4. Review Standards for Special Exception in Steep Slope Conservation District

In addition to factors contained in Section 1407.J, special exception applications affecting land in the Steep Slope Conservation District, as defined in Article VIII, will be granted only after consideration of the following conditions:

a. That there is no danger to life or property due to construction activity or the aftermath thereof, that takes place within the Steep Slope Conservation District, caused by the permitting of such special exception.

b. That the proposed use is not susceptible to any hazards associated with steep slopes including rock slide, land slide, or accelerated erosion.

c. That safe access will be available in the case of an emergency.

5. Review Standards for Variances in Steep Slope Conservation Districts

a. No variance shall be granted for construction, development, use or activity within any Steep Slope Conservation District, that would cause any increase in erosion, potential for land slide, or runoff contributing to flooding.

E. Application Procedures

Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Borough Engineer.

1. An earthmoving plan of the property which indicates existing grades with contour lines at two (2) foot intervals and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly;
2. A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within the areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed;

3. Architectural plans, elevations, and sections;

4. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets;

5. Plan, profile, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, with the seal of a registered professional engineer thereon; and

6. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes. No zoning permit shall be issued by the Zoning Officer, and no conditional use shall be granted by the Borough Council, without the Borough’s Engineer’s review of this material and his recommendation thereon.

F. Burden of Proof

In all proceedings before the Zoning Hearing Board under this Article, including application for special exception and variance from the provisions of this Article, the burden of proof shall be on the applicant to show that the use required will be in general conformity with the objectives of this Article, that proper safeguards will be observed and that the use will not be detrimental to the public health, safety and welfare.

G. Amendment of Steep Slope Conservation District Overlay
Insofar as various natural conditions, including the Steep Slope Conservation District as herein defined, may change, or for any other reason doubt arises as to the proper location of the boundaries of the district, such change or the dispute concerning the boundaries of the district may be validated or determined preliminarily by the Zoning Officer, as follows:

1. The delineation of the Steep Slope Conservation District boundaries may be modified by the West Easton Borough Council upon the recommendation of the Zoning Officer and the validation of other agencies having regulatory or advisory jurisdiction.

2. In the case of an alleged change in the district due to natural or other causes, except man-made, the party alleging the changes, other than the Borough of West Easton, shall submit to the Zoning Officer, a detailed on-site survey made by a licensed geologist or soil scientist, pursuant to techniques approved by the Soil Conservation Service, United States Department of Agriculture, showing in detail the changes alleged to have occurred which remove the land in question from the Steep Slope Conservation District. There shall also be professional engineer or surveyor delineating the exact location of the alleged new boundaries of the tract as a result of the claimed change.

3. In the event, an alleged discrepancy is upheld by the Zoning Hearing Board, the land in question shall not be bound by the regulations of this Article.

SECTION 801. FLOODPLAIN DISTRICT

Development within designated floodplain areas within the Borough is regulated by Ordinance Numbers 413, 373 and 315 as adopted by the West Easton Borough Council.
ARTICLE IX
SIGNS REGULATIONS

SECTION 901. APPLICABILITY.

Any sign hereafter erected or maintained in West Easton Borough shall conform to the provisions contained herein.

SECTION 902. GENERAL SIGN REGULATIONS.

The following provisions shall apply to permitted signs in all districts.

A. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape.

B. No sign shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, such sign shall not have red, green or amber illumination.

C. Whenever a sign becomes structurally unsafe or endangers the safety of a building, premises, or the general public, written notice shall be given to the owner of the sign or the premises on which such sign is located. That sign shall be made safe or removed within five (5) days.

D. No sign other than signs authorized by this Article shall be erected within the right-of-way of any public street, public sidewalk or shall be closer to a street line than ten (10) feet except for single dwelling real estate signs which may be set closer for proper view from the street line.

E. No sign which emits smoke, visible vapors or particles, sound or odor shall be permitted.

SECTION 903. DISTRICT REGULATIONS.

The following types of signs and corresponding regulations are applicable to the specified zoning districts.

A. Signs In Residential and Residential Service Districts

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1. Official Traffic Signs

2. Accessory, professional home occupation or name plate signs providing that:
   a. No such signs shall exceed a surface area of two (2) square feet.
   b. No more than one (1) such sign shall be allowed on premises for each permitted use or dwelling unit.
   c. No such sign shall be closer to a street line or property line than ten (10) feet.

3. Real estate signs provided that:
   a. No such sign shall exceed a surface area of nine (9) square feet.
   b. No more than one (1) such sign shall be permitted on premises unless said premises fronts two (2) or more streets, whereupon one (1) sign may be placed on each street frontage.
   c. No such sign shall be illuminated.
   d. All signs shall be moved within seven (7) days of transaction.

4. Identification signs provided that:
   a. No such sign shall exceed a surface area of twenty (20) square feet.
   b. No more than one (1) such sign shall be permitted on premises for each two hundred (200) feet of frontage, with a maximum of two (2) signs, unless said premises fronts two (2) or more streets, whereupon a maximum of two (2) signs may be placed on the frontage of the street of primary access, as above, and one (1) sign may be placed on each other street frontage.
c. Such sign shall be illuminated by indirect lighting only.

5. Temporary professional signs provided that:

a. Such signs are displayed only on the premises where services are being performed.

b. No such sign shall exceed a surface area of nine (9) square feet.

c. Such sign shall be removed promptly upon completion of active work.

d. No such sign shall be illuminated.

6. Temporary non-professional signs provided that:

a. No such sign shall exceed a surface area of nine (9) square feet.

b. Such signs shall be removed promptly after the event has taken place.

c. The permit for such sign shall expire within thirty (30) days of issuance.

7. Portable signs when in accordance with the following provisions:

a. The permit for such sign shall expire within thirty (30) days of issuance.

b. Tags issued at the time of permit approval must be affixed to each sign in an easily identifiable location.

c. Portable signs shall comply with all pertinent regulations applicable to permanent type signs.
8. Banners provided that:
   a. The hanging of banners is the sole responsibility of the applicant.
   b. A permit is required from the Pennsylvania Department of Transportation for banners over State roads.
   c. No banner may hang lower than seventeen (17) feet over a street.
   d. No more than two (2) banners may be displayed over a particular street or way.
   e. No banner shall restrict views or impede vehicular circulation.
   f. Banners may not be hung more than fourteen (14) days prior to the date of the event being advertised and must be removed no later than seven (7) days after the conclusion of the event being advertised.

9. Identification of development signs provided that:
   a. No such sign shall exceed a surface area of twenty (20) square feet.
   b. The manner in which such sign is supported and displayed does not create a visual or safety hazard to vehicular traffic and is considered by the Zoning Officer at the time of application for sign permit to be compatible to the character of the community.
   c. No more than one (1) such sign shall be permitted on the premises of the development unless said premises has two (2) or more entrances whereupon one (1) sign may be placed at each entrance.
   d. Such sign shall be illuminated by indirect lighting only, attached to the sign.
B. Signs In Industrial Districts.

1. All signs as permitted in Section 903.A provided that such signs relate to a use permitted in the district in which the sign is located.

2. Business, commercial or industrial signs provided that:

   a. The total surface area of all signs facing any one (1) street frontage of any single premise shall not exceed one-half (1/2) square foot per foot of lineal building frontage, and in no case may exceed fifteen (15) square feet in the LI District and twenty-five (25) square feet in the HI District.

   b. No more than one (1) sign will be permitted for each establishment unless said establishment fronts two (2) or more streets, whereupon one (1) sign may be placed on each street frontage.

   c. The total surface area of one (1) side of any freestanding sign shall not exceed twenty-five (25) square feet.

   d. No more than one (1) sign will be permitted for the purpose of announcing a commercial center unless such center fronts two (2) or more streets, whereupon one (1) sign may be placed on each street frontage.

   e. Where three (3) or more establishments are contiguous to one another, no sign shall exceed fifteen (15) square feet per establishment.

   f. Freestanding business signs may be located no closer to a side or rear property boundary line or street right-of-way than whichever is greater.

      i. Fifteen (15) feet.

      ii. A distance equivalent to the height of the sign.
iii. The minimum side or rear yard distance required for the permitted use being identified.

g. No freestanding sign shall exceed twelve (12) feet in height when measured from the ground level to the top of the sign and have a minimum distance of six (6) feet measured from ground level to the bottom of the sign, except that a portable sign shall not exceed four (4) feet in height.

C. Directional signs provided that:

1. No such sign shall have a surface greater than three (3) square feet.

2. No establishment shall erect more than two (2) directional signs within West Easton Borough.

3. No more than two (2) such signs will be permitted at any intersection.

4. No such sign shall be erected without approval, in writing, of the owner of the property on which the sign is erected.

D. Wall-Mounted Business Signs.

1. A wall-mounted sign shall be permitted on any wall of a building or structure incident to a permitted use.

2. Wall-mounted signs shall be installed parallel to the supporting wall and project no more than ten (10) inches overall from the face of such wall.

3. The maximum display area of a sign mounted on any wall of a building or structure shall not exceed one (1) square foot for each lineal foot of building frontage on which the sign is mounted provided that:

   a. The total display area of such sign shall not exceed twenty (20) percent of the total area of the wall on which the sign is mounted.

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b. The total display area of all signs mounted on the sides and/or rear of a structure shall not exceed the area of the sign mounted on the front wall.

c. The total display area for all signs shall not exceed fifty (50) square feet.

4. No wall-mounted signs shall extend above the roof line or cornice of any building.

5. For integrated multiple uses on a single lot or within a single building, each use will be permitted one (1) wall-mounted sign for identification and/or merchandising purposes provided such signs shall comply with the regulations stated herein.

E. Projecting Business Signs.

1. One (1) projecting business identification sign shall be permitted for each building or structure incident to a permitted use, except wherein wall-mounted signs are used for identification and/or merchandising purposes.

2. For integrated, multiple uses on a single lot or within a single building, each use will be permitted one (1) projecting sign, except wherein wall-mounted signs are used.

3. The display area of a projecting sign shall be a maximum of six (6) square feet and extend no more than two (2) feet from the building surface.

4. No part of the projecting sign shall be less than eight (8) feet nor more than twelve (12) feet above the ground or walking level.

SECTION 904. EXEMPTIONS.

The following signs do not need sign permits in order to be erected, but must comply with the appropriate regulations.

1. Official traffic signs.
2. Real Estate signs.

3. Temporary professional signs.

4. Accessory Signs.

5. Professional or nameplate signs.

6. Directional signs.

7. Signs of a duly constituted governmental body.

8. Signs or emblems of a religious, political, civic, philanthropic, historical or educational organization not exceeding four (4) square feet in area. Temporary signs for political campaigns, civic events, etc., must be removed within three (3) days after the event.

9. Trespassing signs or signs indicating the private nature of a road, driveway or premises. Signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property, provided the sign area does not exceed three (3) square feet.

10. Directional information or public service signs, such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs or organizations, may be erected and maintained, provided that such signs do not significantly advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities. Directional and information signs provided for the safety and/or convenience of the public within commercial establishments may be erected. Signs erected under this provision shall not exceed four (4) square feet in area.
ARTICLE X
SUPPLEMENTAL LAND USE REGULATIONS

SECTION 1001. COMMON REGULATIONS

Unless otherwise noted, the following provisions are applicable to all districts.

SECTION 1002. ACCESSORY USES

A. Uses Accessory to Residential Use.

The following uses shall be permitted when incidental and subordinate to an existing residential use, and when located on the same lot or land as the principal use:

1. Private garage, off-street parking or driveway.

2. Private swimming pool, bathhouse, tennis court or other recreation facility.

3. Solar collection system or other alternative energy system.

4. Private greenhouse.

5. Flagpole and private antenna in accordance with Section 1003.

6. No commercial vehicle, or part thereof or combination thereof, having more than two axles and/or which is in excess of twenty-four (24) feet in length, shall be parked, stored or maintained on any street, road right-of-way, lot or within any building or structure in any residential district established in Article III of this Ordinance, except a construction vehicle or vehicles owned by a contractor or other tradesman temporarily engaged in the performance of actual work or delivery of materials to any such street, road right-of-way, lot, building or structure. The proper maintenance and storage of boats, recreation vehicles or a motor home, or a recreational trailer as the latter terms are defined in the Pennsylvania Vehicle Code, on a lot owned

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or occupied by the owner of such equipment or vehicle, shall not be deemed to be prohibited by this Section. For the purposes of this Section, the term "registered gross weight" shall have the meaning ascribed to it in the definitions section of the Pennsylvania Vehicle Code.

7. The keeping of animals, exclusive of customary household pets shall not be permitted.

8. Swimming pools.
   a. Specifications - Before any construction, including structural alteration or partial or complete relocation, is begun on any swimming pool, a permit shall be applied for and obtained from the Building Inspector and the Zoning Administrator, as provided for in this Ordinance, as amended. Each permit application shall include three copies of the following information:
      i. Plot plan, or drawing, showing all existing structures including location of proposed pool. Accurate distances or measurements shall be shown. Scaling of dimensions is not permitted.
      ii. Specifications, showing or describing details of construction, according to the BOCA Code.
      iii. Type and size of filter system; filtration and back-wash capacities.
      iv. Pool piping layout showing all pipe and fitting sizes and indicating types of materials to be used.
      v. Electrical wiring layout.
   b. Before any permit is issued, such plans and specifications shall be approved as aforesaid by both the Building Inspector and the Zoning Administrator. Before any completed pool is put
into use, it shall be subject to a final inspection and approval by the Building Inspector.

c. Location - No portion of water surface area of any swimming pool shall be located within the minimum required front yards as the same are established for the various classes of residence districts in the Zoning Code, nor within eight (8) feet of any side or rear property line when a swimming pool is located to the rear of the front face of a dwelling. Nor may any deck or patio be closer than five (5) feet to any property line. And no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than two (2) feet to any property line.

d. Electrical wiring - The construction and installation of electrical equipment, devices and wiring within and adjacent to swimming pools shall conform to the requirements set forth in Article 680 of the latest edition of the National Electrical Code. This shall include, but not be limited to pool lighting, the installation of nearby convenience outlets, the auxiliary equipment, such as pumps and similar equipment, the installation of ground-fault circuit interrupters when required by that Code, the proper grounding of electrical equipment, and providing the necessary minimum clearance with overhead conductors.

e. Connections with Borough Water - There shall be no cross-connections of the Borough water supply with any other source of water supply for the swimming pool. The line from the Borough water supply to the pool shall be connected through a water meter which has been installed and approved by the Borough’s Water Bureau and protected against backflow of polluted water by means of an air gap, and shall discharge at least six (6) inches above the maximum high water level of the make-up tank or the pool.
f. Connections to the Borough Sewer System - The drain line from the swimming pool may be connected to the Borough's sewage system only in compliance with the following provisions:

i. If a storm sewer is available to the site of the swimming pool, the pool drain shall be connected thereto;

ii. Where no storm sewer is available, the pool drain may be connected to an available sanitary sewer, subject to the approval of the Borough Engineer.

g. Removal of surface debris - The pool shall be kept free at all times of floating material, sediment and debris by means of an automatic surface skimmer, scum gutter or some other method approved by the Bureau of Health.

h. Fences and protective devices - Every permanent or semi-permanent pool or the premises upon which such pool is located shall be completely enclosed by a fence (excluding snow fence or barbed wire) not less than four feet in height. Above ground pools with forty-eight inches of wall depth shall be surrounded with a fence as described above or be equipped with pivotal ladders or steps which can be raised and locked in the raised position. Gates shall be self-closing and capable of being locked.

B. Uses Accessory to Multi-Family Dwellings.

1. Recreation facilities, designed for the use of tenants and their guests, such as swimming pools, tennis and badminton courts, swings, see-saws, slides, and recreational activities similar to the foregoing, when made an integral part of the project design and shown on the development plan reviewed by the by the Council.
C. Uses Accessory to Commercial Activities.

In the Residential Service District there shall not be outdoor warehousing, and only such merchandise which can be returned indoors may be displayed during business hours in an area not exceeding twenty (20) percent of the indoor display area, provided that automobiles, busses and the like may remain out of doors at all times.

D. Uses Accessory to Industrial Activities.

Caretaker quarters, and customary storage of raw materials and the warehousing of finished products within a principal or accessory building, lunch room facilities for the exclusive use of employees, and outdoor storage.

SECTION 1003. ANTENNA AND ANTENNA TOWERS

A. The following standards shall apply to antenna and antenna towers:

1. Structures must comply to applicable Federal Communications Commission (FCC) regulations.

2. Structures supporting an antenna shall meet all yard requirements of the Zoning District in which it is located. No portion of the base of the antenna or tower shall be located closer to any lot line than the height of the tower.

3. The highest point of an antenna attached to a building shall not exceed the peak of the roof by more than ten (10) feet.

4. No more than two (2) antennas shall be permitted per lot, nor shall more than one (1) antenna tower be permitted per lot; including multi-family uses.

B. The following standards shall apply to microwave dish antenna:

1. All microwave dish antenna shall remain accessory to the principal use of the lot.

2. When separately supported, the total height of the microwave antenna and supports shall not exceed sixteen
(16) feet in height. Such an arrangement shall be screened in accordance with Section 1606.

3. When roof mounted, the dish antenna shall be located on a portion of the roof sloping away from the front of the lot.

4. No more than one (1) microwave dish antenna shall be permitted on any lot.

5. Microwave dish antenna shall be used solely for the reception of radio and electromagnetic band, including multi-family uses.

SECTION 1004. BED AND BREAKFAST FACILITY

The following standards shall apply to the operation of any bed and breakfast facility when permitted by this Ordinance.

A. A bed and breakfast facility shall be permitted only in single family detached, owner-occupied dwellings and the exterior of the residence or accessory structure shall have an appearance no different than if there was no home occupation conducted inside.

B. The principal use of the property shall remain that of a single-family residential dwelling.

C. No more than four (4) guest rooms may be offered on any individual residential property.

D. There shall be provided one (1) full bathroom (one lavatory, water closet, bath/shower) for each two (2) guest rooms.

E. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and bed and breakfast guests.

F. The owner shall maintain a current guest registration, which shall be subject to inspection by the Zoning Officer.

G. Area and bulk standards shall be those that apply to single-family detached dwellings within the applicable zoning district.

H. One (1) on-site parking space shall be provided per guest room and shall not be located in any required yard area.
I. One (1) sign shall be permitted in association with a bed and breakfast operation. Any such sign shall be in conformance with standards for home occupations in Article IX.

J. Each bed and breakfast facility shall be equipped at minimum with the following:

1. One (1) smoke detector in each rental room.

2. One (1) fire extinguisher on each floor.

3. A hard wired fire resistant fire alarm system, exit lights, exit plans, and adequate fire extinguishing equipment to the satisfaction and within approval of the Fire Marshall, and additionally, the system shall be in compliance with the applicable BOCA Code, that the emergency exit plans shall be posted in plain view, and that there be periodic emergency drills by the owners and the then residents.

SECTION 1005. DAY CARE CENTERS

The following standards shall apply to all in-home day care centers where permitted by this Ordinance.

A. There shall be an indoor play area of fifty (50) square feet per child and an outdoor play area of one hundred (100) square feet per child provided.

B. Outside play shall be limited to the hours of daylight.

C. Operation of the facility shall be limited to the hours between 6:00 AM and 9:00 PM.

D. The outdoor play area shall be fenced on all sides and shall not include driveways, parking areas or land unsuited by other uses or natural features for active play area. Fencing shall be a minimum height of four (4) feet.

E. A minimum of three (3) off-street parking spaces shall be provided for every 1,000 square feet of floor area. An area for the discharge and pick-up of children shall be provided, which is removed from both the parking and ingress/egress for the site.
F. The facility shall be licensed by the applicable departments of the State of Pennsylvania and their regulations.

SECTION 1006. HOME OCCUPATIONS.

The following provisions shall apply where home occupations are permitted by this Ordinance:

A. Only single-family detached dwellings or single family attached dwellings under single ownership are permitted to contain home occupations.

B. Home occupations may include, but shall not be limited to such activities as the professional practice of medicine, law, engineering, architecture, real estate, insurance, computer science and its application and such other occupations as dressmaking, millinery and similar handicrafts.

C. The principal operator of the home occupation shall be a resident of the dwelling except that two (2) persons not residing on the premises may be employed at a maximum of fifty hours per week per person.

D. A home occupation shall occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, or seven hundred fifty (750) square feet of floor area, whichever is less.

E. The exterior of the residence or accessory structure shall have an appearance no different than if there were no home occupation conducted inside.

F. The use shall not omit noise, odors, or light which is noticeable at the property line.

G. A minimum of two (2) off-street parking spaces shall be provided in addition to the required number for a residence.

H. No storage or display of goods shall take place out-of-doors. No interior display of goods shall be visible from the outside of the dwelling or accessory structure.
SECTION 1007. RESIDENTIAL CONVERSION

The following provisions shall apply to the conversion of a single family dwelling or to a dwelling containing a greater number of dwelling units, when permitted by special exception:

A. Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board, together with an application for special exception. If two (2) or more families are housed above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.

B. Such plans shall provide adequate and suitable parking or storage space for at least two (2) automobiles per dwelling unit.

C. The yard and building area requirements for the district in which the dwelling is located shall continue to apply to each dwelling unit. There shall be no increase in density than that permitted in the zoning district for the conversion of dwellings.

D. There shall be no external alterations to any building except as may be necessary for safety; fire escape and outside stairways shall, where practical, be located to the side or rear of the building.

E. Each resulting dwelling unit shall have a minimum floor area of seven hundred (700) square feet.

F. The resulting dwelling shall comply with the Borough Building Code and with the following:

1. Protective fire walls between units along all party walls.

2. Individual entrances.

3. Individual cooking and lavatory facilities.

4. Water and space heating facilities in accordance with the Borough Building Code.
SECTION 1008. ADAPTIVE REUSE OF AN EXISTING STRUCTURE

The following standards shall apply to the adaptive reuse of an existing building or structure.

A. General Criteria.

1. The reuse of an existing structure shall comply with the use requirements of the applicable zoning district. Area and bulk requirements may be modified by the Board where the applicant has demonstrated sensitive restoration, including preservation of facades, rehabilitation using materials and design authentic and appropriate to the architecture, and preservation of the building mass as it appears from all public rights-of-way.

2. Every effort shall be made to restore the building or structure to its original architectural style and bulk. Additions shall compliment the existing architectural style and bulk of the structure and require approval by the Board.

3. Additional entrances, when required, shall be placed on the side or rear of the building to avoid disruption of the facade.

4. The proposed use shall be made compatible with the adjacent properties and surrounding neighborhood.

5. Removal or alteration of distinctive stylistic and architectural features of the structure which contribute to the character of the surrounding neighborhood shall be avoided.

6. Deteriorated architectural features which contribute to the character of the neighborhood shall be repaired rather than replaced. In the event the applicant can demonstrate that replacement is necessary, the new material shall match the material being replaced in composition, color, design, texture, and other visual qualities.

B. An application for adaptive reuse shall be accompanied by a floor plan including the following information:
1. Revisions and modifications to the interior.

2. Revisions and modifications to the exterior.


C. Adaptive Reuse for Professional Offices.

The following standards and criteria shall govern the design and review procedures for the adaptive reuse of buildings for professional office and neighborhood commercial uses for which special exception approval is sought in accordance with the base zone of this Ordinance:

1. Use Opportunities

   a. Professional office uses limited to:

      i. Architects.
      ii. Doctors.
      iii. Engineers.
      iv. Lawyers.
      v. Realtors.
      vi. Tax consultants.
      vii. Similar professional businesses.

   b. Neighborhood commercial uses limited to the following:

      i. Personal service uses limited to barber or beauty shops, tailor shop, photographic studios, shoe repair, and funeral services excluding crematorium.

   c. Public use, including a library, museum or park facility.

2. Area and Bulk Standards. The area and bulk standards for the base zoning district shall apply to the adaptive reuse of existing structures with the following exceptions:
a. Gross Usable Floor Area. The gross usable floor area of all uses allowed by Section 1007.C. shall not exceed twenty-five hundred (2,500) square feet.

b. Lot Coverage. Not more than forty (40) percent of the area of a lot may be occupied by buildings, paving, and other impervious surfaces.

c. Setbacks. The paving of required off-street parking areas may extend into the required yard areas of the base zoning district, PROVIDED that the parking areas are screened in accordance with Section 1106 and that the off-street parking shall be separated from lot lines by at least one-half (1/2) the required setback of the base zoning district.

3. Design Standards

a. The location and dimensions of proposed signs, landscaping, screening, and buffering may be altered by the Board in order to provide a design which is responsive to the site.

b. The provisions made for stormwater management, sanitary sewage systems, water supply, parking lot lighting, and other applicable utilities.

c. A description of any proposed external alteration proposed for the building and the lot.

D. Application Criteria.

Site and architectural plans for the adaptive reuse of said building shall be submitted to the Zoning Hearing Board, together with an application for a special exception. Such plans shall provide for and indicate the following:

1. The location, dimensions, and arrangement of all vehicular and pedestrian access entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways, sidewalks, streets, rights-of-way, storage areas, and solid waste disposal facilities.
2. The location of the lot relative to the surrounding lots and building including the names of property owners.

3. The location of use proposed, dimensions, gross usable floor area, lot coverage and building coverage.

SECTION 1009. GROUP HOME

The following standards shall apply to group homes when permitted by this Ordinance:

A. Locational Criteria.

In order to prevent the creation of a de facto social service district or a concentration of group home facilities and to avoid impacting a neighborhood or residential block by a higher concentration of these facilities, the following regulations shall apply:

1. Group homes shall be permitted within a one-thousand five hundred (1500) foot radius of another group home.

B. Standards.

1. Any form of group housing shall satisfy the definition of family as established under Section 201 of this Ordinance, but shall be limited to six (6) individuals in order to qualify as a residential use.

2. Dwellings housing any forms of group housing shall comply with the applicable provisions of the Building Code of West Easton Borough.

3. Dwellings housing any form of group housing shall have no external alterations except as may be necessary for reasons of safety, including fire escapes. Such access shall be located to the rear of the building where practical. The applicant shall submit plans indicating exterior changes. All changes shall be easily converted to a typical residential use.

4. Community living arrangements shall be provided with around-the-clock live-in supervision to insure clients receive
proper, professional care and that the home will function as a family unit.

5. Community living arrangements shall comply with the guidelines established by the Pennsylvania Department of Health.

6. Upon the closing of a group housing operation, all modifications to the dwelling associated with Department of Labor and Industry requirements shall be removed, and the dwelling brought back to its original status as a single-family dwelling. This includes the removal of handicap ramps, exit lights, panic bar doors and other institutional-oriented improvements.

SECTION 1010. TEMPORARY STRUCTURES

The following standards shall apply to temporary structures designed for special purposes:

A. Permitted Uses.

1. Bloodmobile, mobile tuberculosis testing facility and similar activities related to the promotion of public health.

2. Headquarters for political campaigns for a period not to exceed three (3) months.

3. Offices for contractors on the site and during the period of construction only.

4. Mobile office of the armed forces of the United States for public education or recruitment.

B. Standards.

1. A temporary use and occupancy permit shall not exceed six (6) months in length.

2. It shall be the responsibility of the applicant to demonstrate the need for a temporary use and occupancy permit.
3. Said permits may be renewed for a specified time limit when approved by the Borough Council.

SECTION 1011. ADULT USES

The following uses shall be prohibited throughout West Easton Borough:

A. The operation of any book store, commonly denoted as an "adult book store", which has obscene books and paraphernalia as a substantial portion of its stock in trade or which is substantially engaged in the sale of books commonly denoted as "adult books" or books having as a main or central theme an appeal to the prurient interest, without significant redeeming social value.

B. The operation of any movie theater substantially engaged in the showing of obscene films, or films commonly denoted as "adult films", or films having as a main or central theme an appeal to the prurient interest, without significant redeeming social value.

C. The operation of any massage parlor in which the treatment of any person of the opposite sex is carried on, except upon the assigned order of a licensed physician, osteopath, chiropractor, or registered physical therapist. The requirements of this provision shall not apply to treatment given in the residence of a patient, physical therapist or chiropractor or in a regularly established and licensed hospital, extended care facility, convalescent facility, nursing home or other health care facility.

D. The operation of any business which involves, in whole or in part, the sale, lease, trade, gift, or display for sale, any obscene materials.

E. The operation of any business which involves obscene live entertainment.

F. For purposes of this section, the term "obscene" shall be as set forth in the majority opinions of the United States Supreme Court relating to the activities such as those referred to above in subsections A., B., C., and D.
SECTION 1012.  FUNERAL HOME

Such uses shall be limited to a mortuary or funeral home and shall not include a cemetery, columbarium, mausoleum, or other permanent storage facility.

SECTION 1013.  AUTOMOTIVE BODY REPAIR AND PAINT SHOP

Such uses shall be limited to paint spraying, body and fender work, and custom body work, provided:

A.  All such work is performed within a building.

B.  All related automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.

SECTION 1014.  RECYCLING FACILITY

Such use shall be limited to an area of land with or without buildings, that is used for the storage of used or discarded materials, administered by the municipality for the purpose of recycling, including but not limited to waste paper, metal, and glass, provided:

A.  The proposed use of an area shall not be detrimental to adjacent land uses;

B.  There shall be maximum lot size of five (5) acres;

C.  Such use shall be a minimum of two hundred (200) feet from any public road as measured from the street line;

D.  The land area used for such purposes shall be hidden from public view by an evergreen buffer so that it is not visible from neighboring streets, residences, or other structures.

E.  There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.

F.  The storage of paper shall be within a building.

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SECTION 1015. CLUBHOUSE

Such uses shall be limited to house the activities of a club or social organization and shall not be conducted for profit and shall not be adjunct to or operated by or in conjunction with a public tavern, restaurant or other place of business.

SECTION 1016. AUTOMOTIVE SERVICE STATION

A service station shall be limited to a building or group of buildings for the sale of petroleum products, tires, and automotive service, provided:

A. Minimum lot width of not less that two hundred (200) feet shall be provided along each street on which the lot abuts;

B. The minimum lot area shall be one (1) acre;

C. All fuel tanks shall be placed underground;

D. All pumps, lifts, and other service facilities shall be located no closer than 35 feet to any lot or street line;

E. Emergency controls, including the main power shut-off shall be conspicuously posted in the immediate vicinity of the principal control or the dispenser island;

F. Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island;

G. A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the pump control location of the attendant;

H. Fire extinguishing and flammable liquids dispensing equipment shall be approved through the National Standards Testing; and

I. At least on fire extinguisher shall be located within 25 feet of each gasoline pump.
ARTICLE XI

GENERAL REGULATIONS

SECTION 1101. APPLICABILITY

For the purposes of this Ordinance, the following provisions shall apply to all districts and uses as applicable.

SECTION 1102. FEDERAL AND STATE OWNED PROPERTY

Federal and state owned property shall be subject to the provisions of this Ordinance only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

SECTION 1103. AREA AND BULK EXCEPTIONS

A. Exception to Height Restrictions.

Height regulations shall not apply to church steeples, flagpoles, and public utility facilities. In no instance shall any of the aforementioned projections rise to a height greater than the distance between the base and the nearest property line. Foundations for any such tower shall be constructed in accordance with the BOCA Code Sections 712, 724, and 725, as amended pertaining to wind load, footings and foundation. Additional exceptions to height restrictions will be considered as a variance.

B. Exceptions to Lot Coverage Restrictions.

Lot coverage regulations shall not apply to open porches and patios, or swimming pools.

C. Minimum Floor Area.

No dwelling unit shall be constructed or set up for residency, if such unit contains less than seven hundred (700) square feet of floor area.

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SECTION 1104.  PROJECTIONS INTO REQUIRED YARDS

No building and no part of a building shall be erected within or shall project into any required yard in any district, except:

A. A buttress, chimney, cornice, pier or pilaster, or a building, may project not more than eighteen (18) inches into a required yard.

B. Open, unenclosed fire escapes, steps, bay windows and balconies may project nor more than three (3) feet into a required yard.

C. A terrace, patio, or unenclosed porch which does not extend above the level of the first floor of the building, may be erected to extend into a required front or rear yard a distance of not more than six (6) feet, provided that it shall not extend into such yard more than one-fifth (1/5) the required depth of the yard.

SECTION 1105.  FENCES AND WALLS

A. No fence or wall shall be erected and no hedge tree, shrub, or other vegetative growth shall be maintained which may obstruct required sight distance at street intersections, public streets, private roads or driveways.

B. No fence or wall, except retaining wall, shall exceed six (6) feet in height as measured from the existing grade.

C. In all residential districts, no fence or wall shall exceed four (4) feet in height unless permitted as a Conditional Use in accordance with Section 1308 and unless the following conditions are met:

1. A written statement shall be provided to the Borough indicating why the applicant wishes to exceed the four (4) foot maximum height requirement.

2. Documentation shall be provided that all affected property owners have been notified of the applicants intent to construct a fence or wall which will exceed four (4) feet in height.

3. The applicant shall provide a site plan, to scale, which shall show the proposed location of the fence or wall in relation to neighboring properties. The site plan shall show the
location of neighboring structures and shall identify approximate locations of windows, doors, laundry exhausts, heat pumps/air conditioners, external faucets and any other items which could potentially be impacted by the fence height or placement on the property line.

D. Where the foregoing provisions conflict with landscaping, buffer area, planting or screening requirements, the Zoning Officer shall resolve the differences.

SECTION 1106. BUFFERING AND SCREENING

Buffering requirements shall be applied where Use A abuts a Use B.

A. Applicability.

<table>
<thead>
<tr>
<th>Use A</th>
<th>Use B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed commercial, industrial</td>
<td>Existing residential use</td>
</tr>
<tr>
<td>or office use</td>
<td>or zoning district</td>
</tr>
</tbody>
</table>

B. To assure compliance with buffering requirements, the applicant shall provide graphic material to enable the Council to assess the impact of Use A upon Use B and ensure proposed buffering will create an effective barrier at necessary points. Graphic material may include any or combination of the following: plot plans with view analysis, landscaping and grading; profiles; models; cross-sections; and photographs.

C. An effective buffer may be accomplished through use of any one of combination of the following:

1. Existing natural or man-made barriers such as fences and walls, when architecturally compatible with the landscaping and architectural style of Use B.

2. Proposed grading of land to create mounding, berms or depressions that block visibility.

3. Proposed planting of trees and shrubs in accordance with the following conditions.
D. Planting buffers shall comply with the following requirements:

1. The entire perimeter of the tract undergoing development shall be provided with a minimum of ten (10) foot planting strip, twenty (20) foot if adjacent to a residential use or district which will act as an effective, year-round screen separating uses. The planting strip may be included in private yard space and shall be based upon the following criteria:

   a. A landscaping plan shall be submitted by the applicant and approved by the Borough as part of the unified development plan, in accordance with Section 1107.B.

   b. The landscaping plan shall include a combination of deciduous and evergreen plants and trees arranged to form both a low level and a high level year-round buffer. The high level buffer shall consist of a combination of evergreen and deciduous species having a height at maturity of twenty-five (25) feet or greater, and using specimens no less than eight (8) feet in height. The low level buffer shall consist of evergreen shrubs or hedges planted at an initial height of not less than three (3) feet and spaced at intervals of not more than five (5) feet. The low level buffer shall be placed in alternating rows to produce a more effective barrier. The landowner shall maintain the buffer planting and replace any plant material which does not live within one (1) year of notification by the Borough.

   c. The buffer planting shall be so placed that at maturity vegetation will extend no closer than three (3) feet from any street or right-of-way.

   d. In accordance with the provisions of this Ordinance, a clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.

   e. The buffer planting shall provide visual breaks only at points of vehicular or pedestrian access and shall
not include structures, storage or parking in the buffer area.

f. Buffer planting shall incorporate earthen mounds or berms, where existing vegetation does not provide an adequate screen, to improve sound as well as visual buffering; and shall be broken at points of vehicular or pedestrian access.

g. All existing trees within the required planting strip above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.

h. Screening design, including the type of plant materials to be used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Borough Council.

i. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six (6) months.

E. Water towers, storage tanks, processing equipment, fans skylights, cooling towers, vents and any other structures or equipment which rises above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Borough before construction or erection of said structures or equipment.

F. All mechanical equipment, loading and storage structures not enclosed in a building shall be fully and completely screened from view from any adjacent streets or Residential Districts or uses, through the use of measures indicated in 1107. C. and in a manner compatible with the architectural and landscaping style employed on the lot. Such screening shall be subject to site plan and architectural review by the Borough.

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SECTION 1107.   LANDSCAPING.

A. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.

B. Except for single-family and two-family dwelling lots, any part or portion of a site which is not used for a building, loading and parking spaces, aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of the development plan, or shall be left in its natural state. A replacement program for nonsurviving plant material should be included.

1. General Requirements of Landscaping Plans

a. Landscaping shall be installed and maintained in accordance with a landscape plan prepared by a qualified landscape architect and approved by the Borough Council. The landscape plan shall depict all proposed plantings as required within buffer areas in the form of a buffer planting area, and in other landscaped areas which relate to, complement, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.

b. The landscaping plan shall be based on and reflect the following:

i. Respect for and incorporation of existing topographic, landscape and other natural features.

ii. The functional and aesthetic factors which relate to the tract, and to the principal and accessory buildings and other structures.

iii. Enhancing views from and within the tract.
iv. Screening and complementing proposed buildings and other structures.

v. Creating visual interest for the users and/or residents of the proposed project.

vi. Using plant materials which are hardy and acclimated to the conditions at the tract and within the Borough.

c. The landscaping plan shall include notes, diagrams, sketches, or other depictions to present the consideration and analysis of the following:

i. An analysis of the site in terms of: the existing views to and from the areas which are proposed for development; existing topography and vegetation conditions; and other existing conditions which are relevant to the site.

ii. An analysis of proposed planting and other landscaping needs as related to: screening views of buildings; screening buildings and sections of buildings; screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and, other appropriate types of screening.

iii. The consideration of locations where plantings and other landscaping are needed to: provide visual interest; define outdoor spaces; complement the proposed architectural style; and achieve other functional and aesthetic requirements for buffer areas.

iv. Existing trees shall be preserved wherever possible. The protection of trees twelve (12) inches or more in caliper (measured at a height four and one half (4-1/2) feet above the original grade) shall be a factor in
determining the location of buildings, open space, structures, underground utilities, walks and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.


a. Planting shall be installed and maintained in the buffer areas, prescribed by Section 1106.D. to form a continuous visual buffer. In addition to ground covers and evergreen shrubs, the buffer planting strip shall be comprised of evergreen trees which are a minimum of eight (8) feet in height at the time of planting and shall be spaced in two (2) alternating rows on ten (10) foot centers. The combined evergreen shrub and tree plantings shall constitute a continuous visual screen at the time of occupancy of any buildings, and/or at the time of initiation of any use. In the event such plantings do not along provide a continuous visual buffer, the plantings shall be placed upon a berm at a height from three (3) to five (5) feet to increase their effectiveness.

b. Shade trees shall be provided along all streets where there are no existing shade trees.

c. The outer perimeter of all parking areas shall be screened. Effective screens may be accomplished through the use of plant materials, fencing or walls, and/or mounding through the use of earthen berms.

d. Parking lots shall be landscaped as required in Section 1107.D.

e. Landscaping shall be provided in association with each principal building in accordance with the following criteria:

i. A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be
installed in reasonably close proximity to the facades.

ii. At least one (1) three and one half to four (3-1/2 to 4) inch caliper specimen deciduous tree at the time of planting, and one (1) eight to ten (8 yo 10) foot specimen evergreen tree shall be planted for every fifty (50) feet of length of building facade. These specimen trees shall be grouped to provide a pleasing, natural effect and existing trees to be retained may be utilized to satisfy this requirement.

iii. Five (5) evergreen and/or deciduous shrubs shall be planted for every twenty (20) feet of length of building facade.

iv. Trees and shrubs shall be grouped in accordance with specific needs and objectives.

f. Other landscaping, including trees, shrubs, and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a tract, at the entrance to buildings, and around structures used for service, storage, or maintenance purposes.

g. Shrubs shall not be placed closer than three (3) feet from any property line, and trees shall not be closer than five (5) feet.

h. The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of the Borough Council.

i. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to
such public works, unless a tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6x6x6) or equivalent.

3. Minimum Standards for the Quality and Maintenance of Plant Material.

a. All plants shall conform with the standards for nursery stock of the American Association of Nurserymen.

b. Trees and shrubs shall be typical of their species and variety; have normal growth habits; be well developed; and have densely foliated branches and vigorous, fibrous root systems.

c. Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.

d. Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the locality of the project or property acclimated to the conditions of the locality of the project.

C. All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot. Such screening shall be subject to site plan and architectural review by the Borough.

D. Landscaping within any parking area which provides more than ten (10) parking spaces shall be subject to the following provisions:

1. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to
provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.

2. A minimum of ten (10) percent of the parking lot area shall be landscaped.

3. The interior of each parking lot shall have at least one (1) three (3) inch caliper deciduous shade tree for every twenty (20) parking spaces, if there are no existing shade trees to satisfy this requirements. Shrubs and other plant materials are encouraged to be used to compliment the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen.

4. Plant materials selected for landscaping in parking areas shall be of a species proven to be salt and dust resistant.

5. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which the following shall apply:

a. Landscaped areas of at least ten (10) feet in width shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.

b. Landscaped islands shall be provided at the end of each parking row, and so designed to distinguish between parking areas and access aisles.

c. There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of five (5) feet if double loaded, or four (4) feet if single loaded.

6. Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during
construction. Such existing plants may be credited toward the amount of required plantings.

7. Any development proposing the creation of a public road(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:

a. All shade trees shall be a minimum of fifteen (15) feet in height from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems.

b. Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public road.

c. Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and right-of-way line shall be preserved wherever possible and used in the shade tree calculations.

SECTION 1108. LIGHTING

A. Applicability.

Lighting facilities shall be required for loading, ingress and egress and parking areas for multiple family, commercial, industrial and institutional uses. The Borough Council may require lighting to be incorporated for other uses or locations where warranted. All lighting facilities shall have underground wiring.

B. Design.

1. Lighting facilities shall provide an illumination level within the following range of values, and offer a uniformity ratio no greater than ten (10) percent:

<table>
<thead>
<tr>
<th>Location</th>
<th>Average Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian Walkways</td>
<td>0.2-0.4 Footcandles</td>
</tr>
</tbody>
</table>

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Street Intersections 0.6-0.8 Footcandles
Multiple Family Common Areas 0.6-0.8 Footcandles
Direct Illuminated Signs 0.6-0.8 Footcandles
Recreation/Institutional Activities 1.0-1.2 Footcandles
Indirect Illuminated Signs 1.0-1.2 Footcandles
Industrial Parking Areas 1.0-1.2 Footcandles
Commercial Parking Areas 1.0-1.2 Footcandles

2. Lighting standards in parking areas shall not be located farther than one (100) feet apart.

3. No lighting shall be permitted which shines beyond the property line, directly into residential units, or results in glare beyond an angle of thirty (30) degrees from a vertical plane.

C. Installation Responsibilities.

Where required by this Ordinance, the applicant shall install or cause to be installed, all lighting fixtures. Fixtures shall be at the expense of the applicant, and shall be in accordance with a utility plan prepared by the applicant and approved by the Borough Council and the appropriate utility company.

The applicant shall be responsible for all costs involved in the lighting of streets and street intersections from the date and the first dwelling is occupied until the date the street is accepted for dedication.

SECTION 1109. UTILITIES

A. Location.

All utilities shall be placed underground in Residential and Residential Service Districts. Above ground utilities shall be permitted by special exception in the Industrial District.

B. Sewage.

All uses shall be served by a municipal or private-owned sewage treatment plant, or by on-site wastewater treatment systems upon submission of satisfactory evidence that safe and effective sanitary sewage disposal can be provided in the particular location.
concerned by such individual sewage disposal system. Such evidence shall be reviewed and approved by the Department of Environmental Resources.

C. Water Supply.

Public water shall be supplied to all uses.

D. Stormwater Retention.

All uses must meet the regulations of this and other local ordinances as well as federal, state and county requirements to control stormwater runoff and reduce the sedimentation and erosion problems.

SECTION 1110. OUTDOOR STORAGE OF MAN-MADE PRODUCTS

A. Outdoor storage shall be completely screened from view of any public right-of-way and any adjacent residential use. Screening shall consist of evergreen plantings, architectural, screen or approved safety fence.

B. No storage shall be permitted within the front yard of any lot.

C. Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front building line of the principal buildings, and shall not exceed eight (8) feet in height.

D. Outdoor storage facilities for fuel, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.

E. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.

F. On all residential lots, no unlicensed vehicle, machinery, trailer, mobile home, boat or other similar items shall be stored outside

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within any required yard area. In addition, no more than two (2) such items shall be stored outside at any one time on a single residential property.

G. In the Industrial District, all exterior storage of materials, equipment or vehicles, but not including parking and similar activities, shall be carried on within a building, except that outdoor storage for a permitted industrial use may be authorized as a special exception where all of the following conditions are met:

1. The industrial use involved traditionally employs outdoor storage.

2. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.

3. It can be shown that indoor storage is not practical.

4. The standards described in Section 1113, herein, shall be met.

5. The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot areas which is deemed practical and feasible in the opinion of the Zoning Hearing Board.

6. The storage area shall be screened from view from any public right-of-way or any Residential District by buildings, walls, or an effective screen as defined in this Ordinance.

H. In all districts:

1. No trailer, recreational vehicle, boat, unlicensed vehicle, or other similar item shall be stored outdoors within any required yard area.

2. Storage of trailers without a permit when left in place and used as an extension to the building are not permitted in Residential Districts.

3. In Residential Districts, no more than one (1) trailer, recreation vehicle, boat, unlicensed vehicle, or similar items shall be stored outside at any one time on a single lot.
SECTION 1111. WASTE DISPOSAL

A. All waste materials shall be stored in suitable containers and garbage-like materials shall be contained in vermin-proof containers. There shall be no outdoor storage or accumulation for a period in excess of seven (7) days of any waste materials, materials which produce fumes detectable at the lot lines, inflammable materials, edible material, material which would be a harborage or breeding place for rodents or insects, or abandoned, wrecked, or junked vehicles.

B. No materials or wastes in any form shall be deposited upon a lot in such a manner that they may be transferred off or below the surface of the lot by natural causes or forces.

SECTION 1112. OFF-STREET PARKING

No building or structure shall hereafter be constructed, enlarged or modified and no use or activity shall be conducted or expanded unless provision is made on the same or adjacent lot for off-street parking facilities, either within a structure or in the open, and with proper and safe access from a street, to adequately serve the uses within the district according to the provision of this Section.

A. Location.

1. In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this Section.

2. All parking spaces shall be on the same lot as the principal buildings except when permitted by the Borough Council.

3. The parking spaces in Subsection 1112 A.2. may be located on a different lot only when authorized by the Board, subject to the following conditions:

a. The owners of two (2) or more establishments shall submit with their applications for special exception, a site plan showing joint use, agreement and location of a common off-street parking area.
b. The common off-street parking area shall lie within two hundred (200) feet of an entrance to the building served thereby.

c. The total number of parking spaces provided should equal or exceed the sum of the individual requirements.

4. In the Residential Service and Industrial Districts, no parking, loading or service area shall be located less than twenty (20) feet from the street line.

5. For residential dwellings, the spaces shall be within one hundred (100) feet of the dwelling unit they serve.

B. Size.

1. Parking spaces for each vehicle shall be at least nine (9) feet by eighteen (18) feet in size and shall have a paved surface. The applicant has the option of putting two (2) feet of the eighteen (18) feet in grass by using a bumper or concrete block. Parking spaces serving single-family detached dwellings, shall be paved, providing safe and convenient access in all seasons.

2. The required parking area shall be measured exclusive of interior drives or maneuvering areas.

C. Design.

1. Any parking for ten (10) or more vehicles on a lot which abuts a residential district or a lot for residential purposes, whether single family or multi-family, shall be screened from the adjacent property by an effective screen the entire length of the parking lot, according to the requirements of Section 1106.

2. Interior circulation within parking areas shall be in accordance with the provisions of Section 1115.

3. Parking areas shall be landscaped in accordance with Section 1107.
4. Parking lots shall be graded to a minimum slope of one (1) percent and appropriate inlets, culverts, storm sewers, grating, and other necessary facilities.

5. Parking spaces shall be clearly delineated by suitable markings. Special use spaces such as short-term visitor parking, handicapped parking and loading zones shall be differentiated from employee parking by suitable markings.

6. All parking lots shall be adequately marked. Markings shall include lines defining parking spaces, driveways, entrances, exits and loading and unloading zones, and shall also include directional arrows.

7. No more than two (2) accessways shall be allowed for any parking lot unless the lot frontage through which the accessways project is a minimum of three hundred (300) feet. No accessway shall be located within twenty (20) feet of a property line, or one hundred (100) feet of an intersection.

8. Handicapped Parking. The following shall apply to commercial, industrial, professional office, institutional, religious and educational uses.
   a. If the total number of parking spaces exceeds twenty-five (25), a minimum of two (2) percent of the total number of parking spaces, but not less than two (2) parking spaces, shall be designed and designated for physically handicapped persons.
   b. Said spaces shall be located so as to provide the most efficient accessibility to the building or buildings which the parking spaces shall serve.
   c. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.
   d. Each space shall be twelve (12) feet wide to allow room for handicapped persons to access from either side of an automobile onto level, paved surface.
e. Such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.

f. Where handicapped parking is required, curb ramps shall be provided to permit handicapped people access from the parking lot to the side walk or building entrance.

D. Residential Requirements.

Dwelling units in residential and non-residential zones shall be required to have a minimum of two (2) off-street parking spaces per unit. Driveways which are part of single-family or two-family dwellings may be used to satisfy this requirement.

E. Commercial and Industrial Requirements.

One (1) off-street parking space shall be required for each full-time employee working day shift. The number of additional required spaces shall be determined by applying the following formula to the appropriate contemplated use:

<table>
<thead>
<tr>
<th>Commercial Uses, Industrial Uses, and Service</th>
<th>Minimum Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>1 space/200 s.f. GFA*</td>
</tr>
<tr>
<td></td>
<td>or 4 spaces minimum</td>
</tr>
<tr>
<td></td>
<td>20 spaces/1,000 s.f. GFA</td>
</tr>
<tr>
<td>Laundromat</td>
<td>1 space/100 s.f. GFA</td>
</tr>
<tr>
<td>Personal Service Establishment</td>
<td>1 space/1,000 s.f. GFA</td>
</tr>
<tr>
<td>Wholesale Sale or Storage</td>
<td>3 spaces/1,000 s.f. GFA</td>
</tr>
<tr>
<td>Offices, Clinics, Financial Institutions</td>
<td></td>
</tr>
</tbody>
</table>

**Institutional and Park Uses**

| Church                                        | 12 spaces/1,000 s.f. in main assembly room, 25% may be in reserve lot |

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Section 1113. Loading and Unloading

In connection with any building or structure which is erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided a sufficient number of off-street loading and unloading berths for the intended use, in accordance with the following minimum requirements.

A. Location

1. All loading and unloading areas shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading area for vehicles of more than 4-ton capacity shall be located closer than one hundred (100) feet from any Residential District or use. No permitted or required loading area shall be located within one hundred (100) feet of a property line.

2. No loading facilities shall be constructed within any required yard areas. Loading facilities shall be located either in the side or rear of the building and properly screened according to Section 1106.

B. Size.

Off-street loading and unloading areas shall be at least fifteen (15) feet wide, sixteen (16) feet vertical clearance, sixty (60) feet deep and shall have an adequate maneuvering option.

C. Space allotted for off-street loading and unloading shall not be used to satisfy requirements for off-street parking. Likewise, required off-street parking areas shall not satisfy off-street loading.
requirements and may not be used for loading and unloading during business hours.

D. All off-street loading facilities shall be paved with an all-weather surface.

SECTION 1114. ACCESS AND TRAFFIC CONTROL

To minimize traffic congestion and hazard, control street access and encourage orderly development of street highway frontage, the following regulations shall apply:

A. Unless clearly impractical or inappropriate, lots which abut two (2) or more streets shall have direct access only to a street of lesser functional classification.

B. Location of Ingress and Egress.

Off-street parking for all uses shall be designed and arranged so that:

1. All vehicular accessway to any public street shall be located at least one hundred (100) feet from any intersection of a street, measured centerline to centerline.

2. On corner lots used by drive-in banks and similar establishments, no driveway shall be closer than twenty-five (25) feet to the point of radius of the curb at the corner.

3. Each use with less than one hundred (100) feet of street frontage shall not have more than one (1) ingress and egress line to such street, and no use with one hundred (100) feet or more of street frontage shall have more than two (2) accessways to any one (1) street for each four hundred (400) feet of street frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along streets other than local streets.

4. Provision shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Borough.
D. Obstructions to Vision.

1. On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained; and no hedge, tree, shrub or other growth shall be planted or exist which dangerously obscures the view of approaching traffic along street or at intersections.

2. On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle defined by the following:

   a. Above the height of two and one-half (2-1/2) feet and below the height of twelve (12) feet measured from the centerline grades of the intersecting streets.

   b. Within the area bounded by the centerline of intersecting streets and a line joining points on these centerlines seventy-five (75) feet from an intersection of the centerlines of such streets.

3. Driveway and street entrances onto public streets shall be maintained in such a manner that a clear view is obtained in both directions according to the following standards:

<table>
<thead>
<tr>
<th>Posted Speed of Public Road, MPH</th>
<th>Minimum Sight Distance In Feet*</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>200</td>
</tr>
<tr>
<td>25</td>
<td>250</td>
</tr>
<tr>
<td>30</td>
<td>300</td>
</tr>
<tr>
<td>35</td>
<td>350</td>
</tr>
<tr>
<td>40</td>
<td>400</td>
</tr>
<tr>
<td>45</td>
<td>450</td>
</tr>
<tr>
<td>50</td>
<td>500</td>
</tr>
<tr>
<td>55</td>
<td>550</td>
</tr>
</tbody>
</table>

* Measured ten (10) feet from the edge of the cartway of the public street.
SECTION 1115. INTERIOR CIRCULATION

The following regulations shall apply to all uses except single-family and two-family dwellings, unless otherwise specified.

A. Design of Access Aisles and Drives.

1. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel, delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with accessways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.

2. Accessways, parking areas and loading areas shall have clearly defined parking bays and traffic circulations lanes designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

a. To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be landscaped, but shall be designed so as not to impair visibility needed for traffic flow and turning movements.

b. Traffic channelization shall be planned in such a way that a main driving aisle from which vehicles can flow off the street and into the site and parking bays is remote from the primary building(s) so as to avoid traffic conflicts in front of the primary building(s).

c. Parking areas shall be designed so that a vehicle within a parking area will not have to enter a public street to move from one location to any other location.
location within the parking area or lot. Turnaround surface shall be provided so egress to the street is in a forward direction.

3. All interior drives and accessways shall be paved with an approved paved, all-weather surface, and shall be graded, properly drained and maintained in a good condition. Interior drives shall have a maximum grade of eight (8) percent, measured along the centerline, for a distance of not less than twenty-five (25) feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of ten (10) percent.

4. Minimum interior drive cartway widths (with no abutting parking):

<table>
<thead>
<tr>
<th>Use</th>
<th>Two Lane Two Way Drives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family</td>
<td>18 Feet</td>
</tr>
<tr>
<td>Commercial/Office</td>
<td>22 Feet</td>
</tr>
<tr>
<td>Industrial</td>
<td>25 Feet</td>
</tr>
</tbody>
</table>

B. Common or shared access driveways to parking and loading areas is permitted and encouraged provided landowners shall submit a site plan and agreement indicating the extent of joint use and maintenance responsibility.

C. Pedestrian Circulation.

The following regulations shall apply to all uses, including residential use, as applicable:

1. The developer shall preserve existing trails, install trails and pathways or other pedestrian facilities as necessary and desirable to achieve the following:
   a. Logically continue, link or expand existing pedestrian facilities on, across and abutting the site.
   b. Provide pedestrian access to existing or anticipated public bus or train transportation pick up points, public parks, community facilities and commercial areas.
c. Provide convenient and logical walkway connections between the entrances of a principal building and its required parking spaces, preferably in conjunction with landscaped planting islands that provide shade, visual relief from glare and physical separation from vehicular areas. A walkway shall be a minimum of six (6) feet wide where it abuts the width of parking spaces where the vehicle may overhang the walkway.

2. Maximum separation of pedestrian and vehicular routes shall be encouraged for safety and comfort of pedestrians. Separation can be in the form of any one or combination of the following: horizontal distance; vertical distance (level changes such as overpass, underpasses, embankments); street trees, landscaping and other barriers such as bollards and fences.

SECTION 1116. ENVIRONMENTAL PERFORMANCE STANDARDS.

The following regulations shall apply to all districts:

A. Air Quality.

There shall be no emission of smoke, ash, dust, fumes, vapors, gases, or other matter toxic or noxious to air which violates the Pennsylvania Air Pollution Control Laws, including the standards set forth in Chapter 103 (Standards for Contaminants), Chapter 131 (Ambient Air Quality Standards), and Article III, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations.

The user shall operate or maintain or be permitted to operate or maintain any equipment, installation or device which, by reason of its operation or maintenance, will discharge contaminants to the air in excess of the limits prescribed herein unless he shall install and maintain in conjunction therewith such control as will prevent the emission into the open air of any air contaminant in a quantity that will violate any provision of this Ordinance.
B. Fire and Explosive Hazards.

All activities and all storage of flammable and explosive material at any point shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression and equipment, and devices as detailed and specified by the laws of the Commonwealth of Pennsylvania. All buildings and structures and activities within such buildings and structures shall conform to the Building Code, and other applicable Borough ordinances. Any explosive material shall conform to the requirements of Chapter 211, Title 25, Rules and Regulations, Pennsylvania Department of Environmental Resources, for storing, handling and use of explosives.

C. Glare and Heat.

No direct or sky-reflected glare, whether from floodlights or high temperature processes, such as combustion for welding or otherwise, so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

D. Liquid and Solid Waste.

There shall be no discharge at any point into any public or private sewerage system, or watercourses or into the ground, of any materials in such a way or such a nature, as will contaminate or otherwise cause the emission of hazardous materials in violation of the laws of West Easton Borough and the Commonwealth of Pennsylvania, and specifically Chapters 73, 75, 95, and 97, Title 25, Pennsylvania Department of Environmental Resources, Rules and Regulations.

E. Noise.

No person shall operate or cause to be operated on private or public property, any source of continuous sound (any sound which is static, fluctuating or intermittent with a recurrence greater than one (1) time in any fifteen (15) second interval) in such a manner as to create a sound level which exceeds the limits set forth in the
receiving land use category in the following table when measured at or within the property boundary of the receiving land use.

**Continuous Sound Levels by Receiving Land Use**

<table>
<thead>
<tr>
<th>Receiving Land Use Category</th>
<th>Time</th>
<th>Sound Level Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, public space, open space, agricultural or institutional</td>
<td>7:00 am - 10:00 pm</td>
<td>60 dBA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:00 pm - 7:00 am plus Sundays and legal holidays</td>
</tr>
<tr>
<td>Commercial or business</td>
<td>7:00 am - 10:00 pm</td>
<td>65 dBA</td>
</tr>
<tr>
<td></td>
<td>10:00 pm - 7:00 am plus Sundays and legal holidays</td>
<td>60 dBA</td>
</tr>
<tr>
<td>Industrial</td>
<td>At all times</td>
<td>70 dBA</td>
</tr>
</tbody>
</table>

1. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen (15) second interval), the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use, using the "faster" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4, 1971.

2. The provisions of this section shall not apply to sound emanating from property within any residential land district or actually legally permitted residential use; such sound that arises from activity customarily associated with residential use.

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3. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:
   a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
   b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
   c. Domestic power tools.
   d. Explosives and construction operations.
   e. Agriculture.
   f. Motor vehicle operations.
   g. Public celebrations, specifically authorized by the Borough.
   h. Surface carriers engaged in commerce by railroad.
   i. The unamplified human voice.

F. Odor.

No uses except agricultural operations, shall emit odorous gases, or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table I (Odor Thresholds in Air), "Research or Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals", October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

G. Vibration.

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines.
H. Radioactivity or Electorial Disturbances.

There shall be no activities which emit dangerous radioactivity at any point. There shall be no radio or electrical disturbance adversely affecting the operation of equipment belonging to someone other than the creator of disturbance. If any use is proposed which incorporates the use of radioactive material, equipment or supplies, such use shall be in strict conformity with Chapters 211, 223, 227 and 229, Title 25, Article V, Pennsylvania Department of Environmental Resources, Rules and Regulations.

I. Public Health and Safety.

No use shall create any other objectionable condition in an adjoining area which will endanger public health and safety or be detrimental to the proper use of the surrounding area.
ARTICLE XII

NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

SECTION 1201. APPLICABILITY

All uses, structures, lots and signs that do not conform to regulations of the district in which they are located, but were in lawful existence prior to the effective date of this Ordinance, shall be known and regarded as nonconforming and the following regulations shall apply to them.

SECTION 1202. CONTINUATION

Any lawful building or other structure, or any lawful use of a building, land or sign legally existing at the time of adoption of this Ordinance, or authorized by a building permit issued prior thereto, may be continued in the form evident at the time of adoption of this Ordinance although such use does not conform to the provisions of this Ordinance.

SECTION 1203. NONCONFORMING USES

A. Extension or Enlargement.

The nonconforming use of a building or of a lot shall not be extended or enlarged, so as to use other portions of the building or lot and a nonconforming building housing a nonconforming or permitted use shall not be extended or structurally altered, except insofar as is permitted by law to assure the structural safety of the building; unless the Zoning Hearing Board shall by special exception as hereinafter provided, authorize the extension or enlargement of such use or building. The Zoning Hearing Board, upon proper application may grant such special exception provided that:

1. It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the municipality.

2. The area devoted to the nonconforming use shall not be increased by more than a total of twenty-five (25) percent.

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Article XII
3. Any extension or enlargement of the building or of a lot having a nonconforming use shall conform to all area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts in which the nonconforming use shall be limited to the lot which was in existence at the time of adoption of this Ordinance.

4. Any extension or enlargement of a nonconforming use must meet the off-street parking and buffering requirements of Article X herein.

B. Change of Use.

A nonconforming use may be changed to another nonconforming use by the grant of a special exception only upon determination by the Zoning Hearing Board, after public hearing, that the proposed new use will be similar to or less detrimental to its neighborhood and abutting properties than is the use it is to replace. In evaluating relative detriment, the Zoning Hearing Board shall take into consideration, among other things: potential traffic generation; nuisance characteristics (such as emission of noise, dust, odor, glare and smoke); fire hazards; and hours and manner of operation.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

C. Restoration.

A structure containing a nonconforming use involuntarily destroyed by fifty (50) percent or less of its value by fire, explosion, flood or other phenomena, or legally condemned, may be reconstructed and used for the same nonconforming use, provided that:

1. Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned and shall be completed within one (1) year of the date commenced.

2. The reconstructed structure shall not exceed area and bulk of the damaged or destroyed structure, except as provided by Section 1203A above.
D. Discontinuance.

If a nonconforming use of a building or land is discontinued or otherwise totally ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall conform to the provisions of this Ordinance.

E. Abandonment.

If a conforming use of a structure or land is raised, removed or abandoned for twelve (12) consecutive months, subsequent use of such building or land shall conform with the regulations of the district in which it is located. However, the same or another nonconforming use shall be allowed provided the request for the nonconforming use is filed and approved by the Zoning Hearing Board within the twelve (12) month period. The permit application for such approval shall be filed within thirty (30) days after the decision of the Zoning Hearing Board with regard to the nonconforming use.

SECTION 1204. NONCONFORMING STRUCTURES

A. Extension or Enlargement.

1. Nonconforming structures may be altered, renovated, or enlarged provided that such alteration, renovation or enlargement does not increase the floor area of the nonconforming structure by more than twenty-five (25) percent of the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall be authorized as a special exception by the Zoning Hearing Board and shall not increase any existing nonconformity and shall comply with all area and bulk regulations. In the case of a nonconforming structure which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of Section 1203.A of this Article. In the case of a nonconforming structure which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of Section 1203.C of this Article.
2. Any structural alteration, extension or addition to existing buildings shall conform with all area, height, width, yard and coverage requirements for the district in which it is located as well as building code regulations currently in effect.

3. Any extension or enlargement of a nonconforming structure must meet the off-street parking and buffering requirements of Article X herein.

B. Restoration.

Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fifty (50) percent or less of its value by fire, explosion, windstorm, other active cause or legally condemned may be reconstructed in the same location provided that:

1. The reconstructed building or structure shall not exceed the height, area or bulk permitted by 1203.A. or the original building, whichever shall be the more limited, except as specified by Section 1204.A.

2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be completed without interruption.

C. Change of Use.

The use of a nonconforming structure may be changed to another nonconforming use if such currently exists, or to a conforming use when authorized as a conditional use by the Borough Council and subject to Section 1308 of this Ordinance.

SECTION 1205. NONCONFORMING LOTS

A. A building may be constructed on a nonconforming lot of record in existence at the effective date of this Ordinance. If the side, rear or front yard setback requirements cannot be met, a special exception may be authorized by the Zoning Hearing Board. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.
B. No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed.

C. An existing structure located on a lot nonconforming as to area may be used for the use permitted in the district in which it is located, provided the structure complies within all bulk requirements of that district. If a nonconforming structure is located on a nonconforming lot, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Hearing Board on appeal, that the proposed use is not injurious to health, safety, morals, and general welfare of the Borough in general and the surrounding property owners in general and the surrounding property owners in particular, and provided that the requirements of Section 1203.C. are met.

SECTION 1206. NONCONFORMING SIGNS

Any existing nonconforming signs, signboards, billboards or advertising device shall either be discontinued and removed, or changed to a conforming sign within the period of five (5) years from the effective date of this Ordinance, subject to the following:

A. Area.

The total area of all such signs relating to a single use at the effective date of this Ordinance, or at the effective date of any amendment of this Ordinance by which any sign shall be made nonconforming, shall not be increased.

B. Replacement.

No such sign shall be physically altered or replaced except for relettering. Nonconforming signs, once removed, may be replaced only by conforming signs unless authorized by the Zoning Hearing Board.

C. Discontinuance.

Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land ceases as prescribed in 1203.D., all signs accessory to such use shall be
deemed to become nonconforming and shall be removed within three (3) calendar months from the date such use terminates.

D. Every sign for a nonconforming building, structure or use shall either be discontinued and removed, or changed to conform to the specific regulations of the district in which it is located and comply with Article XI herein.
ARTICLE XIII
ADMINISTRATION

SECTION 1301. APPLICABILITY, ADMINISTRATION AND ENFORCEMENT

A. Application.

1. Hereafter no land shall be used or occupied, and no building or structure shall be created, altered, used or occupied except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.

2. In case of mixed occupancy, the regulations for each use shall apply to that portion of the building or land so used.

B. Administration and Enforcement.

1. There shall be a Zoning Administrative Officer who shall be appointed by the Borough Council and whose duty shall be and is hereby given the power and authority to enforce the provisions of this Ordinance.

2. Duties - The duties of the Zoning Administrative Officer shall be:

   a. To examine all applications for permits required by this Ordinance.

   b. To issue permits only for construction and uses which are in accordance with the regulations of this Ordinance and as may be subsequently amended.

   c. To record and file all applications for permits and accompanying plans and documents and keep them for public record.

   d. To issue permits for uses by special exception and variance only after such uses and buildings are ordered by the Zoning Hearing Board in accordance with the regulations of this Ordinance, or Court of

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Appeals, subject to any stipulations contained in such order.

e. Upon the request of the Borough Council or the Zoning Hearing Board, present to such bodies, facts, records, and any similar information on specific requests to assist such bodies in reaching its decision.

f. To be responsible for the keeping up-to-date of this Ordinance and the Zoning Map, filed with the Borough Secretary and to include any amendments thereto.

g. To be responsible for the administration of the National Flood Insurance Program in West Easton Borough and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issues, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is floodproofed and other administrative functions necessary for participation in the National Flood Insurance Program.

h. To notify in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.

i. To assure the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

j. To be responsible for applicable provisions included in all other codes, ordinances and regulations that are applied insofar as they are consistent with the Borough's needs to minimize the hazard and damage which may result from flooding.

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k. To process all applications for special exceptions and variances before the Zoning Hearing Board.

C. Violations.

Failure to secure a permit prior to the change in use of land or building(s) or the erection, enlargement or alteration, demolition of a building or failure to secure a use and occupancy permit shall be a violation of this Ordinance. It shall also be a violation of this Ordinance to undertake other deliberate actions which are contrary to the terms of this Ordinance or other existing statutes.

1. Notice of Violation. If the Zoning Administrative Officer shall find that any of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation. Such notice shall indicate the nature of the violation and order the action necessary to correct. He shall order discontinuance of illegal use of land, building or structure; removal of illegal building or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this Ordinance to insure compliance with or prevent violation of its provisions. Such orders shall be delivered in person by the Zoning Administrative Officer or shall be mailed by certified mail to the person or entity responsible. Orders of the Zoning Administrative Officer shall become effective within the time provided in the order, but in no event less than one (1) nor more than thirty (30) days from receipt of notice. The Zoning Administrative Officer shall allow reasonable time for compliance with orders.

2. Repeat violation of an initial notification as to violation of an Ordinance provision shall constitute forfeiture of subsequent notices and result in the fines as provided in Section 1301.D.

3. Complaints Regarding Violations. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrative Officer. He shall record properly
such complaint, investigate, and take action thereon as provided by this Ordinance.

D. Fines and Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance enacted, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than One Hundred Dollars ($100), nor more than Five Hundred Dollars ($500), plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or 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 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 ordinances shall be paid over to the municipality whose ordinance has been violated.

1. The court of common pleas, upon petition, may grant an order to stay, upon cause shown, toting the per diem fine pending a final adjudication of the violation and judgment.

2. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement pursuant to this Section.

E. Enforcement Remedies.

In case any building, structure or landscaping is erected, constructed, reconstructed, altered, repaired, demolished, converted or maintained, or any building, structure or land is used, or any
hedge, tree, shrub or other growth is maintained in violation of this Ordinance or of any regulations made pursuant thereto, the Borough, nor any aggrieved owner or tenant of real property who shows that his property will be substantially affected by the alleged violations, in addition to other remedies provided by law, any appropriate action or proceedings, whether by legal process or otherwise, may be instituted or taken to prevent, restrain or rejoin such unlawful erection, construction, reconstruction, alteration, repair conversion, demolition, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct business or use in or about such premises.

SECTION 1302. COMMON PERMIT REGULATIONS

A. General Requirements.

1. Application for permits shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such officer to ascertain whether the proposed use of land or improvement under the application shall comply with the provisions of this Ordinance and all other existing statutes.

2. Applications for permits required under this Ordinance may be submitted by an owner or a designated representative thereof; however, responsibility for obtaining any required permit and compliance with existing statutes, shall rest with the property owner.

3. No permit shall be issued except in conformity with the regulations of this Ordinance, and other existing statutes, except after written order from the Zoning Hearing Board or the Courts. Any permits issued on written order of the Zoning Hearing Board or the Courts shall be subject to any stipulation contained in that order.

4. In all instances in which the Zoning Administrative Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of this application. If such evidence is not presented, the zoning permit will be denied.

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5. The parcel or parcels of land or buildings or parts of buildings for which an application is being submitted shall be in full ownership or proof of equitable ownership shall be furnished at the time of application.

6. No application is complete until all the necessary documents have been filed and fees have been paid.

B. Fees.

All permit fees under this Ordinance shall be determined by the Council and a schedule of such shall be made available to the general public. The Council shall be empowered to re-evaluate the fee schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Council by resolution.

C. Issuance of Refusal of Permits.

If the Zoning Administrative Officer determines that an application is in compliance with the provisions of this Ordinance, it shall be his duty to issue the appropriate permit. If he determines that an application is not in compliance with the provisions of this Ordinance, it shall be his duty to refuse the permit, in which case he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board.

D. Notification to Applicant.

All applicants for permits or certificates shall be given written notice of the status of the application within thirty (30) days, unless otherwise specified. When an application is refused, the Zoning Administrative Officer shall specify the reasons for the refusal.

SECTION 1303. ZONING PERMITS

A. A zoning permit shall be required prior to: a change in use of land or buildings; a change in use or extension or enlargement of a nonconforming use; or development within the Floodplain District. It shall be unlawful to commence any site work or other work requiring a zoning permit until a permit has been properly issued therefor.
B. Application for Zoning Permits.

Application for permits under this Section, along with accompanying plans and data, may be submitted by the Zoning Administrative Officer to any appropriate governmental agency, authority or representative for review and comment relative to compliance with existing statutes and the Zoning Administrative Officer shall consider those comments in action on the application. All applications shall be accompanied by:

1. Three (3) copies of the approved land development and/or plot plan together with any other data and information required by the Zoning Administrative Officer to evaluate compliance with this Ordinance and other existing statutes.

2. Three (3) copies of detailed architectural plans for any proposed building or structure under the application.

3. Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Borough Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Resources approving earth moving operations.

4. Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control or objectionable effects, as well as any other appropriate, lawful permits as may be required by statute.

5. Additional copies of any information may be required by the Zoning Administrative Officer.

6. Permits shall be granted or refused within thirty (30) days upon satisfaction of the Borough that all supplemental information has been supplied.

C. Temporary Zoning Permits.

A temporary zoning permit may be authorized by the Zoning Administrative Officer for a nonconforming structure or use which
it deems beneficial to the public health or general welfare, or which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit without cost to the Borough. Such a permit shall be issued for a specified period of time, not exceeding one (1) year.

SECTION 1304. SIGN PERMITS

A. A sign permit shall be required prior to the erection or modification of any sign, sign structure or change in location of an existing sign, with the exception of those signs exempted in Section 1102.

B. Application for a Permit.

Application shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such officer to determine whether the proposed sign, or the proposed alteration, conforms to all the requirements of this Ordinance.

1. Permits shall be granted or refused within thirty (30) days from date of application.

2. No sign permit shall be issued except in conformity with the regulations of this Ordinance, or except after written order from the Zoning Hearing Board, or the Courts.

3. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:

a. Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.

b. Size, dimensions and location of the said sign on lot or building together with its type, construction, materials to be used, and the manner of installation.

c. Any other lawful information which may be required of applicant by the Zoning Administrative
Officer. One (1) copy of said plan or diagram shall be returned to applicant, after the Zoning Administrative Officer shall have marked such copy either approved or disapproved, and attested to same.

SECTION 1305. BUILDING PERMITS

A. Requirements of Building Permits.

A building permit shall be required prior to the erection or alteration of or addition to, any building or other structure or portion thereof. It shall be unlawful for any person to commence work for the erection or alteration of, or addition to, any building or other structure or portion thereof until a building permit has been duly issued therefor, except as provided by special exception.

B. Application for Building Permits.

All applications for building permits shall be made in writing on forms furnished by the Borough and shall be accompanied by a plot plan drawn to scale and accurately showing the exact size and location of any buildings or other structures existing on the lot in question or upon abutting land within fifty (50) feet of the side and rear lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. There shall, in addition, be included with all applications, such other plans, documents and information as may be necessary to enable the Zoning Administrative Officer to ascertain compliance with this Ordinance and all other pertinent ordinances. The Zoning Administrative Officer shall reply to all building permit applications within thirty (30) days of receipt.

C. Issuance of Building Permits.

No building permit shall be issued until the Zoning Administrative Officer has certified that the proposed building, structure or alteration complies with the provisions of this Ordinance and applicable ordinances. Upon completion of the erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this Ordinance, and prior to use of occupancy, the holder of such permit shall notify the Zoning Administrative Officer of such
completion. Use and occupancy shall not be authorized until the Zoning Administrative Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided in Section 1307.

SECTION 1306. PERMIT PROCEDURE FOR MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION.

A. A permit shall be required prior to the erection or installation of any microwave antenna for satellite communication, provided a temporary installation of a portable unit, not to exceed seven (7) days, shall be permitted without a permit for the purpose of determining the suitability of the site for a permanent antenna installation.

B. All applications for a microwave antenna permit shall be made to the Zoning Administrative Officer in writing on a form furnished by the Borough and shall be accompanied by plans, in duplicate and to scale, showing:

1. For residential and nonresidential installations:
   a. The dimensions of the lot and location of the buildings thereon.
   b. Details of all microwave antenna anchors, supports and foundations, the exact size of the antenna, including dish, and the exact proposed location of the microwave antenna on the lot.
   c. When microwave antennas are attached to an existing structure, details of how microwave antenna loads will be distributed to the existing structure.

2. For roof-mounted nonresidential installations:
   a. Design wind load on each anchor and allowable wind load on each anchor.
   b. Forces on foundation, including live load and dead load.
c. Strength and allowable stresses of cables, rods or braces and the actual force and allowable force for each cable, rod or brace.

C. If the manufacturer’s specifications submitted with the application specify the installation criteria for 1306.B.2., they shall be made part of the plan and separate calculations shall not be required. The Zoning Administrative Officer may waive 1306.B.2 if he determines them not applicable to the installation.

D. Issuance or refusal of permits and notification to the applicant shall be in conformance with Section 1307.

E. The permit fee shall be in such amount as established from time to time by resolution of the Borough Council.

SECTION 1307. OCCUPANCY PERMITS

A. General Requirements.

It shall be unlawful for the applicant, person or other entity to sell, occupy any building or other structure or parcel of land until an occupancy permit, if required, has been duly issued therefore. Occupancy permit shall be required prior to any of the following:

1. Occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit or sign permit is required.

2. For all commercial and industrial uses, a change of ownership or use of any parcel of land, building, or other structure for which a zoning permit has been or should have been issued under this or previous Zoning Ordinance.

3. For new construction in all zoning districts prior to sale.

B. Application Procedures.

All applications for use and occupancy permits shall be made in writing on forms furnished by the Borough and shall include all information necessary to enable the Zoning Administrative Officer to ascertain compliance with this Ordinance.
C. Issuance.

1. Use and occupancy permits shall be granted or refused with ten (10) days from the date of application. No application shall be granted or refused until the Zoning Administrative Officer has inspected the premises. Issuance of this permit by the Borough Official or employee designated by the Zoning Administrative Officer shall be based in conformity of the work to the requirements of this Ordinance and any other pertinent ordinance.

2. Pending completion of a building or of alterations thereto, temporary use and occupancy permit may be issued by the Zoning Administrative Officer for a temporary occupancy of part or all of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six (6) months shall be established.

3. In commercial and industrial districts in which performance standards are imposed or when required by the Zoning Administrative Officer, no use and occupancy permit shall become permanent until sixty (60) days after the facility is fully operating, when upon reinspection by the Zoning Administrative Officer it is determined that the facility is in compliance with all performance standards.

SECTION 1308. CONDITIONAL USES

A. An application for a conditional use shall be filed with the Borough Council and shall include:

1. The name and address of the applicant.

2. The name and address of the owner of the real estate to be affected by the proposed conditional use application.

3. A description and location of the real estate on which the conditional use is proposed.

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