

**CHAPTER 27**

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## USING THIS CHAPTER: AN OVERVIEW<sup>1</sup>

These two pages describe the most efficient way to use this Chapter. 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<sup>2</sup>) 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 §27-306, 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 §27-116).
  - c) As a conditional use (the Borough Council must approve the use, as described in §27-117).
- Turn to §27-307, 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 §27-202 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 §27-306, that use is called a “nonconforming use.” In almost all cases, a lawful nonconforming use can continue, can expand within limits, can change to another use within limits, and can be sold. See §27-805, “Nonconformities.”

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<sup>1</sup> Editor’s Note: These two pages of “Using This Chapter: An Overview” were adopted as part of *Ord. 800*, 3/13/2012.

<sup>2</sup> Editor’s Note: The Zoning Index appears at the end of the Index to the Borough of Coplay Code of Ordinances.

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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 §27-402 and the “accessory uses” (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in §27-403. Additional regulations are listed for sheds, garages and other structures typically found on a residential lot under “residential accessory structures” in §27-403.

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 §27-601 of this Chapter. The parking standards are listed in a table.
- If signs are proposed within public view, Part 7 must be met. This Part 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 §27-803.

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

- 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 Chapter. An application fee is required to compensate the Borough for legal advertisements and other costs. See §27-111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the Pennsylvania 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 [Chapter 22] will also apply. This is a separate ordinance available at Borough hall.<sup>3</sup>
- 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 this Chapter should be directed to the Borough’s Zoning Officer. The Zoning Officer also administers applications for permits.

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<sup>3</sup> Editor’s Note: The Subdivision and Land Development Ordinance is codified as Chapter 22, Subdivision and Land Development, of this Code of Ordinances.

**PART 1**

**ADMINISTRATION**

**§27-101. Short Title; Applicability of this Chapter.**

1. Short Title. This Chapter shall be known and be cited as the “Coplay Borough Zoning Ordinance.”
2. This Chapter shall apply throughout Coplay Borough. Any activity regulated by this Chapter shall only occur in such a way that conforms with the regulations of this Chapter. See §27-103.1.

(Ord. 800, 3/13/2012, §§2, 101)

**§27-102. Purposes and Community Development Objectives.**

This Chapter is hereby adopted:

- A. In accordance with the requirements and purposes (including §§604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, §§10604, 10605, as amended.
- 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.

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- (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.
- (16) To promote pedestrian-friendly and bicycle-friendly patterns of development.

(Ord. 800, 3/13/2012, §102)

### **§27-103. Permits and Certificates.**

#### 1. Applicability.

- A. Any of the following activities or any other activity regulated by this Chapter shall only be carried out in conformity with this Chapter.
  - (1) Construction, movement, placement or extension 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 lot or alteration of lot lines.
  - (4) Creation of a new use.
- B. Zoning Permit. The granting of a zoning permit indicates that a zoning application complies with this Chapter to the best knowledge of the applicable Borough staff.
  - (1) A zoning permit is required to be issued prior to the start of any of the following activities:

- (a) Construction, movement, placement, relocation or expansion 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 new use.
  - (d) Demolition of a building.
  - (e) Site alterations or mineral extraction as defined by §27-202.
  - (f) Construction or installation of any lake, pond, dam or other water retention basin.
- (2) 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.

C. Certificate of Occupancy.

- (1) 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 Chapter.
- (2) 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.

2. 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 Chapter. 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.)

3. Types of Uses.

- A. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Chapter in response to an application for a use that is “permitted by right” if it meets all of the requirements of this Chapter.
- B. Special Exception Use or Application Requiring a Variance. A permit under this Chapter 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.
- C. Conditional Use. A use requiring zoning approval by the Borough Council under §27-117.

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### 4. Applications.

- A. 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.
- B. Site Plan. The applicant shall submit a minimum of two copies of a site plan with the application if the application involves a new building, expansion of a building or addition of three or more parking spaces. The site plan shall be drawn to scale and show the following:
  - (1) 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.
  - (2) Notes showing the dimensions of all buildings from lot lines and street rights-of-way.
  - (3) Locations of any watercourses and any 100-year floodplain.
  - (4) Proposed lot areas, lot widths and other applicable dimensional requirements.
  - (5) Locations and widths of existing and proposed sidewalks.
  - (6) A north arrow and scale.
- C. Additional Information. Any application under this Chapter shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Chapter:
  - (1) The address of the lot.
  - (2) Name and address of the applicant, and of the owner of the property if different from the applicant.
  - (3) 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.
  - (4) 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.
  - (5) 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 Chapter.

- (6) All other applicable information listed on the official Borough application form.
  - (7) If the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation.
  - (8) Such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Chapter.
  - (9) 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.
- D. Submittals to the Board. In addition to the information listed in subsection .C 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 Chapter:
- (1) The present zoning district and major applicable lot requirements.
  - (2) For a nonresidential use:
    - (a) A description of the proposed nonresidential 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.
    - (b) A list of the maximum hours of operation.
  - (3) The existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management.
  - (4) A listing of any sections of this Chapter for which a variance is being requested or another appeal being made, with the reasons for such request.
  - (5) 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”).
  - (6) Heights, locations, methods of illumination and intensity of exterior lighting and sign lighting.
  - (7) Name and address of person who prepared the site plan.

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- (8) Signed acknowledgment of the application by the applicant.
    - (9) Such additional information required under applicable sections of this Chapter.
  - E. 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 Part 2).
5. Issuance of Permits.
  - A. At least one copy of each permit application and any other zoning approval shall be retained in Borough files.
  - B. 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.
6. Revocation of Permits, Appeal of Permit or Approval.
  - A. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of this Chapter in case of one or more of the following:
    - (1) 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 Crimes Code, 18 Pa.C.S.A. §101 *et seq.*, provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
    - (2) Upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance.
    - (3) Any work being accomplished or use of land or structures in such a way that does not comply with this Chapter or an approved site plan or approved permit application.
    - (4) For any other just cause set forth in this Chapter.
  - B. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Chapter within the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* Any such appeal shall occur within the time period established in the Pennsylvania Municipalities Planning Code. (As of the adoption date of this Chapter, such provisions were in §§914.1 and 1002-A, 53 P.S. §§10914.1, 11002-A).
7. Zoning Permit for Temporary Uses and Structures.
  - A. Temporary Uses.

- (1) A zoning permit for a temporary use or structure may be issued for customary, routine and accessory short-term special events; provided, that:
    - (a) 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.
    - (b) Such total events shall each be limited to a maximum of 10 total days per calendar year.
    - (c) 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.
  - (2) 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.
  - (3) 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.
  - (4) 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.
  - (5) Portable storage containers—see §27-807.
- B. 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.
- C. Temporary Retail Sales.
- (1) Except as may otherwise be allowed by Subsection .A above, a lot shall only be used for temporary retail sales if all of the following conditions are met:
    - (a) The property shall be located within a zoning district that allows retail sales.

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- (b) 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.
  - (c) Any signs visible from a public street shall comply with this Chapter.
  - (d) 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.
  - (e) A zoning permit shall be required from the Borough, which shall be displayed while the activity is open for business.
  - (f) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
  - (g) 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.
- (2) This Subsection .C 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.
8. Compliance with Subdivision and Land Development Ordinance [Chapter 22]. If an application under this Chapter would also be regulated by the Subdivision and Land Development Ordinance (“SALDO”) [Chapter 22], then any permit or approval under this Chapter shall automatically be conditioned upon compliance with the SALDO. See the definitions of “land development” and “subdivision” in the SALDO.
- A. 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.

(Ord. 800, 3/13/2012, §103)

### **§27-104. General Procedure for Permits.**

1. After receiving a proper application, the Zoning Officer shall either: (A) issue the applicable permit(s) or (B) deny the application(s) as submitted, indicating one or more reasons.
2. After the permit under this Chapter 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.

(Ord. 800, 3/13/2012, §104)

**§27-105. Interpretation and Uses Not Regulated.**

1. **Minimum Requirements.** Where more than one provision of this Chapter controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Chapter are in addition to any other applicable Borough ordinance.
2. **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 Chapter 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:
  - A. The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the district.
  - B. The proposed use would be closely similar in impacts and character to uses permitted in that district, considering the standards in §27-805.6.
  - C. The use would meet the standards that would apply under §27-116 to a special exception use.
  - D. The use is not specifically prohibited in that district.
3. **Interpretation of Ordinance Text and Boundaries.**
  - A. The Zoning Officer shall literally apply the wording of this Chapter 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.
  - B. If an applicant disagrees with the Zoning Officer's determination and believes that this Chapter should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See §27-111.
  - C. See §27-304.
4. **Undefined Terms/Interpretation of Definitions.** See §27-201.

(Ord. 800, 3/13/2012, §105)

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### **§27-106. 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 Chapter by reference. (Note: As of the adoption date of this Chapter, these provisions were primarily in §§616.1, 617 and 617.2 of such Act, 53 P.S. §§10616.1, 10617, 10617.2.)

- A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Chapter:
  - (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.
  - (5) Violation of any condition imposed by a decision of the Borough Council in granting a conditional use or other approval.
  - (6) Violation of any condition imposed by a decision of a court of competent jurisdiction, where such court has granted zoning approval with conditions.
- B. Enforcement Notice. If the Borough has reason to believe that a violation of this Chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in §616.1 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10616.1. Prior to sending an official enforcement notice, the Zoning Officer may informally request compliance.
- C. Time Limits. An official enforcement notice shall state the deadline to bring the property into compliance with this Chapter, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- 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 Chapter, such provisions were in §617 of such law, 53 P.S. §10617.)

- (1) **Violations and Penalties.** Any person who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 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 Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid over to the Borough for the general use of the Borough. Imprisonment is not authorized under this Chapter.
  - (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 Chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this Chapter 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.
- 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.

(Ord. 800, 3/13/2012, §106)

**§27-107. 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

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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.

- 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.

(Ord. 800, 3/13/2012, §107)

### **§27-108. Amendments to this Chapter.**

Within the requirements of the Pennsylvania Municipalities Planning Code, the Borough Council may amend, or repeal any or all portions of this Chapter on (A) its own motion or (B) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

(Ord. 800, 3/13/2012, §108)

### **§27-109. Curative Amendments.**

The applicable provisions of the Pennsylvania Municipalities Planning Code shall apply. (Note: As of the adoption date of this Chapter, these provisions were primarily in §§609.1, 609.2 and 916.1 of such Act, 53 P.S. §§10609.1, 10609.2, 10916.1.)

(Ord. 800, 3/13/2012, §109)

### **§27-110. Zoning Officer.**

1. 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.
2. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
  - A. Administer this Chapter in accordance with its literal terms, including to receive and examine all applications required under the terms of this Chapter, and issue or refuse permits within the provisions of this Chapter.
  - B. Conduct inspections to determine compliance, and receive complaints of violation of this Chapter.
  - C. 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.

- D. Review proposed subdivisions and land developments for compliance with this Chapter.
- E. Take enforcement actions as provided by the Pennsylvania Municipalities Planning Code, as amended.
- F. Maintain available records concerning nonconformities, provided that the Borough is not required to document every nonconformity.
- G. Serve such other functions as are provided in this Chapter.

(Ord. 800, 3/13/2012, §110)

**§27-111. Zoning Hearing Board Actions and Variances.**

1. Membership of Board. The Zoning Hearing Board shall consist of three residents of the Borough appointed by the Borough Council. The existing terms of office shall continue, with terms of office being three 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.
  - A. 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 Chapter, such provisions were in §903(b) of such Act, 53 P.S. §10903(b).)
  - B. 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.
2. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
3. Organization. The applicable provisions of the Pennsylvania Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Chapter, these provisions were in §906(a), (b) and (c) of such Act, 53 P.S. §10906(a), (b), (c).)
4. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
  - A. Appeal of a Decision by the Zoning Officer.

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- (1) 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 Chapter.
  - (2) See time limitations for appeals in Subsection .5.
- B. 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 Chapter, these provisions were primarily in §§909.1 and 916 of such Act, 53 P.S. §§10909.1, 10916.)
- C. Variance.
- (1) 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.
  - (2) Standards. The Board may grant a variance only within the limitations of State law. As of the adoption date of this Chapter, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
    - (a) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in the neighborhood or district in which the property is located.
    - (b) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and a variance is therefore necessary to enable the reasonable use of the property.
    - (c) Such unnecessary hardship has not been created by the appellant.
    - (d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
    - (e) 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.

- (3) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter.

D. Special Exception.

- (1) 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 Chapter. See §27-116.
- (2) 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.
- (3) Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes and intent of this Chapter.

E. 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 Chapter 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.

- (1) 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.
- (2) 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 Chapter 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.
- (3) Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

F. 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 Chapter, such provisions were primarily within §909.1 of such law, 53 P.S. §10909.1.)

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5. 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 Chapter, these provisions were in §914.1 of such Act, 53 P.S. §10914.1.)
6. 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 Chapter, such provisions were in §915.1 of such Act, 53 P.S. §10915.1.)
7. Time Limits on Permits and Approvals.
  - A. 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 .B below.
    - (1) However, if a variance is approved to address a violation of this Chapter, then the permit shall be acquired and the work completed within six months after the variance is approved, with no further time extension.
  - B. 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.
  - C. 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 Chapter and all such approvals, variances and permits shall be deemed automatically rescinded by the Borough.
8. 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.

(Ord. 800, 3/13/2012, §111)

### **§27-112. Zoning Hearing Board Hearings and Decisions.**

The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

- 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 §107 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10107. 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.
- B. Initiation of Hearings. A hearing required under this Chapter 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.
- 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 Chapter and/or the Pennsylvania Municipalities Planning Code.
- 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 Chapter, such provisions were within §§908(9) and 908(10) of such Act, including provisions regarding notice to other parties. 53 P.S. §10908(9), (10))
- E. See also §908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908.

(Ord. 800, 3/13/2012, §112)

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### **§27-113. 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 Chapter, these provisions were in §§1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act, 53 P.S. §§11001-A–11006-A.)

(Ord. 800, 3/13/2012, §113)

### **§27-114. Limited Public Utility Exemptions.**

See the provisions of the Pennsylvania Municipalities Planning Code, as amended. (Note: As of the adoption date of this Chapter, such provisions were within §619 of such Act, 53 P.S. §10619.)

(Ord. 800, 3/13/2012, §114)

### **§27-115. Borough and Municipal Authority Exemption.**

This Chapter 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.

(Ord. 800, 3/13/2012, §115)

### **§27-116. Special Exception Use Process.**

1. Purpose. The special exception process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.
2. Special Exception Procedure.
  - A. A site plan shall be submitted, which shall contain the information required in §27-103.4. 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.
  - B. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Chapter.
  - C. The Zoning Hearing Board shall follow the procedures provided in §27-112.
  - D. 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.

- E. Time Limits. See §908 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10908.
3. Consideration of Special Exception Applications. When special exceptions are allowed by this Chapter, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Chapter, including the following:
- A. Compliance with this Chapter. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Chapter. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
  - B. 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.
  - C. 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.
  - D. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Chapter.
  - E. 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.
  - F. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
  - G. 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.
4. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Chapter) as it determines are necessary to implement the purposes of this Chapter. 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 Chapter.

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(Ord. 800, 3/13/2012, §116)

### **§27-117. Conditional Use Process.**

1. 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.
2. 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.
  - A. Submittal. A site plan shall be submitted, which shall contain the information listed in §27-103.4. 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.
  - B. Reviews.
    - (1) The Zoning Officer should provide a review to the Council regarding the compliance of the application with this Chapter.
    - (2) 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.
  - C. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Part 3.
  - D. 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 §913.2 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10913.2. For a conditional use application, the same provisions shall apply for notice of persons that apply in §27-112.A(3).
3. Consideration of Conditional Use Application. The Borough Council shall determine whether the proposed conditional use would meet the applicable requirements of this Chapter. The same standards shall apply to a conditional use as are listed in §27-116.3 for a special exception use.
4. 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 Chapter. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Chapter and be subject to the penalties described in this Chapter.

(Ord. 800, 3/13/2012, §117)

**§27-118. Liability.**

1. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, stormwater runoff review, review of activity on steep slopes, or any other review, approval or permit under this Chapter 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.
2. If the Zoning Officer mistakenly issues a permit under this Chapter, the Borough shall not be liable for any later lawful withdrawal of such permit.

(Ord. 800, 3/13/2012, §118)



**PART 2**  
**DEFINITIONS**

**§27-201. General Interpretation.**

For the purposes of this Chapter, 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 Chapter, but is defined in the Subdivision and Land Development Ordinance (SALDO) [Chapter 22], then such SALDO definition shall apply.

(Ord. 800, 3/13/2012, §201)

**§27-202. Terms Defined.**

When used in this Chapter, 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.”

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**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% 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 three 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 three 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 five or more unrelated persons between the hours of 2:00 a.m. and 6:00 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 seven-day period, and shall not be available for use by the general public.

**ALLEY**—a thoroughfare primarily serving vehicle traffic to three 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 five 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,

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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 §27-402.

**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 §27-402.

**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 §27-402.

**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 §27-402 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 §27-402.

**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 §27-702.

**BOARDING HOUSE** (includes “rooming house”)—a residential use in which: (1) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (2) 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 five or more consecutive days.

**BOROUGH**—Coplay Borough, Lehigh County, Pennsylvania.

**BUFFER YARD**—a strip of land that (1) separates one use from another use or feature, and (2) 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 §27-803.

**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 two vertical structural walls that are generally parallel of one building, measured in one direction that is

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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%. 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 two 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 Chapter, 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 §27-402. 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 nonindustrial 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 §27-306, which is only allowed after review by the Borough Planning Commission and approval by Borough Council, under §27-117.

**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.”

## ZONING

**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.”

- (1) The following three types of day care are permitted without regulation by this Chapter: (a) care of children by their own “relatives,” (b) care of children within a place of worship during regularly scheduled religious services, and (c) care of one to three children within any dwelling unit, in addition to children who are “relatives” of the care giver.
- (2) **FAMILY DAY CARE HOME** (or “Child Day Care as an Accessory Use”)—a type of “day care” use that: (a) is accessory to and occurs within a dwelling unit, and (b) provides care for four to six children at one time who are not “relatives” of the primary care giver. See §27-403.
- (3) **GROUP DAY CARE HOME**—a type of “day care” use that: (a) provides care for between seven and 12 children at one time who are not “relatives” of the primary care giver, (b) provides care within a dwelling unit, and (c) is registered with the applicable State agency.<sup>1</sup>
- (4) **CHILD DAY CARE CENTER**—a type of “day care” use that: (a) provides care for seven or more children at any one time who are not “relatives” of the primary care giver, (b) does not occur within a dwelling unit, (c) does not meet the definition of a group day care home, and (d) is registered with the applicable State agency.<sup>1</sup> See §27-402.

**DENSITY**—the total number of dwelling units proposed on a lot divided by the “lot area,” unless otherwise stated.

**DEP**—the Pennsylvania Department of Environmental Protection.

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<sup>1</sup> Note: As of the adoption date of this Chapter, such agency was the PA Department of Public Welfare.

**DISTRICT (OR ZONING DISTRICT)**—a land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Chapter.

**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 Chapter categorizes dwellings into the following types:

- (1) **CONVERSION APARTMENT**—a new dwelling unit created within an existing building within the standards of Part 4 and where permitted by Part 3 and meeting the floor area requirements of §27-801.
- (2) **DUPLEX**—a building that includes two apartment dwellings and which is not a semi-detached dwelling.
- (3) **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.
- (4) **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.
- (5) **SINGLE FAMILY DETACHED DWELLING**—one dwelling unit in one building accommodating only one family and having open yard areas on all sides.
  - (a) **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

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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 §27-402.

- (6) 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.
- (7) TOWNHOUSE (or Rowhouse)—one dwelling unit that is attached to two 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 §27-402.

DWELLING UNIT—a single habitable living unit occupied by only one “family.” See definition of “family.” Each dwelling unit shall have: (1) its own toilet, bath or shower, sink, sleeping and cooking facilities and (2) 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 §27-402.

EMPLOYEEES—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 four 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 §27-402 residing within a licensed group home, as defined herein. Through those provisions and §27-111.4E, 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 §27-403.

**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 §27-504.

**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: (1) fully enclosed porches, and (2) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least six and one-half 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 §27-403.

**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 §27-507.

**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 Part 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

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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.

- (1) Group homes shall be subject to the same limitations and regulations by the Borough as the type of dwelling unit they occupy.
- (2) 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.
- (3) A group home shall not include a “treatment center.”
- (4) See standards in §27-402.

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 §802 of Title 21.” This definition was subsequently adjusted by §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:

- (1) “Hazardous substances” as defined pursuant to §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 Part 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 seven-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 nonresidential 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 §27-403.

- (1) **MAJOR HOME OCCUPATION**—a home occupation that does not meet the additional standards for a minor home occupation in §27-403.
- (2) **MINOR HOME OCCUPATION**—a home occupation that meets the additional standards for a minor home occupation as provided in §27-403. Among other provisions, §27-403 requires that a minor home occupation not routinely involve visits to the home occupation by customers or more than one nonresident 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 §27-306, while in most cases a major home occupation requires Zoning Hearing Board approval as a special exception.

- (a) **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:
  - 1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
  - 2) The business shall employ no employees other than family members residing in the dwelling.
  - 3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
  - 4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

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- 5) 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.
- 6) 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.
- 7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- 8) 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.

- (1) 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 this Chapter.

**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: (1) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, (2) toxic substances, (3) yard waste or tree trunks, (4) items clearly awaiting imminent recycling at an appropriate location, (5) building materials awaiting imminent use at an on-going building, or (6) “clean fill” as defined by State environmental regulations.

**JUNK VEHICLE**—see the Borough junk vehicle ordinance [Chapter 15, Part 12] and any regulations that may exist in any Borough Property Maintenance Code.

**JUNKYARD**—

- (1) 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:
  - (a) “Junk” (see definition) covering more than 1% of the lot area.
  - (b) 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 §27-402.
  - (c) One or more mobile/manufactured homes that are not in a habitable condition.
- (2) 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 Chapter, and which may also include temporary keeping of other household pets. In addition, in any case, if seven or more dogs age six 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.”

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**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 §27-403 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.

- (1) **LIVESTOCK OR POULTRY, INTENSIVE RAISING OF**—a type of raising of livestock or poultry use that involves an average of more than two “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 two 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.

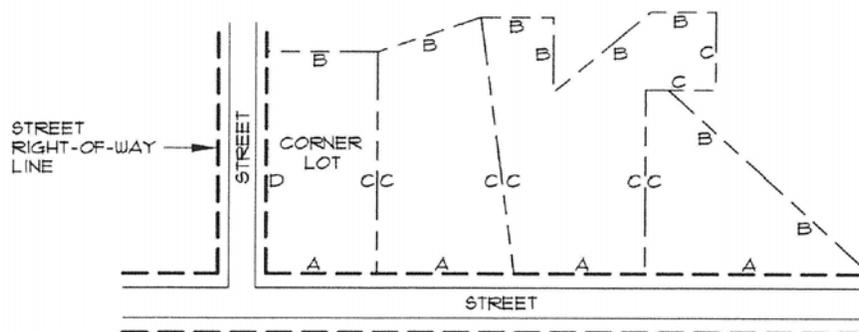
**LOT AREA**—the horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- (1) Areas within the “existing” legal rights-of-way of: (a) any proposed or existing public streets or alleys or (b) any proposed or existing commonly maintained private streets that serve more than one lot. (Note: Other sections of this Chapter, such as townhouse development, may specifically permit proposed streets to be included in determining density for a specific use.)
- (2) 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 Chapter, such as open space development, may specifically permit proposed common open spaces to be included in determining density for a specific use.)
- (3) Features required to be excluded from “lot area” under Part 3 of this Chapter.

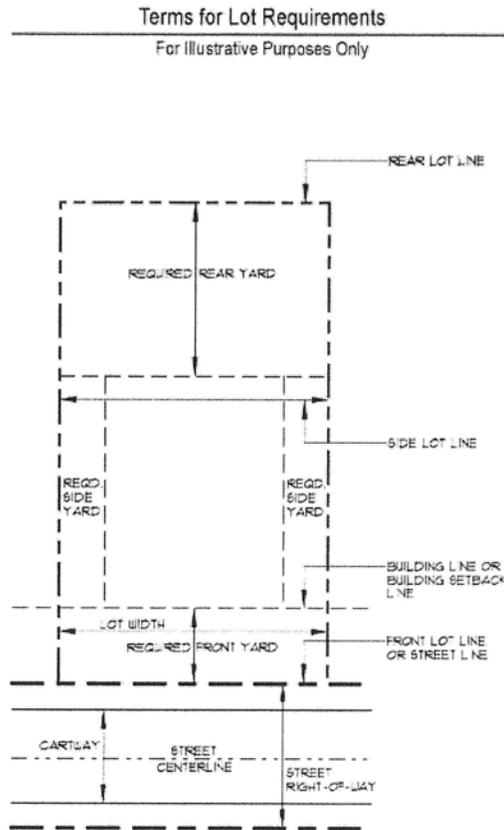
**LOT LINES**—the property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- (1) **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 §27-803.2.
- (2) **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.
- (3) **SIDE LOT LINE**—any lot line other than a front or rear lot line.
- (4) **SECOND FRONT YARD REQUIRED FOR A CORNER LOT**—see §27-803.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% of the width that would otherwise be required.



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**MESSAGE PARLOR**—a type of “adult use” that is an establishment that meets all of the following criteria:

- (1) 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.
- (2) 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.”
- (3) 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.
- (4) 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.

- (1) 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.
- (2) See §27-402. 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 §27-402.

**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% of its total sales in food and nonalcoholic 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 Chapter, or amendments hereinafter enacted.

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**NONCONFORMING STRUCTURE**—a structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Chapter, 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 §27-805.

**NONCONFORMING USE**—a use, whether of land or of a structure, which does not comply with the applicable use provisions in this Chapter or amendment(s), where such use was lawfully in existence prior to the enactment of this Chapter or applicable amendment(s). A use granted by variance is not a nonconforming use. See §27-805.

**NURSING HOME**—a facility licensed by the State for the housing and intermediate or fully skilled nursing care of three or more persons. See §27-402.

**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:

- (1) Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
- (2) Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.
- (3) 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 noncommercial recreation.
- (4) Does not use any of the following areas to meet minimum preserved open space requirements:
  - (a) Existing street rights-of-way.
  - (b) Vehicle streets or driveways providing access to other lots.
  - (c) 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).
  - (d) Off-street parking (other than that clearly intended for noncommercial recreation).

- (e) Area(s) needed to meet a requirement for an individual lot.
  - (f) 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.
  - (g) 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: 1) be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or 2) serve as a scenic asset resembling a natural pond.
  - (h) Portions of land that have a width of less than 50 feet, except for segments of a regional trail system.
  - (i) Areas that are under water during normal weather conditions.
  - (j) Areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater.
- (5) Each square foot of preserved open space that is of 25% 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 §27-309.

**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: (1) is an accessory use, (2) is located outside of a principal building, and (3) 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**—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

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requirements of this Chapter. 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**—see “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 §27-403.

**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 §27-402.

**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 §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 Chapter, recreation

facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- (1) 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 §27-306.
- (2) 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 §27-306, 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 two acres, or (2) is undeveloped and zoned as a residential district.

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- (1) 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.
- (2) A restaurant may include the accessory sale of alcoholic beverages, but shall not include a “nightclub” or an “after hours club.”
- (3) 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.

- (1) **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 Chapter, 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 five 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 §27-803.4.

**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 four 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 §27-803.

**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 Part 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 Part 7.

**SIGN, OFF-PREMISE**—see §27-702.

**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:

- (1) Filling of lakes, ponds, marshes or floodplains or alteration of watercourses.
- (2) 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.

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**SPECIAL EXCEPTION**—a use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Chapter, provided the use complies with the conditions and standards required by this Chapter. See §27-116.

**SPECIFIED SEXUAL ACTIVITIES**—one or more of the following:

- (1) Human male genitals in a visible state of sexual stimulation.
- (2) Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- (3) 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 six and one-half feet or greater shall be considered a full story, except as follows: If the floor of a basement level is more than six feet below the finished grade level for more than 50% 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 six and one-half feet shall be considered a “half-story.”

**STREET**—a public or private thoroughfare which provides the principal means of vehicle access to two 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 Chapter, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Chapter. For the purposes of this Chapter, 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 AND LAND DEVELOPMENT ORDINANCE [CHAPTER 22]**—the Coplay Borough Subdivision and Land Development Ordinance [Chapter 22], 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 §27-403.

**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 §27-403.

**TOWNHOUSE**—see “dwelling types.”

**TRADE/HOBBY SCHOOL OR TRADE SCHOOL**—a facility that: (1) is primarily intended for education of a work-related skill or craft or a hobby, and (2) 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:

- (1) A use (other than a prison or a hospital) providing housing for three or more unrelated persons who need specialized housing, treatment and/or counseling because of:
  - (a) Criminal rehabilitation, such as a criminal halfway house.
  - (b) Current addiction to a controlled substance that was used in an illegal manner or alcohol.
  - (c) A type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- (2) 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.
- (3) A lot upon which resides two 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, 42 Pa.C.S.A. §9799.10, or its successor law, as amended.

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See standards in §27-402. Also, a group home that exceeds the number of residents allowed by this Chapter within a group home shall be regulated as a treatment center, unless approved otherwise under §27-111.4.

**UNIT FOR CARE OF RELATIVE**—a dwelling unit that: (1) is especially created for and limited to occupancy by a close “relative” of the permanent residents of the principal dwelling unit, (2) is necessary to provide needed care and supervision to such relative, and (3) meets the requirements for such use in §27-403.

**UNLICENSED VEHICLE**—see the Borough Junk Vehicle Ordinance [Chapter 15, Part 12] 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 this Chapter. Any variance shall only be granted within the limitations of the PA Municipalities Planning Code. See §27-111.

**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.

- (1) See yard/setback exceptions in §27-803.2.
- (2) 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.

- (1) 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.
- (2) See §27-803 concerning yards along corner lots.
- (3) No accessory or principal structure shall extend into the required front yard, except as provided in this Chapter.
- (4) Every lot shall include at least one front lot line.

**YARD, REAR OR REAR SETBACK**—

- (1) 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.
- (2) 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 Chapter.
- (3) Every lot shall include a rear lot line and a rear yard.

**YARD, SIDE OR SIDE SETBACK**—

- (1) 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.

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- (2) A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Chapter.
- (3) See “corner lot” provision in §27-803.2.
- (4) A triangular lot shall include one side yard. All other lots shall include at least two side yards, except for a corner lot.

**YARD SALE**—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 this Chapter, and any officially designated assistant.

**ZONING ORDINANCE**—the Coplay Borough Zoning Ordinance [this Chapter], as amended.

(Ord. 800, 3/13/2012, §202)

**PART 3**  
**DISTRICTS**

**§27-301. Designation of Districts and Purposes.**

1. For the purpose of this Chapter, 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

2. For the purposes of this Chapter, the zoning districts named in Subsection .1 shall be of the number, size, shape and location shown on the “Official Zoning Map.”
3. Overlay Districts. The floodplain area, as defined by FEMA, shall serve as an overlay district to the applicable underlying districts.
4. Purposes of Each District. In addition to serving the overall purposes and objectives of this Chapter and the Coplay Borough Comprehensive Plan, each zoning district is intended to serve the following purposes:
  - A. R-1 Low Density Residential. To provide for low density residential neighborhoods primarily comprised of single-family detached homes.
  - B. R-2 Medium Density Residential. To provide for medium density residential neighborhoods with a mix of housing types.
  - C. TMU Trail Mixed Use. To provide for median density residential uses, trail-related recreation and small trail-related businesses.
  - D. TC Town Center. To encourage a mixed residential/nonresidential area that is pedestrian-friendly and serves as a traditional small-town business district.
  - E. TCE Town Center Extension. To provide a mixed use residential/nonresidential area in addition to the TC Town Center area.

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- F. NC Neighborhood Commercial. To encourage a mixed residential/nonresidential area where business uses would primarily serve the day-to-day needs of the immediate surrounding neighborhoods.
- G. 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.
- H. 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.

(Ord. 800, 3/13/2012, §301)

### **§27-302. Application of District Regulations.**

1. The regulations set by this Chapter shall apply uniformly to each class or kind of structure or land, except as provided for in this Chapter.
2. 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.
3. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

(Ord. 800, 3/13/2012, §302)

### **§27-303. Zoning Map.**

1. A map entitled "Official Coplay Borough Zoning Map" accompanies this Chapter and is declared a part of this Chapter. This map, which should bear the adoption date of this Chapter, shall be retained in the Borough building.
2. 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 Chapter.
3. 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.

(Ord. 800, 3/13/2012, §303)

**§27-304. 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 Chapter, 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.

(Ord. 800, 3/13/2012, §304)

**§27-305. Setbacks Across Municipal Boundaries.**

- 1. Intent. To continue the objective of compatible land uses across municipal boundaries.
- 2. This Chapter 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.

(Ord. 800, 3/13/2012, §305)

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### **§27-306. Table of Allowed Uses in Each Zoning District.**

1. For the purposes of this Section, 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
(§27-402)	=	See additional requirements in §27-402
(§27-403)	=	See additional requirements in §27-403

2. Unless otherwise provided by State or Federal law or specifically stated in this Chapter (including §27-105.2), any land or structure shall only be used or occupied for a use specifically listed in this Chapter 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 Chapter.

See §27-105.2 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 §27-105.2, 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 §27-103.

**ALLOWED USED IN EACH ZONING DISTRICT**

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
<b>A. RESIDENTIAL USES</b>									
Single-family detached dwelling (Note: manufactured/mobile homes shall meet the additional requirements of §27-402)	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) (§27-402)	N	P	P	P	P	P	N	N	N
Apartments (§27-402), not including conversions of an existing one-family dwelling:									
– Only two dwelling units in a building (“duplex”)	N	P	N	N	P <sup>1</sup>	N	N	N	N
– Three or more dwelling units in a building	N	N	N	N	N	N	N	SE	N
– Five or more dwelling units in a building	N	N	N	N	N	N	N	SE	N
– Five 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 two dwelling units in TCE)	N	N	N	P	P	N	N	N	N
Boarding house (including rooming house) (§27-402)	N	N	N	N	N	N	SE	N	N
Group home within a lawful existing dwelling unit (§27-402), 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 (§27-402)	N	N	N	N	N	N	N	P	N

<sup>1</sup> Cannot exceed 2½ stories in height.

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TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
<b>B. COMMERCIAL USES</b>									
Adult uses (§27-402)	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 (§27-402)	N	N	N	N	N	N	N	P	N
Auditorium (commercial), arena, performing arts center or exhibition-trade show center	N	N	N	N	N	N	P	P	N
Auto repair garage or auto service station (§27-402)	N	N	N	N	N	P	P	P	N
Auto boat or mobile/manufactured home sales (§27-402)	N	N	N	N	N	N	P	P	N
Bakery, retail	N	N	P	P	P	P	P	P	N
Bed and breakfast inn (§27-402)	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 (§27-402), other than recreational vehicle campground	N	N	N	N	N	N	P	P	N
Campground, recreational vehicle (§27-402), 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 (§27-402)	N	N	N	P	N	P	P	P	N
Catering, custom, for off-site consumption communications tower/antennae, commercial (§27-402)	N	N	N	P	N	P	P	P	N
– Meeting §27-402.O(1) pertaining to antenna placed on certain existing structures	P	P	P	P	P	P	P	P	P
– Antennae/tower that does not meet §27-402.O(1) (such as freestanding towers) (Note: §27-402.O 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

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Construction company or tradesperson's headquarters (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 §27-803.	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 (§27-402; includes banks), with any "drive-through" facilities meeting §27-403	N	N	N	P	P	P	P	P	N
Flea market/auction house	N	N	N	N	P	N	P	P	N
Funeral home (§27-402)	N	N	N	P	P	N	P	P	N
Garden center, retail (see also "wholesale greenhouses")	N	N	N	P	P	N	P	P	N
Gas station—see auto service station									
Heliport (§27-402)	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 (§27-402)	N	N	N	P	P	N	P	P	N
Kennel (§27-402)	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 (§27-402)	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

ZONING

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Personal services (includes tailoring, custom dressmaking, 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 (§27-402)	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
Propane retail distributor, with a maximum storage capacity of 100,000 cubic feet and a 150-foot 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 (§27-402) (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than use listed separately in this Section	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	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 (§27-402)									
– with drive-through service (§27-403)	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) or shopping center	N	N	N	P	P	P	P	P	N
– Any drive-through service that meets the requirements of §27-403 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 (§27-402)	N	N	N	N	N	N	P	P	N
Target range, firearms									

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
– Completely indoor and enclosed	N	N	N	N	N	N	P	P	N
– Other than above (§27-402)	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 (§27-402)	N	N	N	P	P	P	P	P	N
Wholesale sales—see under industrial uses									
<b>C. INSTITUTIONAL/SEMI-PUBLIC USES</b>									
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 nonprofit facility) or library	SE	SE	P	P	P	P	P	P	N
Crematorium	N	N	N	N	N	N	N	SE	N
Cultural center or museum	N	N	N	P	P	P	P	P	P
Day care center, adult (§27-402)	N	N	N	P	P	P	P	P	N
Day care center, child (§27-402) (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	N	N	N	N	N	N	P	P	N

ZONING

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Membership club meeting and noncommercial recreational facilities, provided that an “after hours club,” “tavern” or uses listed separately in this Section 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 (§27-402)	SE	N	N	P	P	P	P	P	N
Place of worship (§27-402) (includes church)	P	P	P	P	P	P	P	P	N
School, public or private, primary or secondary (§27-402)	SE	P	P	P	P	P	P	P	N
Treatment center (§27-402)	N	N	N	N	N	N	N	SE	N
<b>D. PUBLIC/SEMI-PUBLIC</b>									
Borough government uses, other than uses listed separately in this Section	P	P	P	P	P	P	P	P	P
Government facility, other than uses listed separately in this Section	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 §27-114) other than uses listed separately in this Section	P	P	P	P	P	P	P	P	P
Swimming pool, non-household (§27-402)	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
<b>E. INDUSTRIAL USES</b>									
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

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
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
Junkyard (§27-402)	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 pesticide	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)	N	N	N	N	N	N	SE	P	N

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TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
– 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
– Paper and paper products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	N	N	N	N	P	N
– Paper–raw pulp	N	N	N	N	N	N	N	N	N
– Paving materials, other than bulk manufacture of asphalt	N	N	N	N	N	N	N	P	N
– Pharmaceuticals and medicines	N	N	N	N	N	N	N	P	N
– Plastics, polymers, resins, vinyl, coatings, cleaning compounds, soaps, adhesives, sealants, printing ink or photographic film	N	N	N	N	N	N	N	P	N
– Products from previously manufactured materials, such as glass, leather, plastics, cellophane, fiberglass, textiles, rubber or synthetic rubber	N	N	N	N	N	N	N	P	N

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
– Roofing materials and asphalt saturated materials or natural or synthetic rubber	N	N	N	N	N	N	N	P	N
– Scientific, electronic and other precision instruments	N	N	N	N	N	N	N	P	N
– Sporting goods, toys, games, musical instruments or sign manufacture	N	N	N	P	N	N	N	P	N
– Transportation equipment	N	N	N	N	N	N	N	P	N
– Wood products and furniture (not including raw paper pulp)	N	N	N	N	N	N	N	P	N
– See §27-105 for uses that are not listed									
Mineral extraction (§27-402) 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 and 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-foot minimum setback from all lot lines	N	N	N	N	N	N	N	SE	N
Solid waste transfer or waste to energy facility (§27-402)	N	N	N	N	N	N	N	SE	N
Trucking company terminal (§27-402)	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

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TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
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
<b>F. ACCESSORY USES</b>									
See list of additional permitted uses in Subsection .3, such as “residential accessory structure or use”									
See additional requirements in §27-403 for specific accessory uses									
Bus shelter (§27-403)	P	P	P	P	P	P	P	P	P
Composting (§27-403), other than materials generated on-site	N	N	N	N	N	N	N	SE	N
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
Day care (§27-403) as an accessory to a dwelling:									
– Day care of a maximum of three adults or youth, in addition to “relatives” of the caregiver	P	P	P	P	P	P	P	P	N
– Group day care home (seven to twelve children)	SE	SE	SE	N	P	P	SE	P	N
– Family day care home (four to six children)	SE	SE	SE	N	P	P	SE	P	N
Home occupation, general (§27-403)	P	SE	SE	P	P	P	P	P	N
Home occupation, minor (§27-403)	P	P	P	P	P	P	P	P	N
Outdoor storage and display as accessory to a business use, which shall also comply with §§27-403, 27-803 and 27-804	N	N	P	P	P	P	P	P	N
Temporary retail sales—see §27-103.7.	N	N	N	P	P	P	P	P	N
Unit for care of relative (§27-403)	P	P	P	P	P	P	P	P	N
<b>G. MISCELLANEOUS USES</b>									
Crop farming and wholesale greenhouses	N	N	P	P	P	P	P	P	N
Forestry (including timber harvesting) (§27-402)	P	P	P	P	P	P	P	P	P

TYPES OF USES (See definitions in Part 2)	ZONING DISTRICTS								
	R-1	R-2	TMU	TC	TCE	NC	GC	BP	P
Groundwater or spring water withdrawal, averaging more than 100,000 gallons per day removed from a tract for off-site consumption (§27-402) (See also requirements for food and beverage bottling and processing under industrial uses)	N	N	N	N	N	N	N	SE	N
Nature preserve or environmental education center parking lot or structure as a principal use:	N	N	N	N	N	N	N	P	P
– That primarily serves tractor-trailer trucks or trailers	N	N	N	N	N	N	SE	P	N
– That primarily serves a place of worship or school	SE	SE	P	P	P	P	P	P	P
– Other parking lot	N	N	P	P	P	P	P	P	P
Livestock or poultry, raising of (§27-402):									
– 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 (§27-403)	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 (§27-402; includes horse riding academy)	N	N	P	N	N	P	P	P	N
Wind turbine (§27-403)									
– Maximum of one per lot as an accessory use (§27-403)	P	P	P	P	P	P	P	P	P
– Other wind turbines, such as two or more per lot (§27-402)	N	N	N	N	N	N	N	SE	N

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not permitted

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(§27-402) = See additional requirements in §27-402

(§27-403) = See additional requirements in §27-403

3. 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 Chapter. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of §27-403 and all other requirements of this Chapter:
  - A. Standard antennae, including antennae used by contractors to communicate with their own vehicles.<sup>1</sup>
  - B. Fence<sup>1</sup> or wall.<sup>1</sup>
  - C. Garage, household.
  - D. Garage sale.<sup>1</sup>
  - E. Pets, keeping of.<sup>1</sup>
  - F. Parking or loading, off-street, only to serve a use that is permitted in that district.
  - G. 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.
  - H. Residential accessory structure (see definition in Part 2).<sup>1</sup>
  - I. Signs, as permitted by Part 7.
  - J. Swimming pool, household.<sup>1</sup>
  - K. 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.
  - L. Storage sheds meeting the requirements of §§27-307.1. and 27-307.3.
4. 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 Chapter are met:
  - A. Storage of fuels for on-site use or to fuel company vehicles.
  - B. 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:

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<sup>1</sup> See standard for each in §27-403.

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- (1) Internal cafeteria without drive-through service.
  - (2) Day care center.
  - (3) Recreational facilities.
- C. Bus shelters meeting §27-403.
- D. Automatic transaction machine.
- E. Storage sheds meeting the requirements of §§27-307.1 and 27-307.3.

(Ord. 800, 3/13/2012, §306)

### **§27-307. Dimensional Requirements in Each District.**

1. 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 §§27-402 or 27-403 or another section of this Chapter. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in §27-202.

<b>Zoning District: Type of Use</b>	<b>Minimum Lot Area (square feet) (Note D)</b>	<b>Minimum Lot Width at Minimum Building Setback Line (feet)</b>	<b>Minimum Front Yard Setback (feet) (Note C)</b>	<b>Minimum Rear Yard Setback** (feet)</b>	<b>Minimum Side Yard Setback** (each) (feet)</b>	<b>Maximum Building Coverage (Note D)</b>
<b>R-1 Low Density Residential District and P Parks District:</b>	7,000	50	25 (Note A)	25	12 aggregate 5 each	50%
<b>R-2 Medium Density Residential District and TMU Trail Mixed Use District:</b>						
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%
<b>TC Town Center District:</b>						
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%
<b>NC Neighborhood Commercial District and TCE Town Center Extended District:</b>						
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%
<b>GC General Commercial District:</b>	6,000	60	20	30	20 each	75%
<b>BP Business Park District:</b>						
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%

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- \* = 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.
- \*\* = The following exceptions shall apply:
- For accessory structures and uses, see §27-307.3 below.
  - Structures shall not obstruct minimum sight clearance at intersections.
  - See §27-806 regarding extension of nonconforming setbacks.
  - See §27-803 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-foot wide yard shall be provided along the second street.
- (Note B) = If two or more side-by-side off-street parking spaces are located in the front yard of a townhouse or if garage door(s) for two 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% 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.

2. Height. Except as provided in §27-802, or as specified otherwise in this Chapter for a particular use, the following maximum structure height shall apply in all zoning districts:
  - A. 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.
  - B. 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 set back a minimum of 50 feet from a residentially zoned lot.
  - C. The maximum height for any other structure shall be 35 feet, whichever is more restrictive.
  - D. See also the airport approach regulations in Part 9, which may restrict structures to a lower height in areas used by aircraft to approach a runway.
3. Accessory Structures and Uses.
  - A. Accessory structures shall meet the minimum yard setbacks provided for in Subsection .1, unless otherwise provided for in this Chapter, including this Subsection .3.
  - B. For a permitted detached structure that is accessory to a dwelling(s), the minimum rear yard shall be five feet and the minimum side yard shall be five 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:
    - (1) 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.
    - (2) 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.
    - (3) See §27-403 for swimming pools.
    - (4) For lots less than 45 feet wide, minimum side yard setback shall be three feet.
  - C. No accessory building and no swimming pool shall be allowed in the minimum front yard.

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- D. 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.
- E. 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.

(Ord. 800, 3/13/2012, §307)

**PART 4**

**ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

**§27-401. Applicability.**

This Part establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Chapter and the requirements of each district. Wherever two requirements conflict, the stricter requirement shall apply.

- A. For uses allowed within a specific zoning district as “special exception” uses, see also the procedures and standards in §27-116. For conditional uses, see also §27-117.

(Ord. 800, 3/13/2012, §401)

**§27-402. Additional Requirements for Specific Principal Uses.**

Each of the following uses shall meet all of the following requirements for that use:

- A. Adult Use. (This is limited to the following: adult store, adult movie theater, massage parlor, or adult live entertainment facility.)
  - (1) Purposes. The regulations on adult uses are intended to serve the following purposes, in addition to the overall objectives of this Chapter.
    - (a) To recognize the adverse secondary impacts of adult uses that affect health, safety and general welfare concerns of the Borough. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that adult uses typically involve insufficient self-regulation to control these secondary effects.
    - (b) To limit adult uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.

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- (3) To not attempt to suppress any activities protected by the “free speech” protections of the State and U.S. Constitutions, but instead to control secondary effects.
- (2) An adult use and its parking area shall not be located within any of the following distances, whichever is most restrictive:
  - (a) Two hundred lineal feet from the lot line of an existing dwelling.
  - (b) Four hundred lineal feet from the lot line of any lot in a residential zoning district.
  - (c) One thousand lineal feet from the lot line of any primary or secondary school, place of worship, library, public park or playground, recreation trail, day care center or nursery school.
- (3) No adult use shall be located within 1,000 lineal feet from any existing “adult use.”
- (4) A 50-foot buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines. If such buffer area does not include substantial mature trees that will be preserved, it shall include continuous screening by evergreen trees with an initial height of five feet.
- (5) No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
- (6) No adult use shall be used for any purpose that violates any Federal, State or municipal law.
- (7) Pornographic and sexually explicit signs and displays shall be prohibited that are visible from outside of the premises.
- (8) The adult use shall not include the sale or display of “obscene” materials, as defined by Pennsylvania criminal law, as may be amended by applicable court decisions.
- (9) An adult use shall be prohibited in all districts except where specifically allowed under §27-306. An adult use is a distinct use, and shall not be allowed under any other use, such as a retail store or club.
- (10) A minimum lot area of one acre is required.
- (11) For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.

- (12) No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an adult live entertainment use, employees, dancers or entertainers shall maintain a minimum distance of two feet from customers. This shall include, but not be limited to, a prohibition on “lap dancing.”
- (13) All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful “adult live entertainment facility.”
- (14) Any application for such use shall state the names and home addresses of an on-site manager responsible to ensure compliance with this Chapter on a daily basis. A telephone number shall be provided where the on-site manager can be reached during Borough business hours. Such information shall be updated whenever it changes in writing to the Zoning Officer.
- (15) The use shall not operate between the hours of 12 midnight and 7:00 a.m.
- (16) As specific conditions of approval under this Chapter, the applicant shall prove compliance, where applicable, with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2:00 a.m. and 8:00 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to adult-oriented establishments and which limits enclosed viewing booths among other matters).
- (17) An adult use shall not be on the same lot as a use that sells alcoholic beverages.

B. Adult Day Care Center.

- (1) The use shall be fully licensed by the State, if required by the State.
- (2) The use shall include constant supervision during all hours of operation.
- (3) The use shall not meet the definition of a “treatment center.”

C. Airport (see also “heliport”).

- (1) As part of a conditional use approval for the establishment or expansion of an airport, the applicant shall describe the maximum sizes and types of aircraft that are intended to use the facility, as well as the primary approaches.
- (2) Provided that the conditions to not conflict with Federal and State safety standards, the Borough Council may place reasonable conditions upon the use to minimize noise conflicts to adjacent residential areas.

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### D. Animal Cemetery.

- (1) All the regulations for a “cemetery” in this Section shall apply.
- (2) The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.

### E. Apartments. See “townhouses and apartments” and “conversions” in this Section.

### F. Assisted Living Facility/Personal Care Center. The standards for nursing homes in this Section shall apply.

### G. Auto, Boat or Mobile/Manufactured Home Sales.

- (1) No vehicle, boat or home on display shall occupy any part of the street right-of-way or required customer parking area. See buffer yard provisions in §27-803.
- (2) See light and glare standards in §27-507. See paved area setback provisions in §27-603.8.
- (3) Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.

### H. Auto Repair Garage.

- (1) All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 100 feet of a “residential lot line.”
- (2) All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Part 5. See buffer yard requirements in §27-803.
- (3) Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
- (4) Overnight outdoor storage of “junk” other than permitted vehicles shall be prohibited within view of a public street or a dwelling.
- (5) Any “junk vehicle” (as defined by Part 2) shall not be stored for more than 60 days within view of a public street or a dwelling, unless it is actively under repair. A maximum of 10 junk vehicles may be parked on a lot outside of an enclosed building at any one time, unless they are actively under repair.

- (6) Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.

I. Auto Service Station.

- (1) See definition of this term and “auto repair garage” in Part 2. The uses may be combined, if the requirements for each are met.
- (2) All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- (3) Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- (4) The regulations for “auto repair garage” in the above Subsection shall also apply to an “auto service station.”
- (5) The use may include a “convenience store” if the requirements for such use are also met.
- (6) A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
  - (a) Such canopy may be attached to the principal building. The canopy shall not include any signs, except for the following: 1) a sign may be attached to each of two sides of the canopy in place of an allowed freestanding sign, 2) an allowed wall sign may be placed on a portion of the canopy that is behind the minimum front yard setback line, and 3) necessary warning signs.
  - (b) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 20 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from the street or neighboring properties.
- (6) Fuel dispensers shall be set back a minimum of 30 feet from the existing street right-of-way line and from any lot line of a lot occupied by a residential use.

J. Bed and Breakfast Inn.

- (1) Within a residential district (if permitted under Part 3), a maximum of five rental units shall be provided and no more than three adults may occupy one rental unit. No maximums shall apply within other permitted districts.

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- (2) One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- (3) There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of six square feet on each of two sides and with a maximum height of eight feet. Such sign shall only be illuminated externally and shall use incandescent light or light of similar effect.
- (4) The use shall have a residential or agricultural appearance and character.
- (5) The use shall be operated and/or managed by permanent residents of the lot.
- (6) There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.

### K. Boarding House (includes rooming house).

- (1) Minimum lot area—20,000 square feet.
- (2) Minimum side yard building setback—15 feet each side.
- (3) Minimum lot width—100 feet.
- (4) Maximum density—six bedrooms per acre; but in no case shall the lot serve a total of more than 20 persons.
- (5) Each bedroom shall be limited to two adults each.
- (6) A buffer yard with screening meeting §27-803 shall be provided between any boarding house building and any abutting dwelling.
- (7) Note: There are separate standards for an “assisted living facility,” which is not considered a boarding house.
- (8) Signs shall be limited to two wall signs with a maximum of two square feet each.
- (9) Rooms shall be rented for a minimum period of five consecutive days.

### L. Campground, Camp or Recreational Vehicle Campground.

- (1) Retail sales shall be allowed as an accessory use. Within a residential district, any store shall be limited to sales of recreational, household, food,

gift and camping items. Within a residential district, any store shall be primarily intended to serve persons camping on the site.

- (2) All campsites, recreational vehicle sites, and principal commercial buildings shall be set back a minimum of 50 feet from any contiguous lot line of an existing dwelling that is not part of the campground or camp. Within this buffer, the applicant shall prove to the maximum extent feasible that any existing healthy trees will be maintained and preserved. Where healthy mature trees do not exist within this buffer, and if practical considering soil and topographic conditions, new trees shall be planted within this buffer.
  - (a) The screening of evergreens provided in §27-803 between business and residential uses is not required if the tree buffer would essentially serve the same purpose, or if removal of mature trees would be needed to plant the shrubs.
  - (b) Removal of trees within this buffer shall be allowed for necessary approximately perpendicular street, stormwater channel, driveway and utility crossings and to provide safe sight distance.
- (3) Buildings used for sleeping quarters shall not be within the 100-year floodplain.
- (4) Maximum Impervious Coverage. Within a residential district, 30%, which shall include the typical lot area covered by recreational vehicles at full capacity.
- (5) No person other than a bona fide resident manager/caretaker shall reside on the site for more than six months in any calendar year. No recreational vehicle shall be occupied on the site for more than six months in any calendar year by any one individual or one family, other than a resident manager/caretaker.
- (6) Minimum lot area—two acres.

M. Car Wash.

- (1) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- (2) Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.

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- (3) Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- (4) Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- (5) Wash water shall be properly collected and shall not flow into a waterway.

### N. Cemetery.

- (1) Minimum lot area—two acres, which may on the same lot as an allowed place of worship.
- (2) A crematorium, where allowed by Part 3, shall be set back a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- (3) All structures and graves shall be set back a minimum of: 20 feet from the right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be set back a minimum of 50 feet from all lot lines.
- (4) No grave sites and no buildings shall be located within the 100-year floodplain.
- (5) The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

### O. Commercial Communications Antennae/Tower as Principal or Accessory Use.

- (1) An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
  - (a) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - 1) A principal agricultural building or silo.
    - 2) An electric high voltage transmission tower.
    - 3) An existing lawful commercial communications tower.
    - 4) A fire station or steeple or bell tower of a place of worship.
    - 5) A water tower.

- (b) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is set back a distance equal to its total height above the ground from any lot line of a dwelling on another lot.
- (2) Any commercial communications antenna/tower that does not meet Subsection (1) above (such as a new freestanding tower) shall only be allowed where specifically authorized in §27-306, and in compliance with the following additional regulations:
- (a) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is greater than the total height of the antenna/tower above the surrounding ground level. The Zoning Board may permit an easement arrangement to be used without meeting the setback requirement from the edge of the leased area, provided that there are legal safeguards to ensure that the setback will continue to be met over time from a lot line.
  - (b) A new tower, other than a tower on a lot of an emergency services station, shall be set back the following minimum distance from any existing dwelling: 300 feet plus the total height of the tower above the surrounding ground level.
  - (c) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of eight feet and evergreen plantings or preserved vegetation with an initial minimum height of four feet.
  - (d) See structural and wind resistance requirements of the construction code.
  - (e) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Borough.
  - (f) An applicant for a new commercial communications tower shall provide evidence to the Board or Council as applicable that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
  - (g) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves that a taller height is absolutely necessary and unavoidable.

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- (h) The application shall describe any proposed lighting. The Borough may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters. Strobe lighting shall not be used, but flashing lights may be used.
  - (i) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flagpole are preferred over lattice designs.
- (3) Purposes. These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Chapter:
- (a) To protect property values.
  - (b) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
  - (c) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- (4) A tower/antenna that is intended to primarily serve emergency communications by a Borough-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.
- (5) Any antenna and tower that is no longer in active use shall be completely removed within six months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
- (6) Accessory utility buildings or cabinets shall have a maximum height of 10 feet and meet principal building setbacks.
- (7) Antennae and towers shall comply with the airport approach zoning regulations.
- P. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.
- (1) See Part 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.

- (2) The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
  - (a) The building shall maintain the appearance of a one-family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
  - (b) The conversion shall not be permitted if it would require the development of an exterior stairway on the front of the building, or would require the placement of more than two off-street parking spaces in the required front yard.
- (3) A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
- (4) A maximum total of four dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Chapter, unless the building included more than 3,000 square feet of building floor area at the time of adoption of this Chapter.
- (5) Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of §27-801.3.

Q. Day Care Center, Child.

- (1) See also “day care: family day care home or group day care” as an accessory use in §27-403.
- (2) The use shall comply with any applicable State and Federal regulations, including having an appropriate PA Department of Public Welfare (or its successor agency) registration certificate or license.
- (3) Convenient parking spaces within the requirements of Part 6 shall be provided for persons delivering and waiting for children.
- (4) The use shall include secure fencing around outdoor play areas.
- (5) This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
- (6) A day care use may occur in a building that also includes permitted or nonconforming dwelling units.
- (7) See also the standards for a “place of worship” in this Section, which allows a day care center as an accessory use.

R. Emergency Services Station.

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- (1) The following uses shall be allowed as accessory uses to the principal use of a fire company station: a banquet hall, bingo games, and periodic special events. Any new or expanded building area used for a banquet hall shall be set back a minimum of 20 feet from the lot line of an existing dwelling and be separated from such residential lot line by a buffer yard meeting §27-803.

### S. Forestry.

- (1) A soil and erosion conservation plan shall be prepared and submitted if the timber harvesting involves more than one-half acre.
- (2) A maximum of 50% of the total tree canopy cover shall be removed from areas within 50 feet from the edge of a perennial creek.
- (3) Clearcutting shall not be allowed on contiguous areas of more than two acres.
- (4) If forestry involves more than 10 acres, then an erosion and sedimentation control plan shall be submitted and carried out.

T. Golf Course. A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling. The maximum impervious area covered by man-made surfaces shall not exceed 5% of the total lot area of the golf course.

U. Group Homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- (1) The use shall meet the definition in §27-202.
- (2) A group home shall not include any use meeting the definition of a “treatment center.”
- (3) A group home shall include the housing of a maximum of four unrelated persons, by right and up to six unrelated persons by special exception, except:
  - (a) If a more restrictive requirement is established by another Borough Code.
  - (b) The number of bona fide paid professional staff shall not count towards such maximum.
  - (c) As may be approved by the Zoning Hearing Board under §27-111.4.
- (4) The facility shall have adequate trained staff supervision for the number and type of residents. If the staffing of the facility has been approved by

a State or County human service agency, then this requirement shall have been deemed to be met.

- (5) The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- (6) The group home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- (7) Any medical or counseling services shall be limited to a maximum of three nonresidents per day. Any staff meetings shall be limited to a maximum of four persons at one time.
- (8) If a group home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- (9) The persons living on-site shall function as a common household unit.
- (10) The applicant shall notify the local ambulance and fire services of the presence of the group home and the type of residents.
- (11) An off-street parking space shall be provided for the largest vehicle that serves the use.
- (12) The building shall have lighted exit lights, emergency lighting and inter-connected smoke alarms.

V. Heliport.

- (1) The applicant shall prove that the heliport has been located and designed to minimize noise nuisances to other properties.
- (2) Borough Council may place conditions on the size of helicopters, frequency of use, fueling facilities, setbacks and non-emergency hours of operation to minimize nuisances and hazards to other properties. Provided that the conditions do not conflict with safety or Federal or State regulations, Borough Council may require that the majority of flights approach from certain directions, and not from other directions that are more likely to create nuisances for residential areas.
- (3) Helicopter landings and take-offs for emergency medical purposes are not regulated by this Chapter.

W. Hotel or Motel.

- (1) See definitions in §27-202, which distinguish a hotel/motel from a boarding house.

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- (2) Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any “residential lot line.”

### X. Junkyard (includes automobile salvage yard).

- (1) Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- (2) Outdoor storage of junk shall be at least: (a) 100 feet from any residential lot line and (b) 50 feet from any other lot line and the existing right-of-way of any public street.
- (3) The site shall contain a minimum of two exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways with a minimum width of 15 feet shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- (4) Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40-foot wide buffer yard which complies with §27-803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be six feet. Secure fencing with a minimum height of eight feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- (5) Burning or incineration is prohibited.
- (6) See the noise or dust regulations of Part 5.
- (7) All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- (8) Lot area—five acres minimum; 20 acres maximum.
- (9) Tires. See the “outdoor storage and display” standards in §27-403.
- (10) Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

### Y. Kennel.

- (1) All structures in which animals are housed (other than buildings that are completely soundproofed and air conditioned) and all runs outside of buildings shall be located at least 150 feet from all “residential lot lines.”

This 150-foot setback shall be increased to 200 feet if more than 20 dogs are kept overnight on the lot, and be increased to 250 feet if more than 50 dogs are kept overnight on the lot.

- (2) Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any principal building on another lot.
- (3) The applicant shall describe how outdoor runs will or will not be used during late night hours.
- (4) See State law regulating kennels.
- (5) Minimum lot area—five acres, unless a larger lot area is required by another section of this Chapter.

Z. Livestock and Poultry, Raising of.

- (1) Minimum lot area—five acres.
- (2) As part of an intensive raising of livestock or poultry use, any building or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: (a) 300 feet from a lot in a residential district, (b) 200 feet from an existing dwelling that is not within a residential district, (c) 50 feet from all other exterior lot lines.
- (3) The setbacks from property lines provided in this §27-402 for this use shall not apply from dwellings or lots owned by: (a) the operator or owner of the livestock use, (b) affected property-owners providing a written notarized letter waiving such setback, or (c) a building housing hogs that is above a manure holding facility.
- (4) Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- (5) If applicable, evidence shall be provided by the operator/applicant to the Borough to show that there will be compliance with procedures and requirements of the State Nutrient Management Act and accompanying State regulations.
- (6) Buildings used for the keeping of livestock or poultry shall not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir.
- (7) For manure storage facilities that are specifically required to have a setback from lot lines under the State Nutrient Management regulations, that State setback shall apply. For any other manure storage facilities, a 100 feet minimum setback shall apply from all lot lines.

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- (8) The applicant shall provide a soil and erosion control plan to the County Conservation District for review and pay their review fees.
- (9) The applicant shall describe in writing or on site plans methods that will be used to address water pollution and insect and odor nuisances.

AA. Manufactured Homes. See “mobile/manufactured home” in this Section.

BB. Membership Club.

- (1) See definition in Part 2.
- (2) Any active outdoor play areas shall be set back at least 30 feet from any abutting “residential lot line.”
- (3) This use shall not include an after hours club.

CC. Mineral Extraction.

- (1) The following additional requirements shall be met:
  - (a) A detailed land reclamation and reuse plan of the area to be excavated shall be submitted with the zoning application for any new or expanded mineral extraction use.
  - (b) After areas are used for mineral extraction, those areas shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some productive or beneficial future use.
  - (c) A 50-foot wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. Borough Council may require this yard to include an earth berm with a minimum average height of six feet and an average of one shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
    - 1) New trees shall not be required where preserved trees will serve the same purpose.
  - (d) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
    - 1) One hundred feet from the existing right-of-way of public streets and from all exterior lot lines of the property.
    - 2) One hundred fifty feet from a nonresidential principal building, unless released by the owner thereof.

- 3) Three hundred feet from the lot line of a dwelling.
- (e) The excavated area of a mineral extraction use shall be set back 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two acres.
  - (f) Fencing. Borough Council may require secure fencing in locations where needed to protect public safety. As an alternative, Borough Council may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
  - (g) Hours of Operation. Borough Council, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
  - (h) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.
- DD. Mobile/Manufactured Home. Installed on an individual lot or within a mobile/manufactured home park approved after the adoption of this Chapter.
- (1) Construction. Any mobile/manufactured home placed on any lot after the adoption of this Chapter shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
  - (2) Each site shall be graded to provide a stable and well-drained area.
  - (3) Each home shall have hitch and tires removed.
  - (4) Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home. The requirements of the construction codes shall apply, in addition to the manufacturer's specifications for installation.
  - (5) Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material. This enclosure shall have the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing, except that metal skirting shall be allowed for a dwelling within a manufactured/mobile home park. Provisions shall be provided for access to utility connections under the home.
  - (6) The front door of the dwelling shall face onto a street.

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### EE. Mobile/Manufactured Home Park.

- (1) Plans shall be submitted and reviewed by the Borough for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance [Chapter 22] and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
- (2) The minimum tract area shall be two acres, which shall be under single ownership.
- (3) Density. The maximum average density of the tract shall be four dwelling units per acre.
  - (a) To calculate this density: 1) land in common open space or proposed streets within the park may be included, but 2) land within the 100-year floodplain, wetlands and slopes over 25% shall not be included.
- (4) Landscaped Perimeter. Each mobile/manufactured home park shall include a 30-foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by Borough Council. The same area of land may count towards both the landscaped area and the building setback requirements.
- (5) A dwelling, including any attached accessory building, shall be set back a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- (6) The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- (7) The minimum principal and accessory building setbacks from exterior/boundary lot lines and rights-of-way of pre-existing public streets shall be 50 feet.
- (8) Each home shall comply with the requirements for “mobile/manufactured homes” stated in the preceding Subsection.
- (9) Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- (10) “Common Open Space” for a Mobile Home Park. A minimum of 15% of the total lot area of the entire mobile home park shall be set aside as common

open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation.

(11) Streets.

- (a) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
- (b) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
- (c) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Borough cartway construction standards.

FF. Nursing Home.

- (1) Licensing. See definition in Part 2.
- (2) A minimum of 15% of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

GG. Outdoor Storage and Display. The provisions listed for this use under §27-403 shall apply.

HH. Picnic Grove, Commercial.

- (1) All buildings, pavilions and areas used for nighttime activities shall be a minimum of 150 feet from an existing dwelling on another lot. All parking areas shall be setback a minimum of 75 feet from any residential lot line. The use shall not operate between the hours of 11:00 p.m. and 7:00 a.m.
- (2) See noise and glare standards in Part 5.
- (3) Minimum lot area—two acres.

II. Place of Worship.

- (1) Minimum lot area—one acre in a residential district, unless a larger lot area is required by the applicable zoning district. In any other district, a place of worship shall meet the minimum lot area provided in Part 3 for that district.
- (2) A primary or secondary school may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See §27-

## ZONING

306. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.

- (3) A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family.
- (4) A child or adult day care center shall be allowed as an accessory use.

### JJ. Recreation, Outdoor.

- (1) All buildings, pavilions and areas used for nighttime activities shall be a minimum of 100 feet from an existing dwelling on another lot.
- (2) This term shall not include “publicly-owned recreation,” a “golf course,” or a “motor vehicle racetrack.”
- (3) See provisions for a non-household swimming pool in this §27-402.
- (4) Lighting, Noise and Glare Control. See Part 5.
- (5) Where woods exist adjacent to an exterior lot line of the use adjacent to a residential lot line, such woods shall be preserved within at least 20 feet of such lot line, except for approved driveway, utility and trail crossings. Where such woods will not exist, a 20-foot wide buffer yard in accordance with §27-803 shall be required.

### KK. Recycling Collection Center.

- (1) This use shall not be bound by the requirements of a solid waste disposal facility.
- (2) All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- (3) Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- (4) A 20-foot wide buffer yard with screening as described in §27-803 shall be provided between this use and any abutting “residential lot line.”
- (5) This use may be a principal or accessory use, including being an accessory use to a commercial use, college, an industrial use, a public or private primary or secondary school, a place of worship or a Borough-owned use, subject to the limitations of this Section.
- (6) Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass.

No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

- (7) The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
- (8) The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
- (9) The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.

LL. Residential Conversions. See “conversions of an existing building” within this Section.

MM. Restaurant.

- (1) Screening of Dumpster and Waste Containers. See §27-806.
- (2) See “drive-through” service in §27-403.
- (3) Drive-through service shall only be provided where specifically permitted in the applicable district regulations.

NN. School, Public or Private, Primary or Secondary.

- (1) Minimum lot area—two acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
- (2) No children’s play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
- (3) The use shall not include a dormitory unless specifically permitted in the district.

OO. Self-Storage Development.

- (1) All storage units shall be of fire-resistant construction.
- (2) Outdoor storage shall be limited to recreational vehicles, boats and trailers. No “junk vehicles” shall be stored within view of a public street or a dwelling.

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- (3) Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- (4) Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
- (5) The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- (6) Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- (7) See §27-803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting §27-803. Any fencing shall be placed on the inside of the plantings.
- (8) Minimum separation between buildings—20 feet. Maximum length of any building—300 feet.

### PP. Solid Waste Transfer Facility or Solid Waste-to-Energy Facility or Solid Waste Landfill.

- (1) All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100-year floodplain, edge of a surface water body (including a water-filled quarry) or wetland of more than one-half acre in area.
- (2) All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
- (3) The use shall be served by a minimum of two paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
- (4) No burning or incineration shall occur, except within an approved waste to energy facility.
- (5) The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this Chapter.
- (6) Open dumps and open burning of refuse are prohibited.

- (7) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Borough.
- (8) The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
- (9) A chainlink or other approved fence with a minimum height of eight feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent waste operations from being visible from a public street or dwelling.
- (10) A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus one acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
- (11) Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
- (12) Attendant. An attendant shall be present during all periods of operation or dumping.
- (13) Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
- (14) Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- (15) Under authority granted to the Borough under Act 101 of 1988, the hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m.
- (16) Tires. See "outdoor storage and display" in §27-403.
- (17) Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
- (18) Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated.

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Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.

- (19) The applicant shall provide sufficient information for the Borough to determine that the requirements of this Chapter will be met.
  - (20) For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
- QQ. Stable, Nonhousehold (includes riding academies; see also “keeping of pets in §27-403).
- (1) Minimum lot area—two acres for the first horse or similar animal, plus one acre for each additional horse or similar animal.
  - (2) Any horse barn, manure storage areas or stable shall be a minimum of 100 feet from any lot line of an adjacent dwelling.
  - (3) Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
- RR. Swimming Pool, Non-household.
- (1) The water surface shall be set back at least 50 feet from any existing dwelling on another lot.
  - (2) Minimum lot area—one acre.
  - (3) Any water surface within 75 feet of an existing dwelling on another lot shall be separated from the dwelling by a buffer yard meeting §27-803.
  - (4) The water surface shall be surrounded by a secure, well-maintained fence at least six feet in height.
  - (5) Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.
- SS. Timber Harvesting. See “forestry” in this Section.
- TT. Townhouses and Apartments.
- (1) Maximum number of townhouses in any attached grouping—eight.

- (2) Paved Area Setback. All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- (3) Garages. If possible, all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- (4) Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- (5) Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of five or more dwelling units shall have its own driveway entering onto an arterial or collector street.

UU. Treatment Center.

- (1) See definition in §27-202.
- (2) The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- (3) The applicant shall prove to the satisfaction of the Borough Council that the use will involve adequate on-site supervision and security measures to protect public safety. If any applicable County, State, Federal or professional association standards provide guidance on the type of supervision that is needed, the proposed supervision shall be compared to such standards.
- (4) The Borough Council may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- (5) A methadone treatment center or a use involving housing of two or more persons required to register their place of residence under Megan's Law II shall be setback a minimum of 500 feet from each of the following: a primary or secondary school, a public park or playground, or a child day care center.

VV. Trucking Company Terminal.

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- (1) As a condition of approval, the Borough Council may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with adjacent dwellings. These measures shall be designed to minimum glare, noise, soot, dust, air pollutants and other nuisances upon dwellings.

### WW. Veterinarian Office (includes animal hospital).

- (1) Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- (2) Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

### XX. Wind Turbines, other than the one wind turbine per lot that is allowed as an accessory use by §27-306.

- (1) The wind turbine shall be set back from the nearest principal building on another lot a distance not less than two times the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such building. All wind turbine setbacks shall be measured from the center of the base of the turbine. This provision shall apply to buildings that existed prior to the application for a zoning permit.
- (2) The audible sound from the wind turbine(s) shall not exceed 50 A-weighted decibels, as measured at the exterior of an occupied principal building on another lot, unless a written waiver is provided by the owner of such building.
- (3) The owner of the facility shall completely remove all above ground structures within 12 months after the wind turbine(s) are no longer used to generate electricity.
- (4) Wind turbines shall not be climbable for at least the first 12 feet above the ground level.
- (5) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the maximum height to the top of the maximum height of the extended blade.
- (6) All wind turbines shall be set back from the lot line a minimum distance equal to the maximum height to the top of the maximum height of the extended blade, unless a written waiver is provided by the owner of such lot.

- (7) If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- (8) The turbine shall include automatic devices to address high speed winds.
- (9) Accessory electrical facilities are allowed, such as a transformer, provided that any building shall meet setbacks for a principal building.
- (10) The site plan shall show proposed driveways, turbines and areas of woods proposed to be cleared.
- (11) Temporary towers designed to test possible locations for a wind turbine shall be permitted by right, provided they are removed within one year and meet the same setbacks as a wind turbine.
- (12) Decommissioning. A wind turbine shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Officer outlining the steps and schedule for returning the wind turbine to service. All wind turbines and above ground facilities shall be removed within 90 days of the discontinuation of use.

(Ord. 800, 3/13/2012, §402)

**§27-403. Additional Requirements for Accessory Uses.**

1. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Chapter. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Chapter.
2. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Part for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
3. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Chapter.
4. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:
  - A. Antenna, Standard (includes amateur radio antenna).
    - (1) Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.

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(2) Anchoring. An antenna shall be properly anchored to resist high winds.

### B. Reserved.

### C. Day Care, Child as accessory to a dwelling.

(1) See §27-306 under accessory uses and the definitions in §27-202 concerning the number of children who can be cared for in different zoning districts in a family day care home or a group day care home.

(2) The care of four or more children (other than children who are “related” to the primary caregiver) shall only be allowed where specifically permitted under §27-306 in the applicable zoning district.

(3) The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.

(4) The use shall be actively operated by a permanent resident of the dwelling.

(5) If seven or more children are cared for who are not related to the primary caregiver, then a minimum of 400 square feet of exterior play area shall be available, surrounded by a four-foot high secure fence.

(6) See also “day care center” as a principal use in §27-402, and day care as accessory to a place of worship in §27-306.2.

(7) The use shall comply with any applicable State and Federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.

### D. Drive-Through Facilities.

(1) The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

(2) On-lot traffic circulation and parking areas shall be clearly marked.

(3) A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

### E. Fences and Walls.

(1) Fences and walls are permitted by right in all districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have

deteriorated shall be replaced or removed. A fence shall not be required to comply with minimum setbacks for accessory structures.

- (2) No fence, wall or hedge shall obstruct the sight distance as required by §27-803.3 and/or the Subdivision and Land Development Ordinance [Chapter 22]. (Note: The sight distance provisions typically regulate features over three feet in height.)
- (3) Fences.
  - (a) Front Yard. Any fence located in the required minimum front yard of a lot in a residential district shall:
    - 1) Be an open-type of fence (such as picket, wrought iron, vinyl post, or split rail) with a minimum ratio of 1:1 of open to structural areas.
    - 2) Not exceed four feet in height. A taller height may be approved by the Zoning Officer if necessary to contain animals or to address a specific hazard, such as an electric transformer.
  - (b) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a minimum front yard. However, a fence that only extends behind the rear of a dwelling may have a maximum height of six feet along one of the streets, other than the street that is along the front of the dwelling.
  - (c) Height.
    - 1) A fence located in a residential district in a location other than a required front yard shall have a maximum height of six feet, except a maximum of height of 10 feet shall be allowed around a tennis court (provided it is outside of the minimum front yard) and a taller height may be allowed where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
  - (d) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except that a fence shall be located on the inside of any buffer plantings required by §27-803 and except that a five-foot minimum setback shall apply for a fence of a principal business that is more than six feet in height and that is adjacent to a principal dwelling.
  - (e) Fence Materials. Barbed wire shall not be used as part of fences around dwellings in residential districts. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence or

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wall shall be constructed out of fabric, junk, junk vehicles, appliances, drums or barrels.

### (4) Walls.

- (a) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this Section, and are permitted by right as needed in all districts. However, if a retaining wall is over eight feet in height, it shall be setback a minimum of 15 feet from a lot line of an existing dwelling.
- (b) Other than a retaining wall, no wall of greater than three feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in §27-704.
- (c) A wall in a residential district outside of a required front yard shall have a maximum height of three feet if it is within the minimum accessory structure setback.
- (d) Walls that are attached to a building shall be regulated as a part of that building.

### F. Furnace, Outdoor.

- (1) The following setbacks shall apply from a lot that is not in common ownership with the lot occupied by the outdoor furnace:
  - (a) An outdoor furnace shall be set back a minimum of 150 feet from any existing occupied building on another lot.
  - (b) The outdoor furnace shall be setback a minimum of 50 feet from any other lot line.
- (2) The applicant shall show compliance with the Borough construction and mechanical codes. The furnace shall include properly functioning spark arrestors.
- (3) The furnace shall not be used to burn rubber, plastics, hazardous materials, putrescent garbage, paint products, manure or asphalt products.

### G. Garage Sale (includes yard sale, moving sale and porch sale).

- (1) See sign provisions in §27-705.C.
- (2) Garage sales shall be limited to a maximum of two days in any 90-day period.

- (3) Garage sales shall not routinely involve the sale of new unused merchandise.

H. Home Occupations.

- (1) All home occupations shall meet the following requirements:
  - (a) The use shall only be conducted by one or more permanent residents of the dwelling, except it may involve a maximum of one nonresident employee who regularly visits the property but primarily works off-site, such as operating a vehicle based at the property.
  - (b) The use shall be conducted indoors, in a principal and/or accessory building. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
  - (c) The use shall occupy an area that is not greater than 25% of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
  - (d) For a major home occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
  - (e) The use shall not routinely require delivery by tractor-trailer trucks.
  - (f) The regulations of Subsection .1.I(4) regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
  - (g) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
  - (h) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9:00 p.m. and 7:30 a.m.
  - (i) Any tutoring or instruction shall be limited to a maximum of three students at a time.
  - (j) A barber or beauty shop shall not include any nonresident employees.

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- (k) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
  - (l) A home occupation may include a single two square foot non-illuminated sign, as permitted in §27-703.
  - (m) The Zoning Hearing Board shall deny a major home occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of deliveries needed, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
  - (n) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
  - (o) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall be prohibited, except for sales of hair care products as accessory to a barber/beauty shop.
  - (p) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Chapter.
  - (q) A zoning permit shall be required for a major home occupation.
- (2) In addition to the requirements listed in Subsection .1 above, the following additional requirements shall apply to a “minor home occupation”:
- (a) The use shall not routinely involve routine daily visits to the home occupation by customers.
  - (b) The use shall only involve the following activities:
    - 1) Work routinely conducted within an office.
    - 2) Custom sewing and fabric and basket crafts.
    - 3) Cooking and baking for off-site sales and use.
    - 4) Creation of visual arts (such as painting or wood carving).
    - 5) Repairs to and assembly of computers and computer peripherals.

6) A construction tradesperson, provided that no nonresident employees routinely operate from the lot.

(c) A zoning permit shall not be required for a minor home occupation.

I. Outdoor Storage and Display; Commercial or Industrial as a Principal or Accessory Use.

(1) Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.

(2) No such storage or display shall occur on areas with a slope in excess of 25% or within the 100-year floodplain.

(3) Screening. See §27-803.

(4) Tire Storage.

(a) For tires not mounted on a motor vehicle, any outdoor storage of more than five tires on a lot in a residential district or more than 25 used tires in a nonresidential district shall only be permitted as part of a Borough-approved junkyard or tire store.

(b) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than six months, they shall be stored within a building or trailer.

(c) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.

J. Pets, Keeping of.

(1) This is a permitted by right accessory use in all districts.

(2) No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.

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- (3) A maximum total of five dogs and cats shall be permitted to be kept by residents of each dwelling unit on their residential premises.
    - (a) Such limits shall only apply to dogs or cats over six months in age.
    - (b) Any greater number of dogs and/or cats shall need approval as a “kennel.”
  - (4) No more than two pigeons, chickens, roosters, ducks, geese and/or similar fowl shall not be kept on a lot of less than 20,000 square feet. If the total weight of such fowl exceeds 500 pounds, then the requirements shall be met for “raising of livestock or poultry.”
  - (5) Horses. Minimum lot area—two acres for first horse or similar animal, plus one acre of pasture for each horse or similar animal in excess of one. Any horse barn, manure storage areas or stable shall be a minimum of 75 feet from any “residential lot line.”
  - (6) See the definition of “pets” in §27-202. Only those pets that are domesticated and are compatible with a residential character shall be permitted as “keeping of pets.” Examples of permitted pets include dogs, cats, rabbits, fish, gerbils and lizards.
    - (a) The following animals shall not be allowed to be kept within the Borough: bears, wolves, wolf-dog hybrids, venomous snakes that could be toxic to humans, or constrictor snakes that could be dangerous to humans. The keeping of any “exotic wildlife” shall also comply with the Pennsylvania Game and Wildlife Code regulations.
  - (7) The keeping of cows, sheep, goats, hogs and similarly sized animals shall require a minimum lot area of three acres.
- K. Recreational Vehicle Parking. See under residential accessory structure or use in this Section.
- L. Residential Accessory Structure or Use (see definition in Part 2).
- (1) Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in §27-307.1, unless specifically exempted by this Chapter. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in §27-307.
  - (2) Height. See §27-307.2.
  - (3) Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks or excavating equipment or the trailer from a tractor-trailer combination on a principal residential lot in a residential district

is prohibited, except that the parking of a maximum of one vehicle with a gross vehicle weight of up to 13,000 pounds shall be allowed if such vehicle(s) is used by residents of the dwelling to travel to and from work.

- (4) Repairs. Repairs of a truck with an aggregate gross vehicle weight of over 13,000 pounds aggregate gross vehicle weight shall not occur on a residential lot. Repairs of motor vehicles that are not owned or leased by a resident of the lot or his/her "relative" shall not occur on a residential lot.
- (5) See setback exceptions in §27-803.2.
- (6) Outdoor storage of junk covering more than 200 square feet of land area in a residential district shall be prohibited.
- (7) Recreational Vehicles and Boats. A recreational vehicle or boat with a length of 26 feet or greater shall not be parked in the front yard of a dwelling in a residential district on more than three days in any seven-day period.
  - (a) All such vehicles, boats or trailers shall maintain a current registration and be maintained to prevent the collection of debris or the leakage of vehicle fluids onto the ground.
- (8) A maximum of one motor vehicle or boat shall be displayed or offered for sale on a lot in a residential district, except as may be allowed otherwise as a nonconforming use.
- (9) A recreational vehicle shall not be used as a residence outside of an approved campground for more than 14 days in any 30-day period.

M. Swimming Pool, Household (referred hereafter as "pool").

- (1) See the requirements of the construction code regarding fencing of pools. In the event such construction code does not result in a fence being required, then this Chapter provision shall apply. Every swimming pool containing 24 inches or more of water depth shall include a fence, wall, above-ground pool walls or similar enclosure surrounding the pool. Such enclosure shall extend not less than four and one-half feet above the ground. All gates, latches and fences shall meet the construction code requirements for enclosures around a pool.
- (2) A swimming pool shall not be located in a minimum front yard. The water surface and any raised decking of a swimming pool shall be set back a minimum of five feet from side and rear lot lines.

N. Unit for Care of Relative.

- (1) The use shall meet the definition in §27-202.

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- (2) The accessory unit shall be occupied by a maximum of two persons, who shall be “relatives” of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
  - (3) The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconvered into part of the principal dwelling unit or is a modular cottage that will be completely removed from the lot after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a unit for care of relative, and then be reconvered to a garage or permitted home occupation area or otherwise function as part of the principal dwelling unit.
  - (4) The applicant shall establish a legally binding mechanism in a form acceptable to the Borough that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
  - (5) The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
  - (6) Such accessory unit shall not decrease the one-family residential appearance of a one-family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit, except a detached dwelling may be specifically approved by the Zoning Hearing Board as a special exception. If a detached modular dwelling is placed on the property, it shall be completely removed within 90 days after the relative no longer lives within it. A detached dwelling shall only be placed on the lot if it will meet principal building setbacks and has a maximum building floor area of 900 square feet.
  - (7) Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.
- O. Wind turbines, one per lot as accessory use.
- (1) All wind turbines shall be set back from the lot line a minimum distance equal to the total maximum height to the top of the extended blade, unless a written waiver is provided by the owner of such adjacent lot. All wind turbine setbacks shall be measured from the center of the base of the turbine.
  - (2) The audible sound from the wind turbine shall not exceed 50 A-weighted decibels, as measured at the exterior of an occupied principal building on

another lot, unless a written waiver is provided by the owner of such building.

- (3) The owner of the facility shall completely remove all above ground structures within 12 months after the windmill is no longer used to generate electricity.
- (4) A wind turbine shall not be climbable for at least the first 12 feet above the ground level, unless it is surrounded by a fence with a minimum height of six feet.
- (5) All wind turbines shall be set back from the nearest public street right-of-way a minimum distance equal to the total maximum height to the top of the extended blade.
- (6) If guy wires are used, and they are not within a fence, they shall be marked near their base with reflectors, reflective tape or similar method.
- (7) The turbine shall include automatic devices to address highspeed winds, such as mechanical brakes and overspeed controls.
- (8) In an R-M, R-S, MHP or R-S1 District, the maximum total height above the ground level to the tip of the extended blade shall be 90 feet. In another district, the maximum height for a wind turbine approved under this Section shall be 150 feet. See wind turbines in §§27-402 and 27-306 for taller turbines.
- (9) New electrical wiring to the wind turbine shall be placed underground, to the maximum extent feasible.
- (10) Contiguous property owners may construct a wind turbine for use in common, provided that the required setbacks are maintained from the lot lines of nonparticipating landowners. A maximum of one wind turbine that would be shared by certain dwelling units within a development may also be placed in the common open space, if specifically approved to be included, at the time of final subdivision approval.

(Ord. 800, 3/13/2012, §403)



**PART 5**

**ENVIRONMENTALLY SENSITIVE AREAS**

**§27-501. Erosion Control.**

The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of waterways.

- A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- B. Except for agricultural activities, any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate erosion and sedimentation control plan to the County Conservation District.
- C. See State erosion control regulations (Note: as of 2010 in 25 Pa.Code, Chapter 102). See also requirements for NPDES permits under Federal and State regulations.

(Ord. 800, 3/13/2012, §501)

**§27-502. Nuisances and Hazards to Public Safety.**

- 1. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
  - A. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - B. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - C. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
  - D. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
  - E. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- 2. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Chapter, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

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(Ord. 800, 3/13/2012, §502)

### **§27-503. Steep Slopes.**

1. A principal building shall not be constructed or placed on any area with a natural slope of 25% or greater. A natural slope is a slope that was not man-made. This §27-503 shall not apply to a slope that was man-made prior to the enactment of this Chapter.
2. If a new principal building is proposed to be constructed on land area involving 500 or more square feet with natural slopes of 15 to 25%, then a minimum lot size of 30,000 square feet shall be required, unless a more restrictive requirement applies under another section.
3. Land shall not be re-graded prior to seeking development approval in a manner that seeks to circumvent the requirements of this Section.
4. The land adjacent to a building shall not be regraded in such a way that makes it impossible to reach each side of a building with a fire ladder.

(Ord. 800, 3/13/2012, §503)

### **§27-504. Flood-prone Areas.**

See the Coplay Borough's Floodplain Ordinance [Chapter 8].

(Ord. 800, 3/13/2012, §504)

### **§27-505. Noise.**

See Coplay Borough's Noise Pollution Ordinance [Chapter 10, Part 2].

(Ord. 800, 3/13/2012, §505)

### **§27-506. Odors and Dust.**

No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot. This provision shall not apply to normal farming activities that are exempted under the Pennsylvania Right to Farm Act.

(Ord. 800, 3/13/2012, §506)

### **§27-507. Control of Light and Glare.**

This Section shall only regulate exterior lighting that spills across lot lines or onto public streets.

- A. Street Lighting Exempted. This Section shall not apply to: (1) street lighting that is owned, financed or maintained by the Borough or the State, or (2) an individual porch light of less than six feet total height in a front yard (not including a spot light).
- B. Height of Lights. No luminary, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities or a ski resort.
- C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25 and January 10.
- F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds one horizontal foot-candle at a distance 10 feet inside the residential lot line.
- G. Gasoline Sales Canopies. Any canopy over gasoline pumps shall have light fixtures recessed into the canopy or screened by an extension around the bottom of the canopy so that lighting elements are not visible from another lot or street.
- H. Lighting of Horizontal Surfaces. For the lighting of predominantly horizontal surfaces such as parking areas and vehicle sales areas, lighting fixtures shall be aimed downward and shall include full cut-off measures as needed to properly direct the light and to meet the maximum spillover requirements of Subsection . F and to prevent glare onto streets. The Borough may require that light fixtures for nonresidential uses be placed along the street and be aimed away from the street in a manner that also minimizes light shining onto residential lots.
- I. Lighting of Non-horizontal Surfaces. For lighting of predominantly non-horizontal surfaces such building walls and wall signs, lighting fixtures shall be fully shielded and shall be aimed so as to not project light towards neighboring residences or past the object being illuminated or skyward. Any

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lighting of a flag shall use a beam no wider than necessary to illuminate the flag. Lighting of a billboard should be attached to the top of the billboard and project downward.

- J. Upward Lighting and Lasers. Spotlights shall not be directed upwards into the sky. Laser lights shall not be directed into the sky to attract attention to a business or activity.

(Ord. 800, 3/13/2012, §507)

### **§27-508. Wetlands and Waterway Conservation.**

1. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Borough. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.
2. Setback from Waterways. No new principal building, no new off-street parking spaces and no new commercial or industrial outdoor storage shall be allowed within 75 feet from the average centerline of the Lehigh River. Where trees and other natural vegetation are removed within this setback, they shall be replaced with new trees and vegetation that serve the same environmental purposes.

(Ord. 800, 3/13/2012, §508)

**PART 6****OFF-STREET PARKING AND LOADING****§27-601. Required Number of Off-Street Parking Spaces.**

1. Overall Requirements.
  - A. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type of use, or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 27-601.1 and the regulations of this Part.
  - B. Uses Not Listed. Uses not specifically listed in Table 27-601.1 shall comply with the requirements for the most similar use listed in Table 27-601.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
  - C. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
  - D. Parking Landscaping. See §§27-803 and 27-804 of this Chapter.

**TABLE 27-601.1  
OFF-STREET PARKING REQUIREMENTS**

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH
<b>A. RESIDENTIAL USES:</b>		
1. Dwelling unit, other than types listed separately in this table.	2 per dwelling unit except 1 per unit in the TC District. As part of a new subdivision, if a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Home occupation	See §27-403	
3. Housing permanently restricted to persons 62 years and older and/or the physically handicapped	1 per dwelling/rental unit, except 0.5 per dwelling/rental unit if evidence is presented that the non-physically handicapped persons will primarily be persons over 70 years old.	Nonresident Employee
4. Boarding house	1 per rental unit or bed for adult, whichever is greater	Nonresident Employee

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH
5. Group home	1 per 2 residents, unless the applicant proves the home will be limited to persons who will not be allowed to drive a vehicle from the property	Employee
<b>B. INSTITUTIONAL USES:</b>		
1. Place of worship (includes church)	1 per 5 seats in room of largest capacity. For pews that are no individual seats, each 48 inches shall count as one seat.	Employee
2. Hospital	1 per 3 beds	1.1 Employees
3. Nursing home	1 per 6 beds	1.1 Employees
4. Assisted living facility and/or retirement community	1 per 4 beds, plus 1 for each individual dwelling unit	1.1 Employees
5. Day care center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, primary or secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility facility	1 per vehicle routinely needed to service facility	
8. College or university	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, community center or cultural center or museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment center	1 per 2 residents aged 16 years or older plus 1 per nonresident intended to be treated on-site at peak times	Nonresident Employee
11. Swimming pool, non-household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
<b>C. COMMERCIAL USES:</b>		
1. Auto service station or repair garage	5 per repair/service bay and ¼ per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under “retail sales”
2. Auto, boat, recreational vehicle or manufactured home sales	1 per 15 vehicles, boats, RVs or homes displayed	Employee
3. Bed and breakfast use	1 per rental unit plus the 2 per dwelling unit	Nonresident employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH
4. Bowling alley or pool hall	2 per lane plus 2 per pool table	1.1 Employees
5. Car wash	Adequate waiting and drying areas	1.1 Employees
6. Financial institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Funeral home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
8. Miniature golf	1 per hole	1.1 Employees
9. Haircutting/hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
10. Hotel or motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
11. Laundromat	1 per 3 washing machines	On-site Employee
12. Offices or clinic, medical/dental	5 per physician or physician's assistant and 4 per dentist	1.1 Employees
13. Offices, other than above	1 per 300 sq. ft. of total floor area	
14. Personal service use, other than haircutting/hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
15. Indoor recreation (other than bowling alley), membership club or exercise club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
16. Outdoor recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
17. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats. This parking shall be calculated separately from a shopping center	1.1 Employees
18. Retail sales (other than types separately listed and other than a shopping center)	1 per 200 sq. ft. of floor area of rooms accessible to customers	
19. Retail sales of only furniture, lumber, carpeting, bedding or floor covering	1 per 800 sq. ft. of floor area of rooms accessible to customers	
20. Shopping center involving five or more retail establishments on a lot	1 per 200 square feet of leaseable floor area	
21. Nightclub or after-hours club	1 per 30 sq. ft. of total floor area	1.1 Employees

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USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS ONE OFF-STREET PARKING SPACE FOR EACH
22. Theater or auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
23. Trade/hobby school	1 per 2 students on-site during peak use	1.1 Employee
24. Veterinarian office	4 per veterinarian	1.1 Employee
<b>D. INDUSTRIAL USES:</b>	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Chapter	
All industrial uses (including warehousing, distribution and manufacturing)	1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-storage development	1 per 20 storage units	1.1 Employee

(Ord. 800, 3/13/2012, §601)

**§27-602. General Regulations for Off-Street Parking.**

1. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.
2. Existing Parking.
  - A. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Chapter shall not in the future be reduced in number below the number required by this Chapter.
  - B. If a new principal nonresidential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Chapter, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.
3. Change in Use or Expansion. A structure or use in existence at the effective date of this Chapter that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

- A. If a nonresidential use expands by an aggregate total maximum of 5% in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Chapter, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.
- 4. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this Chapter. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.
- 5. Location of Parking.
    - A. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. A written and signed lease shall be provided, if applicable. A sign shall direct persons to the parking spaces.
      - (1) The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

(Ord. 800, 3/13/2012, §602)

**§27-603. Design Standards for Off-Street Parking.**

- 1. General Requirements.
  - A. Backing onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a driveway that enters onto a local street or parking court. Parking spaces may back onto an alley.
  - B. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, unless specifically permitted otherwise.
  - C. Parking areas shall not be within a required buffer yard or street right-of-way.
  - D. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and

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unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.

- E. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-through facility.

### 2. Size and Marking of Parking Spaces.

- A. Each parking space shall be a rectangle with a minimum width of nine feet and a minimum length of 18 feet, except the minimum sized rectangle shall be eight feet by 22 feet for parallel parking and except where a larger space is required by Subsection .3.

- B. For handicapped spaces, see Subsection .7 below.

- C. All spaces shall be marked to indicate their location, except those of a one- or two-family dwelling.

### 3. Aisles. Parking spaces and aisles shall be designed and built in conformance with the following:

Angle of Parking	Parking Space Min. Width (feet)	Parking Space Min. Depth (feet)	Aisle Width– One-Way Traffic (feet)	Aisle Width– Two-Way Traffic (feet)
90 degrees	9	18	20	22
55 to 89 degrees	10	22	18	22
35 to 54 degrees	10	21	15	20
1 to 34 degrees	10	19	12	20
Parallel	8	22	12	20

Min. = Minimum

### 4. Accessways and Driveways.

A. Width of Driveway at Entrance onto a Public Street, at the edge of the cartway*	One-Way Use*	Two-Way Use*
Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

- \* This standard may be revised where a different standard is required by PennDOT for an entrance to a State road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access.

B. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Borough may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

5. Paving, Grading and Drainage.

A. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.

B. Except for landscaped areas, all portions of required parking areas for commercial, industrial, multi-family and institutional uses involving four or more spaces, off-street loading facilities and driveways serving such uses shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Borough. Driveways limited to use by emergency vehicles are not required to be paved provided the fire company approves the proposed surface. Driveways and parking that serve public uses, public recreation areas and other types of dwellings are not required to be paved.

(1) However, by special exception, the Zoning Hearing Board may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.

(2) If the design and materials are found to be acceptable in writing by the Borough Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.

6. Lighting of Parking Areas. See “Light and Glare Control” in Part 5.

7. Parking for Persons with Disabilities/Handicapped Parking.

A. Number of Spaces. See requirements under the Federal Americans With Disabilities Act for parking for persons with disabilities. The following is a summary of some of the relevant requirements in effect as of the enactment of this Chapter.

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./PERCENT OF ADA-ACCESSIBLE PARKING SPACES
1 to 25	1 van-accessible
26 to 50	2, 1 of which must be van-accessible
51 to 75	3, 1 of which must be van-accessible
76 to 100	4, 1 of which must be van-accessible
101 to 150	5, 1 of which must be van-accessible

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TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./PERCENT OF ADA-ACCESSIBLE PARKING SPACES
151 to 200	6, 1 of which must be van-accessible
201 to 300	7, 1 of which must be van-accessible
301 to 400	8, 1 of which must be van-accessible
401 to 500	9, 2 of which must be van-accessible
501 to 1,000	2% of total number of spaces, 1/8th of which must be van-accessible
1,001 or more	20 plus 1% of spaces for each 100 over 1000 spaces, 1/8 of which must be van-accessible

- B. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
  - C. Minimum Size and Slope. See requirements of the Americans With Disabilities Act regulations.
  - D. Marking. All required handicapped spaces shall be well-marked in compliance with the Americans With Disabilities Act. Such signs and/or markings shall be maintained over time.
  - E. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.
8. Paved Area Setbacks (including off-street parking setbacks).
- A. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in stormwater management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
  - B. Any new or expanded vehicle parking or vehicle storage area serving a principal nonresidential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 10 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may be on one or both sides of any sidewalk, provided the planting width totals 10 feet. This 10-foot width shall be increased to 20 feet for a lot including 20 or more parking spaces that are visible from the street.
    - (1) The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that allow motorists to maintain views under the leaf canopy.
    - (2) The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may

overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Borough and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.

- (3) Approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
- (4) The following shall be prohibited within the planting strip:
  - (a) Paving, except as allowed by Subsection (3) above, and except for street widenings that may occur after the development is completed.
  - (b) Fences.
  - (c) Parking, storage or display of vehicles or manufactured homes or items for sale or rent or junk.
- (5) Where feasible, where a sidewalk is not installed, this setback should include an unobstructed generally level width running parallel to a street that is suitable for a person to walk.

C. See landscaping requirements in §§27-803 and 27-804.

(Ord. 800, 3/13/2012, §603)

**§27-604. Off-Street Loading.**

1. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street and traffic entering and exiting the lot. If no other reasonable alternative is feasible, traffic may be obstructed for occasional loading and unloading along an alley, provided traffic has the ability to use another method of access.
2. At the time of review under this Chapter, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Borough Council may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words “loading” and “unloading” are used interchangeably.
3. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

(Ord. 800, 3/13/2012, §604)

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### **§27-605. Fire Lanes and Access.**

1. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
2. Access shall be also provided so that fire equipment can reach all sides of principal nonresidential buildings and multi-family/apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
3. The specific locations of fire lanes and fire equipment access are subject to approval by the Borough, after review by local fire officials.

(Ord. 800, 3/13/2012, §605)

## PART 7

### SIGNS

#### **§27-701. Purposes and Applicability.**

1. Purposes. This Part is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
2. Permit Required. A zoning permit shall be required for all signs except for: (A) signs meeting the requirements of §27-703 and (B) non-illuminated window signs. Only types, sizes and heights of signs that are specifically permitted by this Chapter within the applicable district shall be allowed.
3. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message or replaced with a new sign face without a new permit under this Chapter provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased nonconformity with this Chapter. See also §27-712.2 concerning nonconforming signs.

(Ord. 800, 3/13/2012, §701)

#### **§27-702. Sign Definitions.**

See §27-202 of this Chapter.

(Ord. 800, 3/13/2012, §702)

#### **§27-703. Miscellaneous Signs Not Requiring Permits.**

The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Part.

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TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”** (sq. ft.)	OTHER REQUIREMENTS
<b>Agricultural Sales or Christmas Tree Sign</b> —advertises the seasonal sale of agricultural products or Christmas trees.	2	8	24	Shall only be posted during seasons when such products are actively offered for sale.
<b>Charitable Event Sign</b> —advertises a special event held a maximum of nine days in any calendar year that primarily is held to benefit a legitimate tax-exempt nonprofit organization or charity.	2	4	50	Shall be placed a max. of 30 days prior to event and removed a max. of seven days after event.
<b>Contractor’s Sign</b> —advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person’s place of business, or a bank or agency that is financing an on-site construction project.	1 per contractor	10	30 (or one sign of 60 square feet maximum may be used if the sign is shared by multiple entities).	Shall only be permitted while such work is actively and clearly underway and a max. of 30 days afterward. Shall not be illuminated.
<b>Directional Sign</b> —provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<b>Flag</b> —a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also “special sale signs” below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Chapter.
<b>Garage Sale Sign</b> —advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	See “garage sale” in §27-403.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”** (sq. ft.)	OTHER REQUIREMENTS
<b>Home Occupation Sign</b> —advertises a permitted home occupation.	1	2	2	Shall not be illuminated. Shall be attached flat on a building wall or within a window, but shall not be freestanding in a residential district.
<b>Identification Sign</b> —only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1	6	Maximum height of eight feet.
<b>Open House Sign</b> —advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of five days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than six consecutive days.
<p><b>Political Sign</b>—advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.</p> <p>Political signs shall not be posted on property owned by the Borough or on a public street right-of-way, except as may be allowed on election day outside of a polling location.</p>	Maximum of two sign faces per issue or candidate per street frontage per lot	Maximum of 10 s.f. per issue or candidate per street frontage.	Maximum of 20 s.f. per issue or candidate per street frontage.	Shall be removed a max. of seven days after an election, vote or referendum if the sign pertains to such a matter. Political signs shall not be placed on property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an “off-premises sign.”
<b>Public Services Sign</b> —advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	

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TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”** (sq. ft.)	OTHER REQUIREMENTS
<b>Real Estate Sign</b> —advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of seven days after settlement or start of lease.
<b>Service Organization/Place of Worship Sign</b> —an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	3	3	Maximum of two such signs per such organization or place of worship.
<b>Special Sale Signs</b> —temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision.	5 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum of 10 consecutive days per event, and a maximum of four events per year. Such signs shall not flash, be internally illuminated, or obstruct safe sight distances.
<b>Time and Temperature Sign</b> —with a sole purpose to announce the current time and temperature and any nonprofit public service messages.	1	Not permitted	30	Shall not flash.
<b>Trespassing Sign</b> —indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	
* Maximum sign areas are for each of two sides of each permitted sign, measured in square feet.				
** For the purposes of this Section, a “nonresidential lot” shall mean a lot that is occupied by a principal nonresidential use.				

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON LOTS OTHER THAN “NON-RESIDENTIAL LOTS” (sq. ft.)	MAX. SIGN AREA PER SIGN * ON “NON-RESIDENTIAL LOTS”** (sq. ft.)	OTHER REQUIREMENTS
In addition, the following types of signs are not regulated by this Chapter:				
a. <b>Historic Sign</b> —memorializes an important historic place, event or person and that is specifically authorized by the Borough or a County, State or Federal agency.				
b. <b>Holiday Decorations</b> —commemorates a holiday recognized by the Borough, County, State or Federal Government and that does not include advertising.				
c. <b>Not Readable Sign</b> —not readable from any public street or any exterior lot line.				
d. <b>Official Sign</b> —erected by the State, County, Borough or other legally constituted governmental body, or specifically authorized by Borough ordinance, motion or resolution, and which exists for public purposes.				
e. <b>Required Sign</b> —only includes information required to be posted outdoors by a government agency or the Borough.				
f. <b>Right-of-Way Sign</b> —posted within the existing right-of-way of a public street and officially authorized by the Borough or PennDOT, including but not limited to decorative banners hung from street lights that are authorized by the Borough.				

(Ord. 800, 3/13/2012, §703)

#### §27-704. Freestanding, Wall and Window Signs (On-premises Signs).

- The following are the on-premises signs permitted on a lot within the specified districts and within the following regulations, in addition to “exempt signs” and “temporary signs” permitted in all districts by other provisions of this Part. See definitions of the types of signs in §27-202.

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ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDING SIGNS
<p>R-1, R-2, P or TMU Districts, with signs in this table limited to allowed principal nonresidential uses (such as Places of Worship) or allowed institutional uses.</p> <p>For home occupation signs, see §27-703.</p>	<p>8 feet</p>	<p>40 sq. ft. on each side of a principal building for a school or place of worship; 4 sq. ft. on each side of a principal building for other nonresidential principal uses.</p>	<p>May be used in place of a wall sign with the same restrictions.</p>	<p>1 sign on each street the lot abuts, each with a maximum sign area of 40 sq. ft. for a school or place of worship; 4 sq. ft. on each side of a principal building for other nonresidential principal uses.</p> <p>See also entrance signs for major residential developments in Subsection 5.</p>
<p>TC, TCE, NC or GC Districts.</p>	<p>15 feet</p>	<p>2 sq. ft. of sign area for each linear feet of building length on the building side on which such signs are attached.</p>	<p>Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.</p>	<p>1 sign per street that the lot abuts, each with a maximum area of 60 sq. ft.</p> <p>One additional 8 sq. ft. sandwich board sign is allowed in a location that does not obstruct pedestrian traffic, and which is kept inside when the business is not open.</p>
<p>BP District.</p>	<p>15 feet</p>	<p>2 square feet of sign area for each linear feet of building length on the building side on which such signs are attached.</p>	<p>Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.</p>	<p>1 sign per street that the lot abuts, each with a maximum area of 60 sq. ft.</p>

2. **Maximum Height of Wall Signs.** The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.
3. **Portable Signs (Including “Signs on Mobile Stands”) and Other Temporary Signs.**
  - A. **Purpose.** These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Chapter.
  - B. Portable signs are prohibited in all districts, except as a temporary charitable event sign permitted by §27-703.
  - C. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.
4. **Signs on Freestanding Walls.** A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of six feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Chapter and with the wall itself not counting towards the maximum sign area. Such walls may be placed in a yard, provided they do not obstruct safe sight distances.
5. **Major Development Sign.** One two-sided sign or two one-sided signs shall be allowed at up to two exterior street entrances to a subdivision or land development of 20 or more dwelling units or more than five principal business uses. Such sign area shall be a maximum of 40 square feet and may be attached to a wall that meets Subsection .4.

(Ord. 800, 3/13/2012, §704)

**§27-705. Prohibited Signs.**

The following prohibitions on signs shall apply in all zoning districts:

- A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in §27-703.
- B. Flashing, blinking, twinkling, animated, scrolling or moving signs of any type are prohibited. No sign may display electronically moving images. Signs may change their message from time to time provided that each message is visible for a minimum of six seconds, except as follows: (1) time and temperature signs may change more frequently, and (2) a sign with a sign area greater than 30

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square feet shall not change its message more frequently than once every 20 seconds.

(1) In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within §27-703.

(2) Electronically changeable message signs shall not be allowed in a residential district.

C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.

D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Chapter are prohibited.

E. Signs that are of such form, shape or color that they resemble an official traffic control sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words “danger”) are prohibited.

F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.

G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.

H. Floodlights and outdoor lasers for advertising purposes are prohibited.

(Ord. 800, 3/13/2012, §705)

### **§27-706. Off-Premises Signs (Including Billboards).**

1. Purposes. Off-premises signs are controlled by this Chapter for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Borough and protect property values, especially in consideration of the fact that most commercial areas of the Borough are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Borough, including existing nonconforming off-premises signs, on-premises signs and temporary signs and printed and electronic media; carry out the purposes listed in §27-701.

2. Nonconforming Off-Premises Signs. This Section is not intended to require the removal of an existing lawfully-placed off-premises sign that is in structurally sound condition.
3. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all districts.
4. Permitted Off-Premises Signs. Except for other types of signs that are specifically allowed by this Section to be off-premises, an off-premises sign is only permitted if it meet the following requirements:
  - A. District. An off-premises sign is only permitted in the I District.
  - B. Location. An off-premises sign shall be set back a minimum of 25 feet from all lot lines and street rights-of-way.
  - C. Maximum Total Sign Area on Each of Two Sides—300 square feet. A freestanding sign of more than 50 square feet of sign area shall need special exception approval.
  - D. Spacing. Any off-premises sign shall be separated by a minimum of 500 feet from any other off-premises sign with a sign area greater than 50 square feet, including signs on either side of a street and including existing signs in other municipalities.
  - E. Maximum Height—35 feet above the elevation of the adjacent street, measured at the street centerline.
  - F. Attached. No off-premises sign or sign face shall be attached in any way to any other off-premises sign, except that a sign of 300 square feet may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 60 degrees.
  - G. Control of Lighting and Glare. See standards in §27-507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes. Lighting shall be directed downwards towards the sign area and shall be turned off between the hours of midnight and 6:00 a.m.
  - H. Setbacks. No off-premises sign greater than 20 square feet in sign area shall be located within 250 feet from the lot line of an existing principal dwelling.
  - I. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.

(Ord. 800, 3/13/2012, §706)

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### **§27-707. General Design, Location and Construction of Signs.**

1. Setbacks.
  - A. All freestanding signs shall be set back a minimum of five feet from the existing street right-of-way. Signs shall not be located within the existing street right-of-way, except for allowed sandwich board signs.
  - B. A freestanding illuminated sign for a commercial or industrial business shall not be located within five feet from an abutting lot line of principal dwelling in a residential district.
  - C. These setbacks shall not apply to official signs, nameplate signs, public service signs and directional signs.
2. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of §27-803.
3. Off-Premises. No signs except permitted off-premises, official, political or public service signs shall be erected on a property to which it does not relate.
4. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.
5. Signs on Utility Poles and Street Signs. No sign shall be attached to a utility pole or street sign post, except by a utility or government agency.
6. Construction of Signs. Every permanent sign permitted in this Section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Borough may repair or remove such sign at the expense of such owner or lessee.
7. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.
8. Banners and Overhanging Signs. Borough Council may approve the hanging of decorative banners within the street right-of-way and may approve a sign overhanging across a street to advertise a community event or festival.

(Ord. 800, 3/13/2012, §707)

### **§27-708. Vehicles Functioning as Signs.**

Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle,

trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

(Ord. 800, 3/13/2012, §708)

**§27-709. Abandoned or Outdated Signs.**

Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

(Ord. 800, 3/13/2012, §709)

**§27-710. Measurement of Signs.**

Measurement of Sign Area.

- A. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One “freestanding sign” may include several signs that are all attached to one structure, with the total “sign area” being the area of a common geometric form that could encompass all signs.
- B. The sign area shall not include any structural supports that do not include a message.
- C. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
- D. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
- E. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

(Ord. 800, 3/13/2012, §710)

**§27-711. Illumination of Signs.**

See “Light and Glare Control” in Part 5.

(Ord. 800, 3/13/2012, §711)

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### **§27-712. Nonconforming Signs.**

1. Signs legally existing at the time of enactment of this Chapter and which do not conform to the requirements of this Chapter shall be considered nonconforming signs.
2. An existing lawful nonconforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A nonconforming sign shall not be expanded in a manner that does not conform to this Chapter.
3. Unlawful Signs. If a sign was placed without a required permit by the Borough, and does not comply with this Chapter, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Part 1.

(Ord. 800, 3/13/2012, §712)

## PART 8

### GENERAL REGULATIONS

#### **§27-801. Frontage onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings.**

1. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Borough by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Borough Subdivision and Land Development Ordinance [Chapter 22]. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Borough standards.
2. Number of Principal Uses and Principal Buildings per Lot.
  - A. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
    - (1) For example, if use one requires a one acre lot area and use two on the same lot requires a two-acre lot area, then the lot shall have a minimum lot area of two acres.
    - (2) The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Chapter.
    - (3) The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Borough Solicitor, that there will be appropriate legal mechanisms in place.
  - B. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Chapter.
    - (1) A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Chapter are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon

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review by the Borough Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

3. **Minimum Size of Dwellings.** Each dwelling unit shall include a minimum of 500 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level.
4. **Maximum Occupancy.** No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

(Ord. 800, 3/13/2012, §801)

### **§27-802. Height Exceptions.**

The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Chapter, water towers, clock or bell towers, steeples and religious symbols attached to places of worship, electrical transmission lines, elevator shafts, wind turbines that comply with this Chapter, skylights, chimneys, heating/ventilation/air conditional equipment, industrial mechanical equipment areas that are not occupied by humans, solar energy collection devices, or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of “height” in §27-202 and provisions in §27-307.2.

(Ord. 800, 3/13/2012, §802)

### **§27-803. Special Lot and Yard Requirements, Sight Distance and Buffer Yards.**

1. **In General.**
  - A. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Chapter. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
  - B. **Emergency Access.** All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders. Such access shall be maintained in a passable condition by the owner of the lot, or where applicable by the property owner association.
2. **Exceptions to Minimum Lot Areas, Lot Widths and Yards.**

- A. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard. See definition of “lot, corner” in §27-202.
  - B. Projections into Required Yards.
    - (1) Cornices, footers, eaves, roof overhangs, sills or other similar architectural features, exterior stairways, unenclosed fire escapes or other required means of egress, rain leads, chimneys, “Bilco”-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than three feet, except as may be required within a drainage or utility easement.
    - (2) Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
    - (3) For decks and porches, see §27-307.
  - C. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve of a street with a radius of less than 150 feet, the minimum lot width at the minimum building setback line may be reduced to 60% of the width that would otherwise be required.
3. Sight Clearance at Intersections. At the intersection of two streets, a clear sight triangle shall be provided. Within this triangle, no visual obstructions shall be allowed between the height of three feet and 10 feet above the ground level, except for utility posts, mailboxes, single sign posts and the trunks of canopy trees. The triangle shall be measured along the edge of the travel lane of the streets. Each leg of the triangle shall be measured 75 feet from the intersection of the edge of the travel lanes of the streets. A third longer leg shall connect the ends of the two legs to form the triangle.
- A. However, in place of the above sight triangle, where a local street intersects an arterial street with a stop sign only at the local street, the leg of the triangle along the arterial street shall be increased to 250 feet and the leg along the local street shall be decreased to 20 feet.
  - B. The clear sight triangle shall be kept free of such obstructions in perpetuity.
4. Buffer Yards. Buffer yards including plant screening complying with the following standards shall be required under the following situations, unless a more restrictive provision is established by another section of this Chapter:
- A. A minimum 10-foot wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for principal nonresidential purposes that is contiguous to a lot line of a residentially zoned lot occupied by an existing principal dwelling.

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- (1) If a principal business use will include areas used for manufacturing or will have a loading dock that will be routinely serviced by two or more tractor-trailer trucks or refrigerated trucks, then the minimum buffer yard width along such manufacturing area and/or loading dock shall be increased to 50 feet, and the minimum initial height of plantings shall be increased to six feet.
  - (2) The presence of a dwelling on the same lot as a principal business use shall not by itself require the provision of a buffer yard.
  - (3) An 10-foot wide minimum buffer yard with landscaped screening shall be required where a subdivision or land development of new dwellings will have rear yards abutting a public street.
  - (4) A buffer yard is also required to be provided by the following if they are abutting and visible from a public street:
    - (a) Along lot lines and street rights-of-way of any newly developed or expanded outdoor industrial storage or loading area.
    - (b) Along lot lines and street rights-of-way of any newly developed or expanded area routinely used for the overnight parking of two or more tractor-trailer trucks or trailers of tractor-trailers.
- B. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Borough may allow deciduous canopy trees.
- C. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- D. Fence. The Borough may require the installation of a mostly solid decorative fence in addition to the plantings. Any wall or fence in a buffer yard shall be placed on the inside (nonresidential side) of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
- E. Each planting screen shall meet the following requirements:
- (1) Plant materials needed to form the visual screen shall have a minimum height when planted of four feet. In addition, an average of one deciduous shade tree, with a minimum trunk diameter of two inches measured six inches above the finished ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.

- (2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within three years a mostly solid year-round visual screen at least six feet in height.
- (3) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
- (4) The plant visual screen shall extend the full length of the lot line, except for: (a) Borough-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, (b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and (c) locations needed to meet other specific State, Borough and utility requirements, such as stormwater swales.
- (5) Weak-stem plants shall not be used to meet the buffer yard requirements. A monotonous straight row of the same species is discouraged. A more naturalistic form of planting is encouraged with a mix of species. If more than 20 evergreen plants are proposed, no more than 50% shall be of one species.
- (6) Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
- (7) The plant screening shall primarily use evergreen trees.
- (8) The Zoning Officer may also modify the buffer yard requirements if necessary for fire safety reasons. The Zoning Hearing Board may by special exception reduce the width of the buffer yard if the required width is not feasible.

F. Buffer Yard Plans.

- (1) Prior to the issuance of a permit under this Chapter where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
  - (a) The location and arrangement of each buffer yard.
  - (b) The placement, general selection of species and initial size of all plant materials.
  - (c) The placement, size, materials and type of all fences to be placed in such buffer yard.

(Ord. 800, 3/13/2012, §803)

**§27-804. Landscaping.**

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1. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of junk, debris, rubbish and noxious weeds.
2. See also the buffer yard provisions in §27-803. See parking lot setbacks in §27-603.8.
3. Shade Trees Adjacent to Streets. The requirements of the Subdivision and Land Development Ordinance [Chapter 22] shall apply. Tree trunks of required trees shall be planted at locations pre-approved by the Borough, which in most cases will be immediately outside of the street right-of-way. Trees shall not be newly planted within a street right-of-way unless specifically pre-approved by the Borough.
4. Parking Lot Landscaping.
  - A. A minimum of one deciduous tree shall be required for every 10 new off-street parking spaces.
  - B. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within auto parking areas. Otherwise, the trees may be planted around the parking area.
  - C. Deciduous trees required by this Section shall meet the following standards:
    - (1) Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of any Borough Shade Tree Commission or Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

### TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS

Acer rubrum–Red Maple	Quercus–All species of oaks
Acer saccharum–Sugar Maple	Sophora japonica–Scholar Tree/Pagoda Tree
Carpinus betulus–European Hornbeam	Tilia americana–American Linden
Celtis occidentalis–Common Hackberry	Tilia cordata–Little Leaf Linden
Fagus sylvatica–European Beech	Tilia euchlora–Crimean Linden
Fraxinus americana–White Ash	Tilia petiolaris–Silver Linden
Fraxinus pennsylvanica–Green Ash	Ulmus hybrids–Homestead or Sapporo Autumn Gold
Ginkgo biloba fastigiata–Maiden Hair Tree (male only; female has noxious odor)	Ulmus parviflora–Chinese or Lacebark Elm, not including Siberian Elm
Gleditsia triacanthos–Thornless Locust	Zelkova serrata–Zelkova
Liriodendron tulipifera–Tulip Poplar	
Ostrya virginiana–Hop Hornbeam	

Note: This Chapter only regulates the species of trees that are used to meet requirements of the Borough. The species of trees that are not required by Borough ordinances are not regulated.

- (2) Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.

- (3) **Minimum Size.** The trunk diameter (measured at a height of six inches above the finished grade level) shall be a minimum of two inches or greater.
  - (4) **Planting and Maintenance.** Required trees shall be:
    - (a) Planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air.
    - (b) Properly protected by curbs, curb stops, distance or other devices from damage from vehicles.
5. **Green Area Around Trees.** A minimum vegetative area shall be provided that includes at least a three-foot minimum radius around all sides of the trunk of each required deciduous tree that is within or adjacent to a parking lot. Where a tree is required to be planted, a minimum vegetative area of 10 square feet of vegetative or mulched area shall be provided around each required tree.
6. **Review and Approval.** Where landscaping is required by this Chapter, the applicant shall submit a landscaping plan showing proposed initial sizes, locations and species of plantings.
7. **Landscape Maintenance.** All shade tree, buffer yard and other landscaping required by this Chapter shall be perpetually maintained by the property-owner. Any landscaping needed to meet an ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.
8. **Stormwater Basin Landscaping.** The following requirements shall apply to landscaping within and around stormwater management basins covering more than 20,000 square feet in land area:
  - A. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
  - B. Trees and shrubs shall be planted around stormwater basins that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of two trees and 10 shrubs shall be required to be planted around the basin for every 100 linear feet of basin perimeter. Trees shall have an initial trunk diameter of two inches, measured six inches above the ground. Shrubs shall have an initial height of four feet.
  - C. Natural ground cover plant species shall be planted in the floors and slopes of the basin. These ground covers may include wildflowers, meadows or

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nonaggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the basin. The plantings shall provide a continuous cover over all earth areas of the basin. The plantings shall not interfere with the proper functioning of the basin, in the determination of the Borough Engineer.

(Ord. 800, 3/13/2012, §804)

### **§27-805. Nonconformities.**

1. **Proof and Registration of Nonconformities.** It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.
2. **Continuation of Nonconformities.**
  - A. A lawful nonconforming use, structure or lot as defined by this Chapter may be continued and may be sold and continued by new owners.
  - B. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this Section.
  - C. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.
3. **Expansion of or Construction Upon Nonconformities.** The following shall apply, unless the structure is approved under Subsection .4.
  - A. **Nonconforming Structure.**
    - (1) The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
      - (a) That such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity.
      - (b) That any expanded area will comply with the applicable setbacks in that district and other requirements of this Chapter, except as may be allowed under Subsection .A(3) below.
    - (2) In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.
    - (3) As a special exception, the Zoning Hearing Board may approve a reduction of up to 50% in a side or rear setback for an existing dwelling if the

applicant proves such setback is necessary to allow a customary addition of such dwelling or a replacement of an existing undersized dwelling with a new dwelling. This Subsection shall not allow a reduction in setback to increase the number of dwelling units on the lot, except for a unit for care of relative.

B. Nonconforming Lots.

- (1) Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
  - (a) The lot must be a lawful nonconforming lot of record.
  - (b) Minimum setback requirements shall be met.
  - (c) State and Federal wetland regulations shall be met.
  - (d) If a septic or well is used, the requirements for such shall be met.
- (2) Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Chapter shall not by itself cause such lot to be considered to be a nonconforming lot.

C. Expansion of a Nonconforming Nonresidential Use. A nonconforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- (1) An expansion of more than 5% in total building floor area shall require special exception approval from the Zoning Hearing Board under Part 1.
- (2) Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- (3) The (a) total building floor area used by a nonconforming use or the (b) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50% beyond what existed in the nonconforming use at the time the use first became nonconforming.
  - (a) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.

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- (4) Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Chapter, unless the Zoning Hearing Board grants a variance.
  - D. Expansion of a Nonconforming Residential Use. An existing nonconforming residential use may be expanded as a permitted by right use provided that: (1) the number of dwelling units or rooming house units are not increased, (2) the expansion meets all applicable setbacks, (3) no new types of nonconformities are created and (4) a nonconformity is not made more severe.
  - E. Nonconforming Sign. The provisions of this Chapter shall not provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Chapter. See also §27-707.
4. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: (A) the application for a building permit is submitted within 18 months after the date of damage or destruction, (B) work begins in earnest within 12 months afterward the building permit is issued and continues, and (C) no nonconformity may be newly created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
  5. Abandonment of a Nonconformity.
    - A. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
      - (1) As provided for in the “damaged or destroyed nonconformities” provisions of this Section in Subsection .4.
    - B. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
    - C. An existing lawful separate dwelling unit may be unrented for any period of time without being considered “abandoned” under this Chapter.
  6. Changes from One Nonconforming Use to Another.
    - A. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
    - B. A nonconforming use may be changed to a different nonconforming use only if approved as a special exception by the Zoning Hearing Board. However, special exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal

service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

- C. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
- (1) Traffic safety and generation (especially truck traffic).
  - (2) Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards.
  - (3) Amount and character of outdoor storage.
  - (4) Hours of operation if the use would be close to dwellings.
  - (5) Compatibility with the character of the surrounding area.
- D. A nonconforming use shall not be changed to a nonconforming adult use.

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

(Ord. 800, 3/13/2012, §805)

**§27-806. Dumpster Screening and Location.**

1. Site plans submitted to the Borough shall show the proposed location of any garbage dumpsters. The Borough may require that such proposed location be modified to provide compatibility with adjacent uses.
2. Garbage dumpsters of more than five cubic yards capacity shall be surrounded on all sides by a solid fencing, wall, landscaping and compatible gate with a minimum height of five feet if the dumpster would be visible from a street or another principally residential lot. This Section is not intended to regulate temporary dumpsters for construction or renovation debris, while a permitted while the work is active. This Section shall also not regulate the use of a dumpster on a lot developed with a building for up to 30 days per calendar year.

(Ord. 800, 3/13/2012, §806)

**§27-807. Portable Storage Containers.**

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1. This Section shall apply to a portable storage container that is kept outside of a building and which has a length greater than 10 feet and which is not currently attached to a motor vehicle or railroad and which is not part of a permitted industrial use.
2. The following regulations shall apply on a principally residential lot:
  - A. A portable storage container shall not be kept on a principally residential lot for a total of more than four months in any two-year period, unless it is being used as part of an active construction permit for the lot. A temporary zoning permit shall be required if the portable storage container is kept on the lot for more than 30 days.
  - B. A maximum of one portable storage container shall be allowed per lot.
3. On a lot that is not a principally residential lot, any portable storage container that is kept on a lot for more than 30 days shall meet the setbacks that apply to a principal building, unless it is necessary to temporarily hold materials for on-site construction.
4. The following shall apply to any portable storage container:
  - A. The container shall not obstruct safe sight distances at intersections.
  - B. The container shall not obstruct travel lanes of a street or a public sidewalk.
  - C. The container shall only be allowed to be placed within a street right-of-way if a permit for such placement is issued by the Borough. Such permit shall specify a maximum number of days during which the container may be placed within the right-of-way.
  - D. The container shall not be used to store hazardous, explosive or toxic substances or putrescent garbage.
  - E. A facility that stores portable storage containers that have been leased by others or are available for lease shall be considered a warehouse.

(Ord. 800, 3/13/2012, §807)

**PART 9**

**AIRPORT OVERLAY DISTRICT REGULATIONS**

**§27-901. Findings and Purposes.**

1. Findings. This Part recognizes that to prevent the creation or establishment of airport hazards, State law requires every municipality having an airport hazard area within its municipal borders to adopt, administer and enforce, airport zoning regulations for such airport hazard area. These regulations divide the area into zones and, within the zones, regulate the height to which structures may be erected or objects of natural growth may be allowed to grow.
2. Purposes.
  - A. To carry out the authority conferred by the PA Airport Zoning Act, in addition to the authority of the PA Municipalities Planning Code.
  - B. To recognize that an obstruction along an airport approach has the potential for endangering lives and property; and that an obstruction may affect approach minimums of an airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to impair the utility of an airport and the public investment therein.
  - C. To prevent the creation or extension of obstructions that could be a hazard to air transportation.

(Ord. 800, 3/13/2012, §901)

**§27-902. Airport Approach Definitions.**

The following definitions shall apply for the purposes of this Part:

**AIRCRAFT**—any contrivance, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.

**AIRPORT**—any other area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-ways, together with all airport buildings and facilities thereon. As used herein, the term “airport” includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this Section.

**AIRPORT ELEVATION**—the highest point of an airport’s usable landing area measured in feet above sea level. The elevation of the Lehigh Valley International Airport is 394 feet.

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**AIRPORT HAZARD**—any structure or object, natural or man-made, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined by “Airport Hazard” in 74 PA Cons. Stat. §5102.

**AIRPORT HAZARD AREA**—any area of land or water upon which an airport hazard might be established if not prevented as provided forth in this Part and the Act 164 of 1984 (PA Laws relating to aviation).

**APPROACH SURFACE**—a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in this Part. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

**APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL SURFACE ZONES**—these zones are set forth in this Part.

**CONICAL SURFACE**—a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

**DEPARTMENT**—PA Department of Transportation.

**FAA**—Federal Aviation Administration of the United States Department of Transportation.

**HEIGHT**—for the purpose of determining the height limits on all Airport Overlay District Zones set forth in this Part and shown on the Airport Surface Areas Map, the datum shall be mean sea level elevation unless otherwise specified.

**HORIZONTAL SURFACE**—a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal surface zone.

**LARGER THAN UTILITY RUNWAY**—a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

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

**NON-PRECISION INSTRUMENT RUNWAY**—a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

**OBSTRUCTION**—any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Part.

**PERSON**—an individual, firm partnership, corporation, company, association, joint stock association, governmental entity, or other legal entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

**PRECISION INSTRUMENT RUNWAY**—a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**PRIMARY SURFACE**—a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in this Part. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**PRIVATE AIRPORT**—an airport which is privately owned and which is not open or intended to be open to the public as defined in 74 PA Cons. Stat. §5102.

**PUBLIC AIRPORT**—an airport which is either publicly or privately owned and which is open to the public as defined in 74 PA Cons. Stat. §5102.

**RUNWAY**—a defined area on an airport prepared for landing and takeoff of aircraft along its length.

**STRUCTURE**—any man-made object having an ascertainable stationary location on or in land or water, or being mobile, whether or not affixed to the land, including without limitation, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines, but not including trellises, bird baths, mailboxes, and pole lights on residential properties.

**TRANSITIONAL SURFACES**—these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

**TREE**—an object of natural growth that may have a mature height greater than 40 feet.

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**UTILITY RUNWAY**—a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

**VISUAL RUNWAY**—a runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. 800, 3/13/2012, §902)

### **§27-903. Overlay District.**

The areas shown as “Part 77 Surfaces” on the Airport Surface Areas Map shall serve as component parts of the Airport Overlay Zoning District. The Airport Overlay Zoning District shall serve as an overlay to all of the applicable underlying zoning districts. The Airport Overlay District regulations shall apply in addition to the underlying district regulations. If the overlay and underlying district regulations conflict regarding the same matter, the regulation that is most restrictive upon use, height and development shall apply. A version of the Airport Surfaces Map provided by the State Bureau of Aviation is attached. Applicants are encouraged to consult any more detailed version (such as one showing contours or at a larger scale) that may be available from the Airport Authority.

(Ord. 800, 3/13/2012, §903)

### **§27-904. Airport Surface Zones.**

There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to an airport. Such zones are shown on the Airport Surface Areas Map prepared under the direction of the PA. Bureau of Aviation, which is incorporated herein by reference and thereby made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined on the Airport Surface Areas Map, which may also be known as the Airport Approach Zoning Map.

- A. **Utility Runway Visual Approach Surface Zone.** The zone is established beneath the visual approach surface. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The height limitation of this zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- B. **Transitional Surface Zones.** The transitional zones are established beneath the transitional surfaces adjacent to each runway and approach surface as

indicated on the Airport Surface Areas Map. See definition of “transitional surfaces” above.

- C. **Horizontal Surface Zone.** The horizontal zone is established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway designated as utility or visual or 10,000 feet radii for all other runways, from the center of each end of the primary surface. The horizontal zone does not include the approach surface and transitional surface zones. The height restrictions of this zone are established at 150 feet above the established airport elevation.
- D. **Conical Surface Zone.** The conical zone is established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet. The height limitations of this zone shall slope 20 feet outward for each foot upward beginning at the periphery of the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation.
- E. **Utility Runway Nonprecision Instrument Approach Surface Zone** shall be established beneath the nonprecision instrument approach surface. The inner edge of this zone coincides with the width of the primary surface and is 500 feet wide. The zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. The height limitation of this zone slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(Ord. 800, 3/13/2012, §904)

**§27-905. Airport Surface Zone Height Limitations.**

Except as otherwise provided in this Part, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Part to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question according to the Airport Surface Zones Map, as described above.

- A. **Forty Feet Height Exception.** Nothing in this Part shall be construed as prohibiting the construction or maintenance of any structure or tree to a height up to 40 feet above the surface of the land.

(Ord. 800, 3/13/2012, §905)

**§27-906. Airport Zoning Requirements.**

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1. **Activities That Conflict with Aircraft Operations.** No use shall be allowed in any airport approach zone that would: create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create high risk bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
  - A. The burden of proof shall be upon the Airport Manager or designee or State Bureau of Aviation to provide evidence to the Zoning Officer that such a condition exists. It is not the responsibility of the Borough to independently identify such hazards.
2. **Nonconforming Uses.**
  - A. **Regulations Not Retroactive.** The regulations prescribed by this Part shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part, or otherwise interfere with the continuance of any nonconforming use, except as provided in §27-907 (relating to permits and variances). Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part, and is diligently executed.
  - B. **Marking and Lighting.** In response to a specific written request from the Airport Authority staff that documents the need and the applicable part of these regulations, the owner of any existing nonconforming structure or tree may be required to permit the installation, operation, and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the zoning officer to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

(Ord. 800, 3/13/2012, §906)

### **§27-907. Airport Approach Permits and Variances.**

1. **Future Uses.** Except as specifically provided in Subsections A, B and C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted that would intrude into any zone created by this Part unless a zoning permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to permit a determination of whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If a determination is made that the proposal complies with this Part as well as other applicable Borough regulations, the permit shall be granted. No permit for a use inconsistent with the provisions of this Part shall be granted unless a variance has been approved in accordance with Subsection .4.

- A. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - B. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limit prescribed for such approach zones.
  - C. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zones, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic feature, would extend above the height limit prescribed for such transition zones.
  - D. A permit is not required under this Part to maintain, repair or replace parts of existing structures which do not result in any increase in the intrusion into an airport approach zone.
  - E. Airport and State Review. When a permit is requested for a use or structure that may intrude into the airport approach zones, the applicant shall be required to provide written notice of such application to the Airport Manager and the State Bureau of Aviation. As of 2011, such State review shall be accomplished by completing and submitting PennDOT Form AV-57, or its successor. No permit shall be issued unless a favorable review is provided by such entities or unless a minimum of 30 days has passed from the date such notice was received by such entities. The Zoning Officer is not obligated to issue a permit within 30 days, and may delay issuance while awaiting further evidence of compliance. The Zoning Officer shall rely upon any written determination by State Bureau of Aviation and/or other qualified credible professionals regarding whether there is compliance or not with the airport approach zoning regulations.
- 2. Existing Uses. Before any nonconforming structure that intrudes into the airport approach zones may be replaced, extended or rebuilt, a permit must be secured from the zoning officer. Such nonconforming structure or object shall not be allowed to extend into the airport approach zone by a greater extent than previously lawfully existed, unless a variance is approved.
  - 3. Nonconforming Uses Abandoned or Unstable. If the Zoning Officer is made aware that an existing structure that intrudes into the airport approach zones has become abandoned or that a tree that intrudes into the airport approach zones has died or become unstable, the Zoning Officer may require its removal by the owner of the property.

## ZONING

4. Variance. Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in violation of airport zoning regulations may apply for a variance from the zoning regulations in question pursuant to Part 1. A variance shall only be granted after the requirements of §27-111.4 are satisfied, in addition to the following standards:
  - A. Any variance may be granted subject to any reasonable conditions that the Zoning Hearing Board may deem necessary to serve the purposes of this Part and this Chapter. These conditions should include any reasonable mitigation measures recommended by the Federal Aviation Administration, Bureau of Aviation or the Airport Operator.
  - B. The Zoning Hearing Board shall notify the State Bureau of Aviation in writing of any decision to approve a variance to this Part. This notice shall be sent within 10 days after the decision.
  - C. Prior to submittal to the Borough, the applicant for a variance to this Part shall submit a written notice of such application to the Federal Aviation Administration, the State Bureau of Aviation and the Airport Manager (or equivalent position). The Zoning Hearing Board shall consider any written comments provided from such entities. As of 2011, the FAA required that the applicant submit FAA Form 7460 or its successor form. The Zoning Hearing Board shall not vote to approve the variance application unless a minimum of 30 days has passed after such submittals were received by such entities. The Zoning Hearing Board is not obligated to vote upon a variance after such 30 days, but instead shall make a decision within the timing allowed by the Municipalities Planning Code.
  - D. The Zoning Hearing Board in no case shall approve a variance where the Federal Aviation Administration and/or the Bureau of Aviation provide a written finding that the proposed structure would result in increased hazards to air travel.
5. Hazard Marking and Lighting. In granting any permit or variance under this Section, the Zoning Hearing Board may, as it deems advisable and reasonable under the circumstances, condition the approval or variance upon the owner of the structure or object in question installing, operating and maintaining such markers and lights as are consistent with guidelines or regulations adopted by the FAA. Such markers and lights shall be funded by the owner of such structure or object, unless specifically agreed upon otherwise.

(Ord. 800, 3/13/2012, §907)

### **§27-908. Zoning Hearing Board Authority Regarding Airport Approaches.**

The Zoning Hearing Board shall have the following additional authority: (A) to hear and decide appeals from any order, requirement, decision, or determination made by the

zoning officer in the enforcement of this Part; (B) to hear and decide any special exception approval authorized by the terms of this Part; and (C) to hear and decide specific variance requests to this Part.

(Ord. 800, 3/13/2012, §908)

