

BOROUGH OF
NORTH CATASAUQUA
Northampton County, PA

ZONING ORDINANCE

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Prepared By:

Metropolitan Land Use & Development
Alpha, New Jersey

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ARTICLE I
TITLE, PURPOSE AND JURISDICTION

§ 100 Title

This Ordinance shall be known and may be cited as "THE ZONING ORDINANCE OF THE BOROUGH OF NORTH CATASAUQUA OF 1995".

§ 101 Purpose

The purpose of this Ordinance is to exercise the authority delegated to municipalities under Article VI of the Pennsylvania Municipalities Planning Code, P.L. 805, No. 247, as amended by dividing the Borough into districts and regulating the use of land and the location, use and density of buildings within these districts and providing for the administration and enforcement of this Ordinance.

This Ordinance shall permit, prohibit, regulates, restrict and determine the use of land and watercourses; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the extent of environmental influences of and upon land uses; the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, yards and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; the provisions for special exceptions and variances to be administered by the Zoning Hearing Board and the provisions for conditional uses to be administered by Borough Council; and provisions for the administration and enforcement of this Ordinance and such other provisions as may be necessary to implement the purpose and requirements of this Ordinance.

§ 102 Declaration of Legislative Intent

This Ordinance is herein enacted in accordance with Article VI of the Pennsylvania Municipalities Planning Code (Act 247), as amended, for the following purposes:

1. To promote the health, safety, and the general welfare of all of the residents of the Borough.

2. To promote, protect, encourage, and facilitate coordinated practical community development.
3. To facilitate the adequate provision of transportation, vehicular parking and loading, water supply, sewage, schools, parks, and other public requirements.
4. To encourage the most appropriate use of land throughout the Borough.
5. To accommodate reasonable overall community growth and to provide reasonable opportunities for the development of a variety of appropriate land use types.

§ 103 Statement of Community Development Objectives

Giving effect and enforcement to the following land use and development policies and those established by the North Catasauqua Land Use Plan herein incorporated by reference.

1. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods and the community.
2. Guiding and encouraging the future development of the Borough in accordance with contemporary planning policies and practices that represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the Borough.
3. Protecting the character and the social and economic stability of existing and future neighborhoods within the Borough.
4. Protecting and conserving the value of land and buildings throughout the Borough, appropriate to the various zoning districts established herein.
5. To encourage the appropriate and efficient expenditure of public funds and the provision of safe and proper sanitary sewage disposal, and private enterprise in building development, investment, and other economic activity relating to land use.

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6. To promote a desirable visual environment through creative development techniques and good civic design and planning.

§ 104 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion and protection of the public health, safety, comfort, convenience, and general welfare of the residents of the Borough. In applying and interpreting the provisions of this Ordinance the following provision shall also apply:

1. 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.
2. Where the provisions of any statute, other ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.
3. Since it is impossible to provide standards for every conceivable use within this Ordinance, any use not specifically listed within this Ordinance, unless prohibited as stipulated herein, may be permitted by the Zoning Hearing Board after public notice, hearing and testimony as a Special Exception and said use shall be subject to the special exception provisions of this Ordinance and shall be permitted only within the district in which the most closely related use is currently permitted by this Ordinance as determined by the Zoning Hearing Board.

§ 105 Conflicts

This Ordinance is not intended to repeal, abrogate, annul or interfere with any existing ordinances or 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.

§ 106 Severability

It is hereby declared by the Mayor and Council of the Borough of North Catasauqua that the provisions, sections and subsections of this Ordinance are severable in accordance with the following provisions:

1. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
2. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

§ 107 Effective Date of Ordinance

This Ordinance shall become effective five (5) days after the date of its formal adoption by the North Catasauqua Borough Council, and in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code Act 247, as amended.

§ 108 Repealer

The prior Zoning Ordinance, adopted November 12, 1951 as amended, and entitled "The North Catasauqua Zoning Ordinance of 1951," and all supplements and amendments thereto, upon adoption of this Ordinance, are hereby repealed. This Ordinance does not repeal provisions of other laws or ordinances except those specifically or implicitly repealed by this Ordinance. Further provided, however, if the present ordinance is held to be ineffective or invalid by reason of some irregularity in, or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then, and only in that event, the Zoning Ordinance of 1951, together with its supplements and amendments,

would remain in full force and effect, only and until such time as the irregularity in, or impediment to, this Ordinance has been overcome.

§ 109 Uniformity of Application

The regulations of this Ordinance shall apply uniformly to each class, use and structure within each district except as otherwise provided herein and permitted under provision of Article VI of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

§ 110 Application of Regulations

Hereinafter, there shall be no change of the use of any land, structure or portion thereof, the change, alteration, or extension of a non-conforming use or structure, or the construction, razing, moving, erection, structural change, alteration of, or addition to, any structure or portion thereof, the grading or earth moving, and/or erection of any stationary sign unless and until a valid Permit has been approved by, and secured from, the North Catasauqua Zoning Officer or his designated representative in conformance with all the regulations and procedures herein specified. Failure to obtain a required permit shall constitute a violation of this Ordinance as herein provided.

ARTICLE 2 ADMINISTRATION AND ENFORCEMENT

§ 200 Zoning Officer Appointment

For the administration and enforcement of this Ordinance, a Zoning Officer, who shall not hold any elective office in the Borough shall be appointed. The Zoning Officer shall meet qualifications established by the Mayor and Council and shall demonstrate to the satisfaction of Borough Council a working knowledge of municipal land use and zoning.

§ 201 Zoning Ordinance Administration

The Zoning Officer shall have exclusive jurisdiction in the administration and enforcement of this Ordinance and shall be empowered thereby to exclusively render Land Use Determinations regarding the application and enforcement of the Zoning Ordinance and any provision therein.

§ 202 Zoning Officer: Powers and Duties

The Zoning Officer shall administer the zoning ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use or occupancy which does not conform to the specific requirements of this Ordinance.

It shall further be the duty of the Zoning Officer, and he is hereby granted the exclusive power and authority, to:

1. Receive and review all applications and plans and issue permits when there is compliance with all of the provisions of this Ordinance, other Borough ordinances and with the laws of the Commonwealth. In the case of permit denial, the Zoning Officer shall cite the specific section(s) of non-compliance in a written land use determination and shall specify the appeal process from said determination.
2. Review all subdivision and land development plans and issue a written report to the Borough's Planning Agency, Zoning Hearing Board, and Borough Council, as the case may be, regarding the plans conformance or non-conformance with the requirements of this Ordinance. All

provisions of non-compliance shall be cited by Ordinance section and subsection.

3. Enforce the provisions of this Ordinance by the issuance of enforcement orders or by other means. Such written orders shall be served personally or by certified mail upon the persons, firms, or corporations deemed by the Zoning Officer to be in violation of the terms of this ordinance.
4. Receive applications for special exceptions, variances and appeals from zoning officer determinations and forward these applications and appeals to the Zoning Hearing Board for Public Notice, Hearing and written Decision in accordance with this Ordinance.
5. Receive applications for Conditional Uses and forward said applications to the Borough Council for Public Notice, Hearing and written Decision in accordance with this Ordinance.
6. Receive applications for Preliminary Opinions and render written Land Use Determinations thereof in accordance with this Ordinance.
7. Conduct or have conducted by his designated representative, investigations and inspections as required to determine compliance or non-compliance with the terms of this Ordinance.
8. The Zoning Officer may institute civil enforcement proceedings before the District Justice, or other court of competent jurisdiction, as a means of enforcement upon authorization of Borough Council and when acting within the scope of his employment.
9. Keep a permanent record of all plans and applications for permits, and all permits issued and denied including any special conditions and/or notations regarding same. All records, excluding on-going enforcement proceeding, shall be open for public inspection upon appropriate notice to the Zoning Officer.
10. Maintain the Official Zoning Map showing the current zoning classifications of all land within the Borough.

11. Present such additional facts, records, and/or similar information to the Borough's Planning Agency, Zoning Hearing Board, or Borough Council upon their request.

12. The Zoning Officer may maintain a registry of non-conforming uses, structures and lots as may be practicable, and in accordance with Section 613 of the MPC.

§ 203 Interpretation of Ordinance Provisions

In interpreting the language of the Zoning Ordinance to determine the extent of restriction upon the use of property, the Zoning Officer shall interpret said language, where doubt exists as to the intended meaning of the language written and enacted by Borough Council, in favor of the property owner and against any implied extension of said restriction.

§ 204 Permit Requirement

A permit shall be required prior to the change of use of land or a structure or portion thereof, and prior to the change, alteration, or extension of a non-conforming use or structure, or the construction, razing, moving, erection, structural change, alteration of, or addition to, any structure or portion thereof, the grading or earth moving, and/or erection of any stationary sign unless and until a valid Permit has been approved and duly issued by the Zoning Officer or his designated representative in conformance with all the regulations and procedures herein specified. Failure to obtain a required permit shall constitute a violation of this Ordinance as herein provided.

§ 205 Permit Application

Applications for permits shall be made in writing by the owner or his duly authorized agent to the Zoning Officer on such forms as may be furnished by the Borough Land Use Office. Each application shall contain all information necessary for the Zoning Officer to ascertain whether the proposed erection, alteration, use or change of use and/or occupancy complies with the provisions of this Ordinance. The Zoning Officer at a minimum may require any or all of the following information to be provided:

1. The name of the applicant and the owner of record of the property in question along with the property identification by street address and Tax Map, Block and Lot number.
2. Statement as to the existing and proposed use of the building and/or land;
3. A Plot Plan showing the location, dimensions, and height of existing and proposed buildings and uses including their relationship, orientation and distance to all property and street lines.
4. The location, size, arrangement, and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas as may be required by this Ordinance.
5. The location, dimensions, and arrangements of all open spaces, yards, and buffer yards, including methods to be employed for screening as may be required by this Ordinance.
6. Provisions to be made for the treatment and disposal of effluent, for an adequate water supply, and stormwater drainage as may be required by this Ordinance.
7. The capacity and arrangement of all buildings used or intended to be used for dwelling and other purposes, including the proposed density in terms of dwelling units per acre.
8. In the case of grading, as defined by this Ordinance, a description of the methods to be employed for the control of soil erosion, sedimentation and stormwater run-off to include:
 - 8.1 A grading plan showing and describing all changes to the site including cuts, fills, first floor elevations, paving, utilities, rights-of-way, easements, the exact location of on-site waste disposal systems, wells and reserved waste disposal system areas when applicable.

§ 206 Fees

Fees for permits and certificates of use and occupancy shall be paid in accordance with a Fee Schedule as adopted by Resolution of Borough Council and all such fees shall be paid to the Borough Tax Collector. Each applicant for a permit, certificate, appeal, special exception, variance, conditional use, preliminary opinion, or other requested activity regulated by this Ordinance shall, at the time of making application and/or receiving a permit, pay a fee in accordance with the aforementioned Fee Schedule for the cost of administrative and technical review and processing of said application by the Borough Land Use Office.

§ 207 Issuance of Permits

Permits shall be granted or refused after a complete written application has been filed with the Zoning Officer. All land use activities authorized by the Zoning Officer shall comply with all applicable provisions of this Ordinance and/or written Decision of the Zoning Hearing Board as the case may be.

§ 208 Life of Permits

1. Any erection, construction, reconstruction, alteration, or moving of a building or other structure including a sign authorized by a permit, or decision of the Zoning Hearing Board shall be commenced, and any change in use of a building or land authorized by a permit or decision of the Zoning Hearing Board shall be undertaken, within six (6) months after the date of issuance of the permit or written decision of the Board provided:

- 1.1 In the case of a decision of the Zoning Hearing Board, that prior to the six (6) month expiration, written request for a time extension is made by the applicant to the Zoning Hearing Board, and that the Zoning Hearing Board may, at their discretion, grant or deny an extension of time to obtain a permit and/or commence the previously authorized activity. Written request for a time extension shall not require a formal application or fee provided that all action taken by the Board regarding said request is conducted in an open public meeting and further provided that

the applicant provide, or compensate the Borough for, adequate public notice.

- 1.2 In the case of a permit issued by the Zoning Officer, that prior to the six (6) month expiration, written request for a time extension is made by the applicant to the Zoning Officer who, at his discretion, may grant or deny an extension of time to commence the previously authorized activity.

- 1.3 That the extension of time as granted by the Zoning Hearing Board or the Zoning Officer as the case may be, shall be limited to a period of six (6) months per extension, with a maximum of two extensions permitted per permit or decision of the Board. The applicant may be charged an administrative fee by the Zoning Hearing Board and/or Zoning Officer for said extension.

2. Upon expiration of the time limits as established in Section 208.1 herein, a permit or a decision of the Zoning Hearing Board shall become null and void, requiring a new application, fee, hearing, decision and permit as may be required. Upon re-application, the applicant shall be bound by the zoning regulations in effect at the present time, and shall not have any vested rights in the pre-existing ordinances for work elements not yet started under the provision of the original permit.

§ 209 Enforcement

In the event that the Zoning Officer determines that a violation of the Zoning Ordinance may exist, the Zoning Officer shall initiate enforcement proceedings by sending an Enforcement Notice by return receipt certified mail or personal service as herein required. Said notice shall be sent to the owner of record of the real property on which the violation has occurred, to any persons who have filed a written request to receive enforcement notices regarding said property, and to any other person requested to be notified in writing by the owner of record of said premises. All enforcement notices shall at a minimum include the following:

1. The name of the owner of record and any other person against whom the municipality intends to take action;
2. The location of the property in violation;
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance by Section and Subsection;
4. The date before which compliance must be attained;
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth herein, and
6. That failure to comply with the notice requirements within ten (10) days, or as may otherwise be specified therein, unless stayed by appeal to the Zoning Hearing Board, shall constitute a violation, with possible sanctions as set forth in the notice and in accordance with this Ordinance.

§ 210 Enforcement Jurisdiction

The District Justice or other court of competent jurisdiction shall have jurisdiction over proceedings brought in enforcement of this Ordinance.

§ 211 Enforcement Remedies

Any person, partnership, firm or corporation who or which has violated or permitted the violation of any provision of this Ordinance, or who fails to comply with any requirement, order or directive of the Zoning Officer, or of a permit or certificate issued under provision of this Ordinance, shall be subject to fines and penalties of not more than \$500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof, which fines and penalties may be collected by suit or summary proceeding brought in the name of the Borough of North Catasauqua, providing no judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice or other court of competent jurisdiction. Proceedings for the violation of the Ordinance

and for the collection of fines and penalties imposed thereby may be commenced by warrant, or by summons, at the discretion of the District Justice or other court of competent jurisdiction before whom the proceeding is begun. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Zoning Ordinance shall be paid over to the Borough Treasury.

1. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough of North Catasauqua, the right to commence any action for enforcement pursuant to this section.

§ 212 Appeals

Appeals from written Determinations of the Zoning Officer in his administration and enforcement of this Ordinance shall be taken by any affected party to the Zoning Hearing Board in accordance with this Ordinance and applicable provisions of the MPC, Act 247 as amended.

§ 213 Appeals to Court

The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, as amended, shall constitute the exclusive means for securing review of any decision rendered pursuant to this Ordinance or deemed to have been made under this Ordinance.

§ 214 Preliminary Opinion

In order not to unreasonably delay the time when a landowner may secure assurance that the Zoning Ordinance and/or Official Zoning Map under which he proposes to build is free from challenge; and recognizing that the procedure for preliminary approval of his development may be too cumbersome or may not be unavailable, the landowner, equitable or otherwise, may advance the date from which time a challenge to the Zoning Ordinance and/or Official Zoning Map will run under Section 914.1 of the Pennsylvania Municipalities Planning

Code, Act 247 as amended, by the following procedure:

1. The landowner may submit plans and other materials describing his proposed use or development to the Zoning Officer for a Preliminary Opinion as to their compliance with the applicable Zoning Ordinances and Maps. Such plans and other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a building permit so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
2. If the Zoning Officer's Preliminary Opinion is that the use or development complies with the Zoning Ordinance and Map, notice thereof shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall include a general description of the proposed use or development including its location by some readily identifiable directive, and the place and times where the plans and other materials may be examined by the public.
3. Upon a favorable Preliminary Opinion, the time limitations for commencing an appeal before the Board, as provided by Section 914.1 of the Pennsylvania Municipalities Planning Code, Act 247 as amended, shall run from the time when the second notice thereof has been published.

**ARTICLE 3
ESTABLISHMENT OF DISTRICTS**

§ 300 Establishment of Districts

The Borough of North Catasauqua is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use, that they are deemed most suitable to carry out the objectives of this Ordinance and the objectives of the Borough's Land Use Plan.

§ 301 Classes of Districts

For the purpose of this Ordinance, the Borough of North Catasauqua is hereby divided into Districts which shall be designated as follows:

1. RESIDENTIAL DISTRICTS

RO Open Space Residential
R1 Single-family Residential
R2 Two-family Residential
R3 Multi-family Residential

2. MIXED-USE DISTRICT

TC Town Center

3. COMMERCIAL DISTRICT

C1 Neighborhood Retail

4. MANUFACTURING DISTRICT

M1 Multi-purpose

5. CONSERVATION DISTRICT

RC River Conservation

§ 302 Official Zoning Map

Land Use Districts are bounded and defined as shown on the map entitled "The Official Zoning Map of the Borough of North Catasauqua" which accompanies, and which with all explanatory notations and reference to other data contained thereon, is hereby made part of this Ordinance.

§ 303 Statements of Purpose and Intent for the Land Use Districts

1. RESIDENTIAL DISTRICTS

The purpose of these Districts is to accommodate a variety of residential housing types to include single-family, two-family, and multi-family dwellings as may be required to provide for a balance of housing types to meet the current and the anticipated future housing needs of the Borough and to support the objectives of the Borough's Land Use Plan.

1.1 RO Open Space Residential

This district is intended to provide the opportunity for the design of well planned residential developments which combines a variety of dwelling types in conjunction with a public park, a golf course or other open space area either public or private.

1.2 R1 Single-family Residential

This district is intended to provide the opportunity for single-family detached (singles) and single-family semi-detached (twins) dwellings in a town-like setting while promoting and enhancing the character of the existing neighborhood.

1.3 R2 Two-family Residential

This district is intended to provide the opportunity for single-family detached (singles), single-family semi-detached (twins) and single-family attached dwellings (towns) in a town-like setting while promoting and enhancing the character of the existing neighborhood.

1.4 R3 Multi-family Residential

This district is intended to provide the opportunity for single-family detached (singles), single-family semi-detached (twins), single-family attached dwellings (towns) and multi-family/apartment housing within the Borough and to provide for affordable senior citizen housing in a town-like setting while promoting and enhancing the character of the existing neighborhood.

2. MIXED-USE DISTRICT

TC Town Center

The purpose of this district is to provide the opportunity for a variety of professional office and service oriented uses which are relatively low traffic and small employee generators in conjunction with residential uses. The district is intended to develop/redevelop as a mixed-use town center which will act as the focal and social center of the Borough.

3. COMMERCIAL DISTRICT

C1 Neighborhood Retail

This district is intended to provide the opportunity for service, retail, commercial and office uses, and for appropriate wholesale, warehouse and storage uses that are considered necessary for the function and convenience of the residents of the Borough and appropriate to the character of the district.

4. MANUFACTURING DISTRICT

M1 Multi-purpose

This district is intended to provide the opportunity for limited and non-offensive industrial and manufacturing uses. The intent of this district is to encourage limited industrial development which is not incompatible with the surrounding land uses. Manufacturing and other light industrial uses shall have appropriate design standards to avoid adverse impacts on neighboring uses. This district also provides the opportunity for the conversion of existing non-residential buildings to multi-family residential uses.

5. CONSERVATION DISTRICT

RC River Conservation

The Borough's River Conservation District includes those areas located along the Lehigh River which are generally not suited for and therefore are not intended to support intense development but which may be appropriate for open space and recreational

purposes. The intent of these areas is as follows:

5.1 Riverfront Recreation Area

The Riverfront Recreation Area is intended to be those portions of the district that are appropriate and suitable for access and use of the banks and waterway of the Lehigh River for open space and recreational purposes.

5.2 Flood Plain Conservation Area

The Flood Plain Conservation Area are those portions of the district that are intended to remain in its natural condition, to the greatest extent practicable, in order to prevent the loss of health, life and property from flood and to regulate, restrict and/or prohibit uses and structures at, along, and near natural and artificial bodies of water and water courses as provided by Sections 604(2) and 605(2)(iii) of the PA-MPC Act 247 as amended.

In addition to the Purpose and Statement of Community Development Objectives found in this Ordinance, the specific intent of this district shall be to protect areas of flood plain subject to, and necessary for, the containment of flood waters of the Lehigh River and its tributaries.

Furthermore, in light of the Borough's certification as eligible for Federal Flood Insurance, it is the intent of this district to provide adequate protection for flood prone properties within the Borough. In advancing these principles and the general purpose of the Zoning Ordinance and Land Use Plan, the following shall be the specific purpose and intent of the Flood Plain Conservation Area:

- (a) To combine with present zoning requirements, certain restrictions made necessary for flood prone areas to promote the general health, welfare, and safety of the residents of the Borough.
- (b) To prevent the erection of structures in areas unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.

- (c) To minimize danger to public health by protecting the quality and quantity of surface and subsurface water supplies adjacent to and underlying flood hazard areas and promoting safe and sanitary drainage.
- (d) To permit only those uses which can be appropriately located in the flood plain as herein defined and which will not impede the flow or storage of flood waters, or otherwise cause danger to life and property at above or below their locations along the flood plain.
- (e) To protect those individuals who might choose, despite the flood dangers, to develop or occupy land on a flood plain.
- (f) To protect adjacent landowners and those both upstream and downstream from damages resulting from development within a flood plain and the consequent obstruction or increase in flow of flood waters.
- (g) To protect the entire Borough from individual uses of land which may have the effect upon subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Borough.
- (h) To maintain undisturbed the ecological balance between those natural system elements, including wildlife, vegetation, and marine life, dependent upon water courses and water areas.
- (i) To protect other municipalities within the same water-shed from the impact of improper development and the consequent increased potential for flooding.
- (j) To provide areas for the deposition of flood-borne sediment.
- (k) To require that uses vulnerable to flooding be developed so as to be protected from flood damage in accordance with the requirements of the Federal Flood Insurance Program.

- (l) To prevent excessive development in areas unsatisfactory therefor by reason of flooding, and related hazards.
- (m) To provide detention and/or retention areas for the temporary storage of flood waters.
- (n) To provide sufficient drainage courses to carry abnormal flows of stormwater in periods of heavy precipitation.

§ 304. Interpretation of District Boundaries

The Zoning Officer in the administration of this Ordinance shall be responsible for, and shall render determinations regarding, the locations of lots within the Borough as indicated on the Official Zoning Map. In determining district boundaries, the following rules shall apply:

1. Where district boundaries are indicated as approximately coinciding with the center line of streets, railroad lines or streams, such center line shall be construed to be such boundary.
2. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundary; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundary.
3. Where district boundaries are so indicated that they are approximately parallel to center lines of streets such district boundary shall be construed as being parallel to, and at such distance from, said center lines as may be indicated on the Zoning Map.
4. The Flood Plain Conservation Area shall be deemed an overlay district applicable to all zoning districts and lots contained therein in accordance with the following provisions:
 - 4.1 Except where this Section prescribes a greater setback due to the boundaries of the flood plain as defined herein, the minimum setback from any watercourse for a structure shall be equal to the horizontal distance from the top of the bank of the watercourse extended to a point at which the elevation is one foot above the elevation of the top of the bank, as verified by the Borough

Engineer. All changes to the boundaries of the Flood Plain Conservation Area are subject to review and approval of the Federal Insurance Administrator.

4.2 Flood Plain Conservation Areas are delineated as those areas of the Borough subject to flooding including both the Lehigh River and the Catasauqua Creek and are as defined below:

- (a) Those areas subject to inundation by the waters of the 100 Year Flood as delineated in the Flood Insurance Study for the Borough of North Catasauqua, Northampton County, Pennsylvania, as prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration.

Said flood plains shall be comprised of three (3) subdistricts as follows:

- (1) Floodway - That portion of the Flood Plain Conservation Area required to carry and discharge the waters of the One Hundred (100) Year Flood without increasing the water surface elevation at any point more than one (1) foot above existing conditions, as demonstrated in Flood Insurance Study referenced above.
- (2) Floodway Fringe - Those portions of land within the Flood Plain Conservation Area subject to inundation by the One Hundred Year Flood lying beyond the floodway in areas where detailed study data and profiles are available.
- (3) Approximated Flood Plain - Those portions of land within the Flood Plain Conservation Area subject to inundation by the One Hundred (100) Year Flood where a detailed study has not been performed, but where a One Hundred (100)

Year Flood Plain Boundary has been approximated.

- (b) The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow and delineated as alluvial soils or local alluvium by the Soil Conservation Service, United States Department of Agriculture, in the *Soil Survey of Northampton County*, may be considered as part of the Flood Plain Conservation Area. Any party wishing to develop in such area shall supply engineering studies to the Borough sufficient so that the Borough Engineer may determine if said area is to be considered as a flood plain. If said area is not part of the area proposed for building, the Borough may, at their discretion, waive any or all required studies upon advice of the Borough Engineer. The applicant shall, however, appropriately identify all hydric and alluvial soil types and conditions on all subdivision, land development, or building plans to be submitted to the Borough.

4.3 The minimum Flood Plain Conservation Area shall be as delineated on the FIRM and/or FEMA flood plain/way maps for the Borough of North Catasauqua which is hereby made part of this Ordinance.

ARTICLE 4
PERMITTED LAND USES PER DISTRICT

§ 400 RO OPEN SPACE RESIDENTIAL DISTRICT

In the RO Residential District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the RO district provided that all applicable requirements for the use and district are satisfied:

- G-1 Agriculture
- C-15 Golf Course
- R-1 Single-Family Detached Dwelling
- E-3 Municipal Facility

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the RO district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- G-4 Nursery
- G-5 Riding Academy and Boarding Stable
- R-6 Mobile Home Park
- R-10 Residential Cluster
- E-4 Place of Worship
- U-2 Emergency Services

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the RO district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-9 Residential Conversion
- A-1 Accessory Apartment

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the RO district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-1 Family Day Care
- A-2 Home Occupation
- A-4 Outdoor Storage
- A-5 Recreation Vehicles
- A-6 Residential Accessory Structure
- A-7 Swimming Pools
- A-8 Temporary Structures
- A-9 Non-residential Storage Building

2. Bulk and Area Requirements

All of the following regulations must be met within the RO-Open Space Residential district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot		Minimum Yards			Maximum Building	
	Area	Width	Front	Rear	Side One/Both	Height	Coverage
G-1	2 Acres	150 Ft.	50 Ft.	50 Ft.	50/100 Ft.	50 Ft.	15 %
G-4	1 Acre	100 Ft.	50 Ft.	50 Ft.	25/50 Ft.	35 Ft.	15 %
G-5	10 Acres	250 Ft.	50 Ft.	50 Ft.	50/100 Ft.	35 Ft.	15 %
R-1	7,500 SF	60 Ft.	25 Ft.	25 Ft.	10/20 Ft.	35 Ft.	30 %
R-6	5 Acres	250 Ft.	50 Ft.	50 Ft.	50/100 Ft.	35 Ft.	30 %
R-10	25 Acres	250 Ft.	50 Ft.	50 Ft.	50/100 Ft.	35 Ft.	30 %
C-15	40 Acres	250 Ft.	100 Ft.	100 Ft.	100/200 Ft.	35 Ft.	5 %
E-4	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	50 Ft.	35 %
U-2	15,000 SF	100 Ft.	25 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %

§ 401 R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

In the R1 Residential District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

- 1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the R1 district provided that all applicable requirements for the use and district are satisfied:

- R-1 Single-Family Detached Dwelling
- R-2 Twin
- E-3 Municipal Facility

- 1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the R1 district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- E-4 Place of Worship
- U-2 Emergency Services
- E-1 Cemetery

- 1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the R1 district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-8 Community/Group Home
- R-9 Residential Conversion
- A-1 Accessory Apartment

- 1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the R1 district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-2 Family Day Care
- A-3 Home Occupation
- A-5 Recreation Vehicles
- A-6 Residential Accessory Structure
- A-7 Swimming Pools
- A-8 Temporary Structures

2. Bulk and Area Requirements

All of the following regulations must be met within the R1-Single-family Residential district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot		Minimum Yards			Maximum Building	
	Area	Width	Front	Rear	Side One/Both	Height	Coverage
R-1	5,500 SF	50 Ft.	25 Ft.	25 Ft.	6/16 Ft.	35 Ft.	35 %
R-2 [1]	8,000 SF	80 Ft.	25 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-8	10,000 SF	100 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	35 %
E-4	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	50 Ft.	35 %
U-2	8,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	45 %

[1] Both halves of a twin must be constructed as part of a single building permit and each half of a twin shall contain a minimum lot area of four thousand (4,000) square feet, a minimum lot width of forty (40) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

§ 402 R2 TWO-FAMILY RESIDENTIAL DISTRICT

In the R2 Residential District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the R2 district provided that all applicable requirements for the use and district are satisfied:

- R-1 Single-Family Detached Dwelling
- R-2 Twin
- R-3 Duplex
- R-4 Townhouse
- E-3 Municipal Facility

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the R2 district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-7 Housing for the Elderly
- E-2 Day Care Center/Nursery School
- E-4 Place of Worship
- U-2 Emergency Services

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the R2 district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-5 Multiplex
- R-8 Community/Group Home
- R-9 Residential Conversion
- B-4 Office Conversion
- A-1 Accessory Apartment

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the R2 district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-2 Family Day Care
- A-3 Home Occupation
- A-5 Recreation Vehicles
- A-6 Residential Accessory Structure
- A-7 Swimming Pools
- A-8 Temporary Structures

2. Bulk and Area Requirements

All of the following regulations must be met within the R2 Two-family Residential district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot		Minimum Yards			Maximum Building	
	Area	Width	Front	Rear	Side One/Both	Height	Coverage
R-1	5,000 SF	50 Ft.	20 Ft.	25 Ft.	6/16 Ft.	35 Ft.	35 %
R-2 [1]	8,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-3	8,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-4 [2]	10,000 SF	80 Ft.	20 Ft.	30 Ft.	10/20 Ft.	35 Ft.	35 %
R-5	10,000 SF	80 Ft.	20 Ft.	35 Ft.	10/20 Ft.	35 Ft.	35 %
R-7	1 Acre	100 Ft.	25 Ft.	50 Ft.	25/50 Ft.	44 Ft.	45 %
R-8	10,000 SF	80 Ft.	25 Ft.	35 Ft.	10/25 Ft.	35 Ft.	35 %
E-2	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
E-4	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	50 Ft.	35 %
U-2	8,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	45 %

[1] Both halves of a twin must be constructed as part of a single building permit and each half of a twin shall contain a minimum lot area of four thousand (4,000) square feet, a minimum lot width of forty (40) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

[2] A minimum of three townhouse unit must be constructed as part of a single building permit and each interior townhouse unit shall contain a minimum lot area of two thousand (2,000) square feet, a minimum lot width of twenty (20) feet and no side yard setbacks and all end townhouse units shall contain a minimum lot area of three thousand (3,000) square feet, a minimum lot width of thirty (30) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

§ 403 R3 MULTI-FAMILY RESIDENTIAL DISTRICT

In the R3 Residential District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the R3 district provided that all applicable requirements for the use and district are satisfied:

- R-1 Single-Family Detached Dwelling
- R-2 Twin
- R-3 Duplex
- R-4 Townhouse
- R-5 Multiplex
- E-3 Municipal Facility
- E-6 School

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the R3 district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-7 Housing for the Elderly
- R-10 Boarding House
- C-9 Bank
- E-1 Cemetery
- E-2 Day Care Center/Nursery School
- E-4 Place of Worship
- U-2 Emergency Services

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the R3 district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-8 Community/Group Home
- R-9 Residential Conversion
- B-4 Office Conversion
- A-1 Accessory Apartment

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the R3 district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-2 Family Day Care
- A-3 Home Occupation
- A-5 Recreation Vehicles
- A-6 Accessory Structures
- A-7 Swimming Pools
- A-8 Temporary Structures

2. Bulk and Area Requirements

All of the following regulations must be met within the R3 Multi-family Residential district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot Area	Width	Minimum Yards			Maximum Building	
			Front	Rear	Side One/Both	Height	Coverage
R-1	4,500 SF	45 Ft.	10 Ft.	25 Ft.	6/16 Ft.	35 Ft.	45 %
R-2 [1]	6,000 SF	60 Ft.	10 Ft.	25 Ft.	10/20 Ft.	35 Ft.	45 %
R-3	6,000 SF	60 Ft.	10 Ft.	25 Ft.	10/20 Ft.	35 Ft.	45 %
R-4 [2]	10,000 SF	80 Ft.	10 Ft.	25 Ft.	10/20 Ft.	35 Ft.	45 %
R-5	10,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	45 %
R-7	1 Acre	100 Ft.	25 Ft.	50 Ft.	25/50 Ft.	44 Ft.	45 %
R-8	10,000 SF	80 Ft.	25 Ft.	35 Ft.	10/25 Ft.	35 Ft.	45 %
E-2	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
E-4	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	50 Ft.	35 %
E-6	20,000 SF	100 Ft.	35 Ft.	50 Ft.	25/50 Ft.	35 Ft.	35 %
U-2	8,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	45 %

[1] Both halves of a twin must be constructed as part of a single building permit and each half of a twin shall contain a minimum lot area of three thousand (3,000) square feet, a minimum lot width of thirty (30) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

[2] A minimum of three townhouse unit must be constructed as part of a single building permit and each interior townhouse unit shall contain a minimum lot area of two thousand (2,000) square feet, a minimum lot width of twenty (20) feet and no side yard setbacks and all end townhouse units shall contain a minimum lot area of three thousand (3,000) square feet, a minimum lot width of thirty (30) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

§ 404 TC TOWN CENTER DISTRICT

In the TC Town Center District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building and impervious surface coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the TC district provided that all applicable requirements for the use and district are satisfied:

- R-1 Single-family Detached Dwelling
- R-2 Twin
- R-3 Duplex
- B-1 Medical Office
- B-2 Professional Office
- B-4 Office Conversion
- C-6 Eating Establishment
- C-8 Entertainment
- C-9 Bank
- E-2 Day Care Center/Nursery School
- E-3 Municipal Facility
- E-6 School

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the TC district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-4 Townhouse
- R-5 Multiplex
- R-7 Housing for the Elderly
- R-8 Community/Group Home
- C-5 Convenience Store

- C-10 Funeral Home
- E-4 Place of Worship
- E-5 Private Organization

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the TC district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- G-2 Greenhouse
- G-4 Nursery
- R-9 Residential Conversion
- B-3 Veterinary Office or Clinic
- A-1 Accessory Apartment

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the TC district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-2 Family Day Care
- A-3 Home Occupation
- A-4 Outdoor Storage
- A-5 Recreation Vehicles
- A-6 Accessory Structures
- A-7 Swimming Pools
- A-8 Temporary Structures
- A-9 Non-residential Storage Building

2. Bulk and Area Requirements

All of the following regulations must be met within the TC Town Center district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot Area	Minimum Lot Width	Minimum Yards			Maximum Building	
			Front	Rear	Side One/Both	Height	Coverage
G-2	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
G-4	1 Acre	100 Ft.	50 Ft.	50 Ft.	25/50 Ft.	35 Ft.	15 %
R-1	5,000 SF	50 Ft.	20 Ft.	25 Ft.	6/16 Ft.	35 Ft.	40 %
R-2 [1]	8,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-3	8,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-4 [2]	10,000 SF	80 Ft.	20 Ft.	30 Ft.	10/20 Ft.	35 Ft.	35 %
R-5	10,000 SF	80 Ft.	20 Ft.	35 Ft.	10/20 Ft.	35 Ft.	35 %
R-7	1 Acre	100 Ft.	25 Ft.	50 Ft.	25/50 Ft.	44 Ft.	45 %
R-8	10,000 SF	80 Ft.	25 Ft.	35 Ft.	10/25 Ft.	35 Ft.	35 %
B-1	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
B-2	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
B-3	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
C-6	20,000 SF	100 Ft.	25 Ft.	35 Ft.	20/40 Ft.	35 Ft.	45 %
C-8	30,000 SF	200 Ft.	35 Ft.	50 Ft.	35/70 Ft.	35 Ft.	45 %
C-9	20,000 SF	100 Ft.	35 Ft.	35 Ft.	20/40 Ft.	35 Ft.	45 %
E-2	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
E-4	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	50 Ft.	35 %
E-5	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	35 Ft.	35 %
E-6	20,000 SF	100 Ft.	35 Ft.	50 Ft.	25/50 Ft.	35 Ft.	35 %
U-2	8,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	45 %

[1] Both halves of a twin must be constructed as part of a single building permit and each half of a twin shall contain a minimum lot area of four thousand (4,000) square feet, a minimum lot width of forty (40) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

[2] A minimum of three townhouse unit must be constructed as part of a single building permit and each interior townhouse unit shall contain a minimum lot area of two thousand (2,000) square feet, a minimum lot width of twenty (20) feet and no side yard setbacks and all end townhouse units shall contain a minimum lot area of three thousand (3,000) square feet, a minimum lot width of thirty (30) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

§ 405 C1 NEIGHBORHOOD RETAIL DISTRICT

In the C1 Neighborhood Retail District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building and impervious surface coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the C1 district provided that all applicable requirements for the use and district are satisfied:

- G-2 Greenhouse
- G-4 Nursery
- R-1 Single-family Detached Dwelling
- R-2 Twin
- R-3 Duplex
- B-1 Medical Office
- B-2 Professional Office
- B-3 Veterinary Office/Clinic
- B-4 Office Conversion
- C-5 Convenience Store
- C-6 Eating Establishment
- C-8 Entertainment
- C-9 Bank
- C-10 Funeral Home
- C-12 Repair Shop
- C-13 Retail Trade and Services
- E-2 Day Care Center/Nursery School
- E-3 Municipal Facility
- E-4 Place of Worship
- E-5 Private Organization
- E-6 School
- I-3 Contractor Service
- I-6 Wholesale
- I-7 Warehouse
- U-2 Emergency Services

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the C1 district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-8 Community/Group Home
- C-3 Automotive Body Repair and Paint Shop
- C-4 Car Wash
- C-16 Miniature Golf, Driving Range, Batting Cage
- C-17 Billboard
- I-2 Building Material Sales and Equipment Rental
- U-1 Utility Operating Facility

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the C1 district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-9 Residential Conversion
- C-7 Drive through and fast food
- C-14 Service Station
- A-1 Accessory Apartment

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the C1 district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-2 Family Day Care
- A-3 Home Occupation
- A-4 Outdoor Storage
- A-5 Recreation Vehicles
- A-6 Accessory Structures
- A-7 Swimming Pools
- A-8 Temporary Structures
- A-9 Non-residential Storage Building

2. Bulk and Area Requirements

All of the following regulations must be met within the C1-Neighborhood Retail district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot Area	Width	Minimum Yards			Maximum Building	
			Front	Rear	Side One/Both	Height	Coverage
G-2	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
G-4	1 Acre	100 Ft.	50 Ft.	50 Ft.	25/50 Ft.	35 Ft.	15 %
R-1	5,000 SF	50 Ft.	20 Ft.	25 Ft.	6/16 Ft.	35 Ft.	35 %
R-2 [1]	8,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-3	8,000 SF	80 Ft.	20 Ft.	25 Ft.	10/20 Ft.	35 Ft.	35 %
R-8	10,000 SF	80 Ft.	25 Ft.	35 Ft.	10/25 Ft.	35 Ft.	35 %
B-1	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
B-2	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
B-3	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
C-3	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-4	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-5	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-6	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-7	30,000 SF	150 Ft.	35 Ft.	50 Ft.	35/70 Ft.	35 Ft.	45 %
C-8	30,000 SF	150 Ft.	35 Ft.	50 Ft.	35/70 Ft.	35 Ft.	45 %
C-9	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-10	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-12	10,000 SF	80 Ft.	25 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-13	10,000 SF	80 Ft.	25 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-14	20,000 SF	200 Ft.	35 Ft.	35 Ft.	35/70 Ft.	35 Ft.	50 %
C-16	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	25 %
C-17	10,000 SF	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	10 %
E-2	10,000 SF	80 Ft.	25 Ft.	50 Ft.	20/40 Ft.	35 Ft.	40 %
E-4	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	50 Ft.	35 %
E-5	20,000 SF	100 Ft.	35 Ft.	50 Ft.	20/40 Ft.	35 Ft.	35 %
E-6	20,000 SF	100 Ft.	35 Ft.	35 Ft.	20/40 Ft.	35 Ft.	40 %
I-2	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
I-3	20,000 SF	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	35 %
I-6	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
I-7	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %

Use Type	Minimum Lot		Minimum Yards			Maximum Building	
	Area	Width	Front	Rear	Side One/Both	Height	Coverage
U-1	10,000 SF	80 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
U-2	10,000 SF	80 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %

[1] Both halves of a twin must be constructed as part of a single building permit and each half of a twin shall contain a minimum lot area of four thousand (4,000) square feet, a minimum lot width of forty (40) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

§ 406 M1 MULTI-PURPOSE DISTRICT

In the M1 Multi-purpose District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building and impervious surface coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the M1 district provided that all applicable requirements for the use and district are satisfied:

- G-2 Greenhouse
- G-4 Nursery
- R-1 Single-family Detached Dwelling
- R-2 Twin
- R-3 Duplex
- B-1 Medical Office
- B-2 Professional Office
- B-3 Veterinary Office/Clinic
- C-4 Car Wash
- C-5 Convenience Store
- C-9 Bank
- C-10 Funeral Home
- C-11 Self Service Storage Facility
- C-12 Repair Shop
- C-13 Retail Trade and Retail Service
- E-3 Municipal Facility
- I-6 Wholesale
- I-7 Warehouse
- U-2 Emergency Services

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the M1 district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- R-4 Multiplex
- C-2 Vehicle and Equipment Sales
- C-6 Eating Establishment
- C-8 Entertainment and Recreation
- C-17 Billboard
- I-2 Building Material Sales and Equipment Rental
- I-3 Contractor Service
- U-1 Utility Operating Facility

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the M1 district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- C-3 Automotive Body Repair and Paint Shop
- G-3 Kennel
- C-7 Drive Trough and Fast Food
- C-14 Service Station
- R-9 Residential Conversion
- B-4 Office Conversion
- C-1 Adult Entertainment
- I-1 Automotive Salvage and Recycling
- I-4 Manufacturing
- I-5 Recycling Facility
- A-1 Accessory Apartment

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the M1 district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

- A-4 Outdoor Storage
- A-5 Recreational Vehicle
- A-6 Residential Accessory Structures
- A-7 Swimming Pool
- A-8 Temporary Structure and Vehicle
- A-9 Non-residential Storage Building

2. Bulk and Area Requirements

All of the following regulations must be met within the M1 Multi-purpose district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot Area	Width	Minimum Yards			Maximum Building	
			Front	Rear	Side One/Both	Height	Coverage
G-2	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
G-3	2 Acres	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	35 %
G-4	1 Acre	100 Ft.	50 Ft.	50 Ft.	25/50 Ft.	35 Ft.	15 %
R-1	4,500 SF	45 Ft.	10 Ft.	25 Ft.	6/16 Ft.	35 Ft.	45 %
R-2 [1]	6,000 SF	60 Ft.	10 Ft.	25 Ft.	10/20 Ft.	35 Ft.	45 %
R-3	6,000 SF	60 Ft.	10 Ft.	25 Ft.	10/20 Ft.	35 Ft.	45 %
R-5	10,000 SF	80 Ft.	20 Ft.	35 Ft.	10/20 Ft.	35 Ft.	35 %
B-1	5,500 SF	50 Ft.	15 Ft.	25 Ft.	10/20 Ft.	35 Ft.	40 %
B-2	5,500 SF	50 Ft.	15 Ft.	25 Ft.	10/20 Ft.	35 Ft.	40 %
B-3	10,000 SF	80 Ft.	25 Ft.	50 Ft.	15/30 Ft.	35 Ft.	40 %
C-1	30,000 SF	120 Ft.	50 Ft.	50 Ft.	35/70 Ft.	35 Ft.	40 %
C-2	20,000 SF	100 Ft.	50 Ft.	50 Ft.	20/40 Ft.	35 Ft.	40 %
C-3	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-4	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-5	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-6	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-7	30,000 SF	150 Ft.	35 Ft.	50 Ft.	35/70 Ft.	35 Ft.	45 %
C-8	30,000 SF	150 Ft.	35 Ft.	50 Ft.	35/70 Ft.	35 Ft.	45 %
C-9	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-10	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-11	20,000 SF	100 Ft.	35 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-12	10,000 SF	80 Ft.	25 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-13	10,000 SF	80 Ft.	25 Ft.	35 Ft.	25/50 Ft.	35 Ft.	45 %
C-14	20,000 SF	200 Ft.	35 Ft.	35 Ft.	35/70 Ft.	35 Ft.	50 %
C-17	10,000 SF	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	10 %
I-1	3 Acres	200 Ft.	50 Ft.	50 Ft.	50/100 Ft.	35 Ft.	50 %
I-2	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
I-3	20,000 SF	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	35 %
I-4	2 Acres	200 Ft.	50 Ft.	50 Ft.	50/100 Ft.	50 Ft.	50 %
I-5	2 Acres	200 Ft.	50 Ft.	50 Ft.	50/100 Ft.	50 Ft.	50 %
I-6	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %

Use Type	Minimum Lot Area	Minimum Lot Width	Minimum Yards			Maximum Building	
			Front	Rear	Side One/Both	Height	Coverage
I-7	1 Acre	100 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
U-1	10,000 SF	80 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %
U-2	10,000 SF	80 Ft.	25 Ft.	25 Ft.	25/50 Ft.	35 Ft.	50 %

[1] Both halves of a twin must be constructed as part of a single building permit and each half of a twin shall contain a minimum lot area of three thousand (3,000) square feet, a minimum lot width of thirty (30) feet and side yard setbacks of zero (0) feet one side and ten (10) feet for the other side.

**§ 407 RC RIVER CONSERVATION
DISTRICT**

In the RC River Conservation District, the following regulations shall apply unless otherwise specified in Article 5 of this Ordinance.

1. Permitted Land Uses

A building may be erected or altered, to be used either in whole or in part, and a lot may be used or occupied for any of the following uses and no other, provided that such uses shall comply with such regulations as setbacks, lot sizes, lot width, building areas and heights, building and impervious surface coverage, easements, buffer yards, off-street parking, and other provisions as specified herein.

1.1 Uses By Right: Any of the following uses and no others shall be permitted by right within the RC district provided that all applicable requirements for the use and district are satisfied:

- G-1 Agriculture
- G-4 Nursery
- E-3 Municipal Facility

1.2 Uses By Condition: The following uses and no others shall be permitted as a conditional use within the RC district provided that all of the conditions for said use are satisfied and a Conditional Use approval is granted by Borough Council after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- C-18 Riverfront Recreation
- U-1 Utility Operating Facility

1.3 Uses By Special Exception: The following uses shall be permitted as a special exception use within the RC district provided that all of the standards and criteria for said use are satisfied and a Special Exception approval is granted by the Zoning Hearing Board after public notice and hearing and further provided that all applicable requirements for the use and district have also been satisfied:

- U-2 Emergency Services

1.4 Permitted Accessory Uses: The following accessory uses shall be permitted within the RC district provided that there is a permitted principle use on the subject lot and all of the standards and criteria for said use are satisfied to the satisfaction of the Zoning Officer and further provided that all applicable requirements for the use and district have also been satisfied:

None

2. Bulk and Area Requirements

All of the following regulations must be met in the RC River Conservation district for the subject use. These regulations may be less restrictive than other regulations that have been established for the specific use type in Article 5 herein. In the event that more restrictive regulations exist for the specific use type the most restrictive regulations shall be controlling.

Use Type	Minimum Lot Area	Width	Minimum Yards			Maximum Building	
			Front	Rear	Side One/Both	Height	Coverage
G-1	2 Acres	150 Ft.	50 Ft.	50 Ft.	25/50 Ft.	50 Ft.	15 %
G-4	1 Acre	100 Ft.	50 Ft.	50 Ft.	25/50 Ft.	35 Ft.	15 %
C-18	10,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	24 Ft.	10 %
U-1	10,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	10 %
U-2	10,000 SF	80 Ft.	25 Ft.	25 Ft.	10/25 Ft.	35 Ft.	10 %

§ 407 - TABLE OF PERMITTED LAND USES PER DISTRICT

LAND USE TYPES	DISTRICTS							
	RO	R1	R2	R3	TC	RC	C1	M1
G-AGRICULTURE								
G-1 Agriculture	R	N	N	N	N	R	N	N
G-2 Greenhouse	N	N	N	N	S	N	R	R
G-3 Kennel	N	N	N	N	N	N	N	S
G-4 Nursery	C	N	N	N	S	R	R	R
G-5 Riding Academy and Boarding Stable	C	N	N	N	N	N	N	N
R-RESIDENTIAL								
R-1 Single-Family Detached Dwelling	R	R	R	R	R	N	R	R
R-2 Twin	N	R	R	R	R	N	R	R
R-3 Duplex	N	N	R	R	R	N	R	R
R-4 Townhouse	N	N	R	R	C	N	C	N
R-5 Multiplex	N	N	S	R	C	N	C	C
R-6 Mobile Home Park	C	N	N	N	N	N	N	N
R-7 Housing for the Elderly	N	N	C	C	C	N	N	N
R-8 Community/Group Home	N	S	S	S	C	N	C	N
R-9 Residential Conversion	S	S	S	S	S	N	S	S
R-10 Residential Cluster	C	N	N	N	N	N	N	N
B-BUSINESS								
B-1 Medical Office	N	N	N	N	R	N	R	R
B-2 Professional Office	N	N	N	N	R	N	R	R
B-3 Veterinary Office or Clinic	N	N	N	N	S	N	R	R
B-4 Office Conversion	N	S	S	S	R	N	R	S
C-COMMERCIAL								
C-1 Adult Entertainment	N	N	N	N	N	N	N	S
C-2 Vehicle and Equipment Sales	N	N	N	N	N	N	N	C
C-3 Automotive Body Repair and Paint Shop	N	N	N	N	N	N	C	S
C-4 Car Wash	N	N	N	N	N	N	C	R
C-5 Convenience Store	N	N	N	N	C	N	R	R
C-6 Eating Establishment	N	N	N	N	R	N	R	C
C-7 Drive Through and Fast Food	N	N	N	N	N	N	S	S
C-8 Entertainment and Recreation	N	N	N	N	R	N	R	C
C-9 Bank	N	N	N	C	R	N	R	R
C-10 Funeral Home	N	N	N	N	C	N	R	R
C-11 Self Service Storage Facility	N	N	N	N	N	N	N	R
C-12 Repair Shop	N	N	N	N	N	N	R	R
C-13 Retail Trade and Retail Service	N	N	N	N	N	N	R	R
C-14 Service Station	N	N	N	N	N	N	S	S
C-15 Golf Course	R	N	N	N	N	N	N	N
C-16 Miniature Golf, Driving Range, Batting Cage	N	N	N	N	N	N	C	N
C-17 Billboard	N	N	N	N	N	N	C	C
C-18 Riverfront Recreation	N	N	N	N	N	C	N	N

§ 407 - TABLE OF PERMITTED LAND USES PER DISTRICT

LAND USE TYPES	DISTRICTS							
	RO	R1	R2	R3	TC	RC	C1	M1
E-EDUCATIONAL AND INSTITUTIONAL								
E-1 Cemetery	C	C	R	C	N	N	N	N
E-2 Day Care Center /Nursery School	N	N	C	C	R	N	R	N
E-3 Municipal Facility	R	R	R	R	R	R	R	R
E-4 Place of Worship	N	C	C	C	C	N	R	N
E-5 Private Organization	N	N	N	N	C	N	R	N
E-6 School	N	N	N	N	R	N	R	N
I-INDUSTRIAL								
I-1 Automotive Salvage and Recycling	N	N	N	N	N	N	N	S
I-2 Building Material Sales and Equipment Rental	N	N	N	N	N	N	C	C
I-3 Contractor Service	N	N	N	N	N	N	C	C
I-4 Manufacturing	N	N	N	N	N	N	N	C
I-5 Recycling Facility	N	N	N	N	N	N	N	S
I-6 Wholesale	N	N	N	N	N	N	N	R
I-7 Warehouse	N	N	N	N	N	N	C	R
U-UTILITY								
U-1 Utility Operating Facility	N	N	N	N	N	C	C	C
U-2 Emergency Services	C	C	C	C	C	S	R	R
A-ACCESSORY								
A-1 Accessory Apartment	S	S	S	S	S	N	S	S
A-2 Family Day Care	R	R	R	R	R	N	R	N
A-3 Home Occupation	R	R	R	R	R	N	R	N
A-4 Outside Storage	R	N	N	N	R	R	R	R
A-5 Recreational Vehicle	R	R	R	R	R	N	R	R
A-6 Residential Accessory Structure	R	R	R	R	R	N	R	R
A-7 Swimming Pool	R	R	R	R	R	N	R	R
A-8 Temporary Structure and Vehicle	R	R	R	R	R	N	R	R
A-9 Non-residential Storage Building	R	N	N	N	R	N	R	R

R: Use permitted by-right
C: Use permitted by condition
S: Use permitted by special exception
N: Use not permitted within District

ARTICLE 5
USE DEFINITIONS AND REGULATIONS

§ 500 Applicability of Regulations

Except as provided by law or this Ordinance, no building, structure, or land shall be used or occupied except for the purposes permitted in the zoning districts as indicated in Article 4 herein.

§ 501 Uses Subject to Other Regulations

All uses permitted by right, condition, or special exception shall be subject, in addition to the following use regulations, to such regulations of setbacks, lot size, lot width, building area and height, impervious surfaces, easements, buffer yards, off-street parking, and such other provisions as are specified in other Articles of this Ordinance.

In particular, the laws of the Commonwealth of Pennsylvania and the local regulations regarding waste disposal and potable water supply shall be adhered to. Further, no permit shall be issued until approval is obtained from the necessary regulatory bodies regarding adequate sewage disposal and water supply.

§ 502 Use Regulations

G. AGRICULTURAL USES

G-1 Agriculture

The use of land for agricultural purposes including farming, horticulture, floriculture, but not animal and poultry husbandry.

1. Such use may include a single-family detached dwelling for the sole use of individuals and their immediate families which are engaged in agricultural employment on the same site or for the immediate family of the landowner.
2. Minimum lot area shall be five (5) acres with, and two (2) acres without a dwelling unit on the lot.
3. Parking - Two (2) spaces per dwelling unit.

G-2 Greenhouse

The indoor raising of plants, shrubs and trees for sale and transplantation under the following conditions:

1. Minimum lot area shall be one (1) acre.
2. Maximum building coverage shall be fifty (50) percent.
3. Maximum impervious coverage shall be seventy-five (75) percent.
4. Retail sales from the premises of greenhouse related agricultural products may be permitted.
5. Greenhouse structures in excess of two hundred and forty (240) square feet shall not be considered accessory structures for the purpose of Section 601 herein.
6. Parking - One (1) space per employee and one (1) space per one thousand (1,000) square feet of greenhouse space, or one space per one hundred and fifty (150) square feet of net retail space whichever is greater.

G-3 Kennel

A facility housing dogs, cats, or other household pets where grooming, breeding, boarding, training, or selling of animals is conducted as a business:

1. Minimum lot area shall be two (2) acres.
2. No animal shelter or runway shall be located closer than one hundred (100) feet from any property line.
3. The kennel shall be constructed so that the animals cannot stray therefrom.
4. The permanent capacity of the kennel shall not exceed ten (10) dogs or other animals per acre.
5. A buffer yard of twenty (20) feet in width comprised of a dense evergreen planting screen shall be provided along all property and street lines.

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6. The sound of barking dogs shall not be discernible beyond the lot line between 8 PM and 8 AM.
 7. Parking - One (1) space per employee plus one (1) space per four of the total number of runs and crates.

G-4 Nursery

The outdoor raising of plants, shrubs and trees for sale and transplantation subject to the following provisions:

1. Minimum lot area shall be one (1) acre.
2. Retail sales of nursery related agricultural products from the premises may be permitted.
3. Any building or structure associated with this use including a dwelling shall meet all of the requirements for single-family detached dwellings for the district in which the use is located. One single-family detached dwelling in accordance with Use type R-1 shall be permitted on the property provided that a resident of the property is engaged in the operation of the business.
4. Parking - One (1) space per employee, plus two (2) spaces for the dwelling unit if applicable. In addition, a sufficient mud-free off-street parking area shall be devoted to servicing customers.

G-5 Riding Academy and Boarding Stable

Riding academy, livery or boarding stable, subject to the following provisions:

1. Minimum lot area shall be ten (10) acres.
2. The total number of horses shall not exceed two (2) horses per acre provided that each horse has its own stall.
3. Any building or structure associated with this use including a dwelling shall meet all of the requirements for single-family detached dwellings for the district in which the use is located. One single-family detached dwelling in accordance with Use type R-1 shall be permitted on the property provided that a resident of the property is engaged in the operation of the business.

4. Feedlots, pens and livestock confinement areas shall not be situated less than one hundred (100) feet from any lot line.
5. Parking - Sufficient parking shall be devoted to servicing customers. The use shall provide an adequate mud-free semi-impervious parking surface. Two additional off-street parking spaces shall also be provided for a permitted dwelling unit.

R. RESIDENTIAL USES

R-1 Single-Family Detached Dwelling

A Single-family detached dwelling is a residential building designed for and used exclusively as a residence for only one (1) family and which is not attached to any other dwelling.

1. Parking - Two (2) off-street parking spaces per dwelling unit.

R-2 Twin

A Twin Dwelling is a single-family semi-detached dwelling unit. A Twin Dwelling is one of a pair of dwelling units each of which is designed for, and used exclusively as, a single residence and each of which is joined to the other dwelling unit by a common party wall and which has yard space on all remaining sides and is a single dwelling from ground to roof. Where a private garage is structurally attached to such a building, it shall be considered a part thereof.

1. Parking - Two (2) off-street parking spaces per dwelling unit.

R-3 Duplex Dwelling

A building designed for and occupied exclusively as a residence for two families living independently of each other with one dwelling unit being wholly or partly over the other and having no party wall in common with an adjacent unit. A duplex dwelling while providing for two-families shall be under single ownership.

1. Parking - Two (2) off-street parking spaces per dwelling unit.

R-4 Townhouse

A group of single-family attached dwellings each of which shall be attached by at least one (1) and no more than two (2) walls. Each dwelling unit shall have individual outside access, shall be used exclusively as a residence for a single family, and shall be a single dwelling unit from ground to roof. Townhouse dwellings shall not include less than three (3) nor more than eight (8) dwelling units in a continual row.

1. The front building wall shall be offset by a minimum of four (4) feet for every forty (40)

linear feet of building length or two (2) dwelling units, whichever is less.

2. Parking - Two and one-half (2-1/2) off-street parking spaces per dwelling unit.

R-5 Multiplex

A multiplex is an attached multi-family dwelling with a minimum of three (3) dwelling units per building. Each multiplex building has yards on all four sides and may have shared and common elements among the units including but not necessarily limited to hallways and entranceways.

1. Development Regulations. The following density, area, width, and yard regulations shall apply to all Multiplex buildings.

- 1.1 Maximum Residential Density. The number of multiplex apartments permitted shall be calculated as follows:

Minimum Lot Area per Dwelling/Apartment

Number of BR's	Multiplex Apartments
1	2,000 SF
2	2,500 SF
3	3,000 SF

- 1.2 Minimum Lot Area. A lot of not less than ten thousand (10,000) square feet shall be provided for Multiplex Buildings.

- 1.3 Open Space and Community Use Area. A minimum area equivalent to ten (10) percent of the lot area shall be designed, designated and used for open space and/or community use purposes by the residence of the use. This area shall be improved with activity and sitting areas appropriate for the residents.

- 1.4 Set Backs, Building Height and Building Coverage. The following requirements shall be met.

- a) Apartment buildings shall be a minimum of twenty (20) feet from any property line.

b) The maximum building height shall be thirty-five (35) feet.

c) The minimum open space shall be ten (10) percent of the lot area.

1.5 Parking. The following minimum off-street parking standards shall be required.

<u>Number Of Residential Bedrooms</u>	<u>Minimum Parking Per Apartment</u>
1	1.5
2	2.0
3	2.5

2. General Requirements.

2.1 Utilities. All buildings shall be serviced by a public sewage and water supply system.

2.2 Common Areas and Facilities. Provision shall be made for the perpetual maintenance and care of all common areas including streets, driveways, parking areas, walkways, landscaped planting areas, open space, and community use facilities.

2.3 Other Facilities. Such other improvements including curbs, and storm water collection and control facilities as required by Ordinance shall be provided.

2.4 Buffer Yards. A buffer yard ten (10) feet in width shall be provided along all side and rear property lines. The buffer yard shall contain a combination of a ornamental wall or fence four (4) feet in height, and planted evergreen trees and shrubs as required to create a dense screen a minimum of four (4) feet high upon planting. Evergreen trees such as firs or spruce shall be planted fifteen feet on center, evergreen shrubs such as arborvitae shall be planted five (5) feet on center or as required to create a dense visual barrier within three (3) years of planting. A combination of fencing, trees and shrubs shall be provided.

R-6 Mobile Home Park

A mobile home park is a single parcel in which a number of individual mobile homes are secured. A mobile home is a transportable factory built single-family detached dwelling intended for permanent occupancy contained in one or two units designed to be joined into a single unit capable of again being separated for repeated towing. A mobile home 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.

1. Minimum site area. A lot area of not less than five (5) acres shall be provided for a mobile home park development.

2. Minimum common open space in all mobile home parks shall be twenty (20) percent.

3. A mobile home park shall be designed in accordance with the Joint Planning Commission Model Mobile Home Park Guidelines and the designated Subdivision and Land Development Ordinance.

4. Development Regulations. The following density, area, width, and yard regulations shall apply to all Mobile Home Parks.

4.1 The maximum density for mobile home parks shall be four (4) dwelling units per acre.

4.2 Set Backs. The following requirements shall be met.

a) All structures within a mobile home park shall be set back a minimum of fifty feet (50) from all adjoining lot lines and existing street rights-of-way.

b) All mobile homes shall maintain a minimum building separation of twenty (20) feet.

5. General Requirements.

5.1 Utilities. All mobile homes shall be serviced by a public sewage and water supply system and by underground utilities.

5.2 Common Areas and Facilities.

Provision shall be made for the perpetual maintenance and care of all common areas including streets, driveways, parking areas, walkways, landscaped planting areas, open space, and community use facilities.

5.3 Other Facilities. Such other improvements including curbs, and storm water collection and control facilities as required by Ordinance shall be provided.

5.4 Buffer Yards. A buffer yard ten (10) feet in width shall be provided along all side and rear property lines. The buffer yard shall contain a combination of a ornamental wall or fence four (4) feet in height, and planted evergreen trees and shrubs as required to create a dense screen a minimum of four (4) feet high upon planting. Evergreen trees such as firs or spruce shall be planted fifteen feet on center, evergreen shrubs such as arborvitae shall be planted five (5) feet on center or as required to create a dense visual barrier within three (3) years of planting. A combination of fencing, trees and shrubs shall be provided.

6. Parking - Two (2) off-street parking spaces per dwelling unit.

R-7 Housing for the Elderly

Elderly housing shall include a form of residential use that is designed and operated for senior adults.

1. General Regulations. The applicant shall submit, to the satisfaction of the Borough Solicitor, a proposed set of regulations to control such operation, including definition of age and income limitations of residents, any other restrictions to be placed upon the residents or their activities, admission procedures and security provisions, and provisions setting forth the policy to be used in determining the amount of rental and other charges to the residents in accordance with all applicable state and federal laws and regulations. The applicant shall indicate that single prospective residents of housing have attained the age of at least

fifty-five (55) years or that families to occupy said units are elderly families (i.e. families whose heads or their spouses are at least fifty-five (55) years of age) or are under a disability as defined in Section 223 of the Social Security Act.

2. Use Regulations. Permitted uses for Housing for the Elderly shall be as follows:

2.1 Garden apartments for elderly persons (two stories or less)

2.2 Mid-rise apartment building for elderly persons (more than two stories high).

2.3 Accessory uses provided primarily to meet the needs of the occupants of the complex, including and limited to a medical office, other professional offices and/or retail in accordance with Section 3.2 herein.

3. Development Regulations. The following density, area, width, and yard regulations shall apply to Housing for the Elderly.

3.1 Maximum Residential Density. The number of elderly person apartments permitted shall be calculated as follows:

Minimum Lot Area per Dwelling/Apartment

Number of BR's	Mid-rise (3+ stories)	Garden Apartments
1	1,000 SF	2,000 SF
2	1,500 SF	2,500 SF
3	2,000 SF	3,000 SF

3.2 Non-Residential Use. In addition to Section 3.1, a maximum floor area ratio of one-tenth (.10) may be used for non-residential uses including and limited to a medical or other professional office, provided said use is located on the ground floor. As part of the maximum permitted non-residential floor area, one (1) percent may be used for retail purposes.

3.3 Minimum area. A lot of not less than one (1) acre shall be provided for Housing for the Elderly.

3.4 Open Space and Community Use Area.

A minimum area equivalent to ten (10) percent of the lot area shall be designed, designated and used for open space and/or community use purposes by the residence of the use. This area shall be a combination of both indoor and outdoor spaces. The designated spaces shall be improved with activity and sitting areas appropriate for the residents.

3.5 Set Backs, Building Height and Building Coverage. The following requirements shall be met.

- a) Apartment buildings shall be a minimum of twenty-five (25) feet from any property line.
- b) The maximum building height shall be forty-four (44) feet, unless a hip roof is provided with a minimum pitch of 4 on 12 in which the building height shall be a maximum of fifty (50) feet.
- c) The minimum open space shall be fifteen (15) percent.

3.6 Parking. The following minimum off-street parking standards shall be required.

<u>Number Of Residential Bedrooms</u>	<u>Minimum Parking Per Apartment</u>
1	0.75
2	1.00
3	1.50

<u>Permitted Non Residential Use Type</u>	<u>Minimum Parking Per Gross Leasable Floor Area</u>
Retail	1 per 200 SF
Medical Office	1 per 350 SF

Plus one (1) parking space shall be provided for each resident employee working on the largest shift.

4. General Requirements.

4.1 Utilities. All buildings for Housing for the Elderly shall be serviced by a public sewage and water supply system and by underground utilities.

4.2 Common Areas and Facilities. Provision shall be made for the perpetual maintenance and care of all common areas including streets, driveways, parking areas, walkways, landscaped planting areas, open space, and community use facilities.

4.3 Other Facilities. Such other improvements including curbs, and storm water collection and control facilities as required by Ordinance shall be provided.

4.4 Buffer Yards. A buffer yard ten (10) feet in width shall be provided along all side and rear property lines where a Housing for the Elderly adjoins a single-family dwelling or railroad. The buffer yard shall contain a combination of a ornamental wall or fence four (4) feet in height, and planted evergreen trees and shrubs as required to create a dense screen a minimum of four (4) feet high upon planting. Evergreen trees such as firs or spruce shall be planted fifteen feet on center, evergreen shrubs such as arborvitae shall be planted five (5) feet on center or as required to create a dense visual barrier within three (3) years of planting. A combination of fencing, trees and shrubs shall be provided.

4.5 A minimum of five (5) percent of all apartments in a Housing for the Elderly shall be handicap accessible including but not limited to access, cabinetry, switches and bathroom fixtures and accessories.

4.6 Housing for the Elderly in excess of two stories shall provide an elevator.

R-8 Community/Group Home

A residential facility which is licensed by an appropriate state agency which provides twenty-four (24) hour professional resident supervision and which is intended to provide a homelike environment within a community for no more than five (5) occupants (including house parents and/or supervisors). The residents of a Community /Group Home shall have a common social characteristic and/or disability in which the home is intended to provide and foster societal normalization rather than institutionalization. If the house parents and/or supervisors serve on a rotating basis only that number at the dwelling at any one time shall be counted as occupants.

1. Parking - One (1) off-street parking spaces per resident plus one per employee.

R-9 Residential Conversion

The conversion of a single-family dwelling into a dwelling for a greater number of families may be permitted by Special Exception subject to the following requirements:

1. Each dwelling unit shall not have less than eight hundred (800) square feet of habitable floor area.
2. The lot area per family shall not be reduced to an area less than fifty (50) percent of the minimum lot area required by this Ordinance for the district in which the designated lot is located.
3. The use shall comply with all setback and building area requirements for the district in which the use is located.
4. There shall be no external alteration of the building except as may be necessary for reasons of safety. Fire escapes and outside stairways shall, where practicable, be located to the rear of the building.
5. The Zoning Hearing Board may prescribe such further conditions and restrictions as the Board may consider appropriate.
6. A residential conversion shall be authorized only for an existing dwelling which due to size and arrangement has little economic usefulness as a conforming use, or for any

other arrangement within the intent and purpose of this Ordinance, which is deemed appropriate by the Zoning Hearing Board.

7. Parking - Two (2) off-street parking spaces per dwelling unit.

A Residential Cluster is a form of planned residential development which allows for additional flexibility in the design of a development in exchange for the retention of open space.

1. Minimum Lot Area. The minimum lot area for a Residential Cluster shall be 25 acres.
2. Use Regulations. Permitted use types as part of a Residential Cluster development may include:

R-1 Single-family Detached Dwelling
R-2 Twin Dwelling
R-4 Townhouse
C-15 Golf Course

3. Dwelling Mix Requirements. The following dwelling unit mix is required of all Residential Cluster developments.

Use Type	Minimum Required	Maximum Permitted
R-1	25 Percent	100 Percent
R-2	None	75 Percent
R-4	None	50 Percent

4. Development Regulations. The following density, area, width, and yard regulations shall apply to all Residential Clusters.

- 4.1 Maximum Residential Density. The maximum number of dwelling units permitted and required open space shall be calculated as follows:

Maximum Permitted Density [1]	Minimum Required Open Space
4 DU/Ac.	20 Percent
5 DU/Ac.	25 Percent
6 DU/Ac.	30 Percent

[1] Density is based upon the actual site area as determined by a site survey excluding the ultimate right-of-way of existing streets and existing easements that prohibit future development therein.

4.2 Required Recreation Area. In the event a golf course is developed as part of this use, the mandatory dedication of parkland and/or the payment of a fee in-lieu thereof or a combination of both shall be provided at the discretion of Borough Council in accordance with the Borough and/or Northampton County Subdivision and Land Development Ordinance as the case may be.

4.3 Set Backs.

- a) Any residential use portion of a residential cluster that adjoins an existing residential neighborhood shall maintain the minimum required rear yard setback for a single-family dwelling of twenty-five (25) feet from the adjoining residential zoning district provided that the proposed dwelling units are single-family dwellings, otherwise the rear or side yard setback shall be twice the minimum required for a single-family dwelling in the adjoining zoning district. In addition, in the event that side and/or rear yard setbacks are required to be increased, a ten foot wide buffer shall be provided in accordance with Section 609 herein.
- b) Any portion of a golf course use area including permitted accessory uses that adjoins an existing residential neighborhood including a street right-of-way shall require the following minimum setbacks:

<u>Use Area</u>	<u>Setback from Property Line</u>
Golf Course	125' from mid-point of any fairway, green and tee
Driving Range	175' from any tee and target area [1]
Miniature Golf	125' from outside edge of use area

- [1] Except that the setback from a driving range tee area to a municipal property may be reduced to 25 feet.

4.4 Parking. The minimum parking standards for each individual use type shall be provided.

5. General Requirements.

5.1 Utilities. All buildings as part of a residential cluster shall be serviced by a public sewage and water supply system and by underground utilities.

5.2 Common Areas and Facilities. Provision shall be made for the perpetual maintenance and care of all common areas including streets, driveways, parking areas, walkways, landscaped planting areas, open space, and community use facilities.

5.3 Other Facilities. Such other improvements including curbs, and storm water collection and control facilities as required by Ordinance shall be provided.

B. BUSINESS USES

B-1 Medical Office

A building or group of buildings with multiple offices for one or more physicians or dentists for examination or treatment of persons as out-patients, and with laboratories incidental thereto.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Parking - One (1) space per two hundred (200) square feet of gross leasable floor area.

B-2 Office

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Parking - One (1) space per two hundred and fifty (250) square feet of gross leasable floor area.

B-3 Veterinary Office or Clinic

The office of a veterinarian for the care of small domestic animals that are normally and customarily considered to be household pets. If a kennel is part of the office or clinic, the use shall meet the regulations of use G-3 Kennel. A veterinarian clinic shall be operated during regular business hours, except in the case of emergencies.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Parking - One (1) space per two hundred (200) square feet of gross leasable floor area.

B-4 Conversions

The conversion of an existing building to a business/commercial use or mixed business/commercial and residential use.

1. All residential uses shall comply with the Residential Conversion standards, Use Type R-9 of this Ordinance.
2. The minimum lot size for each use shall not be less than fifty (50) percent of the minimum required lot area for the use in the subject district.
3. Parking - Shall be in accordance with the applicable use types proposed for the conversion.

C. COMMERCIAL USES

C-1 Adult Entertainment

An establishment devoted to the display, rental and/or selling of materials such as pictures, drawings, photographs, videos, or other depictions or printed material and paraphernalia of explicit sexual materials which, if sold knowingly to a child under eighteen (18) years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the same time thereof. The following provisions shall also apply:

All proposed C-1 Adult Entertainment Uses shall comply with the following development standards and criteria when applying for a Special Exception Use:

1. Minimum lot area shall be thirty thousand (30,000) square feet.
2. All lots containing C-1 uses shall have side and rear yards enclosed with a six foot high fence which shall be located within a dense planting buffer with a minimum width of twenty-five (25) feet. The planted buffer shall consist of evergreens planted ten (10) feet on center in a staggered pattern and each planting shall be a minimum of four (4) feet in height at the time of planting. No fences shall be permitted in front of the front building line.
3. No parking shall be permitted in the front yard.
4. A building or structure for such use shall be located no less than one thousand (1,000) feet from any residential use or residential district, public or private school, church, recreation facility or park, or any other religious, educational, or institutional use.
5. No materials sold within shall be visible from any window, door, or exterior of the building.
6. No persons under the age of eighteen (18) years of age shall be permitted within an adult entertainment establishment.
7. Parking - One (1) space per one hundred and fifty (150) square feet of gross floor area.

C-2 Vehicle and Equipment Sales

The sale and/or lease of new or used automobiles by a duly franchised, licensed or registered car, boat, or motorcycle dealer; the sale of used cars, boats, or motorcycles; the rental of cars, trucks, trailers, motorcycles and/or boats; or the sale of farm machinery or travel campers, provided that all uses shall be licensed by the Commonwealth of Pennsylvania when required.

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. All facilities shall be located and all services shall be conducted within the confines of the lot.
3. All preparation, lubrication, repair or similar activities shall be accessory to the principal use and shall be conducted within a building. Auto body repair and painting shall not be permitted as part of this use.
4. Accessways shall be provided for the safe and convenient egress and ingress of motor vehicles. No accessway shall exceed twenty-four (24) feet in width nor be less than sixteen (16) feet in width.
5. Access to the street shall be physically controlled by concrete curbing and separated from the street by a minimum ten (10) foot wide planted strip.
6. All automobile parts and similar articles shall be stored within a building.
7. Storage or display of automobiles, trucks, boats, and other vehicles for sale shall not be allowed in any front yard.
8. There shall be no more than one (1) access point into the facility from each street on which the facility has frontage.
9. Parking - 1 space per five hundred (500) square feet of showroom area. If no interior showroom exists, there shall be one (1) space per one thousand (1,000) square feet of outdoor display area.

C-3 Automotive Body Repair and Paint Shop

Establishments doing paint spraying, body and fender work, and custom body work shall comply with the following regulations:

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. All such work shall be performed within a building.
3. All related automotive parts, refuse, and similar articles shall be stored within a building or enclosed area.
4. No vehicle shall be stored in the open awaiting repairs unless screened from all adjacent roads and properties by a fence, wall or evergreen hedge of at least six (6) feet in height.
5. Parking shall not be located closer than twenty-five (25) feet from any adjacent residential district.
6. Parking - One space for every two (2) service bays plus one space per employee.

C-4 Car Wash

An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. Car washes shall be designed with a stacking area adequate for a minimum of two (2) cars per bay for do-it-yourself facilities and a minimum of nine (9) cars per bay for an automatic facility, including a stacking area adequate for two (2) vehicles for each vacuuming island and detailing area so that waiting cars do not interfere with traffic flow onto or through the facility.
3. The facility shall have a drainage system which ensures that water will not collect on driveways, sidewalks or flow out onto the street.
4. The facility shall provide a six (6) foot high fence and a dense evergreen planting buffer

at least four feet in height along all side and rear lot lines.

5. Parking - One (1) space per employee

C-5 Convenience Store

A store with less than five thousand (5,000) square feet of gross floor area, that sells a limited variety of food, non-prescription drugs, and household items and whose design or principal method of operation is intended for convenient pick-up of a few items at a time and not for long-term or comprehensive shopping.

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. Parking - One (1) space per one hundred and fifty (150) square feet of gross floor area.

C-6 Eating Establishment

An establishment that serves food and beverages primarily to persons seated within the building. This includes cafes and outdoor cafes. Drive-in service is prohibited.

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. Parking - One (1) space per fifty (50) square feet of net floor area plus one (1) space per employee.

C-7 Drive-Through and Fast Food

An establishment located on a single and separate lot whose principle business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the eating place building or for carry-out and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers and where customers are not served their food, frozen desserts, or beverages by an eating place employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curb service.

1. Minimum lot area shall be thirty thousand (30,000) square feet.

2. The drive through service area shall be an integral part of the interior circulation pattern. No direct access to a public road shall be permitted from the drive through isle.
3. Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of six (6) cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.
4. All such eating places shall provide a trash storage area which shall be screened from the street and adjacent properties by an enclosed fence at least six (6) feet in height to prevent trash from blowing from the area and to serve as a visual screen for the trash area.
5. Trash receptacles shall be provided outside the eating place for patron use.
6. Parking - One (1) off-street parking space per each two seats.

C-8 Entertainment and Recreation

An entertainment or indoor recreation facility shall include a bowling alley, skating rink, billiard hall, indoor movie theater, and other similar uses, but shall not include a use which meets the definition of Adult Entertainment Use C-1.

1. Minimum lot area shall be thirty thousand (30,000) square feet.
2. Parking.
 - a) Theater: No less than one (1) off-street parking space for every three (3) seats in the auditorium, plus one (1) space per employee.
 - b) Bowling Alley: No less than five (5) off-street parking spaces for every bowling lane, plus one (1) space per employee.
 - c) Other Uses: No less than one (1) off-street parking space per one hundred and fifty (150) square feet of gross floor area, plus one (1) space per employee.

2. All parking shall be screened from public streets by a dense evergreen planting with a minimum height of four (4) feet at planting.

C-9 Bank

A bank shall include a financial establishment, savings and loan association, credit union, or other financial establishment providing:

1. If a drive-in window is provided, a stacking area to accommodate at least six (6) vehicles shall be provided for each drive-in window which will not interfere with the vehicular or pedestrian circulation plan for the site or the required parking for the use.
2. Where automated teller machines are provided, such facilities shall be adequately lighted for security and safety and shall be ancillary to the main building.
3. Parking - One (1) space per two hundred (200) square feet of gross floor area.

C-10 Funeral Home

A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. Parking - One (1) space per every three (3) seats plus one space per employee, plus one (1) space per each vehicle normally stored on the premises.

C-11 Self Service Storage Facility

A building consisting of relatively small individual, self-contained units that are leased for the storage of business and household goods or contractors supplies. Such use shall be surrounded by a physical barrier including a fence and dense evergreen buffer strip,

measuring at least six (6) feet in height. The buffer strip shall be planted outside of the fence or other barrier and shall consist of plants which will hide the fence from view from the street and adjoining properties and further, providing:

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. The minimum driveway width shall be twenty-five (25) feet.
3. No business activity other than leasing of storage units shall be permitted.
4. All storage shall be within enclosed buildings, except that no more than five (5) percent of the total storage area as determined by the building footprints may be devoted to outdoor parking spaces for boats, cars, recreational vehicles, or other non-commercial vehicles provided said outdoor storage area is within the fenced-in portion of the facility and generally screened from the street.
5. Explosive, radioactive, or highly flammable materials and chemicals such as fuels and gasoline shall be prohibited.
6. Parking - Five (5) off-street parking spaces for customer parking at the rental office plus one (1) parking space per employee.

C-12 Repair Shop

Any business for the repair of consumer goods, but not including repair of automobiles, boats, campers, vehicles or motorcycles and not including the repair of other items which as part of the repair process, cause noise, fumes, or other disturbances to emanate beyond the property line of the establishment.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Parking - One (1) space per three hundred (300) square feet of gross floor area.

C-13 Retail Trade and Retail Services

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods; or

establishments primarily engaged in providing services involving the care of a person or his or her apparel. Such use does not include an eating place or other use specifically designated in this Ordinance as a separate use.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. All products produced on the premises shall be sold on the premises.
3. A retail facility may have associated with it as an accessory use a warehouse for the storage of goods and supplies which are sold or used at the retail facility. Approval for a warehouse as an accessory structure shall be by special exception to be granted by the Zoning Hearing Board. The amount of warehouse space to be permitted shall be in accordance of the needs of the retail use and shall not detract from the retail nature of the use or from the area in which it is located.
4. Parking - One (1) space per two hundred (200) square feet of gross floor are

C-14 Service Station

Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted. Service Stations shall meet the following requirements:

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. Minimum lot width of two hundred (200) feet shall be provided along a street on which the lot abuts;
3. Access to roads shall be at least fifty (50) feet from the intersection of any street right-of-way line;
4. All pumps, lifts, and other service facilities shall be located not closer than twenty-five (25) feet to any property or ultimate right-of-way line;

5. No vehicle shall be stored in the open, except those awaiting minor repairs, for a period exceeding seven (7) consecutive days unless screened from all adjacent roads and properties by a fence, wall or evergreen hedge of at least six (6) feet in height;
6. All lubricating, making of minor repairs, or similar activities shall be performed in an enclosed building;
7. Separate accessways shall be provided for the safe and convenient egress and ingress of motor vehicles. No accessway shall exceed twenty-four (24) feet in width nor be less than sixteen (16) feet in width;
8. Access to the street shall be physically separated by concrete curbing and a ten (10) foot wide landscaped strip separating the street from the service station parking area;
9. All automobile parts and similar articles shall be stored within a building;
10. Unregistered or junk vehicles shall not be stored in the open at any time;
11. The sale or rental of automobiles, trucks, or other motor vehicles shall be prohibited;
12. Convenience shopping shall be permitted as an accessory use to the sale of petroleum products, provided that it shall be in lieu of the sale of tires and automotive service;
13. Service stations designed to offer to the public self-service facilities for dispensing of gasoline and other motor vehicle fuels shall meet all State regulations.
14. Parking - Two (2) spaces for each service bay plus one (1) space per employee. If there is a convenience store in place of service bays, there shall be one (1) space per one hundred and fifty (150) square feet of floor area devoted to sales.

C-15 Golf Course

A golf course shall include a 9-hole or 18-hole golf course and may include one or more accessory uses including and limited to a club house, eating establishment, banquet facility, pro shop, golf driving range and a miniature golf course provided said use is clearly accessory to an operational golf course, and is subject to the following provisions unless otherwise provided in Section 502.R-10 herein:

1. Minimum lot area shall be forty (40) acres.
2. All buildings associated with a golf course shall be set back not less than fifty (50) feet from a perimeter property line and one hundred (100) feet from an ultimate right-of-way line.
3. Parking shall be set back not less than twenty (20) feet from a property line and ultimate right-of-way line.
4. Any exterior portion of a golf course use area including permitted accessory uses that adjoins an existing residential neighborhood including a street right-of-way shall require the following minimum setbacks:

<u>Use Area</u>	<u>Setback from Property Line</u>
Golf Course	125' from mid-point of any fairway, green and tee
Driving Range	175' from any tee and target area [1]
Miniature Golf	125' from outside edge of use area
Outdoor Storage	100' from property line and 200' from street R-O-W line

[1] Except that the setback from a driving range tee area to a municipal property may be reduced to 25 feet.

5. No structures associated with this use including protective netting shall exceed thirty-five (35) feet in height. The need for, and actual height and location of, protective netting shall be determined by Borough Council.

6. The provisions of Sections 502.A-4.3, and 610.4 regarding outdoor storage shall apply and all other provisions of this Ordinance regarding outdoor storage that are not inconsistent with these sections shall also apply.

7. Parking - Four (4) spaces per hole, plus one (1) space per employee. If there is a club house/eating place, additional parking shall be provided in accordance with the requirements for the C-6 Eating Establishment use type. Parking for an accessory miniature golf and/or driving range shall be provided at the ratio of one (1) space per golf tee and batting cage.

For other types of accessory uses, additional parking shall be required in accordance with generally accepted land planning and engineering practice.

C-16 Miniature Golf, Driving Range, Batting Cage

Golf driving range, miniature golf course, golf cage and baseball batting cage, when authorized by Borough Council as a Conditional Use, subject to the following conditions and in accordance with Article 10 Conditional Uses herein.

1. All exterior activity use areas and structures associated with this use shall be set back not less than fifty (50) feet from a perimeter property line and one hundred (100) feet from an ultimate right-of-way line.
2. Parking shall be set back not less than twenty (20) feet from a property line and ultimate right-of-way line.
3. In addition, any exterior portion of a driving range that adjoins an existing residential use or neighborhood including a street right-of-way shall require the following minimum setbacks:

<u>Use Area</u>	<u>Setback from Property Line</u>
Driving Range	175' from any tee and target area [1]

- [1] Except that the setback from a driving range tee area to a municipal property may be reduced to 25 feet.

4. No structures associated with this use including protective netting shall exceed thirty-five (35) feet in height. The need for, and actual height and location of, protective netting shall be determined by Borough Council.
5. The parcel devoted to such use shall have a minimum road frontage of one hundred (100) feet.
6. Parking shall be provided at the ratio of two (2) spaces per golf tee and batting cage.
7. The proposed use may contain a snack bar which can serve hot and cold foods such as hot dogs, ice cream and other snack foods. Such facility shall contain no interior fixed seating or have a drive-through window. In addition, an eating establishment as defined by this Ordinance is not permitted as part of this use.
8. For the purposes of this ordinance, a miniature golf course shall be defined as a course containing miniature golf holes, the play on which would require the use of a putter only.

C-17 Billboards

An off-premises advertising sign directing patrons to a service or business located outside of the lot in which the sign is located.

1. Billboards may be permitted only as a principle use and structure on a lot.
2. Billboards shall have a maximum sign area of two hundred and forty (240) square feet.
3. Billboards shall not be closer than one thousand (1,000) feet apart.
4. Billboards shall be located a minimum of ten (10) feet above the ground and shall comply with the maximum height requirements within the district in which it is located.
5. Billboards shall not be illuminated between the hours of 12 Midnight and 6 AM.
6. Billboards shall comply with all the requirements for a principle use within the district in which it is located.

C-18 Riverfront Recreation

Recreational uses established along the banks of and intended to provide access to the Lehigh River.

1. The use shall be generally compatible and consistent with the conservation purposes of the River Conservation District and should to the greatest degree practicable be consistent with the plans of the Delaware and Lehigh Canal National Heritage Corridor of which it is part.
2. Permitted uses may include fishing areas, boat launch areas, picnic areas, hiking trails, nature areas, and access to the water and waters edge.
3. Parking. Mud-free off-site parking shall be adequate to serve the intended use of the facility or use area.

E. EDUCATIONAL AND INSTITUTIONAL USES

E-1 Cemetery

A cemetery shall be limited to a graveyard, including a mausoleum, for the interment of humans.

1. The minimum lot size shall be two (2) acres.
2. No more than ten (10) percent of the entire area may be devoted to above-ground buildings not serving as burial markers or memorials, such as business and administration offices, chapels, maintenance facilities, greenhouses, or repair shops. This restriction includes parking facilities.
3. One (1) dwelling to be used for custodial personal may be permitted in accordance with the requirements for single-family detached dwellings in the district in which the use is permitted.
4. There shall be no more than one (1) identification sign at each entrance.
5. All entrance features shall be located a minimum distance of ten (10) feet from a right-of-way line of any public street.
6. No entrance feature shall exceed sixteen (16) feet in height.

E-2 Day Care Center/Nursery School

A. Child Day Care Center/Nursery School

A state licensed facility providing day care and/or educational service for more than six (6) children, providing out-of-home care for part of a 24-hour day to children under 16 years of age, excluding care provided by relatives and care provided by places of worship during religious services. Said use shall include the term nursery school.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Minimum play area setbacks from all side and rear lot lines shall be ten (10) feet.

3. Buffer yards with a minimum width of ten (10) feet planted with a dense evergreen screen with a height of four (4) feet upon planting shall be provided if the use is located within a residential district or said use is adjacent to an existing residential use.
4. An outside play area, the equivalent of fifty (50) square feet per child, shall be completely enclosed with a fence with a minimum height of four (4) feet.
5. Parking - One (1) space for every employee plus one (1) space for every three (3) children plus adequate street-side pick-up and drop-off areas.

B. Senior Day Care Facility

A day care facility for senior adults.

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Minimum outdoor activity area setbacks from all side and rear lot lines shall be ten (10) feet.
3. Buffer yards with a minimum width of ten (10) feet planted with a dense evergreen screen with a height of four feet upon planting shall be provided if the use is located within a residential district or said use is adjacent to an existing residential use.
4. An outside sitting/activity area, the equivalent of fifty (50) square feet per cared-for adult, shall be provided with sitting areas.
5. Parking - One (1) space for every employee plus one (1) space for every four (4) cared-for adults.

E-3 Municipal Facility

Any use created or facility utilized by the Borough, any authority created by the Borough under the Municipal Authority's Act or any other authority in which the Borough participates, for the provisions of governmental functions or public services or the maintenance of the public health, safety, or welfare including, but not limited to, the public administration, police, fire, recreation and public work uses.

1. The provisions of this Ordinance with respect to lot area, lot width, yard regulations, coverage regulations, height regulations, and parking requirements shall be inapplicable to any municipal use of property. Unless specifically excluded, municipal use of any property shall be deemed to be a permitted use in any district.

E-4 Place of Worship

Any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto, but not including any commercial activity.

1. The minimum lot area for a church or other place of worship shall be not less than twenty thousand (20,000) square feet.
2. The minimum lot width shall be not less than one hundred (100) feet.
3. The maximum building height shall be fifty (50) feet, except that the height of any such church, synagogue, tabernacle or other place of worship may be increased to a maximum of sixty-five (65) feet to allow for a steeple or tower structure incidental to such church, synagogue, tabernacle or other place of worship, provided that for every foot of height in excess of fifty (50) feet, there shall be added to each yard requirement one (1) corresponding foot of width or depth.
4. Yard Requirements.
 - (a) Front yard. There shall be a front yard which shall be not less than thirty-five (35) feet in depth from the ultimate right of way.

- (b) Side Yards. There shall be two (2) side yards on every lot with an aggregate width of not less than forty (40) feet, neither side yard having a width of less than twenty (20) feet.

- (c) Rear Yard. There shall be a rear yard which shall have a depth of not less than fifty (50) feet.

5. Building Coverage. A maximum building coverage not greater than thirty-five (35) percent.
6. Impervious Coverage. A maximum impervious coverage of not greater than seventy-five (75) percent shall be permitted.
7. Accessory Use. Accessory uses shall be limited to those customarily incidental and subordinate to churches, synagogues, tabernacles or other places of worship which may include a day care center, parish center or similar use may be permitted as an accessory use. A day care center shall be licensed by the Commonwealth of Pennsylvania.
8. A dwelling shall be permitted in accordance with the requirements for single-family detached dwellings in the district in which it is located.
9. Parking - One (1) space per every three (3) seats of capacity of the assembly area, plus two (2) spaces per dwelling.

E-5 Private Organization

A club of social, fraternal, artistic, literary, civic, cultural or educational purposes, operated on a membership basis by a non-profit organization.

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. Each building or facility devoted to such use shall be primarily for the use of members and their guests.
3. The eating and dining accommodations shall be incidental to the purpose of the club.

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4. Parking - One (1) space per one hundred and fifty (150) square feet of gross floor area of all buildings intended to be used to service members and guests, plus one (1) space per employee.

E-6 School

A school either public or private offering instructions in general education, dance, ballet, karate, music, business, sewing, secretarial science or other similar instruction.

1. The minimum lot size shall be twenty thousand (20,000) square feet.
2. Parking - One (1) off-street parking space per employee/instructor plus one (1) space for each two students of design capacity unless the students attending the instruction are over seventeen (17) years of age in which the parking shall be one (1) space for each student of design capacity.

I. INDUSTRIAL USES

I-1 Automobile Salvage Recycling Facility

1. An area of land, with or without buildings, that is used for the storage of used or recyclable vehicles and parts thereof.
2. Minimum lot area shall be three (3) acres.
3. Minimum lot width shall be two hundred (200) feet at the street line.
4. Minimum setback of all outdoor storage areas from all property lines shall be one hundred (100) feet.
5. All outdoor storage uses shall be entirely enclosed by a solid fence or wall, at least eight (8) feet high set back at least fifteen (15) feet from all property boundaries and constructed of plank boards, brick, cinder block, or concrete, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly maintained;
6. A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be a minimum of eight (8) feet in height and planted on eight (8) foot staggered centers;
7. The contents of such use shall not be placed or deposited to a height greater than the height of the fence or wall therein prescribed;
8. Dumping of trash or land fill operations and burning of any material is specifically prohibited; and
9. All such uses shall be sealed from groundwater contamination.
10. Parking - One (1) space per employee plus five (5) additional spaces.

I-2 Building Materials Sales and Equipment Rental

Establishments such as lumber yards and those offering for sale finished products used in building construction such as concrete and metal pipes and rental and storage of construction equipment.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be one hundred (100) feet at the street line.
3. Minimum setback from all property lines shall be twenty-five (25) feet.
4. The rental of construction equipment is permitted as an accessory use.
5. Millworking is permitted as an accessory use.
6. All outdoor storage areas shall be enclosed with a six (6) foot high solid fence and shall include a planted evergreen screen to the outside of the fencing.
7. The storage of flammable or toxic gases and liquids and the production and mixing of asphalt and concrete is prohibited.
8. Parking - One (1) space per two hundred (200) square feet of gross floor area open to the public, plus one (1) space per employee, plus one (1) space per company vehicle normally stored on the premises.

I-3 Contracting Yard and Services

Offices and shops for contractors such as builders, electricians, plumbers, masons, painters, landscapers, roofers, or similar contractors.

1. Minimum lot area shall be twenty thousand (20,000) square feet.
2. Minimum lot width shall be one hundred (100) feet at the street line.
3. Minimum setback from all property lines shall be twenty-five (25) feet.
4. A showroom may be permitted as an accessory use provided that an additional one parking space per each three hundred (300) square feet of showroom area is provided.
5. All outdoor storage areas shall be enclosed with a six (6) foot high solid fence and shall include a planted evergreen screen to the outside of the fencing.

6. Parking - One (1) space per each employee or per five hundred (500) square feet of gross floor area whichever is greater, plus one (1) space per company vehicle normally stored on the premises, plus accessory use parking as required.

I-4 Manufacturing

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be two hundred (200) feet at the street line.
3. Minimum setback from all property lines shall be fifty (50) feet.
4. No retail sales are permitted from the premises.
5. Parking - One (1) space per five hundred (500) square feet of floor area.

I-5 Recycling Facility

A facility in which recoverable resources including but not necessarily limited to, newspapers, glassware, plastics, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand or semi-automatic equipment within a completely enclosed building.

1. The proposed use of an area shall not be detrimental to adjacent land use.
2. Minimum lot size shall be two (2) acres.
3. Such use shall be a minimum of fifty (50) feet from any public road as measured from the ultimate right-of-way line.
4. The land area used for such purposes shall be enclosed with a six (6) foot high solid fence and shall include a planted evergreen screen to the outside of the fencing.

5. The storage of paper shall be within a building or a closed container.
6. The storage of toxic chemicals shall be prohibited.
7. Dumping of trash or land fill operations and burning of any materials shall specifically be prohibited.
8. All such uses shall be sealed from groundwater contamination.
9. Parking - One (1) space per employee plus five (5) additional spaces.

I-6 Wholesale

Establishments engaged primarily in the selling of merchandise to retailers and to industrial, commercial and institutional users, or other wholesalers.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be one hundred (100) feet at street line.
3. Minimum setback from all property lines shall be twenty-five (25) feet.
4. Parking - One (1) space per each five hundred (500) square feet of gross floor area plus, one (1) space for each company vehicle normally stored on the premises.

I-7 Warehouse

A building primarily used for the storage of goods and materials.

1. Minimum lot area shall be one (1) acres.
2. Minimum lot width shall be one hundred (100) feet at street line.
3. Minimum setback from all property lines shall be twenty-five (25) feet.
4. Parking - One (1) space per each one thousand (1,000) square feet of gross floor area plus, one space for each company vehicle normally stored on the premises.

U. UTILITY USES

U-1 Utility Operating Facility

A transformer station, relay station, broadcasting tower (transmission or relay), electrical substation, telephone substation, sewage treatment plant, and any public service or private utility, not including a public or private incinerator and public or private landfill.

1. Parking - One (1) space per employee with a minimum of two (2) spaces being provided.

U-2 Emergency Services

Emergency services such as fire, ambulance, rescue, and other emergency services of a municipal or volunteer nature.

1. Parking - One (1) space per three hundred and fifty (350) square feet of gross floor area, or one (1) space per vehicle personnel capacity plus five (5) spaces whichever is greater.

A. ACCESSORY USES

A-1 Accessory Apartment

One apartment accessory to a single-family detached dwelling may be permitted provided the following conditions are met.

1. The accessory apartment shall occupy no more than six hundred (600) square feet in floor area.
2. The accessory apartment shall contain separate cooking, sleeping, living and bathroom facilities.
3. The accessory apartment may be part of the principle residence or may be located in an accessory building.
4. There shall be no changes to the exterior of the residence which suggest that the dwelling unit is other than a single-family detached dwelling or which would otherwise detract from the character of the neighborhood.
5. No more than one accessory apartment shall be permitted per single-family detached dwelling.
6. Parking - One (1) additional off-street parking space is required for the accessory apartment use.

A-2 Family Day Care

Day care service provided on a regular basis for compensation is permitted as a residential accessory use in a single-family detached dwelling only and provided that:

1. The use shall be limited to a maximum of six children.
2. No outdoor advertising is permitted.
3. No more than one (1) non-resident employee shall be permitted.
4. A Family Day Care use shall be registered with the Borough Zoning Officer who shall keep a record of its use.

5. A fenced play area of not less than fifty (50) square feet per child with a minimum fence height of three (3) feet shall be provided.

6. Parking - One (1) additional off-street parking space for each three (3) children, plus (1) one space for the non-resident employee if applicable.

A-3 Home Occupation

A Home Occupation shall be accessory to a residence and carried on entirely indoors and within a dwelling or other structure accessory thereto and shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall be limited to the following uses or uses of the same generally nature and character.

1. All home occupation uses shall be registered with the Borough Zoning Officer who shall keep a record of its use to insure that the intent of this ordinance is being met and shall comply with all applicable Borough ordinances and regulations.
2. Professional office or studio of a doctor, dentist, tutor, artist, architect, musician, lawyer, engineer, planner, barber, beauty parlor, accountant or practitioner of a similar professional character, and home occupation provided that office, studio, or rooms are located in a dwelling in which the practitioner resides, or in a building accessory thereto.
3. Uses authorized by this Section as accessory to a dwelling shall comply with the following provisions.
 - 3.1 Accessory home occupation uses shall not include a retail business; clinic or hospital; animal hospital; commercial stable; kennel; funeral-parlor; undertaking establishment; eating place; rooming, boarding, and lodging house or other similar use.
 - 3.2 The home occupation shall be carried on only by inhabitants of the dwelling and not more than one (1) additional employee.

3.3 There shall be no use of show windows, display, or advertising visible outside the premises, except as provided for signs herein.

3.4 There shall be no exterior storage of materials or parking of commercial vehicles other than one vehicle with a maximum gross vehicle weight not to exceed three-quarters (3/4) of one ton provided said vehicle is parked on the subject lot.

3.5 In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from the residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside the premises to attract customers or clients, other than an identification sign as permitted in Article 8 herein.

3.6 No articles shall be sold or offered for sale on the premises unless routinely used as part of the services provided by the home occupation.

3.7 Servicing by large commercial vehicles, other than those which ordinarily deliver consumer goods or supplies and materials in excess of one (1) truck per week shall not be permitted.

3.8 The floor area devoted exclusively to a home occupation shall not be more than twenty-five (25) percent of the gross habitable floor area of the principle residential structure or six hundred (600) square feet, whichever is less.

4. No equipment or process shall be used in such employment or occupation which creates discernible noise, vibration, glare, fumes, odors or electrical interference at the property line, and no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the lot or causes fluctuations in line voltage off the lot.

5. Parking - One (1) additional off-street parking space per each two hundred (200)

square feet of gross floor area of the home occupation use plus the required parking for the principle residential use of the property, with a maximum of five (5) off-street parking spaces per lot.

A-4 Outside Storage

Outside storage necessary and incidental to the normal operation of a primary nonresidential use shall be permitted subject to the following provisions:

1. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied or used for outside storage.
2. Vehicle sales and lumber yards shall have no more than fifty (50) percent of the lot area used for outside storage.
3. Agricultural and golf course uses shall permit the outdoor storage of materials normal and customary to the operation of said use provided said storage is located a minimum of two hundred (200) feet from a street right-of-way and one hundred (100) feet from any other property line. In addition, only the outdoor storage of inoperable machinery and/or equipment need to comply with the screening provisions of Section A-4.7 below.
4. Outside storage areas for all other uses shall be not more than twenty-five (25) percent of the existing building coverage.
5. The storage of panel trucks, vans and similar vehicles which supply or service establishments in commercial or industrial districts shall be permitted provided that such vehicles shall be used by the establishment in the normal conduct of their business and said vehicles are stored in the side or rear yard areas only and are screened from adjoining properties with a fence or evergreens.
6. No outdoor storage of hazardous materials shall be permitted.

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7. The land area used for permitted outdoor storage, except for operable vehicle sales, shall be enclosed with a six (6) foot high solid fence and shall include a planted evergreen screen to the outside of the fencing.

A-5 Recreational Vehicles

Campers, recreational vehicles and boats may be stored on the premises by the occupants of the premises only provided that:

1. Storage shall be in the side and rear yard only and shall meet the accessory use setback requirements of the district in which it is located.
2. No such equipment or vehicles shall be used for living, sleeping, or housekeeping purposes when parked or stored on any lot within the Borough.

A-6 Residential Accessory Structure

The following residential accessory structures shall be permitted in conjunction with permitted residential uses.

1. Buildings such as storage sheds, private greenhouses and gazebos.
2. Detached garages for personal vehicles.
3. Private swimming pools.
4. Accessory structure detached from, but located in the side or rear yard area of the principle structure, the use of which is incidental and accessory to that of the principle structure.
 - a) Fences and walls as provided for in Section 604 herein.
5. Refer to Section 601 for additional requirements.

A-7 Swimming Pool

The following regulations shall apply to private swimming pools which are accessory to residential dwellings.

1. No person, owner or occupant of land shall install or maintain a swimming pool or other

artificial body of water capable of being filled to a depth exceeding twenty-four (24) inches at the deepest or lowest point unless a building permit is first obtained from the Borough and the required plans and information are filed, together with required permit fees. Ornamental pools and wading pools which do not exceed twenty-four (24) inches in depth are exempt from these provisions. Swimming pools shall include any pool, regardless of design or construction materials or the permanency of its location both above and below ground level, which is built, erected or used for the purpose of bathing or swimming and all buildings, equipment and appurtenances thereto. This Ordinance shall apply to public swimming pools used and maintained by any individual, firm, corporation, club or association of persons for use by the public or members and their invitees or guests. In the case of public swimming pools, this use need not be accessory to a residential use.

2. All accessory residential pools shall be located in the rear yard only.
3. Each pool area and the paving, coping surrounding same, and all equipment associated therewith shall be located not less than the distance permitted for accessory structures within the subject district.
4. Any pool or area subject thereto shall be suitably designed, located and maintained so as not to become a nuisance or hazard either to adjoining property owners or the public generally. All detachable or foldable ladders shall be removed or locked in its folded upright position when the pool is not in use.
5. Outdoor lighting, if used, shall be installed in such a way as to be shielded and not to reflect toward or into the interior of adjacent residential properties.
6. All pool installations shall conform to all applicable building codes.
7. It shall be a violation of this ordinance to cause or allow drainage onto adjoining land.

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8. No pool shall be located under any electric power lines (including service lines), and the pool must be located at least ten (10) feet (measured horizontally) from such power lines.
 9. Fencing of Pools - All swimming pools above or below grade shall be completely enclosed by a protective fence with a minimum height of four (4) feet and maximum height of six (6) feet and shall comply with the following.
 - a) All gates in required pool fencing shall be secured by a self-closing, self locking, safety latch at all times.
 - b) A dwelling or accessory building may be used as a part of the required enclosure.
 - c) No water shall be placed in the pool until a fence, as required by this ordinance, has been installed, inspected, and approved by the Borough Building Inspector.

A-8 Temporary Structures and Vehicles

Structures or vehicles necessary during construction or other special circumstances of a non-recurring nature. Said use shall be registered with the Borough Zoning Officer who shall keep a record of its use to insure that the intent of this ordinance is being met and shall comply with all applicable Borough ordinances and regulations.

A-9 Non-Residential Storage Buildings

Storage building accessory to a permitted non-residential use including a golf course shall be permitted provided:

1. The yard requirements for the primary use are met;
2. The maximum height of said structures shall be twenty-four (24) feet or the height of the primary building whichever is less.

ARTICLE 6
GENERAL REGULATIONS

**§ 600 Access to Public Street and
Public Utilities**

No zoning permit shall be issued unless the subject property or lot has frontage on a duly recorded and ordained street with a minimum cartway width of twenty-four (24) feet and said lot has direct access to public sewage and public water lines located in said ordained street.

§ 601 Accessory Structures

No accessory structure may be located on any lot on which there is no principle building or structure. Unless otherwise regulated in this Ordinance, accessory structures shall meet the following standards:

1. Except for accessory structures used in connection with permitted nonresidential and agricultural uses, accessory structures shall not exceed sixteen (16) feet in height.
2. Accessory structures located in the front or side yard shall meet the front and side yard requirements of the principle building.
3. Accessory structures erected in the rear yard shall be that distance from a side or rear lot line within which it is located in accordance with the following schedule:

District	Distance (feet)
RO	10
R-1	5
R-2	3
R-3	3
TC	5
C-1	10
M-1	20

4. Accessory structures shall be at least ten (10) feet from a principle structure.
5. Except for accessory structures used in connection with a permitted agricultural use including greenhouses, the total ground floor area of all accessory structures on a lot shall not exceed the ground floor area of the principle building.

6. No accessory structure shall be used as a dwelling unless specifically provided for by this Ordinance.

**§ 602 Modification of Front Yard
Requirements**

Where a minimum depth of front yard is specified, an open space of at least the specified depth shall be provided between the ultimate street right-of-way line and the nearest point of any building or structure, except that the front yard can be reduced to the average front yards of all lots within two hundred and fifty (250) feet of the subject lot and on the same side of the street provided that a minimum of fifty (50) percent of all lots within the two hundred and fifty (250) feet are developed.

§ 603 Projections into Required Yards

No portion of a principle building or structure shall be located within the minimum required front, side or rear yard area specified by this Ordinance except for driveways and those other projections as provided herein.

1. An unenclosed front porch, with or without a roof and not more than fourteen (14) feet in height, may be erected to extend into a required front yard a distance of not more than fifty (50) percent of that required yard, provided that the porch remains unenclosed.
2. A patio, terrace, stoop or landing, not covered by a roof, canopy or trellis, which does not extend more than twenty-four (24) inches above the ground, may be erected to extend into a required side or rear yard a distance of not more than fifty (50) percent of that required yard, provided that said structure remains unroofed.
3. A buttress, chimney or cornice of a building may project not more than eighteen (18) inches into a required yard.
4. Open, unenclosed fire escapes, steps, bay windows and balconies may project not more than three (3) feet into a required yard.

Proposed Changes to N. Catasauqua 1995 Zoning Ordinance

SECTION 605 - CORNER LOTS AND THROUGH LOTS

In the case of corner and through lots as defined herein, all yards abutting a street with a minimum cartway width of twenty-four (24) feet shall be treated as front yards with respect to all regulations contained in this Ordinance. And, one of the remaining yards on such lots shall be treated as a rear yard, with any other yard or yards being treated as a side yard. Yards abutting a street with a cartway of less than twenty-four (24) feet in width shall be treated as a side yard.

SECTION 1301 – DEFINITIONS OF WORDS, TERMS AND PHRASES

Yard. Front. A required or existing yard between the front yard line and the ultimate street right-of-way line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets with a minimum cartway width of twenty-four (24) feet are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets with a minimum cartway width of twenty-four (24) feet are front yards.

§ 604 Fences and Walls

1. Fences and wall shall not be higher than three (3) feet in a required or existing front yard area or higher than six (6) feet in side or rear yard area.
2. No fence or wall shall be placed within an easement or within the ultimate right-of-way of any street.

§ 605 Corner Lots and Through Lots

In the case of corner and through lots as defined herein, all yards abutting a street shall be treated as front yards with respect to all regulations contained in this Ordinance. And, one of any remaining yards on such lots shall be treated as a rear yard, with any other yard or yards being treated as a side yard.

§ 606 Obstructions to Vision at Intersections

On any lot, no wall, fence, or other structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be planted or maintained over three (3) feet in height, which will interfere with or obstruct vehicular or pedestrian vision at any intersection of streets or any street and crosswalk.

§ 607 Effect of Private Covenants

Nothing herein shall be construed to render inoperative any enforceable restrictions established by covenants running with the land, and which restrictions are not prohibited by or are not contrary to the regulations herein established.

§ 608 PA. Department of Labor and Industry Approval

All non-residential and multi-family uses shall require, to the satisfaction of the Zoning Officer, documented Pennsylvania Department of Labor and Industry approval of all buildings.

§ 609 Bufferyards

All new or converted nonresidential uses shall provide a bufferyard in all side and rear yards of at least ten (10) feet in width between the subject lot and all adjoining residential uses or

districts. The bufferyard shall contain an evergreen hedge or evergreen trees a minimum of four (4) feet in height upon planting and said plantings shall create a dense visual barrier upon planting.

§ 610 Outdoor Storage and Waste Disposal

In order to promote, protect and facilitate public health, safety and the general welfare, and to protect property values in residential districts from the associated impacts caused from outdoor storage of materials, equipment, including but not limited to visual blight and attractive nuisances, the following provisions shall apply to all land uses and districts within the Borough.

1. All outdoor storage of raw materials, equipment, vehicles, recyclables, or products stored outdoors where permitted by this Ordinance shall be enclosed by a fence or wall as required for adequate security and screening from residentially zoned or used properties within one hundred (100) feet of the storage area.
2. No materials or wastes shall be deposited upon a lot in such form or manner that may cause the material or waste to be transferred off the lot by natural causes or forces.
3. All materials or wastes which might cause flames or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only in enclosed containers adequate to eliminate such hazards and in accordance with all state and federal regulations.
4. The outdoor storage of any debris; lumber; recyclables; unregistered, unlicensed, or inoperable motor vehicles; masonry, soil or earthen fill, unused or broken furniture, equipment of any kind; and any other similar materials shall not be stored outdoors in any residential zoning district or on any residentially used properties. This section shall not apply to construction materials to be used in conjunction with a duly authorized building permit for the period of construction only, outdoor lawn furniture used by the occupants of the subject lot, or earthen fill and related materials normal and incidental to the operation of a cemetery or golf course

unless provided otherwise in Section 502.A-4 herein.

5. All construction debris created by the construction or demolition of any structure within the Borough shall be continually covered with a water resistant tarpaulin and removed from the subject site within seven (7) days of placement of said debris on the premises.

§ 611 Soil Erosion and Sedimentation Control

All earthmoving activities must be in compliance with the regulations of the Pennsylvania Department of Environmental Resources and the Soil Conservation District regulations and must be undertaken in accordance with a Soil Erosion and Sedimentation Control Plan submitted for the earthmoving activity which meets generally accepted engineering standards and practices.

§ 612 Utilities

All public utility lines and similar facilities servicing any proposed development containing three (3) units or more shall be installed underground.

§ 613 Environmental Performance Standards

All activities and uses established after the effective date of this Ordinance shall comply with the following standards. Any site alterations, grading, filling or clearing of vegetation shall be done only in accordance with this Section and an approved building permit.

1. Wetlands Protection Standards

Wetlands shall not be altered, regraded, developed, filled, piped, diverted, or built upon except where approval is obtained from the US Army Corp of Engineers or, as applicable, the Pennsylvania Department of Environmental Resources.

2. Streams and Watercourses

Streams shall not be altered, regraded, developed, filled, piped, diverted, or built upon except where approval is obtained

from the US Army Corp of Engineers or, as applicable, the Pennsylvania Department of Environmental Resources.

§ 614 Floodplain Protection Standards

The following floodplain protection standards shall apply to all 100 year floodplain areas as defined by this Ordinance and said regulations shall be considered an overlay to the RC-River Conservation and RO-Open Space Residential Zoning Districts.

1. No structures, filling, piping, diverting, or stormwater detention basins shall be permitted within the floodplain as defined by this Ordinance unless and until approval is obtained from the Pennsylvania Department of Environmental Resources and other regulatory agencies.

2. The following uses and no other shall be permitted in a flood plain area:

2.1 Cultivation and harvesting of crops in accordance with the recognized soil conservation practices.

2.2 Pasture and grazing land in accordance with recognized best management and soil conservation practices.

2.3 The growing of plant stock or an orchard in accordance with recognized soil conservation practices.

2.4 Wildlife sanctuary, woodland preserve, arboretum, and passive recreation or parks, including hiking, bicycle and bridle trails, but including no facilities subject to damage by flooding.

2.5 Forestry, lumbering and reforestation in accordance with recognized natural resource conservation practices, but permitting no structures.

2.6 Sanitary sewers, including pumping stations and similar uses, and storm sewers with the approval of Borough Council and the Pennsylvania Department of Environmental Resources.

2.7 Front, side, or rear yards, and required lot area for any district.

2.8 Riverfront Recreation in accordance with this Ordinance.

2.9 Piers and docks along a waterway.

2.10 Golf Courses.

3. The following additional requirements shall apply:

3.1 All permitted uses are subject to the Flood Proofing Regulations of the Office of Chief Engineer, U.S. Army and the North Catasauqua Building Code.

4. Prohibited Activities and Uses

The following activities and uses are specifically prohibited in all flood plain areas:

4.1 The deposit or removal of any material including refuse, solid or liquid water or fill, sediment, or mining, dredging, excavation or animal wastes and on-site sewage disposal systems.

4.2 The construction or alteration of any building or structure, except otherwise permitted by this Ordinance.

4.3 Retaining walls and any grading or filling, with the exception of retaining dams, culverts, and bridges, or similar structures approved by the Borough Engineer and the Pennsylvania Department of Environmental Resources.

4.4 Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and miscellaneous materials or storage of any buoyant, toxic or dangerous materials.

4.5 On-site sewage disposal systems.

4.6 Private water supply wells.

4.7 Within the floodway portion of the Floodplain area, no development shall be permitted if said development would cause any increase in the 100 year flood elevation.

4.8 Stripping of top soils, ground cover, vegetation, or removal of trees within twenty (20) feet of a stream bank if said distance falls within the floodway.

5. Banned Uses

The following uses shall be banned in any flood plain area and no variance shall be granted.

5.1 Any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or which will be used for any activity requiring the maintenance of a supply of any of the following dangerous materials or substances on the premises.

- (a) Acetone
- (b) ammonia
- (c) benzene
- (d) calcium carbide
- (e) carbon disulfide
- (f) celluloid
- (g) chlorine
- (h) hydrochloric acid
- (i) hydrocyanic acid
- (j) magnesium
- (k) nitric acid and oxides of nitrogen
- (l) petroleum products (gasoline, fuel oil, etc.)
- (m) phosphorus
- (n) potassium
- (o) sodium
- (p) sulfur and sulfur products
- (q) pesticides (including insecticides, fungicides, and rodenticides)
- (r) radioactive substances
- (s) any other hazardous materials or substances regulated by the Federal or State agency of jurisdiction or listed by the Pennsylvania Department of Environmental Resources as hazardous.

5.2 The construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following:

- (a) hospital
- (b) nursing home
- (c) jail or prison

5.3 The commencement of, or any construction, of a new mobile home park or mobile home subdivision, or substantial improvement to an existing mobile home park or mobile home subdivision, or the placement of a mobile home.

(a) Detailed engineering studies indicating the effects of the proposed use on drainage and streams on all adjacent properties as well as the property in question.

(b) Supporting documents of studies as required by the Borough Engineer.

6. Special Application Procedure

6.1 A permit shall be required before any construction or development is undertaken within any floodplain area. An application for a permit shall be filed with the Zoning Officer who shall make an initial determination on the proposal.

6.2 Prior to the issuance of any permit the Zoning Officer shall review the application for permit to determine if all other necessary governmental permits such as those required by State and Federal laws have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Water Obstruction Act of 1913, and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

6.3 For a use other than those permitted herein, and not banned in Section 618.4 above, an application seeking approval of a variance shall be forwarded to the Zoning Hearing Board along with the required studies or information and the findings of the Zoning Officer.

6.4 If the proposed development is to be located within the floodplain area, the application shall include a certification from a registered engineer that the development will not cause any increase in the One Hundred (100) Year Flood levels within the community, or that any such increase will be fully offset by accompanying watercourse improvements.

6.5 The application for variance shall be accompanied by the following:

7. Special Procedures for Consideration of a Variance

All applications for approval of variances shall be considered using Standards listed herein.

7.1 The Zoning Hearing Board shall request the review and recommendations of the Pennsylvania Department of Environmental Resources and the Northampton County Conservation District, at least thirty (30) days prior to the public hearing.

7.2 The Zoning Hearing Board shall request, at least thirty (30) days prior to a public hearing, the review and recommendation of the Borough Engineer.

7.3 In rendering a decision, the Zoning Hearing Board may impose special measures or conditions as deemed necessary and appropriate for the use to conform with the intent of the Ordinance.

8. Special Standards for Granting of Variances

The Zoning Hearing Board shall exercise discretion in allowing only those uses which are substantially in accord with the stated objectives of the Floodplain area. The Zoning Hearing Board, in considering variance applications, shall consider the following:

8.1 That no provision of Section 618.4, Banned Uses, is violated.

8.2 The effect of the use shall not substantially alter the cross-section profile of the stream and flood plains at the location of the proposed use.

8.3 Lands abutting the waterway, both upstream and downstream shall not be adversely affected by the proposed use.

8.4 The general welfare or public interest of the Borough or of other municipalities in the same water-shed shall not be adversely affected.

8.5 Any structure permitted by variance shall include flood-proofing measures according to the following criteria:

(a) All such structures shall be elevated so that the lowest floor (including basement) is at or above the base flood elevation.

(b) All such structures shall be firmly anchored to prevent flotation, collapse, or lateral movement as evidenced by the design and report of a Registered Structural or Civil Engineer.

(c) All such structures shall be constructed so as to prevent the entrance of flood waters into the water supply and waste treatment systems as well as other utility and facility systems. In addition, waste treatment systems shall be designed to minimize or eliminate discharges from the systems into the flood waters.

8.6 Any additions or improvements to existing structures permitted by variance shall be elevated to the greatest extent possible according to the provisions contained herein, and applicable current Federal and State regulations. However, any portion of the structure not so elevated shall be flood proofed in accordance with Flood Proofing Regulations, U.S. Army EP 1165 2 314.

8.7 An affirmative decision shall not be issued by the Zoning Hearing Board within the designated floodway if any increase in the flood level during the base flood would result.

9. Warning and Disclaimer of Borough Liability

The grant of a zoning permit in the floodplain area shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials, or employees.

§ 615 Limit of One Principle Use Per Lot

No more than one (1) principle use shall be permitted on a lot, unless specifically permitted by this Ordinance.

§ 616 Land Uses Not Listed

While it is the intent of this Ordinance to reasonably provide the opportunity for all basic land use types in the Borough, the identification of all land use types in this Ordinance is impractical. Therefore, any use proposed that is not specifically identified in Articles 4 and 5 herein, may be permitted by the Zoning Hearing Board as a Special Exception provided said use is found, through credible evidence, to be consistent with the Borough's comprehensive land use and zone plan and is consistent with the zoning ordinance in the district that is most similar to the proposed use and provided all of the provisions of Article 11 are met.

**ARTICLE 7
OFF-STREET PARKING AND LOADING
REGULATIONS**

**§ 700 Off-Street Parking and Loading
Requirements**

Off-street parking and loading areas shall be provided and satisfactorily maintained in accordance with the following provisions of this Article.

§ 701 Exemptions

Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Article providing that the kind and/or extent of use is not changed, altered, extended or enlarged and provided further that any parking facility now serving such structures or uses shall not in the future be reduced below its current extent or below what is now required by this Ordinance.

**§ 702 Expansion, Alteration or Change in
Use**

Whenever there is an alteration or change in use which increases the parking requirements, the total additional parking required for the alteration, change or extension shall be provided in accordance with this Ordinance.

**§ 703 Location of, and Access to, Parking
Areas**

Off-street parking areas including access thereto shall be so designed and so located that:

1. Vehicles from non-residential uses shall not be permitted to back out directly onto a public or private street.
2. For single-family detached dwellings and single-family semi-detached dwellings on a corner lot, the driveways shall be located as far away from the street intersection as possible, and onto the lower classification street.
3. Parking spaces for single-family detached dwellings, single-family semi-detached dwellings, and duplex dwellings, shall measure 9' x 18' and may be located in a

private driveway or garage and vehicles may back out onto a local street or alley.

4. Driveways curb cuts shall not exceed twenty-four (24) feet in width at the curb line.

§ 704 Parking Requirements

The following parking design standards shall apply to all townhouse, multi-family and non-residential land uses, and all other uses which utilize a common parking lot.

1. Unless otherwise specified, parking stalls shall conform to the following minimum dimensional standards:

Type	Width(ft.)	Depth(ft.)
Conventional	9	18
Handicapped	12.5	20

2. Parking for the handicapped or physically disabled shall be provided for as follows:

Total Spaces	Handicapped Spaces Required
10-50	2 spaces
51-200	2.5%
200+	2.0%

3. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees.

Parking Angle (degrees)	Aisle Width (feet)
30	12
45	13
60	18
90	24

4. Drives and parking aisles shall be designed so that each motor vehicle may proceed to and from a parking stall without requiring the moving of any other motor vehicle.

5. Parking areas shall be designed, to the greatest extent practicable, to allow for ingress and egress from a parking area without backing from or into a street. Access areas shall be designed so as to allow vehicles to enter a street in a forward direction.
6. The design standards specified below shall also be required for all off-street parking facilities with a capacity of six (6) or more vehicles.
 - 6.1 The area not landscaped and so maintained, including driveways and other permanent surfaces, shall be graded, surfaced with asphalt, and drained to the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location. Failure to keep parking areas in satisfactory condition, including but not limited to, pot holes, clearly delineated or properly graded spaces, shall be considered a violation of this Ordinance.
 - 6.2 Access drives, aisles and parking spaces shall be at least ten (10) feet from any property line except for the additional requirements in buffer yards.
 - 6.3 All parking areas shall be physically separated from any public street by a concrete curb and by a planting strip which shall be not less than five (5) feet in depth followed by a five (5) foot concrete sidewalk built to Borough specifications. Concrete tire bumpers shall be installed so as to prevent vehicle overhang on the sidewalk area. This five (5) foot planting strip shall be parallel to the street line and shall be measured from the future right-of-way.
7. Parking lots with less than twenty (20) spaces shall not have a grade exceeding five (5) percent. Parking lots with twenty (20) or more spaces shall not have a grade exceeding three (3) percent.
8. All parking spaces shall be marked so that individual spaces are identifiable.

9. Internal drives and parking aisles shall be paved and provided with curbs and drainage in conformance with the requirements of this Ordinance. Entrance drives shall have a maximum grade of two (2) percent.

§ 705 Off-Street Loading and Unloading Requirements

1. Adequate off-street loading and unloading space, with proper access from a street, highway or service driveway shall be provided for all non-residential uses. Such space shall be sufficient in size and design to accommodate the maximum demand generated by the use or uses of the lot. All required off-street loading areas shall be in addition to, and shall be separate and distinct from, the required parking spaces for said use.
2. All areas for the loading and unloading of delivery trucks and other vehicles and for servicing of establishments and/or shops by refuse collection, fuel or other service vehicles, shall have adequate and unobstructed access from a street or service driveway and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, or pedestrian ways or would require backing out onto a street.
3. All loading berths shall be located at the side or rear of the property and shall be screened from view by fencing and/or landscaped buffers per § 707 herein.
4. In connection with any building or structure which is to be erected or substantially altered and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, off-street loading berths shall be provided as follows:

<u>Gross Floor Area</u>	<u>Loading Spaces</u>
First 10,000 SF	1
Next 20,000 SF:	1
Each additional 50,000 SF	1

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5. A required off-street loading berth shall be at least fifteen (15) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least sixteen (16) feet.

§ 706 Trash Receptacles

For all nonresidential uses and multi-family residential uses, provision shall be made for the orderly deposit, storage, and collection of trash, garbage, and other waste material. Any trash, garbage, and other waste material stored outside of buildings shall be stored in suitable containers and in fenced or walled enclosures which shall be appropriately landscaped. Said enclosures may adjoin the rear wall of a building or a side wall of a building which does not face on either a street or a residential use or district or may be located in the rear yard and apart from the principle building, provided that all accessory building setbacks are met. Any trash, garbage, and waste material shall be so contained as to be protected from the elements and to eliminate potential for accumulation or scattering of debris.

§ 707 Buffer and Landscaping Requirements for Parking Lots

Every parking lot shall be subject to the following buffer requirements:

1. Any area for off-street parking or for display, storage, sale or movement of ten (10) or more motor vehicles shall be enclosed, except at entrances and exits, by an ornamental fence or wall consistent with the architectural character of the surrounding uses, or by a compact evergreen hedge, not less than four (4) feet in height. Where a planted screen is proposed, it shall incorporate the planting of staggered and overlapping evergreen and deciduous shrubs of such species and size as will produce within two (2) growing seasons (May through September).

These provisions shall not interfere with the maintenance of clear sight lines at intersections.

2. Each ten (10) single bay parking spaces or twenty (20) double bay spaces shall be separated by a five (5) foot landscaped island.
3. No less than five (5) percent of a proposed parking area must consist of buffer areas and islands and must be landscaped and continually maintained. Planting along the perimeter of a parking area, whether for required screening or general beautification, will be considered as part of the required parking area landscaping.
4. All parking areas shall have at least one (1) tree of one and one-half (1 1/2) inch caliper minimum for every ten (10) parking spaces in single bays and one (1) tree of one and one-half (1 1/2) inch caliper minimum for every twenty (20) parking spaces in double bays. Trees shall be planted in such a manner as to afford maximum protection from the sun for parked vehicles.

§ 708 Uses Not Listed

In the event that parking requirements are not listed in Article 5 for a proposed use type, and the Zoning Officer is unable to align the proposed use with a listed use, the applicant shall provide, to the satisfaction of the Zoning Officer, documentation regarding the parking requirement for the proposed use by utilizing the most recent edition of the Institute of Transportation Engineers (ITE) Parking Generation Standards for the proposed use.

ARTICLE 8 SIGNS

§ 800 Scope and Applicability

Signs may be used, erected, maintained, altered, relocated, removed, or demolished only in compliance with the provisions of this Article and any and all ordinances and regulations of the Borough relating to the use, erection, maintenance, alteration, moving, or removal of signs or similar devices.

§ 801 General Sign Regulations

1. Permitted Signs

Signs as provided herein, and no others, shall be permitted within the Borough. Signs legally established prior to the adoption of this Ordinance may be continued and may be maintained, repaired and painted provided, however, in the event that said non-conforming sign is enlarged or relocated that the provisions of this Article shall apply to the new sign.

1.1 No sign shall be erected, displayed, altered, or enlarged until an application has been filed, and until a permit for such action has been issued by the Zoning Officer. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, support systems, and location on land or building, with all relevant measurements.

2. Prohibited Signs

The following sign types are specifically prohibited within the Borough as of the effective date of this Ordinance, notwithstanding the protection granted legally established nonconforming signs in existence on and before the effective date of this Ordinance.

2.1 Streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any district. Exceptions include flags and banners exhibited to commemorate national patriotic holidays, and

temporary banners announcing charitable, civic or approved special events.

2.2 Flashing signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this Article.

2.3 Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted. Exceptions are granted to Landmark Signs which may be preserved and maintained even if they no longer pertain to the present use of the premises.

2.4 No sign, except for a traffic, regulatory, or information sign, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape or color.

2.5 No sign shall be erected or maintained at the inter-section of streets or at a driveway entrance or exit so as to obstruct free and clear vision, and, if located near or within a direct line of vision of any traffic control sign or signal, such sign shall have no red, green or amber illumination.

2.6 No sign other than official street signs, shall be erected or maintained within the ultimate right-of-way of any street unless specifically authorized by the Borough Council.

3. Illumination Standards

Any permitted illuminated sign shall be subject to the following regulations:

3.1 No person may erect a sign which flashes, rotates, or has motorized moving parts.

3.2 No person may erect a sign with exposed electrical wires.

3.3 Strings of bulbs are not permitted, except as part of a holiday celebration. In addition, strings of bulbs may be permitted to decorate trees provided that such display does not interfere with neighboring land uses.

3.4 No sign shall be illuminated between the hours of 12 midnight and 6 AM unless the premises on which it is located is open for business.

3.5 No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

3.6 There shall be no floodlighting of a flashing, intermittent or moving type, or changing in color or intensity.

3.7 Illumination shall be so shielded that the source of light shall not be visible from any point off the premises on which the sign, building or structure is located.

4. Placement Standards

4.1 Signs shall not be mounted above a roof line (unless mounted on a parapet wall which extends above the roof line, in which case the sign may not extend above the top of said parapet).

4.2 No sign together with any supporting framework shall extend to a height above the maximum building height allowed in a district.

4.3 There shall be a minimum setback distance of ten (10) feet from all signs to all lot lines unless otherwise provided for herein.

5. Exceptions

For the purposes of this Section, the term "sign" shall not include:

5.1 Signs erected or posted and maintained for public safety and welfare pursuant to any governmental function, law, or other regulations.

5.2 Directional signs solely indicating ingress and egress placed at driveway locations,

containing no advertising material, and where display area does not exceed three (3) square feet or extend higher than four (4) feet above ground level. Such sign shall conform in all respects with the requirements of this Article.

5.3 Signs relating to trespassing and hunting, not exceeding two (2) square feet in area.

5.4 Such signs as "no parking", "entrance", "exit", "keep off", "beware of dog", "parking" and similar devices for the convenience or protection of the public shall not be considered in computing total sign area on the premises.

§ 802 Measurement of Sign Area

1. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

2. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any background of a different color than the natural color or finished material of the building.

3. For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

4. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.

§ 803 Measurement of Height

The height of any sign shall be measured from the finished grade at the base of the sign supports up to the highest point of the sign.

§ 804 General Standards for Specific Types of Signs

1. Address. One (1) sign displaying the street number or name of the occupant of the premises, or both:

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- 1.1 Such sign may include identification of an on-premise professional office or customary home occupation.
- 1.2 Such sign may be attached to the building or may be on a post not more than four (4) feet high, and setback at least three (3) feet from the ultimate right-of-way.
- 1.3 Such sign may not exceed two (2) square feet in area.
2. Awning/Canopy. A sign painted on or attached to the cover of a movable metallic frames, of the hinged, roll, or folding type of awning or a permanent canopy structure:
- 2.1 Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
- 2.2 Letters shall not exceed ten (10) inches in height.
- 2.3 A minimum of eight (8) feet above sidewalk level must be allowed for pedestrian clearance for awning signs and a minimum height of sixteen (16) feet must be allowed for canopy signs for vehicular clearance.
3. Construction. An on-premise sign identifying the planner, contractor, architect, landscape architect, and/or engineer's name, address, and other pertinent information shall be exempt from obtaining a permit provided:
- 3.1 Such signs shall not exceed twelve (12) square feet in area, and shall be set back at least ten (3) feet from the ultimate street right-of-way line, or one-half the building setback distance, whichever is less.
- 3.2 Such a sign may be maintained on the building or property for the period of construction, and not more than thirty (30) days following the completion of said construction.
4. Directional Signs. A sign of a public or semi-public nature, not exceeding eight (8) square feet in area may be erected in any District provided, however, that no advertising matter shall be contained thereon. Direction signs used for the following purposes are exempt from obtaining a sign permit provided that the landowner on which the sign is placed issues a letter to the Zoning Officer agreeing to such placement:
- 4.1 The name or location of a municipality, village, community center, school, place of worship, service club and the name and place of a meeting.
- 4.2 As an event of general public interest, a temporary sign for a fair, benefit, general election, and similar event, which signs may be erected for a period of not exceeding thirty (30) days.
5. For Sale/Rent/Lease. An on-premise sign advertising the property being sold or rented is exempt from obtaining a sign permit provided that the landowner on which the sign is placed agrees to such placement:
- 5.1 Such signs shall not exceed six (6) square feet.
- 5.2 Such signs shall advertise only the property on which the sign is located.
- 5.3 A maximum of two such signs may be maintained on any property being sold or rented, and they shall be removed by the owner or agent within thirty (30) days of sale, rent, or lease.
6. Illuminated Signs.
- 6.1 Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.
- 6.2 Internal illumination is generally discouraged, but it may be appropriate in certain circumstances, such as:
- (a) Individual back-lit letters which are silhouetted against a softly illuminated wall; and
- (b) Individual letters with translucent faces, containing soft lighting elements inside each letter.
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- 6.3 Illuminated signs shall not be permitted to shine more than 0.1 foot-candle onto residential properties and traveled ways.
7. Individual Letters or Symbols. These may be attached to an awning, marquee, building surface, wall, or signboard:
- 7.1 Letters or symbols shall not project more than twelve (12) inches from the building surface.
- 7.2 Such letters and symbols shall not obscure the architectural features of the building to which they are attached.
- 7.3 Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.
- 7.4 Letters or symbols shall not have an aggregate area to exceed forty-eight (48) square feet or ten (10) percent of the wall area to which they are affixed, whichever is less. When a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.
8. Multiple Signs. A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex:
- 8.1 The display board shall be of an integrated and uniform design.
- 8.2 A maximum sign area permitted is forty-eight (48) square feet which may include both the name of the building and its tenants in any proportion.
9. Billboards. An off-premises advertising sign directing patrons to a service or business located outside of the lot in which the sign is located. Refer to Section 502.C-17 for billboard standards and regulations.
10. Painted Wall Signs. A permanent mural or message painted directly onto a building surface. A permit is required for all new signs of this type, and will comply with the dimensional requirements of a wall sign.
11. Political Signs. A sign designed to influence action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or local election are exempt from obtaining a sign permit provided that the landowner on which the sign is placed agrees to such placement:
- 11.1 Such signs are permitted if they are stationary, unlighted, and temporary.
- 11.2 Such signs shall be displayed no earlier than twenty (20) days prior to a voting day, and shall be removed within five (5) days after a voting day.
- 11.3 Such signs may not exceed four (4) square feet in area.
- 11.4 A maximum of two (2) signs per lot is permitted.
- 11.5 No such sign shall be permitted in a street right-of-way or attached to a utility pole therein.
12. Service Stations Signs. In addition to the permitted signs, gasoline service stations may erect or maintain one (1) additional business sign per street frontage and such signs as required to identify the service, product and cost of same to their customers with a maximum area of forty-eight (48) square feet.
13. Window Signs. Any sign which is painted or mounted onto a window pane, which is hung directly inside the window with the purpose or effect of identifying any premises, from the sidewalk or street:
- 13.1 Window signs shall not exceed more than thirty (30) percent of the window area in which they are displayed.
14. Free-standing Signs. Any sign that is attached to the ground by use of poles or other supports and is not attached to a building.
- 14.1 On-Premises. An On-Premises free-standing sign is a sign that directs attention to the property on which the sign is located.
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14.2 Off-Premises. An Off-Premise free-standing sign is a sign that directs attention to a property other than the one at which the sign is located.

§ 805 Permitted Signs: Districts and Special Regulations

1. Signs in Residential Districts. In all Residential Districts the following signs and no other, subject to the conditions specified, may be erected:

- 1.1 One (1) non-illuminated Address Sign announcing the name and address of the occupants of the residence with a sign area of not more than one (1) square foot.
- 1.2 One (1) professional sign of a physician, architect, dentist, attorney or person conducting a permitted home occupation on the premises, having no greater dimension than twelve by twenty-four inches (12" x 24"), which sign may be illuminated.
- 1.3 One (1) non-illuminated real estate "for sale" or "for rent" sign not exceeding six (6) square feet in area; corner lots may have one (1) such sign on each street frontage.
- 1.4 "No Trespassing" signs and signs indicating private ownership of a property or a road, not exceeding one and one-half (1-1/2) square feet in area nor have a spacing of less than one hundred (100) feet.
- 1.5 One (1) incidental sign shall be permitted for any multifamily dwelling in which a business or rental office is located, which sign shall have an area not exceeding four (4) square feet; and, in addition, one (1) sign announcing the name of the multifamily dwelling project having an area of not exceeding twenty-four (24) square feet, which sign may be illuminated with nonflashing, uncolored, diffused or indirect light.
- 1.6 Temporary signs of contractors, mechanics, painters and artisans, erected and maintained on the premises during the duration of the work only, one

(1) such sign per trade, each having an area of not more than sixteen (16) square feet; and provided, however, that each such sign shall be removed promptly upon completion of the work to which it refers, and such signs shall not be illuminated.

1.7 Official street and traffic signs, and any signs required by law, or for municipal use.

1.8 Temporary or Directional signs.

1.9 For any approved non-conforming use or non-residential use in a residential district, the provisions of the appropriate use district listed below shall apply.

2. Signs in Commercial Districts. In the Neighborhood Retail District the following signs and no other, subject to the conditions specified, may be erected unless otherwise indicated herein:

- 2.1 Any sign permitted in the residential districts; with the provisions that real estate signs may be increased to an area of sixteen (16) square feet.
 - 2.2 One (1) sign, which may be illuminated on the same lot as the use to which it refers, provided that the total sign area on any one street frontage of any property in single and separate ownership shall not exceed forty-eight (48) square feet, unless authorized by special exception.
 - 2.3 In the case of three (3) or less retail establishments arranged in a shopping center, the permitted sign shall be on the building for each store and one (1) additional group sign shall be permitted, for the entire group of establishments, having an area of not more than forty-eight (48) square feet.
 - 2.4 In the case of four (4) or more retail establishments arranged as a shopping center, one (1) additional group sign shall be permitted, for the entire group of such establishments, having not more than one hundred (100) square feet in area.
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3. Signs in the Town Center District. The following regulations shall govern signs within the Town Center District:

3.1 There shall be no more than one (1) freestanding sign for each frontage advertising a use conducted on the premises or listing each use established on the premises, which shall not exceed twenty-four (24) square feet in area.

3.2 There shall be no more than one (1) attached sign on any building, except if any property fronts on more than one (1) street.

3.3 Permanent window signs shall be considered to be a sign attached to a building facade and subject to the regulations of this Section.

3.4 The height of any free standing sign shall not exceed twelve (12) feet.

3.5 Any permitted sign, building, or structure may be illuminated, subject to the following regulations:

- a) There is be no illumination of a flashing, intermittent or moving type.
- b) Flood-lighting shall be so shielded that the source of light shall not be visible from any point off the lot on which the sign, building, or structure being illuminated is erected, and so that only the sign, building, or structure is directly illuminated.

4. Signs in Multi-Purpose District. In the Multi-Purpose District the following signs and no other, subject to the conditions specified, may be erected or maintained:

4.1 For any commercial or industrial use one (1) sign to display the name of the owner(s) and/or occupant(s) of the premises and the activities) conducted thereon on the same lot therewith, and not exceeding one hundred (100) square feet in area.

5. Signs in the River Conservation District. In the River Conservation District the following signs and no other, subject to the conditions specified, may be erected unless otherwise indicated herein:

5.1 Any sign permitted in the residential districts.

5.2 On-premises freestanding sign, not exceeding twenty-four (24) square feet in area, identifying the location and name of any permitted riverfront recreational use and/or facilities.

5.3 Directional signs, not exceeding four (4) square feet in area each identifying walkways, trails, waterfront access and similar permitted use areas.

ARTICLE 9 NONCONFORMITIES

§ 900 Purpose

This Article is intended to recognize the property rights of owners of nonconforming structures and uses to the extent required by law, while also recognizing the legitimate desire of the Borough to minimize nonconformities, since they are in derogation of the comprehensive planning scheme reflected in this Ordinance.

§ 901 Continuation

The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this Ordinance or amendment thereto, may be continued although such use or structure does not conform to the provisions of this Ordinance provided said use or structure is not altered, expanded, enlarged or extended except as hereinafter provided.

§ 902 Cessation of Use/Abandonment

Absent documentation to the contrary as provided in Section 903 below, whenever a nonconforming use has been discontinued for a continuous period of one (1) year there is a rebuttable presumption of the intent to abandon said nonconforming use. Upon the abandonment of a nonconforming use, such use shall not thereafter be re-established. Any subsequent use of such land or structure shall be in conformance with the provisions of this Ordinance.

§ 903 Resumption of Nonconforming Use

In the event that a cessation of a nonconforming use occurs for a period exceeding one (1) year, the owner shall have the burden of proof to clearly demonstrate to the Zoning Officer or Zoning Hearing Board upon appeal, that there was no intent to abandon said use, in which case, the existing use type and extent of use lawfully established prior to the presumed cessation of use shall be registered with the Zoning Officer and may then be continued as provided herein.

§ 904 Changes in Non-Conforming Use

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

1. All changes shall be permitted only by Special Exception of the Zoning Hearing Board.
2. The applicant shall show that the proposed use will be more conforming and/or less objectionable in external effects than the existing nonconforming use with respect to:
 - 2.1 traffic generation and congestion including truck, passenger car and pedestrian traffic.
 - 2.2 general nuisance.
 - 2.3 appearance and function.

§ 905 Expansion of Nonconforming Use or Structure

Any lawful non-conforming use or structure or portion thereof may be expanded provided:

1. The proposed expansion shall take place only upon the lot held in single and separate ownership as existed on the date the use became nonconforming. A nonconforming use or structure shall be prohibited from encroaching upon another parcel of land subsequently added to the original parcel.
2. The area of such use or structure shall not be increased by more than twenty-five (25) percent of the area of the use or structure as existed on the date it became nonconforming.
3. Any and all expansions of a nonconforming use or structure shall conform to all height, area, width, yard and coverage requirements for the District in which said use or structure is located. A structure which is nonconforming in terms of height shall not be extended to increase the height.

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4. Permission to extend a nonconforming use as described in this Article shall not be construed to mean that a new use or uses may be established.
 5. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible for additional expansion under provision of this Ordinance.

disposition of the structure and land. Each occupant or owner of a premises used as a nonconforming use or structure shall make available such information as may be necessary to determine the extent and nature of the nonconformity as established by this Ordinance.

§ 906 Building Destroyed

A non-conforming structure or any structure containing a nonconforming use which has been damaged or destroyed by fire, explosion, accident, or calamity, (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the non-conforming use, provided that:

1. The reconstructed structure shall not exceed in height, area and volume the structure destroyed except that expansion may be made as provided for herein;
2. Building reconstruction shall be started within one year from the date the building was destroyed and shall be carried on without interruption and completed in a timely manner.

§ 907 Building Condemned

A non-conforming building which has been legally condemned shall not be rebuilt or used for non-conforming purposes.

§ 908 Repair and Maintenance

Normal and customary repairs and maintenance of a non-conforming structure or use shall be permitted, provided such repair or maintenance does not extend, expand, or increase the nonconformity.

§ 909 Registration of Nonconforming Uses

The Zoning Officer may provide for the registration of all uses which are nonconforming under the terms of this Ordinance within a reasonable time after the effective date of this Ordinance or upon appeal of a cessation of use. The record of nonconforming uses shall certify, after inspection, the extent and kind of use and

ARTICLE 10 CONDITIONAL USES

§ 1000 General

The North Catasauqua Borough Council may allow or deny conditional uses pursuant to public notice and hearing and pursuant to express standards and criteria set forth in this Ordinance. In allowing Conditional Uses, Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in the ordinance, as they may deem necessary to implement the purpose of this Ordinance.

§ 1001 Application

This Article sets forth the conditions and procedures which must be met before a conditional use can receive approval by Borough Council. Applicants for conditional uses shall submit a Conditional Use Permit Application to the Zoning Officer for review and submission to Borough Council.

§ 1002 Site Plan Requirements

All applicants for a conditional use shall submit twelve (12) sets of site plans and all required additional information to include the following to the Borough Zoning Officer when making application for a Conditional Use Permit:

1. A written statement including a Letter of Intent specifying the intended use and operation of the building or land. At a minimum, this statement shall include the following elements:
 - 1.1 That the proposed use complies with the Declaration of Legislative Intent of this Ordinance and for the District in which the use is proposed.
 - 1.2 That the proposed use or activity is compatible in type, character and intensity with surrounding land uses and the neighborhood in which it is planned.
 - 1.3 That the proposed use or activity complies with the land use and design standards of this Ordinance including but not necessarily limited to internal circulation, parking, lighting and landscaping.
2. A plot plan drawn to a scale of not less than one inch equals fifty (50) feet showing the location, dimensions and height of all existing and proposed buildings, structures, and uses including their relationship to all property and street lines.
3. The location, dimensions and arrangements of all open space, yards and buffer yards including methods and materials to be employed for screening.
4. The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
5. The dimensions, location, type and methods of illumination for signs, if applicable.
6. The location and dimensions of all sidewalks and other areas to be devoted to public or pedestrian use.
7. Provisions to be made for the treatment and disposal of sewage, water supply and storm water management.
8. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of Square feet per dwelling.
9. A description of any proposed industrial or commercial operations in sufficient detail to indicate the effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety or nuisance type affects including safeguards and methods to control and/or mitigate same.
11. The bounds of all easements either existing or proposed, either on or directly affecting the subject property.
12. Any other data and information deemed necessary by the Zoning Officer and/or Borough Council to determine compliance with the terms of this Ordinance.

§ 1003 Procedure for Conditional Use Review and Action

1. **Submission.** The Zoning Officer shall, within Thirty (30) days of a Conditional Use application submission, providing said application is in complete compliance with the submission requirements of this Article, submit the requisite number of copies to Borough Council. In addition, the Zoning Officer shall review said application for compliance with the applicable provisions of the Zoning Ordinance and make a report of same to Council within the time limits for their review as established below.

2. **Borough Council Review and Action.** Upon receipt of the Zoning Officer's report Borough Council shall hold at least one public hearing after public notice to determine the compliance of the Conditional Use application with requirements of this Ordinance. Council shall approve any proposed Conditional Use provided that they find adequate evidence that the proposed use will meet all of the following general requirements as well as any specific requirements, standards and criteria which may be listed for the use or district, and all other applicable provisions of this Ordinance and all other applicable ordinances and regulations. In evaluating Conditional Use Applications Borough Council shall :

2.1 Determine that access to and from the site is safe and adequate.

2.2 Require that the proposed land use be made compatible with the surrounding existing land uses. Conditions controlling planting of shade trees, evergreen buffers, and planted berms may be imposed to create a buffer beyond the normal requirements of this Ordinance if deemed necessary by Council.

2.3 Impose conditions on lighting and signs to insure that glare does not disrupt residential areas, distract motorists, or intrude in the background near traffic lights.

2.4 Deny the application unless making favorable findings on all of the following:

(a) That the proposal is appropriate to the lot in question and will not disrupt or destroy the character of the surrounding land uses and the general neighborhood;

(b) That the proposed use provides for adequate access to public roads, without creating hazardous conditions at intersections or areas of poor road alignment, and without creating undue congestion.

(c) That it conforms to all applicable requirements of this Ordinance.

(d) That the effects of the proposed change will result in the most appropriate use of land; the conservation of the value of buildings; safety from fire, panic and other dangers; adequacy of light and air; the prevention of overcrowding of land and congestion of population; and the adequacy of public and community services.

2.5 Upon review and findings, Borough Council shall approve or disapprove of the Conditional Use application by formal resolution of the quorum Council. In the event of disapproval, the Resolution shall indicate the provisions of noncompliance by section and subsection of the applicable standard, criteria or regulation.

In the event of approval, the resolution shall set forth any and all conditions placed upon the Conditional Use, and should state the time limits set for commencement of the use or satisfaction of the conditions as the case may be.

ARTICLE 11

ZONING HEARING BOARD

§ 1100 Purpose

A Zoning Hearing Board is herein established in order that the objectives of this ordinance may be more fully and equitably achieved and a means for appeals from the administrative determinations of the Borough Zoning Officer or Borough Engineer, as the case may be, shall be decided in accordance with this Ordinance and Article IX of the Municipalities Planning Code. Any rights, duties or obligations of the Board not specified within this ordinance shall be governed by the Pennsylvania Municipalities Planning Code as amended.

§ 1101 Establishment of the Board

The Borough Council shall appoint by Resolution, a Zoning Hearing Board consisting of three (3) members. The word "Board" when used in this Article shall mean the North Catasauqua Zoning Hearing Board.

§ 1102 Membership, Terms of Office

Members of the Board shall be residents of the Borough and shall hold no other governmental office in the Borough. The Board shall promptly notify Borough Council of any vacancies which occur.

§ 1103 Quorum

A quorum shall be necessary for the conduct of any hearing and the taking of any action by the Board. A quorum shall be not less than two voting members of the Board. In the event that a quorum can not be achieved, or in other instances when deemed appropriate by the Board, the Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf and the parties thereto may waive further action by the Board as provided by Section 908 of the Pennsylvania Municipalities Planning Code, as amended.

§ 1104 Alternate Members

Borough Council may appoint by Resolution at least one (1) but no more than two (2) residents of the Borough to serve as alternate member of the Board. An alternate shall, when seated on

the Board as provided herein to complete the quorum, participate in all proceedings and discussions of the board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law and this ordinance. At any time, an alternate may participate in any proceeding or discussion of the board but shall not be entitled to vote as a member of the board nor be compensated unless seated as an alternate member needed to complete the quorum. Alternates shall hold no other office in the Borough.

§ 1105 Removal of Members

Any Board member may be removed for malfeasance, misfeasance, or nonfeasance in the office or for other just cause by a majority vote of Borough Council. Action of Borough Council shall only be taken after the member has received a fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request such a hearing in writing to Borough Council.

§ 1106 Organization of Board

1. The Board shall elect from its own membership its officers, to include a Chairman and Vice-chairman, who shall serve annual terms as such and may succeed themselves.
2. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth.
3. Within the limits of funds provided by Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
4. The Board shall keep full public records of its business in accordance with the MPC as amended.

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5. Members of the board may receive compensation for the performance of their duties, as may be fixed by Borough Council. Alternate members of the board may receive compensation for the performance of their duties only when designated as a participating alternate members.

§ 1107 Powers, Duties and Jurisdiction

The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following land use matters:

1. Appeals where it is alleged there is an error in any order, requirement, or determination made by an administrative official responsible for, and in the enforcement of, this Ordinance, to include but not be limited to the determination of the Zoning Officer regarding the applicability of the words, terms, rules, regulations, provisions and restrictions of this Ordinance including determinations in specific instances to whether questionable uses are permitted by virtue of being "similar to" or "customarily incidental to" permitted uses as provided by this Ordinance.
2. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to the Landowner Curative Amendment Sections 609.1 and 916.1(a)(2) of the Municipalities Planning Code as amended.
3. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.
4. Appeals from the determination of the zoning 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 enforcement order or the registration or refusal to register any nonconforming use, structure or lot.
5. Appeals from a determination by a municipal engineer or the zoning officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

6. Applications for variances from the terms of this Ordinance.
7. Applications for special exceptions under this Ordinance.
8. Appeals from the zoning officer's determination under the Preliminary Opinion Section 916.2 of the Pennsylvania Municipalities Planning Code, as amended.
9. Appeals from the determination of the zoning officer or township engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same related to developments not involving applications for subdivisions or land developments, as defined by the Pennsylvania Municipalities Planning Code, as amended.

§ 1108 Persons Entitled to Initiate Action before the Board

Appeals under this section may be filed with the Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for a special exception may be filed with the Board by any landowner or his duly authorized agent.

§ 1109 Manner of Initiating Action before the Board

All action before the Board shall be initiated by a written application for hearing which shall be filed with the Zoning Officer. All applications shall be made on forms specified by the Board, and no applications shall be accepted unless the same shall be fully and legibly completed and unless all exhibits, fees, and supplemental material required by the application shall be attached. Final administrative action by way of a zoning determination shall be rendered by the Zoning Officer as a prerequisite for appeal to the Zoning Hearing Board as provided herein and by the Municipalities Planning Code as amended. Every appeal or application shall refer to the specific provision of the Ordinance involved, and shall exactly set forth the position claimed and/or sought, the use for which the special exception is sought, the details of the variance that is applied for, and the grounds on

which it is claimed that a variance should be granted, as the case may be.

§ 1110 Zoning Hearing Board's Function

1. Variances. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship on the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance. The board may grant a variance provided that all of the following findings are made where relevant in a given case:

- 1.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not to the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located;
- 1.2 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 the property.
- 1.3 That such unnecessary hardship has not been created by the appellant;
- 1.4 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare;
- 1.5 That the variance if authorized will represent the minimum variance that

will afford relief and will represent the least modification possible of the regulation in issue.

2. Special Exceptions. Where this Ordinance has provided for stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

§ 1111 Hearings

The Board shall conduct open public hearings and make Zoning Ordinance Decisions in accordance with the following requirements:

1. Public Notice. In accordance with the requirements of the Pennsylvania Municipalities Planning Code as amended, and this Ordinance, the following public notice requirements shall be necessary as a prerequisite to the holding of a Hearing by the Board.

1.1 Public Notice Requirements. All public notices shall contain the following information:

- a) The street address, tax map, and the block and lot number of the parcel the subject of the hearing.
- b) The owner and applicant and their duly appointed agents name and address.
- c) The purpose and particular nature of the matter to be considered before the Board in sufficient detail including all applicable ordinance provisions by Section number and title.
- d) The time, date and location of the hearing before the board.
- e) A statement that all interested parties are invited to attend.

1.2 Public Notice Procedure. All public notices shall be distributed as follows:

- a) Notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
 - b) Notice shall also be provided to all properties within one hundred (100) feet of the subject lot by certified mail or by personal delivery to the premises.
 - c) In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land and at the Borough Hall at least one (1) week prior to the hearing.
2. Fees. Borough Council may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the members of the Zoning Hearing Board, a stenographic record of the hearing, notice and advertising costs, and necessary administrative costs associated with the hearing.
3. Timing. The initial public 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. The Board shall render a written decision or written findings on the application within forty-five (45) days after the last hearing. If the Board does not make a decision within forty-five (45) days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the applicant affected who is seeking relief, unless the applicant has agreed in writing to an extension of time.
4. Conduct Of Hearing. All hearings shall be held at the call of the chairman and at such times as the Board may determine. The chairman, or in his absence, the acting chairman, or as necessary a hearing officer

selected from the Board's membership, may administer oaths and compel the attendance of witnesses. All hearings of the Board shall be open to the public. The Board shall keep a stenographic record of its proceedings in accordance with the MPC as amended. The stenographic record of the hearing shall only be transcribed upon request, and the cost of such transcription shall be solely borne by the requesting party.

5. Standing. 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 have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
6. Oaths And Subpoenas. The chairman or acting chairman 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 with standing before the Board.
7. Representation. All parties with standing before the Board 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.
8. Evidence. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded at the discretion of the Board upon advice from the Board's solicitor.
9. Conduct. 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 and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so

noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. Decisions. The Board or 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 board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, this Ordinance, or other rule or regulation shall contain a reference to the provisions relied on and the reasons why the conclusions are deemed appropriate in the light of the facts found. Where the Board fails to render the decisions within the period required or fails to hold the required hearing within sixty (60) days from the date of the applicants request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinafter provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided herein. If the board shall fail to provide such notice, the appellant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- 10.1 A copy of the final decisions, or where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him. 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 decisions or findings and a statement of the place at which the full decisions or findings may be examined.

11. Appeals. Any person aggrieved by any decision of the Board may, within thirty (30) days after such decision of the Board, file an appeal to the Court of Common Pleas of Northampton County. Such appeal shall be made in accordance with the Pennsylvania Municipalities Planning Code, as amended and in such form as may be prescribed or otherwise authorized by law.

§ 1112 Zoning Hearing Board Procedure

In passing upon applications for special exceptions and variances the Board shall consider the following factors as well as all relevant factors and procedures specified in this Ordinance:

1. Technical Assistance. The Zoning Hearing Board in considering any matter within its jurisdiction may consult with a specialist or groups of specialists having expert knowledge of the matter under consideration, but need not be bound thereby.
2. Burden Of Proof. The applicant for a special exception or variance shall have the burden of proving that his application falls within the provision of the Ordinance and shall have the further burden of proving:
 - 2.1 That the special exception or variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located.
 - 2.2 That the variance or special exception, if authorized, will not substantially or permanently impair the appropriate use or development of adjacent property.
 - 2.3 That the special exception or variance, if authorized, will not be detrimental to the health, safety, morals, or the general welfare of the Borough or the community.
3. Standards for Board Actions. In any instance where the Zoning Hearing Board is required to render a land use decision, the Board shall, among other things, give consideration to the following:
 - 3.1 Consider the suitability of the property for the use desired. Assure itself that

the proposed change is consistent with the spirit, purpose and intent of the Zoning Ordinance.

- 3.2 Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
- 3.3 Determine that the proposed change will serve the best interests of the Borough, the convenience of the Community (where applicable) and the public welfare.
- 3.4 Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police and fire protection and public schools.
- 3.5 Consider the suitability of the proposed location of the use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets from undue congestion and hazard.
- 3.6 Be guided in its study, review, and recommendation by sound standards of land development practice where applicable.
- 3.7 Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to harmonious design of buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, and the provision for adequate parking and sanitation.
- 3.8 Determine whether there are special circumstances or conditions fully described in the findings applying to the land or buildings for which the variance is sought, which justify that the

application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

- 3.9 Consider the effects of the proposed change with respect to the most appropriate use of land; conserving the value of land and buildings; safety from fire, panic and other dangers; the overcrowding of land; congestion of population; and the adequacy of public and community services.
- 3.10 Consider the compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- 3.11 Such other factors as may be relevant to achieving the purpose of this Ordinance.

§ 1113 Time Limitations

All appeals from administrative determinations adverse to any landowner or affected party shall be filed by the landowner or affected party with the Zoning Hearing Board within thirty (30) days after official notice of the determination has been issued.

§ 1114 Expiration

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit or, in the case of a use variance or special exception, said use shall commence and a certificate of occupancy related to said use obtained within six (6) months of the date of the Zoning Hearing Board's written Decision.

ARTICLE 12 AMENDMENTS

§ 1200 Power of Amendment

The North Catasauqua Borough Council, may from time to time amend, supplement, change, modify, or repeal this Ordinance, including the Zoning Map, by proceeding in the following manner, and as otherwise required by law. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Borough Council, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the community development objectives of the Borough Land Use Plan and this Ordinance

§ 1201 Public Notice and Hearing Prior to Amendment

Before voting on the enactment of any amendment, Borough Council shall hold a public hearing pursuant to public notice. Public notice shall be notice published once for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing, the particular nature of the matter to be considered at the hearing and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, as amended. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient to notify potentially interested citizens. The affected area shall be posted at least one (1) week prior to the date of the hearing.

§ 1202 Validity of Ordinance; Substantive Challenge

1. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to the Zoning Hearing Board or to Borough Council together with a request for a substantive challenge or curative amendment respectively, in accordance with the provisions of this Ordinance.
2. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provisions thereof, who desire to challenge the validity on substantive grounds shall submit their challenge to the Zoning Hearing Board for a decision thereon.
3. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.
4. Stay of Proceedings - Upon filing of any proceeding and during its pendency before Borough Council or the Zoning Hearing Board, as the case may be, all land use and development pursuant to any challenged ordinance, order or approval of the zoning officer or any agency or body, and all official action thereunder, shall be stayed in accordance with appropriate sections of the Pennsylvania Municipalities Planning Code, as amended.

§ 1203 Private Petition for Amendment

Every application for amendment of the Zoning Ordinance shall first be presented to the Zoning Officer. Upon determining that the petition complies with the requirements of this Section, the Zoning Officer shall transmit said petition to Borough Council for appropriate consideration. The following information may, at a minimum, be required of the applicant upon request of the Zoning Officer:

1. The applicant's name and address and his representative and the interest of every person represented in the application.
2. A plan showing the extent of the area to be re-zoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and photographs of the area to be re-zoned and abutting areas.
3. A statement of the circumstances in the proposed district and the abutting districts and any other factors in which the applicant relies as reasons for supporting the proposed re-zoning.
4. A site plan to scale indicating the location of structures, uses, and areas for off-street parking and loading.

§ 1204 Submission to the County Planning Commission

1. At least thirty (30) days prior to the hearing on the proposed amendment Borough Council shall submit the proposed amendment to the Joint Planning Commission of Lehigh and Northampton Counties (JPC) for review and comment in accordance with the MPC.
2. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the JPC.

§ 1205 Landowner Curative Amendment

1. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the Municipalities Planning Code (Act 247) as amended. Said request shall address all items in Section 1302.3 below. Borough Council shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, as amended.

2. Procedures for the public hearing as set forth on Section 609.1 of the Pennsylvania Municipalities Planning Code, as amended, shall be followed.
3. In the event that Borough Council determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. Borough Council shall consider the curative amendments, plans and explanatory materials submitted by the landowner and shall also consider:

3.1 The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities;

3.2 In the event that the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the ordinance or map;

3.3 The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;

3.4 The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts;

3.5 The impact of the proposal on the preservation of agriculture and other land uses which are essential to the public health and welfare.

§ 1206 Municipal Curative Amendment

If the Borough determines that its zoning ordinance or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, as amended.

ARTICLE 13
DEFINITIONS

§ 1300. General

1. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this Ordinance, the meanings given in the following clauses.
2. Any word, term or phrase used in this Ordinance, but not specifically defined herein, shall be defined as set forth in the Pennsylvania Municipalities Planning Code. Any word, term or phrase that is not specifically defined either in this Ordinance or in the Pennsylvania Municipalities Planning Code shall be given its normal and customary meaning as found in the most recent edition of Webster's New Collegiate Dictionary.
3. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:
 - 3.1 Words of the masculine gender are intended to represent the feminine as well.
 - 3.2 Words used in the present tense include the future.
 - 3.3 The singular includes the plural.
 - 3.4 The term "shall" is mandatory.
 - 3.5 The term "may" is permissive.
 - 3.6 The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."
 - 3.7 The word "Board" or the words "Zoning Hearing Board" shall mean the North Catasauqua Zoning Hearing Board as granted jurisdiction under the Municipalities Planning Code, as amended, of the Commonwealth of Pennsylvania.
 - 3.8 The words "Borough", "Municipality" and "Governing Body" shall mean the Mayor and Council of the Borough of North

Catasauqua as granted jurisdiction under the Municipalities Planning Code, as amended, of the Commonwealth of Pennsylvania.

- 3.9 "Zoning Ordinance" shall mean the Zoning Ordinance of the Borough of North Catasauqua as amended.

§ 1301. Definitions of Words, Terms and Phrases

Access. A way or means of approach to provide physical entrance to a lot.

Accessory Building. (See Building, Accessory).

Accessory Use. (See Use, Accessory).

Alterations. Any change in, or addition to the supporting or structural components of a building, such as the bearing walls, partitions, columns, beam or girders, or any modification which would convert an existing building into a different structure or adapt it to a different use or any enlargement or diminution of a building or structure.

Applicant. A landowner, developer, equitable owner, tenant or contractor who with the written consent of the owner, has filed an application for development including his heirs, successors and assigns.

Basement. A story partly underground, but having one half or more of its height (measured from floor to ceiling) above the average level of the adjoining ground and with a floor to ceiling height of not less than 6'8". A basement shall be counted as a story for the purpose of height measurements or determining square footage, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4) feet, or if used for business or dwelling purposes.

Buffer. An area designated and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

Buffer Screen. A buffer comprised of natural and/or man made materials arranged in a certain specific depth, height, and density to block the view from one site to another during all seasons of the year, and to reduce the transmittal of noise and odor between sites.

Building. Any structure having enclosed walls and roof, intended for support or sheltering a use or occupancy, and attached to the land. Included shall be all mobile homes and trailers used for human habitation.

Building, Accessory. A building located on the same lot as a principal building and incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building Coverage. The horizontal area measured from the outermost exterior walls of the ground floor of all principal and accessory buildings on a lot including all portions of the structure which form the total footprint of the structure. The percent of building coverage of any lot is measured by dividing the total area of all building coverage within the lot by the Lot Area.

Building Envelope. The two dimensional area of a lot within which a principal structure is permitted to be built and which is defined by the required yard setbacks.

Building Height. The vertical distance of a building measured from the average elevation of the proposed finished grade surrounding the building to a point midway between the and lowest points of the roof. Chimneys, spires, towers, elevator penthouses, tanks, solar energy apparatus and similar projections shall not be included in the calculation of height.

Building Inspector. That individual designated by Borough Council to enforce the provisions of the official Building Code or Codes of the Borough of North Catasauqua.

Building, Principal. A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

Building Restriction Line. (See Building Setback Line)

Building Setback Line. A line extending the full required width of a lot which is parallel to the ultimate street right-of-way at a perpendicular distance therefrom equal to the required front yard setback. The location of this line determines the closest point to the street that any building may be located.

Cartway. The hard or paved surface portion of any street, which is that portion of a street between the curbs where there are curbs or that portion of the paved surface customarily used by vehicles in the regular course of travel over the street.

Cellar (or Crawl Space). A space partly underground and having more than one half of its height (measured from floor to ceiling) below the average finished grade of the adjoining exterior ground surface, or with a floor-to-ceiling height of less than 6'8". A cellar shall not be included in determining the permissible number of stories or square footage, nor shall it be used for dwelling, office or business purposes.

Certificate of Occupancy. A document issued by the Zoning Officer and/or the Building Inspector pursuant to Borough Ordinance(s) adopted for this purpose.

Change of Use . Any use which differs from the previous use of a building, structure or land.

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or a structure including the placement of a mobile home.

Conversion. The change in the use of land or a structure.

Density. The number of dwelling units per lot area (See Lot Area).

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

District. A part, zone or geographical area within the Borough wherein certain and specific

land use, zoning and/or development regulations apply uniformly.

Driveway. A private vehicular way providing access to parking spaces, a garage, dwelling or other structure.

Dwelling. A building or portion thereof designed, used and occupied exclusively for human habitation.

Dwelling Unit. One or more rooms, designed, occupied or intended for occupancy as separate living quarters for one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Easement. A grant of one or more of the property rights by the property owner to, and/or for, the use by the public, a corporation, or other person in equity, which is subordinate to, but not inconsistent with, the owner's general property rights.

Encroachment. Any placement or obstruction in a delineated floodway, right-of-way, easement, required yard, setback or adjacent land.

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

Engineer, Borough. A professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed by the Borough of North Catasauqua.

Excavation. Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced or relocated, as well as, the conditions resulting therefrom.

Family. Any number of individuals living and cooking together as a single housekeeping unit, provided that not more than three (3) of such number are unrelated to all of the others by blood, marriage or legal adoption.

Family Member, Immediate. A person that is related by birth, legal adoption, marriage or blood. For the purpose of this Ordinance, an immediate family member shall be comprised of only the following relations: spouse, child, parent, and sibling.

Fill. i) Any act by which natural materials are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground on or top of the stripped surface, as well as, the conditions resulting therefrom, and

ii) Sand, gravel, earth, earthen or other materials of any composition whatsoever placed or deposited by humans on or under the ground surface.

Flood Plain. That area established in this Ordinance as the Flood Plain Conservation District; the flood plain definition contained therein shall be considered the definition for flood plain for all purposes and uses of this Ordinance.

Floor Area. The sum of the areas of the several floors of a building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics, and penthouses, as measured from the exterior faces of the walls. This term does not include cellars, attics not used for human occupancy, nor any floor space in an accessory building. This term does include enclosed and unenclosed porches and floor space in a principle building intended or designed for the parking of motor vehicles.

Frontage. That dimension of a lot abutting on a street that is between the side lot lines measured along the principal streets' ultimate right-of-way line.

Garage. A deck, building or structure, or part thereof, used or intended to be used for the parking and/or storage of vehicles.

Grading. The changing of the natural topography through cutting or filling by more than two (2) foot in elevation over an area exceeding two thousand (2,000) square feet, or in which the natural drainage pattern of a lot is altered.

Habitable Room. Any room in a dwelling unit other than a kitchen, bathroom, closet, pantry, hallway, cellar, storage space and garage.

Hearing. An administrative proceeding conducted by a Board pursuant to the Pennsylvania Municipalities Planning Code, Act 247, as amended.

Impervious Coverage. The impervious coverage is a measure of the intensity of the use of a piece of land. The percent of impervious coverage of any lot is measured by dividing the total area of all impervious surfaces within the lot by the Lot Area.

Impervious Surface. Ground cover material which does not readily absorb rain. All buildings, structures, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt, and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Borough Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

Improvement. Grading, paving, curbing, roadways, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, on-lot sewage disposal, storm drains, sidewalks, crosswalks and street shade trees.

Junk. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Land Development. Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two 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.
- C. The following activities are excluded from this definition:

- 1. The conversion of an existing single-family dwelling, detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

Land. Ground, soil or earth including structures thereon, above, at, or below the ground surface.

Loading Space. An area accessible from a street or way, in a building or on a lot for temporary use of vehicles, while loading or unloading merchandise or materials.

Lot. A designated parcel, tract or area of land, established by a plat, or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area. The total horizontal area contained within the property lines of an individual lot and shown on a subdivision or plot plan or as may otherwise be required by this Ordinance, excluding any area within an existing or designated future street right-of-way.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection.

Lot, Coverage. That portion of a lot covered by impervious surfaces.

Lot, Depth. The horizontal distance between the ultimate right-of-way line and the rear lot line, measured from the midpoint of the front ultimate right-of-way line to the midpoint of the rear lot line.

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public or private space. The street lot line shall be co-terminus with the ultimate street right-of-way line for such portion of the lot as abuts the street, and shall not be the center line of the street, or any other line within the street line even though such line may be the property boundary line by deed.

Lot Line, Rear. Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, the lot line furthest (at its furthest point) from any street shall be considered a rear lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot, Minimum Area of. The smallest lot area established by the Zoning Ordinance on which a use or structure may be located in a particular zoning district.

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

Mobile Home. A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and

incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Modular Home. A single-family or multi-family dwelling intended for permanent occupancy, made by assembling one or more factory-produced three-dimensional sections into an integral living unit, whose construction materials and specifications conform to those of conventionally built units and that are delivered to a lot and placed and secured on to a built-in-place foundation.

Noise Disturbance. Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.

Occupancy. The use of a building, lot or portion thereof for a specific purpose.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by non-recreational structures, roads, street right-of-ways, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this Ordinance.

Outdoor Storage. The keeping in an unroofed area of any goods, junk, material, merchandise, or one or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation.

Owner. The owner of record of a parcel of land or equitable owner acting on behalf of the owner of record.

Parking Area. Any public or private land area designed, designated and/or used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

Parking Area, Common. An off-street area containing parking space for six (6) or more vehicles.

Parking Space. An area assigned and designated to be exclusively used for the parking of a motor vehicle. Common parking spaces used for multi-family and non-residential uses shall be exclusive of passageways, driveways, or other means of circulation or access to the parking areas. Parking spaces for single-family dwelling in which the parking area and accessway or driveway are controlled by the owner/tenant of the unit may include the driveway and garage area as the required parking space provided that the minimum width and length requirements for parking spaces within this Ordinance are met. All parking spaces shall be paved with macadam, concrete, modular pavers, brick or a similar material.

Pedestrian. An individual traveling by foot.

Permit. Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Permit, Building. A permit issued by the designated Borough official prior to the construction, reconstruction, alteration, repair or addition to a building, structure or part thereof.

Permitted Use. A use allowed by right in a zoning district subject to the restrictions applicable to that use and zoning district.

Person. Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic; including a trustee, a receiver, an assignee, or a similar representative thereof.

Plot Plan. A drawing which indicates the uses, locations, dimensions and orientations of all physical features on a lot including but not necessarily limited to property lines, streets, buildings, structures, access to buildings or structures, driveways, parking areas, walkways, patios, other impervious surfaces, large trees, on-site sewer or water systems, easements, deed restrictions, detention basins, and other significant natural features located on a lot, and the uses of all contiguous lots.

Principle Use. The primary or predominate use of a lot.

Prohibited Use. A use that is not permitted in a zoning district.

Quorum. A majority of the full membership of the Planning Agency, Zoning Hearing Board or Borough Council as is required by the Municipalities Planning Code to take official action or render a decision regarding a land use application.

Review. An examination of applications, sketches, plans, or submissions of an applicant in accordance with the procedures established by the Borough for this purpose.

Right-of-way. Land usually linear in configuration, set aside for use as streets, roads, pedestrian ways or other means of travel and/or for the location of other public utilities.

Right-of-way, Existing. The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.

Right-of-way, Ultimate. The right-of-way established by the Borough and intended to provide adequate width for future street and/or utility improvements within the Borough.

Setback. The distance between a lot line and the closest portion of a building, structure, use or any projection thereof, excluding uncovered steps.

Setback Line. That line that is the required minimum distance from the ultimate street right-of-way line or any other lot line that establishes the area within which the principal structure must be located. (See Building Envelope)

Sign. Any device used to identify or call attention to a business, residence, location, event, organization or notice by any means, including but not limited to words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Sign Area. The gross area within a single continuous perimeter enclosing the extreme limits of such sign.

Site. A parcel of land intended to have one or more structures, buildings or uses, or intended to be subdivided into one or more lots.

Site Area. All land area within a site as defined by deed and determined by field survey excluding rights-of-way of existing public roads.

Site Plan. The map of the property showing the proposed location of facilities, structures and other improvements.

Street. A right-of-way municipally or privately owned, serving as a means of vehicular and pedestrian travel and access.

Street Line. The dividing line between a lot and the ultimate right-of-way line of a public street, road or highway legally opened 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 right-of-way.

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

Surveyor. A licensed surveyor registered by the Commonwealth of Pennsylvania.

Use. Includes the phrases "arranged", "designed" and "intended to be used" and shall mean a specific purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a lot, parcel or tract of land.

Use, Accessory. A use located on the same lot with a principle use, and clearly incidental and subordinate to, and in connection with, the principle use.

Use, Principle. The main use on a lot and/or of a building or structure thereon.

Yard. An open, unoccupied area located on the same lot with a building, structure and/or use and which is unobstructed from the ground to the sky except for public utility lines or facilities, landscaping and parking as restricted by the applicable zoning district.

Yard, Front. A required or existing yard between the front yard line and the ultimate street right-of-way line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.

Yard Line. A line drawn parallel to and within a lot line at a distance therefrom equal to the depth of the required yard.

Yard, Rear. A required, or existing yard between the rear yard line and the rear lot line and extending the entire length of, and parallel to, the rear lot line.

Yard, Side. A required or existing yard between a side yard line and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

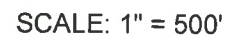
Zone. A specifically delineated area or district in the municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land, buildings and structures.

Zoning. The dividing of the municipality into districts or zones and the establishment of regulations governing each and every zone.

Zoning Envelope. The three-dimensional space within which a structure is permitted to be erected on a lot and which is defined by maximum height regulations, bulk, area and yard setbacks requirements.

Zoning Map. The Official Zoning Map of the Borough of North Catasauqua

Zoning Officer. The administrative officer designated with the exclusive powers and duties of administering and enforcing the Zoning Ordinance.



Zoning Districts

- Open Space Residential
- Single-Family Residential
- Two-Family Residential
- Multi-Family Residential
- Town Center
- Neighborhood Retail

- * Zoning Information from LVPC, March 2013

Date Revised: June 6, 2016