4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

5. A statement of the section of this Ordinance which authorizes the conditional use.

6. An accurate description of the present improvements and the additions intended to be made under the application for conditional use, including the size or proposed improvements, material and general construction features. The application shall be accompanied by a proposed plan showing the size and location of the proposed use, the location of all proposed buildings, all proposed facilities, including access drives and parking areas, and dimensional features demonstrating compliance with the applicable area, width, coverage, yard and design standards.

B. The application for a conditional use shall be filed with the Secretary of the Borough on such forms as may be prescribed for that purpose, and shall be accompanied by the application fee, prescribed from time to time, by the Borough Council. No application shall be received for filing unless accompanied by the required filing fee.

C. The Borough Council shall hold a public hearing on the conditional use application in accordance with the following procedures:

1. Notice of the hearing shall be given to the public by publication in newspaper of general circulation in the Borough at least twice, the first such notice to be not less than ten (10) days prior to the date of the scheduled hearing. Additionally, like notice thereof shall be given to the applicant, the Zoning Administrative Officer, and to any person who has made timely written request for same. Notice of the hearing shall be conspicuously posted on the affected tract of land. The Borough Council shall conduct its first hearing on the application within sixty (60) days from the date the application is filed with the Borough Secretary.

2. The parties to the hearing shall be the municipality, any person affected by the application who has made timely
appearance of record before the Borough Council and any other person, including civic or community organizations, permitted to appear by the Council. The Council shall have the power to require that all persons who wish to be considered parties enter written appearances on forms provided by the Council for that purpose.

3. The President or Acting President of the Council shall have power to administer oaths and issue subpoenas or compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

4. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

5. The Borough Council shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

6. The Council shall render a written decision within forty-five (45) days after the last hearing before the Council. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefor.

7. A copy of the final decision shall be delivered to the applicant and the parties before the Council personally or mailed to them not later than the day following the date of the decision.

8. The provisions of Section 1308.C. are meant to be directory and not mandatory.

D. In granting or denying a conditional use or establishing conditions with reference to such grants, the Borough Council shall use as a guide in evaluating a proposed conditional use, and may determine to be mandatory, those standards established for review of special exception applications by Section 1407.J. of this Ordinance. The burden of establishing compliance with those enumerated standards shall be upon the applicant by a fair preponderance of the credible
evidence. The standards required by this Subsection shall be
deemed a part of the definitional aspect under which a conditional
use may be granted, and the failure of the applicant to establish his
compliance with all of the standards shall, in the discretion of the
board, be deemed either a basis for the establishing of conditions
or limitations on an approval or the basis for a determination that
the applicant has not met the requirements for which a conditional
use may be granted.

E. Nothing in this Section shall be construed to relieve the applicant
for a conditional use approval from obtaining other required
approvals mandated by the Borough's Subdivision and Land
Development Ordinance, or other applicable ordinances.

F. Appeals from a determination of the Board pursuant to any
application for conditional use shall be only as prescribed within
such times permitted by the applicable provisions of the
Pennsylvania Municipalities Planning Code.

G. In granting an application for conditional use, the Zoning Hearing
Board may attach such additional reasonable conditions and
safeguards as it deems necessary and appropriate to insure
compliance with the provisions of this Ordinance and to protect the
health, safety and general welfare of the community.

SECTION 1309. LIABILITY

The granting of any permit under this Ordinance by the Borough
or any of its designated officials or the use of land or structures or
the erection, alteration or extension of any structure or the approval
of any subdivision or land development plan, shall not constitute
a representation, guarantee, or warranty of any kind by the
Borough or any of its officials or employees as to any manner of
injury resulting from such use, erection, alterations or extension,
and shall create no liability upon, or a cause of action against such
public body, officials or employees for any damages or injury that
may result pursuant thereto.

SECTION 1310. EXEMPTION

The provisions of this Ordinance shall not apply to West Easton
Borough nor to any building or land of the Borough or extension
thereof, or to the use of any premises by the Borough, nor shall its
provisions be construed to apply in any way to any building, lands or premises owned or operated by the Borough.

THE PROVISIONS OF THIS ARTICLE OF THE ORDINANCE ARE INTENDED TO PARALLEL THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND SAID PROVISIONS ARE AMENDED AS THE MPC IS AMENDED.
ARTICLE XIV
ZONING HEARING BOARD

SECTION 1401. ESTABLISHMENT AND MEMBERSHIP

There shall be a Zoning Hearing Board which shall consist of five (5) members who shall be appointed by resolution of the Borough Council and who shall be residents of the municipality. The Borough Council shall designate one (1) such member to serve until the first day of January following the effective date of this Ordinance, one (1) until the first day of the second January thereafter, and one (1) until the first day of the third January thereafter; shall appoint their successors on the expiration of their respective terms to serve five (5) years, and shall fill any vacancy for the unexpired term of any member whose term becomes vacant. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the governing body which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing will be held in connection with the vote if the member shall request it in writing.

When used hereafter in this Article, the word "Board" shall mean the Zoning Hearing Board.

SECTION 1402. ORGANIZATION

The Board shall elect, from its members, its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board, but the Board may appoint a Hearing Officer from its own membership to conduct any hearing on its behalf and the parties may waive further action by the Board as provided in Section 1504. The Board may make, alter and rescind rules and forms for its procedure consistent with the provisions of this Ordinance and the laws of the Commonwealth. The Board shall keep full public record of its business, which records shall be the property of the Borough, and shall submit a report of its activities to the Borough Council as requested.

October 20, 1992
138
Article XIV
SECTION 1403. APPLICATIONS FOR HEARINGS

A. Applications for hearings before the Board shall be filed with the Board together with the proper fee.

B. An application for a special exception or variance from the terms of this Ordinance shall state:

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 exception or variance.

3. A brief description and location of the real estate to be affected by such proposed change.

4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.

5. A statement of the section of this Ordinance under or from which the exception or variance requested may be authorized, and reasons why it should be granted.

6. A reasonably accurate description of the present improvements and the additions intended to be made under the application or appeal, if any, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan to scale of the real estate to be affected, indicating the location and size of the lot and size of improvements now erected and proposed to be erected thereon.

C. Applications for other than special exception or variance from terms of this Ordinance shall contain sufficient written information to fully describe the intended use. Where, in the sole discretion of the Zoning Officer, it is appropriate for the applicant to furnish plans and/or specifications or any other relevant information incident to intended use, such information shall be required to be submitted with the application.

D. In the event that any required information is not furnished, the application shall be refused and the fee returned to the applicant.
E. The hearing shall be held within sixty (60) days from the date of
the applicant's request, unless the applicant has agreed in writing
to an extension of time.

SECTION 1404. NOTICE OF HEARINGS

The board shall give notice as follows:

A. By publishing a notice thereof in a newspaper of general circulation
within the Borough once a week for two (2) successive weeks prior
to the date fixed for the hearing.

B. By mailing notice thereof to the applicant and to any person who
has made timely request for same. In addition, notice of said
hearing shall be conspicuously posted on the affected tract of land.

C. By mailing notice thereof to the Borough’s Zoning Officer, to the
President of the Borough Council and to the Chairman of the
Borough Planning Commission.

D. The Board may mail notice thereof to the owner of every lot on the
same street within five hundred (500) feet of the lot or building in
question or every lot not on the same street within two hundred
(200) feet of said lot or building. But failure to give notice, either
in part or in full, as stated by this paragraph shall not invalidate
any action taken by the Board.

E. The notice herein required shall state the name of the applicant, the
location of the lot or building and the general nature of the
question involved, and the date, time and location of the hearing.
In addition thereto, when a hearing is required under Section
1407.B, the notice shall state that the validity of the landowners
request, including plans and proposed amendments, may be
examined by the public at the Borough Building during regular
business hours.

SECTION 1405. EXPENDITURES FOR SERVICE - FEES

A. Within the limits of funds appropriated by the Borough Council,
the Zoning Hearing Board may employ or contract for secretaries,
clerks, legal counsel, consultants and other technical and clerical
services. Members of the Zoning Hearing Board may receive

October 20, 1992 140 Article XIV
compensation for the performance of their duties, as may be fixed by the Borough Council.

B. The applicant before the Board shall deposit with the Treasurer of the Borough, such a sum of money as set forth in the fee schedule adopted by the Borough Council to pay the cost of the hearing.

C. The following administrative costs incurred by the Borough relative to hearing before the Board shall be paid from the application filing fee:

1. Cost of preparation of required notices.
2. Cost of mailing notices, including postage.
3. Cost of advertising.
4. Cost of posting notice or verification.
5. Duplication or copying costs.
6. An equal share of the Court Reporter's attendance fee.
7. Cost of stenographic record, if such record is requested by the Board or the applicant.
8. Other costs related to the application.

D. Continued Hearings and Collection of Fees.

1. In the event more than one (1) hearing is necessary on any application, as promptly as may be possible following the initial hearing, the Board Secretary shall determine the total amount of all taxable costs incurred, and shall deduct same from the application fee. In the event the application fee is, at any time, insufficient to cover the costs incurred or reasonably anticipated to be incurred, the Board Secretary shall notify the applicant, provide the applicant with a written copy of each item of taxable cost, and shall require the applicant to pay, within ten (10) days of such notification, any balance then due together with a further minimum deposit of one-half (1/2) of the initial filing fee.
In the event of multiple hearings, all taxable costs shall be reported and collected in accordance with this procedure.

2. The failure of the Board Secretary to demand additional deposits from time to time shall not relieve the applicant of liability for costs, charges, expenses and fees in excess of deposit; and in the event of default, such shall be recovered by such action as is by law provided.

3. All funds deposited by the applicant in excess of the actual cost of the hearing or hearings shall be returned to the applicant upon completion of the proceeding.

SECTION 1406. HEARINGS

The Board shall conduct hearings and make decisions in accordance with the following requirements:

A. Hearings of the Board shall be held at the call of the Chairman and at a reasonable time and place for public hearings and notification of said hearing shall be as provided by Section 1404.

B. The hearings shall be conducted by the Board or the Board may appoint any member as the Hearing Officer. The decision or, where no decision is called for, the findings, shall be made by the Board, however, the applicant or appellant, as the case may be, in addition to the Borough, may, prior to the decisions of the hearing, waive decision or findings by the Board and accept the decision or findings of the Hearing Officer as final.

C. The parties to the hearings shall be any person who is entitled to notice under 1404, without special request therefore, who has made timely appearance of record before the Board and any other person permitted to appear by the Board.

D. The Chairman or Acting Chairman of the Board or the Hearing Officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence.
and argument and cross-examine adverse witnesses on all relevant issues.

F. Formal rules of evidence shall not apply, but irrelevant, immaterial, unduly repetitious and hearsay evidence shall be excluded and other inadmissible evidence may be excluded at the discretion of the Board.

G. The Board or Hearing Officer, as the case may be, shall keep a stenographic record of the proceedings and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.

H. The Board or the Hearing Officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative after the commencement of the hearing unless all parties are given an opportunity to be present.

I. At any time prior to rendering its written decision, the Board may consult with the Planning Commission, Borough Engineer, or any other body for the purpose of resolving technical consideration relative to an application before it, and may at its discretion include the recommendation of said consultants in its final decision.

J. The Board or the Hearing Officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Hearing Board or Hearing Officer. Each decision shall be accompanied by findings and conclusions based thereon, together with the reasons therefor. Conclusions based on any provisions of this Ordinance or of any act, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by the Hearing Officer and there has been no stipulation that his decision or findings are final, the Board shall make its report and recommendation available to the parties, and the parties shall be entitled to make written representations thereon to the Board prior to final decision or entry of findings. Where the Board has power to render a decision and

October 20, 1992 143 Article XIV
the Board or the Hearing Officer, as the case may be, fails to render the same within the forty-five (45) day period required by this clause, and unless the applicant has agreed or shall agree in writing to an extension of time, the decision shall be deemed to have been rendered in favor of the applicant.

K. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

SECTION 1407. FUNCTIONS

The Board shall have the following functions:

A. Substantive challenges to the validity of this Ordinance, except those brought before the Board pursuant to Sections 609.1. and 916.1.(a)(2) of Act 247, as amended by Act 170.

B. Challenges to the validity of this Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal take within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial Zoning Ordinance of the municipality and a Zoning Hearing Board has not been previously established, the appeal raising procedural questions shall be taken directly to court.

C. Appeals from the determination of the Zoning Administrative Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by the Borough Engineer or the Zoning Administrative Officer with reference to administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

October 20, 1992 144 Article XIV
E. Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

F. Appeals from the Zoning Administrative Officer's determination under Section 1413.

G. Appeals from the determination of the Zoning Administrative Officer or Borough Engineer in the administration of this Ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development.

H. Challenge the Validity of the Zoning Ordinance or Zoning Map.

The Zoning Hearing Board shall hear challenges to the validity of a zoning ordinance or map as follows:

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provision thereof which prohibits or restricts the use of development of land in which he has an interest shall submit the challenge to either the Zoning Hearing Board of the Borough Council.

2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map or any provision thereof, who desires to challenge its validity shall submit their challenge pursuant to the Sections 909.1. and 609.1. of Act 247, as amended by Act 170.

3. In all such challenges, the Zoning Hearing Board shall decide all contested questions and shall make findings on all relevant issues of fact and of interpretation, and submit such findings as part of the record on appeal to the court.

I. Variances.

The Board shall hear and decide requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship on the applicant. The Board may by rule prescribe the form of application as provided by Section 1403. The Board may
grant a variance provided the following findings are made where relevant in a given case.

1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of property.

3. That such unnecessary hardship has not been created by the applicant.

4. That the variance, if authorized, will neither alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

5. That in the case where the property in part or totally is located within the regulatory floodway the granting of a variance will not increase the base flood elevation:

a. Where the issuing of a variance will permit the construction of a structure or portion thereof below the base flood elevation in the Floodplain District, the applicant shall be notified in writing over the signature of the Borough Zoning Officer that the construction or location of a structure below the base flood elevation will increase the risk to life and property and that flood insurance premium rates for the affected structure will increase. A record of all variance actions including the reasons and
justification for the issuance of the variance shall be maintained.

6. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

J. Special Exceptions.

The Board shall hear and decide requests for special exceptions where the Ordinance has stated special exceptions are to be granted by the Board pursuant to the following express standards and criteria, in addition to such other considerations and determinations as may be required by law and other provisions of this Ordinance.

The Board shall:

1. Give full consideration to the size, scope, extent, and character of the exception desired and sure itself that such request is consistent with the plan for future land use in West Easton and with the spirit, purpose and intent of the Zoning Ordinance.

2. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed change or modification, if permitted, will constitute an appropriate use in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

3. Consider the public interest in, or the need for, the proposed use or change, to determine that the proposal will serve the best interest of the Borough, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.

4. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities, including, but not limited to,
public water, sewers, police and fire protection, transportation and public schools.

5. Be guided in its study, review and recommendations by sound standards or subdivision practice where applicable.

6. Review the recommendations of the Planning Commission on the proposed development plan, where such plan is required. The Board shall not be bound by such recommendations nor shall the Board be bound by the action of the Borough Council in relation to the development plan.

7. Guide the development of highway frontage insofar as possible to limit the total number of access points, reduce the need for on-street parking, and encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.

8. Consider, where pertinent, the effects of the proposal with respect to congestion on the roads or highway, the most appropriate use of land, conserving the value of buildings, safety from fire, panic, and other dangers, adequacy of light and air, the prevention of overcrowding of land, congestion of population and adequacy of public and community services and determine that approval of the application will not have a substantially adverse effect thereon.

9. Be assured that the natural features and processes characterizing the proposed site and its surroundings shall not suffer unmitigated degradation, that the management of stormwater, the provision of water or sewer service, and any other alterations to the site's pre-development condition shall be consistent with the Borough goals, practices, and plans in these regards, and that demand for water and energy by the proposed use shall be minimized to the optimal extent.

10. Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, and which are reasonably necessary to safeguard the health, safety, morals and

October 20, 1992

148

Article XIV
general welfare of the residents of the Borough at large and the residents and owners of the property adjacent to the area in which the proposed use is to be conducted. Conditions may include, but are not limited to, harmonious design of buildings, aesthetics, hours of operation, lighting, numbers of persons involved, noise, sanitation, safety, smoke and fume control and the minimizing of noxious, offensive or hazardous elements.

11. Special Conditions. In addition to conforming with the general standards, above, and all other applicable regulations contained in this Ordinance, the proposed special exception must conform with all conditions for that use as follows:

a. Require that all commercial or industrial parking, loading, access or service areas shall be adequately illuminated at night while in use, and that such lighting, including sign lighting, shall be arranged so as to protect the highway and neighboring properties from discomfort or hazardous interference of any kind.

K. Unified Appeals

Where the Board has jurisdiction over a zoning matter, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have no power to pass upon the nonzoning issues, but shall take evidence and make a record thereon. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the Court.

SECTION 1408. EXPIRATION OF SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES.

Unless otherwise specified by the Board, a special exception, variance or conditional use shall expire if the applicant fails to obtain a building permit or a use and occupancy permit, as the case may be, within six (6) months from the date of authorization thereof.
SECTION 1409. PARTIES APPELLANT BEFORE THE BOARD

An appeal to the Board under Section 1407.A. and proceedings to challenge an ordinance under Section 1407.B. may be filed with the Board in writing by the landowner affected, any officer of the Borough or any person aggrieved. Requests for a variance under Section 1407.C. and for a special exception under Section 1407.J. may be filed with the Board by any landowner or any tenant with the permission of such landowner.

SECTION 1410. TIME LIMITATIONS

No aggrieved person shall be allowed to file any proceedings with the Board later than thirty (30) days after (a) any permit has been issued or refused or any other decision made by the Zoning Officer, and (b) any application for development, preliminary or final, has been approved by the Borough Council if such proceeding is designed to secure reversal or to limit approval in any matter.

SECTION 1411. PARTIES TO THE HEARING

The parties to the hearing shall be the Borough, any person affected by the application who has made timely appearance of record before the Board, and any other person, including civic or community organizations, permitted to appear by the Board. The Board shall enter appearances in writing on forms provided by the Board for that purpose. The aforementioned parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

SECTION 1412. STAY OF PROCEEDINGS

Upon filing of any proceeding referred to in Section 1409, and during its pendency before the Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property. In such case, the development or official action shall not be stayed otherwise than by a restraining order, which may be
granted by the Board or by the Court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by person other than the applicant, the applicant may petition the Court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the Court.

SECTION 1413. APPEALS

The conditions and proceedings set forth in Article X of Act 247, as amended, shall constitute the exclusive mode for securing review of any ordinance, decision, determination or order of the governing body, its agencies or officers adopted or issued pursuant to Act 247, as amended by Act 170 of 1988.

THE PROVISIONS OF THIS ARTICLE OF THE ORDINANCE ARE INTENDED TO PARALLEL THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND SAID PROVISIONS ARE AMENDED AS THE MPC IS AMENDED.

October 20, 1992

151

Article XIV
ARTICLE XV

AMENDMENTS

SECTION 1501. POWER OF AMENDMENT

The Borough Council may from time to time amend, supplement, change, modify or repeal this Ordinance including the Zoning Map. The Borough Council, by resolution adopted at a stated or special meeting, shall fix the time and place of a public hearing on the proposed change, amendment, or repeal and cause notice thereof to be given as follows:

A. By publishing a notice of the time and place of the hearing not more than thirty (30) days and not less than seven (7) days in advance of the date fixed for the hearing in a newspaper of general circulation in the Borough. Such notice shall be published once each week for two (2) successive weeks.

B. In addition to the content requirements of Section 610 of the Pennsylvania Municipalities Planning Code, as amended, the notice shall also set forth the principal provisions of the proposed change, amendment or repeal in reasonable detail and a reference to a place in the Borough where copies of the proposed change, amendment or repeal may be examined or purchased at a charge not exceeding the cost thereof. Full opportunity to be heard will be given to any citizen and all interested parties attending such hearing. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.

SECTION 1502. LANDOWNER'S PETITION

A landowner or group of landowners in a district may present to the Borough Council, a petition, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of any of the regulations or restrictions prescribed by this Ordinance for their district; or a change or modification of the zoning map with reference to such district. It shall be the duty of the Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in Section 1501.A. above.

October 20, 1992
SECTION 1503. CURATIVE AMENDMENT PROCEDURES

A landowner who desires to challenge, on substantive grounds, the validity of this Ordinance or Zoning Map, or any provision thereof in which he has an interest, may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in 609.1 of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 1504. HEARINGS

At any public hearing on a proposed change or amendment, opportunity to be heard shall be given to any citizen. The Borough Council shall take the recommendations of the Borough and County Planning Commission into consideration in reaching its decision, but shall not be bound thereby. The Borough Council shall have the power to adopt general or special rules of procedure for the conduct of any such hearing provided that under Section 1501, 1502 and 1504, the hearings shall be conducted in accordance with the following procedures:

A. The Borough Council shall conduct a hearing thereon within sixty (60) days of the receipt of written request.

B. The President, or in his absence, the Acting President, shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

C. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses.

D. Even though formal rules of evidence shall not apply, irrelevant, immaterial or unduly repetitious evidence may be excluded.

E. The Borough Council shall keep a stenographic record of the proceedings and copies of graphic or written material received in evidence shall be made available at cost to any party.
SECTION 1505. DECISIONS OF THE BOROUGH COUNCIL

All enactments of amendments to the Ordinance or map shall be read at public meetings of the Borough Council and copies can be examined at the Borough building during regular hours. The Borough Council shall make a decision within a reasonable amount of time after the close of the last hearing on the request unless the time is extended by mutual consent by the landowner and the Borough's Council. Should the Council fail to act on the landowner's request within the designated time, the request is denied. When a decision has been made by the Borough Council, a written copy of the decision shall be delivered to the landowner personally or mailed to him not later than the day following its date. Within thirty (30) days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.
ARTICLE XVI
ENACTMENT

SECTION 1601. ENACTMENT

BOROUGH OF WEST EASTON ZONING ORDINANCE #480

DATES OF REVIEW

Joint Planning Commission
Public Review
Borough Council
Borough Council

September 24, 1992
September 29, 1992
October 5, 1992
November 5, 1992

ENACTMENT

Enacted and ordained into an Ordinance this 7th day of December, 1992. This Ordinance shall become effective immediately.

\[Signature\]
President of Council

Attest: \[Signature\]
Borough Secretary/Manager

Approved this ____ day of _____, 1992

\[Signature\]
Mayor
BOROUGH OF WEST EASTON

ORDINANCE #497

ADDENDUM TO ZONING ORDINANCE #480

BE IT ORDAINED AND ENACTED, by the Council of the Borough of West Easton:

1. The following shall be added to, changed to read, and be incorporated into the Zoning Ordinance.

Page 5 - ACCESSORY BUILDING: A building (such as a private garage, private swimming pool and appurtenant bathhouse, private toolhouse, shed, ....

Page 9 - CURBS: Curbs must be installed to meet Penn-DOT specifications.

DECK: An open structure projecting from the front, side, or rear wall of a building, and having no enclosed features of glass, wood, or other material, and does not have a roof.

Page 10 - DRIVEWAYS: Driveways shall be constructed of four (4) inches of stone compacted, and topped with six (6) inches of concrete, including the apron. In regard to asphalt driveways, six (6) inches of stone compacted, and topped with two (2) inches of ID2 wearing surface.

Page 20 - PATIO: An open structure projecting from the front, side or rear wall of a building. A patio may be enclosed, i.e., screen or glass, and a roof. The patio floor may consist of brick, slate, wood, or concrete. In the case of a roof over the patio, the floor must meet specifications to support the roof.

PORCH: A roofed, open structure projecting from the front, side or rear wall of a building, and having no enclosed features of glass, wood, or other material more than thirty (30) inches above the floor thereof, except the necessary columns to support the roof. The porch cannot protrude into the set-back.

PROPERTY LINES: Lines forming the front, rear, and sides of regular shaped lots or the encompassing boundary lines of parcels of land under separate ownership.

Page 22 - SET-BACKS: The curb line shall be seventeen (17) feet from the center of the roadway. The property line shall be eight (8) feet from the curb line, the building line in front shall be twenty-five (25) feet from the property line.

SHELTER: An accessory building customarily used to store lawn and garden tools, machines and supplies. A shed is included in the maximum allowable rear yard coverage.
Page 23 - SIDEWALK: Sidewalks shall be constructed of four (4) inches of stone compacted, and topped with five (5) inches of concrete. In residential areas, the width shall be four (4) feet wide; all other areas the width shall be five (5) feet wide.

Page 34 - E. SETBACKS

1. Front Yard: On each lot there shall be a front yard of not less than twenty-five (25) feet from the property line. The property line is eight (8) feet from the curb line.

2. Rear Yard: On each lot there shall be a rear yard of not less than twenty-five (25) feet. Rear yards shall be unoccupied except for accessory structures which are limited to twenty-five (25) percent of the rear yard area. Garages require a six (6) foot set-back, sheds require a three (3) foot set-back.

3. Side Yard: On each lot there shall be two (2) or more side yards, each having a width of eight (8) feet, PROVIDED that on a corner lot, the yards abutting the street shall have a depth of twenty-five (25) feet. Garages and sheds must have a side yard of three (3) feet and are subject to the twenty-five (25) percent area limitation.

Page 54 - B. General Provisions

2. Warning and Disclaimer of Liability: The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of and kind ....

Page 57 - a. Precautionary Slope Districts (15%-25%) slope

ii. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by the Soil Conservation Service of .... the Northampton ......

Page 70 - A. Uses Accessory to Residential Use.

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

Page 88 - SECTION 1104 PROJECTIONS INTO REQUIRED YARDS

C. A terrace, deck, patio or unenclosed porch which does not extend above the level of the first floor of the building, may be erected to extend into the front or rear yard a distance of not more than ten (10) feet, provided that it does not extend into the required set backs.
BOROUGH OF WEST EASTON
ORDINANCE #497.

2. This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 4th day of October, 1993 by the Council of the Borough of West Easton, Pennsylvania.

[Signature]
PRESIDENT OF COUNCIL

Attest: [Signature]
BOROUGH SECRETARY/MANAGER

Approved this 4th day of October, 1993.

[Signature]
MAYOR
BOROUGH OF WEST EASTON
ORDINANCE NO. 577

AN ORDINANCE OF THE BOROUGH OF WEST EASTON REGULATING THE KEEPING OF CERTAIN ANIMALS INCLUDING HOUSEHOLD PETS AND PRESCRIBING DEFINITIONS AND PENALTIES FOR VIOLATION.

The Council of the Borough of West Easton, Pennsylvania hereby ordains as follows:

Section 1. Definitions. As used in this ordinance the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANIMAL - Any domestic animal, wild animal or any household pet.

DOMESTIC ANIMAL - any animal normally or ordinarily domesticated or raised in this area and climate as livestock or for work or breeding purposes, or normally or ordinarily kept as a household pet.

HOUSEHOLD PET - any dog, cat, bird or other domestic animal normally and ordinarily kept in or permitted to be at large in the dwelling of its owner.

LARGE ANIMAL - any wild or domestic animal of the bovine, equine or sheep family.

SMALL ANIMAL - any wild or domestic animal such as a rabbit, hare, guinea pig, rat, mouse or chinchilla; and any wild or domestic fowl such as a chicken, turkey, goose, duck or pigeon (except homing pigeons).

WILD ANIMAL - any animal, including bird, fowl or reptile, not normally or ordinarily domesticated; not normally or ordinarily raised in this area and climate as livestock or for work or breeding purposes; or not capable of being kept as a household pet.

PERSON - any person, firm, partnership, association or corporation.

In this ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

Section 2. Certain Animals Prohibited. It shall be unlawful for any person to keep any pigs, hogs or swine at any place within the Borough of West Easton.

Section 3. Keeping of Animals Regulated. It shall be unlawful for any person to keep any domestic animals, with the exception of household pets, except as provided in this section:
1. Large animals shall be confined in quarters no part of which shall be closer than one hundred feet (100') from the exterior limits of any dwelling or of any property line.

2. Small animals shall be kept confined in quarters no part of which shall be closer than twenty-five feet (25') from the exterior limits of any dwelling or of any property line.

3. The keeper of every such animal shall confine the same in an enclosure sufficient to prevent such animal from running at large, and such enclosure shall be of a size and construction conducive to the animal's health, and adequate sanitary drainage facilities shall be provided.

4. Every keeper of any animal shall cause the litter and droppings therefrom to be collected daily in a container or receptacle that when closed shall be rat-proof and fly-tight, and after every such collection shall cause such container or receptacle to be kept closed. At least twice a week, every such keeper shall cause all litter and droppings so collected to be disposed of in such manner as not to permit the presence of fly larvae.

5. Every keeper of any animal shall cause all feed provided therefor to be stored and kept in a rat-proof and fly-tight building, box, container or receptacle.

Section 4. Household Pets. It shall be unlawful for any person to keep any household pet, except as provided in this section:

1. Household pets may be kept in any dwelling and place of business or any building used or occupied as a dwelling or as a place of business. The keeper of any such pet shall be required to follow such procedures and practices, as to the number of such pets to be kept there, and as to sanitation, to insure that no public or common nuisance shall be created or maintained and that no threat to the health of persons shall be created or maintained.

2. If any such pet shall be kept in an enclosure outside such dwelling or place of business, the provisions of section 3 of this ordinance, insofar as the same applies to small animals, shall be applicable to the keeping of such household pet.

Section 5. Violation of State Law. Any violation of this ordinance that would also violate any state law shall be prosecuted under that state law and not under this ordinance.

Section 6. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three
hundred dollars ($300.00) or to imprisonment for a term not to exceed ninety (90) days, or both. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 7. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: Ordinance No. 476 enacted July 6, 1992.

Section 8. Severability. If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the Borough of West Easton that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 9. Effective Date. This ordinance shall become effective on August 5, 1996.

[Signature]
President of Council

ATTEST:

[Signature]
Borough Secretary

Approved this day of , 1996.

[Signature]
Mayor
BOROUGH OF WEST EASTON
ORDINANCE NO. 580

AN ORDINANCE OF THE BOROUGH OF WEST EASTON REGULATING THE
INSTALLATION OF GUTTERS, CURBS, SIDEWALKS AND PASSAGEWAYS.

The Council Of The Borough Of West Easton, Pennsylvania
Hereby Ordains As Follows:

Section 1. Definitions. In this ordinance, the following
words shall have the meanings hereby ascribed thereto, unless the
context clearly indicates otherwise:

PUBLIC WALKWAY. The portion of the "right of way"
located outside the cartway, and shall include paved
sidewalk, unpaved grassplot and curbs. This space is
designated or maintained solely for public pedestrian
use.

PASSAGEWAY. Shall mean that portion of the public
walkway dedicated to access for a driveway or for off
street parking.

Section 2. Width of Cartways and Public Walkways. The
following schedule shall determine widths:

<table>
<thead>
<tr>
<th>Street Right of Way</th>
<th>Cartway (each side)</th>
<th>Public Walkway (each side)</th>
<th>Sidewalk</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 feet</td>
<td>34 feet</td>
<td>8 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>30-50 feet</td>
<td>varies</td>
<td>6 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>20-30 feet</td>
<td>varies</td>
<td>4 feet</td>
<td>4 feet</td>
</tr>
<tr>
<td>15 feet</td>
<td>11 feet</td>
<td>2 feet</td>
<td>-----</td>
</tr>
</tbody>
</table>

Section 3. Property Owner May Construct, Reconstruct or
Repair. Any property owner may, upon their own initiative and
without notice from any Borough authority, construct, reconstruct
or repair a sidewalk or curb in front of or alongside their
property, provided that they shall first have made application to
the Borough for line and grade, and shall have conformed to all
requirements of this and every other applicable ordinance as to
width, location and specifications for such construction.

Section 4. Property Owner to Construct, Reconstruct or
Repair Sidewalks and Curbing on Notice from the Borough. It
shall be the duty of every owner of real estate in the Borough of
West Easton upon notice from Borough Council to construct or
reconstruct a sidewalk or curb in front of or alongside such
property, and upon five (5) days notice, to repair the sidewalk
or curb in front of or alongside such property. All work must be
completed within ninety (90) days of receipt of notice.

Section 5. Permits Required. It shall be unlawful for any
property owner to excavate, for the purpose of installing a
sidewalk, curb, gutter or passageway, unless he shall have first
obtained a permit from the Borough Zoning Administrator. The fee for issuance of such permit shall be as established from time to time by resolution of Borough Council, and the applicant shall provide the Borough with the following information:

- Exact location of the excavation.
- The contractor or parties doing the excavation work.
- The estimated time for completion of work.

Section 6. Protective Measures. It shall be the duty of every person making an excavation to provide and maintain barriers and warning devices which may be necessary for safety of the general public, to include protection for traffic, as well as pedestrians.

Section 7. Notice to Defaulting Property Owner; Borough May Do Work and Collect Costs. Upon failure or neglect of any property owner to comply with the notice sent pursuant to this ordinance, the Borough, by its Solicitor, shall give notice by certified mail to such property owner of his failure so to do, and further notify the property owner that the Borough may cause the necessary work to be done at the expense of said owner, and may file a lien thereon, together will all additional charges, expenses and penalties as authorized by law, or take such other steps permitted by law to collect said costs and charges.

Section 8. Responsibility for Maintenance. It shall be the full responsibility of every owner of property which abuts any street to keep the sidewalks, curbs and passageways in a safe condition at all times.

Section 9. Construction Criteria.

LINE, GRADE AND MATERIALS. Line, grade and materials for all sidewalks, curbs, gutters and passageways shall be approved by the Borough. The Borough will have the work inspected and provide a certificate of approval upon completion.

CURBING. All curbing shall be nine (9) inches in thickness at the bottom and seven (7) inches in thickness at the top, and have a seven (7) inch reveal, where possible, measured from the top of the finished curb to the top of the finished gutter or street, and shall have a minimum overall height of twenty-four (24) inches. Forms shall be removed before the concrete has hardened, and the front and top of the curbing floated to a uniform surface with all voids filled. The top edge shall be rounded to a three quarter (3/4) inch radius. Minimum mix shall be one (1) part cement, two (2) parts sand and four (4) parts stone by volume.

GUTTERS. All gutters shall be two (2) feet wide measured from the face of curb, and have a pitch of one and one-half (1 1/2) inches rising from the face of the curb, shall be four (4) inches thick and of the same mix used for curbing.

SIDEWALKS. Sidewalks shall be laid on a foundation of
compact stone of not less than four (4) inches below the underside of the slab, and shall pitch one-fourth (1/4) inch per foot toward the curb. They shall be five (5) inches in thickness except that where passageways cross, the thickness shall be six (6) inches. The surface of all sidewalks shall be roughened, and in no case shall the surface be smooth troweled. The mix shall be as required for curbing.

PASSAGeway. Where passageways cross curbing, a beveled notch ten (10) feet wide and four and one-half (4 1/2) inches deep shall be permitted, but where the sidewalk is adjacent to the curb, a smooth and gradual slope shall be provided so that a hazard will not exist.

secTIONS AND JOINTS. Curbing and gutters shall be built in sections not exceeding ten (10) feet. Joints shall be filled with an elastic joint filler. Scored joints, one-half (1/2) inch deep, shall be at five (5) feet intervals for sidewalks.

section 10. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

section 11. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction, be sentenced to pay a fine not exceeding six hundred dollars ($600.00) and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

section 12. Effective Date. This ordinance shall become effective on

[Signature]
President of Council

Attest:

[Signature]
Borough Manager

Approved this day of , 1998.

[Signature]
Mayor
BOROUGH OF WEST EASTON

ORDINANCE NO. 6/6

AN ORDINANCE AMENDING THE BOROUGH OF WEST
EASTON ZONING ORDINANCE PERMITTING MAXIMUM HEIGHTS
FOR FENCES AND WALLS AND DELINEATING THE PERMIT
PROCEDURE

Be it ordained and enacted by the Borough Council of the
Borough of West Easton, Northampton County, Pennsylvania and
it is hereby ordained and enacted by the authority of the same.

Section 1105 Fences and Walls of the aforementioned
ordinance shall be amended to read as follows:

A. No fence or wall shall be erected which obstructs
required sight distance along public streets, street
intersections, alleys or driveways. And all hedges,
trees, shrubs or other vegetative growth shall be
maintained so as not to obstruct required sight
distance along public streets, street intersections,
alleys or driveways.

B. In all residential areas, no fence or wall shall
exceed six feet in height. In cases where there is
a pre-existing grade and a panel fence is being
used, pre-measured six foot panels will be allowed
if built in a step fashion along the hill or grade.

1. In all residential areas the required
sideyard setback or the backyard set
back must be satisfied at the proposed
location of the fence or wall.

C. In all residential areas no front yard fence shall
exceed four feet in height beyond the front building
line in the front yard area, with the exception of a
chain link fence, which may not exceed six feet in
height when enclosing a property.

D. Provided that yard setbacks are met, the following
procedure shall ensue:
1. The applicant must obtain a permit to erect a fence or wall from the Borough Zoning Officer.

2. The applicant shall provide a site plan clearly showing the proposed location of the fence or wall in relation to the neighboring structures. The applicant shall also identify all items which could potentially be impacted by the height or placement of the wall or fence on the property line.

E. In all residential areas no fence or wall six feet in height will be permitted where the required yard setbacks cannot be satisfied unless allowed as a Conditional Use in accordance with Section 1308.

F. In all industrial areas no fence or wall shall exceed ten feet in height.

ENACTED into an Ordinance this 1 day of November, 1999.

[Signature]
President of Council

ATTEST: [Signature]
Secretary/Manager

APPROVED this 1 day of November, 1999.

[Signature]
Mayor
AN ORDINANCE AMENDING THE BOROUGH OF WEST EASTON ZONING ORDINANCE BY ADDING A NEW ARTICLE XVII "PLANNED RESIDENTIAL DEVELOPMENT" TO PERMIT PLANNED RESIDENTIAL DEVELOPMENTS ("PRD") IN THE LIGHT INDUSTRIAL ("LI") AND RESIDENTIAL SERVICE ("RS") DISTRICTS.

WHEREAS, by Ordinance dated December 7, 1992, the Borough of West Easton enacted a Zoning Ordinance (Ordinance No. 480); and

WHEREAS, Article VII of the Pennsylvania Municipalities Planning Code (53 P.S. § 10701, et seq.) provides the authority for a municipality to adopt, within its Zoning Ordinance, provisions authorizing and fixing standards and conditions for planned residential developments; and

WHEREAS, the Borough of West Easton desires to amend its Zoning Ordinance to provide a new Article XVII authorizing and setting standards for planned residential developments within the Light Industrial ("LI") and Residential Service ("RS") Districts.

NOW, THEREFORE, this 3rd day of November, 2004, be it ordained, and it is hereby ordained, that:

SECTION 1. The Borough of West Easton Zoning Ordinance (Ordinance No. 480) is hereby amended to add a new Article XVII "Planned Residential Development", to read as follows:
ARTICLE XVII
PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1701. PURPOSE: In addition to the general goals listed in the Statements of Purpose, the provisions of this Article are intended to serve the purposes of a Planned Residential Development ("PRD") stated in the Pennsylvania Municipalities Planning Code ("PA MPC"), including, but not limited to, the following:

A. provide for higher residential densities and a variety of housing types;

B. provide for a range of service oriented establishments designed to serve local needs;

C. provide for commercial development that is compatible with the character of the Borough and can offer additional employment opportunities and an increased tax base;

D. encourage innovation in residential and nonresidential development; provide greater variety in type, design and layout of buildings; and to encourage more efficient land use.

SECTION 1702. PRD APPLICABILITY. All provisions of the Borough of West Easton Zoning Ordinance shall apply to a PRD, except where specific provisions of this Article clearly differ from specific provisions of other sections of this Zoning Ordinance. Within a PRD approved by Borough Council, the following provisions of the Zoning Ordinance shall not apply: 701, Article VI, 800, 1008 and 1106.

SECTION 1703. PRD ELIGIBILITY.

A. The proposed PRD shall consist of one or more contiguous parcels of land under single ownership and control or under active agreement of sale, with new development clearly intended to be developed as a single entity.

B. A PRD shall only be permitted within the LI or RS zoning districts. Within those two districts, a PRD shall be considered a permitted by right use.

C. The proposed PRD shall consist of a minimum total tract area of five (5) acres.

D. Public water and public sanitary sewer systems shall serve all principal uses of the PRD.
SECTION 1704. USE REGULATIONS WITHIN A PRD.

A. Uses By-Right. A building or other structure may be erected, altered or used, and a lot may be used or occupied for any of the following purposes:

1. Residential Uses. A PRD shall include a mix of at least two of the following residential dwelling types: (each use shall have a maximum of three habitable floors)
   b. Two-family dwelling.
   c. Townhouse.
   d. Garden apartment building.
   e. Mid-rise apartment building.

2. Nonresidential Uses (max. 4.5 stories). The following uses shall only be permitted in a PRD within the LI district, and shall require a one acre minimum lot area:
   a. Assembly or packaging of products, other similar processes.
   b. Manufacturing of light industrial products, such as food and beverage products, apparel, electronic or electrical equipment, precision instruments, or paper products.
   c. Research, engineering or testing laboratories.
   d. Public utility operating facilities.
   e. Printing or publishing establishments.
   f. Warehouse, distribution and wholesale sales.

3. Non-residential Uses (maximum 4.5 stories). The following uses shall be permitted within a PRD within both the LI or RS districts:
   a. Offices.
   b. Service based business, not including motor vehicle or fuel sales.
   c. Restaurant.
   d. Hotel.
e. Bed and Breakfast.
f. Community center, fitness facility, exercise club or similar facility.
g. Television, radio or movie production studios.
h. Accessory uses incidental to any of the principal uses listed above.

B. **Height.** Buildings or structures within a PRD shall not be subject to the height limitations of the underlying zoning district, but rather shall be limited by the number of stories for each use as listed above. Residential accessory buildings shall be limited to one story.

**SECTION 1705. PRD DENSITY REQUIREMENTS.**

A. The maximum density shall be determined based upon the following calculation of "buildable area."

1. Total lot area of the tract, not including the following:
   
   a. areas within the future rights-of-way of pre-existing or previously approved streets;
   b. areas with average slopes greater than 25 percent;
   c. areas within the 100-year floodplain and wetlands; and
   d. areas within rights-of-ways intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

2. Areas of land voluntarily dedicated to and accepted by the Borough or State for a street improvement that would not otherwise be required by the Borough or State and that is not necessary for providing internal access for the development may be included as buildable area.

B. **Minimum Area Per Dwelling Unit.** The following shall apply:
1. Type of Dwelling Unit | Minimum Average Square Feet of "Buildable Area" Within the Tract Per Dwelling Unit
---|---
Midrise Apartment | 1,500
Garden Apartment | 1,500
Townhouse | 2,000
Single Family Semi-Detached | 2,000
Single Family Detached | 3,500

2. The total number of dwelling units within the PRD tract divided by the total acreage of the PRD tract shall not exceed a maximum of 16 dwelling units per total acre. The number of allowed dwelling units shall be allocated to lot(s) before the PRD tract is subdivided.

C. Flexibility in Placement. The total number of dwelling units allowed on the tract may be placed at any appropriate locations within the buildable area of the tract in compliance with other provisions of this Ordinance. A condominium form of ownership is allowed, provided the Applicant shows compliance with applicable State law.

D. In calculating the allowable overall density, land which is capable of further development or subdivision for additional dwellings shall not be counted unless the possibility of such development or subdivision is precluded by a formal permanent deed restriction or conservation easement restricting the land to use for only common open space and preventing future development, which the deed restriction duly recorded in the Office of the County Recorder of Deeds, and with such restriction noted on the official record plan.

E. The total area covered by all impervious surfaces shall not exceed 75% of the total tract area of the PRD. A maximum impervious coverage shall not apply to individual lots.

F. The total area covered by all buildings shall not exceed 50% of the total tract area of the PRD. A maximum building coverage shall not apply to individual lots.

G. The percentage of the PRD site devoted to non-residential uses, including required parking, shall not exceed 40% of the total PRD tract area.
H. **Building Separation and Setbacks.** Principal buildings within a PRD shall have minimum separation as defined by the Construction Code. Minimum setback from principal buildings to all existing or proposed lot lines and/or street right of ways shall be five feet, except that such setback shall not apply where buildings are lawfully attached. No setbacks shall apply for accessory buildings. Where new construction is proposed that would result in a principal residential building abutting a principal non-residential building, then a 20 feet minimum separation distance shall apply between the two buildings.

**SECTION 1706. DESIGN STANDARDS.**

A. All uses permitted in the PRD shall comply with the following:

1. Utilities, as required by § 1109.
2. Outdoor storage, as required by § 1110.
3. Accessory uses and structures, as required by § 1002.
4. Environmental Performance Standards, as required by § 1116.
5. Loading and unloading, as required by § 1113.
6. Lighting, as required by § 1108.

B. **Parking.** A minimum of 1.5 off-street parking spaces shall be provided for each apartment unit, plus an average of 0.5 parking spaces per apartment unit as spillover parking somewhere within the PRD. All other residential uses shall be provided with a minimum of 2 off-street parking spaces for each unit. All commercial or industrial uses shall be provided with a minimum of one off-street parking space for each employee and customer on-site at peak times. The justification for the employee and customer parking estimates shall be stated in the PRD application (such as one space per X seats in a restaurant).

C. **Buffering and Landscaping.** A landscaping plan for the tract, including buffer plantings, shall be submitted to the Borough with the Final Plan. Plantings to form a buffer shall be provided between any existing or proposed residential and non-residential uses. The design of the buffer plantings shall be subject to approval by Borough Council. Such buffer is not required to comply with § 1106 provided that the Applicant provides a suitable alternative.

**SECTION 1707. OWNERSHIP/MAINTENANCE OF COMMON AREAS AND OPEN SPACE.** The Developer shall make provisions to ensure that the common areas and open space shall be properly maintained. The Developer shall provide for and establish a Homeowners Association or other similar organization for the ownership, maintenance
of all common areas, commonly owned facilities and open space. Such
organization shall be established in conformance with § 705 of the PA
MPC. The legal agreements for such common ownership and
maintenance shall be subject to acceptance by Borough Council, as a
condition of Final PRD approval, prior to recording, after review by the
Borough Solicitor.

SECTION 1708. PRD PLAN APPROVAL PROCEDURES.

A. Borough Council shall have the authority to
administer the PRD provisions of this Zoning Ordinance. The Applicant
shall submit an application for Tentative Approval of the PRD in
accordance with § 707 of the PA MPC. The Tentative PRD Plan shall
include the same submission information as is listed in the Northampton
County Subdivision and Land Development Ordinance (\"SALDO\") for a
preliminary plan.

1. The Tentative Plan shall be provided to the
Lehigh Valley Planning Commission for study
and recommendation in compliance with § 704
of the PA MPC.

B. The Borough Council shall hold a public hearing
pursuant to public notice on said application in conformance with § 708 of
the PA MPC. Borough Council shall then approve, disapprove or
conditionally approve the Tentative Plan and provide a written decision to
the Applicant. As part of a Tentative Plan Approval, Borough Council
shall establish time limits for the submittal of Final PRD Plans in
conformance with § 709(c) of the PA MPC. Such time period shall not be
less than 2 years. If such time limits are not met, and are not extended in
writing by Borough Council, then the Tentative Plan Approval shall
become void.

C. Following a Tentative Plan Approval, the
Applicant shall submit an application for Final Approval of the PRD in
accordance with § 711 of the PA MPC. The Final Plan Application shall
include the same submission information as is listed in the SALDO for a
final plan.

D. Phasing Plan. As part of a Final PRD Plan,
the Applicant shall submit a Phasing Plan to Borough Council for
approval. Such Phasing Plan shall provide evidence that each phase of
the PRD would properly function even if later phases would not be
completed. Such Phasing Plan shall also be coordinated with the timing
of the establishment of individual lots and the establishment of any
Association to maintain common areas and facilities. See also § 707(4) of
the PA MPC.
SECTION 1709. SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE/IMPROVEMENTS SPECIFICATIONS.

A. The SALDO and the Northampton County
Improvements Specifications Ordinance of 2003 ("Improvements
Specifications"), as amended, are incorporated by reference and except
where amended by this Ordinance, and shall govern all proposed
development within the PRD.

1. Within such SALDO and Improvement
Specifications, the term "LVPC Engineer" shall
mean "Borough Engineer" and the term
"Lehigh Valley Planning Commission" shall
mean "Borough Council".

B. For all plans submitted as a PRD, Borough Council
shall have exclusive Jurisdiction to administer the SALDO and
Improvements Specifications.

C. Borough Council shall, in accordance with provisions
of relevant ordinances, take action to approve, conditionally approve or
disapprove all plans submitted for a PRD.

D. The following Improvements Specifications shall
apply to all improvements to be built, erected or planted within existing or
proposed public roads or rights of way or on private property eligible for
use by the public:

1. One-way driveways or access roads serving
single-family or multi-family residential
developments shall have a minimum width of
14 feet and two-way roads shall have a
minimum width of 18 feet, plus the width of any
parking lanes proposed along these roads.

E. A $500.00 feet per dwelling unit shall be paid by the
Developer prior to occupancy of each dwelling unit. This fee shall be in
place of the requirements of § 493 of the SALDO.

F. Modifications. Borough Council shall have the
authority to grant modifications to the provisions of the SALDO and
Improvement Specifications for a PRD, in response to a written request
from an applicant. In order to obtain a modification, the Applicant shall
prove that a particular requirement is unnecessary, would inhibit proper
site design, would create a hardship or that the same intent could be met
by an alternative standard. The following provisions of the SALDO and
Improvements Specifications may be modified by Borough Council: streets, alleys, driveways, curbing, parking, open space and recreation, water supply, and materials.

**SECTION 1710. FEES.**

A. Borough Council shall establish, by resolution, a schedule of fees to be paid by the developer at the time of Tentative and Final Plan filing.

B. The Applicant shall pay the plan review fees charged according to the adopted fee schedule. At time of the plan submission, the Applicant shall deposit the amount of money specified in the fee schedule with Borough Council. No application will be accepted for consideration unless accompanied by the required deposit. Charges and expenses will be withdrawn as they are incurred by Borough Council. If the charges and expenses attributable to the application exceed the amount deposited, the Applicant shall be notified so that additional funds as are necessary to meet the charges and expenses are deposited with Borough Council. No plan shall be approved unless all fees are paid in full. Any amounts that were deposited in excess of the charges and expenses recorded shall be returned to the Applicant following Council action on the proposal.

**SECTION 1711. ADDITIONAL REGULATIONS.**

A. For other provisions applicable to this District, see Article X, supplemental Use Regulations; Article XI, General Regulations; and Article IX, Signs.

B. Borough Council shall have the authority to modify the allowed number and maximum sign area of signs allowed by Article IX within a PRD, in response to a written application by an applicant.

**SECTION 1712. ENFORCEMENT.** The provisions of § 712.2 of the PA MPC are hereby included by reference."

**SECTION 2.** In all other respects and for all other purposes, the Borough of West Easton Zoning Ordinance (Ordinance No. 480), as amended, is readopted, and as amended and readopted shall remain in full force and effect.
SECTION 3. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. To the extent that any portion of this Ordinance should be found illegal, unconstitutional or unenforceable, it is declared to be the intention of the Borough of West Easton that the only that portion found to be illegal, unconstitutional or unenforceable shall be struck down and that the remainder of the Ordinance shall remain in full force and effect.

SECTION 5. Effective Date.

This Ordinance shall become effective immediately.

BOROUGH OF WEST EASTON
By: Daniel C. DePaul, President of Borough Council

APPROVED this 3rd day of November, 2004.

ATTEST:
Richard A. Foster, Secretary

Gerald W. Gross, Mayor (SEAL)
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 731

AN ORDINANCE AMENDING THE BOROUGH OF WEST EASTON ZONING ORDINANCE BY AMENDING THE PROVISIONS OF ARTICLE XVII "PLANNED RESIDENTIAL DEVELOPMENTS", SECTION 1703.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code (53 P.S. § 10701, et seq.), the Borough Council of West Easton Borough, Northampton County, Pennsylvania, hereby enacts the following amendment to the Zoning Ordinance of West Easton Borough:

SECTION 1. Article XVII "Planned Residential Development", Section 1703, is hereby amended to read as follows:

"SECTION 1703. PRD ELIGIBILITY.

A. The proposed PRD shall consist of one or more contiguous parcels of land under single ownership and control or under active agreement of sale, with new development clearly intended to be developed by a single legal entity.

B. A PRD shall only be permitted within the LI or RS zoning districts. Within those two districts, a PRD shall be considered a permitted by right use.

C. The proposed PRD shall consist of a minimum total tract area of five (5) acres. For PRDS whose proposed uses are limited to those set forth in Section 1704.A.1 of this Ordinance (residential uses), a minimum total tract area of two (2) acres shall be permitted.

D. Public water and public sanitary sewer systems shall serve all principal uses of the PRD.

E. In calculating the total tract area under Section 1703.C above, the tract area located in adjacent municipalities may be included in calculating said area, provided that no buildings are constructed, or are to be constructed, within that portion of the tract located in the adjacent municipality."
SECTION 2. In all other respects and for all other purposes, the Borough of West Easton Zoning Ordinance (Ordinance No. 480), as amended (Ordinance Nos. 497, 707 and 714), is readopted, and as amended and readopted shall remain in full force and effect.

SECTION 3. REPEALER.
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. To the extent that any portion of this Ordinance should be found illegal, unconstitutional or unenforceable, it is declared to be the intention of the Borough of West Easton that only that portion found to be illegal, unconstitutional or unenforceable shall be struck down and that the remainder of the Ordinance shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.
This Ordinance shall become effective immediately.

ATTEST:  
Richard A. Foster, Secretary

BOROUGH OF WEST EASTON
By: Daniel C. DePaul, President of Borough Council

APPROVED this 7th day of February, 2005.

ATTEST:  
Richard A. Foster, Secretary

Gerald W. Gross, Mayor
CERTIFICATION

I, PETER C. LAYMAN, ESQUIRE, Solicitor to the Borough of West Easton, do hereby certify that the foregoing Ordinance No. 731, amending the Borough of West Easton Zoning Ordinance by amending the provisions of Article XVII "Planned Residential Developments", Section 1703, to provide that the minimum tract size for a Planned Residential Development may be two acres so long as the Planned Residential Development is limited to residential uses, is a true and correct copy of the Ordinance that will be considered and acted upon on February 7, 2005, at a public meeting with the West Easton Borough Council.

[Signature]

Peter C. Layman, Esquire
Solicitor to Borough of West Easton

Dated: January 20, 2005
BOROUGH OF WEST EASTON

ORDINANCE NO. 879

AN ORDINANCE AMENDING THE BOROUGH OF WEST EASTON
ZONING ORDINANCE DISTANCE FOR NOTICE OF HEARING

Be it ordained and enacted by the Borough Council of the Borough of West Easton, Northampton County, Pennsylvania and it is hereby ordained and enacted by the authority of the same.

Section 1404 Notice of Hearings, Section D, of the aforementioned ordinance shall be amended to read as follows:

D. The Board may mail notice thereof to the owner of every lot within a two hundred (200) foot radius of the lot or building in question. This notice shall apply to the property owners of the lots or buildings in the West Easton Borough only. But failure to receive notice, either in part or in full, as stated by this paragraph shall not invalidate any action taken by the Board.

ENACTED into an Ordinance this 12th day of April, 2010.

Kelly Gross
Council President

ATTEST: Garcia
Secretary

APPROVED this 12th day of April, 2010.

Mayor
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 879

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF WEST EASTON TO CHANGE THE REQUIREMENT FOR THE PROVISIONS FOR NOTIFICATION OF ADJOINING PROPERTY OWNERS TO ONLY REQUIRE NOTIFICATION OF PROPERTY OWNERS WITHIN 200 FEET OF THE LOT OR BUILDING SUBJECT TO THE ZONING APPLICATION. CURRENTLY, THE REQUIREMENTS ARE 500 FEET FOR PROPERTY OWNERS ON THE SAME STREET AS THE LOT OR BUILDING IN QUESTION AND 200 FEET FOR PROPERTY OWNERS NOT ON THE SAME STREET.

WHEREAS, the Borough of West Easton's Zoning Ordinance, Ordinance No. 480, as amended, currently provides for notification of nearby property owners requesting hearings before the West Easton Zoning Board; and

WHEREAS, such notification requirements imposed different distance limitations depending whether the nearby property owner lives on the same street as the property for which the hearing is sought or not with property owners within 500 feet of the lot or building to be notified if they are on the same street, but property owners who are not on the same street to only be notified if they are within 200 feet of said lot or building; and

WHEREAS, these 2 different requirements have complicated the calculation of which property owners must be notified; and

WHEREAS, the Borough desires to impose a uniform requirement of notification of property owners within a 200 foot radius of the building or lot for which the hearing is sought.

NOW THEREFORE, this 12th day of April, 2010, be it ordained and it is hereby ordained as follows:
SECTION 1: Section 1404 D. of the West Easton Zoning Ordinance is hereby repealed in full and rewritten to state as follows:

D. The Board may mail notice thereof to the owner of every lot within a two hundred (200) foot radius of the lot or building in question. This notice shall apply to the property owners of the lots or buildings in the West Easton Borough only. But failure to receive notice, either in part or in full, as stated by this paragraph shall not invalidate any action taken by the Board.

SECTION 2: In all other respects and for all other purposes, the Zoning Ordinance for the Borough of West Easton, as amended and readopted, shall remain in full force and effect.

SECTION 3: All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective immediately.

Enacted into an Ordinance this 12th day of April, 2010.

ATTEST:
By: Donna M. Smith
Secretary

BOROUGH OF WEST EASTON
By: [Signature]
President of Borough Council

APPROVED this 12th day of April, 2010.

ATTEST:
Donna M. Smith
Secretary

_____________________________(SEAL)
Mayor
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 884

AN ORDINANCE AMENDING THE BOROUGH OF WEST EASTON ZONING
ORDINANCE BY ADDING DEFINITIONS AND BY ALLOWING A "PLANNED
RESIDENTIAL DEVELOPMENT (PRD)" TO INCLUDE
ASSISTED LIVING FACILITIES, PERSONAL CARE HOMES
AND RESIDENTIAL DUI TREATMENT FACILITIES AND
BY ADDING REGULATIONS FOR SUCH USES

WHEREAS, the Borough of West Easton has adopted a Zoning Ordinance
pursuant to the authority of the Pennsylvania Municipalities Planning Code, 53 P.S.
§1001 et seq., West Easton Ordinance No. 480 as amended, and

WHEREAS, in one of those Amendments the Borough has added a Planned
Residential District creating certain uses in the Light Industrial (LI) & Residential
Services (RS) District as conditional uses; and

WHEREAS, the Borough wishes to amend its Zoning Ordinance to permit
certain additional conditional uses in the Planned Residential Overlay District
namely personal care, assisted living, and residential DUI treatment facilities.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1: The following Amendments are hereby made to the West
Easton Zoning Ordinance:

In Section 202, the following new Definitions are added:

"Assisted Living Facility" - A facility that is licensed as such by the
Pennsylvania Department of Public Welfare. Such use typically involves
providing housing, meals, limited health care and specialized assistance in
daily living to individuals who need such care because of their advanced age,
disability or illness. (Note - Under State regulations, such facility may provide
additional health care beyond what is approved by the State in a personal care
home.) Each unit is not a dwelling unit because they do not have individual
kitchen facilities.

"Personal Care Home" - A facility that is licensed as such by the Pennsylvania
Department of Public Welfare. Such use typically involves providing housing,
meals, limited health care and specialized assistance in daily living to
individuals who need such care because of their advanced age, disability or
illness. Such facility does not involve complete dwelling units. Each unit is not a
dwelling unit because they do not have individual kitchen facilities.

"Residential DUI Treatment Facility" - A residential facility that provides
housing, supervision and counseling; for persons approved in writing to reside
in such a facility by the Government and/or Court System, and who reside in such a facility because an arrest for driving under the influence (DUI) for persons needing treatment because of addiction to alcohol. Such facility may also serve persons who have been determined to be suitable and eligible for work release from the facility during certain hours of the day. Such facility may also include education, job training and other services to assist such persons to prepare for life and work after their release from the facility."

The following revisions are made to the following sections of the current Planned Residential Development (PRD) regulations:

Add the following to Section 1701 regarding the Purposes of a PRD:

E. provide for Assisted Living Facilities, Personal Care Homes and Residential DUI Treatment Centers within a PRD to provide housing for older persons and other persons needing assistance and to provide facilities to decrease recidivism."

Revise Section 1703.A. to replace "developed as a single entity" to "developed in a coordinated manner under the direction of the same property manager."

In Section 1704.A.1, before "A PRD", add the following: "If one or more of the following dwelling types are developed, then".

Add a new Section 1704.A.4 as follows:

4. Additional Residential Uses. A PRD in the LI District may also include one or more of the following uses, with a maximum height of 4.5 stories:

a. Personal Care Home or Assisted Living Facility, which shall meet the following additional requirements:
   (1) The requirements on density for dwelling units shall not apply.
   (2) A maximum total of 250 residents shall be allowed in all such facilities within the PRD district.
   (3) The minimum parking requirement shall be one off-street parking space per 8 residents for employees and guests, which shall apply in place of Section 1706.B.
   (4) Such uses may be placed on the same tract as a Residential DUI Treatment Center.

b. Residential DUI Treatment Center, which shall meet the following additional requirements:
   (1) The requirements on density for dwelling units shall not apply.
   (2) A maximum total of 100 residents shall be allowed in all such facilities within the PRD district.
(3) The minimum parking requirement shall be one off-street parking space per 10 residents for employees and guests, which shall apply in place of Section 1706.B.

(4) Each resident in the facility for work release and as a result of having been charged with driving under the influence (DUI) shall have been approved by the Government and/or Court System to reside within the facility.

(5) A list of all residents and their criminal offenses shall be maintained and made available at all times to the police that serve West Easton.

If requested, a written communication shall be provided to the Borough office and to the police to notify them of the admission of each new resident and the number of beds occupied.

(6) A resident shall not have their final release within West Easton Borough unless they previously resided within West Easton Borough.

(7) There shall be an on-site security guard on the tract every day on a twenty-four (24) hour basis.

(8) The facility shall serve only serve persons who are facing DUI charges and shall not serve any persons having any other charges.

(9) All exterior areas of the Residential DUI Treatment Facility that are accessible to the residents shall be secured by building walls or secure fencing with a minimum height of 6 feet and gates.

(10) Any DUI/alcohol treatment shall be provided by an entity approved by applicable State Agencies to provide such services.

(11) DUI/alcohol treatment shall only be provided to persons who are residents of the Residential DUI Treatment Facility, as opposed to serving out-patients.

(12) All outdoor recreation areas for residents shall be screened from view from lots that are outside of the PRD district, shall be setback a minimum of 100 feet from any dwelling units, and shall only be used for recreation between dawn to dusk hours.

(13) Any Residential DUI Treatment Facility driveway that exits onto Main Street shall be limited so that vehicle traffic shall only be allowed to turn right on to Main Street when exiting the facility.

(14) Any resident residing in the DUI residential treatment facility shall be required to pay a temporary residency fee to the Borough of $150.00 prior to their being permitted to reside in the residential DUI treatment facility.

In Section 1707, at the beginning of the second sentence, the words "If dwelling units are proposed," shall be added.
SECTION 2: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 3: REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective five (5) days after passage.

ATTEST:
By: [Signature]
Secretary

BOROUGH OF WEST EASTON

By: [Signature]
President of Borough Council

APPROVED this 23rd day of August, 2010.

ATTEST:
By: [Signature]
Secretary

[Signature]
Mayor
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 892

AN ORDINANCE AMENDING THE BOROUGH OF WEST EASTON ZONING ORDINANCE BY ADDING DEFINITIONS AND BY ALLOWING A "PLANNED RESIDENTIAL DEVELOPMENT (PRD)" TO INCLUDE ASSISTED LIVING FACILITIES, PERSONAL CARE HOMES AND RESIDENTIAL DUI TREATMENT FACILITIES AND BY ADDING REGULATIONS FOR SUCH USES

WHEREAS, the Borough of West Easton has adopted a Zoning Ordinance pursuant to the authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §1001 et seq., West Easton Ordinance No. 480 as amended, and

WHEREAS, in one of those Amendments the Borough has added a Planned Residential District creating certain uses in the Light Industrial (LI) & Residential Services (RS) District as conditional uses; and

WHEREAS, the Borough wishes to amend its Zoning Ordinance to permit certain additional conditional uses in the Planned Residential Overlay District namely personal care, assisted living, and residential DUI treatment facilities.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1: The following Amendments are hereby made to the West Easton Zoning Ordinance:

In Section 202, the following new Definitions are added:

"Assisted Living Facility" - A facility that is licensed as such by the Pennsylvania Department of Public Welfare. Such use typically involves providing housing, meals, limited health care and specialized assistance in daily living to individuals who need such care because of their advanced age, disability or illness. (Note - Under State regulations, such facility may provide additional health care beyond what is approved by the State in a personal care home.) Each unit is not a dwelling unit because they do not have individual kitchen facilities.

"Personal Care Home" - A facility that is licensed as such by the Pennsylvania Department of Public Welfare. Such use typically involves providing housing, meals, limited health care and specialized assistance in daily living to individuals who need such care because of their advanced age, disability or illness. Such facility does not involve complete dwelling units. Each unit is not a dwelling unit because they do not have individual kitchen facilities.

"Residential DUI Treatment Facility" - A residential facility that provides housing, supervision and counseling: for persons approved in writing to reside
in such a facility by the Government and/or Court System, and who reside in such a facility because an arrest for driving under the influence (DUI) for persons needing treatment because of addiction to alcohol. Such facility may also serve persons who have been determined to be suitable and eligible for work release from the facility during certain hours of the day. Such facility may also include education, job training and other services to assist such persons to prepare for life and work after their release from the facility." Further, such facility may be used for individuals who are determined by the Court to be deficient in their civil support and/or spousal support obligations (and who have no other charges) and are remanded by said Court to reside in the facility.

The following revisions are made to the following sections of the current Planned Residential Development (PRD) regulations:

Add the following to Section 1701 regarding the Purposes of a PRD:

E. provide for Assisted Living Facilities, Personal Care Homes and Residential DUI Treatment Centers within a PRD to provide housing for older persons and other persons needing assistance and to provide facilities to decrease recidivism."

Revise Section 1703.A. to replace "developed as a single entity" to "developed in a coordinated manner under the direction of the same property manager."

In Section 1704.A.1, before "A PRD", add the following: "If one or more of the following dwelling types are developed, then".

Add a new Section 1704.A.4 as follows:

4. Additional Residential Uses. A PRD in the LI District may also include one or more of the following uses, with a maximum height of 4.5 stories:

a. Personal Care Home or Assisted Living Facility, which shall meet the following additional requirements:
   (1) The requirements on density for dwelling units shall not apply.
   (2) A maximum total of 250 residents shall be allowed in all such facilities within the PRD district.
   (3) The minimum parking requirement shall be one off-street parking space per 8 residents for employees and guests, which shall apply in place of Section 1706.B.
   (4) Such uses may be placed on the same tract as a Residential DUI Treatment Center.

b. Residential DUI Treatment Center, which shall meet the following additional requirements:
(1) The requirements on density for dwelling units shall not apply.
(2) A maximum total of 100 residents shall be allowed in all such facilities within the PRD district.
(3) The minimum parking requirement shall be one off-street parking space per 10 residents for employees and guests, which shall apply in place of Section 1706.B. No parking on the premises or on the adjacent public streets shall be permitted for residents of the DUI treatment facility (regardless of whether such residents are there because they are deficient in their civil support obligations or because they are facing DUI charges.)
(4) Each resident in the facility for work release and as a result of having been charged with driving under the influence (DUI) shall have been approved by the Government and/or Court System to reside within the facility.
(5) A list of all residents and their criminal offenses shall be maintained and made available at all times to the police that serve West Easton. If requested, a written communication shall be provided to the Borough office and to the police to notify them of the admission of each new resident and the number of beds occupied.
(6) A resident shall not have their final release within West Easton Borough unless they previously resided within West Easton Borough.
(7) There shall be an on-site security guard on the tract every day on a twenty-four (24) hour basis.
(8) The facility shall serve only serve persons who are facing DUI charges and individuals who are determined by the Court to be deficient in their civil child support and/or spousal support obligations and are remanded in the Court to reside in the facility and shall not serve any persons having any other charges.
(9) All exterior areas of the Residential DUI Treatment Facility that are accessible to the residents shall be secured by building walls or secure fencing with a minimum height of 6 feet and gates.
(10) Any DUI/alcohol treatment shall be provided by an entity approved by applicable State Agencies to provide such services.
(11) DUI/alcohol treatment shall only be provided to persons who are residents of the Residential DUI Treatment Facility, as opposed to serving out-patients.
(12) All outdoor recreation areas for residents shall be screened from view from lots that are outside of the PRD district, shall be setback a minimum of 100 feet from any dwelling units,
and shall only be used for recreation between dawn to dusk hours.

(13) Any Residential DUI Treatment Facility driveway that exits onto Main Street shall be limited so that vehicle traffic shall only be allowed to turn right on to Main Street when exiting the facility.

(14) Any resident residing in the DUI residential treatment facility shall be required to pay a temporary residency fee to the Borough of $150.00 prior to their being permitted to reside in the residential DUI treatment facility.

In Section 1707, at the beginning of the second sentence, the words "If dwelling units are proposed," shall be added.

SECTION 2: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 3: REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective five (5) days after passage.

ATTEST: 
By: (Signature) 
Secretary

BOROUGH OF WEST EASTON

By: (Signature) 
President of Borough Council

APPROVED this ___ day of ___

ATTEST: 
By: (Signature) 
Secretary

Mayor

February, 2011.
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 900

AN ORDINANCE AMENDING THE USES PERMITTED BY CONDITIONAL USE
WITHIN THE LI – LIGHT INDUSTRIAL ZONING DISTRICT IN THE BOROUGH OF
WEST EASTON ZONING ORDINANCE

WHEREAS, the Borough of West Easton has adopted a Zoning Ordinance pursuant to
the authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §1001 et seq., West
Easton Ordinance No. 480 as amended, and

WHEREAS, one of those Zoning Districts created by the aforementioned Zoning
Ordinance is the Light Industrial (LI) Zoning District; and

WHEREAS, the Borough has been requested to amend its Zoning Ordinance to permit
certain additional conditional uses in the LI Light Industrial Zoning District, to wit,
secondary schools.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

The following revisions are made to the following sections of the current LI –
LIGHT INDUSTRIAL DISTRICT regulations:

Add the following to Section 701 regarding the Purposes of the LI – LIGHT INDUSTRIAL
DISTRICT:

B. Use Regulations.


a. Secondary School:

(1) One parking space for every five (5) students who are at the
grade level of junior and senior plus one additional space per staff
member.

(2) No parking shall occur on East Street or Main Street.

(3) No activity shall occur within a school after 10:00 p.m.

(4) There shall be no use of outside speakers or activity bells.
SECTION 2: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 3: REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective five (5) days after passage.

BOROUGH OF WEST EASTON

ATTEST:
By: Garcia
Secretary
By: Groome
President of Borough Council

APPROVED this 15th day of Oct. 2012

ATTEST:
By: Garcia
Secretary
By:
Mayor
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 901

AN ORDINANCE TO ADD ADDITIONAL CLARIFYING CONDITIONS TO PERMITTED USE
WITHIN THE LI – LIGHT INDUSTRIAL ZONING DISTRICT IN THE BOROUGH OF
WEST EASTON ZONING ORDINANCE

WHEREAS, the Borough of West Easton has adopted a Zoning Ordinance pursuant to
the authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §1001 et seq., West
Easton Ordinance No. 480 as amended, and

WHEREAS, one of those Zoning Districts created by the aforementioned Zoning
Ordinance is the Light Industrial (LI) Zoning District; and

WHEREAS, the Borough has by Ordinance No. 900 amended its Zoning Ordinance to
permit an additional conditional use in the LI-Light Industrial Zoning District, that of secondary
school; and

WHEREAS, the Borough wishes to further amend such Ordinance to add additional
clarifying conditions to that now permitted use.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

The following revisions are made to the following sections of the current LI – LIGHT
INDUSTRIAL DISTRICT regulations:

Add the following to Section 701 regarding the Purposes of the LI – LIGHT
INDUSTRIAL DISTRICT:

B. Use Regulations.


a. Secondary School:

(1) One parking space for every four (4) students who are at
The grade level of junior and senior plus one additional
space per staff member.

(2) No parking shall occur on East Street or Main Street.

(3) No activity shall occur within a school after 10:00 p.m.

(4) There shall be no use of outside speakers or activity bells.
(5) Any exterior security lighting shall be directed away from residences.

(6) The location of any Secondary School shall be located a minimum distance of 500 feet away from any volatile industrial use.

(7) The Secondary School shall comply with all relevant building codes.

SECTION 2: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 3: REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective five (5) days after passage.

BOROUGH OF WEST EASTON

ATTEST:

[Signature]
Secretary

By: [Signature]
President of Borough Council

APPROVED this 12th day of November 2012.

ATTEST:

[Signature]
Secretary

By: [Signature]
Mayor
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 966

AN ORDINANCE AMENDING THE USES PERMITTED BY CONDITIONAL USE WITHIN THE LI – LIGHT INDUSTRIAL ZONING DISTRICT IN THE BOROUGH OF WEST EASTON ZONING ORDINANCE

WHEREAS, the Borough of West Easton has adopted a Zoning Ordinance pursuant to the authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §1001 et seq., West Easton Ordinance No. 480 as amended, and

WHEREAS, one of those Zoning Districts created by the aforementioned Zoning Ordinance is the Light Industrial (LI) Zoning District; and

WHEREAS, the Borough has been requested to amend its Zoning Ordinance to permit certain additional conditional uses in the LI Light Industrial Zoning District, to wit, personal care and assisted living facilities, residential treatment centers, residential DUI treatment facilities.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1: The following Amendments are hereby made to the West Easton Zoning Ordinance:

In Section 202, the following new Definitions are added:

"Residential Treatment Center" – A facility whose primary function is to temporarily house individuals for the purpose of receiving medical, psychological, or social treatment and/or counseling.

The following revisions are made to the following sections of the current LI – LIGHT INDUSTRIAL DISTRICT regulations:

Add the following to Section 701 regarding the Purposes of the LI – LIGHT INDUSTRIAL DISTRICT:

A. Purpose.

5. To provide for adaptive reuse of structures formerly used for light industrial purposes to include Assisted Living Facilities, Residential Treatment Centers, Residential DUI Treatment Centers, and multi-family dwellings (apartments) to provide housing for older persons and other persons needing assistance, the infirmed, affordable unsubsidized housing, and to provide facilities to decrease recidivism.

B. Use Regulations.


a. Residential Treatment Center, which shall meet the following requirements:

   (1) The facility meets the definition of “residential treatment center” found in Section 202, and must be approved for such use by the Commonwealth of Pennsylvania.

   (2) The requirements on density for dwelling units shall not apply.
(3) The minimum parking requirement shall be one off-street parking space per 12 residents, which shall apply in place of Section 1706.B. No parking on the premises or on the adjacent public streets shall permitted for residents of the Residential Treatment Center.

(4) The applicant shall submit a satisfactory site plan showing the general location of all existing and proposed structures and shall show entire premises is to be utilized as part of the treatment program.

(5) The applicant shall submit a plan of operations for treatment, including a safety plan which addresses the safety of the clients, employee staff, the surrounding neighborhood, and the community as a whole.

(6) The Residential Treatment Health Center shall not distribute methadone to residents as a modality for treatment or clients on outpatient basis.

(7) The Residential Treatment Center shall maintain twenty-four (24) hour security seven (7) days per week and three-hundred sixty-five (365) days per year.

(8) The Residential Treatment Center shall maintain a perimeter boundary fence at a minimum of six (6) feet high, subject to the approval of Borough Council.

(9) Any residents entering or leaving the Residential Treatment Center must be picked up and dropped off by a third party through a secured process to prevent entry to and discharge into the public.

(10) Entry to the Residential Treatment Center shall occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. to 4:00 p.m. Saturday and Sunday.

(11) A Residential Treatment Center may include outpatient counseling services to former residents and their families for ongoing counseling and therapy services, provided that there is no application of methadone for said outpatient counseling.

(12) A Residential Treatment Center may include doctor’s offices as an accessory use to the Center, provided that the doctor(s) is/are licensed to practice within the Commonwealth of Pennsylvania.

(13) Any private resident residing in the Residential Treatment Center shall be required to pay a temporary residency fee to the Borough of $150.00.

(14) Prior to occupancy and use as a residential treatment center, a certificate of occupancy/zoning compliance permit shall be obtained by the operators.

SECTION 2: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction,
such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 3: REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective five (5) days after passage.

BOROUGH OF WEST EASTON

ATTEST:

By: [Signature]
Secretary

By: [Signature]
President of Borough Council

APPROVED this 23rd day of September 2013

ATTEST:

By: [Signature]
Secretary

By: [Signature]
Mayor
BOROUGH OF WEST EASTON
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 1000

AN ORDINANCE AMENDING THE BOROUGH OF WEST EASTON ZONING ORDINANCE BY ADDING ADDITIONAL CLASSIFICATIONS TO THE INDIVIDUALS ALLOWED WITHIN THE RESIDENTIAL DUI TREATMENT CENTER AND INCREASING THE NUMBER OF RESIDENTS

WHEREAS, the Borough of West Easton has adopted a Zoning Ordinance pursuant to the authority of the Pennsylvania Municipalities Planning Code, 53 P.S. §1001 et seq., West Easton Ordinance No. 480 as amended, and

WHEREAS, one of those Zoning Districts created by the aforementioned Zoning Ordinance is the Light Industrial (LI) Zoning District; and

WHEREAS, the Borough has been requested to amend its Zoning Ordinance to permit certain additional classifications to the individuals allowed within the Residential DUI Treatment Center as well as increasing the total number of individuals allowed to reside within the Center.

NOW THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1: The following Amendments are hereby made to the West Easton Zoning Ordinance:

Revise Section 1704.A.4 as follows:


b. Residential DUI Treatment Center, which shall meet the following additional requirements:

(2) A maximum of 150 residents shall be allowed in all such facilities within the PRD district.

(8) The facility shall serve persons who are facing DUI charges and individuals who are determined by the Court to be deficient in their civil child support and/or spousal support obligation and are remanded in the Court to reside in the facility and low level offenders eligible for work release.

SECTION 2: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

SECTION 3: REPEALER. All Ordinances or parts of Ordinances which are inconsistent
herewith are hereby repealed.

SECTION 4: This Ordinance shall become effective five (5) days after passage.

BOROUGH OF WEST EASTON

ATTEST:

By: [Signature]
Secretary

By: [Signature]
President of Borough Council

APPROVED this 10th day of August 2015.

ATTEST:

By: [Signature]
Secretary

By: [Signature]
Mayor