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# **ZONING ORDINANCE**

**BOROUGH OF WEST EASTON**

**NORTHAMPTON COUNTY, PENNSYLVANIA**

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# **Borough of West Easton**

## **Zoning Ordinance**

**Of 1992**

*Prepared by the*

**West Easton Borough Ordinance Committee**

*with the assistance of*

**Tatman & Lee Associates, Inc.**

**Updated: January, 2016**

# THE BOROUGH OF WEST EASTON

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**BOROUGH OF WEST EASTON  
ZONING ORDINANCE  
OF 1992**

**TABLE OF CONTENTS**

<b>ARTICLE I</b>		
	<b>PREAMBLE</b> .....	<b>1</b>
<b>SECTION 101.</b>	<b><u>TITLE AND SHORT TITLE</u></b> .....	<b>1</b>
<b>SECTION 102.</b>	<b><u>PURPOSE</u></b> .....	<b>1</b>
<b>SECTION 103.</b>	<b><u>INTERPRETATION</u></b> .....	<b>2</b>
<b>SECTION 104.</b>	<b><u>SCOPE</u></b> .....	<b>2</b>
<b>SECTION 105.</b>	<b><u>CONFLICT</u></b> .....	<b>2</b>
<b>SECTION 106.</b>	<b><u>VALIDITY</u></b> .....	<b>2</b>
<b>SECTION 107.</b>	<b><u>REPEALER</u></b> .....	<b>3</b>
<b>ARTICLE II</b>		
	<b>DEFINITIONS</b> .....	<b>4</b>
<b>SECTION 201.</b>	<b><u>APPLICATION AND INTERPRETATION</u></b> .....	<b>4</b>
<b>SECTION 202.</b>	<b><u>DEFINITION OF TERMS</u></b> .....	<b>4</b>
<b>ARTICLE III</b>		
	<b>ESTABLISHMENT OF DISTRICTS</b> .....	<b>29</b>
<b>SECTION 301.</b>	<b><u>ESTABLISHMENT OF DISTRICTS</u></b> .....	<b>29</b>
<b>SECTION 302.</b>	<b><u>CLASSES OF DISTRICTS</u></b> .....	<b>29</b>
<b>SECTION 303.</b>	<b><u>ZONING MAP</u></b> .....	<b>30</b>
<b>SECTION 304.</b>	<b><u>DISTRICT BOUNDARIES</u></b> .....	<b>30</b>
<b>SECTION 305.</b>	<b><u>BOUNDARY TOLERANCES</u></b> .....	<b>31</b>
<b>ARTICLE IV</b>		
	<b>"A" RESIDENCE USE DISTRICT</b> .....	<b>32</b>
<b>SECTION 401.</b>	<b><u>PURPOSE</u></b> .....	<b>32</b>
<b>SECTION 402.</b>	<b><u>USE REGULATIONS</u></b> .....	<b>32</b>
<b>SECTION 403.</b>	<b><u>AREA AND BULK REQUIREMENTS</u></b> .....	<b>33</b>
<b>SECTION 404.</b>	<b><u>DESIGN STANDARDS</u></b> .....	<b>34</b>
<b>SECTION 405.</b>	<b><u>ADDITIONAL REGULATIONS</u></b> .....	<b>35</b>

<b>ARTICLE V</b>		
	<b>"B" RESIDENCE USE DISTRICT</b> .....	<b>36</b>
SECTION 501.	<u>PURPOSE</u> .....	36
SECTION 502.	<u>USE REGULATIONS</u> .....	36
SECTION 503.	<u>AREA AND BULK REGULATIONS</u> .....	37
SECTION 504.	<u>DESIGN STANDARDS</u> .....	39
SECTION 505.	<u>ADDITIONAL REGULATIONS.</u> .....	39
<b>ARTICLE VI</b>		
	<b>"RS" RESIDENTIAL SERVICE DISTRICT</b> .....	<b>40</b>
SECTION 601.	<u>PURPOSE</u> .....	40
SECTION 602.	<u>USE REGULATIONS</u> .....	40
SECTION 603.	<u>AREA AND BULK REQUIREMENTS</u> .....	41
SECTION 604.	<u>DESIGN STANDARDS</u> .....	43
SECTION 605.	<u>ADDITIONAL REGULATIONS</u> .....	44
<b>ARTICLE VII</b>		
	<b>INDUSTRIAL USE DISTRICTS</b> .....	<b>45</b>
SECTION 701.	<u>LI - LIGHT INDUSTRIAL DISTRICT</u> .....	45
SECTION 702.	<u>HI - HEAVY INDUSTRIAL DISTRICT</u> .....	49
<b>ARTICLE VIII</b>		
	<b>OVERLAY DISTRICTS</b> .....	<b>53</b>
SECTION 800.	<u>STEEP SLOPE CONSERVATION DISTRICT.</u> .....	53
SECTION 801.	<u>FLOODPLAIN DISTRICT</u> .....	61
<b>ARTICLE IX</b>		
	<b>SIGNS REGULATIONS</b> .....	<b>62</b>
SECTION 902.	<u>GENERAL SIGN REGULATIONS.</u> .....	62
SECTION 903.	<u>DISTRICT REGULATIONS.</u> .....	62
SECTION 904.	<u>EXEMPTIONS.</u> .....	68
<b>ARTICLE X</b>		
	<b>SUPPLEMENTAL LAND USE REGULATIONS</b> .....	<b>70</b>
SECTION 1001.	<u>COMMON REGULATIONS</u> .....	70
SECTION 1002.	<u>ACCESSORY USES</u> .....	70
SECTION 1003.	<u>ANTENNA AND ANTENNA TOWERS</u> .....	74
SECTION 1004.	<u>BED AND BREAKFAST FACILITY</u> .....	75

SECTION 1005.	<u>DAY CARE CENTERS</u> . . . . .	76
SECTION 1006.	<u>HOME OCCUPATIONS.</u> . . . . .	77
SECTION 1007.	<u>RESIDENTIAL CONVERSION</u> . . . . .	78
SECTION 1008.	<u>ADAPTIVE REUSE OF AN EXISTING STRUCTURE</u> .	79
SECTION 1009.	<u>GROUP HOME</u> . . . . .	82
SECTION 1010.	<u>TEMPORARY STRUCTURES</u> . . . . .	83
SECTION 1011.	<u>ADULT USES</u> . . . . .	84
SECTION 1012.	<u>FUNERAL HOME</u> . . . . .	85
SECTION 1013.	<u>AUTOMOTIVE BODY REPAIR AND PAINT SHOP</u> ..	85
SECTION 1014.	<u>RECYCLING FACILITY</u> . . . . .	85

**ARTICLE XI**  
**GENERAL REGULATIONS . . . . . 87**

SECTION 1101.	<u>APPLICABILITY</u> . . . . .	87
SECTION 1102.	<u>FEDERAL AND STATE OWNED PROPERTY</u> . . . . .	87
SECTION 1103.	<u>AREA AND BULK EXCEPTIONS</u> . . . . .	87
SECTION 1104.	<u>PROJECTIONS INTO REQUIRED YARDS</u> . . . . .	88
SECTION 1105.	<u>FENCES AND WALLS</u> . . . . .	88
SECTION 1106.	<u>BUFFERING AND SCREENING</u> . . . . .	89
SECTION 1107.	<u>LANDSCAPING.</u> . . . . .	92
SECTION 1108.	<u>LIGHTING</u> . . . . .	98
SECTION 1109.	<u>UTILITIES</u> . . . . .	99
SECTION 1110.	<u>OUTDOOR STORAGE OF MAN-MADE PRODUCTS</u> .	100
SECTION 1111.	<u>WASTE DISPOSAL</u> . . . . .	102
SECTION 1112.	<u>OFF-STREET PARKING</u> . . . . .	102
SECTION 1113.	<u>LOADING AN UNLOADING</u> . . . . .	106
SECTION 1114.	<u>ACCESS AND TRAFFIC CONTROL</u> . . . . .	107
SECTION 1115.	<u>INTERIOR CIRCULATION</u> . . . . .	109
SECTION 1116.	<u>ENVIRONMENTAL PERFORMANCE STANDARDS.</u> .	111

**ARTICLE XII**  
**NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS . . . 116**

SECTION 1201.	<u>APPLICABILITY</u> . . . . .	116
SECTION 1202.	<u>CONTINUATION</u> . . . . .	116
SECTION 1203.	<u>NONCONFORMING USES</u> . . . . .	116
SECTION 1204.	<u>NONCONFORMING STRUCTURES</u> . . . . .	118
SECTION 1205.	<u>NONCONFORMING LOTS</u> . . . . .	119
SECTION 1206.	<u>NONCONFORMING SIGNS</u> . . . . .	120

**ARTICLE XIII  
ADMINISTRATION . . . . . 122**

SECTION 1301. APPLICABILITY, ADMINISTRATION AND ENFORCEMENT . . . . . 122

SECTION 1302. COMMON PERMIT REGULATIONS . . . . . 126

SECTION 1303. ZONING PERMITS . . . . . 127

SECTION 1304. SIGN PERMITS . . . . . 129

SECTION 1305. BUILDING PERMITS . . . . . 130

SECTION 1306. PERMIT PROCEDURE FOR MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION. . . . . . 131

SECTION 1307. OCCUPANCY PERMITS . . . . . 132

SECTION 1308. CONDITIONAL USES . . . . . 133

SECTION 1309. LIABILITY . . . . . 136

SECTION 1310. EXEMPTION . . . . . 136

**ARTICLE XIV  
ZONING HEARING BOARD . . . . . 138**

SECTION 1401. ESTABLISHMENT AND MEMBERSHIP . . . . . 138

SECTION 1402. ORGANIZATION . . . . . 138

SECTION 1403. APPLICATIONS FOR HEARINGS . . . . . 139

SECTION 1404. NOTICE OF HEARINGS . . . . . 140

SECTION 1405. EXPENDITURES FOR SERVICE - FEES . . . . . 140

SECTION 1406. HEARINGS . . . . . 142

SECTION 1407. FUNCTIONS . . . . . 144

SECTION 1408. EXPIRATION OF SPECIAL EXCEPTIONS, VARIANCES AND CONDITIONAL USES . . . . . 149

SECTION 1409. PARTIES APPELLANT BEFORE THE BOARD . . . . . 150

SECTION 1410. TIME LIMITATIONS . . . . . 150

SECTION 1411. PARTIES TO THE HEARING . . . . . 150

SECTION 1412. STAY OF PROCEEDINGS . . . . . 150

SECTION 1413. APPEALS . . . . . 151

**ARTICLE XV  
AMENDMENTS . . . . . 152**

SECTION 1501. POWER OF AMENDMENT . . . . . 152

SECTION 1502. LANDOWNER'S PETITION . . . . . 152

SECTION 1503. CURATIVE AMENDMENT PROCEDURES . . . . . 153

SECTION 1504. HEARINGS . . . . . 153

SECTION 1505. DECISIONS OF THE BOROUGH COUNCIL . . . . . 154

ARTICLE XVI  
ENACTMENT ..... 155

SECTION 1601. ENACTMENT ..... 155



# ARTICLE I

## PREAMBLE

### SECTION 101. TITLE AND SHORT TITLE

A. Title.

An ordinance establishing regulations and restrictions for the location and use of lots, land, buildings, and other structures, the height, number of stories, and size or bulk of buildings and structures, the density of population, off-street parking and similar accessory regulations, in the Borough of West Easton, Northampton County, Pennsylvania, and for said purposes dividing the Borough into districts and prescribing certain uniform regulations for each such district and providing for administrative enforcement and amendment of its provisions in accordance with the Pennsylvania Municipalities Planning Code, as amended.

B. Short Title.

This Ordinance shall be known as, and may be cited as, "The West Easton Borough Zoning Ordinance of 1992".

### SECTION 102. PURPOSE

A. To promote, protect and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public improvements; as well as, preservation of the natural scenic and historic value in the environment and preservation of forests, wetlands, aquifers and floodplains.

B. To prevent the overcrowding of land, blight, danger, and congestion in travel and transportation, loss of health, life or property from fire, flooding, panic or other dangers; and toward these ends, this Ordinance provides consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

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

**SECTION 103. INTERPRETATION**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall be controlling.

**SECTION 104. SCOPE**

From and after the effective date of this Ordinance, use of all land, every building or portion of a building erected, altered in respect to height or area, added to, or relocated, and every use hereafter established with any building or use accessory thereto in the Borough of West Easton shall be in conformity with the provisions of this Ordinance.

Any building, structure or use of a building or land existing at the effective date of this Ordinance which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to non-conforming building and land uses.

**SECTION 105. CONFLICT**

It is not intended by this Ordinance to repeal, abrogate, annul or interfere with any existing ordinance of enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance.

**SECTION 106. VALIDITY**

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

**SECTION 107.**

**REPEALER**

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

## ARTICLE II

### DEFINITIONS

#### SECTION 201. APPLICATION AND INTERPRETATION

Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated below:

- A. The present tense includes all other tenses; the singular includes the plural, and the plural includes the singular; the masculine gender includes the feminine and neuter; the word "used" includes the words "designed" or "arranged"; the word "occupied" includes the words "designed, or intended to be occupied"; the word "shall" is always mandatory; and the word "may" is always permissive. The words "as amended from time to time" and the like as applied to any statute, ordinance, code, regulation, plan or map, includes replacements, supplements or restatements thereof; and reference to a particular Article, Section or Subsection which inherently refers to other Articles, Sections or Subsections, includes all Articles, Section or Subsections referred to.
- B. The word "Borough" means Borough of West Easton, Northampton County, Pennsylvania; the term "Borough Council" means the Borough Council of West Easton; and the term "Zoning Hearing Board" means the Zoning Hearing Board of the Borough.
- C. The terms "such as", "including", and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or detracting from the general application of the sentence, clause or phrase in which such terms appear.

#### SECTION 202. DEFINITION OF TERMS

For the purpose of this Ordinance, the following words, terms and phrases have the meaning indicated herein:

**ABUTTING OWNER:** The owner of record of a lot which is contiguous at any point to the lot in question or which is

contiguous to that section of street on which the subject lot has frontage, i.e., a lot across from the subject lot.

**ACCESSORY BUILDING:** A building (such as a private garage, private swimming pool and appurtenant bathhouse, private toolhouse or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

**ACCESSORY STRUCTURE:** A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

**ACCESSORY USE:** A use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

**ACRE:** An area of land and/or water which equals forty-three thousand, five hundred sixty (43,560) square feet.

**ACT 247:** The "Pennsylvania Municipalities Planning Code," of July 31, 1968, 53PS 10101, et seq., (Act) No. 247, as amended.

**ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders, joists or rafters, or enclosure walls which changes the use of a building or structure or otherwise alters the area and bulk requirements of this Ordinance.

**AMBIENT NOISE:** The all-encompassing noise associated with a given environment being usually a composite of sounds from many sources near and far.

**ANTIQUES:** Goods and objects (i.e., furniture, glass, jewelry) made in a former period and considered to be of value due to their quality, style, appearance or age.

**APARTMENT:** See Dwelling Types, Multiple-Family Dwelling

**APPLICANT:** A landowner or developer, as herein defined, who has filed an application for development including his heirs, successors and assigns.

**BASE FLOOD:** The flood which has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared; for the purposes of this Ordinance, the one hundred (100) year flood.

**BASE FLOOD ELEVATION:** The one hundred (100) year flood elevation. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the construction site in question.

**BASEMENT:** An enclosed area partly or completely below grade. It shall be considered a building story if more than thirty-three and one-third (33-1/3) percent of the perimeter walls extends five (5) feet or more above grade, or if the net area of the door or window openings in the exterior walls is at least equal to ten (10) percent of the enclosed floor area.

**BED AND BREAKFAST:** An accessory use to a single-family detached dwelling, permitted as such only when carried on in conformity with applicable regulations, in which the occupants of the residence provide overnight accommodations for short-term, transient guests, including the service of breakfast, but no other meals.

**BLOCK:** Property bounded on one (1) side by a street, and on the other three (3) sides by a street, railroad right-of-way, public park, waterway, township line, or any combination thereof.

**BOARDING HOUSE:** A building or portion of a building arranged or used for sheltering or feeding, or both, for compensation for two (2) or more individuals who are not otherwise part of a "family" as defined herein.

**BOROUGH:** The Borough of West Easton, Northampton County, Pennsylvania.

**BREEZEWAY:** Shall include any portion of a lot roofed over by a structure tying a main dwelling structure to any accessory building, structure or dwelling such as a vehicular dwelling, garage or other out building.

**BUFFER AREA:** A strip of land adjacent to the lot line to establish a visual separation between incompatible uses.

**BUILDING:** Any structure having a roof supported by columns or walls, used for the shelter, housing, or enclosure of persons, animals, or property. Building is interpreted as including "or part thereof".

**BUILDING COVERAGE:** The ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breezeways, but excluding open patios) by the total area of the lot upon which the buildings are located.

**BUILDING HEIGHT:** A building's vertical measurement from the mean level of the ground abutting the building to a point midway between the highest and lowest points of the roof.

**BUILDING LINE:** A line, parallel to the lot line, passing through the part of the building nearest to the particular lot line; may be farther from the lot line than the Building Set Back Line.

**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated.

**BUILDING SETBACK LINE:** The line which established the minimum depth of the particular yard in question, for the particular District, as measured from the right-of-way line.

**BULK:** The term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines. The term may include: the size, height and floor area of buildings or other structures; and, all open areas in yard space relating to buildings and other structures.

**CARTWAY:** The surface of a street or alley available for vehicular traffic.

**CERTIFICATE OF USE AND OCCUPANCY:** A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Zoning Ordinance, or that a building, structure, sign, and/or land may be lawfully employed for specific uses or both.

**CHURCH:** A building or group of buildings, including customary accessory buildings, designed or intended for public worship. For the purpose of this Ordinance, the word church shall include: chapels, cathedrals, synagogues, temples and similar designations as well as parish houses, convents and such accessory uses.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined as lines of sight between points at a given distance from the intersection of the street rights-of-way, cartways, or centerlines.

**CLUBHOUSE:** A building to house the activities of a club or social organization; not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other place of business.

**COMMON AREA:** That portion of a development tract owned in undivided fee interests by the unit owners in such condominium and set aside for their exclusive use and enjoyment.

**COMMON OPEN SPACE:** Land or an area of water or a combination of land and water within a development site, designed and intended for the use and enjoyment of the residents of the development and other neighborhoods, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights-of-way or yard or off-street parking areas required for residential or other non-common open space functions. The common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses.

**CONDITIONAL USE:** A use which may not be generally appropriate to a particular zoning district, but which may be suitable in certain locations within the district only when specific conditions prescribed for such use within this Ordinance are present. Conditional uses are granted or denied by the Borough Council after a hearing to determine whether or not such conditions are present.



**CONDOMINIUM:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions created under either the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act of 1980.

**CONSTRUCTION:** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

**CONVERSION:** An alteration of a building, structure or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits, or zoning regulations.

**DAY CARE CENTER:** Facility licensed by the Commonwealth of Pennsylvania which provides food service, shelter, supervision, educational and recreational needs of children or the elderly whether or not for monetary gain.

**DENSITY, GROSS:** The total land ownership divided by the total number of families or dwelling units per acre, such ownership including interior streets having rights-of-way not over fifty (50) feet in width, common open spaces, permitted commercial uses, sites for schools and places of worship, and all land devoted to residential use, but excluding interior streets having rights-of-way greater than fifty (50) feet in width.

**DENSITY, NET:** The number of families or dwelling units per acre, within only that portion of the lot devoted to any one (1) particular housing type, including the yards, off-street parking and driveway facilities directly serving those particular dwelling types, but excluding common open spaces, places of worship, permitted commercial uses, school sites, public streets, areas devoted to sanitary sewer facilities and other public grounds.

**DEPARTMENT OF HEALTH:** The Department of Health of the Commonwealth of Pennsylvania, or their representative having jurisdiction in the Borough.

**DETACHED:** Used to describe a structure which has yards on all sides.

**DEVELOPER:** Any landowner, agent of such landowner, tenant with the permission of such landowner, or equitable owner, who makes or causes to be made a subdivision of land or a land development.

**DEVELOPMENT PLAN:** The design or site layout plan for multifamily dwellings, mobile home parks, shopping centers and industrial parks, covering the entire property ownership although the actual development may take place in stages, and including all required provisions applicable to the type of development such as all covenants relating to the use, location and bulk of buildings and other structures, gross and net densities, streets, ways and parking facilities, common open space and public facilities, as well as such written and graphic material as may be necessary for the reviewing officials to evaluate the proposed development; and, where more than one (1) mortgage is contemplated, the limits of each shall be shown, and all required elements and provisions of this Ordinance shall take place independently within each of the mortgage areas so that each could function independently, if necessary.

**DWELLING TYPES:**

- A. **Multiple-Family Dwelling:** A building containing three (3) or more dwellings, each accommodating one (1) family.
1. **Apartment Dwelling:** A building or group of buildings with common ownership on a lot with three (3) or more dwelling units used specifically for residential purposes and originally constructed as such.
  2. **Garden Apartment:** A multiple-family dwelling of up to three (3) stories in height designed for rental or condominium ownership of each housekeeping unit.
  3. **Quadraplex:** A building containing four (4) dwellings, each sharing two (2) common party walls which separate the units vertically.
  4. **Single-Family Attached Dwelling (Townhouse):** Three (3) or more single-family attached dwelling units with one (1) dwelling unit from ground to

roof, two (2) points of independent outside access, at least two (2) other dwellings built in conjunction herewith and any portion of one (1) or two (2) unpierced party walls common with an adjoining dwelling, and having yards on at least two (2) sides.

- B. **Mobile Home:** See Manufactured home.
- C. **Single-Family Detached Dwelling:** A building designed for and occupied exclusively as a residence, containing one (1) dwelling unit and having no common or party wall with an adjacent dwelling, and having yards on all sides. Where a private garage is structurally attached to such building, it shall be considered as part thereof. A single-family detached dwelling shall include a mobile home.
- D. **Single-Family Semidetached Dwelling (Twin):** Two (2) dwelling units, each accommodating one (1) family, which are attached side by side through use of a party wall, with each dwelling unit having one (1) side yard.
- E. **Two-Family Detached Dwelling (Duplex):** Two (2) dwelling units, each accommodating one (1) family, which are located one over the other with the building having two (2) side yards.

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

**EASEMENT:** A right-of-way granted, but not necessarily dedicated, for a private, public or quasi-public purpose.

**EDUCATIONAL USE:** A use requiring certification, licensing, or review by the Pennsylvania Department of Education.

**EFFECTIVE DATE OF THIS ORDINANCE:** The effective date of this Ordinance is five (5) days after its adoption, except that with respect to the subject matter of any amendment, the effective

date of this Ordinance shall mean five (5) days after the date upon which the particular amendment was adopted.

**EFFECTIVE SCREEN:** Planting of deciduous and evergreen trees and shrubs not less than five (5) feet in initial height and capable of attaining a height and width of not less than ten (10) feet wherein not less than fifty (50) percent of the plants shall be evergreen mixed throughout the length of such screen, so arranged or placed as to divert attention from or obstruct at least eighty-five (85) percent of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year. A wall or fence in combination with the aforementioned plantings may be used as an effective screen where required for parking and loading areas. The effective screen shall be in accordance with plans and specifications prepared by a registered landscape architect and shall be compatible with the landscaping on the lot and approved by the Zoning Officer.

**ELECTRIC SUBSTATION:** Buildings or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the utility company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being appropriately planted or screened to blend the installation with the surrounding landscape.

**ENGINEER, BOROUGH:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough of West Easton.

**ESSENTIAL UTILITIES:** Includes sewerage, water, gas and electric lines and related appurtenances used to serve development within the Borough, but not including cross-country transmission lines or other utilities not required to serve the Borough.

**FAMILY:** A family is:

- A. A single person occupying a dwelling unit, or
- B. Two (2) or more legally related persons, including foster children, occupying a dwelling unit, or
- C. Not more than four (4) unrelated persons occupying a dwelling as a single nonprofit entity.

**FENCE:** Any freestanding and uninhabited structure consisting of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly, or in combination with other materials, two and one-half (2 1/2) feet or higher as measured from the existing grade, erected to secure or divide one (1) property from another or part of a property from a remaining part, to ensure privacy, to protect the property so defined, or to enclose all or part of the property. A fence shall not exceed four (4) feet in height as measured from the existing grade unless permitted as a Conditional Use in the Residential and Residential Service Districts. In no case shall a fence exceed six (6) feet in height.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD ELEVATION, REGULATORY:** The one hundred (100) year flood elevation, plus a freeboard safety factor of one and one-half (1 1/2) feet.

**FLOOD-FRINGE:** That portion of the floodplain outside the floodway.

**FLOOD, ONE HUNDRED YEAR:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**FLOODPLAIN AREA:** (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) An area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes and adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

**FLOODWAY:** The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

**FLOOR AREA OR GROSS FLOOR AREA:** The total area of all floors as measured to the outside surfaces of exterior walls, or

from the centerline of party walls separating two (2) buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, terraces, and cellars.

**FUNERAL HOME:** A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE, PRIVATE:** An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises, and for the storage of not more than two (2) motor vehicles owned and used by persons other than the owner or tenant of the premises.

**GARAGE, PUBLIC:** Any garage not included in the definition of a storage or private garage, and including any garage or premises used for repairing, not including painting and body repair work, equipping, hiring, selling, servicing or storing vehicles as a commercial enterprise.

**GARAGE SALE:** A garage sale shall not occur more than four (4) days in any calendar year and shall include only the occasional non-commercial sale of household goods and furniture and items of similar character. A garage shall not include wholesale sales.

**GARAGE, STORAGE:** A building, not a private or public garage, one (1) story in height, used solely for the storage of motor vehicles (other than trucks) but not for the service or repair thereof nor for the sale of fuel, accessories, or supplies.

**GASOLINE SERVICE STATION:** An area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and handwashing of motor vehicles, and the sale, installation or minor repair of tires, batteries, or other automobile accessories.

**GOVERNMENTAL USES:** Municipal, County, State or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.

**GRADE:** The elevation of finished ground or paving which adjoins a building.

**GROUP HOME:** A facility which provides residential services to persons who, due to age, disability, or handicap, are not able to live without professional care or supervision. Such a facility provides twenty-four (24) hour supervision and is licensed by the State and/or County.

**HOME OCCUPATION:** An accessory use which is clearly incidental and subordinate to the residential use of a dwelling unit and is customarily performed within a dwelling unit or accessory buildings by one (1) or more occupants of such dwelling unit.

**HOMEOWNERS ASSOCIATION:** A nonprofit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owned property.

**HOSPITAL OR MEDICAL CENTER:** A building used for the medical diagnosis, treatment or other care of human ailments.

**HOTEL, MOTEL, MOTOR INN:** A building or group of buildings containing guest rooms especially designed for the temporary lodging of transient guests, provided that no room shall have cooking facilities of any kind.

**HOUSEHOLD PETS:** Domesticated animals normally considered to be kept in or in conjunction with a dwelling unit for the pleasures of the resident family, such as dogs, cats, small birds, gerbils and other similar pets normally sold by retail pet stores.

**IMPERVIOUS COVER:** Land that is occupied by principal and accessory structures, streets, driveways, parking areas and other similar surfaces that prohibit or slow the percolation of water into the soil.

**INDUSTRIAL PARK:** A grouping of two (2) or more industrial establishments on a lot held in single and separate ownership.

**INSTITUTION:** A building or grounds, a portion of which is used for the residence of more than four (4) unrelated persons who occupy the buildings for a common purpose to include hospitals, convents, school dormitories, college campuses, nursing homes, the

educational, administrative and recreational facilities of such organizations as the YMCA, YWCA, and the like.

**JUNKYARD:** An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and/or discarded materials, including, but not limited to, waste paper, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two (2) or more unlicensed, wrecked, or disabled vehicles, or the major part thereof, shall be deemed to constitute a junkyard.

**KENNEL:** An operation involving the boarding, sale, breeding, show purposes, or grooming of adult dogs, cats or other domestic animals. Kennels shall be enclosed, including soundproof runs.

**LABORATORY:** A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.

**LAND DEVELOPMENT:** Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two (2) or more principal residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.



**LANDSCAPING:** The planting of turf or other appropriate groundcover or the planting of deciduous and evergreen trees and shrubbery, including the maintenance thereof, for control of erosion, retention of precipitation, protection against the elements, and promotion of human comfort and welfare.

**LICENSE:** According to usage:

- A. When applied to Mobile Home Parks, shall mean written approval by the Borough of West Easton, a prerequisite of which shall be approval by the Department of Health, and compliance with all applicable regulations of this, or other applicable ordinances.
- B. When applied to erection of signs, shall mean written approval by the Borough of West Easton, a prerequisite of which shall be compliance with all applicable regulations of this and other applicable ordinances, and the posting of a liability insurance policy or an indemnity bond in an amount not less than Five Thousand Dollars (\$5,000) payable to the Borough of West Easton in a form satisfactory to the Borough Solicitor.

**LOADING SPACE:** A space, accessible from a street or way, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

**LOT:** A parcel of land which is occupied or is to be occupied by one (1) principal building and other permitted uses, or in the case of multifamily dwellings or multi-use commercial and industrial developments to be occupied by two (2) or more principal buildings, and such open spaces as are arranged or designed to be used in connection with such principal buildings or other structures or uses, such open spaces and the area and dimensions of such lot being not less than the minimum required by this Ordinance.

**LOT AREA:** The total area of land contained within the legal limits of the property lines of a lot, exclusive of any land area within a street right-of-way.

**LOT CORNER:** A lot at the junction of, and abutting on two (2) or more intersecting streets, or at the point of abrupt change in

direction of a single street the interior of which is not greater than one hundred thirty-five (135) degrees.

**LOT COVERAGE:** The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

**LOT DEPTH:** The distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

**LOT, INTERIOR:** Any lot which only has access to a street by either an easement or right-of-way; or any lot which has limited frontage to a street by virtue of being "flag-shaped".

**LOT LINE:** A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the center line of the street or any other line within the street lines even though such may be the property boundary line in a deed.

**LOT LINE, FRONT:** The lot line abutting a street and coinciding with the street line, and in the case of a corner lot, both street-abutting lot lines. In the case of an interior lot, the front lot line shall be that property line generally parallel to the street line providing access to the lot.

**LOT LINE, REAR:** A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**LOT LINE, SIDE:** Any lot line connecting a front or rear lot line.

**LOT, REVERSE FRONTAGE:** Lots which are situated between two (2) public streets, but provide vehicular access solely from the street with the lesser highway functional classification.

**LOT WIDTH:** The distance, in feet, between two (2) opposite side lot lines, measured at the building setback line.

**MANUFACTURED HOME:** A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does include park trailers, travel trailers or other similar vehicles which are placed on a site for more than 180 consecutive days.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots.

**MICROWAVE ANTENNA:** A parabolic ground-based reflector together with its pedestal and any other attachments and parts thereof commonly referred to as a disk-shaped antenna, used or intended to receive radio or electromagnetic waves from an overhead satellite.

**MINI-MARKET:** A retail store selling a variety of food, beverages, drugs, reading material, or household supplies and having a floor area not exceeding two thousand five hundred (2,500) square feet.

**MINOR REPAIR:** The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of part of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which said lot is leased by the park owner to the occupants of the mobile home erected on the lot.

**MOBILE HOME PARK:** See Manufactured Home Park

**NONCONFORMITY:** A building or other structure, use or lot by which reason of design, size or use, does not comply with the applicable use or area and bulk requirements of the zoning ordinance or amendment thereto, heretofore or hereafter enacted where such nonconformity was lawfully in existence prior to the application of such ordinance or amendment to its location by reason of annexation.

**OPEN SPACE:** See Common Open Space

**PARKING SPACE:** A reasonably level space, having a surface slope not exceeding five (5) percent, available for the parking of one (1) motor vehicle, not less than ten (10) feet wide and having an area of not less than two hundred (200) square feet exclusive of passageways, driveways, or other means of circulation or access.

**PARKING SPACE, ALL-WEATHER:** A parking space surfaced to whatever extent necessary to permit reasonable use under all conditions of weather.

**PLAT:** The map or plan of a subdivision of land, whether preliminary or final.

**PLAT, RECORD:** The final plat, or engineering layout of streets and lot easements, common open spaces and public grounds, which has been duly approved by all necessary officials and recorded in the Office of the Recorder of Deeds of Northampton County, Easton, Pennsylvania.

**POULTRY:** Domesticated birds that serve as a source of eggs or meat and that include among commercially important kinds, chickens, turkeys, ducks and geese, and among kinds chiefly of local interest, guinea fowl, pea fowl, pigeons, pheasants and others.

**PRINCIPAL USE:** The single dominant use or single main use on a lot.

**PUBLIC NOTICE:** Notice published in any newspaper of general circulation in the Borough of West Easton, once each week for two (2) successive weeks, the first not more than thirty (30) days and

the second not less than seven (7) days prior to any public hearing required by this Ordinance; such notice shall give time and place, and the nature of the matter to be considered.

**PUBLIC WATER:** Water which is distributed by a municipality or a private company which is subject to control of the Pennsylvania Department of Environmental Resources and the Public Utility Commission, through a network of pipes and for which a fee is charged.

**RADIO TOWER:** A structure erected for the sole purpose of holding antennae to be used as an accessory use specifically for communications via radio by an individual or company holding a valid active radio license issued by the Federal Communications Commission.

**RECREATION, ACTIVE:** Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to playgrounds, ball courts, and swimming pools.

**RECREATION, PASSIVE:** Recreational pursuits which can be carried out with little alteration or disruption to the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

**RENTAL UNIT:** An individual space offered for rent or lease within a motel, hotel, rooming house, tourist home, institutional home, dormitory, or in a professional or commercial office building.

**RESTAURANT:** A place of business serving food and beverage prepared for consumption within a building, and providing table or sit-down service only, but not including outdoor counter service or curbside service. The inside tables must seat comfortably a total of not less than twenty-five (25) people.

**RESTAURANT, DRIVE-THROUGH:** A restaurant, or section thereof, which is designed to allow for the serving and pick-up of food, without leaving the vehicle, for off-premises consumption.

**RETAIL TRADE:** Establishments engaged in selling goods or merchandise to the general public for personal or household

consumption and vending services incidental to the sale of such goods, such as, but not limited to, hardware store, pharmacy, magazine/book store, florist or clothing store.

**RIGHT-OF-WAY:** Land reserved for an easement, street, crosswalk or other public purpose.

**SANITARY LANDFILL:** A lot or land or part thereof municipally operated and used primarily for the disposal of garbage, refuse and other discarded materials, including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural, and residential activities. The operation of a sanitary landfill normally consists of: (1) depositing the discarded material in a planned controlled manner, (2) compacting the discarded material in thin layers to reduce its volume, (3) covering the discarded material with a layer of earth, and (4) compacting the earth cover.

**SEWAGE DISPOSAL:**

- A. **Individual:** The disposal of sewage from one (1) dwelling unit by use of septic tanks or other safe and healthful means, approved by the Borough Sewage Enforcement Officer. Such system shall be totally within the confines of the lot on which the use is located, or shall be located within an easement designated for such purpose on another lot.
  
- B. **Central/Community Collection and Treatment (COLDS):** A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities, either on-site or off-site, and approved by the Pennsylvania Department of Environmental Resources.
  
- C. **Public Sewage System:** An off-site system for treatment and disposal of sewage in which sewage is conveyed by interceptor to the treatment facility and disposed of through means approved by the Pennsylvania Department of Environmental Resources.

**SHOPPING CENTER:** The multiple use of a single property for a group of stores planned and designed as an integrated unit with

controlled ingress and egress and off-street parking provided on the property as an integral part of the unit.

**SIGN:** A structure, building wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.

**SIGN. ACCESSORY USE:** Signs which identify or advertise home occupations.

**SIGN AREA OR SIZE:** The entire area within a single continuous perimeter enclosing the extreme limits of such sign, together with all moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the sign proper and/or forming an integral part of the display. Signs which are composed of letters, words or representations only and which do not form a square or rectangular pattern shall be considered to include in sign area a square or rectangle as drawn at the outer limits of the letters, words or representations.

**SIGN. BUSINESS:** A sign directing attention to a business, commodity, or service conducted, sold or offered upon the same premises as those upon which the sign is maintained.

**SIGN. DEVELOPMENT:** A sign indicating that the premises is in the process of being subdivided and developed for the construction of dwellings or other buildings.

**SIGN. DIRECTIONAL:** A sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a warning sign, a danger sign and similar information signs.

**SIGN. DOUBLE FACED:** A sign with two (2) or more faces which display the same message on each face, with each of the sign faces being parallel to one another or separated by an interior angle of no greater than forty-five (45) degrees.

**SIGN. FREESTANDING:** A detached sign which shall include any sign, uprights or braces placed upon or in the ground and not attached to any building.

**SIGN, IDENTIFICATION:** A sign displaying the name, activity, or service of a school, college, church, hospital, municipal building, or historic site.

**SIGN, ILLUMINATED:** A nonflashing or nontwinkling sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the sign.

**SIGN, OFFICIAL TRAFFIC:** Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Borough of West Easton which are designed to regulate traffic, describe road conditions, or supply direction.

**SIGN, OFF-SITE DIRECTIONAL:** Nonilluminated signs used to direct persons to civic or service clubs, churches, schools, non-profit organizations or other public or quasi-public sites or facilities.

**SIGN, OUTDOOR ADVERTISING BILLBOARD:** A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered upon the premises where such sign is located.

**SIGN, PORTABLE:** Signs that can either be attached or mounted on wheels or transported by flatbed trailer.

**SIGN, REAL ESTATE:** A temporary sign indicating the sale, rental or lease of the premises on which the sign is located.

**SIGN, TEMPORARY NONPROFESSIONAL:** A sign notifying or advertising a special event, such as festivals, concerts or exhibits.

**SIGN, WALL:** Any sign erected against the wall of any building, or displayed in windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window or door and which sign is mounted at a distance measured perpendicular to said wall not greater than twelve (12) inches.

**SINGLE AND SEPARATE OWNERSHIP:** The ownership of property by any person, partnership, or corporation, which



ownership is separate and distinct from that of any adjoining property.

**SOLID WASTES:** All refuse including garbage and trash, and all material which is putrescible and originating from the preparation, cooking and consumption of food and market produce.

**SPECIAL EXCEPTION:** Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XIV, Section 1407.J, herein, only in situations where provisions therefore are specifically made by the terms of this Ordinance.

**SPECIAL PERMIT:** A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

**STORY:** That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above.

**STREET:** Includes street, avenue, boulevard, road, highway, freeway, land, alley, viaduct, and any other way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**STREET LINE:** The right-of-way, or the dividing line between a lot and the outside boundary of a public street, road, or highway, legally open or officially plotted, or between a lot and a privately owned street, road or way over which the owners or tenants of two (2) or more lots, each held in single and separate ownership, have the right-of-way.

**STRUCTURAL ALTERATION:** Any change in or addition to the supporting or structural members of a building, or other structure, such as the bearing wall, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure; or adapt it to a different use, or which, in the case of a nonconforming building or other structure, would prolong the life of such building or other structure.

**STRUCTURAL UNIT:** One (1) or more buildings enclosed by continuous exterior walls and a continuous roof.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION:** The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership of building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

**SWIMMING POOL:** A structure, above or below ground level, for the purpose of containing water to a depth, at any point, in the excess of two (2) feet and intended primarily for recreation, without regard to material of its construction.

**TRAILER CAMP:** Any land used or designated to be used as a temporary parking space for more than one (1) house trailer, or dependent mobile home; not a permitted use.

**USE:** Any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, or occupation carried on, or intended to be carried on, in a building or other structure or a tract of land.

**USED CAR LOT:** Any land used or occupied for the purpose of buying and selling second-hand motor vehicles and storing said motor vehicles prior to sale, but excluding body and fender repair, painting, and the sale of fuel or lubricants for motor vehicles.

**VARIANCE:** Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XIV, Section 1407.I, herein, constituting a modification of, or deviation from the exact provisions of this Ordinance as applied to a specific piece of property.

**WALKWAY, PUBLIC:** Any space designed or maintained solely for public pedestrian use, without regard to ownership.

**WATERS OF THE COMMONWEALTH:** Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or in the boundaries of the Commonwealth of Pennsylvania.

**WATER SUPPLY:**

- A. **Individual:** A safe and healthful supply of water, to a single user from a private well located on the lot in which the use is located.
- B. **Community:** A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site and may be publicly or privately owned.
- C. **Public:** A system for supplying water in sufficient quantities to all dwellings and other buildings within a development, which is administered by a municipality, municipal authority or public utility as defined and regulated by the Pennsylvania Public Utility Commission.

**WHOLESALE:** A commercial activity comprising the sale of commodities in large quantities or in bulk, as to retailers or jobbers, rather than to consumers directly, including the warehousing, loading and unloading, and shipping of such commodities.

**WINDMILL:** A structure for the purpose of generating energy by utilizing wind-driven blades.

**YARD (SETBACK):** A prescribed open area around the inner periphery of a lot, in which no building or structure shall be created, except for permitted signs and fences; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

**YARD, FRONT:** A yard parallel to a street line for a street from which the lot has access or which abuts the lot, and extending the entire width of the lot. In the case of a corner lot, the yards extending along all streets are front yards and the remaining yards shall include a rear yard, opposite the street to which the principal building is generally faced, and a side yard opposite the other street. In the case of an interior lot, the front yard shall extend along the front lot line the entire width of the lot and shall not include any portion of the right-of-way or accessway connecting the lot with the street.

**YARD, REAR:** A yard extending the full width of the lot along the rear lot line.

**ZONING HEARING BOARD:** The Zoning Hearing Board of West Easton Borough.

**ZONING OFFICER:** The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

**ZONING PERMIT:** A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance, which authorizes an applicant to proceed with said use, building or structure.

## ARTICLE III

### ESTABLISHMENT OF DISTRICTS

#### SECTION 301. ESTABLISHMENT OF DISTRICTS

- A. The Borough is divided into districts, each with a specified purpose and intent to implement the purpose of this Ordinance.
- B. Every parcel of land and every building or other structure in the Borough, except as otherwise provided by law or by the Ordinance, shall be subject to the provisions specified for the district in which it is located.
- C. A building may be erected or used, and a lot may be used or occupied only for the uses permitted by right, accessory uses, conditional uses which adhere to the explicit standards and criteria, and the uses permitted by special exception, when approved, in the zoning district in which the building or lot is located. No other use shall be permitted unless the Borough Council approves an amendment to this Ordinance either permitting another use in the Zoning District or rezoning the lot to permit another use.

#### SECTION 302. CLASSES OF DISTRICTS

For the purpose of this Ordinance, the Borough of West Easton is hereby divided into the following classes of Districts:

- A Residence Use District
- B Residence Use District
- RS Residential Service District
- I Industrial Districts
  - LI Light Industrial
  - HI Heavy Industrial
- O Overlay Districts
  - SSC Steep Slope Conservation
  - FP Floodplain

**SECTION 303.        ZONING MAP**

The location and boundaries of such districts, with the exception of the Floodplain and Steep Slope Conservation Districts, shall be as shown on the map attached to and hereby made a part of this Ordinance, which map shall be designated the "Zoning Map of West Easton Borough". The said map, and all the notations, references, and other data shown hereon, shall be as much a part of this Ordinance as if fully described herein.

**SECTION 304.        DISTRICT BOUNDARIES**

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, lanes, watercourses and rights-of-way of power lines, pipelines, and other public utilities. Where boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line, pipe line, or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such feature named lying within such portion of its length. Where uncertainty exists as to the location of any such boundary as shown on the Zoning Map, the following rules shall apply:

- A.    Where a district boundary is indicated as approximately following a lot line or other property line, or as approximately following the center line of a street, lane, lake, watercourse or right-of-way of a utility line, such center line shall be construed as such boundary line.
  
- B.    Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on said map.
  
- C.    Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

**SECTION 305.      BOUNDARY TOLERANCES**

Where a lot is divided by a district boundary line, other than a boundary line of the Floodplain or Steep Slope Conservation District, the uses permitted in the less restrictive district may extend into that portion of said lot in the more restrictive district to the nearest lot line, but in no case a greater distance than fifty (50) feet, so long as full use is made of the less restricted area before extension into the more restricted area of the said lot, and provided, however, that the area and bulk regulations of the less restrictive district shall not be so extended and further provided that in no case shall the uses permitted in an abutting district be extended for any distance into a Floodplain or Steep Slope Conservation District.

## ARTICLE IV

### "A" RESIDENCE USE DISTRICT

#### SECTION 401. PURPOSE

In addition to the general goals listed in the Statements of Purpose, it is the purpose of this District to:

- A. Maintain and promote the character of residential neighborhoods in the "A" Residence District;
- B. Encourage the infill of vacant parcels of the same type and at the same density of adjacent existing development;

#### SECTION 402. USE REGULATIONS

- 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, and no other:

1. Single-family detached dwelling.
2. Church or other place of worship and affiliated schools.
3. School or Administration Buildings of the public school systems or officially accredited private schools.
4. Library or museum.
5. Park, playground, athletic field, or swimming pool not operated for profit.
6. Public service facilities, including but not limited to, electric or gas utility substation, telephone exchange, or other communication structures, PROVIDED that no exterior storage or equipment, housing of repair crews, or above ground storage of liquid or gaseous fuel shall be permitted.



7. Accessory uses incidental to any of the principal uses listed above and not involving conduct of business in accordance with Section 1002.

**B. Special Exception Uses.**

A building or other structure may be erected, altered, or used for any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XIV of this Ordinance.

1. Residential conversions of a single-family detached dwelling, subject to the provisions of Section 1007.
2. Home occupations, subject to provisions of Section 1006.
3. Day care center, subject to provisions of Section 1005.

**SECTION 403. AREA AND BULK REQUIREMENTS**

**A. Lot Area.**

A lot area of not less than forty-five hundred (4,500) square feet shall be provided for every use permitted by right in this district, PROVIDED, each use on a lot shall have both public water and sanitary sewer service.

**B. Lot Width.**

Lots shall have a minimum width of forty (40) feet throughout the entire length of the lot.

**C. Building Coverage.**

No more than twenty-five (25) percent of the area of each lot shall be occupied by buildings.

**D. Lot Coverage.**

No more than thirty (30) percent of the area of each lot shall be occupied by buildings, paving and other impervious cover.

E. Setbacks.

1. Front yard.

On each lot there shall be a front yard of not less than twenty-five (25) feet.

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.

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.

F. Height Requirements.

No buildings or structures shall exceed thirty-five (35) feet in height.

SECTION 404. DESIGN STANDARDS

A. All uses within the "A" Residence District.

1. Off-street parking, as required by Section 1112.
2. Utilities, as required by Section 1109.
3. Outdoor storage, as required by Section 1110.
4. Accessory uses and structures, as required by Section 1002.
5. Environmental Performance Standards, as required by Section 1116.

B. Additional Standards for Special Exceptions.

1. Loading and unloading, as required by Section 1113.
2. Buffering and screening, as required by Section 1106.
3. Lighting, as required by Section 1108.

SECTION 405. ADDITIONAL REGULATIONS

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

## ARTICLE V

### "B" RESIDENCE USE DISTRICT

#### SECTION 501. PURPOSE

In addition to the general goals listed in the Statements of Purpose, it is the purpose of this District to:

- A. Provide for higher residential densities and a variety of housing types which are compatible with existing residential development;
- B. Maintain and promote the character of residential neighborhoods in the "B" Residence District.

#### SECTION 502. USE REGULATIONS

##### 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, and no other:

- 1. Any use permitted by-right in the "A" Residence Use District.
- 2. Two-family dwellings.
- 3. Multiple-family dwellings for not more than eight (8) families.
- 4. Accessory use incidental to any of the principal uses listed above and not involving conduct of business in accordance with Section 1002.

##### B. Special Exception Uses.

A building or other structure may be erected, altered or used for any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XIV of this Ordinance.

1. Residential conversion of a single family detached dwelling, subject to the provisions of Section 1007.
2. Home occupations, subject to the provisions of Section 1006.
3. Adaptive reuse of existing building for professional office use, subject to the provisions of Section 1008.
4. Day care center, subject to the provisions of Section 1005.

**SECTION 503. AREA AND BULK REGULATIONS**

**A. Lot Area.**

1. Single-family detached.

A lot area of not less than forty-five hundred (4500) square feet shall be provided for every single family detached dwelling in this District.

2. Single-family semi-detached and two-family dwelling.

A lot area of not less than two-thousand (2000) square feet per dwelling shall be provided for every single family semi-detached and two-family detached dwelling in this District.

3. Multiple-family dwelling.

A lot area of not less than fifteen hundred (1500) square feet per dwelling shall be provided for every unit within a multiple family dwelling. A multiple-family unit shall be composed of a maximum of eight (8) dwelling units.

**B. Lot Width.**

1. Single family detached.

Lots shall have a minimum width of forty (40) feet throughout the entire length of the lot.

2. Single family semi-detached and two-family detached dwelling.

Lots shall have a minimum width of twenty (20) feet throughout the entire length of the lot.

3. Multiple family dwelling.

Lots shall have a minimum width of ten (10) feet for each unit in the multiple family dwelling throughout the entire length of the lot.

C. Building Coverage.

1. Single family detached.

No more than thirty (30) percent of the area of each lot shall be occupied by buildings.

2. Two family and multiple family.

No more than forty (40) percent of the area of each lot shall be occupied by buildings.

D. Lot Coverage.

1. Single family detached.

No more than thirty-five (35) percent of the area of each lot shall be occupied by buildings, paving, and other impervious cover.

2. Two family and multiple family.

No more than forty-five (45) percent of the area of each lot shall be occupied by buildings, paving, and other impervious cover.

E. Setbacks.

1. Front yard.

On each lot there shall be a front yard of not less than twenty (20) feet.

2. Rear yard.

On each lot there shall be a rear yard of not less than twenty (20) feet.

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 (20) feet.

**SECTION 504. DESIGN STANDARDS**

**A. All uses permitted in the "B" District.**

1. Off-street parking as required by Section 1112.
2. Utilities, as required by Section 1109.
3. Outdoor storage, as required by Section 1110.
4. Accessory uses and structures, as required by Section 1002.
5. Environmental Performance Standards, as required by Section 1116.

**B. Additional Standards for Special Exceptions and Conditional Uses.**

1. Loading and unloading, as required by Section 1113.
2. Buffering and screening, as required by Section 1106.
3. Lighting, as required by Section 1108.

**SECTION 505. ADDITIONAL REGULATIONS.**

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

## ARTICLE VI

### "RS" RESIDENTIAL SERVICE DISTRICT

#### SECTION 601. PURPOSE

In addition to the general goals listed in the Statements of Purpose, it is the purpose of this District to:

- A. Provide for a range of service oriented establishments designed to serve local need, realizing that commercially oriented retail needs of the residents are adequately met outside of the Borough.
- B. Ensure that the type, size and scale of service establishments are compatible with the existing Residential Service District.

#### SECTION 602. USE REGULATIONS

##### 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 one of the following purposes, and no other:

1. Any use permitted by-right in the "B" Residence District.
2. Municipal or public use.
3. Emergency service.
4. Professional or administrative offices.
5. Banking or other financial institution.
6. Retail services, including:
  - a. Barber/Beauty shops;
  - b. Real Estate and Insurance offices;
  - c. Tailor Shop;
  - d. Photographic studio;



e. Shoe repair; and

**B. Special Exception Uses**

1. Funeral home subject to the provisions of Section 1012.
2. Clubhouse subject to the provisions of Section 1015
3. Group homes subject to the provisions of Section 1009.

**SECTION 603. AREA AND BULK REQUIREMENTS**

**A. Lot Area.**

1. Single-family detached.

A lot area of not less than four thousand (4,000) square feet shall be provided for every single-family detached dwelling in this District.

2. Single-family semi-detached and two-family dwelling.

A lot area of not less than two-thousand (2,000) square feet per dwelling shall be provided for every single-family semi-detached and two-family detached dwelling in this District.

3. Multiple-family dwelling.

A lot area of not less than fifteen hundred (1,500) square feet per dwelling shall be provided for every unit within a multiple family dwelling. A multiple-family unit shall be composed of a maximum of eight (8) dwelling units.

4. Non-residential uses.

A lot area of not less than four thousand (4,000) square feet shall be provided for every non-residential use in this District.

**B. Lot Width.**

1. Single-family detached.

Lots shall have a minimum width of forty (40) feet throughout the entire length of the lot.

2. Single family semi-detached and two-family detached dwelling.

Lots shall have a minimum width of twenty (20) feet throughout the entire length of the lot.

3. Multiple family dwelling.

Lots shall have a minimum width of ten (10) feet for each unit in the multiple family dwelling throughout the entire length of the lot.

4. Non-residential

Lots shall have a minimum width of forty (40) feet throughout the entire length of the lot.

C. Building Coverage.

1. Single family detached.

No more than thirty (30) percent of the area of each lot shall be occupied by buildings.

2. Single-family semi-detached and two family and multiple family.

No more than forty (40) percent of the area of each lot shall be occupied by buildings.

3. Non-residential.

No more than fifty (50) percent of the area of each lot shall be occupied by buildings.

D. Lot Coverage.

1. Single family detached.

No more than thirty-five (35) percent of the area of each lot shall be occupied by buildings, paving, and other impervious cover.

2. Single-family semi-detached family and multiple family.

No more than forty-five (45) percent of the area of each lot shall be occupied by buildings, paving, and other impervious cover.

3. Non-residential

No more than seventy (70) percent of the area of each lot shall be occupied by buildings, paving, and other impervious cover.

**E. Setbacks.**

1. Front Yard.

On each lot there shall be a front yard of not less than twenty (20) feet.

2. Rear Yard.

On each lot there shall be a front yard of not less than twenty (20) feet.

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 (20) feet.

**SECTION 604. DESIGN STANDARDS**

- A. All uses permitted in the "RS" District.**

1. Off-street parking as required by Section 1112.
2. Utilities, as required by Section 1109.

3. Outdoor storage, as required by Section 1110.
4. Accessory uses and structures, as required by Section 1002.
5. Environmental Performance Standards, as required by Section 1116.

**B. Additional Standards for Special Exceptions and Conditional Uses.**

1. Loading and unloading, as required by Section 1113.
2. Buffering and screening, as required by Section 1106.
3. Lighting, as required by Section 1108.

**SECTION 605.**

**ADDITIONAL REGULATIONS**

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

## ARTICLE VII

### INDUSTRIAL USE DISTRICTS

#### SECTION 701. LI - LIGHT INDUSTRIAL DISTRICT

##### A. Purpose.

In addition to the general goals listed in the Statements of Purpose, it is the purpose of this District to:

1. Provide for industrial development which is compatible with the character of the Borough and will be free from excessive noise and emissions.
2. Establish standards which provide for the separation and buffering between industrial and non-industrial land uses on districts to reduce potential conflicts.
3. Encourage the establishment of industrial uses which will offer additional employment opportunities and an increased tax base for the Borough.
4. Locate industrial uses within close proximity to major roads in order to provide safe and efficient access and to minimize through traffic on residential streets by industrial related traffic.

##### B. Use Regulations.

###### 1. 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, and no other:

- a. Assembly of office equipment and electrical appliances and supplies; and similar processes not to include the manufacturing of iron, steel, other metals or alloys, or metal processing.

- b. Manufacturing of light industrial products from already prepared materials (such as cloth, leather, plastic, paper, glass); manufacturing of professional, scientific, or electrical improvements; jewelry; watches and similar products.
- c. Research, engineering , or testing laboratories.
- d. Public utility operating facilities.
- e. Printing or publishing establishments.
- f. Office building.
- g. Wholesale warehouse, and distribution.

**2. Special Exception Uses.**

A building or other structure may be erected, altered or used for any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XIV of this Ordinance.

- a. Motor vehicle body or fender repair, including painting or major overhauling subject to the provisions of Section 1013.
- b. Automobile Service Station subject to the provisions of Section 1016.
- c. Uses similar to those permitted by special exception so long as they do not substantially resemble the following: slaughterhouse, industrial waste treatment by dumping or incineration, leather processing, cement manufacture, processing of dangerous or obnoxious chemicals, explosives, fertilizers, glue, paint, iron and steel, petroleum products, or the storage of flammable fuels above ground.

3. Accessory Uses.

Accessory uses must be clearly incidental to the principal use and located on the same lot as the principal uses listed in Section 701.B.1. All accessory uses shall be in accordance with Section 1002.

C. Area And Bulk Regulations.

1. Lot Area.

Every lot shall have an area of not less than thirty thousand (30,000) square feet.

2. Lot Width.

Lots shall have a minimum width of one hundred (100) feet throughout the entire length of the lot.

3. Building Coverage.

No more than sixty (60) percent of the area of each lot shall be occupied by buildings.

4. Lot Coverage.

No more than eighty (80) percent of the area of each lot shall be occupied by building, paving or other impervious cover.

4. Setbacks.

a. Front Yard.

On each lot there shall be a front yard of not less than fifty (50) feet.

b. Rear Yard.

On each lot there shall be a rear yard of not less than fifty (50) feet.

c. Side Yard.

On each lot there shall be two (2) or more side yards, each having a width of twenty-five (25) feet except where the industrial use abuts residential use or district then the side yard shall be increased to fifty (50) feet.

d. Height Regulations.

No building or structure shall exceed thirty-five (35) feet in height.

D. Design Standards.

1. All uses permitted in the "LI" District.

- a. Off-street parking as required by Section 1112.
- b. Utilities, as required by Section 1109.
- c. Outdoor storage, as required by Section 1110.
- d. Accessory uses and structures, as required by Section 1002.
- e. Environmental Performance Standards, as required by Section 1116.
- f. Loading and unloading, as required by Section 1113.
- g. Buffering and screening, as required by Section 1106.
- h. Lighting, as required by Section 1108.

E. Additional Regulations.

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



**SECTION 702.**

**HI - HEAVY INDUSTRIAL DISTRICT**

**A. Purpose.**

In addition to the general goals listed in the Statements of Purpose, it is the purpose of this District to:

1. Provide for industrial development which is compatible with the character of the Borough and will be free from excessive noise and emissions and also provides for more intense industrial uses in areas of the Borough removed from residential uses.
2. Establish standards which provide for the separation and buffering between industrial and non-industrial land uses on districts to reduce potential conflicts.
3. Encourage the establishment of industrial uses which will offer additional employment opportunities and an increased tax base for the Borough.
4. Locate industrial uses within close proximity to major roads in order to provide safe and efficient access and to minimize through traffic on residential streets by industrial related traffic.

**B. Use Regulations.**

**1. 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, and no other:

- a. All uses permitted by right in the LI - Light Industrial District.
- b. Wholesale, warehousing, distributing, and trucking.
- c. Fabrication and finishing of products from previously prepared aluminum, magnesium, copper, and other non-ferrous metals, wood, glass, cork, sheet rubber, and paper.

d. Foundry

2. Special Exception Uses.

A building or other structure may be erected, altered or used for any one of the following uses when authorized as a special exception by the Zoning Hearing Board, subject to Article XIV of this Ordinance.

- a. Recycling collection center, excluding processing or transfer station subject to the provisions of Section 1014.
- b. Motor vehicle body or fender repair, including painting or major overhauling subject to the provisions of Section 1013.
- c. Automobile Service Station subject to the provisions of Section 1016.
- d. Uses similar to those permitted by special exception so long as they do not substantially resemble the following: slaughterhouse, industrial waste treatment by dumping or incineration, leather processing, cement manufacture, processing of dangerous or obnoxious chemicals, explosives, fertilizers, glue, paint, iron and steel, petroleum products, or the storage of flammable fuels above ground.

3. Accessory Uses.

Accessory uses must be clearly incidental to the principal use and located on the same lot as the principal uses listed in Section 702.B.1. All accessory uses shall be in accordance with Section 1002.

C. Area And Bulk Regulations.

1. Lot Area.

Every lot shall have an area of not less than thirty thousand (30,000) square feet.

2. Lot Width.

Lots shall have a minimum width of one hundred (100) feet throughout the entire length of the lot.

3. Building Coverage.

No more than sixty (60) percent of the area of each lot shall be occupied by buildings.

4. Lot Coverage.

No more than eighty (80) percent of the area of each lot shall be occupied by building, paving or other impervious cover.

4. Setbacks.

a. Front Yard.

On each lot there shall be a front yard of not less than fifty (50) feet.

b. Rear Yard.

On each lot there shall be a rear yard of not less than fifty (50) feet.

c. Side Yard.

On each lot there shall be two (2) or more side yards, each having a width of twenty-five (25) feet except where the industrial use abuts residential use or district then the side yard shall be increased to fifty (50) feet.

d. Height Regulations.

No building or structure shall exceed thirty-five (35) feet in height.

**D. Design Standards.**

1. All uses permitted in the "HI" District.
  - a. Off-street parking as required by Section 1112.
  - b. Utilities, as required by Section 1109.
  - c. Outdoor storage, as required by Section 1110.
  - d. Accessory uses and structures, as required by Section 1002.
  - e. Environmental Performance Standards, as required by Section 1116.
  - f. Loading and unloading, as required by Section 1113.
  - g. Buffering and screening, as required by Section 1106.
  - h. Lighting, as required by Section 1108.

**E. Additional Regulations.**

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

**ARTICLE VIII**  
**OVERLAY DISTRICTS**

**SECTION 800.     STEEP SLOPE CONSERVATION DISTRICT.**

**A.     Purpose.**

The purpose of this Article is as follows:

1.     To promote the public health, safety and welfare through the protection of steep slope areas from indiscriminate development;
2.     To encourage the retention of open space located and designed so as to constitute a harmonious and appropriate part of the physical development of West Easton Borough;
3.     To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by:
  - a.     Minimizing disturbances to vegetative ground covers.
  - b.     Restricting the regarding of steep slope areas;
4.     To limit soil erosion and the resultant destruction of the land, siltation of streams, and damage to the property of individuals;
5.     To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of slope areas, changes of ground cover, or the erection of structures;
6.     To maintain the ecological integrity and habitat value of steeply sloped areas, i.e., indigenous vegetation and wildlife, which could be adversely affected by otherwise permitted disturbances; and

7. To allow the continuing replenishment of ground water resources and the maintenance of springs.

**B. General Provisions.**

1. Abrogation and Greater Restrictions.

It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other ordinances inconsistent with this Article are hereby repealed to the extent of the inconsistency only. To the extent, consistent with this Article, land within the Steep Slope Conservation District shall also be deemed to be in and subject to the District Classifications shown on the Zoning Map and applicable regulations thereon.

2. Warning and Disclaimed 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 any kind by the Borough of West Easton or by any official or employee. The practicability or safety of the proposed use shall create no liability upon West Easton Borough, its officials or employees. This Ordinance does not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said District will always be totally free from adverse effects of erosion.

**C. Identification of Steep Slope Conservation Areas.**

1. Definition of Steep Slope Conservation District:

The Steep Slope Conservation District consists of two (2) areas which are delineated and defined as follows:

- a. Precautionary Slope District

Methodology for computing precautionary slope is as follows:

- i. The maximum elevation difference over which slope may be determined is twenty (20) feet.
- ii. Precautionary slopes are those of fifteen to twenty-five percent (15% to 25%) slope measured over three (3) or more two (2) feet contour lines established by field survey.
- iii. Areas of land with fifteen (15) percent to twenty-five (25) percent slope consisting of less than three (3) contour intervals and less than one thousand (1000) square feet in extent may be excluded provided that they do not adjoin or abut larger areas of steeply sloping ground as defined herein.
- iv. Small areas of less than fifteen (15) percent slope occurring in the midst of larger areas of steeply sloping ground shall be averaged with the adjoining steeply sloping ground.
- v. Areas of steeply sloping ground shall be carefully measured and enumerated on the plan with respect to their occurrence in each of the individual lots proposed.

b. Prohibitive Slope

Methodology for computing prohibitive slope is as follows:

- i. The maximum elevation difference over which slope may be determined is twenty (20) feet.
- ii. Prohibitive slopes are those of greater than twenty-five percent (25%) slope measured over three (3) or more two (2) feet contour lines established from field survey.

- iii. Areas of land over twenty-five (25) percent slope consisting of less than three (3) contour intervals and less than one thousand square feet in extent may be excluded provided that they do not adjoin or abut larger areas of steeply sloping ground as defined herein.
- iv. Areas of steeply sloping ground shall be carefully measured and enumerated on the plan with respect to their occurrences in each of the individual lots proposed.

**2. Zoning Map Overlay.**

The Steep Slope Conservation District shall not be deemed an independent district, but rather shall be deemed a district overlay. If this Article should be declared inappropriate to any tract by reason of amendment, special exception, variance or other order of the Borough Council, Zoning Hearing Board or court of competent jurisdiction, the base zoning provisions applicable to such tract shall be deemed the governing provisions and shall be enforced independent of this Article.

**3. Rules for Interpretation of Steep Slope Conservation District Boundaries.**

An initial interpretation of whether a particular parcel or parcels are included in a Steep Slope Conservation District shall be made by the Zoning Officer. Appeals shall be made to the Zoning Hearing Board.

**D. Use Regulations.**

**1. Permitted Uses.**

The following uses shall be permitted in Steep Slope Conservation Districts so long as such use is in compliance with the base zoning district and all other provisions.



- a. Precautionary Slope Districts (15%-25% slope)
- i. Wildlife sanctuary, woodland preserve, arboretum, recreation areas including open space associated with cluster development.
  - 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 or the Chester County Conservation District.
  - iii. Residential development, contingent upon approval of the Borough Council as advised by the Borough Engineer in conformance with the base zoning district regulations and a maximum impervious surface of 6%.
  - iv. Yard area of residences within a Steep Slope Conservation District, so long as the structure is not within twenty-five (25) feet of the Steep Slope Conservation District.
  - v. Driveways not permitted to exceed a fifteen (15) percent grade nor resulting in cut and fills that exceed a three to one ration.
- b. Prohibitive Slope Districts (over 25 Percent Slope)
- i. Wildlife sanctuary, woodland preserve, arboretum, recreation areas including open space associated with cluster development.
  - ii. Yard areas of residence within a Steep Slope Conservation District, so long as the structure is not within fifty (50) feet of the Prohibitive Slope District.
  - iii. Driveways not permitted to exceed a fifteen (15) percent grade nor resulting in cut and fills that exceed a three to one ratio.

c. Standards Applicable to All Uses Within the Steep Slope Conservation District

- i. All grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation District except in conjunction with a use permitted under the terms of this Article.
- ii. Finished slopes of all cuts and fills shall not exceed thirty-three (33) percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

2. Prohibited Uses

The erection of buildings or streets and the installation of septic tanks, sewer beds, or cesspools on land sloping greater than twenty-five (25) percent shall be prohibited.

3. Special exceptions

Any of the following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board subject to requirements of this Article and Article XIV. Consideration for granting of special exceptions shall include the extent to which the requested uses will disrupt the stability of soils and natural vegetation, and contribute to erosion before and after construction.

- a. Sealed public water supply wells that have been approved by all regulatory agencies.
- b. Sanitary or storm sewers, provided that they have been approved by all regulatory agencies.
- c. Access roads and driveways suitable for the passage of emergency vehicles in the event of fire or accident. Such roads shall be constructed only when no viable alternatives for emergency access exists.

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

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

- a. That there is no danger to life or property due to construction activity or the aftermath thereof, that takes place within the Steep Slope Conservation District, caused by the permitting of such special exception.
- b. That the proposed use is not susceptible to any hazards associated with steep slopes including rock slide, land slide, or accelerated erosion.
- c. That safe access will be available in the case of an emergency.

5. Review Standards for Variances in Steep Slope Conservation Districts

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

E. Application Procedures

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

1. An earthmoving plan of the property which indicates existing grades with contour lines at two (2) foot intervals and proposed grades within the area of any proposed activity, disturbance, or construction. All areas of prohibitive and/or precautionary slope shall be shaded accordingly;

2. A site plan indicating existing and proposed structures, other impervious surfaces, storm drainage facilities, and retaining walls. The site plan also shall locate and identify existing vegetation and ground cover within the areas of prohibitive and precautionary slopes, as well as proposed landscaping material to be installed;
3. Architectural plans, elevations, and sections;
4. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, preserving the natural watersheds, and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets;
5. Plan, profile, and typical cross-sections of any proposed street, emergency access, or driveway within areas of prohibitive and precautionary slopes, with the seal of a registered professional engineer thereon; and
6. A statement, signed by the owner or future occupant at the time of subdivision, land development, or building permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes. No zoning permit shall be issued by the Zoning Officer, and no conditional use shall be granted by the Borough Council, without the Borough's Engineer's review of this material and his recommendation thereon.

**F. Burden of Proof**

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

**G. Amendment of Steep Slope Conservation District Overlay**

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

1. The delineation of the Steep Slope Conservation District boundaries may be modified by the West Easton Borough Council upon the recommendation of the Zoning Officer and the validation of other agencies having regulatory or advisory jurisdiction.
2. In the case of an alleged change in the district due to natural or other causes, except man-made, the party alleging the changes, other than the Borough of West Easton, shall submit to the Zoning Officer, a detailed on-site survey made by a licensed geologist or soil scientist, pursuant to techniques approved by the Soil Conservation Service, United States Department of Agriculture, showing in detail the changes alleged to have occurred which remove the land in question from the Steep Slope Conservation District. There shall also be professional engineer or surveyor delineating the exact location of the alleged new boundaries of the tract as a result of the claimed change.
3. In the event, an alleged discrepancy is upheld by the Zoning Hearing Board, the land in question shall not be bound by the regulations of this Article.

#### **SECTION 801. FLOODPLAIN DISTRICT**

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

## ARTICLE IX

### SIGNS REGULATIONS

#### SECTION 901. APPLICABILITY.

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

#### SECTION 902. GENERAL SIGN REGULATIONS.

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

- A. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape.
- B. No sign shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, such sign shall not have red, green or amber illumination.
- C. Whenever a sign becomes structurally unsafe or endangers the safety of a building, premises, or the general public, written notice shall be given to the owner of the sign or the premises on which such sign is located. That sign shall be made safe or removed within five (5) days.
- D. No sign other than signs authorized by this Article shall be erected within the right-of-way of any public street, public sidewalk or shall be closer to a street line than ten (10) feet except for single dwelling real estate signs which may be set closer for proper view from the street line.
- E. No sign which emits smoke, visible vapors or particles, sound or odor shall be permitted.

#### SECTION 903. DISTRICT REGULATIONS.

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

- A. Signs In Residential and Residential Service Districts

1. Official Traffic Signs
2. Accessory, professional home occupation or name plate signs providing that:
  - a. No such signs shall exceed a surface area of two (2) square feet.
  - b. No more than one (1) such sign shall be allowed on premises for each permitted use or dwelling unit.
  - c. No such sign shall be closer to a street line or property line than ten (10) feet.
3. Real estate signs provided that:
  - a. No such sign shall exceed a surface area of nine (9) square feet.
  - b. No more than one (1) such sign shall be permitted on premises unless said premises fronts two (2) or more streets, whereupon one (1) sign may be placed on each street frontage.
  - c. No such sign shall be illuminated.
  - d. All signs shall be moved within seven (7) days of transaction.
4. Identification signs provided that:
  - a. No such sign shall exceed a surface area of twenty (20) square feet.
  - b. No more than one (1) such sign shall be permitted on premises for each two hundred (200) feet of frontage, with a maximum of two (2) signs, unless said premises fronts two (2) or more streets, whereupon a maximum of two (2) signs may be placed on the frontage of the street of primary access, as above, and one (1) sign may be placed on each other street frontage.

- c. Such sign shall be illuminated by indirect lighting only.
5. Temporary professional signs provided that:
- a. Such signs are displayed only on the premises where services are being performed.
  - b. No such sign shall exceed a surface area of nine (9) square feet.
  - c. Such sign shall be removed promptly upon completion of active work.
  - d. No such sign shall be illuminated.
6. Temporary non-professional signs provided that:
- a. No such sign shall exceed a surface area of nine (9) square feet.
  - b. Such signs shall be removed promptly after the event has taken place.
  - c. The permit for such sign shall expire within thirty (30) days of issuance.
7. Portable signs when in accordance with the following provisions:
- a. The permit for such sign shall expire within thirty (30) days of issuance.
  - b. Tags issued at the time of permit approval must be affixed to each sign in an easily identifiable location.
  - c. Portable signs shall comply with all pertinent regulations applicable to permanent type signs.



8. Banners provided that:

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

9. Identification of development signs provided that:

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

**B. Signs In Industrial Districts.**

1. All signs as permitted in Section 903.A provided that such signs relate to a use permitted in the district in which the sign is located.
2. Business, commercial or industrial signs provided that:
  - a. The total surface area of all signs facing any one (1) street frontage of any single premise shall not exceed one-half (1/2) square foot per foot of lineal building frontage, and in no case may exceed fifteen (15) square feet in the LI District and twenty-five (25) square feet in the HI District.
  - b. No more than one (1) sign will be permitted for each establishment unless said establishment fronts two (2) or more streets, whereupon one (1) sign may be placed on each street frontage.
  - c. The total surface area of one (1) side of any freestanding sign shall not exceed twenty-five (25) square feet.
  - d. No more than one (1) sign will be permitted for the purpose of announcing a commercial center unless such center fronts two (2) or more streets, whereupon one (1) sign may be placed on each street frontage.
  - e. Where three (3) or more establishments are contiguous to one another, no sign shall exceed fifteen (15) square feet per establishment.
  - f. Freestanding business signs may be located no closer to a side or rear property boundary line or street right-of-way than whichever is greater.
    - i. Fifteen (15) feet.
    - ii. A distance equivalent to the height of the sign.

iii. The minimum side or rear yard distance required for the permitted use being identified.

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

**C. Directional signs provided that:**

1. No such sign shall have a surface greater than three (3) square feet.
2. No establishment shall erect more than two (2) directional signs within West Easton Borough.
3. No more than two (2) such signs will be permitted at any intersection.
4. No such sign shall be erected without approval, in writing, of the owner of the property on which the sign is erected.

**D. Wall-Mounted Business Signs.**

1. A wall-mounted sign shall be permitted on any wall of a building or structure incident to a permitted use.
2. Wall-mounted signs shall be installed parallel to the supporting wall and project no more than ten (10) inches overall from the face of such wall.
3. The maximum display area of a sign mounted on any wall of a building or structure shall not exceed one (1) square foot for each lineal foot of building frontage on which the sign is mounted provided that:
  - a. The total display area of such sign shall not exceed twenty (20) percent of the total area of the wall on which the sign is mounted.

- b. The total display area of all signs mounted on the sides and/or rear of a structure shall not exceed the area of the sign mounted on the front wall.
- c. The total display area for all signs shall not exceed fifty (50) square feet.
- 4. No wall-mounted signs shall extend above the roof line or cornice of any building.
- 5. For integrated multiple uses on a single lot or within a single building, each use will be permitted one (1) wall-mounted sign for identification and/or merchandising purposes provided such signs shall comply with the regulations stated herein.

**E. Projecting Business Signs.**

- 1. One (1) projecting business identification sign shall be permitted for each building or structure incident to a permitted use, except wherein wall-mounted signs are used for identification and/or merchandising purposes.
- 2. For integrated, multiple uses on a single lot or within a single building, each use will be permitted one (1) projecting sign, except wherein wall-mounted signs are used.
- 3. The display area of a projecting sign shall be a maximum of six (6) square feet and extend no more than two (2) feet from the building surface.
- 4. No part of the projecting sign shall be less than eight (8) feet nor more than twelve (12) feet above the ground or walking level.

**SECTION 904. EXEMPTIONS.**

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

- 1. Official traffic signs.

2. Real Estate signs.
3. Temporary professional signs.
4. Accessory Signs.
5. Professional or nameplate signs.
6. Directional signs.
7. Signs of a duly constituted governmental body.
8. Signs or emblems of a religious, political, civic, philanthropic, historical or educational organization not exceeding four (4) square feet in area. Temporary signs for political campaigns, civic events, etc., must be removed within three (3) days after the event.
9. Trespassing signs or signs indicating the private nature of a road, driveway or premises. Signs prohibiting or otherwise controlling hunting or fishing upon particular premises, and signs indicating ownership of a property, provided the sign area does not exceed three (3) square feet.
10. Directional information or public service signs, such as those advertising availability of restrooms, telephone or similar public conveniences, and signs advertising meeting times and places of nonprofit service or charitable clubs or organizations, may be erected and maintained, provided that such signs do not significantly advertise any commercial establishment, activity, organization, product, goods or services except those of public utilities. Directional and information signs provided for the safety and/or convenience of the public within commercial establishments may be erected. Signs erected under this provision shall not exceed four (4) square feet in area.

## ARTICLE X

### SUPPLEMENTAL LAND USE REGULATIONS

#### SECTION 1001. COMMON REGULATIONS

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

#### SECTION 1002. ACCESSORY USES

##### A. Uses Accessory to Residential Use.

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

1. Private garage, off-street parking or driveway.
2. Private swimming pool, bathhouse, tennis court or other recreation facility.
3. Solar collection system or other alternative energy system.
4. Private greenhouse.
5. Flagpole and private antenna in accordance with Section 1003.
6. No commercial vehicle, or part thereof or combination thereof, having more than two axles and/or which is in excess of twenty-four (24) feet in length, shall be parked, stored or maintained on any street, road right-of-way, lot or within any building or structure in any residential district established in Article III of this Ordinance, except a construction vehicle or vehicles owned by a contractor or other tradesman temporarily engaged in the performance of actual work or delivery of materials to any such street, road right-of-way, lot, building or structure. The proper maintenance and storage of boats, recreation vehicles or a motor home, or a recreational trailer as the latter terms are defined in the Pennsylvania Vehicle Code, on a lot owned

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

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

into use, it shall be subject to a final inspection and approval by the Building Inspector.

- c. Location - No portion of water surface area of any swimming pool shall be located within the minimum required front yards as the same are established for the various classes of residence districts in the Zoning Code, nor within eight (8) feet of any side or rear property line when a swimming pool is located to the rear of the front face of a dwelling. Nor may any deck or patio be closer than five (5) feet to any property line. And no portion of any walks or accessory pool appurtenances surrounding the bod of water shall be closer than two (2) feet to any property line.
- d. Electrical wiring - The construction and installation of electrical equipment, devices and wiring within and adjacent to swimming pools shall conform to the requirements set forth in Article 680 of the latest edition of the National Electrical Code. This shall include, but not be limited to pool lighting, the installation of nearby convenience outlets, the auxiliary equipment, such as pumps and similar equipment, the installation of ground-fault circuit interrupters when required by that Code, the proper grounding of electrical equipment, and providing the necessary minimum clearance with overhead conductors.
- e. Connections with Borough Water - There shall be no cross-connections of the Borough water supply with any other source of water supply for the swimming pool. The line from the Borough water supply to the pool shall be connected through a water meter which has been installed and approved by the Borough's Water Bureau and protected against backflow of polluted water by means of an air gap, and shall discharge at least six (6) inches above the maximum high water level of the make-up tank or the pool.



- f. Connections to the Borough Sewer System - The drain line from the swimming pool may be connected to the Borough's sewage system only in compliance with the following provisions:
  - i. If a storm sewer is available to the site of the swimming pool, the pool drain shall be connected thereto;
  - ii. Where no storm sewer is available, the pool drain may be connected to an available sanitary sewer, subject to the approval of the Borough Engineer.
- g. Removal of surface debris - The pool shall be kept free at all times of floating material, sediment and debris by means of an automatic surface skimmer, scum gutter or some other method approved by the Bureau of Health.
- h. Fences and protective devices - Every permanent or semi-permanent pool or the premises upon which such pool is located shall be completely enclosed by a fence (excluding snow fence or barbed wire) not less than four feet in height. Above ground pools with forty-eight inches of wall depth shall be surrounded with a fence as described above or be equipped with pivotal ladders or steps which can be raised and locked in the raised position. Gates shall be self-closing and capable of being locked.

**B. Uses Accessory to Multi-Family Dwellings.**

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

**C. Uses Accessory to Commercial Activities.**

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

**D. Uses Accessory to Industrial Activities.**

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

**SECTION 1003. ANTENNA AND ANTENNA TOWERS**

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

1. Structures must comply to applicable Federal Communications Commission (FCC) regulations.
2. Structures supporting an antenna shall meet all yard requirements of the Zoning District in which it is located. No portion of the base of the antenna or tower shall be located closer to any lot line than the height of the tower.
3. The highest point of an antenna attached to a building shall not exceed the peak of the roof by more than ten (10) feet.
4. No more than two (2) antennas shall be permitted per lot, nor shall more than one (1) antenna tower be permitted per lot; including multi-family uses.

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

1. All microwave dish antenna shall remain accessory to the principal use of the lot.
2. When separately supported, the total height of the microwave antenna and supports shall not exceed sixteen

(16) feet in height. Such an arrangement shall be screened in accordance with Section 1606.

3. When roof mounted, the dish antenna shall be located on a portion of the roof sloping away from the front of the lot.
4. No more than one (1) microwave dish antenna shall be permitted on any lot.
5. Microwave dish antenna shall be used solely for the reception of radio and electromagnetic band, including multi-family uses.

#### **SECTION 1004. BED AND BREAKFAST FACILITY**

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

- A. A bed and breakfast facility shall be permitted only in single family detached, owner-occupied dwellings and the exterior of the residence or accessory structure shall have an appearance no different than if there were no home occupation conducted inside.
- B. The principal use of the property shall remain that of a single-family residential dwelling.
- C. No more than four (4) guest rooms may be offered on any individual residential property.
- D. There shall be provided one (1) full bathroom (one lavatory, water closet, bath/shower) for each two (2) guest rooms.
- E. Any amenities (swimming pool, tennis court, etc.) shall be solely for the use of the resident owner and bed and breakfast guests.
- F. The owner shall maintain a current guest registration, which shall be subject to inspection by the Zoning Officer.
- G. Area and bulk standards shall be those that apply to single-family detached dwellings within the applicable zoning district.
- H. One (1) on-site parking space shall be provided per guest room and shall not be located in any required yard area.

- I. One (1) sign shall be permitted in association with a bed and breakfast operation. Any such sign shall be in conformance with standards for home occupations in Article IX.
- J. Each bed and breakfast facility shall be equipped at minimum with the following:
  - 1. One (1) smoke detector in each rental room.
  - 2. One (1) fire extinguisher on each floor.
  - 3. A hard wired fire resistant fire alarm system, exit lights, exit plans, and adequate fire extinguishing equipment to the satisfaction and within approval of the Fire Marshall, and additionally, the system shall be in compliance with the applicable BOCA Code, that the emergency exit plans shall be posted in plain view, and that there be periodic emergency drills by the owners and the then residents.

**SECTION 1005. DAY CARE CENTERS**

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

- A. There shall be an indoor play area of fifty (50) square feet per child and an outdoor play area of one hundred (100) square feet per child provided.
- B. Outside play shall be limited to the hours of daylight.
- C. Operation of the facility shall be limited to the hours between 6:00 AM and 9:00 PM.
- D. The outdoor play area shall be fenced on all sides and shall not include driveways, parking areas or land unsuited by other uses or natural features for active play area. Fencing shall be a minimum height of four (4) feet.
- E. A minimum of three (3) off-street parking spaces shall be provided for every 1,000 square feet of floor area. An area for the discharge and pick-up of children shall be provided, which is removed from both the parking and ingress/egress for the site.

- F. The facility shall be licensed by the applicable departments of the State of Pennsylvania and their regulations.

**SECTION 1006. HOME OCCUPATIONS.**

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

- A. Only single-family detached dwellings or single family attached dwellings under single ownership are permitted to contain home occupations.
- B. Home occupations may include, but shall not be limited to such activities as the professional practice of medicine, law, engineering, architecture, real estate, insurance, computer science and its application and such other occupations as dressmaking, millery and similar handicrafts.
- C. The principal operator of the home occupation shall be a resident of the dwelling except that two (2) persons not residing on the premises may be employed at a maximum of fifty hours per week per person.
- D. A home occupation shall occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, or seven hundred fifty (750) square feet of floor area, whichever is less.
- E. The exterior of the residence or accessory structure shall have an appearance no different than if there were no home occupation conducted inside.
- F. The use shall not omit noise, odors, or light which is noticeable at the property line.
- G. A minimum of two (2) off-street parking spaces shall be provided in addition to the required number for a residence.
- H. No storage or display of goods shall take place out-of-doors. No interior display of goods shall be visible from the outside of the dwelling or accessory structure.

**SECTION 1007.     RESIDENTIAL CONVERSION**

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

- A.     Site and architectural plans for the conversion of said dwelling shall be submitted to the Zoning Hearing Board, together with an application for special exception. If two (2) or more families are housed above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.
- B.     Such plans shall provide adequate and suitable parking or storage space for at least two (2) automobiles per dwelling unit.
- C.     The yard and building area requirements for the district in which the dwelling is located shall continue to apply to each dwelling unit. There shall be no increase in density than that permitted in the zoning district for the conversion of dwellings.
- D.     There shall be no external alterations to any building except as may be necessary for safety; fire escape and outside stairways shall, where practical, be located to the side or rear of the building.
- E.     Each resulting dwelling unit shall have a minimum floor area of seven hundred (700) square feet.
- F.     The resulting dwelling shall comply with the Borough Building Code and with the following:
  - 1.     Protective fire walls between units along all party walls.
  - 2.     Individual entrances.
  - 3.     Individual cooking and lavatory facilities.
  - 4.     Water and space heating facilities in accordance with the Borough Building Code.

**SECTION 1008. ADAPTIVE REUSE OF AN EXISTING STRUCTURE**

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

**A. General Criteria.**

1. The reuse of an existing structure shall comply with the use requirements of the applicable zoning district. Area and bulk requirements may be modified by the Board where the applicant has demonstrated sensitive restoration, including preservation of facades, rehabilitation using materials and design authentic and appropriate to the architecture, and preservation of the building mass as it appears from all public rights-of-way.
2. Every effort shall be made to restore the building or structure to its original architectural style and bulk. Additions shall compliment the existing architectural style and bulk of the structure and require approval by the Board.
3. Additional entrances, when required, shall be placed on the side or rear of the building to avoid disruption of the facade.
4. The proposed use shall be made compatible with the adjacent properties and surrounding neighborhood.
5. Removal or alteration of distinctive stylistic and architectural features of the structure which contribute to the character of the surrounding neighborhood shall be avoided.
6. Deteriorated architectural features which contribute to the character of the neighborhood shall be repaired rather than replaced. In the event the applicant can demonstrate that replacement is necessary, the new material shall match the material being replaced in composition, color, design, texture, and other visual qualities.

- B. An application for adaptive reuse shall be accompanied by a floor plan including the following information:**

1. Revisions and modifications to the interior.
2. Revisions and modifications to the exterior.
3. Provisions for off-street parking.

**C. Adaptive Reuse for Professional Offices.**

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

**1. Use Opportunities**

**a. Professional office uses limited to:**

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

**b. Neighborhood commercial uses limited to the following:**

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

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

**2. Area and Bulk Standards.** The area and bulk standards for the base zoning district shall apply to the adaptive reuse of existing structures with the following exceptions:



- a. Gross Usable Floor Area. The gross usable floor area of all uses allowed by Section 1007.C. shall not exceed twenty-five hundred (2,500) square feet.
- b. Lot Coverage. Not more than forty (40) percent of the area of a lot may be occupied by buildings, paving, and other impervious surfaces.
- c. Setbacks. The paving of required off-street parking areas may extend into the required yard areas of the base zoning district, PROVIDED that the parking areas are screened in accordance with Section 1106 and that the off-street parking shall be separated from lot lines by at least one-half (1/2) the required setback of the base zoning district.

3. Design Standards

- a. The location and dimensions of proposed signs, landscaping, screening, and buffering may be altered by the Board in order to provide a design which is responsive to the site.
- b. The provisions made for stormwater management, sanitary sewage systems, water supply, parking lot lighting, and other applicable utilities.
- c. A description of any proposed external alteration proposed for the building and the lot.

D. Application Criteria.

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

1. The location, dimensions, and arrangement of all vehicular and pedestrian access entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways, sidewalks, streets, rights-of-way, storage areas, and solid waste disposal facilities.

2. The location of the lot relative to the surrounding lots and building including the names of property owners.
3. The location of use proposed, dimensions, gross usable floor area, lot coverage and building coverage.

**SECTION 1009. GROUP HOME**

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

**A. Locational Criteria.**

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

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

**B. Standards.**

1. Any form of group housing shall satisfy the definition of family as established under Section 201 of this Ordinance, but shall be limited to six (6) individuals in order to qualify as a residential use.
2. Dwellings housing any forms of group housing shall comply with the applicable provisions of the Building Code of West Easton Borough.
3. Dwellings housing any form of group housing shall have no external alterations except as may be necessary for reasons of safety, including fire escapes. Such access shall be located to the rear of the building where practical. The applicant shall submit plans indicating exterior changes. All changes shall be easily converted to a typical residential use.
4. Community living arrangements shall be provided with around-the-clock live-in supervision to insure clients receive

proper, professional care and that the home will function as a family unit.

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

#### **SECTION 1010. TEMPORARY STRUCTURES**

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

##### **A. Permitted Uses.**

1. Bloodmobile, mobile tuberculosis testing facility and similar activities related to the promotion of public health.
2. Headquarters for political campaigns for a period not to exceed three (3) months.
3. Offices for contractors on the site and during the period of construction only.
4. Mobile office of the armed forces of the United States for public education or recruitment.

##### **B. Standards.**

1. A temporary use and occupancy permit shall not exceed six (6) months in length.
2. It shall be the responsibility of the applicant to demonstrate the need for a temporary use and occupancy permit.

3. Said permits may be renewed for a specified time limit when approved by the Borough Council.

**SECTION 1011. ADULT USES**

The following uses shall be prohibited throughout West Easton Borough:

- A. The operation of any book store, commonly denoted as an "adult book store", which has obscene books and paraphernalia as a substantial portion of its stock in trade or which is substantially engaged in the sale of books commonly denoted as "adult books" or books having as a main or central theme an appeal to the prurient interest, without significant redeeming social value.
- B. The operation of any movie theater substantially engaged in the showing of obscene films, or films commonly denoted as "adult films", or films having as a main or central theme an appeal to the prurient interest, without significant redeeming social value.
- C. The operation of any massage parlor in which the treatment of any person of the opposite sex is carried on, except upon the assigned order of a licensed physician, osteopath, chiropractor, or registered physical therapist. The requirements of this provision shall not apply to treatment given in the residence of a patient, physical therapist or chiropractor or in a regularly established and licensed hospital, extended care facility, convalescent facility, nursing home or other health care facility.
- D. The operation of any business which involves, in whole or in part, the sale, lease, trade, gift, or display for sale, any obscene materials.
- E. The operation of any business which involves obscene live entertainment.
- F. For purposes of this section, the term "obscene" shall be as set forth in the majority opinions of the United States Supreme Court relating to the activities such as those referred to above in subsections A., B., C., and D.

**SECTION 1012.     FUNERAL HOME**

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

**SECTION 1013.     AUTOMOTIVE BODY REPAIR AND PAINT SHOP**

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

- A.     All such work is performed within a building.
- B.     All related automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.

**SECTION 1014.     RECYCLING FACILITY**

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

- A.     The proposed use of an area shall not be detrimental to adjacent land uses;
- B.     There shall be maximum lot size of five (5) acres;
- C.     Such use shall be a minimum of two hundred (200) feet from any public road as measured from the street line;
- D.     The land area used for such purposes shall be hidden from public view by an evergreen buffer so that it is not visible from neighboring streets, residences, or other structures.
- E.     There shall be no compacting of automobiles and no storage of auto chassis from which usable parts have been removed.
- F.     The storage of paper shall be within a building.

**SECTION 1015.     CLUBHOUSE**

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

**SECTION 1016.     AUTOMOTIVE SERVICE STATION**

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

- A. Minimum lot width of not less than two hundred (200) feet shall be provided along each street on which the lot abuts;
- B. The minimum lot area shall be one (1) acre;
- C. All fuel tanks shall be placed underground;
- D. All pumps, lifts, and other service facilities shall be located no closer than 35 feet to any lot or street line;
- E. Emergency controls, including the main power shut-off shall be conspicuously posted in the immediate vicinity of the principal control or the dispenser island;
- F. Instructions for the operation of the dispensers shall be conspicuously posted on either the dispenser or the dispenser island;
- G. A list of emergency procedures and instructions shall be conspicuously posted in the immediate vicinity of the pump control location of the attendant;
- H. Fire extinguishing and flammable liquids dispensing equipment shall be approved through the National Standards Testing; and
- I. At least one fire extinguisher shall be located within 25 feet of each gasoline pump.

## ARTICLE XI

### GENERAL REGULATIONS

#### SECTION 1101. APPLICABILITY

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

#### SECTION 1102. FEDERAL AND STATE OWNED PROPERTY

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

#### SECTION 1103. AREA AND BULK EXCEPTIONS

##### A. Exception to Height Restrictions.

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

##### B. Exceptions to Lot Coverage Restrictions.

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

##### C. Minimum Floor Area.

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

**SECTION 1104.     PROJECTIONS INTO REQUIRED YARDS**

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

- A.     A buttress, chimney, cornice, pier or pilaster, or a building, may project not more than eighteen (18) inches into a required yard.
- B.     Open, unenclosed fire escapes, steps, bay windows and balconies may project nor more than three (3) feet into a required yard.
- C.     A terrace, patio, or unenclosed porch which does not extend above the level of the first floor of the building, may be erected to extend into a required front or rear yard a distance of not more than six (6) feet, provided that it shall not extend into such yard more than one-fifth (1/5) the required depth of the yard.

**SECTION 1105.     FENCES AND WALLS**

- A.     No fence or wall shall be erected and no hedge tree, shrub, or other vegetative growth shall be maintained which may obstruct required sight distance at street intersections, public streets, private roads or driveways.
- B.     No fence or wall, except retaining wall, shall exceed six (6) feet in height as measured from the existing grade.
- C.     In all residential districts, no fence or wall shall exceed four (4) feet in height unless permitted as a Conditional Use in accordance with Section 1308 and unless the following conditions are met:
  - 1.     A written statement shall be provided to the Borough indicating why the applicant wishes to exceed the four (4) foot maximum height requirement.
  - 2.     Documentation shall be provided that all affected property owners have been notified of the applicants intent to construct a fence or wall which will exceed four (4) feet in height.
  - 3.     The applicant shall provide a site plan, to scale, which shall show the proposed location of the fence or wall in relation to neighboring properties. The site plan shall show the



location of neighboring structures and shall identify approximate locations of windows, doors, laundry exhausts, heat pumps/air conditioners, external faucets and any other items which could potentially be impacted by the fence height or placement on the property line.

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

**SECTION 1106. BUFFERING AND SCREENING**

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

- A. Applicability.

<u>Use A</u>	<u>Use B</u>
Proposed commercial, industrial or office use	Existing residential use or zoning district

- B. To assure compliance with buffering requirements, the applicant shall provide graphic material to enable the Council to assess the impact of Use A upon Use B and ensure proposed buffering will create an effective barrier at necessary points. Graphic material may include any or combination of the following: plot plans with view analysis, landscaping and grading; profiles; models; cross-sections; and photographs.
- C. An effective buffer may be accomplished through use of any one of combination of the following:
1. Existing natural or man-made barriers such as fences and walls, when architecturally compatible with the landscaping and architectural style of Use B.
  2. Proposed grading of land to create mounding, berms or depressions that block visibility.
  3. Proposed planting of trees and shrubs in accordance with the following conditions.

**D. Planting buffers shall comply with the following requirements:**

- 1. The entire perimeter of the tract undergoing development shall be provided with a minimum of ten (10) foot planting strip, twenty (20) foot if adjacent to a residential use or district which will act as an effective, year-round screen separating uses. The planting strip may be included in private yard space and shall be based upon the following criteria:**
  - a. A landscaping plan shall be submitted by the applicant and approved by the Borough as part of the unified development plan, in accordance with Section 1107.B.**
  - b. The landscaping plan shall include a combination of deciduous and evergreen plants and trees arranged to form both a low level and a high level year-round buffer. The high level buffer shall consist of a combination of evergreen and deciduous species having a height at maturity of twenty-five (25) feet or greater, and using specimens no less than eight (8) feet in height. The low level buffer shall consist of evergreen shrubs or hedges planted at an initial height of not less than three (3) feet and spaced at intervals of not more than five (5) feet. The low level buffer shall be placed in alternating rows to produce a more effective barrier. The landowner shall maintain the buffer planting and replace any plant material which does not live within one (1) year of notification by the Borough.**
  - c. The buffer planting shall be so placed that at maturity vegetation will extend no closer than three (3) feet from any street or right-of-way.**
  - d. In accordance with the provisions of this Ordinance, a clear sight triangle shall be maintained at all street intersections and at all points where private accessways intersect public streets.**
  - e. The buffer planting shall provide visual breaks only at points of vehicular or pedestrian access and shall**

not include structures, storage or parking in the buffer area.

- f. Buffer planting shall incorporate earthen mounds or berms, where existing vegetation does not provide an adequate screen, to improve sound as well as visual buffering; and shall be broken at points of vehicular or pedestrian access.
  - g. All existing trees within the required planting strip above three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.
  - h. Screening design, including the type of plant materials to be used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Borough Council.
  - i. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six (6) months.
- E. Water towers, storage tanks, processing equipment, fans skylights, cooling towers, vents and any other structures or equipment which rises above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Borough before construction or erection of said structures or equipment.
- F. All mechanical equipment, loading and storage structures not enclosed in a building shall be fully and completely screened from view from any adjacent streets or Residential Districts or uses, through the use of measures indicated in 1107.C. and in a manner compatible with the architectural and landscaping style employed on the lot. Such screening shall be subject to site plan and architectural review by the Borough.

**SECTION 1107. LANDSCAPING.**

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

**1. General Requirements of Landscaping Plans**

- a. Landscaping shall be installed and maintained in accordance with a landscape plan prepared by a qualified landscape architect and approved by the Borough Council. The landscape plan shall depict all proposed plantings as required within buffer areas in the form of a buffer planting area, and in other landscaped areas which relate to, complement, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features.**
  
- b. The landscaping plan shall be based on and reflect the following:**
  - i. Respect for and incorporation of existing topographic, landscape and other natural features.**
  
  - ii. The functional and aesthetic factors which relate to the tract, and to the principal and accessory buildings and other structures.**
  
  - iii. Enhancing views from and within the tract.**

- iv. Screening and complementing proposed buildings and other structures.
  - v. Creating visual interest for the users and/or residents of the proposed project.
  - vi. Using plant materials which are hardy and acclimated to the conditions at the tract and within the Borough.
- c. The landscaping plan shall include notes, diagrams, sketches, or other depictions to present the consideration and analysis of the following:
- i. An analysis of the site in terms of: the existing views to and from the areas which are proposed for development; existing topography and vegetation conditions; and other existing conditions which are relevant to the site.
  - ii. An analysis of proposed planting and other landscaping needs as related to: screening views of buildings; screening buildings and sections of buildings; screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and, other appropriate types of screening.
  - iii. The consideration of locations where plantings and other landscaping are needed to: provide visual interest; define outdoor spaces; complement the proposed architectural style; and achieve other functional and aesthetic requirements for buffer areas.
  - iv. Existing trees shall be preserved wherever possible. The protection of trees twelve (12) inches or more in caliper (measured at a height four and one half (4-1/2) feet above the original grade) shall be a factor in

determining the location of buildings, open space, structures, underground utilities, walks and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.

2. Design Criteria for Landscaping Plans.

- a. Planting shall be installed and maintained in the buffer areas, prescribed by Section 1106.D. to form a continuous visual buffer. In addition to ground covers and evergreen shrubs, the buffer planting strip shall be comprised of evergreen trees which are a minimum of eight (8) feet in height at the time of planting and shall be spaced in two (2) alternating rows on ten (10) foot centers. The combined evergreen shrub and tree plantings shall constitute a continuous visual screen at the time of occupancy of any buildings, and/or at the time of initiation of any use. In the event such plantings do not along provide a continuous visual buffer, the plantings shall be placed upon a berm at a height from three (3) to five (5) feet to increase their effectiveness.
- b. Shade trees shall be provided along all streets where there are no existing shade trees.
- c. The outer perimeter of all parking areas shall be screened. Effective screens may be accomplished through the use of plant materials, fencing or walls, and/or mounding through the use of earthen berms.
- d. Parking lots shall be landscaped as required in Section 1107.D.
- e. Landscaping shall be provided in association with each principal building in accordance with the following criteria:
  - i. A combination of evergreen and deciduous trees and shrubs shall be used as "foundation" plantings, i.e., plantings to be

installed in reasonably close proximity to the facades.

- ii. At least one (1) three and one half to four (3-1/2 to 4) inch caliper specimen deciduous tree at the time of planting, and one (1) eight to ten (8 to 10) foot specimen evergreen tree shall be planted for every fifty (50) feet of length of building facade. These specimen trees shall be grouped to provide a pleasing, natural effect and existing trees to be retained may be utilized to satisfy this requirement.
  - iii. Five (5) evergreen and/or deciduous shrubs shall be planted for every twenty (20) feet of length of building facade.
  - iv. Trees and shrubs shall be grouped in accordance with specific needs and objectives.
- f. Other landscaping, including trees, shrubs, and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a tract, at the entrance to buildings, and around structures used for service, storage or maintenance purposes.
- g. Shrubs shall not be placed closer than three (3) feet from any property line, and trees shall not be closer than five (5) feet.
- h. The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of the Borough Council.
- i. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to

such public works, unless a tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6x6x6) or equivalent.

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

- a. All plants shall conform with the standards for nursery stock of the American Association of Nurserymen.
- b. Trees and shrubs shall be typical of their species and variety; have normal growth habits; be well developed; and have densely foliated branches and vigorous, fibrous root systems.
- c. Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.
- d. Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the locality of the project or property acclimated to the conditions of the locality of the project.

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

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

- 1. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to



provide shade; to improve stormwater drainage problems; to replenish the groundwater table; and to provide for a more attractive setting.

2. A minimum of ten (10) percent of the parking lot area shall be landscaped.
3. The interior of each parking lot shall have at least one (1) three (3) inch caliper deciduous shade tree for every twenty (20) parking spaces, if there are no existing shade trees to satisfy this requirements. Shrubs and other plant materials are encouraged to be used to compliment the trees, but shall not be the sole contribution to the landscaping. These trees shall be in addition to those required as an effective screen.
4. Plant materials selected for landscaping in parking areas shall be of a species proven to be salt and dust resistant.
5. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which the following shall apply:
  - a. Landscaped areas of at least ten (10) feet in width shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary accessways, to prevent the encroachment of moving vehicles into parking areas.
  - b. Landscaped islands shall be provided at the end of each parking row, and so designed to distinguish between parking areas and access aisles.
  - c. There shall be a planting strip incorporated for every four (4) rows of parking spaces. Such planting strip shall run parallel to parking rows and shall have a minimum width of five (5) feet if double loaded, or four (4) feet if single loaded.
6. Existing plant material and trees with a caliper of six (6) inches or more shall be preserved wherever possible during

construction. Such existing plants may be credited toward the amount of required plantings.

7. Any development proposing the creation of a public road(s) shall provide shade trees along its entire length. The design of such landscaping shall be as follows:
  - a. All shade trees shall be a minimum of fifteen (15) feet in height from good nursery stock when planted. Species selected shall be indigenous to the area and shall have deep root systems.
  - b. Shade trees shall be selected and planted so that at maturity they will provide adequate shade during the summer along the public road.
  - c. Shade trees shall be planted between the cartway edge and the right-of-way line, as long as clear sight distances at intersections are not obstructed. Existing trees with a caliper of six (6) inches or more and located between the cartway and right-of-way line shall be preserved wherever possible and used in the shade tree calculations.

**SECTION 1108. LIGHTING**

**A. Applicability.**

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

**B. Design.**

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

<u>Location</u>	<u>Average Level</u>
Pedestrian Walkways	0.2-0.4 Footcandles

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

2. Lighting standards in parking areas shall not be located farther than one (100) feet apart.
3. No lighting shall be permitted which shines beyond the property line, directly into residential units, or results in glare beyond an angle of thirty (30) degrees from a vertical plane.

**C. Installation Responsibilities.**

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

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

**SECTION 1109. UTILITIES**

**A. Location.**

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

**B. Sewage.**

All uses shall be served by a municipal or private-owned sewage treatment plant, or by on-site wastewater treatment systems upon submission of satisfactory evidence that safe and effective sanitary sewage disposal can be provided in the particular location

concerned by such individual sewage disposal system. Such evidence shall be reviewed and approved by the Department of Environmental Resources.

C. Water Supply.

Public water shall be supplied to all uses.

D. Stormwater Retention.

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

**SECTION 1110.**

**OUTDOOR STORAGE OF MAN-MADE PRODUCTS**

- A. Outdoor storage shall be completely screened from view of any public right-of-way and any adjacent residential use. Screening shall consist of evergreen plantings, architectural, screen or approved safety fence.
- B. No storage shall be permitted within the front yard of any lot.
- C. Outdoor storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot behind the front building line of the principal buildings, and shall not exceed eight (8) feet in height.
- D. Outdoor storage facilities for fuel, raw materials and products shall be enclosed with an approved safety fence compatible with the architectural and landscaping style employed on the lot. In addition to a fence, bulk storage tanks shall be enclosed by a moat or berm to contain potential spillage.
- E. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial and industrial developments, garbage storage shall be centralized to expedite collection and enclosed on three (3) sides by an architectural screen or plantings.
- F. On all residential lots, no unlicensed vehicle, machinery, trailer, mobile home, boat or other similar items shall be stored outside

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

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

1. The industrial use involved traditionally employs outdoor storage.
2. Such storage is needed for the successful operation of the use, and the proposed site is suitable for outdoor storage.
3. It can be shown that indoor storage is not practical.
4. The standards described in Section 1113, herein, shall be met.
5. The storage shall comply with all applicable setback requirements and shall cover only that percentage of total lot areas which is deemed practical and feasible in the opinion of the Zoning Hearing Board.
6. The storage area shall be screened from view from any public right-of-way or any Residential District by buildings, walls, or an effective screen as defined in this Ordinance.

H. In all districts:

1. No trailer, recreational vehicle, boat, unlicensed vehicle, or other similar item shall be stored outdoors within any required yard area.
2. Storage of trailers without a permit when left in place and used as an extension to the building are not permitted in Residential Districts.
3. In Residential Districts, no more than one (1) trailer, recreation vehicle, boat, unlicensed vehicle, or similar items shall be stored outside at any one time on a single lot.

**SECTION 1111. WASTE DISPOSAL**

- A. All waste materials shall be stored in suitable containers and garbage-like materials shall be contained in vermin-proof containers. There shall be no outdoor storage or accumulation for a period in excess of seven (7) days of any waste materials, materials which produce fumes detectable at the lot lines, inflammable materials, edible material, material which would be a harborage or breeding place for rodents or insects, or abandoned, wrecked, or junked vehicles.
- B. No materials or wastes in any form shall be deposited upon a lot in such a manner that they may be transferred off or below the surface of the lot by natural causes or forces.

**SECTION 1112. OFF-STREET PARKING**

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

- A. Location.
  - 1. In no case shall any portion of a public or private street be utilized in complying with the parking requirements of this Section.
  - 2. All parking spaces shall be on the same lot as the principal buildings except when permitted by the Borough Council.
  - 3. The parking spaces in Subsection 1112 A.2. may be located on a different lot only when authorized by the Board, subject to the following conditions:
    - a. The owners of two (2) or more establishments shall submit with their applications for special exception, a site plan showing joint use, agreement and location of a common off-street parking area.

b. The common off-street parking area shall lie within two hundred (200) feet of an entrance to the building served thereby.

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

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

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

**B. Size.**

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

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

**C. Design.**

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

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

3. Parking areas shall be landscaped in accordance with Section 1107.

4. Parking lots shall be graded to a minimum slope of one (1) percent and appropriate inlets, culverts, storm sewers, grating, and other necessary facilities.
5. Parking spaces shall be clearly delineated by suitable markings. Special use spaces such as short-term visitor parking, handicapped parking and loading zones shall be differentiated from employee parking by suitable markings.
6. All parking lots shall be adequately marked. Markings shall include lines defining parking spaces, driveways, entrances, exits and loading and unloading zones, and shall also include directional arrows.
7. No more than two (2) accessways shall be allowed for any parking lot unless the lot frontage through which the accessways project is a minimum of three hundred (300) feet. No accessway shall be located within twenty (20) feet of a property line, or one hundred (100) feet of an intersection.
8. **Handicapped Parking.** The following shall apply to commercial, industrial, professional office, institutional, religious and educational uses.
  - a. If the total number of parking spaces exceeds twenty-five (25), a minimum of two (2) percent of the total number of parking spaces, but not less than two (2) parking spaces, shall be designed and designated for physically handicapped persons.
  - b. Said spaces shall be located so as to provide the most efficient accessibility to the building or buildings which the parking spaces shall serve.
  - c. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.
  - d. Each space shall be twelve (12) feet wide to allow room for handicapped persons to access from either side of an automobile onto level, paved surface.



- e. Such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.
- f. Where handicapped parking is required, curb ramps shall be provided to permit handicapped people access from the parking lot to the side walk or building entrance.

**D. Residential Requirements.**

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

**E. Commercial and Industrial Requirements.**

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

<u>Commercial Uses, Industrial Uses, and Service</u>	<u>Minimum Number of Parking Spaces</u>
Industry	1 space/200 s.f. GFA* or 4 spaces minimum
Laundromat	20 spaces/1,000 s.f. GFA
Personal Service Establishment	1 space/100 s.f. GFA
Wholesale Sale or Storage	1 space/1,000 s.f. GFA
Offices, Clinics, Financial Institutions	3 spaces/1,000 s.f. GFA
 <u>Institutional and Park Uses</u>	
Church	12 spaces/1,000 s.f. in main assembly room, 25% may be in reserve lot

Elementary School

30/1,000 s.f. in main  
assembly room and  
15/1,000 s.f. GFA of  
remaining building

Day Care Center

3 spaces/1,000 s.f.  
GFA, plus 10 stacking  
spaces

\* Ground Floor Area

## SECTION 1113. LOADING AN UNLOADING

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

### A. Location

1. All loading and unloading areas shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into any traffic lane. No loading area for vehicles of more than 4-ton capacity shall be located closer than one hundred (100) feet from any Residential District or use. No permitted or required loading area shall be located within one hundred (100) feet of a property line.
2. No loading facilities shall be constructed within any required yard areas. Loading facilities shall be located either in the side or rear of the building and properly screened according to Section 1106.

### B. Size.

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

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

requirements and may not be used for loading and unloading during business hours.

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

**SECTION 1114. ACCESS AND TRAFFIC CONTROL**

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

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

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

1. All vehicular accessway to any public street shall be located at least one hundred (100) feet from any intersection of a street, measured centerline to centerline.
2. On corner lots used by drive-in banks and similar establishments, no driveway shall be closer than twenty-five (25) feet to the point of radius of the curb at the corner.
3. Each use with less than one hundred (100) feet of street frontage shall not have more than one (1) ingress and egress line to such street, and no use with one hundred (100) feet or more of street frontage shall have more than two (2) accessways to any one (1) street for each four hundred (400) feet of street frontage. A common access point for two (2) or more uses is encouraged, where practical, to minimize vehicular access points along streets other than local streets.
4. Provision shall be made for safe and efficient ingress and egress to and from public streets without undue congestion or interference with normal traffic flow within the Borough.

D. Obstructions to Vision.

1. On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained; and no hedge, tree, shrub or other growth shall be planted or exist which dangerously obscures the view of approaching traffic along street or at intersections.
2. On a corner lot, nothing shall be erected, placed or allowed to grow which dangerously obscures the view within a clear sight triangle defined by the following:
  - a. Above the height of two and one-half (2-1/2) feet and below the height of twelve (12) feet measured from the centerline grades of the intersecting streets.
  - b. Within the area bounded by the centerline of intersecting streets and a line joining points on these centerlines seventy-five (75) feet from an intersection of the centerlines of such streets.
3. Driveway and street entrances onto public streets shall be maintained in such a manner that a clear view is obtained in both directions according to the following standards:

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

\* Measured ten (10) feet from the edge of the cartway of the public street.

**SECTION 1115.     INTERIOR CIRCULATION**

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

**A.     Design of Access Aisles and Drives.**

1.     Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel, delivery, and other service vehicles shall be arranged as to prevent blocking or interfering with accessways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.
2.     Accessways, parking areas and loading areas shall have clearly defined parking bays and traffic circulations lanes designated by markings, curbs, barriers and/or landscaped islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.
  - a.     To assist in traffic channelization, raised islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be landscaped, but shall be designed so as not to impair visibility needed for traffic flow and turning movements.
  - b.     Traffic channelization shall be planned in such a way that a main driving aisle from which vehicles can flow off the street and into the site and parking bays is remote from the primary building(s) so as to avoid traffic conflicts in front of the primary building(s).
  - c.     Parking areas shall be designed so that a vehicle within a parking area will not have to enter a public street to move from one location to any other

location within the parking area or lot. Turnaround surface shall be provided so egress to the street is in a forward direction.

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

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

<u>Use</u>	<u>Two Lane Two Way Drives</u>
Multi-family	18 Feet
Commercial/Office	22 Feet
Industrial	25 Feet

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

C. Pedestrian Circulation.

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

1. The developer shall preserve existing trails, install trails and pathways or other pedestrian facilities as necessary and desirable to achieve the following:

a. Logically continue, link or expand existing pedestrian facilities on, across and abutting the site.

b. Provide pedestrian access to existing or anticipated public bus or train transportation pick up points, public parks, community facilities and commercial areas.

- c. Provide convenient and logical walkway connections between the entrances of a principal building and its required parking spaces, preferably in conjunction with landscaped planting islands that provide shade, visual relief from glare and physical separation from vehicular areas. A walkway shall be a minimum of six (6) feet wide where it abuts the width of parking spaces where the vehicle may overhand the walkway.
2. Maximum separation of pedestrian and vehicular routes shall be encouraged for safety and comfort of pedestrians. Separation can be in the form of any one or combination of the following: horizontal distance; vertical distance (level changes such as overpass, underpasses, embankments); street trees, landscaping and other barriers such as bollards and fences.

**SECTION 1116. ENVIRONMENTAL PERFORMANCE STANDARDS.**

The following regulations shall apply to all districts:

**A. Air Quality.**

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

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

**B. Fire and Explosive Hazards.**

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

**C. Glare and Heat.**

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

**D. Liquid and Solid Waste.**

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

**E. Noise.**

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



receiving land use category in the following table when measured at or within the property boundary of the receiving land use.

Continuous Sound Levels by Receiving Land Use

<u>Receiving Land Use Category</u>	<u>Time</u>	<u>Sound Level Limit</u>
Residential, public space, open space, agricultural or institutional	1. 7:00 am - 10:00 pm	60 dBA
	2. 10:00 pm - 7:00 am plus Sundays and legal holidays	50 dBA
Commercial or business	1. 7:00 am - 10:00 pm	65 dBA
	2. 10:00 pm - 7:00 am plus Sundays and legal holidays	60 dBA
Industrial	At all times	70 dBA

1. For any source of sound which emits a pure tone, the maximum sound level limits set forth in the above table shall be reduced by 5 dBA. For any source of sound which emits an impulsive sound (a sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any fifteen (15) second interval), the excursions of sound pressure level shall not exceed 20 dBA over the ambient sound level, regardless of time of day or night or receiving land use, using the "faster" meter characteristic of a Type II meter, meeting the ANSI specifications S1.4.1971.
2. The provisions of this section shall not apply to sound emanating from property within any residential land district or actually legally permitted residential use; such sound that arises from activity customarily associated with residential use.

3. The maximum permissible sound levels by the receiving land use category as listed in the previous table shall not apply to any of the following noise sources:

- a. The emission of sound for the purpose of alerting persons to the existence of an emergency.
- b. Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- c. Domestic power tools.
- d. Explosives and construction operations.
- e. Agriculture.
- f. Motor vehicle operations.
- g. Public celebrations, specifically authorized by the Borough.
- h. Surface carriers engaged in commerce by railroad.
- i. The unamplified human voice.

**F. Odor.**

No uses except agricultural operations, shall emit odorous gases, or other odorous matter in such quantities to be offensive at any point on or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the fifty (50) percent response level of Table 1 (Odor Thresholds in Air), "Research or Chemical Odors: Part I - Odor Thresholds for 53 Commercial Chemicals", October, 1968, Manufacturing Chemists Association, Inc., Washington, D.C.

**G. Vibration.**

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

**H. Radioactivity or Electoral Disturbances.**

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

**I. Public Health and Safety.**

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

## ARTICLE XII

### NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS

#### SECTION 1201. APPLICABILITY

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

#### SECTION 1202. CONTINUATION

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

#### SECTION 1203. NONCONFORMING USES

##### A. Extension or Enlargement.

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

1. It is clear that such extension is not materially detrimental to the character of the surrounding area or the interest of the municipality.
2. The area devoted to the nonconforming use shall not be increased by more than a total of twenty-five (25) percent.

3. Any extension or enlargement of the building or of a lot having a nonconforming use shall conform to all area and bulk regulations of the district in which it is situated and to all regulations applicable to such a use in the district or districts in which the nonconforming use shall be limited to the lot which was in existence at the time of adoption of this Ordinance.
4. Any extension or enlargement of a nonconforming use must meet the off-street parking and buffering requirements of Article X herein.

**B. Change of Use.**

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

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

**C. Restoration.**

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

1. Reconstruction of the structure shall commence within one (1) year from the date the structure was destroyed or condemned and shall be completed within one (1) year of the date commenced.
2. The reconstructed structure shall not exceed area and bulk of the damaged or destroyed structure, except as provided by Section 1203.A above.

D. Discontinuance.

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

E. Abandonment.

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

SECTION 1204. NONCONFORMING STRUCTURES

A. Extension or Enlargement.

1. Nonconforming structures may be altered, renovated, or enlarged provided that such alteration, renovation or enlargement does not increase the floor area of the nonconforming structure by more than twenty-five (25) percent of the floor area of the structure as it existed on the date when the structure became nonconforming. Such alteration, renovation or enlargement shall be authorized as a special exception by the Zoning Hearing Board and shall not increase any existing nonconformity and shall comply with all area and bulk regulations. In the case of a nonconforming structure which is occupied by a nonconforming use, such alteration, renovation or enlargement shall also meet the requirements of Section 1203.A of this Article. In the case of a nonconforming structure which is located on a nonconforming lot, such alteration, renovation or enlargement shall also meet the requirements of Section 1203.C of this Article.

2. Any structural alteration, extension or addition to existing buildings shall conform with all area, height, width, yard and coverage requirements for the district in which it is located as well as building code regulations currently in effect.
3. Any extension or enlargement of a nonconforming structure must meet the off-street parking and buffering requirements of Article X herein.

**B. Restoration.**

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

1. The reconstructed building or structure shall not exceed the height, area or bulk permitted by 1203.A. or the original building, whichever shall be the more limited, except as specified by Section 1204.A.
2. Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be completed without interruption.

**C. Change of Use.**

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

**SECTION 1205. NONCONFORMING LOTS**

- A. A building may be constructed on a nonconforming lot of record in existence at the effective date of this Ordinance. If the side, rear or front yard setback requirements cannot be met, a special exception may be authorized by the Zoning Hearing Board. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.

- B. No lot area shall be reduced so that the area or width of the lot or the applicable setback dimensions shall be smaller than herein prescribed.
- C. An existing structure located on a lot nonconforming as to area may be used for the use permitted in the district in which it is located, provided the structure complies within all bulk requirements of that district. If a nonconforming structure is located on a nonconforming lot, such structure may be used for a use permitted in the district in which it is located when it is determined by the Zoning Hearing Board on appeal, that the proposed use is not injurious to health, safety, morals, and general welfare of the Borough in general and the surrounding property owners in general and the surrounding property owners in particular, and provided that the requirements of Section 1203.C. are met.

**SECTION 1206. NONCONFORMING SIGNS**

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

**A. Area.**

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

**B. Replacement.**

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

**C. Discontinuance.**

Whenever any nonconforming use of building, structure, or land, or of a combination of buildings, structures, and land ceases as prescribed in 1203.D., all signs accessory to such use shall be



deemed to become nonconforming and shall be removed within three (3) calendar months from the date such use terminates.

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

## ARTICLE XIII

### ADMINISTRATION

#### SECTION 1301. APPLICABILITY, ADMINISTRATION AND ENFORCEMENT

##### A. Application.

1. Hereafter no land shall be used or occupied, and no building or structure shall be created, altered, used or occupied except in conformity with the regulations herein established for the districts in which such land, building or structure is located, as well as all other applicable statutes.
2. In case of mixed occupancy, the regulations for each use shall apply to that portion of the building or land so used.

##### B. Administration and Enforcement.

1. There shall be a Zoning Administrative Officer who shall be appointed by the Borough Council and whose duty shall be and is hereby given the power and authority to enforce the provisions of this Ordinance.
2. Duties - The duties of the Zoning Administrative Officer shall be:
  - a. To examine all applications for permits required by this Ordinance.
  - b. To issue permits only for construction and uses which are in accordance with the regulations of this Ordinance and as may be subsequently amended.
  - c. To record and file all applications for permits and accompanying plans and documents and keep them for public record.
  - d. To issue permits for uses by special exception and variance only after such uses and buildings are ordered by the Zoning Hearing Board in accordance with the regulations of this Ordinance, or Court of

Appeals, subject to any stipulations contained in such order.

- e. Upon the request of the Borough Council or the Zoning Hearing Board, present to such bodies, facts, records, and any similar information on specific requests to assist such bodies in reaching its decision.
- f. To be responsible for the keeping up-to-date of this Ordinance and the Zoning Map, filed with the Borough Secretary and to include any amendments thereto.
- g. To be responsible for the administration of the National Flood Insurance Program in West Easton Borough and specifically in those areas where records must be maintained relative to the types of land use permitted and occurring within the floodplain district, variances issues, base flood elevations, elevation of lowest floor, including basement, the elevation to which the structure is floodproofed and other administrative functions necessary for participation in the National Flood Insurance Program.
- h. To notify in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator.
- i. To assure the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- j. To be responsible for applicable provisions included in all other codes, ordinances and regulations that are applied insofar as they are consistent with the Borough's needs to minimize the hazard and damage which may result from flooding.

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

**C. Violations.**

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

1. **Notice of Violation.** If the Zoning Administrative Officer shall find that any of the provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation. Such notice shall indicate the nature of the violation and order the action necessary to correct. He shall order discontinuance of illegal use of land, building or structure; removal of illegal building or structures or additions, alterations or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this Ordinance to insure compliance with or prevent violation of its provisions. Such orders shall be delivered in person by the Zoning Administrative Officer or shall be mailed by certified mail to the person or entity responsible. Orders of the Zoning Administrative Officer shall become effective within the time provided in the order, but in no event less than one (1) nor more than thirty (30) days from receipt of notice. The Zoning Administrative Officer shall allow reasonable time for compliance with orders.
2. **Repeat violation of an initial notification as to violation of an Ordinance provision shall constitute forfeiture of subsequent notices and result in the fines as provided in Section 1301.D.**
3. **Complaints Regarding Violations.** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrative Officer. He shall record properly

such complaint, investigate, and take action thereon as provided by this Ordinance.

**D. Fines and Penalties.**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance enacted, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than One Hundred Dollars (\$100), nor more than Five Hundred Dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues, shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the zoning ordinances shall be paid over to the municipality whose ordinance has been violated.

1. The court of common pleas, upon petition, may grant an order to stay, upon cause shown, toiling the per diem fine pending a final adjudication of the violation and judgment.
2. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity, other than the Borough, the right to commence any action for enforcement pursuant to this Section.

**E. Enforcement Remedies.**

In case any building, structure or landscaping is erected, constructed, reconstructed, altered, repaired, demolished, converted or maintained, or any building, structure or land is used, or any

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

**SECTION 1302. COMMON PERMIT REGULATIONS**

**A. General Requirements.**

1. Application for permits shall be made in writing on an appropriate form to the Zoning Administrative Officer and shall contain all information necessary for such officer to ascertain whether the proposed use of land or improvement under the application shall comply with the provisions of this Ordinance and all other existing statutes.
2. Applications for permits required under this Ordinance may be submitted by an owner or a designated representative thereof; however, responsibility for obtaining any required permit and compliance with existing statutes, shall rest with the property owner.
3. No permit shall be issued except in conformity with the regulations of this Ordinance, and other existing statutes, except after written order from the Zoning Hearing Board or the Courts. Any permits issued on written order of the Zoning Hearing Board or the Courts shall be subject to any stipulation contained in that order.
4. In all instances in which the Zoning Administrative Officer expresses a reasonable doubt as to the ability of a proposed use to meet all the requirements of this Ordinance, it will be incumbent upon the applicant to furnish adequate evidence in support of this application. If such evidence is not presented, the zoning permit will be denied.

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

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

**B. Fees.**

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

**C. Issuance of Refusal of Permits.**

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

**D. Notification to Applicant.**

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

**SECTION 1303. ZONING PERMITS**

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

**B. Application for Zoning Permits.**

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

1. Three (3) copies of the approved land development and/or plot plan together with any other data and information required by the Zoning Administrative Officer to evaluate compliance with this Ordinance and other existing statutes.
2. Three (3) copies of detailed architectural plans for any proposed building or structure under the application.
3. Wherein the disturbance or movement of earth is contemplated, a soil and erosion control plan with an accompanying narrative prepared by a qualified person for review and approval by the Borough Engineer; or, when applicable, a copy of the permit issued by the Pennsylvania Department of Environmental Resources approving earth moving operations.
4. Permits or certification from the appropriate agency for the provision of a healthful water supply, disposal of sewage and other wastes, and control or objectionable effects, as well as any other appropriate, lawful permits as may be required by statute.
5. Additional copies of any information may be required by the Zoning Administrative Officer.
6. Permits shall be granted or refused within thirty (30) days upon satisfaction of the Borough that all supplemental information has been supplied.

**C. Temporary Zoning Permits.**

A temporary zoning permit may be authorized by the Zoning Administrative Officer for a nonconforming structure or use which



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

**SECTION 1304. SIGN PERMITS**

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

B. Application for a Permit.

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

1. Permits shall be granted or refused within thirty (30) days from date of application.
2. No sign permit shall be issued except in conformity with the regulations of this Ordinance, or except after written order from the Zoning Hearing Board, or the Courts.
3. All applications for sign permits shall be accompanied by plans or diagrams in duplicate and approximately to scale, showing the following:
  - a. Dimensions of the lot (including any right-of-way lines) and/or building upon which the sign is proposed to be erected.
  - b. Size, dimensions and location of the said sign on lot or building together with its type, construction, materials to be used, and the manner of installation.
  - c. Any other lawful information which may be required of applicant by the Zoning Administrative

Officer. One (1) copy of said plan or diagram shall be returned to applicant, after the Zoning Administrative Officer shall have marked such copy either approved or disapproved, and attested to same.

**SECTION 1305. BUILDING PERMITS**

**A. Requirements of Building Permits.**

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

**B. Application for Building Permits.**

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

**C. Issuance of Building Permits.**

No building permit shall be issued until the Zoning Administrative Officer has certified that the proposed building, structure or alteration complies with the provisions of this Ordinance and applicable ordinances. Upon completion of the erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this Ordinance, and prior to use of occupancy, the holder of such permit shall notify the Zoning Administrative Officer of such

completion. Use and occupancy shall not be authorized until the Zoning Administrative Officer has certified that the work has been inspected and approved as being in conformity with this and other applicable ordinances, and has issued a use and occupancy permit as provided in Section 1307.

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

- A. A permit shall be required prior to the erection or installation of any microwave antenna for satellite communication, provided a temporary installation of a portable unit, not to exceed seven (7) days, shall be permitted without a permit for the purpose of determining the suitability of the site for a permanent antenna installation.
- B. All applications for a microwave antenna permit shall be made to the Zoning Administrative Officer in writing on a form furnished by the Borough and shall be accompanied by plans, in duplicate and to scale, showing:
  - 1. For residential and nonresidential installations:
    - a. The dimensions of the lot and location of the buildings thereon.
    - b. Details of all microwave antenna anchors, supports and foundations, the exact size of the antenna, including dish, and the exact proposed location of the microwave antenna on the lot.
    - c. When microwave antennas are attached to an existing structure, details of how microwave antenna loads will be distributed to the existing structure.
  - 2. For roof-mounted nonresidential installations:
    - a. Design wind load on each anchor and allowable wind load on each anchor.
    - b. Forces on foundation, including live load and dead load.

- c. Strength and allowable stresses of cables, rods or braces and the actual force and allowable force for each cable, rod or brace.
- C. If the manufacturer's specifications submitted with the application specify the installation criteria for 1306.B.2., they shall be made part of the plan and separate calculations shall not be required. The Zoning Administrative Officer may waive 1306.B.2 if he determines them not applicable to the installation.
- D. Issuance or refusal of permits and notification to the applicant shall be in conformance with Section 1307.
- E. The permit fee shall be in such amount as established from time to time by resolution of the Borough Council.

**SECTION 1307. OCCUPANCY PERMITS**

**A. General Requirements.**

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

1. Occupancy of any parcel of land, building or other structure hereinafter erected, altered or enlarged for which a zoning permit or sign permit is required.
2. For all commercial and industrial uses, a change of ownership or use of any parcel of land, building, or other structure for which a zoning permit has been or should have been issued under this or previous Zoning Ordinance.
3. For new construction in all zoning districts prior to sale.

**B. Application Procedures.**

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

**C. Issuance.**

1. Use and occupancy permits shall be granted or refused with ten (10) days from the date of application. No application shall be granted or refused until the Zoning Administrative Officer has inspected the premises. Issuance of this permit by the Borough Official or employee designated by the Zoning Administrative Officer shall be based in conformity of the work to the requirements of this Ordinance and any other pertinent ordinance.
2. Pending completion of a building or of alterations thereto, temporary use and occupancy permit may be issued by the Zoning Administrative Officer for a temporary occupancy of part or all of the building, provided that such temporary occupancy will not adversely affect the health, safety, and welfare of the public or property, and providing further that a time limit for temporary permits not exceeding six (6) months shall be established.
3. In commercial and industrial districts in which performance standards are imposed or when required by the Zoning Administrative Officer, no use and occupancy permit shall become permanent until sixty (60) days after the facility is fully operating, when upon reinspection by the Zoning Administrative Officer it is determined that the facility is in compliance with all performance standards.

**SECTION 1308. CONDITIONAL USES**

- A. An application for a conditional use shall be filed with the Borough Council and shall include:
  1. The name and address of the applicant.
  2. The name and address of the owner of the real estate to be affected by the proposed conditional use application.
  3. A description and location of the real estate on which the conditional use is proposed.

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.

**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

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

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.



- 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

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.**

## 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.



**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	September 24, 1992
Public Review	September 29, 1992
Borough Council	October 5, 1992
Borough Council	November 5, 1992


ENACTMENT

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

  
\_\_\_\_\_  
President of Council

Attest:   
\_\_\_\_\_  
Borough Secretary/Manager

Approved this \_\_\_\_ day of \_\_\_\_\_, 1992

  
\_\_\_\_\_  
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.

SHED: 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 any 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

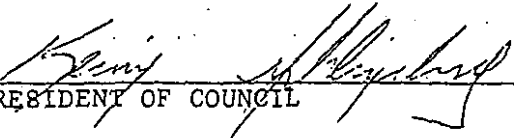
C. A terrace, deck, patio or unenclosed porch which does not extend above the level of the first floor of the building, may be erected to extend into the front or rear yard a distance of not more than ten (10) feet, provided that it does not extend into the required set backs.

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.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

Attest:   
\_\_\_\_\_  
BOROUGH SECRETARY/MANAGER

Approved this 4th day of October, 1993.

  
\_\_\_\_\_  
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:

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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.

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Borough Secretary

Approved this            day of            , 1996.

  
\_\_\_\_\_  
Mayor

AA0395

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:

Street Right of Way	Cartway	Public Walkway (each side)	Sidewalk
50 feet	34 feet	8 feet	4 feet
30-50 feet	varies	6 feet	4 feet
20-30 feet	varies	4 feet	4 feet
15 feet	11 feet	2 feet	-----

**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 with 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

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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

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Borough Manager

Approved this            day of            , 1998.

  
\_\_\_\_\_  
Mayor



**BOROUGH OF WEST EASTON**

**ORDINANCE NO. 616**

**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 setback 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.

  
President of Council

ATTEST:   
Secretary/Manager

APPROVED this 1 day of November, 1999.

\_\_\_\_\_  
Mayor

11/1/99

BOROUGH OF WEST EASTON  
NORTHAMPTON COUNTY, PENNSYLVANIA.

ORDINANCE NO. 714

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)
  - a. Single-family detached dwelling.
  - 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 fee 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.

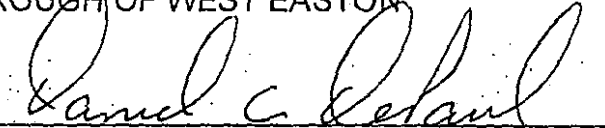
**SECTION 5.** Effective Date.

This Ordinance shall become effective immediately.

ATTEST:


  
Richard A. Foster, Secretary

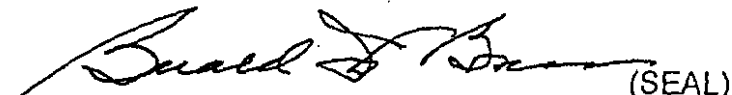
BOROUGH OF WEST EASTON

By:   
Daniel C. DePaul,  
President of Borough Council

APPROVED this 3rd day of November, 2004.

ATTEST:

  
Richard A. Foster, Secretary

 (SEAL)  
Gerald W. Gross, Mayor

**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.**

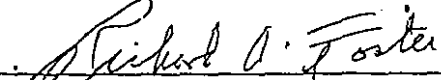
All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**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.

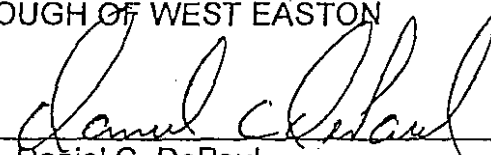
**SECTION 5. EFFECTIVE DATE.**

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.

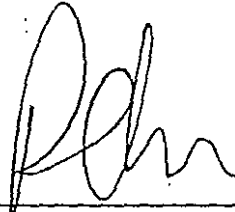
ATTEST:

  
Richard A. Foster, Secretary

 (SEAL)  
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.



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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:

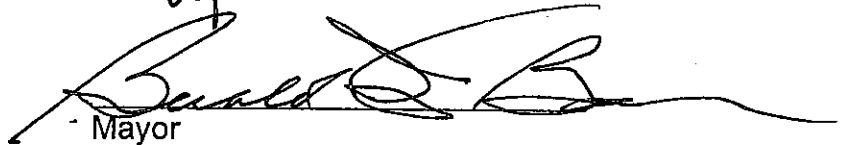
D. The Board may mail notice thereof to the owner of every lot within a two hundred (200) foot radius of the lot or building in question. This notice shall apply to the property owners of the lots or buildings in the West Easton Borough only. But failure to receive notice, either in part or in full,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

ENACTED into an Ordinance this 12<sup>th</sup> day of April, 2010.

  
\_\_\_\_\_  
Council President

ATTEST:   
Secretary

APPROVED this 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> day of April, 2010.

BOROUGH OF WEST EASTON

ATTEST:

By: Donna M. Smith  
Secretary

By: Kelly A. Gross  
President of Borough Council

APPROVED this 12<sup>th</sup> day of April, 2010.

ATTEST:

Donna M. Smith  
Secretary

\_\_\_\_\_  
Mayor (SEAL)

**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.

BOROUGH OF WEST EASTON

ATTEST:

By: Jess A. Garcia  
Secretary

By: Kelly A. Gross  
President of Borough Council

APPROVED this 23<sup>rd</sup> day of August, 2010.

ATTEST:

By: Jess A. Garcia  
Secretary

By: [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.

BOROUGH OF WEST EASTON

ATTEST:

By: Jie A. Garcia  
Secretary

By: Kelly Gross  
President of Borough Council

APPROVED this 14<sup>th</sup> day of February, 2011.

ATTEST:

By: Jie A. Garcia  
Secretary

By: [Signature]  
Mayor

**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.

4. Conditional Uses.

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: Jie A. Garcia  
Secretary

By: Kelly Gross  
President of Borough Council

APPROVED this 15<sup>th</sup> day of Oct. 2012.

ATTEST:

By: Jie A. Garcia  
Secretary

By: Bruce D. B.  
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.**

**4. Conditional Uses.**

**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:

J. Garcia  
Secretary

By: Kelly Gross  
President of Borough Council

APPROVED this 12<sup>th</sup> day of November 2012.

ATTEST:

J. Garcia  
Secretary

By: Donald B.  
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.

4. Conditional Uses.

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

(1) 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 be 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 that the 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. the

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

(8) The Residential Treatment Center shall maintain a perimeter boundary fence at a minimum of six (6) feet high, subject to the final 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 from 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: Molly Melld  
Secretary

By: Kelly Gross  
President of Borough Council

**APPROVED** this 23rd day of September 2013

ATTEST:

By: Molly Melld  
Secretary

By: Donald B.  
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:

4. Additional Residential Uses.
  - 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: Mally Elleb  
Secretary

By: Kelly Gross  
President of Borough Council

APPROVED this 10th day of August 2015.

ATTEST:

By: \_\_\_\_\_  
Secretary

By: David L. B...  
Mayor