

Beaver

Borough of Koppel Zoning Ordinance

elibrary

RECEIVED

MAY 29 2013

BCPC

Borough of Koppel

Zoning Ordinance

Ordinance No. 390

Date: MAY 21, 2013

Borough of Koppel Zoning Ordinance

TABLE OF CONTENTS

ARTICLE I – GENERAL PROVISIONS

SECTION 101	TITLES
SECTION 102	ZONING PURPOSES
SECTION 103	RELATIONSHIP TO THE COMPREHENSIVE PLAN
SECTION 104	GENERAL PROVISIONS
SECTION 105	AUTHORITY AND APPLICABILITY
SECTION 106	COMPLIANCE
SECTION 107	INTERPRETATION
SECTION 108	USES FOR WHICH NO PROVISION IS MADE
SECTION 109	SEVERABILITY
SECTION 110	REPEAL
SECTION 111	EFFECTIVE DATE

ARTICLE II – DEFINITIONS

SECTION 201	INTERPRETATION
SECTION 202	MEANING OF WORDS
SECTION 203	DEFINITIONS

ARTICLE III – ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP AND GENERAL REGULATIONS

SECTION 301	ESTABLISHMENT OF ZONING DISTRICTS
SECTION 302	ESTABLISHMENT OF OVERLAY DISTRICTS
SECTION 303	ESTABLISHMENT OF THE ZONING DISTRICT MAP
SECTION 304	INTERPRETATION OF DISTRICT BOUNDARIES
SECTION 305	ZONING DISTRICT REGULATIONS
SECTION 306	EXPLANATION OF USE CATEGORIES
SECTION 307	APPLICATION OF REGULATIONS
SECTION 308	PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES
SECTION 309	LOT, YARD AND HEIGHT REQUIREMENTS

ARTICLE IV – ZONING DISTRICT REGULATIONS

SECTION 401	Establishment Of Zoning Districts
SECTION 402	Residential Zoning Districts
SECTION 403	R -1: Rural Residential Zoning District
SECTION 404	R -2: Medium Density Residential Zoning District
SECTION 405	R-3: High Density Residential Zoning District
SECTION 406	Commercial Zoning Districts
SECTION 407	C-1: Neighborhood Commercial Zoning District
SECTION 408	C-2: Highway Commercial Zoning District
SECTION 409	MU: Mixed Use Zoning District
SECTION 410	Industrial Zoning Districts
SECTION 411	M -1: Light Industrial Zoning District
SECTION 412	M -2: Heavy Industrial Zoning District

Borough of Koppel Zoning Ordinance

ARTICLE IV – ZONING DISTRICT REGULATIONS *(continued)*

SECTION 413	A: AGRICULTURAL ZONING DISTRICT
SECTION 414	ID: INTERCHANGE DEVELOPMENT ZONING DISTRICT
SECTION 415	VR: VILLAGE RESIDENTIAL ZONING DISTRICT
SECTION 416	VC: VILLAGE CENTER ZONING DISTRICT
SECTION 417	SC: SPECIAL CONSERVATION ZONING DISTRICT

TABLES 4-1 to 4-13	PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES
TABLE 4-14	LOT REQUIREMENTS

ARTICLE V – OVERLAY DISTRICT REGULATIONS

SECTION 501	ESTABLISHMENT OF OVERLAY DISTRICTS
SECTION 502	OVERLAY ZONING MAPS
SECTION 503	INTERPRETATION OF OVERLAY DISTRICTS
SECTION 504	APPLICATION OF OVERLAY DISTRICT REGULATIONS
SECTION 505	FP: FLOOD PLAIN OVERLAY DISTRICT
SECTION 506	AIR: AIRPORT OVERLAY DISTRICT

TABLE 5-1	PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES
------------------	---

ARTICLE VI – SUPPLEMENTARY REGULATIONS

SECTION 601	APPLICATION OF YARD REQUIREMENTS
SECTION 602	LOT AREA MEASUREMENT
SECTION 603	HEIGHT PROVISIONS
SECTION 604	BASEMENT STRUCTURES
SECTION 605	TEMPORARY STRUCTURES
SECTION 606	PERFORMANCE STANDARDS
SECTION 607	OFF-STREET PARKING
SECTION 608	OFF-STREET LOADING AND UNLOADING
SECTION 609	JOINT FACILITIES FOR PARKING OR LOADING
SECTION 610	DEVELOPMENT AND MAINTENANCE OF PARKING AREAS, STRUCTURES AND LOADING AREAS
SECTION 611	ACCESSIBLE PARKING REQUIREMENTS
SECTION 612	SIGNS
SECTION 613	SIGN PERMITS
SECTION 614	LIGHTING
SECTION 615	COMMUNICATION TOWERS AND ANTENNAS
SECTION 616	SEXUALLY-ORIENTED BUSINESSES
SECTION 617	SWIMMING POOLS
SECTION 618	RECREATIONAL VEHICLE STORAGE
SECTION 619	COMMERCIAL AND CONSTRUCTION VEHICLES
SECTION 620	EXOTIC, WILD OR DANGEROUS ANIMALS
SECTION 621	GASOLINE SERVICE STATIONS
SECTION 622	VEHICLE REPAIR AND SERVICE STATIONS
SECTION 623	INDIVIDUAL MOBILE HOMES

Borough of Koppel Zoning Ordinance

ARTICLE VI – SUPPLEMENTARY REGULATIONS *(continued)*

SECTION 624	KENNELS
SECTION 625	METHADONE TREATMENT FACILITIES
SECTION 626	OPEN SPACE FOR MULTI-FAMILY DEVELOPMENTS
SECTION 627	NO IMPACT HOME BASED BUSINESSES
SECTION 628	HOME OCCUPATIONS
SECTION 629	RECREATIONAL VEHICLE PARKS
SECTION 630	ESSENTIAL SERVICE INSTALLATIONS
SECTION 631	CONVERSION APARTMENTS
SECTION 632	BED AND BREAKFAST FACILITIES
SECTION 633	GROUP HOMES
SECTION 634	SATELLITE DISH ANTENNAS
SECTION 635	DRIVE THROUGH FACILITIES
SECTION 636	FORESTRY

ARTICLE VII – NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 701	INTENT AND PURPOSE
SECTION 702	NON-CONFORMING LOTS
SECTION 703	NON-CONFORMING USES OF LOTS
SECTION 704	NON-CONFORMING STRUCTURES
SECTION 705	NON-CONFORMING USES OF STRUCTURES
SECTION 706	REPAIRS AND MAINTENANCE
SECTION 707	NON-CONFORMITY DISTINGUISHED
SECTION 708	ADMINISTRATION

ARTICLE VIII – ADMINISTRATIVE PROVISIONS

SECTION 801	ZONING OFFICER
SECTION 802	DUTIES OF THE ZONING OFFICER
SECTION 803	ZONING PERMITS
SECTION 804	CERTIFICATES OF USE AND OCCUPANCY
SECTION 805	VIOLATIONS
SECTION 806	APPEALS
SECTION 807	FEES

ARTICLE IX – ZONING HEARING BOARD

SECTION 901	ZONING HEARING BOARD
SECTION 902	ADMINISTRATION AND PROCEDURE
SECTION 903	SPECIAL EXCEPTIONS
SECTION 904	VARIANCES
SECTION 905	NON-CONFORMING USES
SECTION 906	MEDIATION OPTION
SECTION 907	APPEALS
SECTION 908	SCHEDULE OF FEES

Borough of Koppel Zoning Ordinance

ARTICLE X – PLANNING COMMISSION

SECTION 1001 PLANNING COMMISSION

ARTICLE XI – CONDITIONAL USES

SECTION 1101 CONDITIONAL USES

ARTICLE XII – AMENDMENTS

SECTION 1201 AMENDMENTS
SECTION 1202 LANDOWNER CURATIVE AMENDMENT
SECTION 1203 MUNICIPAL CURATIVE AMENDMENT
SECTION 1204 AVAILABILITY OF ORDINANCES

ARTICLE XIII - ENACTMENT

SECTION 1301 ADOPTION

ARTICLE XIV - APPENDICES

ZONING MAP

Borough of Koppel Zoning Ordinance

ARTICLE I GENERAL PROVISIONS

SECTION 101 TITLES

101.1 LONG TITLE

An ordinance of Koppel Borough, Beaver County, Pennsylvania, to establish zoning regulations for the use of land, watercourses, other bodies of water, and structures; defining and regulating the size, height, bulk, location, erection, construction, repair, maintenance, alteration, demolition, area, intensity of use and dimensions of land, structures, and bodies of water for agriculture, business, environment, industry, residence, public service or other purposes; the density of population and intensity of use; the provision of design specifications and performance standards; the percentage of lot which may be occupied; the size of yards and other open spaces; the establishment of legislative, administrative, enforcement, and appeal procedures; and, the prescribing of remedies for violations.

101.2 SHORT TITLE

This ordinance shall be known and cited as the Borough of Koppel Zoning Ordinance.

SECTION 102 ZONING PURPOSES

102.1 The Borough of Koppel Zoning Ordinance has been written to reflect the provisions of the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended) in that zoning ordinances shall be designed:

102.1.1 To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and the proper density of population; emergency management preparedness and operations; airports and national defense facilities; the provisions of adequate light and air; access to incident solar energy; police protection; vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

102.1.2 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, and loss of health, life or property from fire, flood, panic or other dangers.

102.1.3 To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.

102.1.4 To provide for the use of land for residential housing of various dwelling types encompassing all forms of housing.

102.1.5 To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development for a variety of residential and nonresidential uses.

Borough of Koppel Zoning Ordinance

SECTION 103 **RELATIONSHIP TO THE COMPREHENSIVE PLAN**

103.1 This Ordinance is enacted to promote an orderly plan of development according to the goals and strategies of the North Central Beaver County Multi-Municipal Comprehensive Plan that was completed for Big Beaver Borough, Homewood Borough, Koppel Borough and New Galilee Borough. The Comprehensive Plan includes data on existing conditions with reasonable consideration to the existing character of the various areas within the municipalities and the respective suitability to particular uses.

SECTION 104 **GENERAL PROVISIONS**

104.1 The general purposes, which are the basis for the provisions and regulations of this Ordinance, are set forth in the North Central Beaver County Multi-Municipal Comprehensive Plan. The zoning regulations and districts set forth in this Ordinance are made in accordance with the Comprehensive Plan for the general welfare of the municipalities and the promotion of the health, safety, morals, convenience, and order of present and future residents of, Koppel Borough and are intended, but not limited, to achieving the following objectives:

104.1.1 To implement the policy goals and strategies of the North Central Beaver County Multi-Municipal Comprehensive Plan;

104.1.2 To build upon the heritage of the communities to create economic development opportunities;

104.1.3 To ensure the ongoing preservation of historic sites;

104.1.4 To continue to work cooperatively to ensure the efficient provision of services;

104.1.5 To promote the economic sustainability of the region;

104.1.6 To encourage innovative housing opportunities to meet the needs of residents and fulfill the unique requirements of the borough;

104.1.7 To implement long range transportation planning recommendations that address impacts related to new developments; and

104.1.8 To protect the rural character of the region by identifying target preservation areas;

104.1.9 To promote and maintain the region's right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment as our public natural resources are the common properties of all the people, including generations yet to come.

104.10 To protect and enhance Borough of Koppel's physical attractiveness and historic quality while allowing for reasonable growth and development.

104.11 To strengthen neighborhoods and to make all neighborhoods desirable, safe places to live.

104.12 to preserve and maintain the existing housing stock.

104.13 To encourage the conversion, rehabilitation, reuse and redevelopment of existing vacant and underutilized structures in a manner consistent with community goals and objectives.

104.14 To promote pride in ownership.

104.15 To assure housing affordability for people at various income levels throughout Beaver County:

Borough of Koppel Zoning Ordinance

- 104.16** To increase the quantity and quality of job opportunities through the creation of an environment which promotes and supports business and industry and attracts new investment.
- 104.17** To enhance Borough of Koppel's economic environment by providing adequate infrastructure for economic development and maintaining public policies and actions which support and promote economic development activity.
- 104.18** To increase the tax base in order to allow the Borough of Koppel to provide services and infrastructure and to be competitive in attracting new businesses and retaining existing businesses.
- 104.19** To strengthen Borough of Koppel as the commercial and cultural hub of Beaver County and to enhance its downtown vitality.
- 104.20** To increase the availability and quality of employment skills and training for the Borough of Koppel's residents.
- 104.21** To ensure that all residents in need of support services receive necessary assistance.
- 104.22** To strengthen the nurturing environment for children and youth in order to create a bright future for them.
- 104.23** To ensure that people of all racial and ethnic backgrounds participate in the planning and decision making process.
- 104.24** To promote education for residents so that they can handle the demands of the workplace and the demands of good citizenship.
- 104.25** To ensure overall public safety for all citizens.
- 104.26** To implement land use strategies which protect and enhance the built environment and contribute to the economic and aesthetic well-being of the community.
- 104.27** To promote the safe, efficient movement of people and goods.
- 104.28** To provide needed facilities and services, including the improvement of the Borough's parks through the implementation of the Parks and Recreation Plan for the Borough of Koppel.
- 104.29** To conserve energy, promote public awareness of energy issues and initiate energy-saving measures.
- 104.30** To increase intergovernmental, interagency and private sector collaboration in achieving the community's goals.
- 104.31** To carry out such other objectives for a zoning ordinance as are authorized by the Pennsylvania Municipalities Planning Code.

SECTION 105 AUTHORITY AND APPLICABILITY

- 105.1** This Ordinance is enacted pursuant to the authority contained in the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- 105.2** The provisions of this Ordinance shall apply to all zoning districts, lots, structures, land developments and subdivisions within the municipal boundaries of Koppel Borough, Beaver County, Pennsylvania.
- 105.3** This Ordinance is enacted pursuant to the express authorization granted and reserved for Municipal Corporations within the Commonwealth of Pennsylvania conferred by the Commonwealth of Pennsylvania's Consolidated Statute more commonly known as The

Borough of Koppel Zoning Ordinance

Borough Code Article XII Section 1201 Subsection (21), Zoning and land use regulations; building lines.

SECTION 106 COMPLIANCE

- 106.1** In all districts, after the effective date of this Ordinance, any existing land use, building, structure, or any tract of land which is not in conformity with the regulations of the district in which it is located, shall be deemed as nonconforming and be subject to the non-conforming regulations of this Ordinance.
- 106.2** No structure shall be located, erected, demolished, constructed, moved, altered externally, converted, or enlarged, nor shall any structure or land be used or be designed to be used, except in full compliance with all provisions of this Ordinance, and the subsequent lawful issuance of all permits and certifications required by this Ordinance.
- 106.3** 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, unless specifically provided for otherwise herein.
- 106.4** When a municipal boundary line divides a single-family lot, the proposed use is a continuation of the single-family dwelling and municipal property taxes are paid to the adjoining municipality, the zoning regulations of the adjoining municipality shall apply to the entire lot. In the event that the adjoining municipality declines to accept jurisdiction, then the zoning regulations of the Borough shall apply to that portion of the property within the Borough.
- 106.5** Where a zoning regulation addresses impact on or distance from a residential district, the regulation and the determination of impact/distance shall include and consider any residential district within the Borough of Koppel or an adjoining municipality.

SECTION 107 INTERPRETATION

- 107.1** In interpreting and applying the provisions of this Ordinance, these provisions shall be held to the minimum requirements.
- 107.1.1** It is not intended by this Ordinance to interfere with, or abrogate or annul, any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any provisions of this Ordinance, or which shall be adopted or issued, except those specifically or implicitly repealed by this Ordinance, or any private restriction placed upon property by covenant, deed, or other private agreement, unless contradictory or inconsistent with the provisions of this ordinance;
- 107.1.2** Whenever this Ordinance imposes a greater restriction upon the use of buildings or premises, open spaces or lot areas, or imposes higher standards other than those which are required in, or under, any other statute, the provisions of the regulations made under the authority of this Ordinance shall govern; and,
- 107.1.3** Provisions in any other ordinances that are concerned with design standards and which are enacted and administered for Koppel Borough shall not be considered to be in conflict with the provisions of this Ordinance.

Borough of Koppel Zoning Ordinance

SECTION 108 USES FOR WHICH NO PROVISION IS MADE

108.1 Whenever, in any district established under this Ordinance, a use is not specifically permitted and an individual makes an application to the zoning officer for such use, the zoning officer shall refer the application to the Zoning Hearing Board, which shall have the authority to permit or deny the proposed use. The use may be permitted if it is similar to, and compatible with, permitted uses in the district and in no way is in conflict with the general; purpose and intent of this Ordinance or any provisions permitting the same, provided that the same shall comply and follow all requirements of this Ordinance.

SECTION 109 SEVERABILITY

109.1 It is hereby declared to be the intent of the governing body of Koppel Borough that:

109.1.1 If any provision, article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason held to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which shall continue to be separately and fully effective; and,

109.1.2 If the application of any provision or provision of this Ordinance to any lot, building or any other structure or tract of land is found to be invalid or ineffective, in whole or in part, by a court of competent jurisdiction, the effect of such a decision shall be limited to the person, property or situation immediately involved in the controversy and the application of any such provisions to other persons, property or situations shall not be affected.

SECTION 110 REPEAL

110.1 Any resolution or ordinance, or any part of any resolution or ordinance in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict.

SECTION 111 EFFECTIVE DATE

111.1 This Ordinance shall take effect on the _____ day of _____, 20__.

Borough of Koppel Zoning Ordinance

ARTICLE II DEFINITIONS

SECTION 201 **INTERPRETATION**

- 201.1** For the purpose of this Ordinance, the following rules shall apply:
- 201.1.1** The particular shall control the general.
 - 201.1.2** The words "shall" and "will" are mandatory; the word "may" is permissive.
 - 201.1.3** If there is a difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 - 201.1.4** Words used in the present tense include the future tense.
 - 201.1.5** The singular includes the plural and the plural the singular.
 - 201.1.6** The terms "occupied" or "used" shall be construed to be followed by the words or intended, arranged or designed to be occupied or used.
 - 201.1.7** The words "person" and "developer" include an individual, corporation, partnership, trust, company or association or any other similar entity.
 - 201.1.8** The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of similar kind and character.
 - 201.1.9** The masculine shall include the feminine and the neuter.

SECTION 202 **MEANINGS OF WORDS**

- 202.1** Unless otherwise expressly stated, the following words, for the purpose of this Ordinance, shall have the meaning herein indicated. When terms, phrases or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words generally found in legal terminology shall be considered to have meanings in this Ordinance similar to their generally held definitions in the Court of Law. Words not defined in this Ordinance, but found in ordinances enacted by the municipality, shall also apply to this Ordinance.

SECTION 203 **DEFINITIONS**

Abandoned Vehicle – Any vehicle that is not in a building or garage and which does not have a current Pennsylvania registration and / or a current safety inspection sticker. This term shall not apply to any vehicle or equipment used in the normal operation of a farm owned or leased by the person farming the land or upon the property of a state authorized automotive repair facility.

Abandonment – An intentional and absolute relinquishment and cessation of a use for any period of time without intention to resume said use or the voluntary discontinuance of a use for a continuous period of one (1) year or more without reference to intent. Commercial or industrial abandonment shall be measured from the date of the last record of sale or occupancy, whichever occurs first, and residential abandonment shall be measured from the last date of occupancy.

Borough of Koppel Zoning Ordinance

Accessory Use – An accessory use is one which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principal structure or use. A subordinate use which is clearly incidental and related to that of a principal structure or principal use of the lot or site. Accessory use or combination of accessory uses may not occupy more than twenty (20) percent of the rear and side yards.

Accessory Structure – A detached, subordinate structure the use of which is clearly incidental to the principal structure or use of the lot.

ADA – The Americans with Disabilities Act and all federal regulations promulgated pursuant thereto.

Adult Arcade – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained, not located within viewing booths, to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore / Video Store – A commercial establishment that offers for sale or rental for any form of consideration anyone or more of the following: (1) books, magazines, periodicals or other printed matter which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; (2) photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which depict or describe specified sexual activity or specified anatomical areas; or (3) sexually oriented devices, instruments, or paraphernalia which are designated for use in connection with specified sexual actions; and meets at least one of the following criteria:

- a. More than thirty (30) percent of the floor area is devoted to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions (not including storerooms, stock areas, bathrooms, basements, or any other portion of the business not open to the public);
- b. More than thirty (30) percent of the gross sales (including rentals) result from the sale or rental of adult media instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions;
- c. More than thirty (30) percent of the dollar value of all merchandise displayed at any time is attributable to adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions;
- d. More than thirty (30) percent of all inventory consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions at any time;
- e. More than thirty (30) percent of the merchandise displayed for sale consists of adult media or instruments, devices, or paraphernalia which are designated for use in connection with specified sexual actions; or
- f. More than thirty (30) percent of the stock in trade consists of such items at any time.

Borough of Koppel Zoning Ordinance

Adult Cabaret – A nightclub, bar, restaurant or similar commercial establishment which features: (1) persons who appear in the state of nudity; (2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (3) films, motion pictures, video cassettes, slides, or other photographic reproductions or visual presentations of any other kind that are characterized by the depiction or description of specified anatomical areas or by specified sexual activity.

Adult Day Care Facility – A single-family dwelling for not more than 5 persons, 18 years of age or older, at any given time, who do not require care for chronic, convalescent, medical, or nursing issues, beyond care normally provided in a home setting, but require supervision due to physical and / or mental disabilities, that clearly provides for the normal care and safety of such persons within the facility for periods of less than 24 hours. The facility must be licensed by the Commonwealth and conducted in accordance with Commonwealth requirements.

Adult Drive-In Movie Theater – An outdoor movie theater attended primarily by patrons in their automobiles, used for presenting material, in any form or media distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical area for observation by patrons therein.

Adult Entertainment – An exhibition of any adult-oriented motion pictures that are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. This also includes a live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered to customers.

Adult Live Theater – A theater, affair, hall, auditorium, or similar commercial establishment which regularly features persons who appear in the state of nudity or semi-nudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Adult Motel – A hotel, motel or similar commercial establishment which: offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or, offers sleeping rooms for rent for a period of time that is less than ten hours; or, allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Adult Motion Picture Theater – A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Borough of Koppel Zoning Ordinance

Adult Oriented Establishment – The term includes any use meeting the definition for this term in Title 68, Chapter 55 of the Pennsylvania Consolidated Statutes, as amended, and without limitation, the following establishments when operated for profit, whether direct or indirect: adult bookstores; adult motion picture theaters; adult mini-motion picture theaters; adult drive-in movie theaters; adult motels; massage parlors; any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, a patron or a member. Motion pictures shall include material, chat rooms and other material available through the internet and motion pictures or videos available through cable, satellite or other television services on computers or equipment used in the establishment; and an adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

The term booths, cubicles, rooms, studios, compartments or stalls, for purposes of defining adult-oriented establishments, does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other entertainment for a fee, and which are not open to any persons other than employees.

Adult Retail Establishment – A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an adult bookstore / video store, if a substantial or significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. Substantial or significant portion shall be construed to meet at least one of the criteria established for adult bookstore / video store.

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

Agricultural Building – A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Such structure shall not be a place of human habitation or a year-round place of employment where agricultural products are processed, treated, packaged; nor shall it be a building or structure open year-round for use by the public. A farmer's market building will be considered an agricultural building so long as it is located on the farmstead where the products are grown.

Agricultural Operation – An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock,

Borough of Koppel Zoning Ordinance

livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Agriculture – The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

Alley, Lane, or Way – A permanent public service way providing only secondary means of access to the rear or side of an abutting property and which may be used for public utility purposes, but is not intended for general traffic circulation. No principal building / structure shall have its frontage on an alley.

Alteration, Structural – Any change or rearrangement of supporting members of a building or structure such as bearing walls, columns, beams or girders, joists or rafters, enclosing walls, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Air Rights – The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development that is necessary or legally required for the full and free use of the ground surface.

Airport – An 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 way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.

Private Airport – An airport that is privately owned and which is not open or intended to be open to the public.

Public Airport – An airport that is either publicly or privately owned and is open to the public.

Amateur Radio Antenna – the arrangement of wires or metal rods used in the sending and receiving of electro-magnetic waves.

Amateur Radio Station – a radio station operated in the Amateur Radio Service under license by the Federal Communications Commission.

Amateur Radio Antenna Support Structure – any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electro-magnetic waves (by Federally licensed amateur radio operators).

Amusement Park – An establishment existing primarily for entertainment purposes and offering rides and exhibitions for a fee.

Amusement / Recreation Center – An establishment that is not sexually oriented and offers recreation, entertainment, or games to the general public for a fee or charge.

Borough of Koppel Zoning Ordinance

Indoor Amusement Center – An entirely enclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include bowling alleys, athletic courts, indoor swimming pool, movie theaters, playhouses, indoor golf centers, indoor batting cages or any other similar use.

Outdoor Amusement Center – A partially or entirely unenclosed facility operated as a commercial venture providing a source of amusement, entertainment, or recreation that may include miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

Animal – All non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.

Animal Equivalent Unit – One thousand (1,000) pounds of animal weight as designated under the Pennsylvania Nutrient Management Act.

Animal Feeding Operation (AFO) – An animal housing facility that stables, confines, and feeds or maintains animals for a total of forty-five days or more in any twelve month period including the facility areas that do not sustain vegetation.

Animal Husbandry – The raising, breeding, keeping or care of farm animals or livestock, including fowl or insects, for meat, by-products or other utility that is intended as a business or gainful occupation, or any keeping or animals for any reason beyond what is allowed in a permitted stable or kennel or under the keeping of pets. This term shall not include a bulk commercial slaughterhouse or a central commercial stockyard for animals awaiting slaughter.

Animal Shelter – Governmental or private organizational facilities that provide temporary homes for stray, surrendered, or abandoned pet animals until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized.

Applicant – A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

Application for Development – Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development including, but not limited to an application for a building permit for the approval of a subdivision plan or for the approval of a development plan.

Arena – A completely enclosed structure with fixed seating for not more than 20,000 persons which is designed to accommodate sporting, entertainment and assembly events and which may include accessory dining and retail uses. An arena may be operated by a public or private agency, authority or corporation.

Architect – An individual registered by the Commonwealth of Pennsylvania as a licensed architect.

Art, Craft, or Antique Shop – Retail establishments specializing in the sale of handmade, primitive, historical, and cultural items and artifacts.

Borough of Koppel Zoning Ordinance

Art Gallery / Museum – A facility used for the collection, display and / or distribution of objects of art or science and which is typically sponsored by a public or quasi-public agency and generally open to the public.

Assisted Living Facility – A facility designed to provide individual dwelling units for elderly persons who are independently mobile and are not in need of the level of service provided by a personal care home, which provides on-site supervision and assistance available to residents on occasional, "as needed" basis, and where at least one meal each day is provided in a common dining area and which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call systems, common dining facilities, transportation facilities, minimal housekeeping facilities, common leisure, recreational facilities, transportation services and similar supporting services for the convenience of the residents.

Authority – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 164), known as the Municipality Authorities Act of 1945.

Automobile Auction – A facility that auctions motor vehicles to automobile dealers and not to the general public.

Automobile Detail – Any building, premises, or land in which or upon which a business or individual performs or renders a service involving the detailing and servicing of an automobile or other motor vehicle. Detailing and servicing shall include any cleaning, buffing, striping, glass replacement, and audio installation or repair. Automobile detail shall not include any service defined as automobile repair.

Bakery – An establishment used for the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site.

Bank / Financial Institution – An establishment that provides services such as retail banking, collection services, loan services, and tax and investment services to individuals and businesses. This use does not include check-cashing businesses.

Banner – A sign intended to be hung either with or without a frame possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignias or political, professional, religious, education, or corporate organizations providing that such flags, emblems, and insignias are displayed for noncommercial purposes.

Barbershop / Beauty Salon – An establishment where one or more persons engage in the practice of barbering or cosmetology including, but not limited to, shampooing, cutting, and dressing hair, or other beauty treatments such as facials and manicures.

Basement – That portion of a building or structure that is partly or completely below grade. This room does not count as a story, nor can it be used as a dwelling. It shall be considered a building story if more than thirty-three and one third (33-1/3) percent of the perimeter walls extend five (5) feet or more above grade and if the net area of the door or window openings in the exterior walls is at least equal to ten (10%) percent of the enclosed floor area.

Borough of Koppel Zoning Ordinance

Bath House – An establishment or business that provides the services of baths or spas of all kinds, including all forms and methods of hydrotherapy during which specified anatomical areas are displayed but no specified sexual activity occurs.

Beacon – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot or site as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Inn – An owner-occupied single family dwelling that contains not more than ten (10) guest bedrooms used for providing overnight accommodations to the public, not to exceed ten consecutive days, and in which breakfast is the only meal served and is included in the charge for the room.

Bicycle Sales and Service – an establishment where bicycles are sold to the public and technical and mechanical services are offered. This also includes the selling of after-market accessories such as helmets, clothing and tools.

Billboard – An off-premises sign which advertises an establishment, an activity, a person, a product, or a service which is unrelated to or unavailable on the premises on which the sign is located through which the advertising matter of any character is printed, posted or lettered and may be either free standing or attached to the surface of a building or other structure, or applied directly to the surface.

Boarding House (includes Rooming House) – A one (1) family dwelling occupied by the landowner thereof, and the landowner's family, if applicable, in which building the landowner lets or provides for compensation rooms for the lodging of not more than two (2) individuals and the total number of such persons residing in the building, including the landowner, the family of the landowner, and boarders, exceeds three (3) persons.

Rooming House – A building other than a fraternity, sorority, hotel, motel or one-family dwelling, in which the owner provides for compensation or lets rooms for lodging of four (4) or more individuals, and the owner does not reside therein.

Boat and Marine Sales / Service – Any building or lot used for the maintenance, servicing, repair or painting of boats or other related water craft.

Bore Holes – Structures and appurtenant facilities to permit the introduction from the surface to underground mining operations, or in some cases the removal from underground mining operations to the surface, of electric power, water (with or without treatment facilities), rock dust for safety purposes, communicating lines, compressed air, methane, and other items to facilitate the mining and removal of coal.

Bottle Club – An establishment operated for profit or pecuniary gain which is not licensed by the Pennsylvania Liquor Control Board and admits patrons upon payment of a fee, cover charge or membership fee and in which alcoholic liquors, alcohol or malt or brewed beverages are not legally sold but where alcoholic liquors, alcohol or malt or brewed beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or are brought into or kept at the establishment by patrons or persons assembling there for use and consumption. The term shall not include a licensee under the Liquor Code

Borough of Koppel Zoning Ordinance

and the permissibility of a use of land involving, to any extent, a bottle club shall be determined according to the principal intended use. This term is to include BYOB Club.

Brewery Pub – A facility licensed by the Commonwealth of Pennsylvania and conducted in accordance with Commonwealth requirements where malt or brewed beverages are manufactured on site. The facility may sell, transport and deliver malt beverages to various off-site locations, however, the majority of the manufactured malt or brewed beverage products are sold and consumed on-premises.

Broadcasting Studio (Radio and Television) – Any premises or station authorized by the appropriate regulating agency used for the purpose of providing broadcasting services for general reception.

Buffer Area – A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Ordinance, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Ordinance.

Buildable Area – The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building – Any structure having enclosing walls and roofs and requiring a permanent location on the land.

Accessory Building – A detached building customarily incidental and subordinate to the principal building and located on the same lot.

Principal Building – A building in which is conducted the principal use of the site or lot on which it is situated. In all residential districts, any dwelling shall be deemed to be a principal building on the lot on which it is located.

Building Height – The vertical distance measured from the average elevation of the proposed finished grades immediately adjacent to the front lot line to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height between eaves and ridge for gable, hip and gambrel roofs. If there are two or more separate roofs on a single building, the height of such building shall be calculated from the highest roof.

Building Material Facility – A facility for the sale of home, lawn and garden supplies and tools and construction materials such as brick, lumber, hardware and other similar materials either within or without an enclosed building.

Building Setback Line – An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way of a lot line. The face of the building includes basements, decks, sunrooms, foyers, bay windows, porches, patios with footers, projecting eaves and overhangs, dormers, and any other solid projections and solid entrances. Walks, terraces, and uncovered steps or stoops attached to a structure are exempt. Building lines shall also apply to all accessory buildings and structures except for signs, fences, and walls and shall apply to all yard lines.

Borough of Koppel Zoning Ordinance

Bus / Other Transit Shelter – A covered structure at a bus or other transit stop providing protection against the weather.

Bus / Other Transit Terminal, Depot, and Passenger Station – A facility, including terminals, depots, and passenger waiting, loading, and unloading stations of bus and other transit companies and districts. This term shall include both public and private entities that provide transportation services primarily for people, but which may include freight transport services incidental to its principal service. This term shall not include bus or other transit passenger stops or the long-term parking of busses.

Bus / Other Transit Stop – A place on a bus or other transit route, usually marked by a sign, at which buses or other transit vehicles stop for passengers to load and unload.

Bus / Other Transit Vehicle Maintenance / Storage – A facility providing any and all types of general or specialized maintenance services or storage areas for buses and other transit vehicles of a transit company or district, public or private, providing transportation services primarily for people, but which may transport freight as an incidental service.

Campground – A publicly or privately owned site designed, designated, maintained, intended or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents, shelters or recreational equipment / vehicles open to the public for free or for a fee.

Canopy – A roof-like structure either projecting from a building facade and open on three sides, or standing alone and open on four sides, and used for the purpose of protecting pedestrians and motorists from weather related elements.

Carnival – A temporary traveling commercial exhibition that includes amusement activities, including but not limited to amusement rides, menageries, animal shows, exhibitions, games, and / or food and beverage stands which are open to the public for admission to which a fee is charged. Amusement ride means a mechanical device that carries passengers along, under, around, through or over a fixed course, or within a limited area, for the amusement of the passengers, and includes but is not limited to a merry-go-round or Ferris wheel.

Carport – An open space for the storage of one (1) or more vehicles in the same manner as a private garage, that may be covered by a roof supported by columns or posts, except that one (1) or more walls may be the walls of the main building to which the carport is an accessory structure.

Car Wash – Any building, site or premise or portions thereof, used for washing or reconditioning the interior or exterior of automobiles. A car wash shall include self-operated facilities not requiring attendants or employees, but shall not include incidental one-bay washing facilities in an automobile repair or service station where such facilities are incidental to the operation of said automobile repair or service station.

Catering Business – An establishment used for the preparation and delivery of food and beverages for off-site consumption. This establishment may provide for on-site pickup but may not provide for on-site consumption.

Borough of Koppel Zoning Ordinance

Cemetery – Land used or intended to be used for the burial of the deceased, including columbariums, crematory, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries.

Centerline – An imaginary line running parallel to street or easement right-of-way lines and equidistant from the lines on each side of the street or easement, or a line following the center of a physical feature such as a stream.

Certificate of Use and Occupancy – A certificate issued by the duly authorized representative of the municipality upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

Child Day Care Facility – A facility which provides child care and / or instruction for seven or more children unrelated to the care giver for less than 24 hours a day and where tuition, fees or other form of compensation is charged or assistance received and which is subject to licensing and / or approval by the Commonwealth of Pennsylvania. This definition shall include Child Day Care Centers and Family Day Care Homes but shall not apply to public, private or parochial school systems.

Child Day Care Center – A facility in which care is provided for seven (7) or more children at any one time where the child care areas are not being used as a family residence.

Family Day Care Home – Any single family residence, other than the child's own home, in which child day care is provided at any time for up to six (6) children who are not relatives to the care giver where the child care areas are being used as a family residence.

Circus – A temporary traveling show or exhibition that has no permanent structure or installation, typically presented in one or more tents or in an outdoor or indoor arena, which entertains the public by the provision of performances such as feats of skill or daring by humans or animals, displays of pageantry, amusement rides, exhibitions, games, and / or food and beverage stands.

Clearcutting – The indiscriminant, or complete, removal of all trees on a site, or any portion thereof greater than one-half (0.5) acre in a contiguous area, during a single timber harvesting operation or within a five (5) year period.

Clinic – An establishment that provides patient care services, including but not limited to, medical, dental, psychological, and / or social services on an outpatient basis.

Clothing / Wearing Apparel Sales and Service – The retail sales and service of clothing and wearing apparel typically found in clothing stores, tailors, shoe stores, shoe repair stores, and jewelry stores.

Club – An organization catering exclusively to members and their guests including premises and / or buildings for social, recreation, and administrative purposes that are not conducted for profit providing also that vending stands, merchandising or commercial activities are not conducted

Borough of Koppel Zoning Ordinance

except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, social and athletic clubs.

Coal Mining Activities – Surface mining activities, underground mining activities, coal preparation activities or coal refuse disposal activities as defined in this ordinance.

Coal Preparation Activity – An operation in which coal is subject to chemical or physical processing or cleaning, concentrating or other processing or preparation. This includes any facility associated with the coal preparation activity and the activity by which the land surface has been, or is disturbed as a result of, or incidental to coal preparation activity of the operator, including, but not limited to private ways and roads appurtenant to the area, land excavations and loading facilities; storage and stockpile facilities; water treatment / storage facilities; settling basins and impoundments; and, areas in which are situated facilities, equipment, machines, tools or other materials or property that result from or are used in the coal preparation activity.

Coal Processing Waste – Earth materials that are separated and wasted from the product coal during cleaning, concentrating or other processing or preparation of coal.

Coal Refuse Disposal – Any waste coal, rock, shale, slurry, culm, gob, boney, slate, clay and related materials, associated with or near a coal seam, which are either brought aboveground or otherwise removed from a coal mine in the process of mining coal or which are separated from coal during the cleaning or preparation operations. The term includes underground development wastes, coal processing wastes, excess spoil, but does not mean overburden from surface mining activities.

Coal Refuse Disposal Activities – Activities whereby a plot of land is used as a place for disposing, dumping or storage of coal refuse. These areas may include land thereby affected, including, but not limited to, a deposit of coal refuse on or buried in the earth and intended as permanent disposal of or long-term storage of the material, but not including coal refuse deposited within an active mine itself or coal refuse never removed from a mine. The term includes activities in which the natural land surface has been disturbed as a result of or incidental to the coal refuse disposal activities of the operator, including, but not limited to, private ways and roads appurtenant to the area, land excavations, workings, tailings, repair areas, storage areas, processing areas, shipping areas and areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in coal refuse disposal activities are situated.

Coal Tipple (and Cleaning Plant) – Structures and facilities usable and useful for the bringing of coal and other substances from mines to the surface, for the storing of coal (including the separation of waste material and moisture there from), for the processing and classifying of coal and for the storage and loading of said coal for movement off the premises.

Commercial Motor Vehicle – A motor vehicle or combination of motor vehicles used in commerce, to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; (2) has a gross vehicle weight rating of 26,001 or more pounds; (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the

Borough of Koppel Zoning Ordinance

Hazardous Materials Transportation Act, 49 USCA §5101 et seq. and which require the motor vehicle to be placarded under the hazardous materials regulations 49 CFR, Chapter 173.

Commercial Motor Vehicle Repair – Any building, premises, and land in which or upon which a business, service, or industry performs or renders a service involving the maintenance, servicing, repair, or painting of a commercial motor vehicle.

Common Area – Any parcel or portion of a parcel within a subdivision or land development which does not constitute a dwelling site or contain within it a dwelling site which has not been offered for dedication to the township and which is intended to be used by the owners of more than one dwelling unit within a subdivision or land development to provide facilities such as stormwater management, open space, streets, recreational facilities, etc. serving the needs of more than one dwelling unit.

Communications Antenna – Any device used for transmission or reception of radio, television, cellular telephone, pager, commercial mobile radio service, or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device.

Communications Co-location – The act of installing wireless communications equipment, from more than one provider, on a single tower, building, or structure.

Communications Equipment Building – An unmanned building containing communications equipment required for the operation of communications antennas and covering an area on the ground not greater than two hundred fifty square feet.

Communications Tower – A structure, other than a building, including any guy wires principally intended to support facilities for receipt or transmission of broadcast for commercial or public VHF and UHF television, FM radio, two-way radio, common carriers, cellular telephone, fixed point microwave, low power television, or AM radio, including accessory equipment related to telecommunications. Not included are antennae and supportive structures for private, noncommercial and amateur purposes including but not limited to ham radios and citizen band radios.

Communications Tower Height – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Community Center – A structure or area used for fraternal, social, cultural, and / or recreational programs generally open to the public and designed to serve significant segments of the local community.

Comprehensive Plan – The adopted public document for Big Beaver Borough, Homewood Borough, Koppel Borough, and New Galilee Borough, Beaver County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the municipality. The Comprehensive Plan is also known as the North Central Beaver County Multi-Municipal Comprehensive Plan.

Borough of Koppel Zoning Ordinance

Concentrated Animal Operation (CAO) – A property with more than two (2) animal equivalent units per acre. These operations must have and implement an approved nutrient management plan that has been approved by a County Conservation District or the State Conservation Commission.

Concentrated Animal Feeding Operation (CAFO) – An operation that is: (1) any livestock or poultry facility with more than one thousand animal equivalent units; (2) an operation with three hundred and one to one thousand animal equivalent units that are CAO's; or (3) any other agricultural operation with a discharge to surface waters. CAFO's fall under the authority of the Federal Clean Water Act and the National Pollutant Discharge Elimination System regulations and must have and implement Nutrient Management Plans and Erosion and Sedimentation Control plans.

Conditional Use – A use which is not appropriate to a particular zoning district as a whole, but which may be permitted in a particular zoning district pursuant to the provisions in the MPC and the provisions set forth within this Ordinance. Conditional uses are allowed or denied by the Governing Body after recommendations by the Planning Commission.

Condominium – Real estate that meets the requirements for a condominium as stated in the State Uniform Condominium Act, and which involves portions held in separate ownership, and other portions held in common ownership by all of the owners of the portions.

Continuing Care Facility – A residential facility, licensed by the Commonwealth of Pennsylvania, consisting of either a single building or a group of buildings, under common or related ownership, located on a single lot or on contiguous lots, without reference to contiguous streets, containing two or more of the following services: assisted living facility; home and community based services facility; housing for the elderly; independent living facility; nursing home; personal care home; personal support services for a continuing care facility; skilled nursing facility.

Home and Community Based Services Facility – A facility which provides services designed to assist elderly or disabled persons, including services such as a wellness center, therapeutic pool, geriatric assessment, rehabilitation, home health care, meals on wheels, and transportation services.

Personal Support Services for a Continuing Care Facility – Services provided to residents of a continuing care facility, located within a main building, such as beauty shop, barbershop, gift shop, pharmacy, bank, and laundry and cleaning services and facilities.

Convenience Store – A retail establishment with a sales area of five thousand square feet or less offering for sale food products, household items, newspapers, magazines, or freshly prepared foods that may be available for on-site or off-site consumption. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing and the sale of liquefied petroleum gas and/or gasoline, but shall not include the repair or service of vehicles. Convenience stores shall not exceed more than four (4) fuel islands or more than eight (8) fueling positions.

Borough of Koppel Zoning Ordinance

Convenience Store Selling Gasoline – Retail establishments meeting the criteria for a Convenience Store that have more than four (4) fuel islands or more than eight (8) fueling positions on the premises.

Convention and / or Exposition Center – A facility in a completely enclosed building used for corporate, trade and professional meetings, seminars training, trade shows and / or exhibition of products and technology and which may include supporting dining, lodging and recreational facilities as accessory uses.

Conversion Apartment – A dwelling unit established from a portion of a larger unit, containing all the facilities normally found in a dwelling including adequate heat, light, ventilation, and means of egress.

Copying and Printing Service – An establishment that provides copying, printing, typesetting and related clerical services and / or the retail sales of supplies used for copying and printing. This does not include commercial publishing or printing businesses or retail sales of copy machines.

Correctional Facility – A publicly or privately operated facility housing persons awaiting trial, serving a sentence after being found guilty of a criminal offense, being within the jurisdiction of a Federal, State or local probation, parole or corrections agency and / or receiving treatment other than at a hospital while under the jurisdiction of such authority or agency. The term shall include but not be limited to jails, prisons, juvenile detention centers, work release centers, pre-release centers and treatment centers.

Country Inn – An establishment that contains not more than twenty guest bedrooms in which lodging, not to exceed fourteen consecutive days, is provided for compensation and where breakfast and other meals for lodgers may also be provided. Restaurant facilities may be open to the general public.

County – Beaver County, Pennsylvania

County Planning Commission – The Planning Commission of Beaver County, Pennsylvania.

Court – An open, unoccupied and uncovered space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court (courtyard) is usually bounded by three or more walls of an attached building.

Covenant – An agreement legally binding successor owners of a property to certain conditions regarding use of property stipulated by the original owner.

Coverage – The extent to which a permitted structure occupies its lot, expressed most commonly as the percentage of the ground area occupied by the structure to the total lot area.

Crematorium – an establishment containing a crematory furnace for reducing dead bodies, either animal or human, to ashes by burning.

Cropland – Land used for the production of adapted crops for harvest, along or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops and other similar specialty crops.

Borough of Koppel Zoning Ordinance

Cul-de-Sac – A street closed at one end with a vehicular turn around provided at the closed end.

Cut – The extraction of previously undisturbed earth material in the process of grading.

Detention Basin – A vegetative basin designed to drain completely after storing runoff only for a given stormwater event and releasing it at a predetermined rate.

Developable Land – That land proposed for development which excludes therefrom all portions thereof (1) dedicated or to be dedicated or devoted for use as public or private streets, (2) dedicated or to be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities, (3) defined by the Pennsylvania Department of Environmental Protection as wetlands, (4) defined by appropriate Federal or State agencies as being within a 100-year floodplain and (5) having a slope in excess of twenty-five (25) percent.

Developer – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Development of Regional Significance and Impact (DRI) – Any land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Development Plan – The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, way and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Distribution Facility – Any premises or part thereof, which provide logistic support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution.

Domestic Animal – Every animal domesticated by man so as to live and breed in a tame condition.

Domiciliary Care Home – A single-family dwelling certified by the Commonwealth (Department of Aging) for the purpose of providing a supervised living arrangement in a homelike setting for no more than three (3) adults who are disabled physically, mentally, emotionally or are aged persons and who are not relatives of the operator and are unable to live alone for a period exceeding 24 consecutive hours. These facilities must meet state and federal fire, safety, health, sanitary and program standards.

Drive-thru Establishment – An establishment which offers in-car service or takeout service including, but not limited to, financial institutions, food stores, and restaurants, but not including drive-in theaters.

Driveway – An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

Borough of Koppel Zoning Ordinance

Dry Cleaner – An establishment that is primarily engaged in dry cleaning and laundry services including the pressing, repair, and dry cleaning of clothing, apparel, or other fabric, other than personal services directly to a consumer.

Dwelling – A building or portion thereof, which is designed for or occupied in whole or in part for residential use on a permanent basis, having one or more dwelling units, but not including motels, boarding houses, continuing care facilities, personal-care homes, intermediate-care facilities, or skilled nursing facilities.

Dwelling Unit – A room or rooms within a building connected together, constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent bathroom, cooking and sleeping facilities.

One Family Dwelling – A building designed for or occupied exclusively by one (1) family and containing not more than one (1) dwelling unit.

Apartment – A room or suite of rooms in a multi-story, multiple-family dwelling, which is used as a single housekeeping unit and which contains complete kitchen, bath and toilet facilities permanently installed.

Carriage House – An apartment consisting of not more than six hundred (600) square feet and sharing utility connections with a principal building. A carriage house may or may not be within an outbuilding which is an ancillary building usually located toward the rear of the same lot as the principal building.

Row or Townhouse – A dwelling or building, designed for or occupied by three or more families living independently of each other, divided by party walls into distinct and non-communicating units. Buildings shall not exceed three stories in height. Each dwelling unit shall have direct access to the outdoors.

Single-Family Detached – A detached building designed for or occupied exclusively by one family.

Single-Family, Semi-Detached – A dwelling used by one family, having one side yard and one party wall common with another dwelling.

Two Family Dwelling – A building designed for or occupied exclusively by two families living independently of each other, with separate dwelling unit entrances and no internal connection between the two dwelling units. A single-family semidetached dwelling is also a two-family dwelling.

Double House – A detached building containing two dwelling units attached side-to-side, with separate entrances and separated by an unpierced party wall.

Duplex – A detached building containing two dwelling units, one above the other, each having a separate entrance.

Borough of Koppel Zoning Ordinance

Two-Family Semi-Detached – A building designed for or occupied exclusively by two families living independently of each other having one party wall or ceiling / floor common with another dwelling, with separate dwelling unit entrances and no internal connection between the two dwelling units.

Multi-Family Dwelling – A dwelling or group of dwellings on one plot or lot not exceeding three stories, containing separate living units as dwelling units for three or more families providing for direct or indirect access to the outdoors, but which may have joint services or facilities, or both.

Apartment Building – A multi-family dwelling with direct access from the outside or through a common hall and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.

Garden Apartment – A grouping of one or more buildings, each containing not more than eight (8) dwelling units per building, of which the principal feature of the development plan is composed of a building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use as a dwelling, and which conforms to the standards and requirements of this chapter.

Multi-Story Multi-Family – A multi-family dwelling of four (4) or more floors where individual dwelling units do not have direct access to the outdoors, as opposed to townhouse dwellings.

Quadraplex – A building containing four (4) dwellings, each sharing two (2) common party walls and forming the corner of a square.

Townhouse – Three (3) or more dwelling units, each accommodating one (1) family, which are attached side-by-side through the use of common party walls and which shall have side yards adjacent to each end unit.

Easement – A public or private right of use over the property of another.

Conservation Easement – An easement precluding future or additional development of the land for the purpose of protecting or preserving natural features.

Utility Easement – A right-of-way granted for limited use of land for public or quasi-public purpose.

Educational Institution – A structure or part of a structure designed and used for the training and teaching of children, youths and / or adults, including laboratories appurtenant thereto. This definition includes the following schools:

Business / Trade School – A facility that is clearly primarily intended for education of a work related skill or craft or hobby and that does not primarily provide state-required education.

Primary or Secondary School – An educational institution licensed by, and meeting the requirements of, the Pennsylvania Department of Education that primarily provides

Borough of Koppel Zoning Ordinance

education for students in kindergarten through twelfth grade. This definition does not include any privately operated school of trades, vocations, avocations or business.

Post-secondary School – a non-compulsory educational institution that typically includes colleges and universities.

Engineer – A professional engineer licensed as such by the Commonwealth of Pennsylvania.

Equestrian Facility – Horse, donkey and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows and other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

Equipment Rental / Repair – A business providing typical household tools and lawn / garden equipment for repair (such as sharpening, or the repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc. This excludes vehicles, trucks and trailers licensed for street use.

Escort – A person who, for consideration, agrees or offers to act as a companion, guide or date for another person.

Escort Agency / Service – A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Essential Service Installations – The erection, construction, or alteration of underground or overhead directional, transmission, or distribution systems and uses; by public utilities and Federal, State, County, or Local governmental departments, commissions, or authorities; for service related to natural gas, electrical, telephone, and other communications, steam or water, and sewer including associated appurtenances directly related to the directional, transmission, or distribution system and uses; however, excluding a storage or treatment facility, excluding an above-ground structure in excess of 100 cubic feet, excluding all above-ground buildings, and excluding off-street parking lots containing more than two (2) parking spaces.

Excavation – The removal of earth or mineral material on or from a site or when such removal is necessary to prepare the site to receive structures.

Exotic, Wild or Dangerous Animal – Any animal, which, because of its size, vicious nature, poisonous bite or sting, or other characteristics, would constitute a danger to human life or property if not kept or maintained under the immediate control of the owner. Exotic, wild, or dangerous animals include, but are not limited to: (a) any cat other than the *Felis catus* (domestic cats), (b) any nonhuman primate, (c) any wolf, coyote, or other canine not of the species *Canis familiaris* (domestic dog), (d) any shark, dogfish, or similar *Scyliorhinidae* fish, (e) any piranha fish, (f) any poisonous reptile or amphibian, (g) any crocodilian or lizard whose average adult length is greater than two (2) feet, (h) any snake whose average adult length is greater than six (6) feet, (i) any snapping turtle, (j) any bat, (k) any skunk, weasel, badger, fox, mammals of the raccoon family or wolverine, (l) any boar or wild pig, (m) any bear, (n) any kangaroo, (o) any eagle, hawk, buzzard or similar predatory bird, and (p) any poisonous or stinging insect or arachnid.

Borough of Koppel Zoning Ordinance

Extractive Industry – The excavation or recovery of metallic, nonmetallic, or mineral fuels, including but not limited to coal, limestone, clay, sand, gravel or other mineral resources, through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods for sale or otherwise used for commercial purposes. It shall include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

Fair Housing Act – Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3600-3620).

Fairground – An area of land used for fairs in accordance with local and state requirements, exhibitions, and shows including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, theaters, and racetracks for non-motorized events.

Familial Status – One or more individuals (who have not attained the age of 18 years) being domiciled with (a) a parent or another person having legal custody of such individual or individuals; or (b) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

Family – A single person occupying a dwelling unit; or, two (2) or more individuals living together on a non-transient basis as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage, adoption, including foster children and including not more than two (2) boarders, roomers, or lodgers; or, a maximum of five (5) children or adults requiring special care or supervision who are under the 24-hour or full-time care of resident parents or persons acting in loco parentis; or, not more than three (3) individuals living together as a single housekeeping unit and doing their cooking in one (1) kitchen on the premises; or, any number of persons possessing a handicap within the meaning of the Fair Housing Act (42USCSs.3602(h)) who reside in one (1) dwelling unit and live and cook together as a single housekeeping unit. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boarding / rooming house, group care facility, commune, or institution.

Family Day Care Facility – A facility providing shelter, counseling, and other rehabilitative services in a family-like environment for four (4) to six (6) residents, plus such minimum supervisory personnel, as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A family care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare and may include uses such as foster homes, community residential alternative facilities, or home individual programs. A family care facility shall be considered a single-family detached dwelling and be permitted as such.

Farm – Any parcel of land which is gainfully used in the production of agricultural, horticultural, arboricultural, viticulture, and dairy products; and animal husbandry including the keeping of livestock, poultry and bee raising, including necessary farm structures and equipment.

Borough of Koppel Zoning Ordinance

Farm Building – Any building used for storing agricultural equipment or farm produce, or housing livestock or poultry. The term farm building shall not include dwellings.

Farm Equipment and Supplies Sales – Establishments selling, renting or repairing agricultural machinery, equipment and supplies for use in soil preparation and maintenance, planting and harvesting of crops, and other operations and processes pertaining to farming.

Farmers' Market – A place with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from more than one fruit or vegetable stand operated partially or wholly by persons who do not reside on the property.

Fence – A barrier constructed for the purpose of protection, confinement, enclosure or privacy. The term fence shall include screening walls and shall also include hedges and evergreen shrubbery exceeding thirty-six inches in height.

Privacy Fence – A fence erected or constructed to block the view of the enclosed property.

Security Fence – A fence erected or constructed to serve as a barrier to persons, animals or vehicles entering and leaving the property.

Fill – Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

Flea Market – A place where any person or group of vendors, whether professional or nonprofessional, offer for sale, trade, or barter any goods regardless of whether they are new, used, antique, or homemade; and regardless of whether they are offered for sale in open air, buildings, or temporary structures. The term flea market does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as garage sales or yard sales, providing that such sales do not occur more frequently than once every sixty days. The term flea market also shall not include any business or occupation, which has a valid business license or special use permit pertaining to the sale, trade, or barter of goods.

Flood – A general, but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers and other waters.

One-hundred Year Flood – A flood that, on the average, is likely to occur once every one hundred years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

Flood Insurance Rate Map (FIRM) – A map of the municipality on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the flood risk premium zones applicable to the municipality.

Special Flood Hazard Area (SFHA) – An area subject to inundation by the base flood, designated zones A, A1-30, AE, AH, AO, V, V1-30, or VE on the Flood Insurance Rate Map.

Borough of Koppel Zoning Ordinance

Floodplain – The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a one hundred year frequency flood.

Flood Prone Area – Any land area susceptible to being inundated by floodwater from any source.

Floodway – The channel of a watercourse and portions of the adjoining floodplains reasonably required to carry and discharge the one hundred year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the one hundred year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to fifty feet from the top of the bank of the stream.

Floor Area – Sum of the gross livable area of several floors of a building or buildings measured from the face of the exterior walls, or from centerlines of walls that separate two buildings. In particular, floor area includes but is not limited to the following: (1) Basement space, if the floor to ceiling measures seven feet (7') or more; (2) Elevator shafts, stairwells and attic space providing structural headroom of eight feet (8') or more; (3) Roofed terraces, exterior balconies, breezeways or porches, provided that other fifty (50) percent of the perimeter of these is enclosed; (4) Any other floor space used for dwelling purposes, no matter where located within a building; (5) Accessory buildings, excluding space used for accessory off-street parking or used for loading berths; or (6) Any other floor space not specifically excluded, excluding space used for air conditioning machinery or cooling towers and similar mechanical equipment serving the building and cellar space.

Floor Area, Building – The sum of the gross horizontal areas of all floors of a building or structure and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living sleeping or business areas, but including the area of roofed porches and roofed terraces.

Floor Area, Gross (GFA) – The sum of all gross horizontal areas of several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. This includes stairwells, all rest rooms, lobby areas, floor space for mechanical equipment and all other common areas and basements.

Floor Area, Gross Leasable (GLA) – The total building area for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. Gross leasable area is that area of a building for which a tenant pays rent.

Floor Area, Habitable – The sum of the floor area of all heated, furnished rooms, within a dwelling unit, used on a daily basis for habitation. Such area may include living rooms; recreation rooms; kitchens; dining rooms; bedrooms; bathrooms; hallways; closets; heated and finished basements, cellars and attics; attached garages which have been converted into an integral part of the living quarters; but does not include: garages, porches whether roofed, unroofed, or enclosed; roofed terraces; unfinished and unheated basements; attics; cellars; garages, etc.

Floor Area, Net Useable – The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not intended

Borough of Koppel Zoning Ordinance

to be occupied or leased, stairways, fire towers, elevator shafts, public lobby area, public restrooms and mechanical rooms. For purposes of determining off street parking requirements, under no circumstances shall the net useable floor area be less than eighty (80) percent of the floor area of a building.

Floor Area Ratio (FAR) – Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Floor Area, Retail Net – All that space used by customers and retail employees to consummate retail sales, and to include display areas used to indicate the variety of goods available for sale but not to include office space and other general administrative areas.

Florist Shop – An establishment for the retail sales of flowers, plants and accessories that may include the storage of merchandise inside of the building and the outside display of plants and flowers.

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, which does not involve any land development.

Forest Management Operations – All activities connected with growing and harvesting of forest products including site preparations, which include the construction and maintenance of roads, and the cultivation and logging of trees.

Fortune Teller, Psychic, Astrologer – A business offering personal services to individuals based on the art of astrology, palmistry, phrenology, fortune telling, clairvoyance, clairaudience, crystal gazing, prophecy, augury, necromancy and other similar practices.

Foundation, Permanent – A full perimeter masonry or poured concrete foundation resting upon a suitable concrete footer, said footer to be at least three (3) feet below finished grade. The foundation wall shall have a minimum width of six (6) inches with the footer projecting at least three (3) inches on each side.

Freight Terminal – The premises and buildings where cargo is stored and where railroad cars, aircraft, and trucks load and unload cargo for shipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

Front Building Line – A line parallel to the front lot line, at a distance measured perpendicular there from as prescribed in this Ordinance for a required yard. Where there is no required yard, then the lot line shall be the front building line.

Front Yard – The open space extending across the entire width of the lot between the front line of the building and the street right-of-way. The front yard is measured perpendicular to the building at the closest point to the street right-of-way.

Fruit and Vegetable Stand – A place, with or without buildings or structures, where fruit, vegetables, produce, dairy products, and the like are sold from one fruit or vegetable stand.

Borough of Koppel Zoning Ordinance

Fuel Dispenser – A device which dispenses vehicle fuel and / or kerosene and which may contain multiple hoses or be capable of serving more than one (1) fueling position simultaneously.

Fuel Island – A concrete platform measuring a minimum of six (6) inches in height from the paved surface on which fuel dispensers are located.

Fueling Position – A location at which a single vehicle may be fueled from a fuel dispenser.

Funeral Home (Including Mortuaries) – A building or part thereof used exclusively for human burial services. Such building may contain space and facilities for; (1) embalming and the performance of other services used in the preparation of the dead for burial; (2) the performances or autopsies and other surgical procedures; (3) the storage of caskets, funeral urns, and other related funeral supplies; and (4) the storage of funeral vehicles, but shall not include facilities for cremation.

Gambling House – A building, room or space devoted to gambling games or wagering on a variety of events and operated as a business; a public building for gambling and entertainment in which a variety of games of chance can be played. This definition includes, but is not limited to, betting parlors, off-track betting parlors, casinos, gambling casinos, gambling dens, and gaming houses.

Garage, Private – An accessory building for the storage of one or more automobiles and / or other vehicles accessory and incidental to the primary residential use of the premises; provided however, that one (1) commercial vehicle of not more than one ton capacity may be stored therein where the use of such vehicle is not incidental to the use of premises. No business, occupation or service shall be conducted therein, nor more than one vehicle parking space be leased to a non-occupant of the premises. Where a garage is attached, integral part of a dwelling unit, the garage shall not be counted as floor area unless it is constructed or modified into a habitable room by the removal of all vehicular access doors and provided adequate off-street parking is still available on the same lot as the dwelling unit.

Garage, Public – A building, structure, or any portion thereof where motor vehicles are repaired, rebuilt, reconstructed, painted or stored, for compensation. This may include rooms for storing, exhibiting or showing cars for sale.

Garbage – Unwanted or discarded material, including animal and vegetable waste resulting from the handling, storage, sale and preparation, cooking and serving of food that has insufficient liquid content to be free flowing. This term includes refuse and rubbish.

Garden Center – Land and buildings where the wholesale or retail sale of nursery stock and garden supplies take place. Such nursery stock and supplies may include any of the following: ornamental plants, flowers, shrubs and trees cultivated in a nursery; seed, fertilizer, garden pesticides and herbicides in retail quantities and packaging; garden hand tools; plant containers; garden statuary and furniture; landscape lighting; bird feeders and supplies; and seasonal ornaments and novelties such as Christmas wreaths and decorations. Such use may include the provision of landscape design and or installation services, provided that such services are ancillary to the principal use and offered to clients whose residence or place of business exists elsewhere. Outdoor storage of lawn and garden supplies such as mulch, fertilizer, topsoil and related landscape or garden supplies, such as ornamental stone or

Borough of Koppel Zoning Ordinance

gravel, are permitted only where expressly authorized by the regulations governing the jurisdictional zoning district.

Gasoline Service Station – An establishment where the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel and no more than fifteen (15) percent of the floor area is used for convenience and variety goods. The premises may include as an accessory use only, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles, but does not include liquefied petroleum gas distribution facilities.

Gas Sub Station – An assemblage of equipment for purposes other than generation or utilization, through which gas energy in bulk is passed for the purposes of switching or general public, provided that a gas substation permitted in a residential district shall not include rotating equipment, storage of materials, trucks or repair facilities or housing or repair crews.

Golf Course – A tract designed and improved for the playing of golf, with a minimum of 2,800 yards of play in nine (9) holes, not including any driving ranges, "chip-n-putt", or miniature golf courses. A golf course may include accessory uses such as a club house and golf equipment shop provided that these uses are clearly incidental and subordinate to the use of the property as a golf course and are not directed primarily toward the general public.

Governing Body – The Borough Council of Koppel Borough, Beaver County, Pennsylvania

Governor's Drive – An impervious surface area constructed to permit a drop off at a dwelling entrance or a vehicle turn around area. Vehicular ingress and egress from the street to the lot shall be at no more than two (2) points, one (1) point of which may be a driveway; provided, however, in no event shall more than two (2) curb cuts per lot on anyone street be authorized.

Grade – The average elevation of the proposed finished grade line of the ground at the front of street side of the proposed building.

Grade, New or Finished – The resulting level of the ground after the final grading where there is a cut, and after normal settlement where there is a fill.

Grading – The stripping or excavation of any material; the filling of any existing ground with natural or man-made material: and / or the relation on any lot, tract or parcel of each or other material. Except for the surface stripping of coal, topsoil, rock and other commonly mined substances, such grading constitutes a change in use of the land.

Greenhouse – A structure consisting primarily of glass, clear plastic, or other light transmitting material in which temperature and humidity can be controlled for the cultivation or protection of plants or seedlings for research or instruction.

Commercial Greenhouse – An agricultural enterprise using a controlled environment for the commercial cultivation and production of plants.

Private Greenhouse – A greenhouse that is accessory to the principal structure on the lot and is not used for monetary gain.

Borough of Koppel Zoning Ordinance

Group Care Facility – A facility that functions as a single housekeeping unit providing shelter, counseling, and other rehabilitative services for more than six (6) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and / or approved by the Pennsylvania Department of Public Welfare.

Group Child Day Care Facility – A facility, located in a single-family residence, that provides supervised care protection and supervision for remuneration to more than six (6), but less than twelve (12) children who are unrelated to the operator and meeting all applicable licensing / registration requirements of the Pennsylvania Department of Public Welfare. The term includes, but is not limited to Family Child Day Care Home as defined by Title 55 of the Pennsylvania Code.

Group Home – A dwelling operated by a reasonably responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the individual served due to age, emotional, mental or physical handicap. This definition shall expressly include facilities for the care of developmentally disabled persons. Group homes shall be licensed, where required, by the appropriate governmental agency and shall be subject to the same limitations and regulations as a single-family dwelling. It is the express intent of this definition to comply with the requirements of the Fair Housing Amendments Act of 1988, P.L 100- 430.

Group Quarters – Any dwelling or portion thereof that provides lodging or occupancy for more than two (2) persons who do not constitute a family as defined in this article. Group quarters may or may not have common eating facilities or provide meals, but no provisions for cooking in the rooms are permitted. Group quarters include the following: (1) Educational fraternity and sorority houses that are associated with, but not managed by, an educational organization that may or may not provide services requiring the user to reside on the premises; (2) Other quarters of an institutional nature, that may or may not provide services requiring the user to reside on the premises; (3) Non-institutional quarters for compensation. Group Quarters does not include hotels, motels, dormitories, emergency shelters, nursing facilities, and personal care facilities.

Habitable Areas, Basement – Any basement which meets the criteria for habitable space, which has a stairway as a means of ingress and egress, and in which the ceiling area at a height of seven (7) feet above basement floor is no less than one hundred (100) square feet.

Habitable Areas, Floor – Any floor usable for living purposes which includes sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage purposes is not a habitable floor.

Habitable Areas, Room or Space – Space in a structure for living, sleeping, eating or cooking, Bathroom toilet compartments, closets, foyers, halls, storage or utility space, and similar areas are not considered habitable space.

Borough of Koppel Zoning Ordinance

Half-way House – A dwelling for the supervision of transitionally institutionalized individuals, who are involved in drug or alcohol rehabilitation and / or individuals who have violated the law, upon release from, or in lieu of being sent to, a penal institution or juvenile detention center.

Handicapped Individual – A person with a physical or mental impairment (blindness, hearing impairment, mobility impairment, mental retardation, mental illness, alcoholism, drug addiction, chronic fatigue, learning disabilities, and head injury) that substantially limits one or more major life activities (seeing, hearing, breathing, walking, working, speaking, caring for yourself, and learning).

Hardware / Home Improvement Store – An establishment for the retail and / or service for hardware, building materials, tools, equipment, plumbing fixtures, tiles, paint, windows, etc.

Health Club – Any establishment including, but not limited to, an athletic club, exercise center, health spa, figure salon, gymnasium, physical fitness center, or any other establishment by any other name that provides exercise equipment and one or more of the following: steam cabinet, steam room, sauna, vapor room, vapor cabinet, toilet facilities, lavatories, showers, lockers, and dressing rooms intended for patron use, excluding facilities used by or under direct supervision and control of licensed medical personnel located in a medical facility, facilities located in athletic departments of schools, and facilities of professional athletic teams. Accessory uses within the facility may include massage therapy, aerobics and physical fitness services (Aerobic and strength training activities, group exercise classes, fitness assessment and counseling, and education seminars).

Height of a Communications Tower – The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

Height of a Tower – The vertical distance measured from the ground level to the highest point on a tower not constituting a communications tower, including all facilities or structures of any type mounted on the tower.

Helicopter Pad (Private) – An accessory use where no more than one (1) helicopter may land / take-off and be stored.

Heliport – Any area of land, water, or structure which is used or intended to be used for the landing or takeoff of helicopters and any appurtenant areas which are used for heliport buildings or helicopter. Such use may also include support services, such as fueling and maintenance equipment, passenger terminals and storage hangars facilities or rights of way, together with all heliport buildings and facilities thereon.

Home Occupation – An occupation or business conducted by a resident in the resident's dwelling unit or an accessory building, as an accessory use which is incidental and clearly subordinate to the residential use and does not change the residential character thereof. For the purpose of this zoning ordinance, a home occupation shall not include day care facilities which are regulated as a separate use and shall exclude any activity which falls within the definition of no-impact home-based business.

Borough of Koppel Zoning Ordinance

Horticulture – Any use of a lot or parcel of land to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principle use.

Hospital – An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and abnormal physical and mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities, as defined in current state licensure requirements.

Hotel / Motel – A building or group of buildings where for consideration, rooms or suites of rooms with no culinary facilities are used for temporary lodging of more than ten (10) persons, usually individually, with or without meals, wherein the occupants are furnished hotel services, including restaurant and maid service. Any such use that customarily involves the housing of persons for periods of time longer than thirty (30) days shall be considered a boarding house and shall meet the requirements of that use.

Housing for the Elderly – Multi-family, multi-story dwelling designed for, and occupied by persons sixty-five (65) years of age or older and conforming to all requirements of state and federal laws and regulations pertaining to housing for the elderly.

Impervious Coverage – That portion or percentage of the lot or lot area covered by buildings, paved areas, or other hard surfaced areas which do not readily absorb rainfall.

Impervious Surface – Any material placed on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which substantially reduces or prevents the natural percolation of water or which reduces the undisturbed open spaces areas on a lot which has a coefficient of runoff of 0.65 or greater. Area required to be left in pervious surfaces may be located in a different zoning district than the use, provided that such land area is abutting or adjacent and that is deed restricted from further development. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; parking areas (whether hard surfaced or not); driveways; sidewalks; patios and decks; sport courts; and pools.

Impervious Surface Ratio – Measured by dividing the total areas of all impervious surfaces within the site by the total site area. This is also referred to as the maximum impervious coverage.

Incinerator – An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and that is equipped with a flue for the sole purpose of providing incineration service to the public.

Independent Living Facility – A facility designed to provide individual dwelling units for elderly persons who are independently mobile and not in need of supervision, but which includes certain design features associated with the needs of the elderly which are not customary in the construction of conventional dwelling units, such as emergency call services, common dining facilities, common laundry facilities, transportation services and similar supporting services for the convenience of the residents.

Borough of Koppel Zoning Ordinance

Industrial Park – An area of land arranged and / or constructed in accordance with a plan for a group of industrial purposes, having separate building sites designed and arranged on streets and having utility services, setbacks, side yards, and covenants for other such regulations controlling or restricting uses.

Industry – A use engaged in the processing of raw materials or the manufacture of materials or products.

Institution – A public or private charitable establishment devoted to the shelter, maintenance, or education and care of more than four (4) unrelated occupants for a common, lawful purpose including hospitals, rehabilitation facilities, convents, school dormitories, college campuses, nursing homes, and the educational, administrative and recreational facilities of such organizations as the YMCA, YWCA, Boy Scouts, and Girl Scouts.

Junk – Any worn, cast off or discarded article or materials which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use.

Junkyard – An area of land, with or without buildings, where scrap, dismantled, or discarded materials are bought, sold, exchanged, abandoned or stored.

Kennel – A use of land and structures in combination (not customarily associated with a farm) wherein four (4) or more domestic animals or pets six (6) months or older are groomed, bred, trained and / or boarded for compensation. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

Laboratory – A place where scientific studies are conducted, including testing, research, or analysis of medical, chemical, physical, biological, mechanical, or electronic nature.

Land Development – Any of the following activities: (1) The improvement of one (1) or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving: (a) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between, or among, two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land; or (3) development in accordance with Section 503(1.1) of the MPC.

Landfill – See Solid Waste Disposal Area.

Landing Strip – A private, non-commercial linear strip of property designed for the landings and takeoffs of small gasoline-powered, propeller-driven aircraft operated and used by the landowner except for aircraft emergencies and, on an infrequent and occasional basis, by invited guests. This includes associated hangar, maintenance and service facilities.

Landowner – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee if he / she is authorized under the lease to exercise the right of the landowner; or other person having a proprietary interest in land.

Borough of Koppel Zoning Ordinance

Landscape Architect – A registered professional landscape architect licensed as such by the Commonwealth of Pennsylvania.

Laundromat – A commercial establishment where self-service washing machines and clothes dryers are available for public use on the premises to wash and / or dry clothing, apparel, or other fabric.

Library – Any premises, building or part of a building where books, films, maps and other educational materials are kept for reading, reference and lending by the public.

Livestock – Domesticated agricultural animals produced or maintained on farm or non-farm operations. Examples of livestock include, but are not limited to, cattle, horses, mules, sheep, swine and goats. Livestock does not include poultry.

Livestock Intensive Operation (LIO) – Any agricultural operation in Pennsylvania in which the average animal density exceeds two (2) animal equivalent units per acre of cropland, or per acre suitable for application of animal manure on an annualized basis.

Loading Space – A space accessible from a street or alley in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

Logging – The act of cutting live trees for cord wood, timber, pulp, or any purpose, excepting therefrom a homeowner cutting on his own property for his own use, or the clearing for farming operations, clearing for a single-family dwelling, or clearing in accordance with an approved development plan.

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.

Lot Area – The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement.

Lot Corner – A lot at the junction of and butting two (2) or more intersecting streets, where the interior angle of intersection is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard. If the lot is adjacent to two (2) intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one (1) rear yard, which shall be identified as the yard opposite the front yard as determined by the zoning officer.

Lot Coverage – The area of a lot or parcel that is covered by principal and / or accessory buildings or structures.

Borough of Koppel Zoning Ordinance

Lot Depth – The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

Lot, Flag – A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at the distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50) feet.

Lot Frontage – That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

Double Frontage Lot – A lot whose front and rear yards abuts the public streets, one of which may be an alley.

Lot, Interior – A lot where the side property lines do not abut a street.

Lot Line – A line bounding a lot that divides one lot from another or from a street or any other public or private space.

Front Lot Line – The dividing line between the street and the lot. The street lot line shall be the same as the legal right-of-way provided where a future right-of-way width for a road or street has been established, that width shall determine the location of the street lot line.

Rear Lot Line – Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street lot line, except for a lot line that is itself a street lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two (2) lot lines that are not considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line farthest from any street shall be considered a rear lot line. Where there is only one lot line other than street lot lines, it shall be considered the rear lot line.

Side Lot Line – Any lot boundary line that is not a street lot line or a rear lot line. In the case of a triangular lot, those lot lines other than the street lot line shall be considered side lot lines.

Lot Measurements – The following terms will be used when determining the measurements of parcels within the municipality:

Lot Depth – The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

Lot, Minimum Width – The minimum lot width at the building setback line.

Lot Width – The distance measured between side lot lines, at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such side lot line and the opposite rear lot lines or street line.

Borough of Koppel Zoning Ordinance

Lot of Record – A lot that has been recorded in the Office of the Recorder of Deeds for the county in which the property is located.

Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

Lumberyard – The principal use of land and structures involving the loading and unloading, storage and sales of lumber and millwork materials.

Manufactured Home – A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or 40 body feet or more in length, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a manufactured home under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

Manufacturing – The process of making wares by hand, by machinery or by other agency, often with the provision of labor and the use of machinery.

Heavy Manufacturing – Manufacturing that includes the production, processing, cleansing, testing and distribution of materials, foods, foodstuffs and products that due to the nature of the materials, equipment or process utilized, is considered to be unclean, noisy, hazardous or is associated with other objectionable elements.

Light Manufacturing – Manufacturing that includes the production, processing, cleaning, testing and distribution of materials, goods, foodstuffs and products that by the nature of the materials, equipment and process utilized, is considered to be clean, quiet, and free of any objectionable or hazardous elements.

Massage Therapy Business – An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, licensed massage therapists or similar professional person licensed by the Commonwealth of Pennsylvania as part of a medical clinic. This definition excludes a gymnasium, health and fitness center, school, barber / beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25) percent of the area of the establishment.

Medical Center – A facility which, in addition to providing primary health services, also provides tertiary and quaternary care with an emphasis on sub-specialty medical and surgical care of patients and medical education, and which may include ancillary activities such as laboratories, clinics, rehabilitation facilities, training facilities, conference facilities, vehicular ambulance service, pharmacies, cafeterias and gift shops as accessory uses and which are customarily incidental to and in direct support of the primary health care mission of the medical center.

Borough of Koppel Zoning Ordinance

Medical or Dental Clinical Facilities – The use of land and / or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

Methadone Treatment Facility – A facility licensed by the Pennsylvania Department of Health to use the drug methadone in the treatment, maintenance or detoxification of persons.

Mine – Underground areas contained within a continuous barrier of undisturbed minerals and openings to the surface from those areas where the extraction of minerals or stones from the earth is used for commercial purposes.

Mineral – Any aggregate or mass of mineral matter, whether or not coherent, including but not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron, ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mineral Extraction – All or part of the process involved in the extraction and processing of petroleum products or natural gas and / or minerals such as coal, ores, rock, sand and gravel including mining, drilling, digging, and quarrying. This includes surface and underground mining operations.

Mini-Warehouse – A building consisting of individual self-contained, self-service storage spaces, where each unit is not greater than 500 square feet, and the units are rented for the storage of business and household goods. Outdoor storage of motor vehicles, recreational vehicles, boats and similar items may also be permitted as a part of the premises.

Mining Accessory Structure – Any accessory structure to a mining use which is incidental and subordinate thereto, including coal tipples, disposal areas, and ventilation shafts.

Mining, Open Pit – Includes all activity which removes from the surface or beneath the surface of the land some material, mineral resource, natural resource, or other element of economic value, by means of mechanical excavation necessary to separate the desired materials from an undesirable one, or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, rock, topsoil, limestone, sandstone, coal, clay, shale, and iron ore for commercial or industrial consumption.

Mining Portal – Structures and appurtenances facilities utilized for the access and egress of men and materials in deep mine operations.

Mobile Home – A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. These units do not qualify under the definition of a manufactured home in the National Manufactured Housing Construction and Safety Standards Act of 1974, as units categorized as mobile homes are primarily those units built before 1976, when HUD standards became effective.

Borough of Koppel Zoning Ordinance

Mobile Home Lot – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Monopole – An antenna or other facility support structure consisting of a single pole or spire constructed without guy wires or ground anchor.

MPC – The Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended).

Museum, Commercial – A building used primarily for preserving and exhibiting artistic, historical or scientific objects which is open and available for use by the general public and which is operated by a corporation or other organization for profit.

Museum, Non-Profit – A building used primarily for preserving and exhibiting artistic, historical or scientific objects which is open and available for use by the general public and which is operated by a federal, state or local governmental body or subdivision or agency thereof or by a nonprofit corporation authorized to do business in the Commonwealth of Pennsylvania to which contributions are tax deductible for federal income tax purposes.

Municipal Authority – A body politic and corporate created pursuant to the Act of May 2, 1945. (P.L. 382, No. 164), known as the Municipalities Authorities Act of 1945.

Natural State – A condition of property in which it is substantially retained in the condition which exists at the time of submission of any preliminary site plan; provided, however, that any clearing, grubbing, planting, grading and filling with the area to be retained in its natural state shall be approved by the municipality and shall only be authorized if the municipality shall determine that the work would improve the buffering characteristics of the area to be retained in its natural state.

Nightclub – A place of assembly, other than a dwelling unit, including private clubs that may offer food, drink, and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. A nightclub may also be operated as a restaurant during all or part of its hours of operation. An adult cabaret shall not be considered a nightclub.

No-Impact Home-Based Business – 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 the residential use.

Nonconforming Building or Structure – A building, structure or part thereof manifestly not designed to comply with the applicable use or extent of use provisions in this ordinance or amendments heretofore or hereafter enacted, where such building or structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of this ordinance

Borough of Koppel Zoning Ordinance

or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Lot – A lot, the area or dimension of which was lawful prior to the adoption or amendment of this ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Use – A use, whether of land or of structure, which does not comply with the applicable use provisions in this ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or, amendment to its location by reason of annexation.

Nude Model Studio – Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Pennsylvania or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure: (1) that has no sign visible from the exterior of the structure and no other advertising that indicated a nude or semi-nude person is available for viewing; (2) where in order to participate in a class a student must enroll at least three days in advance of the class; or (3) where no more than one nude or semi-nude model is on the premises at any one time.

Nudity / State of Nudity – The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, cleavage with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

Nursery – Any building or lot, or portion thereof, used for the cultivation or growing of plants, trees, shrubs, or flowers and for the selling of plants and landscaping / gardening supplies. All merchandise, other than plants, is kept within an enclosed building or a fully screened enclosure and fertilizer of any type is stored and sold in package form only.

Nursery School – A school designed to provide daytime care or instruction for two (2) or more children of preschool age.

Nursing Home – A facility licensed as a nursing home by the Commonwealth of Pennsylvania.

Official Map – A map adopted by ordinance pursuant to Article IV of the MPC.

Office – An establishment primarily engaged in providing professional, financial, administrative, management, clerical or other services not involving the manufacture, assembly or repair of goods, or the storage or direct transfer of goods to the customer on the premises, except as may be incidental to a service provided on the premises.

Borough of Koppel Zoning Ordinance

Professional Office – An office in which business is conducted by physicians and surgeons, lawyers, members of the clergy, architects, insurance agents, insurance adjusters, realtors, engineers, or other similar professions.

Office Building – A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business or for public or semipublic activities in whole or part are included in this definition.

Open Space – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Common Open Space – A parcel of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements in the development plan as finally approved and are appropriate to the recreation.

Private Open Space – Common open space held in common ownership in which the use is normally limited to occupants of a single dwelling or building.

Public Open Space – Lands dedicated to and / or owned by the municipality or other public entity and maintained by it for the use and enjoyment of the general public.

Parcel Delivery Facility – Any premises or part thereof used for courier and freight forwarding operations that involves collecting, temporary storage of, sorting and dispatching packages.

Park – A parcel of ground along with its buildings and fixtures intended primarily for beautification and aesthetic improvement and designated as recreational land.

Private Park for Public Use – Privately owned property available for use by the public and containing recreational uses authorized pursuant to this Ordinance.

Parking Facility – An open portion of land with an impervious surface designed and used for parking of vehicles including parking spaces, aisles and maneuvering areas.

Commercial Parking Facility – An open area, other than a street or other public way, used for the parking of automobiles and available to the public, whether for a fee, free or as an accommodation for clients or customers.

Residential Parking Facility – An open area, other than a street or other public way, used for the parking of automobiles in residential zones and available to the public, whether for a fee, free or as an accommodation for residents of the municipality.

Parking Space – An all-weather surfaced area, not in a street or alley, having an area not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley.

Borough of Koppel Zoning Ordinance

Patio – An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

PA UCC – The Pennsylvania Construction Code Act, also known as the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended by Act 158 of 2004, 35 P.S. §§ 7210.101-7210.1103, and its regulations, as amended, restated, supplemented or replaced from time to time.

Permit – A document issued by the governing body authorizing an applicant to undertake certain activities.

Personal Care Facility – A facility, licensed by the Commonwealth and conducted in accordance with Commonwealth requirements, providing health related care and service provided on a regular basis to more than three (3) patients who are resident individuals and who do not require hospital or skilled nursing care, but who, because of mental, physical conditions, or age require the services under a plan of care supervised by licensed and qualified personnel.

Personal Service Establishment – An establishment occupied by a business which performs services on-site related to the care of the personal self, household pets or the repair / maintenance of small home appliances, clothing, jewelry or other smaller items. Activities include but are not limited to: barber shops; beauty parlors; self-service laundry and dry cleaning establishments; radio and television repair; repair shops for home appliances, tools, bicycles, guns, locks, shoes and watches; tattoo studios, tailor and dressmaking shops; and pet grooming with no overnight boarding. This does not include massage parlors or related services.

Pet Shop – A store where the primary business is the sale of animals to be used as pets, excluding boarding, veterinary and breeding services.

Pharmacy – A retail store which primarily sells prescription drugs, patient medicines, and surgical and sickroom supplies.

Photographic Studio – A retail establishment for the purpose of photographing subjects and processing photographs for commercial purposes, but not including photography requiring professional models.

Place of Public Assembly – Any place designated for, or used in whole or in part for, the congregation or gathering of persons in one building whether such gathering is of public, restricted or private nature including an assembly hall, church, school auditorium, recreation hall, pavilion, place of amusement, dance hall, opera hall, motion picture house, establishment for the consumption of food or drink, or other similar establishment.

Place of Worship (Religious Institution) – A church, synagogue, temple, mosque or other building used exclusively for public religious worship, including customary, incidental, educational and social activities in conjunction therewith.

Planning Commission – Koppel Borough Planning Commission, created to serve as the planning agency for Koppel Borough in accordance with the provisions of the MPC.

Borough of Koppel Zoning Ordinance

Plat – A map, plan or layout of a subdivision indicating the location and boundaries of individual properties.

Porch – A roofed or unroofed structure projecting from the front, side or rear wall of a building, not having walls more than thirty (30) inches high and open on all sides, except the sides adjoining the building.

Open Porch – A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood, or other material more than thirty (30) inches above the floor thereof, except the necessary columns to support the roof.

Portable Storage Unit – A container, designed for temporary short-term storage, which is not affixed to the land.

Preservation or Protection – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Prime Agricultural Land – Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

Public Grounds – Land designated or maintained for parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; or, publicly owned or operated for scenic or historic sites.

Public Hearing – A formal meeting held pursuant to public notice by Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC.

Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to Open Meetings).

Public Notice – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than thirty days and the second publication shall not be less than seven (7) days from the date of the public hearing.

Public Utility – An enterprise regulated by the Pennsylvania Public Utility Commission or a government agency, or an activity offered by an authority or municipally owned agency, that renders a public service deemed necessary for public health, safety, and welfare, excluding police, fire and similar emergency services and is required by law to (1) serve all members of the public upon reasonable request, (2) charge just and reasonable rates subject to review by a regulatory body, (3) file tariffs specifying all of its charges, and (4) modify or discontinue its service only with the approval of the regulatory agency.

Borough of Koppel Zoning Ordinance

Public Sewer – A system providing sanitary sewage collection and / or disposal for two (2) or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one (1) lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public sewer system may be owned and operated by a person or entity other than a municipality or a municipal authority, if such system is authorized by the Governing Body and conforms strictly to all applicable laws and regulations and all reasonable conditions.

Public Water – A system providing potable water to two (2) or more lots (or a multi-family land development such as an apartment house or a mobile home park or where two (2) or more dwelling units exist on one (1) lot) which is owned and operated by a municipality or a municipal authority. Under special circumstances, a public water system may be owned and operated by a person or entity other than a municipality or municipal authority if such system is authorized by the Governing Body and conforms strictly to all applicable laws and regulations and all reasonable conditions.

Public and Utility Structures and Buildings – Uses other than essential service installations erected, constructed, or maintained to provide services necessary for the public health, safety, or general welfare and whose ownership and operation is controlled by the Pennsylvania Public Utilities Commission, Federal, State, County, or Local Government agency, commission, or authority. Excluded from this definition are general governmental buildings, municipal fire houses, and municipal recreational facilities.

Quarry, Sand Pit, Gravel Pit, Borrow Pit – Land or part thereof from which stone, sand, clay, gravel, or topsoil is or are extracted primarily for sale, but not including a lot which is graded in preparation for the construction of a building for which application for a building permit has been made.

Race Track – A commercial establishment for the racing of animals or motor vehicles.

Recreation, Private – Developed or undeveloped open spaces and / or structures and facilities that are provided by individuals or private organizations for the use of specified individuals or private organizations sharing common relationships or associations for the purposes of play, amusement or relaxation.

Recreation, Public – Developed or undeveloped open spaces and / or structures and facilities that are provided by a governmental body for the purposes of play, amusement or relaxation by the public that may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreation Space – Open space for active and passive recreation.

Active Recreation Areas – Include major paved pedestrian ways, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

Passive Recreation Areas – Include outdoor sitting areas such as sundecks, roofs, gardens, parks, natural areas for walking and picnicking and areas abutting minor pedestrian walkways.

Borough of Koppel Zoning Ordinance

Recreational Vehicle – A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreational vehicles or unites include but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, auto, buses or trucks adapted for vacation use, snowmobiles, mini-bikes, all-terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

Independent Unit – A unit containing a built-in toilet, lavatory and kitchen sink connected directly to the park water supply and sewer system or to permanently installed water and holding tanks of not less than twenty (20) gallons capacity each. Any such unit, if occupied at any time during the months of December, January, or February shall be considered a dependent unit.

Dependent Unit – Any unit other than an independent unit.

Recreational Vehicle Park – A plot of ground designed and laid out for occupancy by Rrecreational vehicles, including tents on a temporary basis, to be used as living quarters.

Recycling Facility (Recycling Collection Center) – A facility that accepts recyclable material from the public by donation, redemption, or purchase and separates or recovers reusable materials that can be sold to or reused by a manufacturer as a substitute for, or a supplement to, virgin raw materials. The term does not include transfer facilities, municipal waste landfills, compo sting facilities or resource recovery facilities.

Renewable Energy Source – Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Research and Development Facility – A structure or complex of structures designed or used primarily for research and development functions related to industry and similar fields.

Resource Recovery Facility – A processing facility that provides for the extraction and utilization of materials or energy from municipal waste that is generated off-site, including, but not limited to, a facility that mechanically extracts materials from municipal waste, a combustion facility that converts the organic fraction of municipal waste to usable energy, and any chemical and biological process that converts municipal waste into fuel products. The term also includes any facility for the combustion of municipal waste that is generated off-site, whether or not the facility is operated to recover energy. The term does not include: a.) Any composting facility; b.) Methane gas extraction from a municipal waste landfill; c.) Any separation and collection center, drop-off or collection center from recycling, or any source separation or collection center for compo sting leaf waste; d.) Any facility, including all units in the facility, with a total processing capacity of less than fifty (50) tons per day

Restaurant – That part or the whole of any building, structure or facility which is used for the preparation or processing of food for sale to the general public for the consumption on or off-premises. Restaurants may be classified as:

Borough of Koppel Zoning Ordinance

Carry-out – An establishment whose principal business is the sale of food, desserts, or beverages to the customer in a ready to consume state, in edible or disposable containers, which is primarily consumed off the premises.

Drive Thru – A fast-food restaurant characterized by limited menu and catering to drive-thru traffic.

Fast Food – An establishment whose principal business is the sale of food or beverages to the customer in a ready to consume state, either at seating facilities within the restaurant or carry-out consumption off the premises and whose method of operation includes the serving of food in edible or disposable containers.

Sit Down, Low Turnover – A restaurant where customers are served at a table or counter by a restaurant employee and given an individual menu. Included in this group are restaurants that serve cocktails or have cocktail lounges.

Retail Store / Shop – A building wherein the principal activity is the sale of merchandise at retail to the general public, and where such merchandise is typically sold in small quantities and broken lots, and not in bulk. Retail stores and shops shall include: drug stores; newsstands; food stores and supermarkets; candy shops; dry goods, notions and clothing stores; boutiques and gift shops; hardware, home furnishings and household appliance and electronics stores; antique shops; furniture stores; florist shops; opticians; shoe stores; jewelry stores; auto accessory stores; and music stores.

Retention Basin – An impoundment in which stormwater is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

Residual Lot – A lot existing or proposed where zoning imposes a maximum lot size requirement that may exceed the maximum lot size so as to include existing adjacent structures, areas unsuitable for development, and / or fragments of land that cannot be included within one or more of the lots in the subdivision or development.

Right-of-way – An easement for public or private use, usually granting the right to cross over the land of another and / or to install utilities such as gas, electric, sewer or water lines or communication systems.

Ringelmann Chart – A chart, described in the United States Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke.

Ringelmann Number – The number appearing on the Ringelmann Chart ascribed by the observer to the density of the smoke emission. Where the density of the light-obstructing capacity of the smoke as observed falls between two (2) consecutive Ringelmann numbers, the lowest number shall be considered the density of the smoke observed.

Riparian Buffer – Any area within one hundred (100) feet of any stream bank.

Salvage Yard – An area more than two hundred (200) square feet outside of a building on any lot for the handling or storage of scrap metal, paper, rags or discarded, salvaged or waste materials of

Borough of Koppel Zoning Ordinance

any kind. This includes automobile wrecking yards, used lumber yards, junk yards and storage of salvaged house wrecking and structural steel materials and equipment, but does not include yards for the storage or sale of operable used cars or machinery or the incidental processing of used or salvaged materials where permitted, as part of the lawful manufacturing or industrial use on the same premises.

Sawmill – A facility used primarily for the processing of timber or saw logs into lumber; excluding any secondary processing of the lumber produced at the site.

Screening – The use of plant materials, fencing and / or earthen embankment to aid in the concealment of the uses on the premises and to provide privacy between two (2) or more different land uses which abut one another.

Self-Service Laundry – A business that provides home-type washing, drying or ironing machines, or dry-cleaning machines for hire to be used by customers on the premises.

Self-Storage Facility – An establishment that rents storage space for personal use by the renter and where no materials of a hazardous nature (toxins, highly inflammable, etc.) are stored. The warehousing of wholesale and / or retail materials and / or products shall not be permitted.

Self-Supporting Tower – A tower that is free standing and not guyed or anchored with cables. This term shall include monopoles, three- and four-sided steel lattice towers and other tower structures that include their own support and are free standing.

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

Sewage Treatment Facility – A place or premises, including buildings, where sewage and other solid or liquid wastes are treated or screened before discharge.

Sexual Encounter Center – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: (1) physical contact in the form of wrestling or tumbling between members of the opposite sex; or (2) activities between male and female persons and / or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sexually Oriented Business – An adult arcade, adult bookstore / video store, adult cabaret, adult live theater, adult motel, adult motion picture theater, adult retail establishment, escort agency, nude model studio, sexual encounter center, or viewing booths.

Sexually Oriented Devices – Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed to whole or in part for specified sexual activities.

Shopping Center – A group of commercial establishments planned and developed as a unit.

Borough of Koppel Zoning Ordinance

Sign – Any device, fixture, placard, or structure that uses any color, form graphic, illumination, symbol, or writing to identify and communicate, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Building Sign – A sign attached to, and deriving its major support from, a building.

Arcade Sign – A building sign projecting beneath the underside of any structural overhang or passageway, either vehicular or pedestrian.

Awning / Canopy Sign – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area.

Cornice Sign – A building sign attached or inscribed on a horizontal molded projection which crowns or finishes the wall of a building.

Marquee Sign – Any sign attached to, in any manner, or made a part of a marquee, and which provides an area for manual or electronic changeable copy.

Parapet Sign – A building sign attached to a wall above the roofline or above any balcony line.

Plaque Sign – A building sign consisting of flat plate or tablet intended only for orientation use for building or occupant notification, and containing only the name of the resident, title of person practicing or profession, name of building or name of agent.

Projecting Sign – Any sign affixed to a building or wall in such a manner that any edge of such sign extends more than 12 inches beyond the surface of such building or wall, but does not project above the wall, roof line, or surface to which it is mounted nor in any way interferes with normal pedestrian or vehicular traffic or obstructs upper story windows or openings.

Roof Sign – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the top walk or edge of a flat roof, the eaves line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof.

Changeable Copy Sign – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign.

Directional Sign – A sign conveying instructions or directions with respect to the use of the premises or a portion of the premises on which it is maintained or a use or practice being conducted on the premises; or directional, informational, or public service signs such as those advertising availability of rest rooms, conveniences, and street address numbers.

Borough of Koppel Zoning Ordinance

Free Standing Sign – A sign supported by upright structural members on or by supports on or in the ground, not attached to any building.

Bulletin Board Sign – A free standing sign listing the names, uses and location of various services, offices, or activities within a building or group of buildings of a public use; a charitable use; a professional or semiprofessional use; a medical center; a clinic or hospital; or signs listing church services and religious activities.

Business District Identification Sign – A free standing sign attached to a pole approved as a component of a business district streetscape plan and designed to announce the entrance to the business district.

Double-Faced Sign – A free standing sign carrying the same message on two (2) faces, only one of which is visible from any ground position, the faces of which are not separated by more than eighteen inches.

Ground Sign – A free standing sign in which the entire bottom is in contact with or is close to the ground and is independent from any building or other structure.

Monument Sign – A free standing sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure. The permissible sign area of such a sign shall begin at a height not greater than four (4) feet above normal grade.

Post and Panel Sign – A free standing sign other than a pole in which is supported by two posts placed in the ground not exceeding eight feet in total height from the most adjacent ground surface, and not attached to any building, including any object placed on the ground in any manner advertising a particular enterprise or parcel.

Outdoor Advertising Sign – A free-standing sign on which is portrayed information that directs attention to a business or service not necessarily related to the other uses existing or permitted on the lot upon which the sign is located. Billboards are included in this definition.

Pole Sign – A free-standing sign greater than eight (8) feet in height. Pole signs may be supported by a single pole structure, or by two or more uprights or braces placed in the ground.

Pylon Sign – A free standing sign with a dimension character of narrow depth, medium width and tall height and with a sign face having a vertical dimension in excess of its horizontal dimension.

Incidental Sign – A flag, sign, pennant, valance, or advertising display that is to be displayed for a limited time.

Flag – A display of fabric without frame which moves with the movement of the wind and which advertises no product, service, or entertainment. This shall not be deemed to include a flag or insignia of the United States, the Commonwealth of Pennsylvania, Beaver County, or Koppel Borough.

Borough of Koppel Zoning Ordinance

Pennant – A display of fabric which moves with the movement of the wind and which advertises a product, a service or an entertainment.

Portable Sign – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless vehicle is used in the normal day to day operations of the business.

Temporary Sign – A sign not permanently attached to a structure or the ground that can be easily transported to any location.

Temporary Exterior Sign – A sign which offers premises for sale, rent or development, advertises the services of professionals or building trades during promotional sales or events, construction or alteration of the premises upon which the sign is located or advertises a special nonrecurring event.

Temporary Interior Sign – A sign whose intended use is to promote products or services of special interest reduced process or notification to the public and which is being erected or affixed primarily to attract the public outside of the building.

Sandwich Sign – A temporary exterior sign with two (2) faces that are adjoined at the top and displayed at an angle, which is not permanently anchored or secured.

Snip Sign – A sign nailed or otherwise attached to any object, tree, or building or structure advertising any business commodity, service, facility, or entertainment sold or offered elsewhere than upon the same lot where the sign is located.

Vehicular Sign – Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity during all or part of the day. Vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

Wall Sign – Any sign attached parallel to, but within 12 inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign – Any sign, picture, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes of glass and is visible from the exterior of the window.

Sign Face – The plane upon, against or through which an advertisement or display is illustrated.

Sign, Gross Surface Area Of – The entire area with a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same.

Borough of Koppel Zoning Ordinance

The gross surface area of signs having more than one surface visible to the public (double-faced or multiple-faced signs) shall have only one side considered, provided that both faces are identical and not more than thirty-six (36) inches apart. If the interior angle formed by both faces of a double-faced sign is greater than forty-five (45) degrees, both sides of the sign shall be used in computing the sign area.

Sign Height – The vertical distance measured from ground level to the highest point on the sign and its supporting structure.

Single Housekeeping Unit – One (1) person or two (2) or more individuals living together sharing household responsibilities and activities which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic, and psychological commitments to each other.

Skilled Nursing Facility – A facility which provides nursing care and related medical or other personal health services on a continuous twenty-four (24) hour basis for individuals not in need of hospitalization but who, because of age, illness or other infirmity, require high intensity comprehensive planned nursing care. The facility shall be licensed by the appropriate state agency.

Slaughterhouse – A place where livestock is slaughtered and may be cut, packaged, and / or processed.

Slope – The face of an embankment, fill, or cut whose surface makes an angle with the plane of the horizon. Slope is expressed as a percentage based upon the vertical difference in feet per one hundred (100) feet of horizontal distance.

Solar Collector – A free standing or fixed device, or combination of devices, structures or part of a device or structure that transforms direct solar energy into thermal, chemical or electrical energy that contributes significantly to a structure's energy supply.

Solar Energy – Radiant energy (direct, diffused and reflected) received from the sun.

Solar Energy System – A complete design or assembly consisting of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy.

Solar Farm – One or more solar arrays or a power plant that uses solar arrays to convert sunlight into electricity.

Solid Waste Disposal Area – An area permitted for use for the disposal of solid waste under the Solid Waste Management Act (35 P.S. §§ 6018.101- 6018.1003).

Special Exception – A use permitted in a particular zoning district pursuant to the provisions in the MPC and the provisions set forth within this Ordinance.

Specified Anatomical Areas – The human genitals, pubic region, anus, buttocks, female breast(s) below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely covered.

Borough of Koppel Zoning Ordinance

Specified Sexual Activities – Includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (3) excretory functions as a part of or in connection with any of the activities set forth in (1) or (2). The term does not include any of the following: medical publications or films or bona fide educational publications or films; any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; any news periodical which reports or describes current events and which from time to time publishes photographs of nude or seminude persons in connection with the dissemination of the news; or any publication or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

Stable – A building, structure or portion thereof which is used for the shelter or care of horses, cattle or other similar animals either permanently or transiently.

Commercial Boarding Stable – A building and premises used for the keeping and / or riding and training of horses or other similar animals for the purpose of monetary gain but prohibiting their rental to the general public.

Private Stable – A detached accessory building for the keeping of not more than two (2) animals horses, cattle or other similar animals owned by the occupants of the premises and not kept for hire or sale.

Riding / Rental Stable – A building and premises used for the keeping and / or riding and training of horses or other similar animals, which exceed a total number of ten (10) animals per acre, for the purpose of monetary gain, including the rental of animals and instruction in the art of horseback riding to the general public.

Story – The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above it.

Story, Half – A story under a gabled, hipped or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the finished floor of such story.

Street – A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Structural Alterations – Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure – Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Accessory Structure – A detached structure customarily incidental and subordinate to the principal structure and located on the same lot.

Borough of Koppel Zoning Ordinance

Principal Structure – The structure or portion thereof housing the main use of the land.

Temporary Structure – Any structure which is erected to be in place for not more than twelve months, including but not limited to tents, air-supported structures, portable bandstands, reviewing stands, bleachers, mobile office units, construction sheds, sales offices for lots or dwellings or other structures of a similar character.

Studio, Dancing or Music – The use of a premises by a teacher of music and / or dance where students are taught these arts for a fee and where more than one (1) student may be taught in a class at one time.

Swimming Pool – Any structure which demands a permanent location in or on the soil which is devoted or intended to be devoted to swimming or diving and within the definition is intended to include swimming pools regardless of whether the same are portable or non-portable, containing in excess of six (6) inches of water.

Commercial Swimming Pool – A swimming pool operated for profit and open to the public upon payment of a fee.

Private Swimming Pool – A swimming pool that is an accessory structure appurtenant to a one-family or a two-family dwelling and used only by persons residing on the same lot and their private guests.

Public Swimming Pool – A swimming pool operated by a unit of government for the general public.

Semi-Public Swimming Pool – A swimming pool that is an accessory structure appurtenant to a multiple family dwelling, hotel, motel, church, club, etc. and used by persons who reside or are housed on the same lot or who are regular members of such organizations.

Tattoo Parlor – An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

Tavern / Drinking Establishment – An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that derives in a six-month period less than fifty (50) percent of its gross revenues from the sale of food and beverages for consumption on the premises. This term also includes bar.

Temporary Shelter – A structure, or part thereof, operated on a non-profit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment related relocation activities, or who have bona fide emergency housing needs.

Telephone Exchange Building – A building and equipment therein, used or to be used for the purpose of facilitating transmission and exchange of telephone messages between subscribers, but in a

Borough of Koppel Zoning Ordinance

residential district not including public business facilities, storage of outside plant materials, trucks or repair facilities, or housing for outside repair crews.

Theater – A building or part of a building devoted to the showing of movies, musical performances, dance or theatrical productions, usually on a paid admission basis.

Theater, Drive In – An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of movies or to theatrical productions, usually on a paid admission basis, to patrons seated in motor vehicles or on outdoor seats.

Timber Harvesting or Logging – The cutting down and removal of trees and logs to be converted to any forest product or for sale to others or for other purposes. Timber harvesting shall not include the removal of dead or diseased trees or a homeowner cutting on his own property for his own use.

Timber Harvesting / Logging Operator – Any individual, partnership, company, firm, association or corporation engage in timber harvesting, including agents, subcontractors, and employees thereof.

Tower – A structure other than a building, such as a monopole or self-supporting tower, designed and used to support any facility or another structure, other than communications antennas. Guyed towers shall not be deemed within this term and are not permitted. This term shall be broadly interpreted so as to include without limitation all such structures.

Transfer Facility – A facility that receives and temporarily stores solid waste at a location other than the generation site, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal.

Transportation Services – A facility for private taxicab, limousine, bus service and similar passenger service.

Travel Plaza – A facility that provides auto and / or truck fuel and convenience items and include more than four (4) fuel islands and more than eight (8) fueling positions; or facilities that are intended for use by cargo transportation. Accessory activities may include the operation of no more than two (2) arcade games, video games or other similar devices, automated teller machines (ATMs), check cashing, money orders, movie rentals, lottery tickets, film processing, showers, and restaurants.

Travel Trailer – A portable, vehicular structure built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers that can be attached to the bed of pickup trucks.

Truck Terminal – A facility where trucks load and unload goods, products, cargo and / or other materials to be broken down or aggregated in different size loads and reshipped to other destinations.

Useable Open Space – A portion of a lot used for residential purposes, exclusive of required front and side yard areas, which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

Borough of Koppel Zoning Ordinance

Use – Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation, business or operation carried on in a building or other structure on a tract of land.

Variance – Relief granted pursuant to the provisions of this Ordinance and Articles VI and IX of the MPC.

Vehicle – Any device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks.

Vehicle Sales, Rental, and Service – A facility for the sales, rental, and service of automobiles, trucks, buses, boats, and marine equipment, motorcycles, campers, motor homes, and recreational vehicles, but not including heavy equipment.

Veterinary Office / Animal Hospital – A facility where animals are given medical or surgical treatment. Use as a kennel shall be prohibited except for animals or pets undergoing medical or surgical treatment.

Viewing Booths – Booths, stalls, portions of a room, rooms, or other enclosures that are available for viewing: (1) films, movies, videos, or visual reproductions of any kind depicting or describing specified sexual activities or specified anatomical areas; or (2) persons who appear in a state of nudity or semi-nudity or who offer performances or presentations characterized by the exposure of specified anatomical areas or by specified sexual activities.

Warehouse – A structure primarily used for the storage of goods and materials.

Wetlands – Lands regulated as wetlands by the Pennsylvania Department of Environmental Protection and / or the U.S. Army Corps of Engineers. Such areas are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wind Farm – One or more windmills or wind turbines or a power plant that uses windmills or wind turbines to generate electricity. This term does not include a single traditional small scale windmill for use on a farm.

Winery – A facility designed for crushing, pressing, fermenting, bottling and cellaring wine for retail and wholesale purposes that produces less than 50,000 cases of wine a year.

Wholesale Establishment -An establishment primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling to, such individuals or companies.

Yard – An open space at grade between the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Front Yard – A yard extending along the full width along the front lot line and back to a line drawn parallel to the front lot line at a horizontal distance therefrom equal to the depth of

Borough of Koppel Zoning Ordinance

the required front yard. On a corner lot, the zoning officer shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.

Rear Yard – A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a horizontal distance therefrom equal to the depth of the required rear yard.

Side Yard – An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line.

Yard Sale – A sale of limited duration conducted from the yard, porch or garage of a single family or two-family dwelling but including no sales in a public right-of-way. Such sale shall be of clothing and household items belonging to the residents only and not purchased for the purpose of resale on the premises. Yard, porch or garage sales shall be considered an accessory use and not a home occupation, and shall be limited to not more than twelve (12) days or any part of a day in a calendar year.

Zoning Approval – Approval under the provisions of this ordinance certifying that an application for development or application for zoning approval for occupancy and use has fulfilled the requirements of this ordinance.

Zoning Hearing Board – A Board appointed by the Governing Body of Koppel Borough to examine and decide appeals for relief from strict conformance of application of this Ordinance and to hear testimony regarding the validity of any regulations upon development in the borough or regarding challenges to the decisions of the zoning officer in accordance with the provisions of the MPC.

Zoning Map – The Zoning Map of Koppel Borough, together with all amendments subsequently adopted.

Zoning Officer – The person appointed by the Governing Body of Koppel Borough having the powers and subject to the provisions set forth in the MPC, whose duty it shall be to administer and enforce this Ordinance and such other ordinances that may be assigned by the governing body.

Zoological Park (Zoo) – Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domestic animals operated by any person, partnership or corporation, or any governmental agency.

Borough of Koppel Zoning Ordinance

ARTICLE III ESTABLISHMENT OF ZONING DISTRICTS, ZONING MAP AND GENERAL REGULATIONS

SECTION 301 **ESTABLISHMENT OF ZONING DISTRICTS**

301.1 Koppel Borough participated in and adopted the North Central Beaver County Comprehensive Plan as its official Comprehensive Plan. This Comprehensive Plan was a cooperative effort among Big Beaver Borough, Homewood Borough, Koppel Borough, and New Galilee Borough. An integral part of the Comprehensive Plan was the identification of regional zoning districts within and for the participating municipalities. Koppel Borough, by enactment of this Ordinance, adopts the various zoning districts as shown by zoning district boundary lines on the attached Zoning District Map, to be in general conformance with the adopted Comprehensive Plan. The various zoning districts established among the participating municipalities are as follows:

- 301.1.1** R-1 Rural Residential District
- 301.1.2** R-2 Medium Density Residential District
- 301.1.3** R-3 High Density Residential District
- 301.1.4** C-1 Neighborhood Commercial District
- 301.1.5** C-2 Highway Commercial District
- 301.1.6** MU Mixed Use District
- 301.1.7** M-1 Light Industrial
- 301.1.8** M-2 Heavy Industrial District
- 301.1.9** A Agriculture District
- 301.1.10** ID Interchange Development District
- 301.1.11** VR Village Residential District
- 301.1.12** VC Village Center District
- 301.1.13** SC Special Conservation District

SECTION 302 **ESTABLISHMENT OF OVERLAY DISTRICTS**

302.2 In addition to the zoning districts, this Ordinance establishes overlay districts. The overlay districts shall be superimposed where applicable over the basic districts. The overlay district is designed to reflect two (2) or more zone districts regulating the same area. The uses permitted by the underlying district are to be allowed subject to the additional regulations imposed by the overlay district, which are as follows:

- 302.2.1** FP Flood Plain Area Overlay District
- 302.2.2** AIR Airport Overlay District
- 302.2.3** *Reserved for future overlay districts*

Borough of Koppel Zoning Ordinance

SECTION 303 ESTABLISHMENT OF THE ZONING DISTRICT MAP

303.1 A map entitled the "Koppel Borough Zoning Map" is hereby adopted as part of this Ordinance that identified the boundaries of the zoning districts. The Koppel Borough Zoning Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if they were all fully set forth or described herein. The original, properly attested zoning district map shall be available for examination at the municipal building of Koppel Borough and shall be reviewed periodically by the governing body, the Zoning Hearing Board and others as applicable, and amended as deemed necessary by the governing body. All approved changes to zoning districts shall be recorded on the zoning map and shall adhere to the requirements set forth under this Ordinance.

SECTION 304 INTREPRETATIONS OF DISTRICT BOUNDARIES

304.1 The district boundaries on the Koppel Borough Zoning Map are intended to follow property lines; centerlines of roads, water courses, or railroads; other identifiable physical features; or measured distances from property lines, centerlines or identifiable physical features.

304.2 When the zoning officer cannot determine the location of a zoning district boundary by reference to the zoning district map, the zoning officer shall refuse action; and the Zoning Hearing Board shall interpret the location of the district boundary with reference to the scale of the map, the comprehensive plan and the purposes set forth in all relevant provisions of this Ordinance.

304.3 The following shall apply when a zoning district boundary line divides a lot held in single or separate ownership at the effective date of this Ordinance:

304.3.1 Where the lot is large enough to be subdivided into two (2) or more lots, each with a single zoning district, no zoning approval will be given for any authorized use which would utilize any portion of the lot other than that portion of the lot in which the principal use is located. Further development will require a subdivision; or,

304.3.2 Where a lot cannot be subdivided in compliance with this Ordinance and any applicable Subdivision and Land Development Ordinance, the permitted use on the lot is limited to those uses permitted in the zoning district in which the largest part of the lot is located, and the smaller part of the lot located in another zoning district will be subject to the zoning ordinance provisions where the largest portion of the lot is located.

304.3.3 Where an undue hardship is created by this section, the Zoning Hearing Board has jurisdiction to grant such relief as deemed necessary.

SECTION 305 ZONING DISTRICT REGULATIONS

305.1 The provisions, restrictions, and controls intended to regulate development in each district are set forth in the following sections and apply to all zoning districts and all lots. Except when stated, all provisions of this Ordinance shall apply to all uses.

Borough of Koppel Zoning Ordinance

- 305.2** All approved changes to zoning districts shall be promptly recorded on the Koppel Borough Zoning Map and these changes must follow the procedures established in Article VIII - Administrative Provisions of this ordinance.

SECTION 306 EXPLANATION OF USE CATEGORIES

- 306.1** The following are classifications of zoning uses established in this Ordinance, which vary in their impact upon Koppel Borough and in the procedures by which the uses are authorized:
- 306.1.1** Uses By Right – authorized uses for which zoning approval will be issued by the Zoning Officer upon review of the application and certification of compliance with this Ordinance.
 - 306.1.2** Conditional Uses – authorized uses that are permitted by approval of the governing body in accordance with this Ordinance and the requirements of the MPC.
 - 306.1.3** Special Exceptions – authorized uses that are permitted by approval of the Zoning Hearing Board in accordance with this Ordinance and the requirements of the MPC.
 - 306.1.4** Uses Not Specifically Listed – where a use is proposed, which is similar in nature and intent to those already listed in a zoning district, but not actually listed therein, the Zoning Officer shall refer the request to the Zoning Hearing Board who shall approve or deny the request based upon (a) the purpose and intent of this Ordinance and (b) the similarity of the use to the listed uses and intent of the district.

SECTION 307 APPLICATION OF REGULATIONS

- 307.1** All land annexed by the municipality after the enactment of this Ordinance shall be immediately classified as an R-1 Zoning District. The Planning Commission shall make a recommendation to the governing body as to the appropriate zoning classification for the annexed land within ninety (90) days following the date of annexation.
- 307.2** No building or land shall be used or occupied and no building or part shall be erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.
- 307.3** No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- 307.4** Uses in each category shall be according to the definitions set forth in Article II of this Ordinance. For those uses not defined in this ordinance their meanings shall be according to the common meaning of the term.
- 307.5** Only one principal use per lot in any district shall be permitted.

SECTION 308 PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

- 308.1** The permitted uses, special exceptions and conditional uses for each district are found in **Tables 4-1 through 4-13.**

Borough of Koppel Zoning Ordinance

- 308.2** The permitted uses, special exceptions and conditional uses for the overlay districts are found in **Table 5-1**.
- 308.3** Special exceptions may be granted or denied by the Zoning Hearing Board of Koppel Borough in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.
- 308.4** Conditional uses may be granted or denied by the Governing Body of Koppel Borough in accordance with the express standards and criteria of this Ordinance and the Pennsylvania Municipalities Planning Code.

SECTION 309 LOT, YARD AND HEIGHT REQUIREMENTS

- 309.1** The minimum lot area, maximum lot coverage by buildings and structures, minimum depth of front, rear, and side yard requirements, maximum height of structures and other bulk requirements for each district shall be specified in **Table 4-14**.

Borough of Koppel Zoning Ordinance

ARTICLE IV ZONING DISTRICT REGULATIONS

SECTION 401 ESTABLISHMENT OF ZONING DISTRICTS

- 401.1** The North Central Beaver County Multi-municipal Comprehensive Plan established thirteen (13) recommended zoning districts for the Boroughs of Big Beaver, New Galilee, Homewood, and Koppel, Beaver County. Each of the respective municipalities has adopted this Comprehensive Plan as the municipality's official plan. The general objectives for establishing each zoning district are as follows:
- 401.1.1** "R-1" Rural Residential District – This district includes areas utilized as single-family residential dwellings, as farm lands, or as vacant property and encourages low density rural development. Existing parcels are larger and served by secondary roads and must be of sufficient size to support on-site sewage disposal and private water supply.
 - 401.1.2** "R-2" Medium Density Residential District – This district is served by sanitary sewer and water systems and is located on, or near, major thoroughfares, retail centers, and community facilities. It is where continued growth is expected to occur and is conducive to planned residential development.
 - 401.1.3** "R-3" High Density Residential District – This district supports more compact types of residential development and is served by the infrastructure needed to accommodate future growth. Areas of R-3 are able to sustain concentrations of population in townhouses, condominiums, high rise / garden apartments and housing for the elderly due to its location near retail centers and transportation.
 - 401.1.4** "C-1" Neighborhood Commercial District – This commercial district has been established to provide reasonable standards for the development of commercial uses in areas where such uses already exist and where, due to the character of the underdeveloped land, the development of new commercial uses can best serve the region through sale of public conveniences. These areas shall be limited in size and are not intended to become larger commercial centers.
 - 401.1.5** "C-2" Highway Commercial District – This district provides reasonable standards for the provision of highway oriented commercial uses within the corridors where such uses exist and are feasible to expand. This district is designed to serve major highways, to minimize access roads from these major thoroughfares, to minimize traffic congestion and to provide buffer yards and screen plantings where such uses adjoin residential districts.
 - 401.1.6** "MU" Mixed Use District – The mixed use district will promote flexibility for locations that contain both housing and commercial development along transportation corridors. This district should be developed in a manner that creates an environment suitable for a variety of housing types, various income levels, and allows for a mixture of commercial/office uses.
 - 401.1.7** "M-1" Light Industrial District – This district is intended to provide a suitable environment for certain types of commercial and industrial uses that can be located adjacent to other districts without undue harmful effects. It is limited to uses that would minimize air pollution, noise, glare, heat, vibration, fire and safety hazards and increased traffic congestion.

Borough of Koppel Zoning Ordinance

- 401.1.8** "M-2" Heavy Industrial District – This district is designed to provide for more intense types of manufacturing and industrial uses and is serviced by all types of transportation for the shipping of goods and services. This district is designed to establish reasonable standards for future industrial development.
- 401.1.9** "A" Agricultural District – This district is intended for land used for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, animal hospitals, riding academies, stables, animal and poultry husbandry, and dog kennels and / or clinics.
- 401.1.10** "ID" Interchange Development District – The intent of this district is to promote economic opportunities on lands located adjacent to interchanges for major roadway corridors. The design and construction of the buildings within this district should be of high-quality due to the visual impacts that will be associated with these gateways into the region. Uses may include hotels, restaurants, retail shopping, offices, light manufacturing and community / recreational facilities.
- 401.1.11** "VR" Village Residential District – This district is created to provide a setting for the existing predominantly moderate density residential uses along with limited low intensity non-residential and public uses serving to protect and enhance the village areas of the region. Development should encourage a traditional pedestrian-friendly, local service character within the established village area.
- 401.1.12** "VC" Village Center District – This district has been created to provide for the location of uses that support and are compatible with village residential districts and to maintain and promote the sense of community provided by the commercial hubs established and the other land in the center of the village. Standards for area, bulk, height, and orientation, as well as for design, parking, accessory uses, signage, lighting and screening will allow the town center area to serve and support the village residential district.
- 401.1.13** "SC" Special Conservation District – The special conservation district has been established to provide areas for open space, non-residential land uses and the preservation of natural/cultural resources.

SECTION 402 RESIDENTIAL ZONING DISTRICTS

- 402.1** In addition to the goals set forth in the General Purposes, the districts established in these regulations are intended to achieve the following:
- 402.1.1** To provide sufficient space for a variety of housing types adequate to meet the needs of the present and projected population of the municipalities consistent with the policies set forth in the Comprehensive Plan.
- 402.1.2** To assure light, air and privacy by controlling the spacing and height of buildings and other structures.
- 402.1.3** To protect residential areas against the hazards of fire, offensive noise, vibration, smoke, odors, glare, and other objectionable influences.
- 402.1.4** To prevent congestion and environmental blight by regulating the density of population and the bulk of buildings.
- 402.1.5** To make provisions for public and private educational, recreational, health and similar facilities serving the needs of the residents in an effective and efficient manner.

Borough of Koppel Zoning Ordinance

SECTION 403 **"R-1" RURAL RESIDENTIAL ZONING DISTRICT**

- 403.1** It is the intent of the "R-1" Rural Residential Zoning District to provide for the development and maintenance of rural residential development and single-family residential neighborhoods together with activities that are compatible and normally associated with residential neighborhoods.
- 403.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-1**.
- 403.3** Area and bulk regulations are listed in **Table 4-14**.
- 403.4** Side and rear yard setbacks for accessory structures or building shall be ten (10) feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- 403.5** Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.
- 403.6** Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- 403.7** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 403.8** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 404 **"R-2" MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT**

- 404.1** It is the intent of the "R-2" Medium Density Residential Zoning District to provide alternatives to single-family development within areas that have acceptable levels of infrastructure and access and to maintain the appropriate density of development for the region.
- 404.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-2**.
- 404.3** Area and bulk regulations are listed in **Table 4-14**.
- 404.4** Side and rear yard setbacks for accessory structures or building shall be ten (10) feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- 404.5** Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.

Borough of Koppel Zoning Ordinance

- 404.6** Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- 404.7** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 404.8** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 405 "R-3" HIGH DENSITY RESIDENTIAL ZONING DISTRICT

- 405.1** It is the intent of the "R-3" High Density Residential Zoning District to provide locations for higher density residential developments within areas that have infrastructure and access sufficient to maintain the appropriate density of development for the region.
- 405.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-3**.
- 405.3** Area and bulk regulations are listed in **Table 4-14**.
- 405.4** Side and rear yard setbacks for accessory structures or building shall be ten (10) feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- 405.5** Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.
- 405.6** Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- 405.7** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 405.8** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 406 COMMERCIAL ZONING DISTRICTS

- 406.1** In addition to the goals set forth in the General Purposes, the districts established in these regulations are intended to achieve the following:
- 406.1.1** To provide sufficient space for a variety of commercial and service establishments including the adequate provision for merchandising requirements and off-street parking facilities while insuring safe circulation of pedestrian and vehicular traffic.
- 406.1.2** To encourage land uses and building development that promote commercial development, enhance the character of commercial areas, protect nearby

Borough of Koppel Zoning Ordinance

residential districts and conserve the value of land and buildings, and promote increased tax revenues.

Borough of Koppel Zoning Ordinance

SECTION 407 "C-1" NEIGHBORHOOD COMMERCIAL ZONING DISTRICT

- 407.1** It is the intent of the "C-1" Neighborhood Commercial Zoning District to promote the development of land within older, built-up areas by permitting a mix of land uses that will be compatible with the established character of the community and provide development potential for commercial sites to serve the immediate daily needs of the surrounding neighborhood areas.
- 407.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-4**.
- 407.3** Area and bulk regulations are listed in **Table 4-14**.
- 407.4** Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- 407.5** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 407.6** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 408 "C-2" HIGHWAY COMMERCIAL ZONING DISTRICT

- 408.1** It is the intent of the "C-2" Highway Commercial Zoning District to promote the development of land along major roadway and transportation corridors by permitting larger commercial establishments that increase traffic flows and demands on the present infrastructure network.
- 408.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-5**.
- 408.3** Area and bulk regulations are listed in **Table 4-14**.
- 408.4** Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- 408.5** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 408.6** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 409 "MU" MIXED USE ZONING DISTRICT

- 409.1** It is the intent of the "MU" Mixed Use Zoning District to create an economically viable district providing a range of commercial and service activities oriented to the immediate community and contiguous vicinity served by major highway systems; provide for the development of

Borough of Koppel Zoning Ordinance

uses which are intended and designed to serve the local traveling public; prevent areas near interchanges from developing at an intensity which is beyond the capability of the intersecting roadways serving the highway to accommodate traffic generated by such development; and enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.

- 409.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-6**.
- 409.3** Area and bulk regulations are listed in **Table 4-14**.
- 409.4** Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- 409.5** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 409.6** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 410 INDUSTRIAL ZONING DISTRICTS

- 410.1** In addition to the goals set forth in the General Purposes, the districts established in these regulations are intended to achieve the following:
 - 410.1.1** To provide sufficient space for the development of activities to support the economy of the municipalities through the creation of employment opportunities, the processing, manufacturing, distribution, storage, and trade of goods and services.
 - 410.1.2** To minimize the impacts to surrounding districts and to the municipal infrastructure system.
 - 410.1.3** Ensure that public improvements are consistent with the anticipated developments in these districts.
 - 410.1.4** Promote high standards for landscaping and design of buildings and structures.
 - 410.1.5** Provide a mix of uses within these districts to ensure future sustainability of the municipal tax base.

SECTION 411 "M-1" LIGHT INDUSTRIAL ZONING DISTRICT

- 411.1** It is the intent of the "M-1" Light Industrial Zoning District to provide a flexible zoning district in specific areas located along major roadways to allow for a variety of planned light industrial and commercial uses and provide for a logical integrated design to enhance public safety by preventing excessive curb cuts, regulating the location and spacing of ingress and egress points, and establishing appropriate sight distances along intersecting roadways serving the highways.
- 411.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-7**.

Borough of Koppel Zoning Ordinance

Borough of Koppel Zoning Ordinance

- 411.3** Area and bulk regulations are listed in **Table 4-14**.
- 411.4** The minimum side yard and minimum rear yard setbacks are established in **Table 4-14**, but no buildings in the M-1 zoning district shall be located less than one hundred (100) feet from a residential zoning district.
- 411.5** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 411.6** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 412 "M-2" HEAVY INDUSTRIAL ZONING DISTRICT

- 412.1** It is the intent of the "M-2" Heavy Industrial Zoning District to accommodate industrial activities of an intrusive nature which are normally not compatible with, or which detract from the viability of other uses due to high levels of traffic generation, noise, vibrations, odor, aesthetic and / or related considerations; provide areas within the municipalities where mineral extraction shall be a permitted use; and reduce conflict in residential, commercial and agricultural areas.
- 412.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-8**.
- 412.3** Area and bulk regulations are listed in **Table 4-14**.
- 412.4** The minimum side yard and minimum rear yard setbacks are established in **Table 4-14**, but no buildings in the M-2 zoning district shall be located less than one hundred (100) feet from a residential zoning district.
- 412.5** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 412.6** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 413 "A" AGRICULTURAL ZONING DISTRICT

- 413.1** It is the intent of the "A" Agricultural Zoning District to encourage and protect land suitable for farming, dairy, livestock, forestry operations and other agricultural activities while providing for limited, low-density residential development; protect land used for food production and other agricultural uses from encroachment by untimely and unplanned development; protect the rural character of the land and encourage rural conservation by preserving natural features, such as watersheds, forests and watercourses, to perpetuate the rural atmosphere, open space and scenic landscapes; preserve productive agricultural land resources; and, encourage residential development that will blend with agricultural uses.
- 413.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-9**.

Borough of Koppel Zoning Ordinance

- 413.3** Area and bulk regulations are listed in **Table 4-14**.
- 413.4** Side and rear yard setbacks for accessory structures or building shall be (ten) 10 feet from any property line and provided that no accessory structure or building is permitted within any front yard.
- 413.5** Private garages and any accessory structure or building in excess of 200 square feet of building area must comply with the minimum yard requirements for principal structures.
- 413.6** Driveways, parking lots, handicapped ramps, sidewalks and walkways, flag poles, freestanding light poles and fixtures, fences, and landscaping or ornamental structures shall have no minimum yard requirement.
- 413.7** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 413.8** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.
- 413.9** A twenty (20) foot buffer is required between parcels zoned agricultural and those zoned for any other uses.

SECTION 414 "ID" INTERCHANGE DEVELOPMENT ZONING DISTRICT

- 414.1** It is the intent of the "ID" Interchange Development Zoning District to provide for land uses that benefit from locations that are adjacent to interchanges located along major roadways; promote economic opportunities through a mix of retail, commercial and light manufacturing establishments; and provide services to motorists using the major roadways.
- 414.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-10**.
- 414.3** Area and bulk regulations are listed in **Table 4-14**.
- 414.4** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 414.5** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 415 "VR" VILLAGE RESIDENTIAL ZONING DISTRICT

- 415.1** It is the intent of the "VR" Village Residential Zoning District to sustain the vision for the region and to maintain the village atmosphere where future development will not disrupt the existing character of the borough.
- 415.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-11**.

Borough of Koppel Zoning Ordinance

- 415.3** Area and bulk regulations are listed in **Table 4-14**.
- 415.4** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 415.5** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 416 "VC" VILLAGE CENTER ZONING DISTRICT

- 416.1** It is the intent of the "VC" Village Center Zoning District to focus on infill development, traditional neighborhood style housing, small scale commercial development focusing on personal services, home-based businesses, public buildings, and neighborhood parks.
- 416.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-12**.
- 416.3** Area and bulk regulations are listed in **Table 4-14**.
- 416.4** Dwelling units on the second and / or third floors shall have a minimum of six hundred fifty (650) square feet of floor area for a one (1) bedroom unit. A minimum of one hundred ten (110) square feet shall be required for each additional bedroom.
- 416.5** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 416.6** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

SECTION 417 "SC" SPECIAL CONSERVATION ZONING DISTRICT

- 417.1** It is the intent of the "SC" Special Conservation Zoning District to promote the preservation of specific sites and corridors that have environmental, natural or cultural significance to the region. Through adequate protection, the natural amenities and environmental uniqueness of these locations will be protected. Erosion, pollution, and siltation will be prevented and safeguards will be established for the health, safety and welfare of persons and property from flooding, mudslides, landslides and other natural dangers to life and property.
- 417.2** Authorized uses by right, special exception and / or conditional use are listed in **Table 4-13**.
- 417.3** Area and bulk regulations are listed in **Table 4-14**.
- 417.4** Parking, signs and other regulations shall conform to the requirements established in Article VI of this Ordinance.
- 417.5** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in the municipalities.

Borough of Koppel Zoning Ordinance

TABLE 4-1 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"R-1" RURAL RESIDENTIAL DISTRICT

Permitted Uses

Accessory Uses	One Family Dwelling
Greenhouse (Private)	Place of Worship
No-Impact Home-Based Business	Public Park

Special Exceptions

Agricultural Operation	Essential Service Installations
Assisted Living Facility	Fruit and Vegetable Stand
Bed and Breakfast Inn	Mobile Home Park
Boarding House	Public and Utility Structures and Buildings
Cemeteries	Pre-school
Domiciliary Care Home	
Conversion Apartment	

Borough of Koppel Zoning Ordinance

TABLE 4-2 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"R-2" MEDIUM DENSITY RESIDENTIAL DISTRICT

Permitted Uses

Accessory Uses	Independent Living Facility
Library	No-impact Home-Based Business
Bed and Breakfast Inn	One Family Dwelling
Child Day Care Center	Public Parks
Housing for the Elderly	Two Family Dwelling

Special Exceptions

Adult Day Care Facility	Group Home
Assisted Living Facility	Multi-Family Dwelling
Barber Shop / Beauty Salon	Nursery School
Boarding House	Nursing Home
Community Center	Personal Care Facility
Continuing Care Facility	Places of Public Assembly
Conversion Apartment	Place of Worship
Country Inn	Pre-school Primary / Secondary School
Domiciliary Care Home	Public and Utility Structures and Buildings
Essential Service Installations	Restaurant (Carry Out)
Family Care Facility	Rooming House
Group Day Care Facility	Skilled Nursing Facility
Group Child Day Care Facility	Transportation Services

Borough of Koppel Zoning Ordinance

TABLE 4-3 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"R-3" HIGH DENSITY RESIDENTIAL DISTRICT

Permitted Uses

Accessory Uses	Independent Living Facility
Adult Day Care Facility	Library
Bed and Breakfast Inn	Multi-Family Dwelling
Child Day Care Center	No-impact Home-Based Business
Domiciliary Care Home	One Family Dwelling
Family Care Facility	Personal Care Facility
Group Day Care Facility	Public Parks
Group Child Day Care Facility	Two Family Dwelling
Housing for the Elderly	

Special Exceptions

Assisted Living Facility	Nursery School
Barber Shop / Beauty Salon	Nursing Home
Boarding House Club	Places of Public Assembly
Community Center	Place of Worship
Continuing Care Facility	Pre-school Primary / Secondary School
Conversion Apartment	Public and Utility Structures and Buildings
Country Inn	Restaurant (Carry Out)
Essential Service Installations	Rooming House
Funeral Home / Mortuary	Skilled Nursing Facility
Group Home Halfway House	Tourist Homes
Health Club	Transportation Services
Institutional Home	

Borough of Koppel Zoning Ordinance

TABLE 4-4 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"C-1" NEIGHBORHOOD COMMERCIAL DISTRICT

Permitted Uses

Accessory Uses	Florist Shop
Animal Hospital & Veterinary Clinic	Fruit and Vegetable Stand
Art, Craft or Antique Shop	Funeral Home / Mortuary
Art Gallery / Museum	Health Club
Bakery	Home Occupation
Barber Shop / Beauty Salon	Laundromat
Child Day Care Center	Library
Copying / Printing Service	Massage Therapy Business
Dance Studio	Photographic Studio
Dry Cleaner	Restaurant (Sit down, low turnover)
Essential Service Installations	Retail Stores <5,000 square feet
Farmer's Market	Tavern / Drinking Establishment
Flea Market	

Special Exceptions

Amusement and Recreation Center	Conversion Apartment
Bicycle Sales and Service	Personal Services
Catering Business	Pre-school
Communications Antenna	Primary / Secondary School
Communications Equipment Building	Professional Offices / Group Practices
Communications Tower	Public and Utility Structures and Buildings
Community Center	Restaurant (Fast Food)
Convenience Store	Veterinary Office / Animal Hospital

Borough of Koppel Zoning Ordinance

TABLE 4-5 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"C-2" Highway Commercial District

Permitted Uses

Accessory Uses	Garage (Public)
Amusement / Recreation Center	Garden Center
Art, Craft or Antique Shop	Gasoline Service Station
Art Gallery / Museum	Greenhouse (Commercial)
Automobile Repair / Service	Hardware / Home Improvement Store
Automobile Sales	Hotel/Motel
Bakery	Laundromat
Bank / Financial Institution	Library
Barber Shop / Beauty Salon	Lumberyard
Bed and Breakfast Inn	Massage Therapy Business
Bicycle Sales and Service	Medical Center
Boat & Marine Sales / Service	Museum
Brewery Pub	Nursery
Broadcasting Studio	Parking Facilities (Commercial)
Building Material Facility	Pet Shop
Business / Trade School	Pharmacy
Car Wash	Photographic Studio
Catering Business	Plumbing Sales and Contracting
Clinic	Post-Secondary School
Clothing / Wearing Apparel Sales / Service	Primary / Secondary School
Convenience Store	Professional Offices / Group Practices
Convenience Store (selling gasoline)	Restaurant (Carry Out)
Copying / Printing Service	Restaurant (Fast Food)
Dance Studio	Restaurant (Sit down, low turnover)
Drive in Theater	Retail Stores (<5,000 square feet)
Dry Cleaner	Retail Stores (>5,000 square feet)
Electric Sales and Contracting	Self Service Laundry
Equipment Rental/Repair	Self-Storage Facility
Essential Service Installations	Shopping Center
Farm Equipment and Supply Sales	Tattoo
Farmer's Market	Transportation Services
Florist Shop	Travel Plaza
Fortune Teller / Psychic / Astrologer	Vehicle Sales / Rental and Service
Funeral Home / Mortuary	Veterinary Office / Animal Hospital

Borough of Koppel Zoning Ordinance

TABLE 4-5 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES (CONTINUED)

Special Exceptions

Animal Shelter	Flea Market
Amusement Park	Tavern / Drinking Establishment
Arena	Theater
Bus and Other Transit Terminal, Depot and Passenger Station	Escort Services
Club	Hospital
Commercial Parking Facility	Institution
Communications Antenna	Kennel
Communications Equipment Building	Places of Public Assembly
Communications Tower	Places of Worship / Religious Institution
Community Center	Public and Utility Structures and Building
Escort Service	Race Track

Borough of Koppel Zoning Ordinance

TABLE 4-6 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"MU" Mixed Use District

Accessory Uses

Amusement and Recreation Center	Laundromat
Art, Craft or Antique Shop	Library
Art Gallery / Museum B	Multi-Family Dwelling
Bakery	No-impact Home-Based Business
Bank / Financial Institution	Personal Service Establishment
Barber Shop / Beauty Salon	Pharmacy
Bed and Breakfast Inn	Photographic Studio
Bicycle Sales and Service	Places of Worship / Religious Institution
Catering Business	Pre-school
Clinic	Primary / Secondary School
Clothing / Wearing Apparel Sales and Service	Professional Offices / Group Practices
Community Center	Public Parks
Convenience Store	Restaurant (Carry Out)
Copying / Printing Service	Restaurant (Fast Food)
Dance Studio	Restaurant (Sit down, low turnover)
Flea Market	Single-family Dwelling
Florist Shop	Second / Third Floor Dwellings (above commercial establishments)
Fortune Teller / Psychic / Astrologer	Tavern / Drinking Establishment
Fruit and Vegetable Stand	Theater
Funeral Home / Mortuary	Two Family Dwelling
Group Care Facility	Veterinary Office / Animal Hospital
Health Club	

Special Exceptions

Assisted Living Facility	Essential Service Installations
Automobile Car Wash	Housing for the Elderly
Brewery Pub	Independent Living Facility
Child Day Care Center	Public and Utility Structures and Buildings
Communications Antenna C	Retail Stores <5,000 square feet
Communications Equipment Building	Restaurant (Drive Through)
Communications Tower	Self-Storage Facility
Continuing Care Facility	Skilled Nursing Facility
Conversion Apartment	Swimming Pool (Public)
Dry Cleaner	Swimming Pool (Semi-Public)

Borough of Koppel Zoning Ordinance

TABLE 4-7 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"M-1" LIGHT INDUSTRIAL DISTRICT

Permitted Uses

Accessory Uses	Hotel / Motel
Amusement and Recreation Center	Laboratory
Bakery	Medical Center
Bank / Financial Institution	Parcel Delivery Facility
Broadcasting Studio	Parking Facilities (Commercial)
Bus and Other Transit Terminal, Depot and Passenger Station	Personal Service Establishment
Bus Station	Photographic Studio
Business / Trade School	Plumbing Sales / Contracting
Catering Business	Places of Public Assembly
Commercial Parking Facility	Post-Secondary School
Convenience Store	Professional Offices / Group Practices
Copying / Printing Service	Public Parks / Grounds
Distribution Facility	Broadcasting Studio
Dry Cleaner	Research and Development Facility
Electric Sales and Contracting	Restaurant (Carry Out)
Equipment Rental / Repair and Sales	Restaurant (Fast Food)
Essential Service Installations	Self-Storage Facility
Hardware / Home Improvement Store	Travel Plaza
Health Club	Warehouse
Heliport	Wholesale Establishment

Special Exceptions

Boat and Marine Sales / Service	Crematorium
Bottle Club	Lumber / Building Material Yard
Bus and Other Transit Vehicle Maintenance / Storage	Manufacturing (Light)
Clinic	Methadone Treatment Facility
Club	Nude Model Studio
Communications Antenna	Public and Utility Structures and Buildings
Communications Equipment Building	Railroad Yard / Terminal Facility
Communications Tower	Vehicle Sales / Rental and Service

Borough of Koppel Zoning Ordinance

TABLE 4-8 – Permitted Uses, Special Exceptions and Conditional Uses

"M-2" HEAVY INDUSTRIAL DISTRICT

Permitted Uses

Accessory Uses	Heliport
Boat and Marine Sales / Service	Junkyard
Bus and Other Transit Terminal, Depot and Passenger Station B	Lumber / Building Material Yard
Bus and Other Transit Vehicle Maintenance / Storage	Meat Packing House
Car Wash	Parcel Delivery
Communications Antenna	Facility Parking Facilities (Commercial)
Communications Equipment Building	Railroad Yard / Terminal Facility
Communications Tower	Recycling Facility
Copying / Printing Service	Research and Development Facility
Distribution Plant / Parcel Delivery Facility	Sewage Treatment Facility
Electric Sales and Contracting	Warehouse
Equipment Rental / Repair	Wholesale Establishment
Essential Service Installations	Steel Processing
Frozen Food Locker	
Freight Terminal	

Special Exceptions

Adult Uses	Resource Recovery Facility
Airport (Private)	Salvage Yard
Airport (Public)	Sexually Oriented Business
Amusement and Recreation Center	Slaughter House
Coal Mining Activities	Transfer Facility
Coal Tipple (and Cleaning Plant)	Truck Terminal
Crematorium Incinerator	Wholesale Establishment
Public and Utility Structures and Buildings	Mining / Mineral Extraction
Quarry, Sand Pit, Gravel Pit, & Borrow Pit	Unconventional O & G Operations

Conditional Uses

Solid Waste Disposal Area	Group Housing for Convicts
Drug Treatment Facilities	

Borough of Koppel Zoning Ordinance

TABLE 4-9 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"A" AGRICULTURAL DISTRICT

Permitted Uses

Accessory Uses	Flea Market
Agricultural Building	Forestry Activities
Agricultural Operation	Fruit and Vegetable Stand
Animal Feeding Operation (AFO)	Greenhouse
Animal Shelter	Greenhouse (Commercial)
Bed and Breakfast Inn	Kennel
Cemetery / Mausoleum	No-Impact Home-Based Business
Commercial Boarding Stable	Nursery
Communications Antenna	One Family Dwelling
Communications Equipment Building	Private Stable
Communications Tower	Public Parks
Equestrian Facility	Riding / Rental Stable
Fairground Farm	Swimming Pool (Private)
Farm Equipment and Supply Sales	Veterinary Office / Animal Hospital
Farmer's Market	Winery

Special Exceptions

Airport (Private)	Golf Course
Airport (Public)	Group Care Facility
Arena	Landing Strip
Assisted Living Facility	Mining / Mineral Extraction
Campground	Places of Worship / Religious Institution
Club	Pre-school
Conversion Apartment	Primary / Secondary School
Country Inn	Public and Utility Structures and Buildings
Domiciliary Care Home	Recreational Vehicle
Essential Service Installations	Park
Extractive Industry	Slaughterhouse
Family Child Day Care	Tourist Homes

Conditional Uses

Concentrated Animal Operation (CAO)	Livestock Intensive Operation (LIO)
Concentrated Animal Feeding Operation (CAFO)	Quarries
Correctional Facility	

Borough of Koppel Zoning Ordinance

TABLE 4-10 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"ID" INTERCHANGE DEVELOPMENT DISTRICT

Permitted Uses

Accessory Uses	Hospital
Amusement and Recreation Center	Hotel / Motel
Automobile Repair! Service	Laboratory
Bakery	Lumber / Building Material Yard
Bank / Financial Institution	Medical Facility
Broadcasting Studio	Office Building
Building Material Facility	Parcel Delivery Facility
Business / Trade School	Personal Service Establishment
Catering Business	Pharmacy Plumbing Sales / Contracting
Clinic	Printing / Publishing
Commercial Parking Facility	Professional Offices / Group Practices
Commercial Recreation and Entertainment	Public Parks/Grounds
Convenience Store	Research and Development Facility
Copying / Printing Service	Restaurant (Carry Out)
Distribution Facility	Restaurant (Fast Food)
Dry Cleaner	Retail Stores <5,000 square feet
Electric Sales and Contracting	Retail Stores >5,000 square feet
Equipment Rental! Repair	Travel Plaza
Essential Service Installations	Vehicle Sales / Rental and Service
Hardware / Home Improvement Store	Veterinary Office / Animal Hospital
Health Club	

Special Exceptions

Boat and Marine Sales! Service	Communications Tower
Bus and Other Transit Vehicle Maintenance / Storage	Public and Utility Structures and Buildings
Communications Antenna	Railroad Yard / Terminal Facility
Communications Equipment Building	Warehouse
	Wholesale Establishment

Borough of Koppel Zoning Ordinance

TABLE 4-11 – Permitted Uses, Special Exceptions and Conditional Uses

"VR" VILLAGE RESIDENTIAL DEVELOPMENT DISTRICT

Permitted Uses

Accessory Uses	Primary / Secondary School
Bed and Breakfast Inn	Public Park
One Family Dwelling	Townhouse
Places of Worship / Religious Institution	Two Family Dwelling
Pre-school	

Special Exceptions

Assisted Living Facility	Group Home
Condominium / Multi-family Apartment	Library
Community Center	Murals
Conversion Apartment	No-Impact Home-Based Business
Essential Service Installations	Public and Utility Structures and Buildings

Borough of Koppel Zoning Ordinance

Table 4-12 – Permitted Uses, Special Exceptions and Conditional Uses

"VC" Village Center District

Permitted Uses

Accessory Uses	Primary / Secondary School
Accessory Apartment	Public Park
Art, Craft or Antique Shop	Recycling Collection Center (accessory to a permitted school, government owned use, place of worship, emergency services station, or solid waste structure)
Art Gallery / Museum	Residential Flats
Bank / Financial Institution	Restaurant (Carry Out)
Barber / Beauty Shop	Restaurant (Sit down, low turnover)
Bed and Breakfast Inn	Retail Store (less than 5,000 sq. feet)
Boarding House	Tavern / Drinking Establishment
Business Services	Townhouse
Catering Business	Places of Worship / Religious Institution
Florist Shop	Professional Office
Group Home	Two Family Dwelling
Laundromat	Veterinary Office / Animal Hospital
No-Impact Home-Based Business	
One Family Dwelling	
Personal Service Establishment	
Pre-school	

Special Exception

Adult Day Care Facility	Funeral Home
Bakery	Garden Center
Bicycle Sales and Service	Library
Brewery Pub	Murals
Child Day Care Center	Nursery School
Club	Public and Utility Structures and Buildings
Community Center	Restaurant (Fast Food)
Conversion Apartment	Swimming Pool (Commercial / Public / Semi - public)
Essential Service Installations	

Borough of Koppel Zoning Ordinance

Table 4-13 – PERMITTED USES, SPECIAL EXCEPTIONS AND CONDITIONAL USES

"SC" SPECIAL CONSERVATION DISTRICT

Permitted Uses

Accessory Buildings / Structures
Forestry

Public Parks
Single-family Dwellings

Special Exceptions

Agricultural Buildings
Agricultural Operations
Campground
Golf Course
Horse Stables
Horticulture

Nursery
Public and Utility Buildings / Structures
Rifle Ranges
Temporary Structures / Uses
Water Storage Tanks / Towers

Sue Jamery

From: Sue Jamery
Sent: Thursday, May 23, 2013 10:44 AM
To: Atty Sam Orr; Doniele Andrus; Frank Mancini; Joe West; Joseph Petrella; Sue Jamery; William Evans
Subject: Received 2 Proposed Zoning Amendments (#3 of 2013 & #4 of 2013) for review from Aliquippa in todays mail

Borough of Koppel Zoning Ordinance

TABLE 4-14 – BOROUGH OF KOPPEL ZONING ORDINANCE

LOT REQUIREMENTS

	A	R-1	R-2	R-3	C-1 (1)	C-2 (1)	MU (1)	M-1	M-2	I	VR	VC	SC
Minimum Lot Area	1.5 Acres	30,000 sq. ft.	20,000 sq. ft. (2)	20,000 sq. ft. (2)	None (3)	None (3)	None (3)	None (3)	None (3)	None (3)	6,250 sq. ft. (4)	6,250 sq. ft.	1 Acre
Minimum Lot Width (feet)	200	100 (2)	90 (2)	75 (2)	None (3)	None (3)	None (3)	None (3)	None (3)	None (3)	40	40	100
Minimum Front Yard Setback (feet)	75	30	25	20	50	20	50	60	75	50	20	20	40
Minimum Side Yard Setback (Total of Side Yards) (feet)	40 (100)	10 (25)	10 (25)	10 (25)	10 (25)	10 (20)	10 (25)	25 (40)	75 (150)	15 (30)	5 (10)	5 (10)	10 (25)
Minimum Rear Yard Setback (feet)	50	30	25	25	25	20	25	35	35	25	20	20	30
Maximum Structure Height (feet)	35	35	35	35	35	50	35	50	50	50	35	35	35
Maximum Lot Coverage (percent)	15	30	40	50	60	80	60	50	80	60	60	80	30

- (1) Dwelling Units on the second and third floors shall have a minimum of 650 square feet of floor area for a one (1) bedroom unit. A minimum of one-hundred ten (110) square feet shall be required for each additional bedroom.
- (2) This requirement is for parcels with on-lot sewage systems. This requirement may be reduced by 15% if public sewage is provided and by 30% if both public sewage and public water is provided.
- (3) No minimums shall be established; however, all structures must be located within the required setbacks.
- (4) This is for Single-Family Detached and all non-residential uses.

Borough of Koppel Zoning Ordinance

ARTICLE V OVERLAY DISTRICT REGULATIONS

SECTION 501 ESTABLISHMENT OF OVERLAY DISTRICTS

501.1 Establishment of overlay districts. In addition to the zoning districts established and delineated on the zoning district map, all areas containing or characterized by the features listed hereunder are established as overlay districts in accordance with the Municipalities Planning Code.

SECTION 502 OVERLAY ZONING MAPS

502.1 Location of each overlay district is delineated on a map, or reference made to a map, depicting that overlay feature. These maps are adopted as a part of the zoning district map.

502.1.1 Overlay districts may not include all land or sites subject to the special features of the overlay district; and not all land within the overlay district may actually contain the special or limiting feature.

502.1.2 It is the intent of this article that the limitations on development, which are imposed by the overlay district regulations, shall apply to all parcels, which include the regulated feature, whether or not the land is shown in the overlay districts. It shall be the responsibility of the applicant to establish -the presence or absence on the proposed site of all features subject to regulation in this article.

SECTION 503 INTERPRETATION OF OVERLAY DISTRICTS

503.1 If the zoning district map or list is questioned, the burden of proof shall be upon the developer, who shall submit information from a qualified professional or other expert acceptable to the municipality to demonstrate that the site in question can be used in the manner proposed without violation of this chapter.

503.2 In the event that any conflict between the provisions or requirements of any overlay district areas and those of any underlying zoning district, the more restrictive shall apply.

503.3 In the event that any provision concerning an overlay district area is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

SECTION 504 APPLICATION OF OVERLAY DISTRICT REGULATIONS

504.1 The regulations contained in this article shall apply to the use of parcels and structures in each overlay district and the restrictions shall be in addition to the regulations provided in this chapter.

504.2 The amount of site area used or occupied by development is restricted as specified and as further restricted by the overlay district regulations in this article.

Borough of Koppel Zoning Ordinance

- 504.3** Uses in overlay districts may be authorized by right, by conditional use, or by special exception, subject to the applicable regulations in this Ordinance, and as previously stated in the overlay district.
- 504.4** All uses by right in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by conditional use in any overlay district provided the use complies with the specific regulations of any overlay district; and uses permitted by conditional use may be permitted by conditional use in any overlay district provided the use complies with the regulations of the particular overlay district.
- 504.5** All uses by special exception in any zoning district which are prohibited because of the regulations of any overlay district may be permitted by special exception in any overlay district provided the use complies with the specific regulations of any overlay district; and uses permitted by special exception may be permitted by special exception in any overlay district provided the use complies with the regulations of the particular overlay district.

SECTION 505 "FP" FLOOD PLAIN OVERLAY DISTRICT

- 505.1** It is the intent of the "FP" Flood Plain Overlay District to: protect environmentally sensitive areas such as stream valleys, riparian buffers, and / or wetlands; allow uses which will not suffer from areas that carry and discharge the peak flood flow; eliminate loss of life, health hazards and property damage which may be caused by floods; and encourage the use of flood-prone land for open space uses.
- 505.2** The floodplain areas identified on the flood insurance study (FIS) maps shall be overlays to the existing underlying zoning districts as depicted on the zoning map.
- 505.3** Authorized uses by right, special exception and / or conditional use are listed in **Table 5-1**.
- 505.4** Parking, signs, and other regulations shall conform to the applicable requirements established in Article VI of this Ordinance.
- 505.5** The development of any parcel of ground in this zoning district shall conform to the requirements established in this Ordinance and any other adopted policies or ordinances related to land development in Koppel Borough, Beaver County, Pennsylvania.
- 505.6** The identified floodplain area shall be those areas that are subject to the one hundred year flood, as identified in the flood insurance study (FIS), or most recent revision thereof. The current FIRM map date is September 24, 1984.
- 505.7** The identified floodplain area shall consist of the following specific areas:
- 505.7.1** The Floodway Area/District identified as floodway in the FIS which represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS.

Borough of Koppel Zoning Ordinance

- 505.7.2** The AE Area/District without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided in the FIS but no floodway has been delineated.
- 505.7.3** The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided.
- 505.8** For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.
- 505.9** In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.
- 505.10** The Identified Floodplain Area may be revised or modified by the Borough where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but no later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data.
- 505.11** Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the zoning officer and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
- 505.12** Any use authorized in any zoning district may be authorized by the appropriate procedure provided the use is in compliance with this chapter except for the following:
- 505.12.1** The following uses shall be prohibited within any identified floodplain area:
- 505.12.1.1** Mobile buildings and mobile homes.
 - 505.12.1.2** Hospitals.
 - 505.12.1.3** Intermediate-care facility, personal-care home, and skilled nursing facility.
 - 505.12.1.4** Jails, prisons, and detention centers.
 - 505.12.1.5** Mobile home parks and campgrounds having spaces for recreation vehicles.
- 505.13** No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.

Borough of Koppel Zoning Ordinance

- 505.14** Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this chapter and any other applicable codes, ordinances and regulations. No approval shall be issued until this determination has been made. It shall be the responsibility of the Applicant to obtain all such necessary other governmental permits.
- 505.15** Within any floodway area, the following provisions apply:
- 505.15.1** encroachments, including fill, new construction, substantial improvements, or other development shall not be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 505.15.2** No new construction or development shall be allowed, unless a permit is obtained from the PA Department of Environmental Protection Regional Office, Bureau of Dams, Waterways and Wetlands.
- 505.16** Within any A Area/District, the following provisions apply:
- 505.16.1** No new construction or development shall be permitted within the area measured fifty (50) feet landward from the top bank of any watercourse unless obtaining all required Federal and State permits.
- 505.16.2** Any new construction or development, which would cause any increase in flood heights, shall be prohibited within any floodway area.
- 505.16.3** Within any identified floodplain area, all buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow and height of floodwater.
- 505.16.4** No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- 505.17** Structures and uses existing in any identified floodplain area prior to the enactment of this chapter may continue subject to the following provisions:
- 505.17.1** No expansion or enlargement of an existing structure or use shall be allowed within any identified floodway that would cause any increase in the elevation of the one hundred year flood.
- 505.17.2** Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

SECTION 506 "AIR" AIRPORT OVERLAY DISTRICT

- 506.1** The purpose of the AZD-5, Beaver County Airport Horizontal Zoning District, and the AZD-6, Beaver County Airport Conical Zoning District is to regulate and restrict the height of structures and objects of natural growth within the involved areas of Koppel Borough in

Borough of Koppel Zoning Ordinance

order to prevent the creation or establishment of airport hazards relative to aviation traffic to and from the Beaver County Airport in accordance to and as required by the Aviation Code, being Act No. 164 of 1984, as same now exists or may hereafter be amended. Such regulation and restriction are necessary to prevent obstruction to aviation traffic which has a potential for endangering the lives and property of users of the Beaver County Airport, the property and lives of the occupants of land in the vicinity of said Beaver County Airport, including but not limited to the portions of Koppel Borough as included in the ASD-5 and AZD-6 Beaver County Airport Zoning Districts, and to otherwise interfere with the proper and safe use of said Beaver County Airport. For the purpose of the health, welfare and safety of person and property, the intent and directive of this Article is restrictive, and not permissive.

506.2 Except as otherwise may be provided in this Article, no structure shall be erected, altered, or maintained, and no tree or other object of natural growth shall be planted or allowed to grow in the ASD-5, Beaver County Airport Horizontal Zoning District, or the AZD-6, Beaver County Airport Conical Zoning District, to a height in excess of the applicable height limit herein established for each such Beaver County Airport Zoning District. Such applicable height limitations are hereby established for each of said Beaver County Airport Zoning Districts as follows:

506.2.1 ASD-5, Beaver County Airport Horizontal Zone: The height of any structure or any tree or other object of natural growth is limited and established at one hundred fifty (150) feet above the Beaver County Airport elevation or at a height of one thousand four hundred two (1,402) feet above mean sea level.

506.2.2 AZD-6, Beaver County Airport Conical Zone: The height of any structure or any tree or other object of natural growth is limited and established to a measurement of height at not less than one hundred fifty (150) feet nor more than three hundred fifty (350) feet above the Beaver County Airport elevation or at a height of one thousand four hundred two (1,402) feet above mean sea level to a height of one thousand six hundred two (1,602) feet above mean sea level, which measurement of height limitation within said conical zone slopes twenty (20) feet outward for each foot upward beginning at the periphery of the ASD-5, Beaver County Airport Horizontal Zone and at one hundred fifty (150) feet above the Beaver County Airport elevation and extending to a height of three hundred fifty (350) feet above said Beaver County Airport elevation.

506.3 Any new development, substantial improvement, construction, planting of items of natural growth, and / or any other uses or activities undertaken or allowed within any Airport Zoning District, shall be undertaken in strict compliance with the provisions of this Article of this Ordinance and all other applicable laws, codes, ordinances or regulations. In the event there is a conflict between the provisions of this Article and any other provisions of this Ordinance, the more restrictive provisions shall apply.

506.4 No development or substantial improvement, construction, and / or any other uses or activities that involve a height therefore in excess of thirty-five (35) feet in a non-industrial zoning district, and in excess of fifty-five (55) feet in an Industrial District, or the planting of items of natural growth or trees which have the natural potential of growth in excess of seventy-five (75) feet, shall be commenced or undertaken within an Airport Zoning District until an Airport Zoning District Permit is issued therefore by the zoning officer. Such Airport Zoning District Permit shall be an additionally required permit to any other permits which may be required by this Ordinance, or any other ordinance of the Borough of Big Beaver.

Borough of Koppel Zoning Ordinance

- 506.5** An application for an Airport Zoning District Permit shall be submitted to the zoning officer, in duplicate, together with a fee in accordance with the Fee Schedule adopted and set by Resolution of the Borough Council from time to time. Such application for an Airport Zoning District Permit shall include and provide all necessary information in sufficient detail and clarity to determine that the proposed development, substantial improvement, construction, planting of items of natural growth or tree, and / or other use or activity are consistent with the requirements of this Ordinance, and all other applicable laws, regulations and / or ordinances of the Commonwealth of Pennsylvania and / or Koppel Borough. Such application for an Airport Zoning District Permit, in addition to the foregoing requirements of, including pertinent data and information, shall include and contain the following information:
- 506.5.1** Name and address of the applicant.
 - 506.5.2** Name and address of owner of the land.
 - 506.5.3** Brief description of the proposed development, substantial improvement, construction, planting of item of natural growth, including tree, and / use or activity proposed and estimated cost thereof.
 - 506.5.4** A location plan map that clearly identifies the entire project site in relation to the municipal boundaries of Koppel Borough and the applicable Airport Zoning District or Districts within which such project site exists.
 - 506.5.5** A detailed set of plans of the entire project site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less as may be necessary to display the details hereinafter required, which set of plans shall show and include the following:
 - 506.5.5.1** North arrow, scale and date of preparation;
 - 506.5.5.2** Clearly identify the Airport Zoning District or Districts portion of the project site;
 - 506.5.5.3** Topographic contour lines of the entire site at intervals of not less than twenty (20) feet in elevation;
 - 506.5.5.4** The location of all existing structures, streets, drives, objects of natural growth, and / or other improvements on the project site, together with such necessary data marked thereon, or indicated by proper reference to table or other compilation of data, of the highest point thereof in relation to the elevation of the Beaver County Airport and to and above mean sea level.
 - 506.5.5.5** The proposed location of any new structures, streets, drives or other access ways, developments, substantial improvements, items of natural growth or trees to be planted, and / or other use or activity proposed on the project site, together with such necessary data marked thereon or indicated by proper reference to table or other compilation of data, the highest point thereof in relation to the elevation of the Beaver County Airport and to and above mean sea level.
- 506.6** An application for an Airport Zoning District Permit shall be reviewed and approved or denied by the Zoning Hearing Officer within ninety (90) days after the occurrence of the first general public meeting of the Borough Council held after the receipt of the application and required fee by the Borough of Koppel. Unless such ninety (90) day period is extended by written

Borough of Koppel Zoning Ordinance

consent of the applicant, failure of the Zoning Hearing Officer to act upon the application within said time limit shall be construed as an approval of the application by the zoning officer.

506.6.1 Upon the zoning officer determining that approval of the application for in Airport Zoning Permit shall be granted, or in the event approval is deemed to have occurred by passage of the aforesaid ninety (90) day period, written notice of the approval of the application for an Airport Zoning Permit shall be given unto the Pennsylvania Department of Transportation by certified mail.

506.6.2 No Airport Zoning Permit shall be issued or be effective until the passage of ten (10) business days after the Pennsylvania Department of Transportation receives a copy of said approval. This requirement and delayed effective date are contained herein pursuant to Section 5919, notice to Department of the Aviation Code, being Act No. 164 of 1984, as same now exists or as may hereafter be amended.

506.7 Any applicant aggrieved by the decision of the zoning officer, or denial of an application for an Airport Zoning District Permit by the zoning officer, may appeal such decision of the zoning officer within thirty (30) days to the Zoning Hearing Board, per this Ordinance. The Zoning Hearing Board of the Borough of Koppel is hereby also designed as the "Board of Adjustment" within the meaning and requirements of the Aviation Code, being Act No. 164 of 1984, and / or any subsequent amendments thereto.

506.8 If compliance with the requirements of this Article of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, and such person desires to erect or increase the height of any structure, or permit the growth of any object of natural growth, or otherwise use property within the Airport Zoning Districts of the Borough of Koppel contrary to the restrictions of height detailed in this Article, such person may apply to the Zoning Hearing Board of Koppel Borough for a variance in accordance with the procedure detailed in this Ordinance. Said Zoning Hearing Board is hereby also designated as the "Board of Adjustment" within the meaning and requirements of the Aviation Code, being Act No. 164 of 1984, and / or any subsequent amendments thereto.

506.9 A variance hereunder may be allowed only where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest, would not create a hazard to air navigation, would not create a hazard to property or life, but would do substantial justice, and would be in accordance with the spirit of this Ordinance and the Aviation Code.

506.10 No application for a variance under this Ordinance shall be considered by said Zoning Hearing Board until a copy of the application for Zoning Airport District Permit and variance shall have been submitted to the Beaver County Airport Manager for the latter's consideration and advice, by written response, as to the aeronautical effects that are involved as to the variance requested.

506.10.1 No action shall be taken by the Zoning Hearing Board upon such request for a variance until the said Airport manager has had the opportunity of fifteen (15) days to review and render written comment as herein before provided. If the said Airport Manager does not respond with written comment as to said application for variance hereunder within fifteen (15) days after receipt, the Zoning Hearing Board may proceed and act on its own to grant or deny said application.

Borough of Koppel Zoning Ordinance

- 506.10.2** Upon receipt of any written response or comment by the said Airport Manager, the Zoning Hearing Board shall mail, by regular mail, a copy of same to the applicant for a variance under this Article.
- 506.10.3** Due to the aforesaid requirement of submitting data to the Beaver County Airport Manager for review and comment, the time limit within which the Zoning Hearing Board must establish a time and place to hear said request for a variance is hereby extended from thirty (30) days to forty-five (45) days.
- 506.11** In the granting of any variance hereunder, the Zoning Hearing Board may impose and attach such reasonable conditions and safeguards, in addition to any specifically set forth herein, as it deems advisable and necessary to implement the purposes of this Article, including but not limited to the requirement of installation of markers and lights as may be required by the guidelines of the Federal Aviation Administration, and the operation and maintainable thereof, all at the expense of the applicant, the Beaver County Airport, and / or any other person or entity as the Zoning Hearing Board shall deem proper to pay the cost of such installation, maintenance, and operation, pursuant to proper document signed whereby the designated responsibly party or entity for such cost of installation, maintenance and operation accepts and becomes legally bound to such obligation.
- 506.12** No decision to grant a variance hereunder shall be effective until ten (10) business days after the Pennsylvania Department of Transportation receives a copy, by certified mail, of the decision of the Zoning Hearing Board to grant such variance. This requirement and delayed effective date are herein contained pursuant to Section 5919, Notice to Department, of the Aviation Code, being Act No. 164 of 1984, as same now exists or as may hereafter be amended.
- 506.13** After passage of the ten (10) day period, the zoning officer shall issue an Airport Zoning Permit to the applicant in accordance to the requirements of the decision of the Zoning Hearing Board.
- 506.14** All application of airport zoning regulations under this Article shall be accomplished in and by reasonable standards and enforcement so as to accomplish the intent and purpose of the Aviation Code, being Act No. 164 of 1984, or as same shall be hereafter amended.
- 506.15** Notwithstanding any other provision of this Article, no use may be made of any land or water within any Airport Zoning District in such a manner as to create electrical interference with navigational signals or radio communication between the Beaver County Airport and aircraft, make it difficult for pilots to distinguish between Beaver County Airport lights or other airport lights, result in glare in the eyes of pilots of aircraft, impair the disability in the vicinity of the Beaver County Airport or other airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Beaver County Airport.
- 506.16** The regulations of this Article shall not be applied retroactively and shall not be construed to require the removal, lowering, or other change or alteration of any existing structure or object of natural growth not in conformance to the regulations and requirements hereof at the time of the effective date hereof, which existing structure or object of natural growth

Borough of Koppel Zoning Ordinance

existing at the time of the effective date hereof shall be recognized as a nonconforming use under this Article. 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 Article, and which construction or alteration is diligently pursued and completed. Provided, however:

506.16.1 Notwithstanding the preceding provision, the owner of any eliciting nonconforming structure or object of natural growth as recognized by the Article, is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Beaver County Airport Manager so as to indicate to the operators of aircraft in the vicinity of the presence of such aviation obstruction generally, and / or in relation to the Beaver County Airport.

506.16.1.1 Such markers and lights shall be installed, operated, and maintained at the expense and responsibility of the Beaver County Airport and / or the County of Beaver.

506.16.1.2 Koppel Borough explicitly states and herein provides that it assumes no responsibility for damages resulting to the landowner by the decision or act of the Beaver County Airport and / or the County of Beaver to install, operate and maintain such markers or lights, and / or any liability arising from the failure to act or any act of the Beaver County Airport and / or the County of Beaver as to the installation, operation and / or maintenance of any marker and/or lights, either as to the landowner and / or any other person or entity harmed thereby, overtly or by act of omission.

506.16.1.3 Nothing herein contained shall deprive a landowner or user of any lands, structure or other facility or improvement within an AZD-5 or AZD-6 Airport Zoning District, from seeking damages from the Beaver County Airport and / or the County of Beaver pursuant to the Eminent Domain Code or other applicable law or regulation, in the event the Beaver County Airport Manager, the Beaver County Airport and / or the County of Beaver elect to intact, operate and maintain markers and / or lights pursuant to this Ordinance.

506.16.2 Notwithstanding the preceding provisions of this Ordinance, before any existing use which is a nonconforming use may be substantially changed, enlarged or increased in height, an application for an Airport Zoning District Permit must be made and obtained prior to commencement of such change of the structure or item of natural growth. As to any such desired substantial change, enlargement or increase in height of such existing structure, all provisions, regulations and requirements of this Article shall be applicable. No Airport Zoning District Permit will be required as to making repairs of general maintenance or replacement of existing parts of a nonconforming use under this Article, provided such repair or replacement of an existing part thereof does not exceed fifty (50) per cent of such nonconforming use.

506.16.3 Whenever a nonconforming use existing under this Article shall be abandoned and / or physically deteriorated, decayed, or tom down to an extent of fifty (50) percent, any renewal of use thereof and / or repair thereof shall be done only

Borough of Koppel Zoning Ordinance

upon and after obtaining an Airport Zoning District Permit pursuant to and under this Article.

- 506.17** For the purpose of interpretation of this Article, the definitions contained and included in the Aviation Code, being Act No. 164 of 1984, Section 5102, as same now exists or as hereafter amended, are incorporated herein by reference. Unless specifically defined below, and / or by this Ordinance, as same may be applied to this Article, words and phrases used in this Article shall be interpreted so as to give this Article its most reasonable application. In the event any definition or meaning of word or words set forth in this Ordinance are inconsistent with the definition or meaning of such word or words as may be set forth in any applicable law or regulation of the Commonwealth of Pennsylvania and / or the United States of America as to airport zoning regulations and requirements, then the definition or meaning of such word or words as set forth in said laws or regulations shall govern and be applicable in this Article.
- 506.17.1** Airport Elevation – The highest of an airport's useable landing area measured in feet from sea Level. Relative to the Beaver County Airport, such airport elevation is one thousand two hundred fifty-two (1,252) feet above sea level.
- 506.17.2** Beaver County Airport – The airport of the County of Beaver as situate in the Township of Chippewa, Beaver County, Pennsylvania.
- 506.17.3** Board of Adjustment – Pursuant to the Aviation Code, being Act No. 164 of 1984, for the purpose of this Article, the Zoning Hearing Board of Koppel Borough is the "Board of Adjustment" to hear variance requests or appeals from the decision of the Zoning Hearing Officer under this Article.
- 506.17.4** 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.
- 506.17.5** 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 Zone. In reference to the Beaver County Airport, the AZD-5, Beaver County Airport Horizontal Zoning District, is such Horizontal Zone.
- 506.17.6** Nonconforming Use – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article.
- 506.17.7** Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Article.
- 506.17.8** Structure – An object, including a mobile object, constructed or installed by man, including but not limited to buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines for electric, communication transmission or other transmission of any utility service by any person or entity.
- 506.17.9** Tree – Any object of natural growth.
- 506.18** It shall be the duty of the zoning officer of Koppel Borough to administer and enforce the regulations prescribed in this Article. Applications for permits shall be submitted to the zoning officer upon such forms as prescribed by the Borough of Koppel. Nothing herein contained shall disqualify any member of the Police Department of Koppel Borough, in addition to the zoning officer, to issue citations for prosecution of any violator of the restrictions and requirements hereof.

Borough of Koppel Zoning Ordinance

- 506.19** Applications for variance from the regulations and restrictions of this Article shall be submitted to the Zoning Hearing Board of Koppel Borough, which Zoning Hearing Board pursuant to the Aviation Code, being act No. 164 of 1984, is the "Board of Adjustment". Said Zoning Hearing Board shall consider, grant and deny such applications for variances pursuant to the procedures of this Ordinance, subject to the extended time limitation set forth in this Article.
- 506.20** Any person aggrieved by the decision or ruling of the Zoning Hearing Officer in the administration of this Article, other than issuance of a citation for a summary offense violation, may appeal such decision of the zoning officer to the Zoning Hearing Board as the aforesaid "Board of Adjustment".
- 506.21** Any person aggrieved by a decision or ruling of the Zoning Hearing Board as to a variance pursuant to this Article may file an appeal thereto as prescribed by this Ordinance.
- 506.22** Notwithstanding any other provision of law, the Zoning Hearing Officer and / or the Zoning Hearing Board of Koppel Borough, upon decision to grant an Airport Zoning District Permit or variance under this Article, shall give the Pennsylvania Department of Transportation written notice of such decision a minimum of ten (10) business days prior to such decision being granted and becoming effective.
- 506.23** The boundaries of the zoning districts hereby established, with exception of the AZD-5 and AZD-6 Beaver County Airport Zoning Districts, are shown on the Official Zoning Map. Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein.
- 506.24** The boundaries of the AZD-5, Beaver County Airport Horizontal Zoning District, and the AZD-6, Beaver County Airport Conical Zoning District, are shown relative to the Borough of Koppel on the Beaver County Airport Height Limitation and Zoning District Map, as prepared by Pennsylvania Regional Planning Commission, with map prepared date of spring 1986. Said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance and shall be as much a part of this Ordinance as if all were fully described herein. Said AZD-5 and AZD-6 Beaver County Airport Zoning Districts are overlays and in addition to the zoning districts established by this Article. In addition to meeting all criteria applicable to the zoning districts established in this Article, such lands also with the AZD-5 and AZD-6 Beaver County Airport Zoning Districts will be subject to the provisions of this Ordinance.

Borough of Koppel Zoning Ordinance

Table 5-1 – Permitted Uses, Special Exceptions, and Conditional Uses

"FP" Flood Plain Area Overlay District

Permitted Uses

Agriculture
Forestry Game Farm and Fish Hatchery
Gardens
Golf Course (excluding buildings / structures)
Horticulture
Hunting and Fishing Clubs (excluding buildings / structures)
Passive Open Space
Public Parks
Sports Fields (soccer, baseball! softball)
Trails and Greenways
Wildlife Sanctuary

Special Exceptions

Marinas
Nursery
Parking Areas

Borough of Koppel Zoning Ordinance

ARTICLE VI SUPPLEMENTARY REGULATIONS

SECTION 601 **APPLICATION OF YARD REQUIREMENTS**

- 601.1** Where a structure exists on an adjacent lot and is within one hundred fifty (150) feet of the proposed structure, and the existing structure has a front yard less than the minimum depth required, the minimum front yard shall be the average depth of the front yard of the existing structure on the adjacent lot and the minimum depth required for the district; where structures exist on both adjacent lots, the minimum depth of the front yard shall be the average depth of the front yards of the existing adjacent structures.
- 601.2** All principal or accessory buildings and structures, whether open or enclosed, shall not project into any minimum front, side or rear yards except as noted in this Article. Cornices, eaves, gutters, balconies, steps, stoops, light fixtures, sidewalks, retaining walls, awnings, bay windows or chimneys may project into required yards provided such projection is not more than twenty-four (24) inches.
- 601.3** A retaining wall or fence under six (6) feet in height and paved terraces without walls, roofs or other enclosures may be erected within the limits of any yard.
- 601.4** In any residential district, no building on the same lot as a principal building shall be erected and used as a residence.
- 601.5** No part of a yard or required open space surrounding a principal residential building or structure for the provisions of complying with this Ordinance shall be included as a part of a yard or other open space similarly required for another principal residential building or structure.
- 601.6** In residential zoning districts, any outdoor installation constructed or placed on a lot in regards to air conditioning units designed to air condition all or part of a residence shall be located:
- 601.6.1** In a front yard provided that it shall not extend more than five (5) feet in front of the building line or less than fifteen (15) feet from the side lot line and provided further that the installation shall be adequately screened.
- 601.6.2** In a side or rear yard no less than fifteen (15) feet from the side or rear lot line.
- 601.7** The location of any accessory buildings or structures shall adhere to the side yard requirements and shall be no less than five (5) feet from any rear lot line.
- 601.8** No boundary lines of lots in recorded plans shall be altered except by the approval of a revised subdivision plan.

Borough of Koppel Zoning Ordinance

- 601.9** Where the topography of the land and / or soil conditions require the installation of an individual septic system in the front yard area, the front building line may be increased so that no buildings or structures shall be constructed over the top of the septic system.

SECTION 602 LOT AREA MEASUREMENT

- 602.1** The measurement of lot area shall conform to the definition of lot area found in Section II of this ordinance.
- 602.2** A portion of a lot once designated as a yard, or a lot area, or portion thereof, used in calculating the number of dwelling units permitted on that lot, shall not be used again as a factor in determining the required area for another lot or building, nor shall it be sold as a lot or parcel thereof, separate from the lot of which it is a part.
- 602.3** Any portion of a lot which is recorded or otherwise reserved for future street purposes shall not be used as a factor in determining lot area per dwelling unit or yard dimensions.

SECTION 603 HEIGHT PROVISIONS

- 603.1** The height of a building or structure shall be measured as set forth in the definition of building height in Article II of this Ordinance.
- 603.2** Buildings and structures hereafter erected or enlarged in any district shall conform to the maximum height requirements as set forth in this Ordinance for each zoning district.
- 603.3** The provisions of the AZD-5 and AZD-6 Beaver County Airport Zoning Districts shall supersede all requirements established for the base zoning districts that the overlay.
- 603.4** For all residential uses, accessory buildings shall not exceed twenty-four (24) feet in height.
- 603.5** The following structures are exempt from height regulations provided that they do not constitute a hazard: place of worship spires or towers, chimneys, elevator bulk heads, smoke stacks, conveyors, flag poles, standpipes, elevated water tanks, or a penthouse or roof structures required for enclosure for stairs and equipment necessary to the operation of the building, provided that the total height of such a penthouse and / or roof structure shall not exceed fourteen (14) feet.
- 603.5.1** For these structures, all yard and setback requirements must be met; in addition, any structure with a height in excess of fifty (50) feet will first be referred to the Zoning officer and the Municipal Engineer relative to public safety considerations.
- 603.5.2** These height exceptions shall not apply to any communications antennas or communications towers.
- 603.6** When the following conditions are met, height limits may be increased:
- 603.6.1** Structure height, in excess of the height permitted above the average ground level allowed in any district may be increased, provided all minimum front, side and

Borough of Koppel Zoning Ordinance

rear yard depths are increased by one (1) foot for each additional foot of height; however, such increase shall be limited to no more than ten (10) additional feet.

SECTION 604 BASEMENT STRUCTURES

- 604.1** Residing in basements or foundation structures before any structure is complete shall not be permitted.
- 604.2** Basements shall be those areas defined in Article II of this Ordinance.

SECTION 605 TEMPORARY STRUCTURES

- 605.1** No temporary structure, whether fixed or mobile in nature, shall be established for any dwelling purpose for any length of time unless approved as a special exception by the Zoning Hearing Board. Such approval shall be granted only where the applicant demonstrates that a permanent use, in compliance with the applicable terms of this chapter, is being pursued with due diligence and that the temporary dwelling will be utilized for the minimum practical time period and removed immediately upon the expiration of that period. The maximum allowable time period for keeping a temporary dwelling unit on the property shall be six months, unless the Zoning Hearing Board shall, upon further request by the applicant for a special exception, grant one extension of that period for a maximum of six additional months.
- 605.2** A use and occupancy permit shall be required prior to the utilization of any such temporary dwelling unit and shall be issued only in accordance with the above requirements. The temporary dwelling unit shall further comply with all applicable area and bulk standards for the zoning district in which it is to be located and with all applicable requirements that may be adopted or enacted by the municipality.
- 605.3** Temporary structures, located on tracts undergoing development, that are utilized for construction management purposes may, while serving that function, remain on the tract only during active development of the property. Removal shall occur immediately upon completion of the development process. Sales trailers may be located on such a tract only during active development of the property, but shall be removed no later than one year following the start of construction. No extension of this time limit shall be permissible, except upon the grant of a special exception from the Zoning Hearing Board.
- 605.4** A use and occupancy permit shall be required prior to the utilization of any temporary construction or sales structures and shall be issued only in accordance with the requirements of this section. The temporary structure shall further comply with all applicable area and bulk standards for the zoning district in which it is to be located and with all applicable requirements that may be adopted or enacted by the municipality.

SECTION 606 PERFORMANCE STANDARDS

- 606.1** No use of land or structure in any district shall involve any element, or cause any condition that may be dangerous, injurious, or noxious to any other property or person. Furthermore,

Borough of Koppel Zoning Ordinance

every use of land or structure in any district must observe the following performance requirements:

- 606.1.1** Fire protection and fire-fighting equipment acceptable to the Fire Chief having jurisdictional responsibility, and conforming to NFPA and BOCA Fire Prevention Code requirements, shall be readily available when any activity involving the handling or storage of flammable or explosive material is conducted.
- 606.1.2** No activity shall cause electrical disturbances adversely affecting radio, television or other communication equipment in the surrounding area.
- 606.1.3** Noise, which is determined to be objectionable because of volume or frequency, shall be muffled or otherwise controlled, except for fire sirens and related apparatus used solely for public safety purposes.
 - 606.1.3.1** It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit established for the following districts:
 - 606.1.3.1.1** R1, R2, R3, VR, and SC: 50 dB (A) (between 7:00 am and 7:00 pm) and 45 dB (A) (between 7:00 pm and 7:00 am)
 - 606.1.3.1.2** C1, C2, MU, A, and VC: 60 dB (A) (between 7:00 am and 7:00 pm) and 55 dB (A) (between 7:00 pm and 7:00 am).
 - 606.1.3.1.3** M1, M2 and ID: 75 dB (A) (between 7:00 am and 7:00 pm) and 60 dB (A) (between 7:00 pm and 7:00 am).
 - 606.1.3.1.4** Noise in excess of ninety (90) decibels at a distance of twenty-five (25) feet from any property line of the property from which the noise source is located, shall not be permitted.
 - 606.1.3.2** All measurements of noise levels shall be made at the property line of the property on which said noise is generated at an elevation of not less than four (4) feet above ground level.
 - 606.1.3.3** Noise level limits specified in this section shall not apply to residential air conditioning equipment and swimming pool filtering equipment when functioning in accord with manufacturer's specifications and maintained in proper operating condition.
 - 606.1.3.4** "A" Band level means the total sound level of all noise as measured with a sound level meter using the "A" weighted scale. The unit of measurement is the dB (A).
 - 606.1.3.5** Decibel means a logarithmic unit of measurement which indicates the ratio between two quantities commonly referred to as electric or sound energy levels, or pressure levels. One decibel on the A-Scale is abbreviated db (A).
- 606.1.4** No emission of unpleasant gases or other odorous matter shall be permitted in such quantities as to be offensive outside the lot lines of the lot on which such gases or odors originate.
- 606.1.5** The emission of noxious, toxic or-corrosive gases or fumes injurious to persons, property or vegetation beyond the lot lines occupied by the use is prohibited.
- 606.1.6** The emission of gray smoke at a density greater than No. 1 on a Ringelmann Chart, published by the United States Bureau of Mines, shall not be permitted,

Borough of Koppel Zoning Ordinance

except that gray smoke of a shade not darker than No.2 may be emitted for not more than four (4) minutes in any thirty-minute period.

- 606.1.7** Devices that produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. For the purposes of this ordinance, glare shall be defined as direct or indirect light from any source which exceeds one-half (1/2) foot candle on any adjoining property.
- 606.1.8** Vibrations detectable without instruments on a neighboring property in any district shall be prohibited.
- 606.1.9** No activities shall be permitted that carry objectionable substances onto neighboring properties due to erosion by wind or water.
- 606.1.10** The discharge of all wastewater shall be in accordance with the current standards of the Pennsylvania Department of Environmental Protection (PA Act 537) and / or the municipality, and comply with any and all applicable federal regulations.

SECTION 607 OFF-STREET PARKING

- 607.1** All building and structures erected and all uses of land established after the adoption of this section shall be provided with off-street parking spaces as set forth in this section.
- 607.2** The provisions of this section, except where there is a change of use, shall not apply to any existing building or structure.
- 607.3** Whenever a building or structure constructed before the effective date of this section is changed or enlarged, in floor area, number of employees, number of housing units, seating capacity or otherwise to create a need for an increase in the number of parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. If a building or structure existing prior to the effective date of this section is enlarged to the extent of fifty percent (50%) or more in floor area or number of housing units it shall then and thereafter comply with the full parking requirements set forth herein.
- 607.4** Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this section.
- 607.5** The following regulations shall govern the location of off-street parking spaces and areas:
 - 607.5.1** Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve. Each required off-street parking space shall have direct access to a public right-of-way.
 - 607.5.2** Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.
 - 607.5.3** Nonresidential off-street parking shall not be located within the first forty (40) feet from the right of way adjoining such lot or site. No portion of said forty (40) feet shall be paved for any reason except for access drives to the site and pedestrian walkways.
- 607.6** A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of driveways, aisles and other circulation

Borough of Koppel Zoning Ordinance

areas. Parallel parking spaces shall have a dimension of eight (8) feet in width and twenty-three (23) feet in length.

- 607.7** Driveways and traffic aisles serving individual parking spaces shall not be less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 1/2) feet for sixty (60) degree parking and thirteen (13) feet for forty-five (45) degree parking. If lines indicate parking spaces with angles other than ninety (90) degrees, then traffic lanes shall be restricted to one-way, permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than twelve (12) feet in width.
- 607.8** In parking lots over ten (10) parking spaces, separate pedestrian walkways shall provide safe access from buildings to parking lots, adjacent properties and sidewalks. These walkways shall be generally oriented perpendicular to and between parking bays. The following guidelines apply to the development of walkways:
- 607.8.1** One walkway can serve as a collector for up to four (4) parking bays of parked cars.
- 607.8.2** Walkways shall be constructed in accordance with the standards established by municipality.
- 607.8.3** Walkways shall be integrated with existing sidewalks and pedestrian ways.
- 607.9** The following requirements have been established for common shared parking lots which are preferred and encouraged:
- 607.9.1** The required off-street parking spaces for two (2) or more uses may be provided collectively on one (1) lot if the total number of spaces is not less than the sum of the spaces required for each use individually.
- 607.9.2** The developer shall provide a reciprocal parking and access easement agreement between owners and operators of the facilities generating the need for common shared parking lots.
- 607.9.3** Any modification to the required number of parking spaces shall be supported by a parking needs analysis documenting anticipated parking needs based on the combined utilization of all facilities on site simultaneously or demonstrating the hours or days of peak parking needed for the uses are so different that a lower total will adequately provide for all uses served by the facility. The parking needs analysis shall be prepared by a person or firm trained or certified to perform such duties. The modification shall be granted by the zoning hearing board.
- 607.10** The required off-street parking spaces for any number of separate buildings, structures or uses may be provided collectively on one (1) lot, provided that the total number of such spaces shall not be less than the sum of the requirements for the various individual buildings, structures, or uses computed separately in accordance with this section.
- 607.11** On development sites requiring parking for 2,000 vehicles or more, the overall parking plan must be approved by the Zoning Hearing Board through a special exception. Parking requirements may be met through a reciprocal parking and access easement agreement between the owners and operators of the facilities generating the need for such parking. In such cases, at the municipality's discretion, each facility shall provide onsite a minimum of

Borough of Koppel Zoning Ordinance

fifty (50) percent of the required number of off-street parking spaces determined at peak utilization for each use.

- 607.12** A parking needs analysis shall be submitted to the municipality which documents anticipated parking needs based on the combined utilization of all facilities on site simultaneously. Said analysis shall be prepared by a person or firm trained or certified to perform such studies.
- 607.13** When two (2) or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided.
- 607.14** All off-street parking lots required by this section shall be used only for the parking of vehicles of occupants, patrons, visitors or employees and shall not be used for any kind of loading, sales, servicing or continuous storage of a vehicle for more than forty-eight (48) hours.
- 607.15** Every parcel of land hereafter used as a public or private off-street parking lot capable of accommodating five (5) or more vehicles shall be developed and maintained in accordance with the following requirements:
- 607.15.1** Each off-street parking space shall have direct access to an aisle or driveway, and all required off-street parking lots shall have vehicular access to a street so designed to minimize interference with pedestrian and traffic movement.
 - 607.15.2** All off-street parking lots including loading areas and service areas shall be paved with asphalt or concrete and shall be provided with bumper guards or barrier curbs where needed.
 - 607.15.3** The number of off-street parking spaces required is set forth in **Table 6-1**. In the case of any building, structure, or premises, which is not specifically mentioned herein, the Zoning Hearing Board shall determine the amount of off-street parking required.

Table 6-1	
Off-Street Parking Requirements	
Use	Minimum Required Off-Street Parking Spaces
Adult-Oriented Establishment and Sexually-oriented business	1 for each 300 square feet of floor space
Airport	*
Amusement Park	*
Amusement / Recreation Center	1 for each 300 square feet of floor space
Apartment Buildings	1 for each dwelling unit
Automobile Repair Facility	1 for each service bay plus 1 for each employee
Automobile Sales	1 for each 400 square feet of floor area
Banks	1 for each 300 square feet of floor space
Beauty Parlors / Barbershops	1 for each chair
Bed and Breakfast Inn and Country Inn	1 for each unit
Boarding and Rooming House	1 for each 2 guests providing overnight accommodations

Borough of Koppel Zoning Ordinance

Table 6-1 (cont.) Off-Street Parking Requirements	
Use	Minimum Required Off-Street Parking Spaces
Bowling lanes	4 for each lane
Child Day Care Facility	1 for each employee on peak shift plus 1 for every 3 children
Community Buildings, Country Clubs, Social Halls, Lodges, Fraternal Organizations and Similar Uses	1 for each 100 square feet of floor area
Convenience Store (including those that sell gasoline)	1 per each 200 sq. ft. of floor area
Doctors and Dentists (other than office buildings)	6 for each doctor's office
Educational Institution - Primary and Secondary schools	1 for every teacher, employee or administrator; plus 1 for every 4 seats in an assembly hall
Educational Institution - High Schools	1 space for every teacher, employee or administrator; plus 1 for every 4 seats in an assembly hall, plus 1 space for every student sixteen years of age and older
Colleges, Universities or Other Institutions of Higher Learning	1 space for every teacher / professor, employee or administrator, plus 1 for every 4 seats in an assembly hall, plus 1 space for every student
Fairground	*
Funeral homes and Mortuaries	5 for each parlor
Furniture or Appliance Stores	1 per each 400 sq. ft. of floor area
Garden Center	1 per each 400 sq. ft. of floor area
Greenhouse (Commercial)	1 per each 400 sq. ft. of floor area
Grocery Stores	1 per each 200 sq. ft. of floor area
Hardware and Home Improvement Store	1 per each 400 sq. ft. of floor area
Health Club	1 per each 200 sq. ft. of floor area
Home Occupations	1 for each employee, plus 1 for each 300 square feet of home occupation use
Hospitals	1 for every 2 beds, 1 for every 3 employees, plus 1 for each doctor
Hotels / Motels	1 for each unit
Laundromats	1 for every 2 washing machines
Manufacturing, Industrial, and General Commercial uses not otherwise specified herein	1 for each 2 employees during the maximum working shift
Multi-family Dwellings	1 for each dwelling unit
Nursing homes, Personal Care Facilities, and Skilled Nursing Facilities	1 for each 3 beds plus 1 for each 2 employees at peak shift
Personal Services Establishment	1 for each 300 square feet of floor area
Places of Worship	1 for each 5 seats
Professional Offices	1 space for every 400 square feet of floor area
Race Track	*
Research or Testing Laboratories	1 for each 2 employees during the maximum shift
Restaurants	1 for each 3 seats
Retail Stores and Shops	1 for each 300 square feet of floor area
Single family and Two-family residences	1 for each dwelling unit

Borough of Koppel Zoning Ordinance

Table 6-1 (cont.) Off-Street Parking Requirements	
Use	Minimum Required Off-Street Parking Spaces
Sports Arenas, Auditoriums, Theaters, Assembly Halls	1 per each 3 seats
Taverns, Drinking Establishments, Bottle Clubs, Brewery Pubs, Night clubs	1 for each 3 seats
Travel Plaza	*
Wholesale Establishments or Warehouses	1 for each 2 employees during the maximum shift

*Requires parking study to be submitted as part of the application for zoning permit and approval by the Zoning Hearing Board

SECTION 608 OFF-STREET LOADING AND UNLOADING

608.1 In any district, in connection with every building, or building group or part thereof hereafter erected, which is to be occupied by manufacturing or commercial uses for distribution by vehicles of material or merchandise, where required, there shall be provided and maintained, on the same lot with such building, off-street loading berths in accordance with the requirements of **Table 6-2**. Each loading space shall be not less than ten (10) feet in width, forty-five (45) feet in length, exclusive of access or turning lanes, and have a minimum clearance of fourteen (14) feet and may occupy all or any part of any required yard.

Table 6-2 Off-Street Loading and Unloading Requirements		
Uses	Square Feet of Total Floor Area	Required Off-Street Loading Berths
Schools	15,000 or more	1
Hospitals (in addition to space for ambulances)	From 10,000 to 30,000	1
	For each additional 30,000 or major fraction thereof	1 additional
Undertakers and Funeral Parlors	5,000	1
	For each additional 5,000 or major fraction thereof	1 additional
Offices; Hotels; Retail, Commercial, Wholesale, Manufacturing, Storage, and Miscellaneous Uses	From 10,000 to 25,000	1
	From 25,000 to 40,000	2
	From 40,000 to 60,000	3
	From 60,000 to 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

Borough of Koppel Zoning Ordinance

SECTION 609 JOINT FACILITIES FOR PARKING OR LOADING

609.1 Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a required space for more than one (1) use unless otherwise approved by the Zoning Hearing Board in accordance with the purposes and procedures set forth herein.

SECTION 610 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS, STRUCTURES AND LOADING AREAS

610.1 Every parcel of land hereafter used as a public or private parking area for five (5) or more cars, or structure used as a parking garage or loading area, including a commercial parking lot, shall be developed and maintained in accordance with the requirements of this Article. Plans for such areas shall be reviewed by the Zoning officer to ensure compliance with the following regulations:

610.1.1 Off-street parking areas and structures for five (5) or more vehicles and off-street loading areas shall be effectively screened by a fence or hedge. The screening shall be on the sides that adjoin, abut, are adjacent to or face premises situated in any residential zones or institutional buildings.

610.1.2 No off-street loading area or parking area or part thereof for five (5) or more vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or institution for human care located on an adjoining or adjacent lot.

610.1.3 Any off-street parking or off-street loading area shall be surfaced with an asphalt or Portland cement, concrete, pavement or similar durable and dustless surface. All areas shall be marked so as to provide for the orderly and safe loading, parking and storage of automobiles or trucks.

610.1.4 Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect the light away from adjoining premises. Off-street parking facilities for multifamily structures containing three (3) or more families shall be adequately lighted.

610.1.5 Any off-street parking area and off-street loading area shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.

610.1.6 Parking shall be permitted on the roof of any structure, provided that a four (4) foot reinforced masonry wall is constructed around the perimeter of the roof.

610.1.7 Maximum grade of parking floors shall be six (6) percent.

610.1.8 Maximum grade of ramps shall be:

610.1.8.1 Covered ramps shall have a maximum grade of fifteen (15) percent;

610.1.8.2 Uncovered ramps shall have a maximum grade of twelve (12) percent.

610.1.9 Minimum number of elevators on multi-level facilities shall be one (1) for each two hundred and fifty (250) parking spaces.

610.1.10 Number and location of ingress / egress shall be determined by municipality Governing Body based upon a traffic analysis.

610.1.11 Minimum ramp and aisle width and other design requirements shall be the same as for other parking lots.

Borough of Koppel Zoning Ordinance

SECTION 611 ACCESSIBLE PARKING REQUIREMENTS

- 611.1** Accessible parking spaces for the physically challenged shall be provided for multiple-family and nonresidential uses as follows:
 - 611.1.1** The minimum number of required accessible parking spaces shall be as outlined in **Table 6-3**.
 - 611.1.2** A minimum of twenty-five (25) percent of the required accessible parking spaces shall be van accessible.
 - 611.1.3** The minimum number of van accessible parking spaces shall be one (1).
 - 611.1.4** Design of accessible spaces shall be completed in accordance with the Americans with Disabilities Act Architectural Guidelines and include the following:
 - 611.1.4.1** Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible structure. In parking facilities not serving a particular structure, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - 611.1.4.2** Accessible parking spaces shall be at least eight (8) feet wide.
 - 611.1.4.3** One (1) parking access aisle of no less than five (5) feet in width shall be provided for each accessible parking space and shall be a part of the accessible route of no less than three (3) feet in width to the building or facility entrance. A parking access aisle may be shared between two (2) accessible parking spaces. Access aisles shall be clearly designated and identifiable by line painting, curbing, and other similar means.
 - 611.1.4.4** Van accessible parking spaces shall be at least eight (8) feet wide with an access aisle of no less than eight (8) feet in width.
 - 611.1.4.5** Parking spaces and access aisles shall be level with surface slopes not exceeding two (2) percent in all directions.
 - 611.1.4.6** Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Such signs shall be located so as not to be obscured by a vehicle in the space.

Total Parking Spaces in Lot	Minimum Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6

Borough of Koppel Zoning Ordinance

Table 6-3 (cont.) Required Accessible Parking Spaces	
Total Parking Spaces in Lot	Minimum Accessible Spaces
201-300	7
301-400	8
401-500	9
501-1,000	2% of Total
Over 1,000	20 (plus 1 per 100 over 1,000)

SECTION 612 SIGNS

- 612.1** The following regulations shall apply to all permitted signs in all zoning districts:
- 612.1.1** No sign hereafter shall be erected, moved, enlarged, replaced, illuminated or altered except in accordance with the provisions of this ordinance and any other ordinances and/or regulations enacted by the municipality. The completion of an application and the subsequent issuance of a permit by the zoning officer are required prior to any of these actions occurring.
 - 612.1.2** General repair and maintenance of any sign shall not, in and of itself, be considered an alteration.
 - 612.1.3** All such applications must be accompanied by the appropriate fee, plans in duplicate, drawn to scale, showing the exact size, shape and dimensions of such signs and their proposed location or placement upon any land, building, structure or premises.
 - 612.1.4** Any application for a permit for the erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the Codes Enforcement Officer. All specifications for each sign and all parts thereof (including framework, supports, background, anchors, and wiring systems) must meet, at a minimum, the requirements as set forth in the building (BOCA), electrical, and fire prevention codes adopted by the municipality, as they now exist or as they may hereafter exist. In the absence of an electrical ordinance, the National Electrical Code shall be used as the standard for all wiring systems.
 - 612.1.5** A person shall not erect, install remove or replace any sign for which a permit is required under the provisions of this Ordinance until proof of liability insurance coverage in an amount not less than fifty thousand dollars (\$50,000) for injury to one (1) person and one hundred thousand dollars (\$100,000) for injury to two (2) or more persons caused by or resulting from said sign has been filed. A person shall not maintain any sign for which a permit is required under the provisions of this Ordinance until there has been filed with coverage naming the municipality as additional insured, in an amount of not less than one hundred thousand dollars (\$100,000) for injury to two (2) or more persons caused by or resulting from said sign.
 - 612.1.6** All signs shall conform to the minimum yard requirements of the zone in which they are permitted.

Borough of Koppel Zoning Ordinance

- 612.1.7** No signs, except those deemed as official traffic signs by the municipality, county or state, on streets within their respective jurisdiction, shall be erected within two feet of any street, or within any public right of way. All signs located on properties adjacent to the legal right of way shall allow adequate clearance for motor vehicles and pedestrians. Signs, architectural projections, or sign structures projecting over vehicular access areas must be at a minimum, seventeen feet, six inches (17' - 6") above the finished grade, which conforms to the minimum height clearance limitations, set forth in Penn DOT regulations. Any signs over pedestrian access areas must be at least seven (7) feet above the finished grade.
- 612.1.8** Signs as referred to in this section or elsewhere in this chapter shall be constructed of durable materials and shall be kept in good condition and repair. Permitted signs shall be adequately maintained so as to not show evidence of deterioration, which includes, but is not limited to peeling, rust, dirt, fading, discoloration or holes. Signs requiring illumination will be illuminated as specified in the ordinance. In addition, when any sign becomes insecure, in danger of falling, or is otherwise deemed unsafe by the code official, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this ordinance, the owner of the sign in question or the person or firm using the sign shall, upon written notice by the code official forthwith in the case of immediate danger, and in any case within not more than ten (10) days, make such sign conform to the provisions of this ordinance, or shall remove it. If within ten (10) days the order is not complied with, the owner of the building, structure or ground on which the sign is located shall be subject to the penalties identified in this ordinance.
- 612.1.9** All signs located in a commercial district may be illuminated internally or by directed or reflected light, provided that the source of light is not visible and does not directly illuminate the adjoining premises, and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. The lighting shall not be directed towards a residential zoning district or residential building or be located less than one hundred (100) feet from the boundary line of the residential zoning district.
- 612.1.10** All signs shall be located on the property containing the land use identified by the sign.
- 612.1.11** No sign shall have flashing or intermittent illumination, change colors, vary in intensity or hue or emit any sound. Signs shall be non-moving stationary structures and shall have nonmoving components. Signs, which contain sound, audible messages and music, are also prohibited.
- 612.1.12** No sign shall be erected containing information that states or implies that a property may be used for any purpose not permitted under the provision of this Zoning Ordinance.
- 612.1.13** Any sign which was lawfully in existence prior to the effective date of this Zoning Ordinance, or of any amendment to such ordinance heretofore or hereafter enacted; or prior to the application of such ordinance or amendment thereto to its location by reason of annexation, and which did not conform or comply with the provisions of the said ordinance or amendment at the time of their enactment shall be considered a legal nonconforming sign and may continue in such status

Borough of Koppel Zoning Ordinance

until such time as it is either abandoned or removed by its owner, subject to the following limitations:

612.1.13.1 A nonconforming sign of any type shall not be moved to another position or location upon the building, structure or lot on which it is located, nor shall the size or area of such nonconforming sign be altered or increased or its structure or construction be altered or changed.

612.1.13.2 Whenever any nonconforming sign has been damaged or destroyed by any means to the extent of fifty percent (50%) of its market value at the time of destruction or damage, such sign shall not be restored or replaced, unless it conforms to all provisions of this ordinance.

612.1.13.3 Whenever a non-conforming sign is discontinued for a continuous period of more than six (6) months, then such nonconforming sign together with its panel cabinet, supports, braces, anchors, and electrical equipment shall be removed within fourteen (14) days from the end of the aforesaid six (6) month period and the use of the signs upon such building, structure or land shall not be resumed except in accordance with the provisions of this chapter.

612.1.14 No permit for any advertising sign, light string, exterior portable sign or an exterior wind or power device of display or flags or pennants used for gaining attention shall be issued.

612.1.15 A temporary interior sign shall cover a maximum of twenty-five percent (25%) of the window area on which the sign is affixed.

612.1.16 A business or identification sign mounted to the face of a building shall conform to the following standards:

612.1.16.1 A minimum letter, number or symbol area of fifty percent (50%) of the sign area.

612.1.16.2 The maximum height of a letter, number or symbols shall be ten percent (10%) of the height of the first story or two and one-half (2-1/2) feet, whichever is less.

612.1.16.3 The sides of individual back-lighted letters, numbers or symbols shall be constructed of an opaque material that is different from the material used for the front of the letter, number or symbol.

612.1.17 Real estate signs related to prospective sale, rent or lease of the land or building in any zoning district within the municipality, provided that the sign area on one (1) side of a single face sign not to exceed six (6) square feet, or one (1) double-face sign not to exceed a total of twelve (12) square feet. Such signs shall be removed within fifteen (15) days following the sale of the building or property.

612.1.18 All political signs must be removed within seven (7) days after the date of either the primary or general election.

612.2 Sign Area

612.2.1 The area of a sign shall include all lettering wording and accompanying designs and symbols together with the background whether open or enclosed, on which they are displayed, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop

Borough of Koppel Zoning Ordinance

or structure against which it is placed. This will not include any supporting framework and bracing that are incidental to the display itself. The computation of the sign area will be the smallest rectilinear, circular, or triangular shape, or the sum of the combination of regular geometric figures, which comprise the sign face.

612.2.2 Where the sign consists of individual letters, numerals or symbols attached to or painted on a surface, building, wall or window, the sign area shall be that of the smallest rectangle or other regular geometric shape that can enclose such letters or symbols.

612.2.3 In computing the area of a double face sign, the requirements found in the definition of gross surface area of a sign shall be used.

612.3 Prohibited Signs

612.3.1 The following devices and locations are prohibited in all districts:

612.3.1.1 Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching merging or intersecting traffic. Also, signs that make use of words such as "Stop", "One Way", "Danger", "Yield" or similar words, phrases or symbols, lights or characters, in such a manner as to interfere with, mislead or confuse traffic.

612.3.1.2 Except as provided for elsewhere in this Ordinance, signs encroaching upon or overhanging public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of way.

612.3.1.3 Portable signs except as permitted as temporary signs.

612.3.1.4 Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:

612.3.1.4.1 The primary purpose of such vehicle or trailer is not the display of signs.

612.3.1.4.2 The signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.

612.3.1.4.3 The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets and actively used or available for use in the daily function of the business to which the signs relate.

612.3.1.4.4 The vehicle or trailer shall not be used primarily as a static display advertising a product or service

612.3.1.4.5 The vehicle or trailer shall not be utilized as storage, shelter or distribution points for commercial products or services for the general public.

612.3.1.5 Balloons, streamers or pinwheels except those temporarily displayed as part of a special event or community event. A community event is

Borough of Koppel Zoning Ordinance

one sponsored by the municipality, the school district, a church, or a non-profit organization. For those purposes of this subsection, "temporarily" means no more than twenty (20) days in any calendar year per event.

612.4 Signs in Residential Districts

612.4.1 Signs as hereafter provided are permitted in residential districts:

- 612.4.1.1** Identification signs for public, charitable, educational and religious uses: one (1) sign not over twenty (20) feet in area.
- 612.4.1.2** Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- 612.4.1.3** House numbers: minimum three (3) inches, maximum six (6) inches in letter height.
- 612.4.1.4** Nameplates not exceeding two (2) square feet in area, bearing only the resident's name.
- 612.4.1.5** Nameplates of multi-family dwelling complexes, either illuminated or non-illuminated, not exceeding six (6) square feet in area, bearing only the complex name and no advertising matter.
- 612.4.1.6** Nonconforming signs. No sign may be enlarged or altered in a way that increases its nonconformity

612.5 Signs in Commercial or Mixed Use Districts

612.5.1 Signs as hereafter provided are permitted in the Commercial or Mixed Use Districts:

- 612.5.1.1** One non-illuminated, non-flashing business sign, directly relating to a use conducted on the premises and mounted on the wall of the building may be permitted on each business, provided that the total area in square feet of such sign shall not exceed two (2) times the linear feet of street frontage, or one (1) non-illuminated, non-flashing and one (1) illuminated, non-flashing business sign, directly related to a use conducted on the premises and mounted on the wall of the building may be permitted on each business establishment, provided that the total area in square feet of such sign shall not exceed two (2) times the linear feet of street frontage and shall not extend more than twelve (12) inches from there.
- 612.5.1.2** No sign shall project over a public right-of-way. Projecting of freestanding signs on private property shall be permitted within the total sign area permitted in this chapter, provided that the maximum area of the sign does not exceed thirty-two (32) square feet.
- 612.5.1.3** No sign shall exceed twenty-eight (28) feet in height.

612.6 Signs in Industrial Districts

612.6.1 Signs as hereafter provided are permitted in the Industrial Districts:

- 612.6.1.1** One non-illuminated, non-flashing business sign, directly relating to a use conducted on the premises and mounted on the wall of the

Borough of Koppel Zoning Ordinance

building may be permitted on each business, provided that the total area in square feet of such sign shall not exceed two (2) times the linear feet of street frontage, or one (1) non-illuminated, non-flashing and one (1) illuminated, non-flashing business sign, directly related to a use conducted on the premises and mounted on the wall of the building may be permitted on each business establishment, provided that the total area in square feet of such sign shall not exceed two (2) times the linear feet of street frontage and shall not extend more than twelve (12) inches there from.

612.6.1.2 No sign shall project over a public right-of-way. Projecting of freestanding signs on private property shall be permitted within the total sign area permitted in Subsection B, provided that the maximum area of the sign does not exceed thirty-two (32) square feet.

612.6.1.3 No sign shall exceed twenty-eight (28) feet in height.

612.7 Signs Exempt from Regulation under this Ordinance

612.7.1 Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.

612.7.2 Any sign inside a building, not attached to a window or door that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located.

612.7.3 Works of art that do not include a commercial message.

612.7.4 Holiday lights and decorations with no commercial message, but only between October 31 and January 31.

612.7.5 Traffic control or incidental signs on private property, such as "Stop", "Yield", and similar signs, the face of which meet Pennsylvania Department of Transportation standards and which contain no commercial message of any sort.

612.7.6 Emergency warning signs erected by governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

612.7.7 Memorial signs or tablets denoting the date of erection of a building.

612.7.8 Signs and banners erected by a governmental body or under the direction of the governing body.

612.7.9 Flags in residential districts provided that they do not exceed fifteen (15) square feet, do not promote or advertise the sale of products or merchandise, and do not contain pornographic, obscene or offensive language or symbols. These flags cannot be located any higher than ten feet from ground level.

SECTION 613 SIGN PERMITS

613.1 One permit is good for the life of the sign.

613.2 Any changes made to an existing sign, even if already permitted, require a new sign permit.

613.3 All signs currently in use are permitted under this ordinance; however, any modifications to the signs require the filing of a sign permit and must be in conformance with this Ordinance.

Borough of Koppel Zoning Ordinance

- 613.4** Each application for a sign permit shall be accompanied by a drawing showing the design proposed and the size, character, and color of letters, lines, and symbols and the method of illumination and the exact location of the sign in relation to the building and property, and details and specifications for construction. The appropriate fee shall accompany each application for a sign permit.

SECTION 614 LIGHTING

- 614.1** The following requirements shall apply to the illumination of signs, advertising structures and premises:

- 614.1.1** All exterior parking lots, driveways, vehicular access aisles, pedestrian access areas, and loading spaces shall be sufficiently illuminated so as to provide safe movements on site.
- 614.1.2** Area lighting used in parking areas and yard areas shall be designed and used to eliminate glare on public streets and ways and / or other
- 614.1.3** All signs and advertising structures, except hereinafter modified, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- 614.1.4** In all zoning districts, all lighting devices located within one hundred (100) feet of a property line adjoining a residential use or residential zone shall be designed with shields, reflectors, or refractor panels that direct and cut off light at a cutoff angle that is less than ninety (90) degrees. For the purposes of this ordinance, cutoff angle is the angle formed by a line drawn from the direction of the light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- 614.1.5** Fixtures shall be mounted parallel to the ground surface. Lighting for the purpose of highlighting a structure or landscape feature shall be exempt from this requirement provided that the source of such light shall not be visible from the property lines or public right-of-way.
- 614.1.6** Illumination shall not exceed one foot candle at all property boundaries. The one foot candle illumination shall be measured horizontally on the ground surface and vertically at a five (5) foot height at the property lines.
- 614.1.7** Parking, loading, ingress and egress areas of any commercial, office, industrial, or multi-family uses shall be provided with a minimum of one-half ($\frac{1}{2}$) foot candle at any point on the ground with lighting standards in parking areas being located not further than one hundred (100) feet apart.
- 614.1.8** In all commercial and industrial zoning districts, all parking areas, related passageways and driveways serving any permitted use shall be illuminated adequately during the hours between sunset and sunrise. After 10:00 pm, fifty (50) percent of the lights in any parking area shall remain lighted until sunrise. This lighting must meet all requirements set forth in this Ordinance.

Borough of Koppel Zoning Ordinance

SECTION 615 COMMUNICATION TOWERS AND ANTENNAS

- 615.1** The height regulations of this ordinance may be increased provided that every yard is increased by one (1) foot for each one (1) foot of height above the maximum height. The communications towers shall not at any time exceed two hundred (200) feet. Equipment that is mounted or attached to the communication tower shall not exceed this two hundred (200) foot maximum height.
- 615.2** Communication towers shall be erected within the minimum yard and building setback requirements of the districts in which they are to be built. Any guy anchor must meet the minimum yard and building setback requirements of the zoning district in which it is located.
- 615.3** Any applicant proposing construction of a new communication tower shall demonstrate that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building, structure, or communication tower. A good faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:
- 615.3.1** The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- 615.3.2** The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- 615.3.3** Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- 615.3.4** Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- 615.3.5** A commercially reasonable agreement could not be reached with the owners of such structures.
- 615.4** Communication towers shall be securely anchored in a fixed location on the ground, and plans submitted showing a cross section of the proposed structure, structural compliance with building codes documenting that the proposed structure meets or exceeds those standards, and documentary evidence from a professional engineer shall be provided that the proposed structure will withstand wind, storm, ice, lightening, and other natural forces. Additionally, documentation shall be provided by a professional engineer demonstrating that the communication tower is structurally capable of handling antennas, dishes and other equipment mounted or attached to the communication tower and what the maximum load limits are for the structure.
- 615.5** An annual inspection performed by a professional engineer and paid for by the owner of the communication tower shall be required for all communication towers. An annual inspection report shall be submitted to the municipality by June 1, of each calendar year.

Borough of Koppel Zoning Ordinance

- 615.6** All communication towers shall have a finish that reduces the visibility of the structure.
- 615.7** The communication tower and all equipment shall be enclosed by a chain link fence ten (10) feet high with three (3) strands of barb wire constructed on the top of the chain link fence. The communication tower shall be shielded or guarded against climbing of unauthorized personnel. Access to the site shall be restricted and remain locked. The base of a communication tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties with a natural screening no higher than six (6) feet. Structures related to the communication tower shall be equipped with a twenty-four (24) hour security system.
- 615.8** The communication tower and related equipment shall be promptly removed if the communication tower is not used for communication purposes for any continuous one (1) year period.
- 615.9** The communications tower may be located on a lot occupied by other principal structures a.11d may occupy a leased parcel within a lot meeting the minimum lot size requirements for the zoning district.
- 615.10** Recording of a plat of subdivision shall not be required for a lease parcel on which a communications tower is proposed to be constructed, provided the communications equipment building is unmanned.
- 615.11** The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- 615.12** The foundation and base of any communications tower in the industrial zone shall be set back from a property line (not lease line) at least one hundred (100) feet; and, in any residential district, it shall be set back from any other property line (not lease line) at least fifty (50) feet.
- 615.13** The communication equipment building shall comply with the required yards and height requirements of the industrial zone for an accessory structure.
- 615.14** The applicant shall submit certification from a registered Pennsylvania Structural Engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association / Telecommunications Industry Association and applicable requirements of the municipality's Building Code.
- 615.15** The applicant shall demonstrate that the location of the proposed communications tower is safe and that tower structure failure, falling ice or other debris will not adversely affect surrounding areas.
- 615.16** All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

Borough of Koppel Zoning Ordinance

- 615.17** No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- 615.18** Communications towers shall be protected and maintained in accordance with the requirements of the Municipal Building Code.
- 615.19** One (1) off-street parking space shall be provided within the fenced area.
- 615.20** In January of each year, the owner or operator of a communications tower shall submit written verification to the municipality that there have been no changes in the operating characteristics of the communications tower as approved at the time of approval of the use by special exception, including, at a minimum:
- 615.20.1** Copy of the current Federal Communications license;
 - 615.20.2** Name, address and emergency telephone number for the operator of the communications tower;
 - 615.20.3** Copy of Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence covering the communications tower and communications antennas;
 - 615.20.4** At any time during the calendar year, if an amendment to the Federal Communications Commission license is issued, a copy of the amended license shall be submitted to the municipality.
- 615.21** The following shall be exempt from this article:
- 615.21.1** Any telecommunications facilities under one hundred (100) feet in total height which are owned and operated by an amateur radio operator licensed by the Federal Communications Commission.
 - 615.21.2** Any device designed for over-the-air reception of television broadcast signals, multi-channel multipoint distribution service or direct broadcast satellite service.
 - 615.21.3** Any telecommunications facilities located on property owned, leased or otherwise controlled by the municipality, provided that a license or lease authorizing the telecommunications facility has been approved by the municipality.
 - 615.21.4** Any cable television head end or hub towers and antennas used solely for cable television services.

SECTION 616 **SEXUALLY-ORIENTED BUSINESSES**

- 616.1** No sexually-oriented business shall be in operation without an approved permit.
- 616.1.1** An application for a permit to operate a sexually-oriented business must be made on a form provided by the zoning officer of the municipality. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn marked with dimensions of the interior of the premises to any accuracy of plus or minus six (6) inches.

Borough of Koppel Zoning Ordinance

- 616.1.2** The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the zoning officer and the fire chief.
- 616.1.3** A person who wishes to operate a sexually-oriented business as an individual must sign the application for a permit as the applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each individual who has ten (10) percent or greater interest in the business must sign the application for a permit as an applicant. If a corporation is listed as owner of a sexually-oriented business or as the entity which wishes to operate such a business, each individual having a direct or indirect interest of ten (10) percent or greater in the corporation must sign the application for a permit as applicant.
- 616.1.4** The fact that a person possesses another type of Municipal permit does not exempt the person from the requirement of obtaining a sexually-oriented business permit.
- 616.2** The issuance of permit shall be subject to the following:
- 616.2.1** The Municipal zoning officer shall approve the issuance of a permit to an applicant within thirty (30) days after receipt of an application unless he finds one or more of the following to be true:
- 616.2.1.1** An applicant is overdue in his / her payment to the municipality of taxes, fees, fines, or penalties assessed against him / her or imposed upon him / her in relation to a sexually-oriented business.
- 616.2.1.2** An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
- 616.2.1.3** The premises to be used for the sexually-oriented business have been reviewed and have been disapproved by either the zoning officer or fire chief as not being in compliance with the applicable laws and ordinances.
- 616.2.1.4** The permit fee required by this ordinance has not been paid.
- 616.2.1.5** An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
- 616.2.1.6** An individual applicant or any individual holding a direct or indirect interest or more than ten (10) percent of a corporate applicant, or any of the officers and directors of the corporate applicant, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership; or the manager or other person in charge of the operation of the applicant's business, has or have been convicted of an offense in any jurisdiction other than the Commonwealth of Pennsylvania that would have constituted and offense involving sexual misconduct if committed within the Commonwealth of Pennsylvania. In order for approval to be denied pursuant to this subsection, the person or person's convictions or release in connection with the sexual misconduct offense must have occurred within two (2) years of the date of application in the event of

Borough of Koppel Zoning Ordinance

a misdemeanor and within five (5) years of the date of application in the event of a felony.

- 616.2.2** The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually-oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that it may be easily read at any time.
- 616.2.3** The zoning officer and fire chief shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the zoning officer. The certification shall be promptly presented to the zoning officer.
- 616.3** The annual fee for a sexually-oriented business permit will be set by resolution of the Governing Body.
- 616.4** All sexually-oriented businesses shall be subject to inspection as follows:
- 616.4.1** An applicant, or permittee, shall permit representatives of the police department, fire department, zoning officer, or other Municipal departments or agencies to inspect the premises of a sexually-oriented business for the purpose of insuring compliance with the law, at any time that the sexually-oriented business is occupied or open for business.
- 616.4.2** If the zoning officer denies renewal of a license, the applicant shall not be issued a permit for one year from the date of denial, except that after ninety (90) days have elapsed since the date of denial, the applicant may be granted a permit if the zoning officer finds that the basis for denial of the renewal permit has been corrected or abated.
- 616.5** The following subsection has been established regarding the suspension of a permit and includes:
- 616.5.1** The zoning officer shall suspend a permit for a period not to exceed thirty (30) days if he / she determines that a permittee or employee of a permittee has:
- 616.5.1.1** Violated or is not in compliance with any section of this ordinance.
- 616.5.1.2** Engaged in excessive use of alcoholic beverages while on the sexually-oriented business premises.
- 616.5.1.3** Refused to allow inspection of the sexually-oriented business premises as authorized by this chapter.
- 616.5.1.4** Knowingly permitted gambling by any person on the sexually-oriented business premises.
- 616.6** The following subsection has been established regarding the revocation of a permit and includes:
- 616.6.1** The zoning officer shall revoke a permit if a cause of suspension set forth in this ordinance occurs and the permit has been suspended within the preceding twelve (12) months.
- 616.6.2** The zoning officer shall revoke a permit if he/she determined that:

Borough of Koppel Zoning Ordinance

- 616.6.2.1** A permittee, or any persons specified in this ordinance is or has been convicted of the offenses specified.
- 616.6.2.2** A permittee gave false or misleading information in the material submitted to the municipality during the application process;
- 616.6.2.3** A permittee or an employee of a permittee has knowingly allowed possession, use, or sale of a controlled substance on the premises;
- 616.6.2.4** A permittee or an employee of a permittee has knowingly allowed prostitution on the premise;
- 616.6.2.5** A permittee or an employee of the permittee knowingly operated the sexually-oriented business during a period of time when the permittee's permit was suspended;
- 616.6.2.6** A permittee is delinquent in payment to the municipality or state of any taxes or fees related to the sexually-oriented businesses.
- 616.6.3** When the zoning officer revokes a permit, the revocation shall continue for one (1) year, and the premises shall not be issued a sexually-oriented business permit for one (1) year from the date the revocation became effective, except that if the revocation is pursuant to any provisions of the ordinance otherwise specified, the revocation shall be effective for two (2) years in the event of a misdemeanor of five (5) years in the case of a felony.
- 616.6.4** After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or licensee or permittee shall have the right to appeal said action and to seek prompt judicial review of such administrative action in any court of competent jurisdiction.
- 616.7** A permittee shall not transfer his permit to another person.
- 616.8** A permittee shall not operate a sexually-oriented business under the authority of a permit at any place other than the address designated in the application.
- 616.9** Exemptions
 - 616.9.1** It is a defense to prosecution under this ordinance that a person appearing in a state of nudity did so in a modeling class operated:
 - 616.9.1.1** By a proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation;
 - 616.9.1.2** By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - 616.9.1.3** In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, and,
 - 616.9.1.4** Where, in order to participate in class a student must enroll at least three (3) days in advance of the class; and,
 - 616.9.1.5** Where no more than one (1) nude model is on the premises at any one time.

Borough of Koppel Zoning Ordinance

616.10 Minimum Spacing and Proximity Requirements

616.10.1 No sexually-oriented business shall be located within 1,000 feet of any other sexually-oriented business.

616.10.2 No sexually-oriented business shall be located within specified distances of certain land uses as set forth below:

616.10.2.1 No such establishment shall be located within one thousand (1,000) feet of a dwelling.

616.10.2.2 No such establishment shall be located within one thousand (1,000) feet of any parcel of land which contains anyone or more of the following specified land uses: Amusement park, camps (for minors' activities), child care facilities, church, library, community center, museum, park, playground, school and school bus stops, and other lands where minors congregate.

616.10.2.3 The distance between any two (2) sexually-oriented businesses shall be in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment and any land use specified in this ordinance shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of the sexually-oriented business to the closest on the property line of said land use.

SECTION 617 SWIMMING POOLS

617.1 Swimming pools are permitted in accordance with the following requirements:

617.1.1 Any swimming pool that is owned and operated by private individuals, firms, corporations, associations, charity, or entity other than a municipality, department, authority or subdivision thereof, shall be subject to the terms and conditions of this ordinance.

617.1.2 The pool is intended, and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

617.1.3 No swimming pool may be located within ten (10) feet of any property line.

617.1.4 No swimming pool may be located closer than twenty (20) feet from any street line.

617.1.5 The swimming pool shall be walled or fenced as to prevent uncontrolled access from the street or from an adjacent property and said fence shall not be less than four (4) feet in height and shall be maintained in good condition.

617.1.6 Access to an above ground swimming pool is to be removed or locked when the pool is unattended.

617.1.7 Swimming pools shall be equipped with an adequate filtration system.

617.1.8 Any air inflated structure used in connection with any private swimming pool shall be considered a part of the swimming pool.

617.1.9 Outdoor lighting, if installed, shall be directed / shielded away from adjoining properties.

617.1.10 Adequate screening shall be provided as required by the zoning officer where it is deemed necessary.

Borough of Koppel Zoning Ordinance

- 617.2** Hot tubs, whirlpool baths and tubs, and Jacuzzi type baths and tubs shall not be considered swimming pools if located outdoors or designed to be located outdoors, and are provided with permanent outdoor water plumbing.

SECTION 618 **RECREATIONAL VEHICLE STORAGE**

- 618.1** Motor homes, fifth wheel trailers, travel trailers, truck campers, pop-up trailers, boat trailers, and personal watercraft trailers may be parked or stored in the A, R-1, R-2, and R-3 zoning districts subject to the following requirements:

618.1.1 At no time shall such parked or stored recreational vehicles / equipment be occupied or used for living, sleeping, or housekeeping purposes unless a visitor permit, issued by the Zoning officer, is obtained by the property owner:

618.1.1.1 The visitor permit shall be applicable to temporary nonpaying guests of the owner of the property for a maximum of fourteen (14) consecutive days or sixty (60) days total during any calendar year.

618.1.1.2 Parking of recreational vehicles, boats or trailers is permitted in the front yard on a hard-surfaced driveway or parking area only, but shall be limited to only one recreational vehicle at any one time.

618.1.2 Recreational vehicles equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use.

618.1.3 The storage of recreational vehicles / equipment defined herein or the granting of special permits defined herein shall not preempt existing tract restrictions or restrictive covenants.

618.1.4 Parking and storing of recreational vehicles / equipment shall be limited to the interior of automobile garages, other available on-lot accessory building or to that portion of the lot to the rear of the principal building.

618.1.5 There shall be no limit on the number of personal or recreational vehicles allowed to be parked in the rear or side yard hard-surfaced parking areas, but the same shall comply with all other municipal ordinances regarding abandoned vehicles.

618.1.6 Recreational vehicles must be maintained in a clean, well-kept state.

618.1.7 All recreational vehicles parked on a residential lot shall have current registration and state inspection.

618.1.8 Recreational vehicles permanently parked shall only be on the property owned by the registered owner of the vehicle.

SECTION 619 **COMMERCIAL AND CONSTRUCTION VEHICLES**

- 619.1** No commercial or construction vehicle of any length shall be stored outside in any zoning district within the municipality for a period in excess of eight (8) hours, unless used in conjunction with construction on said property.

Borough of Koppel Zoning Ordinance

- 619.2** No commercial vehicle having an overall length in excess of twenty (20) feet, nor any semi-tractor, semi-tractor-trailer, semi-trailer or construction vehicle of any length shall be parked on any public or private property in a residential district unless temporarily in connection with a commercial service, sales or delivery to such property.
- 619.3** A commercial vehicle which is not a semi-tractor, semi-tractor trailer, semi-trailer or construction vehicle having an overall length of 20 feet or less, may be parked or stored outside on private property in a residential district subject to the following regulations:
- 619.3.1** Only one such vehicle per family may be parked or stored on any lot containing the dwelling of such family.
- 619.3.2** Such vehicle shall only be parked or stored on the driveway or in the garage.
- 619.3.3** Such vehicle shall belong to an owner or occupant of the premises upon which it is being parked or stored.

SECTION 620 EXOTIC, WILD OR DANGEROUS ANIMALS

- 620.1** No person shall keep an exotic, wild or dangerous animal in any place other than a zoological park, veterinary hospital or clinic, humane society, or circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public, or causing a health hazard due to fecal matter, or otherwise.
- 620.1.1** Educational purposes include displays by or for public or private schools, sportsmen's organizations, youth organizations, civic associations, conservation camps and schools or any other similar organization.
- 620.2** Subject to any applicable sections of this Ordinance and any applicable federal or state requirements, if an animal is not specifically identified as an exotic, wild or dangerous animal according to the definition in Article II, a person may lawfully keep or maintain such animal without an exotic animal license, subject to the provisions of the zoning ordinance, if the animal:
- 620.2.1** Is of the species *Felis catus*; of the species *Canis familiaris*; a fish kept in a tank; a nonpoisonous reptile; a gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk, ferret, or similar rodent-like creature kept in a cage; an amphibian less than one foot in length such as a frog, toad, salamander, or chameleon; livestock; or bees kept in a collection of hives or colonies.
- 620.2.2** Does not pose any threat to the local ecosystem.
- 620.2.3** Does not pose a threat to human health or safety.
- 620.2.4** Demands care that is no more demanding than care for common domestic animals.
- 620.2.5** Being held in captivity will not have a significant adverse effect on the animal's natural population. All state and federal species that are endangered, threatened, or species of special concern are categorically non-exempt, meaning they shall not be added to the license-exemption list.
- 620.3** No person shall sell, offer for sale, adopt, exchange or transfer, with or without charge, any exotic, wild or dangerous animal.

Borough of Koppel Zoning Ordinance

- 620.4** This section is not intended to apply to a person owning or possessing wild or exotic animals prior to the passage of this Article provided that the person or persons taking possession of such exotic, wild or dangerous animal following said sale, adoption, exchange or transfer is / are not a resident of Koppel Borough.
- 620.5** Any person who keeps an exotic, wild or dangerous animal in breach of this Article must dispose of the animal by removal of the animal from the municipality or by giving the animal to the Zoning officer. The Zoning officer is authorized to release the animal to the wild, to a zoological park, or to dispose of the animal in some humane manner. Cost of removal and / or placement at a park or other facility to be accepted by the owner.
- 620.6** Any person owning or possessing an exotic, wild or dangerous animal at the time of enactment of this article may, pending the approval of the Zoning officer, obtain a permit for said exotic, wild or dangerous animal, provided that:
- 620.6.1** The applicant provides satisfactory assurances that said animal(s) is not capable of being returned to its natural environment and will be provided with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment, and that the animal(s) will not be cruelly ill-treated, tormented, overloaded, overworked or otherwise abused and that adequate protective devices are provided to prevent it from escaping or injuring the public.
 - 620.6.2** A permit application is filed with the Zoning officer within 45 days of the effective date of this article. Such application is to include:
 - 620.6.2.1** Species, age and sex of said exotic, wild or dangerous animal.
 - 620.6.2.2** A plan for the housing and containment of said exotic, wild or dangerous animal including the location and dimensions of any cages, pens or confinement area.
 - 620.6.3** The plan and facilities for the housing and containment of exotic, wild or dangerous animals must be reviewed, inspected and approved by the Zoning officer and Code Enforcement Officer and meet the following:
 - 620.6.3.1** Are adequate to prevent such animal from escaping or injuring the public.
 - 620.6.3.2** Will not disturb the peace and quiet of the surrounding neighborhood.
 - 620.6.3.3** Are adequately lighted and ventilated and are so constructed that they can be kept in a clean and sanitary condition.
 - 620.6.3.4** Will not create or cause offensive odors or in any other way constitute a danger to public health.
 - 620.6.3.5** Must be located at least twenty-five (25) feet from any neighboring residential structures.
 - 620.6.4** The applicant for such a license has proven ability to respond to damages up to, and including, the amount of \$100,000 for bodily injury or death of any person or persons, or for damage to property owned by any other person which may result from the keeping or maintenance of such animal.

Borough of Koppel Zoning Ordinance

- 620.6.5** An annual permit fee in the amount set forth by the municipality for each exotic, wild or dangerous animal shall be paid by the owner or possessor of such animal to the municipality.
- 620.6.6** Upon the death, sale, adoption, exchange, transfer or disposal of said exotic, wild or dangerous animal, the animal may not be replaced. However, wild or exotic animals which are used for educational purposes or which are the source of one's livelihood may be replaced upon death of said animal(s), subject to the discretion of the Zoning officer and registration of the replacement animal(s).
- 620.6.7** If an exotic, wild or dangerous animal is taken to any public place, the permit for such animal must be carried by the owner / possessor.
- 620.6.8** It shall be unlawful for the owner of any exotic, wild or dangerous animal to permit such animal to injure any human being by biting, jumping on, knocking down or attacking said human being. An exception to this section will be when the animal is reasonably protecting the owner or the owner's property from an unlawful invasion of the person or property respectively.
- 620.6.9** No person owning, harboring, keeping or in charge of any exotic, wild or dangerous animal shall cause, suffer or allow any such animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, play area, park or any place where people congregate or walk, or on any public property whatsoever, nor on any private property without permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curb line and sidewalk which shall be used to curb such animals under the following conditions:
- 620.6.9.1** The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the municipality.
- 620.6.9.2** A person who allows an animal to defecate on his property shall immediately remove all feces deposited by such animal by any sanitary method approved by the municipality.
- 620.6.9.3** The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping, or in charge of any animal curbed in accordance with the provisions of this Article in a sanitary manner approved by the municipality.
- 620.7** No permit shall be issued unless the applicant has complied with all state and federal regulations concerning the possession, display or exhibition of exotic, wild or dangerous animals. All applicants must be eighteen (18) years of age or older.

SECTION 621 GASOLINE SERVICE STATIONS

- 621.1** Equipment above surface or ground, outside of any building, for the service of motor vehicles shall be no closer than fifteen (15) feet to any property line.
- 621.2** Automobile supplies may be displayed for sale at gasoline pumps at a distance not to exceed five (5) feet from said pumps.

Borough of Koppel Zoning Ordinance

- 621.3** Automobile rental service is an authorized accessory use to Gasoline Service Stations provided that the number of cars visible on the premises at one time does not exceed four (4) vehicles. Such rental service shall not be deemed to include the rental of trucks, trailers or baggage carrying equipment.
- 621.4** The width of any entrance driveway leading from the public street to such service station or other drive-in use shall not exceed thirty (30) feet at its intersection with the curb line or edge of pavement.
- 621.5** No two (2) driveways leading from a public street to such service station or other drive-in use shall be within fifteen (15) feet of each other at their intersection with the curb or street line.
- 621.6** Parking and vehicle access shall be so arranged that there will be no need for the motorist to back over sidewalks or onto streets.

SECTION 622 VEHICLE REPAIR AND SERVICE STATIONS

- 622.1** All repairs and dismantling of vehicles must be conducted entirely within a building or enclosed structure.
- 622.2** The exterior walls of the building must not be less than one hundred (100) feet from a residential district.
- 622.3** The site shall be screened with a six (6) foot brick or stone masonry wall or a solid fence of wood or other material, deemed appropriate by the Zoning officer, along each property line which abuts any property zoned and / or used for residential purposes.
- 622.4** All discarded parts must be stored at the rear of the building and must be removed from the premises within thirty (30) days.
- 622.5** Salvage parts must be stored inside the building.
- 622.6** Vehicles awaiting repair outside of the building shall be screened from adjacent properties and streets with a vegetative landscape buffer or opaque fencing at least six (6) feet in height.
- 622.7** Vehicles stored on the site awaiting repair shall be located in a designated storage area that is not included in the required parking for the site.
- 622.8** No derelict, damaged or unlicensed vehicles shall be stored on the premises for more than forty eight (48) hours.
- 622.9** A service station lot shall contain a minimum area of 40,000 square feet and a minimum of 3,000 square feet for each pump, whichever is greater. Minimum lot frontage shall be 150 feet.
- 622.10** Pump islands and any similar equipment or facilities shall be set back at least 30 feet from any property line or street right-of-way. The overhang of canopies may extend to within 20 feet of a property line, but the supporting structure for such canopies to protect automobiles

Borough of Koppel Zoning Ordinance

positioned for service at pump islands shall be set back at least 30 feet from a property line or street right-of-way.

- 622.11** Service bays shall be limited to one per 7,000 square feet of site area. All service bays are to be contained entirely within the principal building. Where any side or rear yard is adjacent to a residential district, no more than three service bays shall be permitted. Service bay doors shall not face any property zoned and / or used for residential purposes.
- 622.12** The following activities may be operated in conjunction with the principal use of a service station when authorized as a special exception in accordance with the requirements of this Ordinance:
- 622.12.1** Convenience commercial center for the retail sale of food, beverages, personal-care items and similar goods
 - 622.12.2** Leasing or rental of vehicles, trailers or similar equipment
 - 622.12.3** Automobile washing
- 622.13** All used tires and parts, trash and similar objects shall be stored within a solid brick or concrete enclosure in the rear half or, in the case of corner sites, the rear quarter of the site, and shall be secured against dispersal by wind or water from such site.
- 622.14** No delivery tanker shall park on a public right-of-way during gasoline delivery, nor shall any hose be permitted on the public right-of-way.
- 622.15** On corner sites, a thirty-foot curb radius shall be provided, and no point of access shall be located within 100 feet of the street intersection, as measured from center line to center line. At intersections where a primary flow of right-turn traffic is anticipated, a longer curb radius may be required, again with a one-hundred (100) foot minimum separation between any point of access and the street intersection. On corner sites, all turns to and from the service station shall be right-in, right-out only.
- 622.16** Signs associated with any service station shall be in compliance with the requirements of this Ordinance.
- 622.17** No vehicle repair and service station shall contain self-service islands or pumps at which customers dispense gasoline or other flammable liquids unless: (1) An attendant, trained in the dispensing of such liquids, is on duty and in position to observe the self-service areas and to assist as necessary; and (2) There is installed, at each self-service island an automatic fire-suppression system.

SECTION 623 **INDIVIDUAL MOBILE HOMES**

- 623.1** A mobile home shall be placed on a permanent foundation within sixty (60) days of arrival on its lot. The foundation shall be at least four (4) masonry piers set on a concrete footer, with a continuous masonry peripheral wall. The bottom of the mobile home shall be securely tied to its foundation by over-the-top or built in steel straps or cables sufficient to hold the mobile home to its foundation under high wind conditions. The spacing between the home's floor and the ground below shall be well ventilated and the continuous masonry wall maintained in good condition.

Borough of Koppel Zoning Ordinance

- 623.2** Before a mobile home can be occupied, the zoning officer shall inspect the premises and shall determine that the sewage disposal and water supply systems have been installed and are in working order before issuing an occupancy permit.
- 623.3** Before a mobile home is removed from its lot, the occupant shall present to the zoning officer receipts showing that all local, county, state and school district taxes have been paid in full. When a mobile home has been removed, and a second mobile home shall not immediately replace it on the same foundation, the lot owner shall backfill the site to the original grade within sixty (60) days after removal of the home.
- 623.4** Any mobile home brought into the municipality after the effective date of this ordinance shall display evidence that it complies with the National Manufactured Housing Construction and Safety Standards Act, and amendments thereto.
- 623.5** A solid weatherproof material shall continuously skirt any mobile home lawfully pre-existing this ordinance with appropriate cross ventilation and maintained in good condition.

SECTION 624 KENNELS

- 624.1** The operator or owner of a kennel shall hold all current state and local licenses and permits for the location, activity and number of animals so specified.
- 624.2** Any exterior fenced area wherein animals exercise or are otherwise exposed must be located a minimum of one hundred fifty (150) feet from any principal structure on adjacent lots.
- 624.3** The perimeter of the exterior exercise area must be fenced with a weatherproof material, a minimum of five (5) feet in height, accessible only through a self-latching gate.
- 624.4** Any structure used to house animals shall be equipped with code-approved nontoxic noise-dampening material or acoustic tile.
- 624.5** No kennel may be established within one-half (1/2) of a mile of an existing kennel.

SECTION 625 METHADONE TREATMENT FACILITIES

- 625.1** A methadone treatment facility shall not be established or operated within five-hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meetinghouse or other actual place of regularly stated religious worship prior to the proposed methadone treatment facility.
- 625.2** The provisions established in this Ordinance shall apply whether or not an occupancy permit or certificate of use has been issued to the owner or operator of a methadone treatment facility for a location that is within five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility.

Borough of Koppel Zoning Ordinance

- 625.3** Notwithstanding, a methadone treatment facility may be established and operated closer than five hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility if, by majority vote, the Governing Body votes in favor of the issuance of an occupancy permit or certificate.
- 625.4** Prior to the Governing Body voting on whether to approve the issuance of an occupancy permit or certificate of use for a methadone treatment facility at a location that is closer than five-hundred (500) feet of an existing school, public playground, public park, residential housing area, child-care facility, church, meeting house or other actual place of regularly stated religious worship established prior to the proposed methadone treatment facility, one or more hearings regarding the proposed methadone treatment facility location shall be held within the municipality following public notice.
- 625.5** All owners of property located within five-hundred (500) feet of the proposed location shall be provided written notice of said public hearings at least thirty (30) days prior to the public hearings occurring.
- 625.6** The provisions above shall not apply to a methadone treatment facility that is licensed by the Department of health prior to May 15, 1999.

SECTION 626 OPEN SPACE FOR MULTI-FAMILY DEVELOPMENTS

- 626.1** Whenever a lot is developed for multi-family use, open space as defined in this Ordinance and comprising not less than twenty (20) percent of the total developable land within the development shall be set aside and provided permanently for the common enjoyment of the residents of the development.
- 626.2** Any design standards for open space areas, as specified in this Ordinance, shall govern such open space, with the exception that access to such open space by residents of the development shall be ensured from a street within the development and / or a pedestrian walkway to which all residents of the development have a right to use.
- 626.3** Such open space shall constitute developable land as defined in Article II of this Ordinance.

SECTION 627 NO IMPACT HOME BASED BUSINESSES

- 627.1** Home-based business must satisfy the following requirements and shall not supersede any deed restriction, covenant or agreement restricting use of the land, nor any master deed, by law or other document applicable to a common interest ownership community:
- 627.1.1** The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 627.1.2** The business shall employ no employees other than family members residing in the dwelling.
- 627.1.3** There shall be no display or sell of retail goods and no stockpiling or inventory of a substantial nature.

Borough of Koppel Zoning Ordinance

- 627.1.4** There shall be no outside appearance of a business use, including, but not limited to parking, signs, or lights.
- 627.1.5** 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.
- 627.1.6** 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.
- 627.1.7** The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- 627.1.8** The business may not involve any illegal activity.

SECTION 628 HOME OCCUPATIONS

- 628.1** Home occupations are permitted as an accessory use in the Residential zoning districts provided the occupation is carried on only in the dwelling occupying the property and no exterior changes are made to the dwelling to accommodate the use or odors or excessive noise arise from the occupation.
- 628.2** No multifamily dwelling may contain a home occupation.
- 628.3** The area used for the practice of a home occupation shall within the dwelling unit or an accessory building thereto, and the floor area devoted to such use shall be no more than 25% of the total floor area of the dwelling unit or 500 square feet, whichever is less.
- 628.4** The operator of the use shall be a resident of the dwelling, and not more than two (2) persons not living in the dwelling shall be employed in the occupation.
- 628.5** All parking for employees and patrons shall not create a need for off-street parking beyond normal dwelling needs, shall be off street, and shall not be located within the front yard.
- 628.6** Traffic generated shall not be in excess of twenty (20) trips in one (1) day in addition to trips generated by the residence. A trip is defined as a vehicle traveling in one direction to or from a source.
- 628.7** No storage of materials or products shall be permitted in open areas.
- 628.8** The exterior appearance of the structure or premises must be maintained as a residential dwelling. No home occupation activities shall be visible from a public street or from any neighboring property.
- 628.9** No goods shall be publicly displayed on the premises, and no retail sales shall be permitted except of those products of the home occupation or items deemed accessory to or directly associated with the home occupation.
- 628.10** One sign, no larger than two (2) square feet in area and meeting all other requirements of this Ordinance, shall be permitted for any home occupation.

Borough of Koppel Zoning Ordinance

- 628.11** Delivery of materials or supplies associated with the home occupation shall be made no more frequently than once per week.
- 628.12** The following are permitted home occupations, provided that they meet the requirements established in this section:
- 628.12.1** Dressmaking, sewing and tailoring.
 - 628.12.2** Painting, sculpting and writing.
 - 628.12.3** Music instruction, limited to two students at any one time.
 - 628.12.4** Telephone-answering, typing and bookkeeping.
 - 628.12.5** Home crafts, such as model-making, rug-weaving, pottery, jewelry-making, cabinetmaking.
 - 628.12.6** Home cooking and catering, provided that all food is catered off premises.
 - 628.12.7** Computer programming that involves services to outside clients.
 - 628.12.8** Tutoring, limited to two students at one time.
 - 628.12.9** Beautician or barber services by appointment only, limited to one chair and one client at any one time.
 - 628.12.10** Professions, such as architect, planner, engineer, financial consultant or insurance agent or accountant, providing service to not more than two clients on the premises at any one time
 - 628.12.11** Any occupation that the Zoning officer deems comparable to the above in terms of scale and impact.

SECTION 629 RECREATIONAL VEHICLE PARKS

- 629.1** Recreational vehicles shall be permitted only in parks that meet the requirements of this section. Occupied travel trailers, motor homes, tents or camping vehicles shall meet all the requirements specified:
- 629.1.1** No park shall have an area of less than five (5) contiguous acres.
 - 629.1.2** A permit shall be required to establish or enlarge a Recreational Vehicle Park. At the time application is made to establish or enlarge such a park, a plot plan shall be submitted showing complete layout, including sanitary facilities and location and design of service buildings. All sites shall be assigned a number to be indicated on the plot plan and on the site proper. No recreational vehicle shall be located at other than a designated site.
 - 629.1.3** All recreational vehicles shall observe the front yard requirements of the district and be located not less than fifteen (15') feet from a side or rear property line.
 - 629.1.4** No recreational vehicle or appurtenance thereto shall be placed closer than twenty (20') feet to the center line of any driveway serving the park.
 - 629.1.5** Each lot within the park shall have a minimum width of thirty (30') feet and a minimum area of eighteen hundred (1,800) square feet. Any recreational vehicle or appurtenance shall be located on the lot so as to provide not less than fourteen (14') feet clearance to any other unit or structure or to any service building.
 - 629.1.6** All Recreational Vehicle Parks shall be serviced by a sewage disposal system as follows:

Borough of Koppel Zoning Ordinance

629.1.6.1 In areas having a public sewer system, which is, in the judgment of the Supervisors, reasonably accessible to the Park and available for connection thereto, the Developer shall provide the Park with a complete sanitary sewer system to be connected to the public sanitary sewer system.

629.1.6.2 In an area not having a public system, or within an area having a public sewer system which is not reasonable accessible to the Park, the Park shall be provided with one of the following methods of sewage disposal:

629.1.6.2.1 A complete sanitary sewer system to convey the sewage to a treatment (package plant), to be provided by the Developer in accordance with the requirements of the State Department of Environmental Protection, with adequate provision for the maintenance of such plant.

629.1.6.2.2 A private sewage disposal system on individual lots, consisting of septic tanks and absorption fields when laid out in accordance with minimum standards approved by the governing agencies.

629.1.6.2.3 Any independent unit situated in a Recreational Vehicle Park for more than seven (7) consecutive days shall be connected directly to the park sewage system.

629.1.6.2.4 No dependent unit shall occupy a site within the Park if said site is located more than three hundred (300') feet from a service building. Occupants of dependent units shall rely solely on the facilities furnished in the service building to meet their sanitary needs. The service building shall contain laboratories and flush toilets in separate restrooms for each sex and shall be connected directly to the park water supply and sewer system.

629.1.6.2.5 Whenever the park is open during the months of December, January or February, the service building shall be heated to a temperature of not less than 65 degrees Fahrenheit. The minimum number of facilities provided in the service building shall be as referenced in the following Table 6-4:

Table 6-4					
Number of Dependent Spaces	Male Toilets	Female Toilets	Male Lavatories	Female Lavatories	Male Urinals
1-15	1	1	1	1	1
16-30	1	2	2	2	1
31-45	2	2	3	3	1
46-60	2	3	3	3	2
61-80	3	4	4	4	2
81-100	3	4	4	4	2
1-40	+1	+1	+1	+1	+1

Borough of Koppel Zoning Ordinance

- 629.2** It shall be unlawful for any reason to operate a Recreational Vehicle Park without first obtaining a license issued by the zoning officer.
- 629.3** Application for a permit for the spring, summer and fall season shall be made not later than March 1st and if issued shall be valid for the period of March 1st thru November 30th of that calendar year. Application for a permit for the winter season shall be made no later than November 30th and if issued shall be valid for the period of December 1st thru the last day of February.
- 629.4** Recreational vehicles, excluding tents shall be maintained at all times in a manner acceptable for transportation on public highways in accordance with the rules and regulations of the Pennsylvania Department of Transportation
- 629.5** Recreational areas, comprising of not less than ten (10%) percent of the total park area shall be provided for the common use of all the residents of the park.

SECTION 630 ESSENTIAL SERVICE INSTALLATIONS

- 630.1** As defined by this Ordinance, Essential Service Installations shall be permitted in all districts and are excluded from the minimum area, lot width, and yard requirements of this Ordinance; provided however, that buildings and structures erected for these installations shall be subject to the following regulations:
- 630.1.1** Setbacks shall be provided in accordance with the regulations of the district in which the facility is located.
- 630.1.2** Height restrictions shall be as required by the district regulations.
- 630.1.3** Equipment shall be totally enclosed within a building.
- 630.1.4** For facilities located adjacent to a residential district, a minimum twenty (20) foot buffer yard shall be established.
- 630.1.5** The external design of the building shall be similar to that of the character of the existing buildings in the adjacent zoning district.
- 630.1.6** No structure shall be used as an everyday work area.

SECTION 631 CONVERSION APARTMENTS

- 631.1** A single-family detached dwelling located within the R-1, R-2, R-3, C-1, MU, A, VR, or VC district and existing on the effective date of this Ordinance may be converted into a structure containing two (2) dwelling units, when authorized as a special exception, and meeting the following requirements:
- 631.1.1** Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board. Where any dwelling unit is to be situated above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.
- 631.1.2** Such plans shall provide adequate and suitable parking space for a minimum of two (2) automobiles for each dwelling unit. These spaces shall have direct,

Borough of Koppel Zoning Ordinance

- unimpeded access to a street or alley. The lot shall continue to comply with the applicable requirements established for the zoning district in which it is located.
- 631.1.3** Such structure shall be subject to all of the applicable area and bulk regulations governing two-family dwellings within the district in which it is located.
- 631.1.4** There shall be no external alteration of the building except as may be necessary for reasons of safety.
- 631.1.5** Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
- 631.1.6** Conversion apartments shall only be permitted within buildings that contain 3,000 or more square feet of floor area.
- 631.1.7** Any new dwelling unit resulting from conversion shall have a minimum habitable living area of 500 square feet, exclusive of basement dwellings.
- 631.1.8** The new dwelling unit shall have separate sanitary, cooking and dining facilities. Each living unit shall contain not less than one (1) bathroom and three (3) habitable rooms, of which, at least one (1) shall be a bedroom.
- 631.1.9** A minimum of two (2) off-street parking spaces shall be provided for each residential unit.
- 631.1.10** Lot and area requirements shall be in accordance for the zoning district in which the dwelling is located.

SECTION 632 **BED AND BREAKFAST FACILITIES**

- 632.1** Bed-and-breakfast facilities, as defined in this Ordinance, may be operated when approved and only when in full compliance with the following requirements:
- 632.1.1** Bedrooms shall be used to provide accommodations for transient guests, and there shall be not more than one (1) employee on the premises at any one time who is not a member of the household. No bedroom in any such facility in any district shall contain any cooking facilities.
- 632.1.2** Breakfast may be served by the occupants as part of the accommodations, but no other meals shall be served to guests, whether or not separately billed.
- 632.1.3** Owners shall comply with all federal, state, county and local requirements for the preparation, handling and serving of food.
- 632.1.4** Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident-owner and guests of the bed-and-breakfast facility.
- 632.1.5** In addition to meeting the minimum parking requirements of this Ordinance for single-family detached dwellings, there shall be at least one off-street parking space for each room designated for bed-and-breakfast use and one space for any employee not a member of the household. When parking spaces required for the bed-and-breakfast facility total three (3) or more, such spaces shall be screened from the direct view of any adjacent residential use by means of vegetative material, fence, wall or a combination thereof.
- 632.1.6** The length of stay for any transient guest shall be limited to not more than 14 consecutive days.
- 632.1.7** The resident owner shall maintain a guest register, which shall list the names, addresses and lengths of stay of all guests.

Borough of Koppel Zoning Ordinance

- 632.1.8** One sign shall be permitted for purposes of identifying the property as a bed-and-breakfast facility, provided that the sign shall not exceed three square feet in area and shall contain no information other than identification of the premises as the named bed-and breakfast.
- 632.1.9** Area and bulk regulations shall be those that apply to single-family detached dwellings in each district that it is permitted.
- 632.1.10** No external enlargements, alterations or changes to the exterior of the building shall be permitted, except as required by the Municipal Building Code and the Pennsylvania Department of Labor and industry or for safety reasons, as required by another governmental agency.
- 632.1.11** All other applicable borough codes and regulations shall be complied with.
- 632.1.12** Upon compliance with all the requirements of this Ordinance, a use and occupancy permit shall be issued which shall be valid for a period of one year unless revoked sooner for violation of any provisions of this Ordinance. The permit may be renewed annually, provided that facility has inspected and found it to be in compliance with the provisions of this Ordinance. In the event that the zoning officer determines a violation to exist, the permit shall not be renewed until the violation is remedied.

SECTION 633 GROUP HOMES

- 633.1** Group homes, as defined in this chapter, shall be permitted by right in any district in which residential uses are permitted, as a form of single-family dwelling, where the use thereof is in compliance with the definitions of family and group homes. Where a group home is permitted, the following standards shall apply:
 - 633.1.1** The minimum requirements for off-street parking shall be those applicable to a single-family dwelling; provided, however, that as a minimum, a group home shall have one off-street parking space for each employee, computed on the basis of the estimated maximum number of employees at any one time, plus one space for each three patients / clients beds.
 - 633.1.2** The applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and Industry have been obtained or waived.
 - 633.1.3** The sponsoring social services agency shall document to the zoning officer that all building, fire, plumbing, heating, electrical and similar facilities meet the standards set by the municipality and by the Commonwealth of Pennsylvania.
 - 633.1.4** The premises at which the group home is located shall be owned or leased by the social service agency sponsoring the group home. The group home, by design and intent, shall provide for the long-term needs of its residents and shall not accommodate the needs of transient individuals.
 - 633.1.5** A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group home.

SECTION 634 SATELLITE DISH ANTENNAS

- 634.1** The requirements for ground-mounted satellite dish antennas shall be as follows:

Borough of Koppel Zoning Ordinance

- 634.1.1** The diameter of the satellite dish antenna shall not exceed eight (8) feet.
 - 634.1.2** The total height of the installation shall not exceed ten (10) feet, and in no case shall the height exceed its distance from any property line.
 - 634.1.3** The installation shall be located only in a rear yard or in a side yard.
 - 634.1.4** All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
 - 634.1.5** All installations shall, to the extent feasible, employ materials and colors that blend with the surroundings.
 - 634.1.6** All installations must be screened to achieve a hidden view along the antenna's non-reception window axes and must have low-level ornamental landscape treatment along the reception window axes of the antenna's base. Such treatments shall completely enclose the antenna.
- 634.2** Roof-mounted satellite dish antennas may be permitted as a special exception and subject to the following criteria:
- 634.2.1** The diameter of the satellite dish antenna shall not exceed eight (8) feet.
 - 634.2.2** The height of the proposed installation shall not exceed the maximum height limitation established for principal uses within the zoning district.
 - 634.2.3** The installation shall be located on a portion of the roof sloping away from the front of the lot. When placed on a flat roof, the antenna shall be located on the rear half of the roof, relative to the front lot line or lines.
 - 634.2.4** All applications must include certification that the proposed installation complies with the standards listed in the Basic Building Codes governing the municipality.

SECTION 635 DRIVE THROUGH FACILITIES

- 635.1** A drive through shall not be located within a required front yard.
- 635.2** Stacking lanes shall be of sufficient length to stack the number of cars projected to be served during peak hours, based upon a traffic study submitted by the applicant. In no instance shall the stacking lane be designed to hold less than five (5) vehicles.
- 635.3** All drive through window lanes shall be separated by curb from the parking area's interior drive.
- 635.4** A site plan shall be provided and shall show building dimensions and placement, internal circulation, landscaping, location and size of signing.

SECTION 636 FORESTRY

- 636.1** Forestry, as defined in Article II, shall be permitted by right in all zoning districts.

Borough of Koppel Zoning Ordinance

ARTICLE VII NON-CONFORMING LOTS, STRUCTURES AND USES

SECTION 701 **INTENT AND PURPOSE**

- 701.1** If, within the zoning districts established by this Ordinance or due to amendments that may later be adopted, there exist lots, structures or uses which were lawful before this Ordinance was enacted or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments, it is the intent of this Ordinance to permit these nonconformities until they are removed, except as specifically provided to the contrary in this Ordinance.
- 701.2** Such lots, structures and uses are declared to be incompatible with authorized lots, structures and uses in the zoning districts involved. It is the intent of this Ordinance that lots, structures and uses are brought into compliance with existing regulations and that any expansion of a non-conformity be effected in accordance with then existing regulations, subject to the provisions of this Article.
- 704.3** A nonconforming lot, structure or use shall not be extended, expanded or enlarged upon by (a) the addition of other uses, if such additions are of a nature which would be prohibited generally in the district; (b) attachment of additional signs to a building; or (c) the placement of additional signs or display devices on the land outside the building.
- 701.4** To avoid undue hardship, this Ordinance shall not be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently commenced.
- 701.4.1** "Actual construction" is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and where demolition or removal of an existing building or structure has substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction so long as that work shall be diligently carried on until completion of the building or structure involved, in any event within twelve (12) months after the date on which a zoning permit was issued.
- 701.5** Where the zoning use classification of property is amended upon petition by the owner or equitable owner of such property, such amendment shall not be deemed one according protection to uses existing as of the date of such amendment, and the owner, upon amendment of the zoning classification, shall bring uses of the property into compliance with those permitted in this Ordinance for the district so requested by the owner. All petitions for rezoning shall include the owner's agreement to bring uses into conformity with those permitted in the requested zoning district.
- 701.6** If boundaries of a zoning district are changed so as to transfer land from one zoning district to another, other than pursuant to petition by the owner or equitable owner of that land, this Article shall govern uses that thereby become nonconforming.

Borough of Koppel Zoning Ordinance

- 701.7** Nonconformities which are dimensional in nature shall not be deemed to have any natural right to expansion.
- 701.8** Except where specifically authorized in this Article, any change, expansion, enlargement, construction, reconstruction or structural alteration of a nonconforming lot, structure or use shall be allowed only upon the grant by the Zoning Hearing Board of a variance upon the Board's finding that grounds for a variance exist.

SECTION 702 NON-CONFORMING LOTS

- 702.1** Any existing lot of record within a subdivision or otherwise which was created prior to the enactment of this Ordinance and which is located in any district in which single family dwellings are permitted may be used for the erection of a single family dwelling and for a residential garage, addition or building accessory to a single family dwelling, even though the lot's area, width and / or depth is less than requirements established in this Ordinance; provided, that yard setback and other regulations shall be complied with.
- 702.2** In any zoning district in which single-family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single nonconforming lot if the lot is in separate ownership and not of continuous frontage with other lots in the same ownership, provided that yard dimensions and other requirements not involving lot area or lot width, or both, of the lot shall conform to the regulations for the zoning district in which such lot is located. This provision shall apply even though such lot fails to meet the requirements for lot area or lot width, or both that are generally applicable in the zoning district.
- 702.3** If two (2) or more lots of record with continuous frontage are held in single ownership and if both, all or any of such lots do not meet the requirements in this Ordinance for lot area and width in the zoning district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel(s) shall be used or sold which does not meet lot width and lot area requirements established by this Ordinance, nor shall any division of the parcel(s) be made which leaves remaining any lot having a width or area less than the requirements established in this Ordinance. Any division of said parcel(s) containing a nonconforming use of a structure shall conform to the minimum lot width and area requirements for authorized uses. The zoning officer, upon receipt of an application for permit, shall have authority to direct that the lots of record be re-plotted to create fewer lots if necessary to comply with requirements of this Ordinance.

SECTION 703 NON-CONFORMING USES OF LOTS

- 703.1** Where a lawful use of a lot exists at the effective date of this Ordinance that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- 703.1.1** No such nonconforming use shall be enlarged, increased, expanded or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, unless the Zoning Hearing Board should determine that the enlargement or expansion is necessary by the natural expansion and growth of trade of the nonconforming use.
- 703.1.2** No such nonconforming use shall be moved, in whole or in part, to any portion of the lot not occupied by such use at the effective date of this Ordinance.

Borough of Koppel Zoning Ordinance

- 703.1.3** If such nonconforming use of a lot ceases or is discontinued for any reason for a period of more than twelve (12) months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.
- 703.1.4** Whenever a nonconforming use of a lot has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restrictive use.

SECTION 704 **NON-CONFORMING STRUCTURES**

- 704.1** If a lawful building or structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- 704.1.1** No such building or structure may be enlarged or have any structural alterations made in a way which increases its nonconformity, unless the Zoning Hearing Board after finding that an undue hardship exists authorizes a reasonable modification and all applicable area, setback, parking and loading regulations are complied with.
- 704.1.2** Should such building or structure be destroyed by any means, it may be repaired or reconstructed; provided, that such restoration is commenced within twelve (12) months after the date of damage and that the use and intensity of use is no more objectionable or no greater than existed prior to destruction. If work to restore the damaged structure is not commenced within twelve (12) months after the date of damage, such building or structure shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 704.1.3** Should such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the zoning district in which it is located.
- 704.1.4** No expansion or enlargement of any building or structure shall be allowed within any identified flood plain that would cause any increase in flood heights.

SECTION 705 **NON-CONFORMING USES OF STRUCTURES**

- 705.1** Where a lawful use of a building or structure or of a building / structure and a lot in combination exists at the effective date of this Ordinance that would not be allowed under the requirements of this Ordinance for the zoning district, the lawful use may be continued, subject to the following provisions:
- 705.1.1** No existing building or structure devoted to a use not permitted by this Ordinance in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or otherwise have any structural alterations made to it except in changing the use of the structure to an authorized use in the zoning district, unless the Zoning Hearing Board shall determine that the enlargement, extension, construction, reconstruction or structural alteration is necessitated by the natural expansion and growth of trade of the nonconforming use and grant a variance allowing the same, subject to such reasonable conditions as the Board may attach.
- 705.1.2** The nonconforming use may be extended throughout any part of the building or structure that was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to

Borough of Koppel Zoning Ordinance

occupy any lot or portion of a lot outside such building or structure and all area, yard and parking requirements for the district in which the building or structure is located shall be complied with.

- 705.1.3** A nonconforming use of a building or structure may be changed to another nonconforming use of the same or of a more restrictive nature so long as no structural alterations are made other than those directed by the zoning officer in writing to assure the safety of the building or structure; provided, that such change shall:
- 705.1.3.1** Be registered by the zoning officer
 - 705.1.3.2** Constitute an abandonment of the former nonconforming use so changed.
 - 705.1.3.3** Prohibit any future change to a less restricted use.
- 705.1.4** Any building or structure and lot in combination in or on which a nonconforming use is superseded by an authorized use shall thereafter conform to the regulations for the zoning district in which such building structure is located, and the nonconforming use may not thereafter be resumed.
- 705.1.5** Should such structure be destroyed by any means, repairs or reconstruction may be undertaken, provided that such restoration is started within twelve (12) months of the date of damage.
- 705.1.6** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the requirements of the zoning district in which it is located.
- 705.1.7** If such nonconforming use of a building or structure, or of a building or structure and lot in combination, ceases or is discontinued for any reason for a period of more than twelve (12) months, it shall be presumed that the nonconforming use has been abandoned, and any subsequent use of such building and structure and lot shall conform to the regulations established in this Ordinance for the zoning district in which the lot is located.
- 705.1.8** Where nonconforming status applies to both, the use and the building or structure, removal or destruction of the nonconforming building or structure shall eliminate the nonconforming use on the lot.
- 705.1.9** Non-conforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the sign area computed in accordance with this Ordinance.
- 705.1.10** Non-conforming signs may not be enlarged, added to or replaced by another non-conforming sign, use or structure, except that the interchange of poster panels may be permitted.

SECTION 706 **REPAIRS AND MAINTENANCE**

- 706.1** Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building or structure or portion thereof, which has been declared to be unsafe by any official charged with protecting the safety of the public. The non-conforming building or structure may be rebuilt and occupied for the same use as prior to the damage provided that:
- 706.1.1** The previous foundation is to be used;

Borough of Koppel Zoning Ordinance

706.1.2 The reconstructed building or structure shall not be larger than the damaged building or structure;

706.1.3 The reconstruction shall start within one (1) year from the time of damage.

706.2 A non-conforming structure may be repaired, provided that the repair shall not cause the structure to create further expansion in a non-conforming dimension or aspect.

SECTION 707 NON-CONFORMITY DISTINGUISHED

707.1 Any use approved as a permitted use, a conditional use, special exception or by variance as authorized in this Ordinance shall not be deemed a nonconforming use but shall, without further action, be deemed a conforming use in such zoning district.

707.2 The provisions of this Article shall not apply to any building or structure that is designated as a historical landmark by the Planning Commission, with concurrence of the Governing Body.

SECTION 708 ADMINISTRATION

708.1 In accordance with the provisions of this Article, owners of nonconforming uses, structures and lots may apply for zoning approval. Issuance of such zoning approval by the zoning officer will constitute registration of the nonconforming use, structure and / or lot.

708.2 The zoning officer is authorized to register nonconforming lots, buildings and structures, uses of lots and uses of buildings and structures existing in the municipality.

708.3 All non-conforming uses and non-conforming structures in existence as of the effective date of this Ordinance shall be registered within six (6) months. The registration shall be accomplished through the completion of a statement by the landowner expressing their desire to have their lot, use or structure classified nonconforming according to this Ordinance.

708.4 The registration shall contain, at a minimum, a description of the existing use and / or structure, zoning district, name(s) and addressees) of the landowner at the time of enactment of this Ordinance, deed reference to the parcel of property being registered, reason for non-conformity, and all applicable dimensions. This information shall be submitted to the zoning officer.

708.5 When determinations are made in accordance with this Article that a nonconforming lot, building or structure or use of a lot or building or structure exists or may be altered, a record of the determination shall be maintained in the property file.

708.6 After the enactment or amendment of this Ordinance, the owners of nonconforming structures and / or lots or the owners of a lot on which a nonconforming use exists may be notified by the zoning officer of the provisions of this Ordinance. Within 30 days after the receipt of said notice, the owner shall apply for and be issued zoning approval for the nonconformity. If the owner of a nonconformity fails to apply for zoning approval within 30 days after receipt of the foregoing notice, the nonconformity ceases to be lawful and is hereby declared to be in violation of this Ordinance.

Borough of Koppel Zoning Ordinance

ARTICLE VIII ADMINISTRATIVE PROVISIONS

SECTION 801 **ZONING OFFICER**

- 801.1** The municipality shall appoint an agent, a zoning officer, who shall administer and enforce the provisions of this Ordinance, and shall do so accordance with the provisions of the Pennsylvania Municipalities Planning Code (MPC).
- 801.2** The zoning officer shall not hold any elected office in the municipality in which he serves.

SECTION 802 **DUTIES OF THE ZONING OFFICER**

- 802.1** The zoning officer shall literally interpret and enforce all the provisions of the Zoning Ordinance and shall have such duties and powers as are conferred on him by the Zoning Ordinance and are reasonably implied for that purpose. It shall be the duty of the zoning officer to:
- 802.1.1** Receive, examine and process all zoning permits for all uses including Signs.
 - 802.1.2** Issue permits only where there is compliance with the provisions of this Ordinance, with other municipal ordinances, and with the laws of the Commonwealth and the Federal Government. Permits for construction or uses requiring a special exception or variance shall be issued only upon order of the zoning hearing board. Permits for conditional uses requiring approval by the municipality shall be issued only after receipt of approval from the governing body.
 - 802.1.3** Receive applications for conditional uses, curative amendments and zoning changes, forwarding such requests to the Governing Body, Planning Commission or other appropriate agencies.
 - 802.1.4** Receive applications for special exceptions and variances and forward these applications to the zoning hearing board for actions, thereupon.
 - 802.1.5** Examine, or cause to be examined, all structures and / or land for which and application has been filed for a zoning permit, and he may conduct such inspections from time to time, during and at completion of the work for which a zoning permit has been issued.
 - 802.1.6** Conduct inspections and surveys to determine compliance or noncompliance with the terms of this Ordinance.
 - 802.1.7** Issue stop, cease and desist orders, and order, in writing, correction or all conditions found to be in violation of the provisions of all applicable regulations. Such written orders shall be served personally or by certified mail upon persons, firms or corporations deemed by the zoning officer to be violating the terms of this Ordinance. It shall be unlawful for any person to violate any such order issued lawfully by the zoning officer, and any person violating any such order shall be guilty of a violation of this Ordinance.
 - 802.1.8** With the approval of the governing body or when directed by them, institute in the name of the municipality any appropriate actions or proceedings to:

Borough of Koppel Zoning Ordinance

- 802.1.8.1** prevent unlawful erection, construction, reconstruction, alteration, repair, conversion maintenance or use of a building, structure or property;
- 802.1.8.2** restrain, correct or abate any such violation so as to prevent the occupancy or use of any such building, structure or land; and / or,
- 802.1.8.3** prevent any illegal act conduct, business or use in or about such premises.
- 802.1.9** Revoke any order or zoning permit issued under mistake of fact, or contrary to the law, of the provisions of this Ordinance.
- 802.1.10** Record and file all applications for zoning permits with accompanying plans and documents.
- 802.1.11** Maintain a map or maps showing the current zoning classification of all land in the municipality.
- 802.1.12** Keep an up-to-date list of all non-conforming uses in accordance with Article VII of this Ordinance.

SECTION 803 ZONING PERMITS

- 803.1** Until the zoning officer has issued a zoning permit applicable thereto, no person shall:
 - 803.1.1** Occupy or use any vacant land.
 - 803.1.2** Occupy or use any structure hereafter constructed, reconstructed, moved, altered or enlarged.
 - 803.1.3** Change the use of a structure, building, sign, or land to a different use.
 - 803.1.4** Change or alter a non-conforming use.
 - 803.1.5** Commence excavation for the construction of any building or structure.
- 803.2** No zoning permit shall be required for repairs to, or maintenance of, any building, structure, or land, provided that such repairs do not change the use, alter the exterior dimensions of the building or structure or otherwise violate the provisions of this Ordinance or any other applicable ordinance, statute, or regulation enacted by the municipality.
- 803.3** Each applicant for a zoning permit shall present with the application, a plan of the property showing clearly and completely, the location, dimensions and use of any structure involved and any other information the zoning officer may require so as to comply with this Ordinance, together with a filing fee in accordance with the schedule of the same.
- 803.4** Within thirty (30) days of receipt of the application and required fees for a zoning permit, the zoning officer shall complete an examination of the application and supporting information to determine compliance with this Ordinance and any other applicable ordinance, statute, or regulation enacted by the municipality.
- 803.5** If the application meets the necessary requirements, the zoning officer shall issue a zoning permit that shall be posted on the site prior to construction activities and remain in place until completion.

Borough of Koppel Zoning Ordinance

- 803.6** For applications that are denied, the zoning officer shall return the application along with a written explanation for denial and informing the applicant of their right to appeal this decision the Zoning Hearing Board.
- 803.7** The zoning permit shall expire six (6) months from the date of its issuance if the work described in the zoning permit has not commenced. If the work described in the zoning permit has begun, the zoning permit shall expire one (1) year from the date of issuance.
- 803.8** The zoning officer may revoke a zoning permit issued under the provisions of this Ordinance if it is determined that the permit was issued erroneously or issued as a result of any false statement or misrepresentation of fact in the application or on the plans or which the permit was based.
- 803.9** A zoning permit may also be revoked if the work that is undertaken is not in accordance with the permit or for any other cause set forth in this Ordinance.
- 803.10** The zoning officer shall maintain a permanent file of all zoning permits and applications as public record.
- 803.11** A zoning permit shall be an authorization to commence with work on the site as described in the permit application and shall not be construed as a waiver or an authority to violate any provisions of this Ordinance.
- 803.12** A permit holder shall proceed with work at their own risk and are subject to the rights of aggrieved parties who may appeal the issuance of the zoning permit as authorized by the MPC.

SECTION 804 CERTIFICATES OF USE AND OCCUPANCY

- 804.1** No use of vacant land shall be made, nor shall any building or structure hereafter constructed, erected, or structurally altered be occupied or used, nor shall any existing use of a building, structure, or land be changed until a certificate of use and / or occupancy shall have been issued by the zoning officer.
- 804.2** In the event that a building permit is required for the construction, erection or structural alteration of any building or structure, an application for a certificate of use or occupancy shall be made simultaneously with the application for the building permit. The applicant shall notify the zoning officer of the date on which such construction, erection, or structural alteration shall have been completed in conformity with the provisions of this chapter and the zoning officer shall examine the building or structure involved within ten (10) days of the completion. If the zoning officer finds that the construction, erection, of structural alteration has been completed in accordance with the provisions of this chapter, a certificate of use and occupancy shall be issued.
- 804.3** The zoning officer may issue a temporary certificate of use and occupancy which may permit the use or occupancy of a building or structure during structural alteration thereof or may permit the partial use or occupancy of a building or structure during its construction or erection. The temporary certificate shall be valid for a period of six (6) months from its issuance and shall be subject to such restrictions and provisions that may be deemed

Borough of Koppel Zoning Ordinance

necessary by the zoning officer to adequately insure the safety of persons using or occupying the structure, building, or land involved.

- 804.4** All applications for certificates of use or occupancy shall be made on forms provided by the zoning officer and the municipality and shall contain accurate information as to the size of and location of the lot, the locations of the buildings and structures on the lot, the dimensions of all yards and open spaces, and such other information that is required by the zoning officer as necessary to provide for the enforcement of this chapter.
- 804.5** No building permit or other permit for excavation of for the erection, construction, repair or alteration of a building or structure shall be issued before application has been made for a certificate of use and occupancy.
- 804.6** The zoning officer shall act on applications for certificate of use and occupancy in a manner established by requirements of the state or the municipality.
- 804.7** No certificate shall be issued until the premises in question has been inspected and found by the zoning officer to be in compliance with this Ordinance.
- 804.8** The issuance of a certificate of occupancy in no way absolves the owner of authorized agent from compliance with the intent of this Ordinance.

SECTION 805 VIOLATIONS

- 805.1** When it appears to the municipality or the zoning officer that a violation has occurred, the zoning officer shall send an enforcement notice. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:
- 805.1.1** The name of the owner of record and any other person against whom the municipality intends to take action.
 - 805.1.2** The location of the property in violation.
 - 805.1.3** The specific violation with a description of the requirements that not been met, citing, in each instance, the applicable provisions of the Ordinance.
 - 805.1.4** The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - 805.1.5** That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - 805.1.6** That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation.
- 805.2** In any appeal of an enforcement notice to the Zoning Hearing Board, the municipality shall have the responsibility of presenting its evidence first.

Borough of Koppel Zoning Ordinance

- 805.3** Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the municipality if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- 805.4** In case any building, structure, landscaping or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the municipality, the zoning officer, or any aggrieved owner or tenant of real property who shows that his / her property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land violation. When a landowner or tenant institutes any such action, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Governing Body. No such action may be maintained until such notice has been given.
- 805.5** District Justices shall have initial jurisdiction over proceedings brought under this Article.
- 805.6** Any persons or the partners, owners, managers or members of any partnership or corporation who or which has violated or permitted violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5) 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 fees collected for the violation of the Zoning Ordinance shall be paid to the municipality.
- 805.7** The appropriate percentage of the fines levied for violation of this Zoning Ordinance shall be paid over to the municipality.
- 805.8** If any structure or lot is or is proposed to be erected, constructed, reconstructed or otherwise have any structural alterations made to it, converted, maintained or used in violation of this Ordinance, the Governing Body or its designated representative, in addition to other remedies, may institute in the name of the municipality any appropriate action or proceeding to prevent, restrain, correct or abate such violation.
- 805.9** Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the municipality, their solicitor, its code enforcement officer or its zoning officer the right to initiate or prosecute any action for enforcement pursuant to this section.

Borough of Koppel Zoning Ordinance

SECTION 806 **APPEALS**

- 806.1** The procedure and time limitations for appeal from any ordinance, decision, determination or order of the Governing Body, zoning officer, zoning hearing board, or other applicable agency or officer of the municipality, in the enactment of administration of this Ordinance, shall be in conformance with the provisions of the MPC.
- 806.2** Any person or Municipal Official aggrieved or affected by any provision of this Ordinance or by any determination of the zoning officer, may appeal to the board within thirty (30) days, as provided by the rules of the Zoning Hearing Board, by filing a notice of appeal specifying the grounds thereof. The Zoning Hearing Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the zoning officer in the administration of this Ordinance.
- 806.3** Where the Zoning Hearing Board has jurisdiction over a matter, it shall also hear appeals that an applicant may elect to bring before it with respect to any Municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon, as provided in the MPC. At the conclusion of the hearing, the Zoning Hearing Board shall make findings on all relevant issues of fact that shall become part of record on appeal to court.

SECTION 807 **FEES**

- 807.1** The municipality shall by ordinance or resolution adopt a schedule of fees, charges and expenses and a collection procedure for zoning approvals, permits, and applications for variances, conditional uses, special exceptions, amendments and other matters pertaining to this Ordinance.
- 807.2** The schedule of fees shall be duly recorded in the ordinance or resolution book of the municipality and posted in the office of the zoning officer.
- 807.3** The municipality shall re-evaluate the fee schedule from time to time and make the necessary changes to it. These changes shall not be considered an amendment to this Ordinance and may be adopted at a public meeting by resolution or ordinance.
- 807.4** All fees shall be paid to the treasury of the Borough. Applications for special exceptions, conditional uses, variances and amendments shall be acted upon only after the required fees have been paid in full and the Zoning Hearing Board shall not take any action on appeals until the required fees have been paid in full.
- 807.5** The Borough Council may waive or modify fees where unusual circumstances warrant such relief.

Borough of Koppel Zoning Ordinance

ARTICLE IX ZONING HEARING BOARD

SECTION 901 **ZONING HEARING BOARD**

- 901.1** In accordance with the MPC, a Zoning Hearing Board shall be appointed and organized to hold meetings, keep minutes, and pursuant to public notice, conduct hearings, compel the attendance of witnesses, take testimony under oath and render decisions, all as required by law.
- 901.2** The Board shall have the following powers:
- 901.2.1** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning officer in the enforcement of this Ordinance.
 - 901.2.2** To authorize in specific cases such variance from the terms of this Ordinance as will not be contrary to the general interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done in accordance with the laws of the Commonwealth of Pennsylvania.
 - 901.2.3** To authorize such uses by special exception as will not be contrary to the general interest, so that the spirit of this Ordinance shall be observed and substantial justice done.
 - 901.2.4** To hear and decide challenges to the validity of any provision of this Ordinance, where the challenging party does not submit a curative amendment, or to the validity of any land use ordinance where the challenge is based on procedural defects, as such challenges are governed by the MPC.
 - 901.2.5** To hear and decide appeals from a determination by the Municipal Engineer or the zoning officer with reference to the administration of any floodplain or flood hazard provisions within this Ordinance.
 - 901.2.6** To hear and decide appeals from a decision by the Governing Body on a special encroachment permit.
- 901.3** For filing of any appeal or proceeding with the Zoning Hearing Board, a fee shall be charged in accordance with the enacted fee schedule established by the municipality.
- 901.4** Except as provided in the MPC, the Zoning Hearing Board shall have no power to pass upon the validity of any provisions of an ordinance or a map.

SECTION 902 **ADMINISTRATION AND PROCEDURE**

- 902.1** The membership and organization of the Board and the appointment of alternate members to the Board shall be as provided by the MPC as now in effect or as hereafter amended.
- 902.2** The Board may make, alter and rescind rules, regulations, and forms for its procedures such as are consistent with the borough code and the laws of the Commonwealth. Copies of rules,

Borough of Koppel Zoning Ordinance

regulations and forms adopted by the Board shall be prepared and shall be made available for inspection and by any interested persons in the offices of the Board and the municipality.

- 902.3** The Board shall conduct hearings and render decisions, after giving such notice as required by law, in the manner prescribed by the MPC, as now established or hereafter amended.
- 902.4** The jurisdiction of the Zoning Hearing Board shall be as set forth in the MPC, as amended, and other applicable law.
- 902.5** All appeals and applications made to the Zoning Hearing Board shall be established by the Board.
- 902.5.1** All appeals from determinations adverse to the landowner shall be filed by the landowner within 30 days after notice of the determination is issued.
- 902.5.2** No person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Municipal Officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan. Tentative approval, of this Chapter or from an adverse decision by the zoning officer on a challenge to the validity of an ordinance or map pursuant to the requirements set forth in the MPC, shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
- 902.5.3** Appeals may be made to the Board by any landowner affected, any officer or agency of the municipality, or any person aggrieved.
- 902.6** Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall set forth exactly the interpretation that is claimed, the use for which the special permit is sought or the details of the variance should be granted.
- 902.7** The hearings shall be conducted in accordance with all applicable requirements as set forth in the MPC. The Zoning Hearing Board may appoint any member as a hearing officer. The decision of, or where no decision is called for, the findings, shall be made by the Zoning Hearing Board and accept the decision of the hearing officer as final.

SECTION 903 SPECIAL EXCEPTIONS

- 903.1** In any instance where the Board is required to consider a special exception in accordance with the provisions of this Ordinance, the Board shall apply the following standards:
- 903.1.1** The Board shall determine if the applicant has shown that the proposed special exception will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood, land that the use of property adjacent to the area included in the proposed change or plan is adequately safeguarded.

Borough of Koppel Zoning Ordinance

- 903.1.2** The Board shall determine if the applicant has shown that the proposed special exception will serve the best interests of the municipality, the convenience of the community and the public welfare.
- 903.1.3** The Board shall determine if the applicant has shown that the effect of the proposed special exception will facilitate the logical, efficient and economical extension of public services and facilities, such as public water, sewers, police and fire protection, and public schools.
- 903.2** In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the MPC and this Ordinance.
- 903.3** If the Board determines that the application for special exception meets all the requirements of this Ordinance and receives assurances that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this Ordinance, it shall direct the zoning officer to issue zoning approval for such special exception.
- 903.4** A special exception approval granted by the Board shall expire automatically without written notice to the applicant if no application for a zoning approval, building permit, or grading permit to undertake the work described in the decision granting the special exception has been submitted within twelve (12) months of said decision, unless the Board, in its sole discretion extends the special exception upon written request of the applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one twelve (12) month extension. A special exception granted by the Board prior to the adoption of this Ordinance shall be subject to the provisions of this Ordinance; however, the twelve (12) month period shall begin with the date of adoption of this Ordinance.

SECTION 904 **VARIANCES**

- 904.1** In accordance with the MPC, the Zoning Hearing Board, upon appeal, shall have power to authorize variances from the provision of this Ordinance. The applicant must provide evidence to the Zoning Hearing Board of the need for the variance based upon all the following criteria:
- 904.1.1** That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provision of the Zoning Ordinance in the neighborhood or district in which the property is located.
- 904.1.2** That because of such physical circumstances or condition, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- 904.1.3** That such unnecessary hardship has not been created by the appellant.
- 904.1.4** That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantiality or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

Borough of Koppel Zoning Ordinance

- 904.1.5** That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- 904.2** In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.
- 904.3** Any site plan submitted as part of the application shall become part of the official record. An approval of a variance shall bind the use in accordance with the site plan.
- 904.4** If a site plan is to be amended as part of the approval of the variance, the applicant shall revise such plan and submit it to the zoning officer prior to the issuance of a zoning permit.
- 904.5** A subsequent change to the use on the subject property not shown on the originally approved site plan or amended site plan shall require the approval of another variance to authorize such change.
- 904.6** A variance granted by the Zoning Hearing Board shall expire without written notice to the applicant if no application for zoning approval, a building permit, or grading permit to undertake the work described in the decision granting the variance has been submitted within twelve (12) months of said decision, unless the Board, in its sole discretion extends the variance upon written request of the Applicant received prior to its expiration or unless the Board specifically grants a longer period of time in its decision. The maximum extension permitted shall be one (1) twelve (12) month extension. A variance granted by the Board prior to the adoption of this Ordinance shall be subject to the provisions of this Ordinance; however, the twelve (12) month period shall begin with the date of adoption of this Ordinance.
- 904.7** No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the one hundred year flood elevation.
- 904.8** No variance shall be granted for any construction, development, use or activity within any identified floodplain area that is prohibited or restricted by this Ordinance.
- 904.9** Whenever a variance is granted to construct a structure below the one-hundred year flood elevation, the Board shall notify the applicant that: (1) the granting of the variance may result in increased premium rates for flood insurance, and (2) such variance may increase the risk to life and property.

SECTION 905 NON-CONFORMING USES

- 905.1** The Zoning Hearing Board shall have the power to authorize changes in lawful non-conforming uses as follows in accordance with this Ordinance:
- 905.1.1** A non-conforming use, which occupies a portion of a structure or premises, may be extended within such structure or premises as they existed when the provision to prohibit the use took effect, but not in violation of the area and yard requirements of the district in which structure or premises is located.

Borough of Koppel Zoning Ordinance

905.1.2 The Zoning Hearing Board may impose conditions deemed necessary for the protection of adjacent property and public interest. No changes of a non-conforming use shall entail structural alterations beyond those required by law for the purpose of safety and health.

SECTION 906 MEDIATION OPTION

906.1 In accordance with the requirements as set forth in the MPC, authorized parties may utilize mediation as method to facilitate proceedings before the Zoning Hearing Board.

906.2 Mediation shall be used to supplement, not replace, those procedures identified in the MPC once they have been formally initiated.

906.3 Participation in mediation shall be wholly voluntary and terms and conditions shall be developed for each case in accordance with the MPC.

SECTION 907 APPEALS

907.1 Any party aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Beaver County in the manner prescribed by the laws governing the Commonwealth of Pennsylvania and those found in the MPC.

SECTION 908 SCHEDULE OF FEES

908.1 The Governing Body shall by ordinance or resolution adopt a schedule of fees, charges and expenses and a collection procedure for zoning approvals, planned residential development, conditional uses, uses by special exception, special encroachment permits, variances, zoning amendments and other matters pertaining to this Ordinance. The schedule of fees shall be duly recorded in the municipality's ordinance or resolution book and posted in the office of the zoning officer. The schedule of fees and changes may be altered or amended only by ordinance or resolution adopted by the Governing Body.

908.2 No application for any zoning approval, planned development, conditional use, special encroachment permit, zoning amendment, use by special exception, variance or other matter shall be considered unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board unless or until the preliminary charges or fees have been paid in full.

908.3 The Borough Council may waive or modify fees where unusual circumstances warrant such relief.

Borough of Koppel Zoning Ordinance

ARTICLE X PLANNING COMMISSION

SECTION 1001 **PLANNING COMMISSION**

- 1001.1** Through the powers granted to municipality in the MPC, a Borough Planning Commission is hereby established under this Ordinance. The word Commission when used in this Ordinance shall be construed to mean Planning Commission. The membership, term of office, conduct of business, and powers and duties of the Commission shall be in accordance with the requirements established in the MPC.
- 1001.2** The Commission shall consist of the members to be appointed by the Governing Body of the Borough.
- 1001.3** The term of each of the members of the Commission shall be for four (4) years, or until his successor is appointed and qualified, except that the terms of the members first appointed shall be so fixed that no more than three (3) members shall be reappointed or replaced during any future calendar year. The Chairman of the Planning Commission shall promptly notify the Governing Body concerning vacancies in the Commission, and such vacancies shall be filled for the unexpired term.
- 1001.4** The Commission shall elect its own chairman and vice chairman and create and fill such other offices as it may determine. Officers shall serve annual terms as and may succeed themselves.
- 1001.5** The Commission may make and alter by-laws and rules and regulations to govern its procedures consistent with the Ordinances of the municipality and the laws of the Commonwealth of Pennsylvania. The Commission shall keep a full record of its business and shall annually make a written report by March 1st of each year of its activities to the municipality. Interim reports may be made as often as may be necessary, or as requested by the Borough Council.
- 1001.6** The Planning Commission shall exercise those powers and duties conferred on it by Ordinance of the Borough and by the laws of the Commonwealth of Pennsylvania.
- 1001.7** The Planning Commission shall perform all duties as required by the laws of the Commonwealth of Pennsylvania including, but not limited to, the following:
- 1001.7.1** The Planning Commission shall receive from the zoning officer copies of all applications for amendments to this Ordinance and shall make findings and recommendations thereon, after which the Commission shall forward such findings and recommendations, in writing, to the Governing Body before the date set for a public hearing on the proposed amendment.
 - 1001.7.2** The Planning Commission shall receive from the zoning officer copies of all applications for planned developments and shall make findings and recommendations thereon as set forth in this Ordinance, after which the Commission shall forward such findings and recommendations, in writing, to the Governing Body before the date set for a public hearing on the proposed planned development.

Borough of Koppel Zoning Ordinance

- 1001.7.3** The Planning Commission shall receive from the zoning officer all applications for conditional uses and shall make findings and recommendations and shall forward such written findings and recommendations to the Governing Body before the date set for a public hearing on the proposed conditional use.
- 1001.7.4** The Planning Commission shall, furthermore, initiate, direct, and review, from time to time, the provisions of this Ordinance and make annual reports of its findings and recommendations to the Governing Body in writing and to recommend and update of the provisions of the Comprehensive Plan not less frequently than every 10 years.
- 1001.7.5** The Planning Commission shall also have the duty of reviewing subdivision and land development applications and reporting to the Governing Body in accordance with the Subdivision and Land Development Ordinance.

Borough of Koppel Zoning Ordinance

ARTICLE XI CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 1101 **CONDITIONAL USES**

- 1101.1** The Governing Body shall grant or deny conditional use permits pursuant to the standards established by the MPC and this Ordinance and shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria.
- 1101.2** Conditional uses shall be permitted only upon the review and recommendation by the Planning Commission of the municipality.
- 1101.3** Conditional uses shall be found to comply with the following requirements and other applicable requirements as set forth in this Ordinance.
- 1101.3.1** That the use is a permitted conditional use as set forth in this Ordinance.
- 1101.3.2** That the use is in accordance with the Comprehensive Plan.
- 1101.3.3** That the use is so designed, located, and proposed to be operated so the public health, safety, welfare, and convenience will be protected.
- 1101.3.4** That the use will not cause substantial loss to the value of other properties in the neighborhood where it is to be located.
- 1101.3.5** That the use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located.
- 1101.3.6** That adequate landscaping and screening is provided as required in this Ordinance.
- 1101.3.7** That adequate off-street parking and loading is provided.
- 1101.3.8** That the use is suitable in terms of effects on highway traffic and safety with adequate ingress and egress designed to protect streets from undue congestion and hazard.
- 1101.3.9** That the use conforms to all applicable regulations governing the zoning district where it is located.
- 1101.4** The Governing Body shall render its decision in accordance with the requirements as set forth in the MPC.
- 1101.5** All other applicable requirements regarding conditional uses established in this Ordinance or the MPC shall be adhered to.
- 1101.6** All provisions of the Subdivision and Land Development Ordinance which are not specifically modified by the Governing Body in approving a conditional use, shall apply to any conditional use involving subdivision or land development.
- 1101.7** The approval of a conditional use does not relieve the applicant from submitting the required site plans, subdivision plans and / or land development plans and from obtaining the necessary permits and approvals as required by this Ordinance or other applicable ordinances enacted by the municipality.

Borough of Koppel Zoning Ordinance

- 1101.8** Conditional use applications shall be submitted to the zoning officer at least twenty one (21) days prior to the regularly scheduled Planning Commission meeting for which it is to be considered and shall state the grounds upon which the conditional use is requested.
- 1101.9** Applications for conditional uses shall include:
- 1101.9.1** One original application form completed by the applicant. If the developer is other than the landowner, the landowner's authorization of the developer to apply and nature of developer's interest in the site shall accompany application.
 - 1101.9.2** Three copies of the landscape plan.
 - 1101.9.3** Three copies of the architectural renderings of all existing and proposed buildings and building additions. This requirement may be waived for existing buildings when it is demonstrated that no exterior changes to the building are proposed or when and determined unnecessary by the Governing Body.
 - 1101.9.4** Three copies of a (conditional use) site plan meeting the requirements for a preliminary plan for land development as set forth in Subdivision and Land Development Ordinance.
 - 1101.9.5** Application fee and review fees established by ordinance or resolution of the Governing Body.
- 1101.10** Within seven (7) working days after a conditional use application is submitted, the Governing Body shall certify the conditional use application as substantially complete and accepted or incomplete and rejected. Within said time, the Governing Body shall notify the applicant in writing if the conditional use application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- 1101.11** The Planning Commission shall review the application for development and make a written recommendation to the Governing Body. If the proposed development is also a land development, the Planning Commission shall also make a recommendation under the provisions of the Subdivision and Land Development Ordinance.
- 1101.12** The Governing Body shall hold a public hearing, in accordance with the MPC and public notice shall be given as to the date of the public hearing. The public hearing shall be commenced by the Governing Body within 60 days from the date of an applicant's request for a hearing.
- 1101.13** The Governing Body may prescribe reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as deemed necessary to implement the purposes of the MPC and this Ordinance.
- 1101.14** The Governing Body shall render a written decision or, when no decision is called or, make written findings on the conditional use application in accordance with the requirements of the MPC.
- 1101.15** The zoning officer, when directed by the Governing Body, shall issue a zoning approval for such conditional use upon determination that the application has met all requirements of this Ordinance and the MPC and receives assurances that any additional conditions deemed necessary shall be fulfilled by the applicant.

Borough of Koppel Zoning Ordinance

- 1101.16** Conditional use approval shall expire automatically without written notice to the applicant if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of said approval, unless the Governing Body, in their sole discretion, extend the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- 1101.17** Conditional use approval, granted prior to the effective date of this Ordinance, shall expire automatically without written notice to the developer if no application for subdivision and land development, zoning approval for structural alteration or erection of structures, zoning approval for occupancy and use, or a grading or building permit to undertake the work described in the conditional use approval has been submitted within 12 months of the effective date of this Ordinance or as specified in the approval, unless the Governing Body, in its sole discretion, extends the conditional use approval upon written request of the applicant received prior to its expiration. The maximum extension permitted shall be one (1) twelve (12) month extension.
- 1101.18** Any requests for modifications or waivers shall be in writing and shall accompany the conditional use application. The request shall state the grounds of hardship, the provisions of this Ordinance affected, and the minimum modification necessary.

Borough of Koppel Zoning Ordinance

ARTICLE XII AMENDMENTS

SECTION 1201 **AMENDMENTS**

- 1201.1** An amendment shall be defined as an official change, including revisions, to the Zoning Ordinance text, and or, the official zoning map.
- 1201.2** The municipality may introduce and / or consider amendments to this Ordinance and to the zoning map, as proposed by a member of the governing body, the planning commission, or by a petition of a person residing or owning property within the municipality.
- 1201.3** All amendments, and notification of proposed amendments, shall conform to the requirements set forth in this Ordinance and the MPC.
- 1201.4** Petitions for amendments shall be filed with the zoning officer and the petitioners, upon such filing, shall pay a filing fee, in accordance with the fee schedule.
- 1201.5** Any proposed amendment presented to the municipality without written findings and recommendations from the Borough Planning Commission and the Beaver County Planning Commission shall be referred to these agencies for review prior to the public hearing by the municipality. A thirty-day (30) review period shall be allowed before the municipality takes final action on the amendment:
- 1201.6** Before acting upon a proposed amendment, the governing body shall hold a public hearing thereon, pursuant to public notice.
- 1201.7** Notice of such public hearing, containing a brief summary of the proposed amendment and reference to the place where copies of the same may be examined, shall be published once a week for two consecutive weeks in a newspaper of general circulation in the municipality. The first publication shall be not more than thirty days and the second publication not less than seven days from the date of the hearing.
- 1201.8** All proposed amendments involving a zoning map change or a rezoning constituting a comprehensive rezoning of the municipality must follow the requirements as set forth in the MPC.

SECTION 1202 **LANDOWNER CURATIVE AMENDMENT**

- 1202.1** A landowner who desires to challenge on substantive grounds the validity of this Zoning Ordinance or map, or any provision thereof, which prohibits or restricts the use of development of land in which the landowner has an interest, may submit a curative amendment to the Governing Body with a written request that the challenge and proposed amendment be heard and decided as provided in accordance with the MPC.
- 1202.2** As with other proposed amendments, the curative amendment shall be referred to the Borough Planning Commission and the Beaver County Planning Commission at least thirty days before the hearing is conducted.

Borough of Koppel Zoning Ordinance

1202.3 The governing body shall commence a hearing thereon within 60 days of the request and the hearing shall be conducted in accordance with applicable provisions of this Ordinance and the MPC.

SECTION 1203 MUNICIPAL CURATIVE AMENDMENTS

1203.1 If the municipality determines that the Zoning Ordinance or any portion thereof, is substantially invalid, it shall take the following actions and meet all applicable requirements of the MPC:

1203.1.1 The municipality shall declare by formal action, its Zoning Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity.

1203.1.2 Within 180 days from the date of the declaration and proposal, the municipality shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Ordinance pursuant to the provisions required by the MPC in order to cure the declared invalidity of the Zoning Ordinance.

1203.1.3 The municipality having utilized the procedures as set forth in this section may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the Validity of its Zoning Ordinance.

1203.1.4 The municipality may utilize the provisions of this section to prepare a curative amendment to its Ordinance to fulfill said duty or obligation if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the municipality by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision.

SECTION 1204 AVAILABILITY OF ORDINANCES

1204.1 Proposed Zoning Ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in the MPC, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof.

1204.2 The Governing Body shall publish the proposed amendment once in one newspaper of general circulation not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all provisions in reasonable detail.

Borough of Koppel Zoning Ordinance

**ARTICLE XIII
ENACTMENT**

SECTION 1301 ADOPTION

This Ordinance and Zoning Map shall be effective on May 21 2013 and shall remain in force until modified, amended or rescinded by Borough of Koppel, Beaver County, Pennsylvania.

ENACTED AND ADOPTED by the Council of the Borough of Koppel this 21st day of May, 2013.

ATTEST:

BOROUGH OF KOPPEL

Haren Krupa
Borough of Koppel Secretary

By: *[Signature]*
Council President

APPROVED, this 21 day of May, 2013, by the Mayor of the Borough of Koppel.

ATTEST:

Haren Krupa
Borough of Koppel Secretary

Donald Mengis
Mayor

**ARTICLE XIV
APPENDICES**

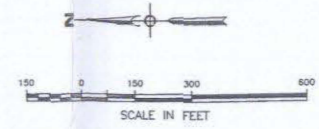
ZONING MAP
(Attached)

BOROUGH OF KOPPEL

OFFICIAL ZONING MAP

NOV, 2012

PREPARED FOR
KOPPEL BOROUGHS
BY
Baker
MICHAEL BAKER JR., INC.
CONSULTING ENGINEERS
BEAVER, PENNSYLVANIA
DATE SHOWN DERIVED FROM LATEST VERSION
OF BEAVER COUNTY TAX MAPS AS OF MARCH, 1998



CERTIFICATE:

We the undersigned do hereby certify this map to be true "OFFICIAL ZONING ORDINANCE MAP", and that it is a part of the Official Zoning Ordinance as adopted by the Council of the Borough, County of Beaver, Pennsylvania.

ATTEST:

James H. Hagan
Secretary

BOROUGH OF KOPPEL:

Michael J. Hagan
President of Council

Examined and Approved This 21 Day of May, 2012
Benjamin M. Hagan
Mayor of Koppel

KOPPEL ZONING DISTRICTS LEGEND

-  C-2 - HIGHWAY COMMERCIAL DISTRICT
-  M-2 - HEAVY INDUSTRIAL DISTRICT
-  V-R - VILLAGE RESIDENTIAL DISTRICT
-  V-C - VILLAGE CENTER DISTRICT

