
Coplay Borough Zoning Ordinance

Lehigh County, Pennsylvania

As Adopted by the Coplay Borough Council
on March 13, 2012.

Ordinance Number 800



Community Planning and Zoning Consultant

Urban Research & Development Corporation
Bethlehem, Pennsylvania

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Zoning Map

Airport Surface Areas Map (Airport Zoning Map)

USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the Borough Council must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 805 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. Additional regulations are listed for sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide a minimum number of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

You should also keep the following additional considerations in mind when using this Ordinance:

- An applicant may apply to the Borough **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Borough for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Borough's **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at Borough Hall.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.

Any questions concerning the Zoning Ordinance should be directed to the Borough's **Zoning Officer**. The Zoning Officer also administers applications for permits.

COPLAY BOROUGH ZONING ORDINANCE
TITLE; ENACTMENT; SEVERABILITY

Ordinance No. _____

1. **TITLE**. A New Ordinance: a) dividing Coplay Borough, Lehigh County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing regulations for the protection of certain natural features.
2. **SHORT TITLE**. This Ordinance shall be known and be cited as the "Coplay Borough Zoning Ordinance".
3. **SEVERABILITY**. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Coplay Borough Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Coplay Borough.
4. **PROCEDURAL DEFECTS IN ENACTMENT**. Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER**. The pre-existing Coplay Borough Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Borough ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT**. Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Borough Council of Coplay Borough hereby enacts and ordains into an Ordinance the attached document this date of _____, 201___. This Ordinance shall become effective in 5 calendar days.

Date of Borough Council Public Hearing: _____, 201__

COPLAY BOROUGH COUNCIL

President, Borough Council

Attest, Borough Secretary

ARTICLE 1 ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout Coplay Borough. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:
- 102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
- 102.B. to carry out the following major community development objectives:
1. to avoid over-development of natural features and environmentally sensitive land,
 2. to avoid overextending groundwater supplies, and to encourage groundwater recharge, and to protect the quality of groundwater and surface waters,
 3. to promote traditional styles of development,
 4. to promote compatibility between land uses,
 5. to seek coordinated development and roads across municipal borders,
 6. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 7. to direct higher density development to areas that are physically suitable and accessible by major roads,
 8. to coordinate development with central water and sewage services,
 9. to direct industrial development to locations that will minimize conflicts with homes,
 10. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause undue traffic congestion, safety problems, and conflicts with homes,
 11. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities,
 12. to promote public health, safety and general welfare,
 13. to promote mixed use development, where appropriate,
 14. to promote compact forms of development, where appropriate,
 15. to promote connectivity of streets and pedestrian paths, and
 16. to promote pedestrian-friendly and bicycle-friendly patterns of development.
103. **PERMITS AND CERTIFICATES.**
- 103.A. **Applicability.**
1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,
 - c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.

2. Zoning Permit. The granting of a Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Borough Staff.
 - a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Construction, movement, placement, relocation or expansion of a structure, building or sign,
 - 2) Change of the type of use or expansion of the use of a structure or area of land,
 - 3) Creation of a new use,
 - 4) Demolition of a building,
 - 5) Site Alterations or Mineral Extraction as defined by Section 202, or
 - 6) Construction or Installation of any lake, pond, dam or other water retention basin.
 - b. The Borough may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.

3. Certificate of Occupancy.
 - a. Prior to occupancy of a new or expanded building, a Certificate of Occupancy may be required under the Construction Codes, which are separate requirements from this Zoning Ordinance.
 - b. The Borough Staff may require that a Certificate of Occupancy be delayed or that only a temporary Certificate of Occupancy be issued if there are outstanding zoning compliance issues.

- 103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures that do not involve an expansion or change of a use or structure shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under Construction Codes may be needed for such work.)

- 103.C. Types of Uses.
 1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
 2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
 3. Conditional Use. A use requiring zoning approval by the Borough Council under Section 117.

- 103.D. Applications.
 1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Borough. Such completed application, with required fees, shall be submitted to a designated Borough staff-person.
 2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new building, expansion of a building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:

- a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks,
 - f. a north arrow and scale.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
- a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,
 - c. if the applicant is not the landowner of record, information shall be presented with the application, such as an agreement of sale or lease, to demonstrate that the applicant has the legal right to make the application,
 - d. a current deed or evidence of equitable ownership, if the Zoning Officer believes there is a question about ownership by the applicant for the property,
 - e. a description of the existing and proposed use(s) of the property, with the proposed use described in sufficient detail for the Zoning Officer to determine compliance with this Ordinance,
 - f. all other applicable information listed on the official Borough application form,
 - g. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation,
 - h. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance, and
 - i. a listing of all conditional uses, special exception approvals and/or variances which the applicant is requesting and/or a description with a date of any such approvals that were previously granted for this property that relate to this application.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
- a. the present zoning district and major applicable lot requirements,
 - b. for a non-residential use:
 - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - (2) a list of the maximum hours of operation,
 - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
 - d. a listing of any sections of this Ordinance for which a variance is being requested or another appeal being made, with the reasons for such request,

- e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
 - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
 - g. name and address of person who prepared the site plan,
 - h. signed acknowledgment of the application by the applicant, and
 - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).
- 103.E. Issuance of Permits.
1. At least 1 copy of each permit application and any other zoning approval shall be retained in Borough files.
 2. PennDOT Permit. Where necessary for access onto a State road, a Borough zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
- 103.F. Revocation of Permits; Appeal of Permit or Approval.
1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
 - d. for any other just cause set forth in this Ordinance.
 2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the Pennsylvania Municipalities Planning Code. Any such appeal shall occur within the time period established in the Pennsylvania Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).
- 103.G. Zoning Permit for Temporary Uses and Structures.
1. Temporary Uses.
 - a. A Zoning Permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events, provided that:

- (1) only a nonprofit organization, governmental agency or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or a Borough-sponsored festival or Borough-sponsored special event shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall each be limited to a maximum of 10 total days per calendar year, and
 - (3) the applicant shall prove to the Borough that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - b. A Zoning Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Borough permit.
 - c. In addition, Christmas Tree sales shall be allowed by right in commercial and industrial districts and on property owned by a fire company or the Borough.
 - d. The Borough may also approve the construction of a model home, which is used as a sales office in a development, provided the building is converted to a dwelling when the development is complete. Alternatively, a modular sales office may be allowed by the Borough provided it is removed completely when the development is complete.
 - e. Portable Storage Containers – See Section 807.
 2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 10-day maximum period shall apply. A temporary permit may be renewed for just cause.
 3. Temporary Retail Sales.
 - a. Except as may otherwise be allowed by subsection “1.” above, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - (1) The property shall be located within a zoning district that allows retail sales.
 - (2) No more than 5% of the off-street parking spaces shall be obstructed by tents or structures that are required to serve permanent uses on the lot.
 - (3) Any signs visible from a public street shall comply with this Ordinance.
 - (4) If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands.
 - (5) A zoning permit shall be required from the Borough, which shall be displayed while the activity is open for business.
 - (6) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - (7) Any fireworks sales or storage shall only occur in a building that has met Borough construction code and fire safety inspections, and the operator of any fireworks sales use shall make any area or vehicle used for fireworks sales or storage available for regular inspection by local police and fire officials.
 - b. This subsection “3.” shall not apply to: sale of agricultural produce that was grown by the operator of the sales, and flower and plant sales as accessory to a commercial use.
- 103.H. Compliance with Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be

conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

104. GENERAL PROCEDURE FOR PERMITS.

- 104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.
- 104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Borough Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. INTERPRETATION AND USES NOT REGULATED.

- 105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Borough Ordinance.
- 105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, as a Conditional Use, or as a Special Exception Use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a Special Exception Use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:
 1. the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District,
 2. the proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in Section 805.F.,
 3. the use would meet the standards that would apply under Section 116 to a Special Exception Use, and
 4. the use is not specifically prohibited in that District.
- 105.C. Interpretation of Ordinance Text and Boundaries.
 1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Borough Solicitor to aid in the Zoning Officer's determination.
 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
 3. See Section 304.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit prior to any of the following: a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the placement of a sign, or a change in the area of a use or the land coverage or setback of a use, or the excavation or grading of land to prepare for the erection, construction or alteration of any structure or portion thereof;
2. Placement of false statements on or omitting relevant information from an application for a zoning permit;
3. Undertaking any action in a manner which does not comply with a zoning permit;
4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval; or
5. Violation of any condition imposed by a decision of the Borough Council in granting a conditional use or other approval; or
6. Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.

106.B. Enforcement Notice. If the Borough has reason to believe that a violation of the Zoning Ordinance has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the Pennsylvania Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may informally request compliance.

106.C. Time Limits. An official enforcement notice shall state the deadline to bring the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the Pennsylvania Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

1. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Magistrate. 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 a District Magistrate determining that there has been

a violation further determines that there was a good faith basis for the person violating this Ordinance 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. All judgments, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Borough for the general use of the Borough. Imprisonment is not authorized under this Ordinance.

2. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this Ordinance or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Ordinance or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

106.E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

107. FEES. A Borough fee schedule for permits and applications may be established and amended by written resolution of the Borough Council. No application or appeal shall be considered filed until all fees are paid. Any fees established as part of the previous Zoning Ordinance shall continue in effect until it is replaced by a new fee schedule.

107.A. The Borough shall have the authority to double the required fee if work is done or a use is established without having obtained a zoning permit.

108. AMENDMENTS TO THIS ORDINANCE. Within the requirements of the Pennsylvania Municipalities Planning Code, the Borough Council may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

109. CURATIVE AMENDMENTS. The applicable provisions of the Pennsylvania Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

110. ZONING OFFICER.

110.A. Appointment. The Zoning Officer(s) shall be appointed by the Borough Council. The Borough Council may designate other Borough Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Borough, but may hold other appointed offices.

110.B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:

1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
3. keep records of applications, permits, certificates, written decisions, and variances granted by the Zoning Hearing Board, and of enforcement orders, with all such records being the property of the Borough and being available for public inspection;
4. review proposed subdivisions and land developments for compliance with this Ordinance;
5. take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended;
6. maintain available records concerning non-conformities, provided that the Borough is not required to document every non-conformity; and
7. serve such other functions as are provided in this Ordinance.

111. ZONING HEARING BOARD ACTIONS AND VARIANCES.

- 111.A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the Borough appointed by the Borough Council. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Borough and shall not be employed by the Borough in another capacity.
1. Alternate Members. The Borough Council may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the Pennsylvania Municipalities Planning Code, and who shall serve as provided in such law. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
 2. Expenditures. Within the maximum amount of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, legal counsel, and other technical and clerical services. Members and alternate members may receive compensation, within limits established by the Borough Council, for the performance of their duties.
- 111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 111.C. Organization. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- 111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Borough Council that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.

2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
3. Variance.
 - a. The Board shall hear requests for Variances filed with the Borough Staff in writing. The Borough Planning Commission should be provided with an opportunity to review a zoning variance application. However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.
 - b. Standards. The Board may grant a variance only within the limitations of State law. As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) 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 Ordinance in the neighborhood or district in which the property is located;
 - ii) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;
 - iii) Such unnecessary hardship has not been created by the appellant;
 - iv) 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; and
 - v) 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.
 - c. In granting any Variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
4. Special Exception.
 - a. The Board shall hear and decide requests for all Special Exceptions filed with the Borough Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
 - b. The Borough Planning Commission should be provided with an opportunity to review a special exception application. However, action by the Zoning Hearing Board shall not be delayed by a Planning Commission review.
 - c. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable

accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
 - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
 - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
6. The Zoning Hearing Board shall also hear any other matters as set forth in the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
- 111.E. Time Limits for Appeals. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. Stay of Proceedings. The Stay of Proceedings provisions of the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. Time Limits on Permits and Approvals.
1. After a Variance is approved or other zoning approval (such as special exception or conditional use approval) is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by zoning permits shall then be substantially completed within 12 months after the issuance of the zoning permit, unless a longer time period is provided under Borough construction permits or as provided in subsection "2." below.
 - a. However, if a Variance is approved to address a violation of this Zoning Ordinance, then the permit shall be acquired and the work completed within 6 months after the variance is approved, with no further time extension.
 2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
 3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals, variances and permits under this Ordinance and all such approvals, variances and permits shall be deemed automatically rescinded by the Borough.

111.H Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

112. **ZONING HEARING BOARD HEARINGS AND DECISIONS**. The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public Notice shall be published, as defined by Section 107 of the Pennsylvania Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Borough Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
3. Persons Given Notice. The Borough shall provide written notice to the Applicant of the time and place of the hearing. The Borough should also provide notice to the President of the Borough Council and to the primary last known owner of each lot that is abutting or immediately across a street, alley or railroad from the subject lot. Failure to provide such notice shall not be grounds for an appeal or delay. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

112.C. Decision/Findings.

1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the Pennsylvania Municipalities Planning Code.

112.D. Notice of Decision. 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 the date of the final decision. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

112.E. See also Section 908 of the PA. Municipalities Planning Code.

113. **APPEALS TO COURT**. The provisions for appeals to court that are stated in the Pennsylvania Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this

Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
115. **BOROUGH AND MUNICIPAL AUTHORITY EXEMPTION.** This Zoning Ordinance shall not apply to uses or structures owned by Coplay Borough or by a municipal authority created solely by Coplay Borough for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.
116. **SPECIAL EXCEPTION USE PROCESS.**
- 116.A. **Purpose.** The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
- 116.B. **Special Exception Procedure.**
1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
 2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
 3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
 4. The Borough Staff should offer a special exception application to the Borough Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Borough Planning Commission has provided comments.
 5. Time Limits. See Section 908 of the Pennsylvania Municipalities Planning Code.
- 116.C. **Consideration of Special Exception Applications.** When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:
1. **Compliance with this Ordinance.** The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
 2. **Compliance with Other Laws.** The approval may be conditioned upon the applicant later showing proof of compliance with other specific applicable Borough, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Borough prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.

3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
 4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
 5. Neighborhood. The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
 6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
 7. Natural Features. The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.
- 116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. CONDITIONAL USE PROCESS.

- 117.A. Purpose. The conditional use approval process is designed to allow the Borough Council to review and approve certain uses that could have significant impacts upon the community and the environment.
- 117.B. Procedure. The Borough Council shall consider the conditional use application and render its decision in accordance with the requirements of the Pennsylvania Municipalities Planning Code.
1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
 2. Reviews.
 - a. The Zoning Officer should provide a review to the Council regarding the compliance of the application with this Ordinance.
 - b. The Borough Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Borough Council shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.

3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
4. **Time Limit.** Borough Council shall render a written decision on each conditional use application within 45 days after the last hearing on the application or as may be provided otherwise in Section 913.2 of the Pennsylvania Municipalities Planning Code. For a conditional use application, the same provisions shall apply for notice of persons that apply in Section 112.A.3.

117.C Consideration of Conditional Use Application. The Borough Council shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.

117.D Conditions. In approving conditional use applications, the Borough Council may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. **LIABILITY.**

118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Borough shall not constitute a representation, guarantee or warranty of any kind by the Borough, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.

118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Borough shall not be liable for any later lawful withdrawal of such permit.

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ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied."
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. The words "such as," "includes," "including," and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- G. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
- H. If a term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then such SALDO definition shall apply.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Apartment. One dwelling unit that is created within part of a principal dwelling or above a vehicle garage on a residential lot.

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building. A solar energy collection panel that is detached from a building shall also be considered an accessory structure.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons, based upon the total number of patrons in the entire use and not just any one room, and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Bookstore, Adult Movie Theater, Adult Live Entertainment Facility/Use or Massage Parlor. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Alley. A thoroughfare primarily serving vehicle traffic to 3 or more lots and which has a cartway of less than 16 feet in width, and which typically provides secondary access to the lots.

Amusement Arcade. A use involving 15 or more token or coin operated entertainment machines, and where the machines are the principal use of the property. This term shall not include an Adult Use.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, wireless internet, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. A landowner or developer, as defined in the State Municipalities Planning Code, who has filed an application for development, including his heirs, successors and assigns.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed level of a building that is not a "story" and that is partly underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Section 702.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Borough. Coplay Borough, Lehigh County, Pennsylvania.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. The vertical distance from the average of the finished ground level along the front of the building to the maximum height of the highest roof surface. The finished ground level shall not slope away from a building wall in such a manner that it is not possible to position a ladder for fire rescue.

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of one building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include associated recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Certificate of Use. A form signed by an authorized Borough official that certifies that the use of the property is in compliance with this Zoning Ordinance, to the best knowledge of such Borough official.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna." Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial

communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Borough Planning Commission and approval by Borough Council, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Contiguous Lots. Adjacent parcels of land, including parcels separated by a stream or road.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 8,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, wineries, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See "Agriculture, Intensive."

Curative Amendment. A process provided in the Pennsylvania Municipalities Planning Code that authorizes certain types of challenges to a Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may

also include educational programs that are supplementary to State-required education, including "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives," 2) care of children within a place of worship during regularly scheduled religious services, and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- D. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not occur within a dwelling unit, 3) does not meet the definition of a Group Day Care Home, and 4) is registered with the applicable State agency.* See Section 402.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area," unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection.

District (or Zoning District). A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional or modular home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.

- B. Duplex. A building that includes 2 apartment dwellings and which is not a semi-detached dwelling.
- C. Apartments or Multi-Family Dwellings. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, semi-detached dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a Duplex.
- D. Sectional or "Modular" Home. A type of dwelling that meets a definition of any dwelling type and which was manufactured off-site and then assembled and completed on the site, and that was constructed under the State Construction Codes and not the Federal requirements for Manufactured Housing.
- E. Single Family Detached Dwelling. One dwelling unit in one building accommodating only one family and having open yard areas on all sides.
 - 1. Mobile/Manufactured Home. For a dwelling constructed after 1977, this term shall mean a dwelling that was constructed under the Federal construction requirements for Manufactured Housing under regulations of the U.S. Department of Housing and Urban Development. For a dwelling constructed before 1977, this term shall mean a transportable single family detached dwelling intended for permanent occupancy that is contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent perimeter foundation.

This term is different from a "Sectional home," which is defined above. See standards for "Mobile/manufactured home" in Section 402.
- F. Semi-Detached or "Twin" Dwelling Unit. A one family dwelling unit accommodating one family that is attached to a second one family dwelling unit by a common vertical wall, with each dwelling unit on a separate lot or held in condominium ownership.
- G. Townhouse (or Rowhouse). One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, unless approved as "Unit for Care of Relative."

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call. See provisions for this use in Section 402.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer, and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or 4 or fewer unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Borough's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, masonry block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of this term and related terms in Section 504.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches, and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry. The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Borough-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar

governmental purpose, and which is not owned by Coplay Borough or an authority created solely by Coplay Borough. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use. A Group Home typically involves an individual residing on the premises for more than 30 days at a time.

- A. Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- B. It is the express intent of the Borough to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.

* NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes materials which are included on the latest edition of the following list:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 40 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. See "Building Height." To measure the height of any structure that is not a building, it shall be the total vertical distance from the average elevation of the proposed ground level to the highest point of a structure. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the requirements for a Home Occupation provided in Section 403.

- A. Major Home Occupation. A Home Occupation that does not meet the additional standards for a Minor Home Occupation in Section 403.
- B. Minor Home Occupation. A Home Occupation that meets the additional standards for a Minor Home Occupation as provided in Section 403. Among other provisions, Section 403 requires that a Minor Home Occupation not routinely involve visits to the home occupation by customers or more than one non-resident employee at a time. A Minor Home Occupation also includes, but is not limited to, a use that all of the requirements for a “No Impact Home-Based Business” as provided in the State Municipalities Planning Code.

(Note - In most cases a Minor Home Occupation is permitted by right under Section 306, while in most cases a Major Home Occupation requires Zoning Hearing Board approval as a special exception.

- 1. No Impact Home-Based Business - A type of Minor Home Occupation that meets the following definition as provided in the State Municipalities Planning Code: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - b) The business shall employ no employees other than family members residing in the dwelling.
 - c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - h) The business may not involve any illegal activity.

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, amusement arcade, gift shop, swim club, exercise facilities, tavern and similar customary accessory amenities, and provided any such use shall only be allowed as a principal use of the property if such use is allowed by the applicable district regulations.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing, and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings.

Industrial District. The LI and I zoning districts.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way (or cartway where a street right-of-way where not exist), as opposed to regulating each individual townhouse lot.

Impervious Surfaces. Areas covered by buildings, paving or concrete, or other man-made surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles stored outside of a completely enclosed building and which covers over 200 square feet of land area. Examples of junk include: scrap metal, used furniture, used appliances, used motor vehicle parts, worn-out machinery and equipment, used containers, and scrap building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste or tree trunks, d) items clearly awaiting imminent recycling at an appropriate location, e) building materials awaiting imminent use at an on-going building, or f) "clean fill" as defined by State environmental regulations.

Junk Vehicle. See the Borough Junk Vehicle Ordinance and any regulations that may exist in any Borough Property Maintenance Code.

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of one or more of the following types:
 - 1. "Junk." (see definition) covering more than one percent of the lot area.
 - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage or auto service station within the requirements of Section 402.

3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Pets, Keeping of" provisions of this Ordinance, and which may also include temporary keeping of other household pets. In addition, in any case, if 7 or more dogs age 6 months or older are kept, it shall be considered a Kennel.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

- A. Livestock or Poultry, Intensive Raising of. A type of Raising of Livestock or Poultry use that involves an average of more than 2 "animal equivalent units" (2,000 pounds) per acre on a lot or contiguous lots. Animal equivalent units shall be calculated as provided in State Nutrient Management regulations, on an annualized basis.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The term "lot" shall mean a lot of record according to official County records. If lands are separated by a street, then each side of the street shall be considered a separate lot. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot, Flag. A lot that does not meet the required minimum lot width at the minimum front yard building setback line and which typically includes a narrow stretch of land connecting the bulk of the lot area to a street.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

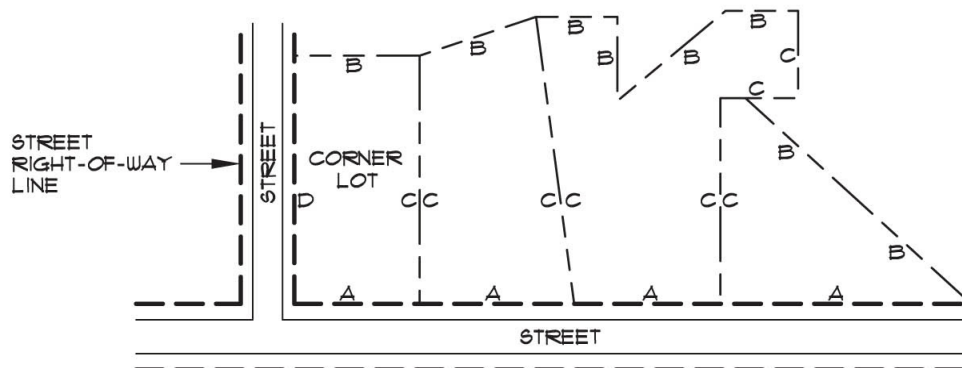
- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)

- B. Areas that are currently or will be required to be dedicated as common or preserved open space on a separate lot. (Note: Other sections of this Ordinance, such as Open Space Development, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- C. Features required to be excluded from “Lot Area” under Article 3 of this Ordinance.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

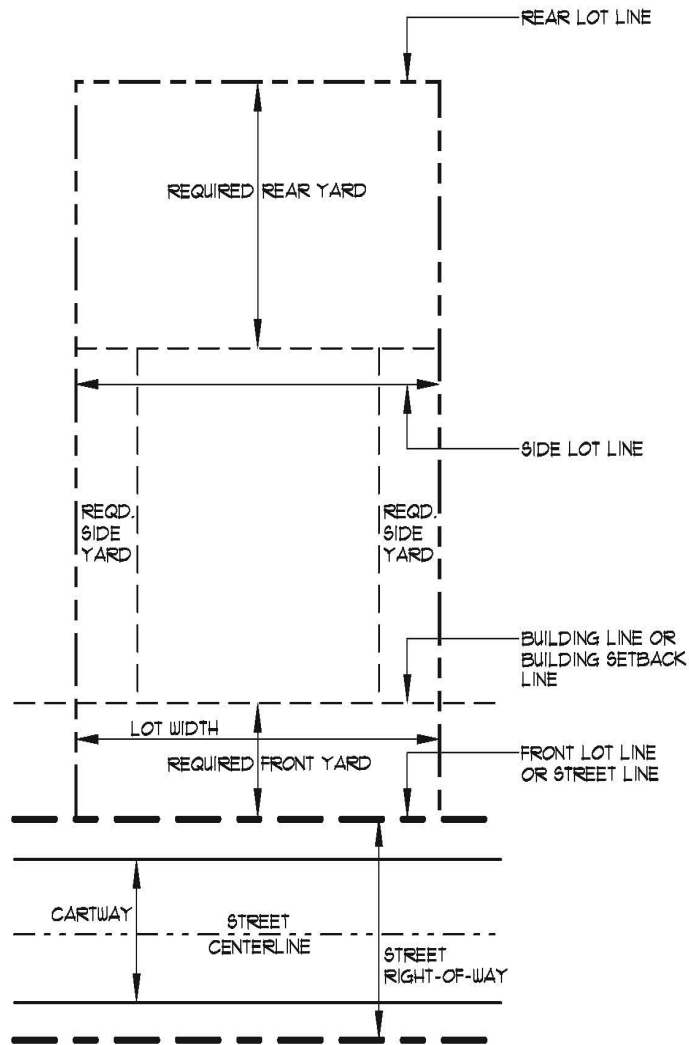
- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.
- D. Second Front Yard Required for a Corner Lot. See Section 803.B.1.

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.



Terms for Lot Requirements

For Illustrative Purposes Only



Massage Parlor. A type of "Adult Use" that is an establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 80 hours of professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and "Hunting and Fishing Clubs," which are distinct uses.

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral Extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale, and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

MPC. The Pennsylvania Municipalities Planning Code, as amended.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, as reenacted and amended.

Nightclub. An establishment that offers amplified music after 12 midnight, sells alcoholic beverages primarily for on-site consumption, includes hours open to patrons after 12 midnight, has a building capacity of over 150 persons, and has less than 20 percent of its total sales in food and non-alcoholic beverages .

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios, and/or television or radio broadcasting studios.

Open Space, Preserved or Common. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Borough and/or preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and non-commercial recreation, and
- D. does not use any of the following areas to meet minimum preserved open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,

- 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation),
- 4) off-street parking (other than that clearly intended for noncommercial recreation),
- 5) area(s) needed to meet a requirement for an individual lot,
- 6) for land intended to be open to the public, that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
- 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would: a) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or b) serve as a scenic asset resembling a natural pond,
- 8) portions of land that have a width of less than 50 feet, except for segments of a regional trail system,
- 9) areas that are under water during normal weather conditions,
- 10) areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.

E. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.

Open Space Development. An optional type of residential development that involves the permanent preservation of preserved open space, and that places dwellings on the most suitable portions of a tract, on lots that are typically smaller than would otherwise be allowed with conventional development. See Section 309.

Ordinance, This. The Coplay Borough Zoning Ordinance, including the Official Zoning Map, as amended.

Outdoor Furnace. A boiler, furnace or similar device that meets all of the following: a) is an accessory use, b) is located outside of a principal building, and c) is designed to burn wood, corn, coal or other manufacturer-approved fuel products for the purposes of heating a building or providing hot water for heat or domestic use in a building.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, travel agency, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Commercial. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship for more than 10 persons at a time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA Municipalities Planning Code. (See definition in Section 107 of such law.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.

B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling, and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Borough-owned use, or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, or parent-in-law. This term specifically shall not include relationships such as second, third, or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use on a lot of less than 2 acres , or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages, but shall not include a "Nightclub" or an "After Hours Club."
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store, or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Borough or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a "yard" from the area within which a building or use is allowed.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Public Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service involving collection from multiple lots for conveyance to treatment by a system owned and/or operated by a municipality or a municipal authority.

Shopping Center. A lot that includes 4 or more retail sales and/or personal service establishments, and which may also include offices and restaurants.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Article 7. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Article 7.

Sign, Off-Premise. See Section 702.

Single and Separate Ownership. The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solar Panels. Mechanisms used to capture the energy of the sun for use on Earth.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill, or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of ‘Adult Use.’

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than 6 feet below the finished grade level for more than 50 percent of the total building perimeter, it shall not be regulated as a story. Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

Street. A public or private thoroughfare which provides the principal means of vehicle access to 2 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street," "highway," and "road" have the same meaning and are used interchangeably.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, paving, and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the State Municipalities Planning Code shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Coplay Borough Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 20 used tires on a lot, except that a tire retail store may include the temporary storage of up to 100 used tires awaiting disposal on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby, and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school, or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Treatment Center. A use involving any one or a combination of the following:

- A. A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:
 - 1. criminal rehabilitation, such as a criminal halfway house;
 - 2. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
 - 3. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- B. A Methadone Treatment Facility, which shall be defined as a facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.
- C. A lot upon which resides 2 or more persons who are required to register their place of residence with the Pennsylvania State Police as a requirement of the Pennsylvania Megan's Law II, or its successor law, as amended.

See standards in Section 402. Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unlicensed Vehicle. See the Borough Junk Vehicle Ordinance and any regulations that may exist in any Borough Property Maintenance Code.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage, or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand, or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer, and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An open area unobstructed from the ground to the sky that is not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line" or existing street right-of-way (as exists after completion of any subdivision or land development). Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

A. See yard/setback exceptions in Section 803.B.

B. Private Streets. For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback." A "yard" measured from and running parallel to the front lot line or street right-of-way line (as exists after the completion of any subdivision or land development). Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback."

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback."

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Yard Sale. Shall have the same meaning as “Garage Sales”, which is defined in this Section.

Zoning Map. The Official Zoning Map of Coplay Borough, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Coplay Borough Zoning Ordinance, as amended.

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ARTICLE 3 DISTRICTS

301. **DESIGNATION OF DISTRICTS AND PURPOSES.**

- A. For the purpose of this Ordinance, Coplay Borough is hereby divided into the following zoning districts, with the following abbreviations:

R-1	Low Density Residential
R-2	Medium Density Residential
TMU	Trail Mixed Use
TC	Town Center
TCE	Town Center Extension
NC	Neighborhood Commercial
GC	General Commercial
BP	Business Park
P	Parkway

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the “Official Zoning Map.”

- C. Overlay Districts. The Floodplain Area, as defined by FEMA, shall serve as an overlay district to the applicable underlying districts.

- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Coplay Borough Comprehensive Plan, each zoning district is intended to serve the following purposes:

1. R-1 Low Density Residential. To provide for low density residential neighborhoods primarily comprised of single-family detached homes.
2. R-2 Medium Density Residential. To provide for medium density residential neighborhoods with a mix of housing types.
3. TMU Trail Mixed Use. To provide for median density residential uses, trail-related recreation and small trail-related businesses.
4. TC Town Center. To encourage a mixed residential / non-residential area that is pedestrian-friendly and serves as a traditional small-town business district.
5. TCE Town Center Extension. To provide a mixed use residential / non-residential area in addition to the TC Town Center area.
6. NC Neighborhood Commercial. To encourage a mixed residential / non-residential area where business uses would primarily serve the day-to-day needs of the immediate surrounding neighborhoods.

7. GC General Commercial. To provide a location for a wide range of commercial uses, including auto-oriented uses not suitable for the TC Town Center district or the NC Neighborhood Commercial district.
8. BP Business Park. To provide a location for planned business parks, environmentally responsible stand-alone industrial uses, warehouses, flex space buildings and certain other uses most suited to an industrial area.

302. **APPLICATION OF DISTRICT REGULATIONS.**

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

303. **ZONING MAP.**

- A. A map entitled “Official Coplay Borough Zoning Map” accompanies this Ordinance and is declared a part of this Ordinance. This map, which should bear the adoption date of this Ordinance, shall be retained in the Borough Building.
- B. Map Changes. Changes to the boundaries and districts of the Official Coplay Borough Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. Replacement Map. If the Official Coplay Borough Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Borough Council may, by resolution, adopt a new copy, which shall supersede the prior Official Coplay Borough Zoning Map. Unless the prior Official Coplay Borough Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. **DISTRICT BOUNDARIES.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds’ office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Coplay Borough Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.

- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- A. Intent. To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Coplay Borough regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Coplay Borough.

306. **TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.**

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
 - P = Permitted by right use (zoning decision by Zoning Officer)
 - SE = Special exception use (zoning decision by Zoning Hearing Board)
 - N = Not Permitted
 - (S. 402) = See Additional Requirements in Section 402
 - (S. 403) = See Additional Requirements in Section 403
- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed–based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

306.B. Allowed Used in Each Zoning District

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
a. RESIDENTIAL USES									
Single Family Detached Dwelling (Note: Manufactured / mobile homes shall meet the additional requirements of Section 402)	P	P	P	P	P	P	N	N	N
Twin Dwelling (side-by-side)	N	P	P	P	P	P	N	N	N
Townhouse (Rowhouse) (S. 402)	N	P	P	P	P	P	N	N	N
Apartments (S. 402), not including conversions of an existing One Family Dwelling:									
– Only 2 Dwelling Units in a Building (“Duplex”)	N	P	N	N	P*	N	N	N	N
– 3 or More Dwelling Units in a Building	N	N	N	N	N	N	N	SE	N
– 5 or More Dwelling Units in a Building	N	N	N	N	N	N	N	SE	N
– 5 or More Dwelling Units limited in occupancy to at least one person 55 and older, or the physically handicapped, but not including any resident under age 18	N	N	SE	N	N	N	N	SE	N
Apartments Above a Street Level Commercial Use (limited to a maximum of 2 dwelling units in TCE)	N	N	N	P	P	N	N	N	N
Boarding House (including Rooming House)(S. 402)	N	N	N	N	N	N	SE	N	N
Group Home within a lawful existing dwelling unit (S. 402), not including a Treatment Center	P	P	N	P	P	P	P	N	N
Conversion of an Existing One Family Dwelling into Two or More Dwelling Units (see also “Unit for Care of Relative” under Accessory Uses)	N	N	N	N	N	N	N	N	N
Manufactured / Mobile Home Park (S. 402)	N	N	N	N	N	N	N	P	N
b. COMMERCIAL USES									
Adult Uses (S. 402)	N	N	N	N	N	N	N	SE	N
Amusement Arcade	N	N	N	P	N	N	P	N	N
Amusement Park or Water Park	N	N	N	N	N	N	N	P	N
Animal Cemetery (S. 402)	N	N	N	N	N	N	N	P	N
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-TradeShow Center	N	N	N	N	N	N	P	P	N
Auto Repair Garage or Auto Service Station (S. 402)	N	N	N	N	N	P	P	P	N
Auto, Boat or Mobile / Manufactured Home Sales (S. 402)	N	N	N	N	N	N	P	P	N
Bakery, Retail	N	N	P	P	P	P	P	P	N
Bed and Breakfast Inn (S. 402)	N	P	P	P	P	P	P	N	N
Beverage Distributor (wholesale and/or retail)	N	N	N	P	N	N	P	P	N
Bus Maintenance or Storage Yard	N	N	N	N	N	N	P	P	N
Camp (S. 402), other than Recreational Vehicle Campground	N	N	N	N	N	N	P	P	N
Campground, Recreational Vehicle (S. 402), which may include an accessory camp store that is primarily for use by campers	N	N	N	N	N	N	P	P	N
Car Wash (S. 402)	N	N	N	P	N	P	P	P	N

* Cannot exceed 2½ stories in height

Coplay Borough Zoning Ordinance – Adopted March 13, 2012

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Catering, Custom, for Off-Site Consumption	N	N	N	P	N	P	P	P	N
Communications Tower / Antennae, Commercial (S. 402)									
– Meeting Section 402.A.15.a. pertaining to antenna placed on certain existing structures	P	P	P	P	P	P	P	P	P
– Antennae / tower that does not meet Section 402.A.15.a. (such as freestanding towers) (Note: Section 402.A.15 also allows towers serving emergency services stations)	N	N	N	N	N	N	P	P	P
Conference Center	N	N	N	P	P	N	P	P	N
Construction Company or Tradesperson’s Head quarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets screening requirements of Section 803.	N	N	N	SE	SE	N	P	P	N
Crafts or Artisan’s Studio (see also as Home Occupation)	N	N	N	P	P	P	P	P	N
Custom Printing, Copying, Faxing, Mailing or Courier Service	N	N	N	P	P	P	P	P	N
Exercise Club	N	N	N	P	P	N	P	P	N
Financial Institution (S. 402; includes banks), with any “Drive-through” facilities meeting Section 403	N	N	N	P	P	P	P	P	N
Flea Market / Auction House	N	N	N	N	P	N	P	P	N
Funeral Home (S. 402)	N	N	N	P	P	N	P	P	N
Garden Center, Retail (see also “Wholesale Green houses”)	N	N	N	P	P	N	P	P	N
Gas Station - See Auto Service Station									
Heliport (S. 402)	N	N	SE	SE	SE	SE	N	P	N
Horse Riding Academy - See Stable under Miscellaneous Uses	N	N	N	N	N	N	N	SE	N
Hotel or Motel (S. 402)	N	N	N	P	P	N	P	P	N
Kennel (S. 402)	N	N	N	N	P	N	P	P	N
Laundromat	N	N	N	P	P	P	P	P	N
Laundry, Commercial or Industrial	N	N	N	P	P	N	P	P	N
Lumber Yard	N	N	N	N	P	N	P	P	N
Motor Vehicle Racetrack (S. 402)	N	N	N	N	P	N	N	SE	N
Office (May include medical labs, see also Home Occupation)	N	N	N	P	P	P	P	P	N
Pawn Shop	N	N	N	P	P	N	P	N	N
Personal Services (includes tailoring, custom dress making, haircutting / styling, drycleaning, shoe repair, “massage therapy, certified” and closely similar uses) (See also Home Occupation)	N	N	N	P	P	P	P	P	N
Picnic Grove, Private (S. 402)	N	N	N	N	P	N	P	P	N
Plant Nursery (other than a Retail Garden Center)	N	N	N	N	P	N	P	P	N

Coplay Borough Zoning Ordinance – Adopted March 13, 2012

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Propane Retail Distributor, with a maximum storage capacity of 100,000 cubic feet and a 150 feet minimum setback between any storage or dispensing facilities and any residential district, and with fire company review	N	N	N	N	P	N	N	SE	N
Recording Studio, Music	N	N	N	P	P	P	P	P	N
Recreation, Commercial Indoor (S. 402) (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than uses listed separately in this Section 306	N	N	N	P	P	P	P	P	P
Recreation, Commercial Outdoor (including miniature golf course, golf driving range, archery, paintball and closely similar uses); other than uses listed separately in this Section 306	N	N	N	N	P	P	P	P	P
Repair Service, Household Appliance	N	N	N	P	P	P	P	P	N
Restaurant or Banquet Hall (S. 402)									
– with drive-through service (S. 403)	N	N	N	N	N	N	P	P	N
– without drive-through service	N	N	P	P	P	P	P	P	N
Retail Store (not including uses listed individually in this Section 306) or Shopping Center	N	N	N	P	P	P	P	P	N
– Any drive-through service that meets the requirements of Section 403 for drive-through service	N	N	N	N	N	N	P	P	N
– Retail sales or rental facility to a maximum floor area of 5,000 square feet	N	N	P	P	P	P	P	P	N
Self-Storage Development (S. 402)	N	N	N	N	N	N	P	P	N
Target Range, Firearms									
– Completely indoor and enclosed	N	N	N	N	N	N	P	P	N
– Other than above (S. 402)	N	N	N	N	N	N	N	SE	N
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	N	N	N	P	P	N	P	N	N
Tavern which may include a State-licensed micro-brewery (not including an After Hours Club)	N	N	N	SE	N	SE	P	P	N
Theater, Indoor Movie, other than an Adult Use	N	N	N	P	P	N	P	P	N
Trade / Hobby School	N	N	N	P	P	P	P	P	N
Veterinarian Office (S. 402)	N	N	N	P	P	P	P	P	N
Wholesale Sales - see under Industrial Uses									
c. INSTITUTIONAL / SEMI-PUBLIC USES									
Cemetery (see Crematorium listed separately)	P	P	P	P	P	P	P	P	N
College or University - Educational and Support Buildings	N	N	P	P	P	P	P	P	N
Community Recreation Center (limited to a government sponsored or non-profit facility) or Library	SE	SE	P	P	P	P	P	P	N
Crematorium	N	N	N	N	N	N	N	SE	N

Coplay Borough Zoning Ordinance – Adopted March 13, 2012

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Cultural Center or Museum	N	N	N	P	P	P	P	P	P
Day Care Center, Adult (S. 402)	N	N	N	P	P	P	P	P	N
Day Care Center, Child (S. 402) (See also as an accessory use)	N	SE	SE	P	P	P	P	P	
Dormitory as accessory to a college, university or school	N	N	N	N	N	N	SE	N	N
Emergency Services Station	SE	SE	SE	P	P	P	P	P	N
Hospital or Surgery Center	N	N	N	P	P	N	P	P	N
Hunting and Fishing Club. This term shall not include uses listed separately in this Section 306	N	N	N	N	N	N	P	P	N
Membership Club meeting and non-commercial recreational facilities, provided that an “After Hours Club”, “Tavern” or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	N	N	N	P	P	SE	P	P	P
Nursing Home or Personal Care Home / Assisted Living (S. 402)	SE	N	N	P	P	P	P	P	N
Place of Worship (S. 402) (includes Church)	P	P	P	P	P	P	P	P	N
School, Public or Private, Primary or Secondary (S. 402)	SE	P	P	P	P	P	P	P	N
Treatment Center (S. 402)	N	N	N	N	N	N	N	SE	N
d. PUBLIC / SEMI-PUBLIC									
Borough Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	N	N	P	P	P	P	P	P	P
Prison or Similar Correctional Institution	N	N	N	N	N	N	N	SE	N
Publicly Owned or Operated Recreation Park or Non-Motorized Recreation Trail	P	P	P	P	P	P	P	P	P
Public Utility Facility (see also Section 114) other than uses listed separately in this Section 306	P	P	P	P	P	P	P	P	P
Swimming Pool, Non-household (S. 402)	P	P	P	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	N	N	N	P	P	P	P	P	P
e. INDUSTRIAL USES									
Asphalt Plant	N	N	N	N	N	N	N	SE	N
Assembly or Finishing of Products using Materials Produced elsewhere (such as products from plastics manufactured off-site)	N	N	N	N	N	N	N	P	N
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	N	N	N	N	P	N
Distribution as a principal use or a Trucking Company Terminal	N	N	N	N	N	N	N	SE	N
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	N	N	N	P	N

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TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Junk Yard (S. 402)	N	N	N	N	N	N	N	SE	N
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor as listed separately, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N	N	N	SE	N
Manufacture and/or bulk procession of the following, provided manufacturing occurs only indoors:									
– Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	N	N	SE	N
– Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	N	N	N	P	P	N
– Cement Manufacture	N	N	N	N	N	N	N	SE	N
– Ceramics Products (other than Crafts Studio)	N	N	N	N	N	N	N	P	N
– Chemical Products, other than pharmaceuticals and types listed separately	N	N	N	N	N	N	N	SE	N
– Clay, Brick, Tile and Refractory Products	N	N	N	N	N	N	N	P	N
– Computers and Electronic and Microelectronic Products	N	N	N	N	N	N	P	P	N
– Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	N	N	P	N
– Electrical Equipment, Appliances and Components	N	N	N	N	N	N	SE	P	N
– Explosives, Fireworks or Ammunition	N	N	N	N	N	N	N	SE	N
– Fabricated Metal Products (except Explosives, Fireworks or Ammunition)	N	N	N	N	N	N	N	P	N
– Food and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306)	N	N	N	N	N	N	SE	P	N
– Gaskets	N	N	N	N	N	N	N	P	N
– Glass and Glass Products (other than Crafts Studio)	N	N	N	N	N	N	N	P	N
– Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N	N	N	N
– Jewelry and Silverware	N	N	N	N	N	N	N	P	N
– Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	N	N	N	P	N
– Machine Shop	N	N	N	N	N	N	N	P	N
– Machinery	N	N	N	N	N	N	N	P	N
– Manufactured or Modular Housing Manufacture	N	N	N	N	N	N	N	P	N
– Medical Equipment and Supplies	N	N	N	N	N	N	N	P	N
– Metal Products, Primary	N	N	N	N	N	N	N	P	N
– Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	N	N	N	P	N

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TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Manufacture and/or bulk procession of the following, provided manufacturing occurs only indoors: <ul style="list-style-type: none"> – Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp) – Paper - Raw Pulp – Paving Materials, other than bulk manufacture of asphalt – Pharmaceuticals and Medicines – Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film 	N	N	N	N	N	N	N	P	N
<ul style="list-style-type: none"> – Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, fiberglass, textiles, rubber or synthetic rubber – Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber – Scientific, Electronic and Other Precision Instruments 	N	N	N	N	N	N	N	P	N
<ul style="list-style-type: none"> – Sporting Goods, Toys, Games, Musical Instruments or Sign Manufacture – Transportation Equipment – Wood Products and Furniture (not including raw paper pulp) – See Section 105 for uses that are not listed 	N	N	N	P	N	N	N	P	N
Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site	N	N	N	N	N	N	N	SE	N
Packaging	N	N	N	N	N	N	P	P	N
Package Delivery Services Distribution Center	N	N	N	N	N	N	N	P	N
Petroleum Refining	N	N	N	N	N	N	N	SE	N
Printing or Bookbinding	N	N	N	N	N	N	P	P	N
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building	N	N	N	N	N	N	SE	P	N
Research & Development, Engineering or Testing Facility or Laboratory (other than medical laboratories, which is considered an office use)	N	N	N	N	N	N	SE	P	N
Sawmill / Planing Mill	N	N	N	N	N	N	N	P	N
Slaughterhouse, Stockyard or Tannery, with a 250 feet minimum setback from all lot lines	N	N	N	N	N	N	N	SE	N
Solid Waste Transfer or Waste to Energy Facility (S. 402)	N	N	N	N	N	N	N	SE	N
Trucking Company Terminal (S. 402)	N	N	N	N	N	N	N	SE	N
Warehousing or Storage as a principal use	N	N	N	N	N	N	N	P	N
Warehousing or Storage as an on-site accessory use	N	N	N	N	N	N	N	P	N
Welding	N	N	N	N	N	N	N	P	N
Wholesale Sales (other than Motor Vehicles)	N	N	N	N	N	N	N	P	N

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TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
f. <u>ACCESSORY USES</u> See list of additional permitted uses in Section 306.C., such as “Residential Accessory Structure or Use” See Additional Requirements in Section 403 for Specific Accessory Uses Bus Shelter (S. 403) Composting (S. 403), other than materials generated on-site Day Care Center accessory to and on the same lot as an existing lawful Place of Worship	P	P	P	P	P	P	P	P	P
	N	N	N	N	N	N	N	SE	N
	P	P	P	P	P	P	P	P	P
Day Care (S. 403) as an accessory to a dwelling: – Day Care of a maximum of 3 adults or youth, in addition to “Relatives” of the caregiver – Group Day Care Home (7 to 12 children) – Family Day Care Home (4 to 6 children) Home Occupation, General (S. 403)	P	P	P	P	P	P	P	P	N
	SE	SE	SE	N	P	P	SE	P	N
	SE	SE	SE	N	P	P	SE	P	N
	P	SE	SE	P	P	P	P	P	N
Home Occupation, Minor (S. 403) Outdoor Storage and Display as accessory to a business use, which shall also comply with Sections 403, 803 and 804 Temporary Retail Sales - See Section 103.G. Unit for Care of Relative (S. 403)	P	P	P	P	P	P	P	P	N
	N	N	P	P	P	P	P	P	N
	N	N	N	P	P	P	P	P	N
	P	P	P	P	P	P	P	P	N
g. <u>MISCELLANEOUS USES</u> Crop Farming and Wholesale Greenhouses Forestry (including Timber Harvesting) (S. 402) Groundwater or Spring Water Withdrawal, averaging more than 100,000 gallons per day removed from a tract for off-site consumption (S. 402) (See also requirements for food and beverage bottling and processing under Industrial Uses) Nature Preserve or Environmental Education Center Parking Lot or Structure as a principal use: – That primarily serves tractor-trailer trucks or trailers – That primarily serves a place of worship or school – Other parking lot	N	N	P	P	P	P	P	P	N
	P	P	P	P	P	P	P	P	P
	N	N	N	N	N	N	N	SE	N
	N	N	N	N	N	N	N	P	P
	N	N	N	N	N	N	SE	P	N
	SE	SE	P	P	P	P	P	P	P
	N	N	P	P	P	P	P	P	P

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TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Livestock or Poultry, Raising of (S. 402):									
– Intensive	N	N	N	N	N	N	N	SE	N
– Not Intensive	N	N	N	N	N	N	P	P	N
Sewage Sludge / Biosolids, Land Application of (S. 403)	N	N	N	N	N	N	N	SE	N
Sewage Treatment Plant	N	N	N	N	N	N	P	P	N
Solar Energy Collection Devices as an Accessory or Principal use, provided that special exception use approval shall be needed if the devices cover more than 2,000 square feet of land area (other than building rooftops) in an R-1 or R-2 district.	P	P	P	P	P	P	P	P	P
Stable, Non-Household (S. 402; includes horse riding academy)	N	N	P	N	N	P	P	P	N
Wind Turbine (S. 403)									
– Maximum of 1 per lot as an accessory use (S. 403)	P	P	P	P	P	P	P	P	P
– Other wind turbines, such as 2 or more per lot (S. 402)	N	N	N	N	N	N	N	SE	N

- P = Permitted by use right (zoning decision by Zoning Officer)
- SE = Special exception use (zoning decision by Zoning Hearing Board)
- N = Not permitted
- (S. 402) = See Additional Requirements in Section 402
- (S. 403) = See Additional Requirements in Section 403

C. Permitted Accessory Uses in All Districts. An accessory use to a residential use is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Pets, Keeping of*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) *
9. Signs, as permitted by Article 7
10. Swimming Pool, Household *
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.
12. Storage sheds meeting the requirements of Section 307.A. and Section 307.C.

* See standard for each in Section 403.

D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right or special exception commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A. and Section 307.C.

307. **DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

Zoning District: Type of Use	Minimum Lot Area (square feet) (Note D)	Minimum Lot Width at Minimum Building Set-back Line (feet)	Minimum Front Yard Setback (feet) (Note C)	Minimum Rear Yard Setback** (feet)	Minimum Side Yard Setback** (each) (feet)	Maximum Building Coverage (Note D)
R-1 Low Density Residential District and P Parks District:	7,000	50	25 (Note A)	25	12 aggregate 5 each	50%
R-2 Medium Density Residential District and TMU Trail Mixed Use District:						
a) Single Family Detached Dwelling	4,000	40	10	25	5 each	65%
b) Twin Dwelling Unit (side-by-side)	3,600 per unit	25 per unit	10	25	5 each	65%
c) Townhouse (Note B)	2,500 per unit	18 per unit	10	25	5 each	65%
d) Duplex or Other Apartment Dwellings (Where Allowed)	2,500 average per unit*	40	10	25	5 each	65%
e) Other allowed principal use	6,000	40	10	25	5 each	65%
TC Town Center District:						
a) Allowed Residential Uses	a) Same as TMU				a) Same as R-2	
b) Other Allowed Uses	b) 1,000	18	0	10	b) 3 each	90%

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Zoning District: Type of Use	Minimum Lot Area (square feet) (Note D)	Minimum Lot Width at Minimum Building Set-back Line (feet)	Minimum Front Yard Setback (feet) (Note C)	Minimum Rear Yard Setback** (feet)	Minimum Side Yard Setback** (each) (feet)	Maximum Building Coverage (Note D)
NC Neighborhood Commercial District and TCE Town Center Extended District:						
a) Allowed Residential Uses	a) Same as R-2				a) Same as R-2	
b) Other Allowed Uses	b) 6,000	40	10	30	b) 10 each	65%
GC General Commercial District:	6,000	60	20	30	20 each	75%
BP Business Park District:						
a) Residential Uses - Same as TMU						
b) Other Allowed Uses	b) 20,000	b) 75	b) 20	b) 20 (Note A)	b) 20 (Note A)	b) 75%

* In the TMU, 1,200 average per unit, if all units are limited to at least one resident age 55 and older, or the physically handicapped, but not including any resident under age 18.

Section 307.A. Continued: Notes for the Above Table:

Corner lot setbacks – see Section 803.B.

** = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.

(Note A) = The front yard shall be 25 feet along the street that the building faces. On a corner lot, a 10 feet wide yard shall be provided along the second street.

(Note B) = If 2 or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for 2 or more vehicles face onto the street in the front of the townhouse, then the minimum building width per dwelling along such street shall be a minimum of 24 feet. A maximum of 60 percent of the land area between the front of each townhouse or twin dwelling and the street right-of-way line shall be used for vehicle parking and driveways.

(Note C) = Setbacks shall be measured from the street right-of-way that will exist after the development is completed. An unenclosed front porch or deck may intrude up to 10 feet into the minimum front yard. This porch or deck may be covered by a roof. Steps and stoops may also intrude into this setback.

(Note D) = For townhouses, apartments and twin dwellings, the maximum building and impervious coverage requirements may be met as an average across a tract after development, as opposed to regulating each individual lot.

B. Height. Except as provided in Section 802, or as specified otherwise in this ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. An accessory building shall have a maximum height of 25 feet, unless it meets the minimum setbacks for a principal building, in which case the maximum height for a principal building shall apply.
2. In the GC and BP districts, a maximum building height of 60 feet shall apply, provided that any building of more than 38 feet height is setback a minimum of 50 feet from a residentially zoned lot.
3. The maximum height for any other structure shall be 35 feet, whichever is more restrictive.
4. See also the Airport Approach regulations in Article 9, which may restrict structures to a lower height in areas used by aircraft to approach a runway.

C. Accessory Structures and Uses.

1. Accessory structures shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.

2. For a permitted detached structure that is accessory to a dwelling(s), the minimum rear yard shall be 5 feet and the minimum side yard shall be 5 feet, except a minimum yard of 10 feet shall apply from a street right-of-way along the side of a corner lot. The following exceptions apply:
 - a. A side yard setback is not required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by semi-detached dwellings). However, such structure shall still meet the minimum side yard on a lot line where the dwellings are not attached.
 - b. A residential porch or deck that is unenclosed may extend a maximum of 15 feet into the required rear setback. Such porch or deck may be covered by a roof or awning. Space under an unenclosed porch may be used for household storage. See Note C above considering front yard setbacks.
 - c. See Section 403 for swimming pools.
 - d. For lots less than 45 feet wide, minimum side yard setback shall be 3 feet.
3. No accessory building and no swimming pool shall be allowed in the minimum front yard.
4. In any case, an existing lawful accessory building may be replaced with a new accessory building provided it is built on the same location covering the same footprint.
5. If an accessory use is attached to a principal building (such as a garage built onto the side of a home), the principal setbacks shall apply.