the form provided by the BOROUGH.

180.81.2.6.2. A survey of the property showing the location of the ACCESSORY STRUCTURE.

180.81.2.6.3. Design details of the ACCESSORY STRUCTURE.

180.81.2.7. An ACCESSORY STRUCTURE shall not be closer than five (5) feet to any REAR LOT LINE.

180.81.2.8. The BOROUGH reserves the right to inspect an ACCESSORY STRUCTURE at any reasonable time. If any ACCESSORY STRUCTURE is not used for its intended purpose or, as found by the BOROUGH ZONING OFFICER is not being maintained in a safe condition or in accordance with the provisions of this chapter or article, the BOROUGH ZONING OFFICER shall give notice in writing to the owner of said ACCESSORY STRUCTURE to immediately repair said STRUCTURE or to remove the same within ten (10) days from the receipt of said written notice. In the event that the owner fails to comply with the BOROUGH ZONING OFFICER'S written notice, the owner shall be considered in violation of this chapter and subject to all penalties contained herein.

180.81.3. Specific Regulations

180-Article XXV-3

180.81.3.1. ACCESSORY USE BUILDING

180.81.3.1.1. An ACCESSORY USE BUILDING shall be fully enclosed and shall have a maximum GROSS FLOOR AREA of one-hundred twenty (120) square feet, a maximum building design height of ten (10) feet, and a maximum external height of eleven (11) feet as measured from grade level at the door entrance.

180.81.3.1.2. An ACCESSORY USE BUILDING shall be located in the REAR YARD

180.81.3.1.3. An ACCESSORY USE BUILDING shall not be closer than ten (10) feet to the DWELLING.

180.81.3.1.4. An ACCESSORY USE BUILDING located within any easement shall remain subject to easement restrictions, and immediate removal will be required at the owner's expense if necessary for uses of the easement or right of way. Easement encroachment shall be disclosed upon transfer of ownership of the real estate.

180.81.3.1.5. An ACCESSORY USE BUILDINGS shall be in harmony with the DWELLING located on the LOT.

180.81.3.1.6. An ACCESSORY USE BUILDING shall be suitably screened from the STREET with SCREENING.

180.81.3.1.7. An ACCESSORY USE BUILDING shall be maintained in suitable repair, shall be free of rodent or other infestations, and shall not be permitted to become unsafe or unsightly.

180.81.3.1.8. An ACCESSORY USE BUILDING shall not be used for any habitable purpose or for the storage, either temporary or permanent, of any vehicle licensed to travel on any road or highway; the BUILDING shall be kept free from objectionable odors.

180.81.3.1.9. The area immediately adjacent to the ACCESSORY USE BUILDING shall not be used for storage.

180.81.3.10 PRIVATE SWIMMING POOL **[Added 6-15-22 by Ord. No. 1154]**

180.81.3.10.1 A PRIVATE SWIMMING POOL and all associated decks, equipment and walkways shall only be permitted in the REAR YARD and no less than ten (10) feet from any rear property line.

180.81.3.10.2 The PRIVATE SWIMMING POOL shall not encroach into the REQUIRED SIDE YARD.

180.81.3.10.3 On CORNER LOTS and THROUGH LOTS, a PRIVATE SWIMMING POOL shall be permitted as a SPECIAL EXCEPTION by the BOROUGH ZONING HEARING BOARD, subject to compliance of the following:

180.81.3.10.3.1 The PRIVATE SWIMMING POOL shall be screened from the street with evergreen plantings of at least six (6) feet at the time of planting. A landscaping plan shall be provided to demonstrate compliance.

180.81.3.10.3.2 The plantings shall be maintained through the duration of the PRIVATE SWIMMING POOL.

180.81.3.10.3.3. Existing planting may satisfy the landscaping requirement, provided the plantings screen the PRIVATE SWIMMING POOL from public view.

180.81.3.10.3.4 A property survey shall be furnished showing all property, principal and accessory buildings, driveways, fences, walks, filters and other related equipment thereon. The proposed location of the swimming pool shall be clearly shown.

180.81.3.10.3.5. Enclosure. Every swimming pool shall be protected by one (1) of the following methods:

180.81.3.10.3.5.1 A chain-link type fence around the rear of the property or around the pool not exceeding four (4) feet in height.

180.81.3.10.3.5.2. A solid fence of no less than four (4) feet in height and no more than six (6) feet in height shall be permitted, provided that such fence shall be not more than twelve (12) feet from the pool walls.

180.81.3.10.3.5.3. A pool with walls that are four (4) feet above ground level or greater and which is equipped with an automatic retracting and locking ladder need not be fenced. The ladder shall be locked in the closed position when the pool is not in use. **[Added 6-15-22 by Ord. No. 1154]**

180.81.3.2. CARPORT

180.81.3.2.1. The GROSS FLOOR AREA of a CARPORT shall not exceed 200 square feet.

180.81.3.2.2. The maximum height above grade of a CARPORT

180-Article XXV-5
shall not exceed 12 feet.

180.81.3.2.3. A CARPORT shall be limited to the storage of motor vehicles.

180.81.3.3. DETACHED GARAGE

180.81.3.3.1. A DETACHED GARAGE shall not exceed the door height of eight (8) feet.

180.81.3.3.2. A DETACHED GARAGE shall not exceed an external height of 15 feet.

180.81.3.3.3. The GROSS FLOOR AREA of a DETACHED GARAGE shall not exceed 500 square feet.

180.81.3.4. FREESTANDING DECK

180.81.3.4.1. The GROSS FLOOR AREA of a FREESTANDING DECK shall not exceed 150 square feet.

180.81.3.4.2. A FREESTANDING DECK shall comply with Uniform Construction Code regulations.

180.81.3.5. GAZEBO

180.81.3.5.1. The GROSS FLOOR AREA of a GAZEBO shall not exceed 150 square feet.

180.81.3.5.2. The maximum height above grade of a GAZEBO shall not exceed 12 feet.

180.81.3.6. GREENHOUSE

180.81.3.6.1. The GROSS FLOOR AREA of a GREENHOUSE shall not exceed 150 square feet.

180.81.3.6.2. The maximum height above grade of a GREENHOUSE shall not exceed 12 feet.

180.81.3.7. PAVILION

180.81.3.7.1. The GROSS FLOOR AREA of a PAVILION shall not exceed 150 square feet.

180.81.3.7.2. The maximum height above grade of a PAVILION shall not exceed 12 feet.

180.81.3.8. PERGOLA

180.81.3.8.1. The GROSS FLOOR AREA of a PERGOLA shall not exceed 150 square feet.

180.81.3.8.2. The maximum height above grade of a PERGOLA shall not exceed 12 feet.

180.81.3.9. SPORTS COURT

180.81.3.9.1. The GROSS FLOOR AREA of a SPORTS COURT shall not exceed 250 square feet in area.

180.81.3.9.2. A SPORTS COURT shall be located only in the rear yard and shall be no closer than 10 feet from the REAR LOT LINE.

180.81.3.9.3. Lighting of a SPORTS COURT shall be prohibited.

180.81.4 ACCESSORY USES.

180.81.4.1 LIMITED AMUSEMENT ARCADES containing three or less AMUSEMENT DEVICES shall be considered customarily incidental and permitted as an accessory use to the following primary uses:

180.81.4.1.1 Bowling Alley

180.81.4.1.2 Convenience Store

180.81.4.1.3 Grocery Store

180.81.4.1.4 HIGH-TURNOVER RESTAURANT

180.81.4.1.5 LOW-TURNOVER RESTAURNAT

180.81.4.2 Specific Regulations.

180.81.4.2.1 AMUSEMENT ARCADES, LIMITED

180.81.4.2.1.1 LIMITED AMUSEMENT ARCADES containing three or less AMUSEMENT DEVICES may be permitted as an accessory use, supplemental to the permitted primary use of a premises, as outlined in this Section, so long as no more than twenty-five (25) per cent of the gross square footage of the floor area of the premises is utilized for AMUSEMENT DEVICES. For the purpose of this Section, each AMUSEMENT DEVICE is hereby determined to utilize twenty-five (25) square feet.

180-Article XXV-7

180.81.4.2.1.2 AMUSEMENT DEVICES installed as part of a LIMITED AMUSEMENT ARCADE shall be legally designed and will be operated according to state law.

180.81.4.2.1.3 AMUSEMENT DEVICES in a LIMITED AMUSEMENT ARCADE shall be kept and maintained in good repair and operating condition at all times in accordance with manufacturer's instructions. In the event of a malfunction of an AMUSEMENT DEVICE, the operator of the premises, or his/her agents or employees on the premises shall return to the user the moneys inserted therein.

180.81.4.1.2.4 LIMITED AMUSEMENT ARCADES shall not be located to obstruct ingress or egress or interfere with the health or safety of the public using the premises.

180.81.4.1.2.5 Between AMUSEMENT DEVICES and between the side of the AMUSEMENT DEVICE and any fixture or wall there shall be an amount of space equal to the width of the AMUSEMENT DEVICE. Furthermore, between the front of an AMUSEMENT DEVICE and the side or front of any other AMUSEMENT DEVICE or wall or fixture there shall be a distance equal to the depth of the AMUSEMENT DEVICE.

180.81.4.1.2.6 It is unlawful to permit gambling or games of chance on the premises where LIMITED AMUSEMENT ARCADES are located. Further, nothing in this Section shall be constructed to authorize, license or permit any gambling device or game of chance whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Pennsylvania.

180.81.4.2.1.7 A LIMITED AMUSEMENT ARCADE shall not materially alter the main use of the lot's principal establishment or the surrounding environment.