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**§ 595-02 Purposes; provisions interpretation.**

- A. Enumerated purposes of Zoning Code adoption. This Zoning Code is adopted pursuant to the provisions of the Pennsylvania Municipalities Planning Code[1]; is made in accordance with the Official Comprehensive Development Plan of the City, hereinafter referred to as the Comprehensive Plan; and is intended to be interpreted and applied so as to be consistent with Traditional Neighborhood Development, City of Easton Code; Chapter 318, Historic Preservation; and the City of Easton Building Code. It is adopted for the following purposes:
- (1) The promotion and protection of the public health, safety, morals, comfort, convenience and the general welfare of the people.
  - (2) The division of the City into districts, restricting and regulating therein the location, construction, reconstruction, alteration, intensity, use and occupancy of buildings, structures and land for commercial, industrial, recreational, residential and other specified uses.
  - (3) The protection of the established character and maintenance of the stability of commercial, industrial, recreational and residential areas within the City and the promotion of orderly growth and beneficial development and redevelopment of such areas so that, even after the granting of permits by the Planning Commission and the granting of area variances and special exceptions by the Zoning Hearing Board, as herein provided, the character and stability of such areas will be preserved and protected from incompatible land use.
  - (4) The provision of adequate light, privacy and convenience of access to property.
  - (5) The provision of water, sewerage, schools, recreational facilities, public grounds, access to incident solar energy, police protection and a safe, reliable and adequate water supply for domestic, commercial or industrial use.
  - (6) The accommodation of reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.
  - (7) The preservation of the natural and scenic values, the preservation of the City's historic resources and landmarks, and the preservation of environmentally sensitive lands, including forests, floodlands, wetlands, aquifers, steep slopes, waterways, and floodplains.
  - (8) The prevention of congestion in the public streets and the protection of the health, safety, convenience and general welfare by providing for off-street parking of motor vehicles and for the loading and unloading of commercial vehicles.
  - (9) The protection and extension of the City's traditional street grid for reasons of public safety, walkability, enhanced vehicular access and connectivity, and the preservation of the City's historic character.
  - (10) The prevention of overcrowding of land and undue concentration of structures by regulation of the size, height, bulk, location and use of buildings and structures in relation to the surrounding land.
  - (11) The protection against fire, explosion, noxious fumes and other hazards in the interest of public health, safety, comfort and general welfare.
  - (12) The conservation of taxable value of land and buildings throughout the City.
  - (13) The promotion in the public interest of the utilization of land for the purpose for which it is most appropriate.
  - (14) The definition of and limitations on the powers and duties of the administrative offices and bodies provided in this chapter.

[1] Editor's Note: See 53 P.S. § 10101 et seq.

B. Statement of community development objectives; district purposes. Easton's community development objectives are provided in each Zoning District section in this chapter. encompassed in the City's Comprehensive Plan as adopted by resolution of Council in 2015.

- (1) ~~The College Hill District's purpose is to protect the character of this unique hillside neighborhood adjoining Lafayette College, accommodating a mix of housing types and development intensities, neighborhood retail and commercial services, green space, and appropriate infill.~~
- (2) ~~The College Hill/Institutional 1 Transitional Zone District's purpose is to provide for a mix of residential and nonresidential uses and development that will enhance the transition from Lafayette College campus to the College Hill community. Uses would allow students, staff, faculty, residents, and visitors to live, shop, dine and receive their wellness needs. The district encourages mixed-use buildings and alternative modes of transportation such as walking and biking, with an emphasis on promoting safe and attractive pedestrian-oriented landscapes as well as a reduction in the need for impervious surfaces for parking.~~
- (3) ~~The South Side District's purpose is to enhance the character of this neighborhood by accommodating a mix of housing types and development intensities, green space, local and regional commercial, retail, and appropriate infill and redevelopment and infill that maintains or extends the existing network of streets and alleys.~~
- (4) ~~The West Ward District's purpose is to protect and enhance the character of this existing neighborhood located on a similar topographic plane as the Downtown by accommodating a mix of housing types and development intensities, green space, neighborhood retail and commercial services, and appropriate infill and redevelopment that maintains or extends the existing network of streets and alleys.~~
- (5) ~~The West Ward/Institutional 2 Transitional Zone District's purpose is to provide a mix of uses and development that will enhance the transition from the Northampton County Government institutional campus to the West Ward Neighborhood. Existing and new uses would allow county staff, legal businesses and agencies, associated and ancillary businesses and neighborhood residents to live, work, receive personal and professional services, and dine. The district encourages a variety of uses and mixed-use building styles and both vehicle and alternative modes of transportation.~~
- (6) ~~The River Corridor and Other Green Areas District's purpose is to accommodate appropriate development while providing for adequate protection and buffering of the City's waterways and other natural resources; assist in flood management; protection of environmentally sensitive areas; and meet the need for local and regional greenways, open space, and recreation within the City.~~
- (7) ~~The Institutional 1 District's purpose is to accommodate the orderly development of educational campuses providing four year or higher degree programs, such as Lafayette College.~~
- (8) ~~The Institutional 2 District's purpose is to accommodate the orderly development needed to meet the institutional needs of Northampton County.~~
- (9) ~~The Downtown District's purpose is to provide the highest intensity of development within the core of the City of Easton, while preserving the City's historic resources and context; to promote a mix of regional commercial and office space, with residential opportunity and neighborhood services; and to support mass transit and transit-oriented development.~~

- (10) ~~The Business and Entertainment District's purpose is to encourage active uses and storefronts that enhance Easton's Downtown as a place to visit, do business, and stay for evening dining and entertainment.~~
- (11) ~~The Adaptive Reuse District's purpose is to promote the redevelopment and revitalization of underutilized and underperforming areas of the City with residential, institutional, and commercial uses and industrial development in an environmentally sensitive manner.~~
- (12) ~~The Expressway Transitional District's purpose is to accommodate industrial, commercial, mixed and advertising uses in areas adjacent to multilane, controlled access roads, to promote better safety and welfare within the City of Easton. These areas have traditionally been geared toward industry and commerce, with a minimal residential base. As such, the Expressway Transitional (ET) District is ideal for uses which are incompatible with residential areas.~~
- (13) ~~The Street Corridor Enhancement Overlay District's purpose is to accommodate medium and high intensity development at the gateways to the City and along the principal vehicular and pedestrian corridors, and to promote compact, walkable, mixed-use buildings with local and regional commercial services, compatibly scaled light industrial, and residential uses.~~
- (14) ~~The Innovation Overlay District's purpose is to protect the existing residential neighborhood while accommodating the expansion and enhancement of compatible light industrial and commercial opportunities that meet rigorous design standards and review.~~
- C. Interpretation of provisions. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and the general welfare of the City of Easton. The provisions of any statute, other sections of this chapter, law, rule or regulation which impose greater restrictions than this chapter shall be controlling. Conversely, the provisions of this chapter shall be controlling when such provisions impose greater restrictions than those of any other statute, other chapters of this Code, law, rule or regulations.

**§ 595-04 Definitions.****A. Word usage; terms and words defined.**

- (1) Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.
- (2) The word "shall" or "must" is always mandatory; the word "may" is permissive; the words "used for" includes "designed for," "arranged for," "intended for," "maintained for," or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof." The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "unincorporated association," "corporation" or other similar entities.
- (3) When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- (4) As used in this chapter, except where the context clearly indicates otherwise, the following words or phrases shall have the meanings indicated as follows:

**ABANDONED or ABANDONMENT**

The cessation of a use of property (land and/or structures) by the landowner for a period of one year, during which the landowner neither occupied, resumed the use or transferred the rights of the property to another person who used the property.

**ACCESSIBLE**

A site, building, facility, or portion thereof that incorporates design for persons with disabilities and is compliant with the Americans with Disabilities Act of 1990 as amended.

**ACCESSORY BUILDING OR STRUCTURE**

A building subordinate to the principal permitted building which is located on the same lot as the principal permitted building and used for purposes customarily incidental to those of the principal permitted building.

**ACCESSORY USE**

A use, other than the principal use, of land or of a building or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

**ADAPTIVE REUSE**

The development of a new use for an older building or for a building originally designed for a special or specific purpose which it no longer serves.

**ADVERSE IMPACT**

Results contributing to a harmful or degraded condition and/or producing harm or degradation. Adverse impacts may include harmful effects on surrounding land uses, such as the diminution of property values or the degradation of historical resources; land use which is contrary to the Comprehensive Plan and the intent of this chapter; effects which may create a threat to the public health, safety and general welfare; and effects on physical and biological resources which will destroy flora and fauna, degrade water and air quality or create excessive soil erosion or flooding.

**ALLEY**

A street which is used primarily for vehicular service access to the rear or side of lots which is 20 feet or less in right-of-way width.

**ALTERATION**

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or

any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

## **ALTERNATIVES**

Choices between or among two or more plans, layouts, approaches, solutions and/or results.

## **APPLICANT**

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

## **APPLICATION**

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

## **BASEMENT**

A space with less than 1/2 of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 7.5 feet.

## **BENEFICIAL IMPACTS**

Results contributing to an improvement in conditions and/or producing favorable results, such as making a use more compatible with the intent of this chapter and the goals of the Comprehensive Plan, and promoting the public health, safety and general welfare.

## **BLOCK**

A tract of land bounded by streets, public parks, railroad rights-of-way, and/or corporate boundary lines of the City.

## **BOARD**

The Zoning Hearing Board of the City of Easton, Northampton County, Pennsylvania.

## **BUFFER**

An area of required yards not less in width than designated in this chapter which is landscaped for its full width with plantings such as evergreen and deciduous trees and shrubs and/or with fences or walls which are permanently maintained. Buffers shall consist of such enhancements as will create an effective screen of sufficient density to provide a continuous visual buffer and shall be of sufficient height to minimize visibility from abutting properties or districts or from a distinct area of a lot.

## **BUILD-TO LINE**

A line located parallel to, and measured from, the property line along the street or streets on which a building fronts, which defines the placement of the building and forms the street wall line (see Figure A). On a corner lot, the build-to line is located on each side of the lot abutting a street.

**Figure A: Build-To Line**

[\[Image\]](#)

## **BUILDING**

An enclosed structure or edifice built, erected and framed of component structural parts, designed for the shelter, support or enclosure of persons, animals or property of any kind. (See also, "structure.")

## **BUILDING ENVELOPE**

The physical barrier between the exterior and interior environments enclosing a structure. Generally comprised of foundation, walls, windows, doors, and a roof.

## BUILDING FOOTPRINT

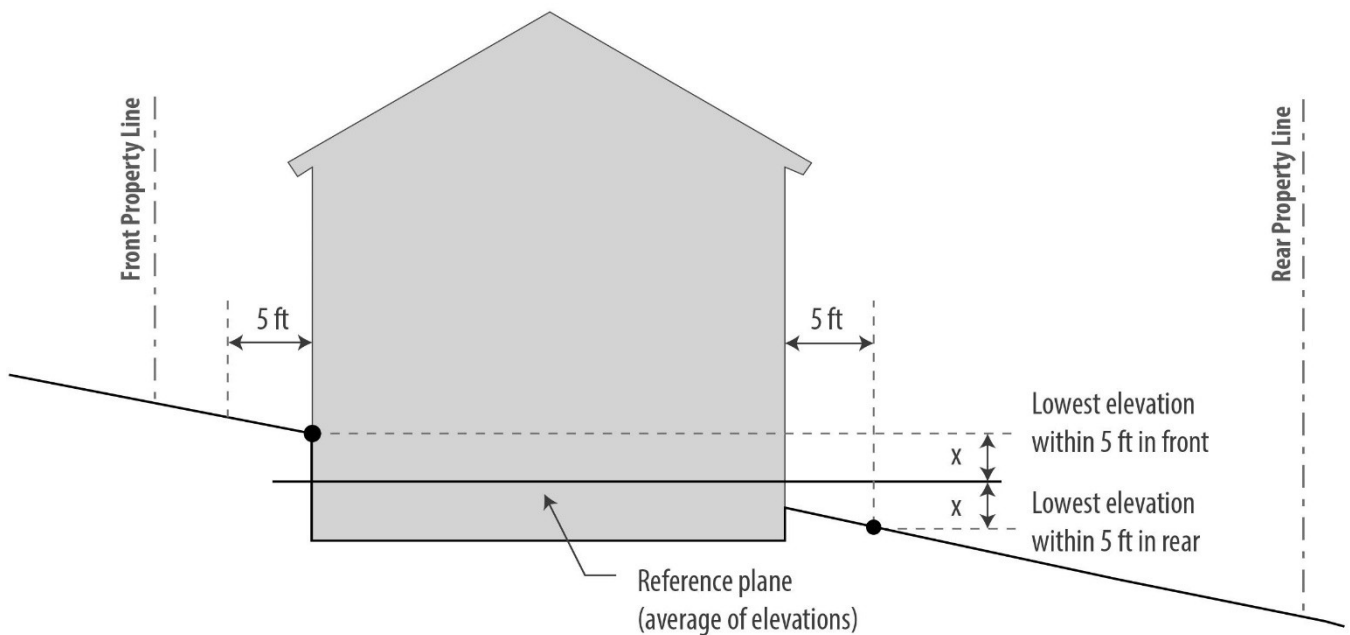
The area covered by a building's outermost wall at ground level (see Figure A).

## BUILDING HEIGHT

(See also, "story.") The vertical distance of a building or structure measured from the lowest elevation of the finished grade of the building average elevation within five feet of that portion of the lot covered by the proposed structure or addition to:

- The highest point of the roof in the case of a flat roof.
- The mean height between eaves and ridge in the case of a pitched roof (see Figure B).
- Exclusive of chimneys, mechanical towers, steeples and similar fixtures.
- The above shall apply except that, in the case of a sloped site where the slope is greater than 5%, the building height may be measured separately for each forty-foot segment as measured along the primary facade.

**Figure B: Building Height**



[\[Image\]](#)

## BUILDING OFFICIAL

The officer or other designated authority charged with the administration and enforcement of Chapter **245**, Construction, the Municipal Building Code of the City of Easton, or a duly authorized representative.

## BUILDING PERMIT

An official document issued by the Building Official that authorizes the construction, alteration, repair, demolition, location, maintenance or installation relating to a building, structure, elevator, or

equipment under the Uniform Construction Code as adopted by the City of Easton.

**BUILDING SETBACK LINE**

The line bounding that portion of a lot not contained within the required front, side, and rear yards, and within which the principal building shall be located. For purposes of this chapter, a building setback line along any street, except an alley, shall be considered a build-to line (see Figure C).

**Figure C: Building Setback Line**

[\[Image\]](#)

**CALIPER**

The diameter of a tree trunk measured at a point 4 1/2 feet from the ground surface at the center of the base of the tree for all existing trees. For all trees to be planted in accordance with the requirements of this title, the tree trunk shall be measured at a point six inches from the ground surface at the center of the base of the tree.

**CERTIFICATE OF USE AND OCCUPANCY**

A statement based on an inspection by and signed by the Zoning Administrator setting forth that the use or structure conforms with the provisions of this chapter and may be lawfully employed for a specific use.

**CITY**

The City of Easton, Northampton County, Pennsylvania.

**CLEAR-CUTTING**

The indiscriminate removal of all trees on a site or portion of a site.

**COLLEGE or UNIVERSITY**

An institution of higher education and research authorized by the Commonwealth of Pennsylvania that provides associate, undergraduate, or higher degrees.

**COMMERCIAL TENANT SPACE**

A portion of a building or structure occupied by a single commercial leaseholder with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway, and separated from other tenant spaces by walls.

**COMMISSION**

The Planning Commission of the City of Easton, Northampton County, Pennsylvania.

**COMMON OPEN SPACE**

A parcel or part of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of the development in which it is located, not including streets, off-street parking areas and areas set aside for public facilities.

**COMMUNICATION FACILITY**

See § 595-36 for communication facility definitions.

**COMPREHENSIVE PLAN**

The adopted official plan of the City pertaining to the future development of the City of Easton.

**CONDOMINIUM**

A building or group of buildings in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.



See "limited access highway."

**COUNCIL**

The Council of the City of Easton, Northampton County, Pennsylvania.

**COUNTY**

Northampton County, Pennsylvania.

**DECK**

An unroofed platform, either freestanding or attached to a building, that is commonly, but not necessarily, supported by pillars or posts.

**DEMOGRAPHIC CHARACTERISTICS**

Characteristics related to the distribution, density, and vital statistics of populations.

**DESIGN PROFESSIONAL**

An architect, engineer, landscape architect, or land planner that, as required, is certified or licensed to practice their respective profession in the Commonwealth of Pennsylvania and who prepares reports and/or plans which are described in this chapter according to specific requirements set forth herein and/or in Chapter **520**, Subdivision and Land Development, of the Code of the City of Easton. The City will consider geologists, wetlands scientists, arborists, and other such experts to be certified design professionals for the purpose of conducting studies and preparing plans and reports respective to their area of expertise.

**DEVELOPER**

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

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or timber harvesting operations and land development, as defined within this section, shall be included in this definition.

- (a) **INFILL DEVELOPMENT** is a man-made change to unimproved vacant parcels, vacant parcels which have previously had buildings or structures, or surface parking lots, within built areas. These areas are already served by public infrastructure such as transportation, water, wastewater, and other utilities.

**DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT**

Any land development that, because of its character, magnitude or location, will have a substantial effect upon the health, safety or welfare of citizens in more than one municipality.

**DRIVE-IN**

Any use which is designed in such a way that the goods or services offered can be received by the customer while remaining in his/her vehicle.

**DRIVEWAY**

A private access to a parking area, such as a garage, parking lot, parking pad, or similar.

**DUMP**

A lot or land or part thereof used primarily for disposal by abandonment, dumping, burial, burning, incineration or any other means for whatever purpose, of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**DWELLING**

A room or group of rooms providing complete independent living facilities exclusively for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**DWELLING UNIT**

Any room or group of rooms located within a building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one or more persons.

**EASEMENT**

A vested or acquired right, either in the public generally or in private entities of persons, to the use of a parcel of land for a special purpose, including the location of utilities, storm drains or access, which right may include the use of the surface, subsurface and/or the air space over such land.

**ECONOMIC AND FISCAL CHARACTERISTICS**

Characteristics related to the expenditures and revenues in conjunction with the management of income of a household, private business, community, association or government.

**ELECTRIC VEHICLE**

A vehicle that can be powered by an electric motor that draws electricity from a battery and is capable of being charged from an internal or external source. This includes both a vehicle that can only be powered by an electric motor (all-electric) and a vehicle that can be powered by an electric motor and by an internal combustion engine (plug-in hybrid).

**ENCLOSED**

Surrounded or closed off on all sides, by walls, windows, or the like. This shall not include insect screens, blinds, or other retractable or other openable fixtures that are intended to restrict sunlight or insects but do not prohibit airflow when open or closed.

**ENVIRONMENTALLY SENSITIVE LAND**

Any land that contains environmental resources reviewed or regulated under this chapter, including, but not limited to:

- Floodplains;
- Wetlands;
- Wetland buffers;
- Steep slopes;
- Special trees;
- Riparian buffers;
- Carbonate bedrock; and
- Surface waters.

**FAMILY**

- A single person occupying a dwelling unit and maintaining a single housekeeping unit, including not more than one guest;
- Two or more persons related by blood or marriage occupying a dwelling unit, living together and maintaining a single housekeeping unit, including not more than one guest; or

- Not more than three unrelated persons occupying a dwelling unit, living together and maintaining a single housekeeping unit. A single housekeeping unit shall be deemed to exist if all members thereof have access to living, sleeping, eating, cooking and sanitation areas of the dwelling unit.

### **FAST FOOD RESTAURANT**

An establishment whose principal business is the sale of a limited variety of pre-prepared or rapidly prepared food and beverages directly to the consumer for consumption either on or off premises.

Food is generally not served to the customers' tables, but is more often dispensed through a walk-up counter or drive-through or take-out window.

### **FENESTRATION**

Windows and other openings on a building facade.

### **FLOOR AREA**

The sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two attached buildings:

- In particular, floor area includes:
  - Basement space in residential buildings.
  - Elevator shafts or stairwells at each floor.
  - Floor space in penthouses.
  - Attic space (whether or not a floor has been laid) providing structural headroom of 7.5 feet or more.
  - Floor space in interior balconies or mezzanines.
  - Any other floor space used for any purposes, no matter where located within a building.
  - Floor space in accessory buildings.
  - Any other floor space not specifically excluded.
- However, the floor area of a building shall not include:
  - Basement space in non-residential buildings, except that basement space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking and loading.
  - Elevator or stair bulkheads, accessory water tanks or cooling towers.
  - Uncovered steps.
  - Floor space used for mechanical equipment.

### **FORESTRY**

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

### **FRONT-LOADED (GARAGE)**

A garage designed with the garage doors facing the same street as the primary façade(s) of the

## **GAMBLE/GAMBLING**

To play games of skill or chance for money, or to make bets on the outcome of a game or event for money.

## **GAMING**

Playing games, including board games, console or computer games, pinball machines, or the like, does not include winning money as a prize.

## **GOVERNING BODY**

The Council of the City of Easton.

## **GRADE**

The degree of the descent of a sloping surface.

## **GRADE, FINISHED**

The final elevation of the ground surface after development.

## **HEDGE**

A boundary or fence formed by closely growing bushes, shrubs, or trees. Also referred to as a hedgerow.

## **HISTORIC RESOURCE(S)**

Sites, areas, structures and districts which are valued due to their significance as examples and/or locations of events, customs, skills, and traditions of the past as designated by the state, county and/or City.

## **IMPACT**

The power of an event or condition to produce direct or indirect changes in other conditions. In the context of impact exerted on the environment, changes that affect existing conditions and/or quality of a natural resource of great concern.

## **IMPACT ASSESSMENT AND MITIGATION REPORT**

An assessment, in accordance with § 595-35, which objectively describes, analyzes and documents the beneficial and adverse impacts of a proposed subdivision and/or land development, and the measures to be undertaken to mitigate adverse impacts.

## **IMPERVIOUS SURFACE**

Any material which prevents absorption of stormwater into the ground, including, but not limited to, buildings, ~~covered decks~~, patios, driveways, walkways, swimming pools and other similar ground cover.

## **IMPERVIOUS SURFACE RATIO**

A percentage of total lot area covered by impervious surfaces.

## **INFILL**

The development of new housing or other uses on scattered vacant sites in a built-up area.

## **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, including, but not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

## **JUNKYARD**

Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

## **LAND DEVELOPMENT**

- The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 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.
- A subdivision of land.
- Provisions for the exclusion of certain land development from the definition of land development only when such land development involves:
  - The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be condominium units;
  - The addition of an accessory building, including detached buildings, on a lot or lots subordinate to an existing principal building; or
  - 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 section, 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.

## **LAND DISTURBANCE**

A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling or storing of soil, rock or earth materials.

## **LANDOWNER**

The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition. A lessee, if he/she is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land shall be deemed to be a landowner for the purpose of this chapter.

## **LIMITED ACCESS HIGHWAY**

A highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at points and in the manner determined by the authority having jurisdiction over the highway. Within the municipal and jurisdictional limits of the City of Easton, this shall include, but is not necessarily limited to, all portions of US-22 and I-78.

## **LOT**

A designated parcel, tract or area of land established by plat, subdivision or otherwise and permitted by law to be used, developed or build upon as a unit. ~~For the purpose of this chapter, a "lot" is further identified as:~~

- ~~• The total of all lands described in a legal deed or record; or~~
- ~~• The total of two or more contiguous parcels described in separate legal deeds of record owned by the same person.~~

## LOT AREA

~~The total horizontal area of the lot lying within the lot lines, excluding any existing or designated future street rights-of-way.~~

The total horizontal area within the lot lines of a lot.

## LOT AREA, GROSS

The area of land contained within the limits of the legally described property lines bounding the lot.

## LOT COVERAGE

Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including porches and accessory buildings and structures, by the gross area of that lot.

## LOT DEPTH

The average horizontal distance between the front and rear lot lines.

## LOT, FRONTAGE

The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

## LOT LINE

~~A property boundary line of a lot held in single and separate ownership. In the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line.~~

A line dividing one lot from another lot or from a street, alley, or right-of-way.

## LOT LINE, FRONT

The lot line abutting a street and coinciding with the street line. In the case of a corner lot, ~~both the~~ lot lines abutting ~~a the~~ street upon which the property is addressed, shall be deemed the front lot line.

## LOT LINE, REAR

~~A lot line opposite and most distant from the front lot line. In a case of an unconventional or odd-shaped lot, the rear lot line shall be deemed to be a line wholly within the lot, 10 feet in length between side lot lines, and parallel to and at the maximum distance from the front lot line.~~

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lines will not have a rear lot line.

## LOT LINE, SIDE

~~Any lot line that is not a front lot line or rear lot line.~~

Any lot line not a front or rear lot line.

## LOT WIDTH

~~The horizontal distance between side lot lines as measured along the build-to line.~~

The horizontal distance between side lot lines, measured at the required front setback line.

**LOT, CORNER**

~~A lot or parcel of land abutting upon two or more streets at their intersection or on two parts of the same street forming an interior angle of less than 135°.~~

A lot abutting on and at the intersection of two or more streets.

**LOT, ODD SHAPED**

A lot with an irregular configuration and unconventional number of changes in direction (i.e., a lot that is not generally pie-shaped or rectangular, has small projections or acute angles, or has rear lines not generally parallel to street lines).

**LOT OF RECORD**

A lot which exists as shown or described upon a plat or deed and duly recorded in the Office of the Recorder of Deeds of Northampton County, Pennsylvania, on the effective date of the adoption of this chapter.

**LOT, THROUGH**

A lot having its front and rear yards each abutting on a street.

**LOWEST FLOOR**

The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant, partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

**MANUFACTURED HOME**

A structure which complies with local and state building codes and appropriate federal agencies and is certified by said agencies as a portable mobile home or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 90 consecutive days.

**MANUFACTURED HOME LOT**

A parcel of land on a mobile home park improved with the necessary utility connections and other appurtenances necessary for the sections thereon of a single manufactured home.

**MANUFACTURED HOME PARK**

Any site, lot, field or tract of land, privately or publicly owned or operated, upon which two or more manufactured homes, used for living, eating or sleeping quarters by persons not related to the proprietor or his family, are or are intended to be located, whether operated for or without compensation by whosoever name or title they are colloquially or commercially termed.

**MITIGATION**

The act of precluding a potentially adverse impact and/or making a potentially adverse impact less severe through measures that will improve a condition and/or lessen the impact.

**MIXED-USE DEVELOPMENT**

A combination of two or more uses located within one building or on a lot and designed as an integrated building or development.

**MOBILE HOME**

See "manufactured home."

**MONTH**

A period of time between the same dates in successive calendar months, ranging between 28 and 31

## **OBSTRUCTION**

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory floodway area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

## **OFFICIAL COMPREHENSIVE DEVELOPMENT PLAN**

See "comprehensive plan."

## **OWNER**

An individual, firm, association, syndicate, partnership or corporation.

## **PARKING AREA**

Any public or private land area designed and used for parking motor vehicles, including parking lots, parking pads, parking decks, and garages.

## **PARKING LOT**

An off-street ground-level area used for the temporary parking of more than four motor vehicles and available for use by the public whether for free, for compensation, or to accommodate employees, clients or customers, but not including private driveway.

## **PLAT**

The map or plan of a subdivision or land development, whether preliminary or final.

## **POLICE FACILITY**

A building or portion thereof which serves to accommodate police officers and other members of Police Department staff. These buildings often contain offices and accommodation for personnel and vehicles, along with locker room, temporary holding cells and interview/interrogation rooms.

## **PORCH**

A roofed-over structure projecting from the front, side or rear wall of a building.

## **PRIMARY FAÇADE**

The exterior wall or walls of that portion of a building that faces a street. For purposes of this definition, a wall facing a valley shall not be considered a primary façade.

## **PRINCIPAL BUILDING**

A building in which is conducted the principal use of the lot on which it is situated, including all attached buildings such as garages, breezeways, carports, decks and porches.

## **PRINCIPAL USE**

The primary or predominant use of any lot. In the case of mixed-use development or a college campus, there may be more than one principal use on a lot.

## **PROJECT**

A subdivision, land development or any development involving the construction or alteration of buildings or structures or the grading or excavation of land to accommodate a building, structure or use.

## **PUBLIC**

Relating to or affecting all people; accessible to or shared by all members of the community.



Includes:

- Public open space, parks, playgrounds, trails, paths, and other recreational or public areas;
- Sites for community facilities, schools, sewerage treatment, refuse disposal and other publicly owned or operated facilities; and
- Publicly owned or operated scenic and historic sites.

**PUBLIC NOTICE**

A notice published once a week for two successive weeks prior to a Zoning Board hearing in a newspaper of general circulation in the City. Such notice shall state the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

**PUBLIC OPEN SPACE**

A parcel or parcels of land or an area of water, or a combination of land and water, designed and intended for the use and enjoyment of the general public, typically in the form of a park, plaza, playground, playfield, promenade, trail or other similar area.

**RIPARIAN BUFFER**

A riparian buffer is an area typically vegetated with trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters.

**SECONDARY EFFECTS**

The results of an indirect or nonimmediate influence of one entity or condition on another.

**SELECTIVE CUTTING**

The felling of certain but not all trees in an area for the purpose of removing dead, diseased, damaged, mature or overstocked trees for improving the quality of a tree stand. The removal of more than 35% of trees in an area shall be defined as timber harvesting, and the requirements for a timber harvesting operation shall apply.

**SETBACK**

The minimum horizontal distance between the front, rear or side lines of a lot and the respective front, rear or side lines of a building or a projection thereof.

**SIGN**

See § 595-34 for definitions.

**SINGLE HOUSEKEEPING UNIT**

Any household whose members are a nontransient interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas, including living, kitchen and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party. This does not include a boardinghouse or rooming house.

**SLOPED LAND**

A geographical area, whether natural or man-made, and whether on one or more lots, which has a ratio of vertical distance to horizontal distance of greater than or equal to 12%, based on two-foot contour interval, and occurs over three consecutive two-foot contour intervals. More specifically, this chapter defines or classifies sloped land as follows:

- (a) **MAN-MADE SLOPES** Lands that have been altered by development and can contain such features as cut slopes, fill slopes, rock slopes, retaining walls, and disturbed terrain features which include repairs to landslide scars or comprise a series of composite cut and/or fill slopes where the ground surface has been disturbed.
- (b) **NATURAL SLOPES** The natural deviation of the surface of the land, usually expressed in percent or degrees.
- (c) **STEEP SLOPE** Sloped land that has a ratio of vertical distance to horizontal distance of greater than or equal to 12%, but less than 25%, based on a two-foot contour interval.
- (d) **SEVERELY STEEP SLOPE** Sloped land that has a ratio of vertical distance to horizontal distance of greater than or equal to 35%, based on a two-foot contour interval.
- (e) **VERY STEEP SLOPE** Sloped land that has a ratio of vertical distance to horizontal distance of greater than 25%, but less than 35%, based on a two-foot contour interval.

### **SOLAR ENERGY SYSTEM**

See § 595-37 for solar energy system definitions.

### **STATIONARY ELECTRIC VEHICLE CHARGING STATION**

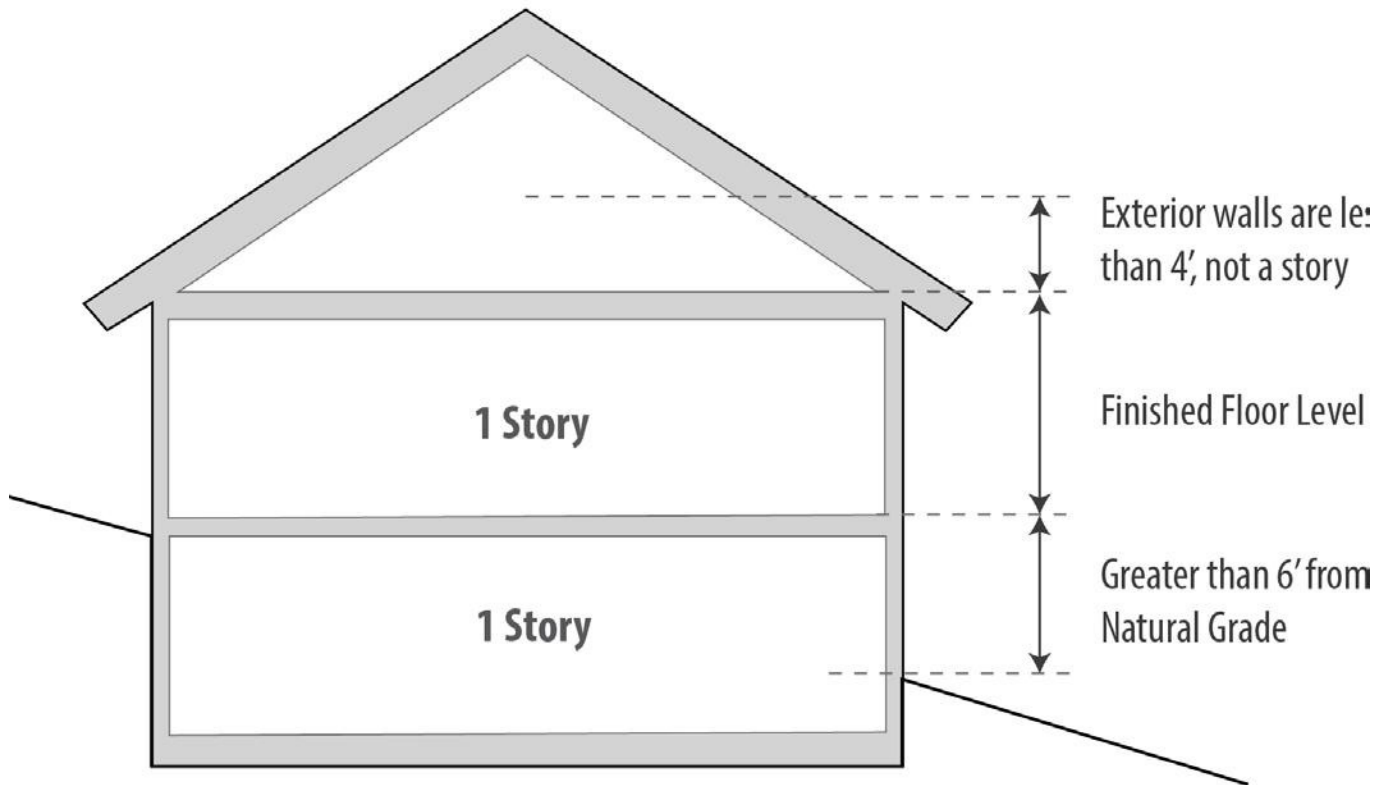
A piece of infrastructure that is non-moveable when installed that supplies electric energy for the recharging of plug-in electric vehicles.

### **STORY**

That portion of a building included between the upper surface of any floor and the upper surface of the floor above or roof next above, ~~ceiling or surface of the floor next above it, which ranges from 10 feet to 15 feet measured vertically.~~

If the finished floor level directly above a basement is more than 6 feet above natural grade for more than 50 percent of the total perimeter, such basement shall be considered a story.

A partial story under a gable, hip, or gambrel roof shall be considered a story when its top wall plates, on at least two opposite exterior walls are four feet or more above the floor of such story.

**STREET**

Includes the rights-of-way and cartways of a street, avenue, boulevard, road, roadway, highway, parkway, lane, alley, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**STREET LINES**

The lines that form the boundary of the street right-of-way as shown on the official City right-of-way map, or as amended as shown from the official map of the City Engineer.

**STREET WALL**

The wall formed by buildings and other elements, such as fences, walls, pillars and colonnades, located along a build-to-line.

**STREET, ARTERIAL**

A street which is used primarily for large volumes of traffic and includes facilities classified as primary and secondary highways by the State Department of Transportation.

[Added 9-24-2008 by Ord. No. 5120]

**STRUCTURE**

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

**SUBDIVISION**

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

**SUBSTANTIAL DAMAGE**

Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

## **SUBSTANTIAL IMPROVEMENT**

- Any repair, reconstruction, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage or repetitive loss regardless of the actual repair work performed.
- For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration of a structure listed on the National Register of Historic Places.

## **SWIMMING POOL, HOUSEHOLD OR PRIVATE**

A man-made area with walls of man-made materials capable of enclosing water of at least 24 inches of depth for bathing or swimming and that is intended to serve the residents of only one dwelling unit and their occasional guests. This definition includes household or private spas.

## **SWIMMING POOL, NON-HOUSEHOLD OR PUBLIC**

A man-made area with walls of man-made materials capable of enclosing water of at least 24 inches of depth for bathing or swimming and that does not meet the definition of a "household" swimming pool. This includes a semipublic pool that serves only residents of a development or members of a club and their occasional guests, or a public pool intended to serve the general public. This definition includes non-household or public spas.

## **TOP OF BANK**

A point above the mean water surface of a watercourse which defines the maximum depth of channel flow in the watercourse. It is either determined visually or computed as an elevation using the peak rate of runoff from a 100-year storm event.

## **TRADITIONAL NEIGHBORHOOD DEVELOPMENT**

An area planned and developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood may take the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

## **USE**

The purpose for which a structure or tract of land may be designed, arranged, intended, maintained or occupied and any activity, occupation, business or operation carried on or intended to be carried on in a structure, building or on a lot.

## **WETLAND BUFFER**

The transitional area extending from the outer limit of a wetland for a minimum width of 50 feet.

## **WETLANDS**

All lands regulated as wetlands by the Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers. In the event there is a conflict between the definitions of these

## YARD

~~An open area on a lot extending along a lot line and inward from such line. The minimum dimension of a required yard, as defined for each district, shall measure as the shortest distance between the lot line and a line parallel to such line. (See "building setback line.")~~

An open space that lies between the principal building and the nearest lot line. Such yard is unoccupied and unobstructed from the ground up except for accessory buildings or projections which are expressly permitted by this chapter.

## YARD (FRONT, REAR, SIDE)

(a) ~~(a) FRONT YARD~~ The yard nearest the street extending across the full width of the lot between the front lot line and the building setback line. (See "build-to line.")

A space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

(b) ~~REAR YARD~~ A yard extending the full width of the lot between the rear lot line and the building setback line.

A space extending the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line.

(c) ~~SIDE YARD(S)~~ A yard between the adjacent side lot line extending from the front yard to the rear yard and the building setback line.

A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building.

## ZONING ADMINISTRATOR

The agent or official charged by law with the administration and enforcement of this chapter.

## ZONING CODE

The Zoning Ordinance of the City of Easton and amendments thereto enacted under the provision of Act 247 by the City Council.

## ZONING PERMIT

An official document issued by the Zoning Administrator that authorizes the use or alteration of land, buildings, or structures for a specified purpose.

## § 595-05 Zoning permits and certificates of occupancy.

- A. Zoning permit required.** No person shall excavate for or store material, machinery or equipment on a lot in connection with the erection, enlargement, construction, placement, reconstruction, alteration, repair, extension, replacement, installation, restoration or conversion of any building or structure, or change the use, increase the intensity of use or extend or displace the use of any building, structure and/or lot or portion thereof in the City, nor cause any land disturbance, changes in grade, or development of land without first filing an application with the office of the Zoning Administrator, in writing, and obtaining the required zoning permit therefor. The application for a zoning permit shall be made prior to the time an application for a building permit is filed with the municipal officer who is authorized and designated to issue building permits. For purposes of administration, the zoning permit required herein shall be made part of a building permit but shall at no time be construed to be a building permit.
- B. Application form.** The application for a zoning permit shall be submitted in such form as the Zoning Administrator may prescribe.
- C. Who makes application.** Application for a zoning permit shall be made by the owner or lessee or agent or either of the building, other structure and/or lot or portion thereof, or the contractor or certified design professional employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- D. Permit time limitation.**
- (1) A zoning permit shall be deemed to have been abandoned six months after date of issue unless the authorized development and/or construction has been diligently prosecuted, except that, for reasonable cause, the Zoning Administrator may grant up to three extensions of time for additional periods not exceeding 90 days each. If the time period for corresponding variance or other action has expired, the zoning permit shall also expire.
- E. Action on application.**
- (1) The Zoning Administrator shall examine or cause to be examined all applications for permits and amendments thereto within 90 days of the filing of the application. If the application or the plans do not conform to the provisions of this chapter, he/she shall reject such application, in writing, stating the reasons therefor. He/she may also have the right to reject the applications or plans if the provisions of any City, county, state or federal laws have not been complied with. He shall also inform the applicant of his right to appeal to the Zoning Hearing Board.
  - (2) The Zoning Administrator may request information, as necessary, to determine compliance with this chapter.
  - (3) If he/she the Zoning Administrator is satisfied that the proposed use conforms with the regulations and provisions of this chapter and all laws and ordinances applicable

thereto, and that the certificate of use and occupancy as required herein has been applied for, he/she shall issue a permit thereafter as soon as practical.

**F. Temporary use permit.** It is recognized that there are special uses which, because of their unique characteristics or temporary or seasonal nature, cannot be properly classified in any particular zoning district without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular location. A temporary use permit may be approved to allow the limited use of structures or activities; however, no temporary use permit shall be issued which would have the effect of providing a temporary means of establishing permanence.

- (1) The following uses are specifically prohibited from being issued a temporary use permit:
  - (a) Adult entertainment.
  - (b) Shooting range.
  - (c) Treatment, rehabilitation, or correctional facilities.
  - (d) Except for a Cottage Industry, light industrial and agricultural uses.
  - (e) Heavy manufacturing and industrial uses.
  - (f) Freight depot or parking structure.
- (2) The Zoning Officer may issue a temporary use permit that shall not exceed 90 days in aggregate in a single calendar year, after review by the Planning Administrator, Chief Code Administrator, City Engineer, and Health Officer.
- (3) The use shall not exert a detrimental effect upon the uses of land and activities normally permitted in the zone.
- (4) The temporary use permit shall not authorize the construction of any permanent structures.
- (5) The Zoning Officer, Planning Administrator, Chief Code Administrator, City Engineer, and Health Officer shall impose safeguards for the public health, safety, and welfare as conditions of the temporary use permit.

**F.G.** Compliance with chapter 14.01. A zoning permit shall not be construed as authority to violate, cancel or suspend any of the regulations and provisions of this chapter, except as specifically stipulated by modification or legally granted variance or special exception by the Zoning Hearing Board; nor shall a zoning permit be construed as a permit to build.

**G.H.** Posting permit. The zoning permit required under this section shall be kept posted upon the premises for which it was issued. It shall be displayed so that it can be seen from the street during the entire time of authorized development and/or construction as defined in the application is being performed.

**H.I.** Permit revocation. The Zoning Administrator may revoke a permit, certificate or approval issued under the provisions of this chapter in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

**I.J. ~~SUSPENSION OF WORK~~ Suspension of work.** Any zoning permit issued shall become invalid if the development is suspended or abandoned for a period of six months after the time of commencing such development as approved by the permit, except that, for reasonable cause, the Zoning Administrator may grant up to two extensions of time for additional periods not exceeding 90 days each.



**J.K.** Certificate of use and occupancy required. No change in the use or character of the occupancy of land nor any change in the use or character of occupancy in an existing building or structure shall be made, nor shall any new building or structure be occupied for any purpose, until a certificate of use and occupancy has been issued by the office of the Zoning Administrator. A certificate of use and occupancy shall be required for each lot or use where applicable.

**K.L.** Application for certificate. No permit as required under this section shall be issued until an application for a certificate of use and occupancy has been made. Every application for a change in use of a building or structure or for a new or changed use of land where no building permit is required shall be made directly to the office of the Zoning Administrator. The application for such certificate shall be submitted in such form as the Zoning Administrator may prescribe and shall be accompanied by the required fees as prescribed in 95-05Q05R.

**L.M.** Certificate issuance. No certificate of use and occupancy shall be issued until the erection, construction or alteration has been completed for the use established and accepted and approved by the office of the Zoning Administrator and the building or premises shall not be occupied until the certificate of use and occupancy is issued. Provided that such certificate shall be issued or written notice shall be given to the applicant stating why a certificate cannot be issued not later than 14 days after the office of the Zoning Administrator is notified, in writing, that the building or premises is ready for occupancy.

**M.N.** Temporary certificate. Upon request of a lawful permit, the Zoning Administrator may issue a temporary certificate of use and occupancy for the completion of a structure, building and/or lot, or portion thereof where the total development covered by the permit shall have been completed, provided such portion may be used and/or occupied safely prior to full completion of the work without endangering life or public welfare. The Zoning Administrator may also issue a temporary certificate of use and occupancy for such temporary uses as a tent, use of land for religious or other public or nonpublic purposes, and/or for similar temporary use and/or occupancy. Such temporary certificates shall be for the period of time to be determined by the Zoning Administrator, in no case for a period exceeding six months.

**N.O.** Certificate contents. The certificate of use and occupancy shall certify compliance with the provisions of this chapter or, if a lawfully existing nonconforming use, building or structure, it shall state wherein the use, building or structure is nonconforming.

**O.P.** Right of entry. In the discharge of his/her duties, the Zoning Administrator or his/her authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises to enforce the provisions of this chapter.

**P.Q.** Previous approvals. Nothing in this chapter shall require changes in the plans, construction or designated use of a building, structure and/or lot for which a lawful permit has been issued or otherwise lawfully authorized before the effective date of this chapter and the construction or use of which shall have been actively prosecuted within 14 days after the effective date of this chapter. Any construction or use for which such permit has been issued or otherwise lawfully authorized, which has not been actually prosecuted within the above time limit, shall be required to conform with the regulations and provisions of this chapter.



~~Q.R.~~ Fee schedule.

- (1) Permits. A fee shall be submitted with each zoning permit application as provided in Chapter 285, Fees, of the Code of the City of Easton.
- (2) Certificate of use and occupancy.
  - (a) Application. No fee shall be charged for an application for a certificate of use and occupancy.
  - (b) Issuance. The fees charged for the issuance or copy of a certificate of use and occupancy shall be collected at the time of application and as provided in Chapter 285, Fees, of the Code of the City of Easton.

DRAFT

## § 595-09 Use regulations.

### A. Use definitions.

#### (1) Residential uses.

(a) A1 Single-Family Detached. A structure having open space on all four sides, containing one dwelling unit, and occupied by a single housekeeping unit.

(b) A2 Single-Family Semidetached. A single-family dwelling attached to another single-family dwelling by a common vertical wall, with each dwelling located on a separate lot, having open space on three sides, and occupied by a single housekeeping unit.

(c) A3 Single-Family Attached. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access, no unit is located over another, each unit is separated from any other unit by one or more vertical common walls, and each unit is occupied by a single housekeeping unit. A row of single-family attached units will have two end units that have open space on three sides (e.g., townhouse, row home).

(d) A4 Two-Family Detached. A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from exterior wall to exterior wall, having open space on all four sides (e.g., duplex), and each dwelling unit is occupied by a single housekeeping unit.

(e) A5 Two-Family Semidetached. A two-unit dwelling attached to another dwelling by a common vertical wall, with each dwelling located on a separate lot, having open space on three sides, and each dwelling is occupied by a single housekeeping unit.

(f) A6 Two-Family Attached. A residential structure on a single lot containing two dwelling units, one over the other, in a row of at least three dwellings, with open space on two sides, a common party wall in common, with adjoining dwellings on separate lots on either side, and each dwelling unit is occupied by a single housekeeping unit.

(g) A7 Multifamily. A residential structure containing more than two but less than five dwelling units, each totally separate from the others by an unpierced wall, ceiling or floor, and each dwelling unit is occupied by a single housekeeping unit. Multifamily structures shall not contain more than three stories.

(h) A8 Residential Low-Rise. One or more multifamily structures, containing a maximum of three stories, and including related amenities (e.g., common open space), and each dwelling unit is occupied by a single housekeeping unit. Garden apartment type development shall be included in this definition.

(i) A9 Residential Mid-Rise. A residential structure containing three to five stories and five or more dwelling units, including related amenities, and each dwelling unit is occupied by a single housekeeping unit.

(j) A10 Residential High-Rise. A residential structure containing a minimum of six stories and including related amenities, and each dwelling unit is occupied by a single housekeeping unit.

(k) A11 Rooming House. A structure in which lodging is provided by the operator to no more than three persons. No individual rental room shall have independent outside access nor separate cooking and/or separate bathroom facilities.

(l) A12. Mixed Residential/Business. A structure containing both dwelling-unit and commercial components as principal uses. Each dwelling unit shall be occupied by a single housekeeping unit. This use shall not include a mixed-use/dormitory.

(m) A13 Group Homes. Public or private dwelling which render supervised care in a residential setting to more than one person with a disability who maintain a common household. Nursing homes and other long-term care facilities are excluded and are considered institutional uses.

(n) A14 Dormitory. A building that contains rooms or groups of rooms that provide sleeping and living accommodations solely for students enrolled at a college, university or similar institutional facility and members of its faculty or staff, provided that the dormitory is owned or managed by the institution where the students are enrolled or is owned or operated for the interests of and operated for the benefit of that college or university. The rooms or groups of rooms may include provisions for eating, cooking and sanitation in addition to living and sleeping. Dormitories may have a maximum of four nonrelated individuals living in a unit.

(o) A15 Mixed-Use/Dormitory. A structure containing a dormitory [as defined in use Subsection A(1)(n) above] and commercial and/or service components open to the public at or below grade level, as otherwise permitted by a lot or special exception within the district, as principal uses.

(p) A16 Manufactured Home Park. Any site, lot, field, or tract of land, privately or publicly owned or operated, upon which two or more mobile homes, used for living, eating or sleeping quarters for persons not related to the proprietor or his agent, are or are intended to be located, whether operated for or without compensation by whatsoever name or title they are colloquially or commercially termed.

(q) A17 Short-Term Rental. Any living quarters or accommodations in which the owner and/or landlord rents or leases for a term not exceeding one month.

(r) A18 Fraternity or Sorority. A type of boardinghouse, regulated as such, which is occupied by organized groups of higher education students, and which is officially recognized as a "fraternity or sorority" by such institution.

(2) Arts, entertainment and recreational uses.

(a) B1 Cultural Activities and Exhibitions. Establishments such as museums, art galleries, and similar activities of an historical, educational, or cultural interest.

(b) B2 Amusements. Establishments engaged in providing amusement or entertainment and activities characterized by one or more of the following: building or site development intensive, regional in nature, spectator oriented, fee required, and community impacts; - e.g., such as lighting, trash, noise, traffic. These include dance halls, theatrical productions, cinemas, musical entertainment, ~~billiard halls,~~ and sports arenas.

(c) B3 Parks. Tracts of land designated and used by the public for active and passive recreation.

(d) B4 Private Social Club. Organizations catering exclusively to members and their guests, providing noncommercial recreation, athletic or social functions. A private social club shall also include a place where food, drinks or refreshments are prepared for sale or for service on the premises exclusively to members with or without charge. Use may include gaming or gambling on the premises exclusively to members.

(e) B5 Adult Entertainment. Any business or part thereof which offers goods and/or services intended to provide sexual gratification or are generally considered sexual in nature, including, but not limited to, adult arcades, adult book stores, adult cabarets, adult novelty stores, adult massage parlors, adult movie theaters, adult performances, adult visual material, or video stores, and such similar or related uses.

(f) B6 Athletic Facilities. A facility or facilities devoted to recreation or sport, such as a playing field where sporting events take place, or public swimming pool.

(g) B7 Zoo. A facility with usually indoor and outdoor settings where living, typically wild animals are kept, especially for public exhibition.

(h) B8 Indoor Shooting Range. A facility designed and operated for the use of archery or firearms for the purpose of providing shooting.

(i) B9 Nightclub. A commercial entertainment establishment open at night that typically provides food and alcoholic beverages and space for dancing and amplified music, such as a live band, DJ, or stereo sound system. The entertainment facilities utilize more than 10% of the gross floor area of the use. This use does not include adult entertainment.

(j) B10 Bar or Pub. An establishment where the primary purpose is the sale of alcoholic beverages to the public, for consumption within or off the premises, and may include the sale of prepared food. This use may have entertainment facilities that utilize no more than 10% of the gross floor area of the use. This use does not include adult entertainment.

(k) B11 Entertainment and Gaming Establishment. An establishment in which the principal purpose is entertainment through game machines, such as an arcade, billiard games, a bowling alley, or similar recreational or entertainment activities, where prizes do not include money.

(l) B12 Gambling Establishment. An establishment where gambling games for money or risk a sum of money against another's based on the outcome of a game or event, whether skill-based or not.

### (3) Retail uses.

(a) C1 Shopping Gallery. A group of at least three commercial establishments planned, constructed and managed as a total entity under a single roof sharing a common main entrance.

(b) C2 General Bookstore/Coffee Shop. An establishment primarily engaged in the buying, selling and/or trading of new and/or used books, manuscripts, and periodicals of

general interest, with an integral coffee shop which has a floor area not to exceed 20% of the use. This use is commonly found in conjunction with a college or university and may include the sale of gifts and apparel.

(c) C3 General Merchandise. Retail establishments or places of business engaged in selling or rental of general commodities or goods to the public with a footprint not ~~greater~~ more than 4,000 square feet. This use does not include pharmacy, ~~sale of liquor, wholesale or distributor of beer, guns, smoke or vape shops, or other retail specialty establishments or the sale of items listed in C6 Retail Specialty Establishments.~~

(d) C4 Food Establishments. An establishment with a building footprint ~~less of not more~~ than 4,000 square feet where food or beverage intended for human consumption is kept, stored, dressed, handled, sold, or offered for sale with or without charge either at wholesale or retail and not consumed on the premises. This establishment may include the sale of "six packs" of beer or liquor, except when sold as part of an eating and drinking place; however, "food establishment" does not include eating and drinking places, wholesale beer distributors, or retail specialty.

(e) C5 Eating and Drinking Places. Includes any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, ~~tavern~~, sandwich stand, soda fountain, hospital kitchen, dining room or snack bar, school lunchroom or cafeteria, or any other place where food, drinks or refreshments are prepared for sale or for service on the premises and any other eating and drinking place where food or service is provided for the public with or without charge. However, this definition does not include private households or private social club.

(f) C6 Retail Specialty Establishments. A retail store primarily engaged in selling liquor, wholesale or distributor of beer, or gun sales, selling smoke, or vape, cannabidiol (CBD), or similar shop products, or automotive parts and accessories.

(g) C7 Wholesale Trade. Establishments or places of business ~~primarily~~ engaged in selling merchandise to retailers, commercial, industrial, institutional, or professional business buyers but not to consumers or the public in general.

(h) C8 Motor Vehicle Sales. The use of any building, land area or other premises for the display, sale, and incidental service of new or used automobiles, motorcycles, trucks, or recreational vehicles.

(i) C9 Liquid Fuels. Establishments or places of business offering for sale oil, gas, kerosene, propane and other similar fuels on a retail or wholesale basis.

(j) C10 Electric Vehicle Charging Facility. A facility with the primary function of charging electric vehicles. The facility contains stationary electric vehicle charging stations which are a piece of infrastructure that supplies electric energy.

(~~jk~~) ~~C10-C11~~ Retail Sales - Large Scale. Retail establishments or places of business engaged in selling or rental of general commodities or goods to the public. This use includes any establishment with a building footprint of 4,000 square feet or greater.

(~~kl~~) ~~C11-C12~~ Pharmacy. A place where drugs and medicines are prepared and dispensed. This definition includes medical marijuana dispensaries.

(m)C13 Convenience Store. A use that primarily sells routine household goods, groceries, and prepared ready-to-eat foods to the general public, and that includes a building with a floor area of not more than 4,000 square feet. This use may also include the accessory sale of liquid fuels, electric vehicle charging, alcoholic beverages, vape and tobacco products.

(n)C14 Grocery Store. An establishment engaged in the retail sale of a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. This use may also include the accessory sale of alcoholic beverages, vape and tobacco products.

(o)C15 Mixed-use Commercial. A non-residential building with more than one commercial tenant space, and more than one non-residential use classification.

(4) Service uses.

(a) D1 Information and Data Processing. Establishments such as, but not limited to, software publishing, the motion ~~picture~~picture, and sound-recording industries; the broadcasting industries; telecommunications industries; internet service providers and web search portals; data processing industries; and information services industries. Information and data processing use shall not include Internet-based operations where goods are kept, stored, handled ~~sele~~sold, or offered for sale or transfer with or without charge either at wholesale or retail (e.g., World Wide Web auctioneers).

(b) D2 Finance, Insurance, Real Estate. Establishments, such as, but not limited to, banks, trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, exchange traders and real estate agents.

(c) D3 Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, including, but not limited to, laundry, cleaning and garment services, hair cutting and pressing, linen supply, diaper service, coin-operated laundries, dry cleaning shops, carpet and upholstery cleaning, hair, skin and/or nail shops, spas, weight reduction salons, health and gym clubs, massage and acupuncture parlors, shoe repairs, hat cleaning, funeral services, clothing rental, locker rental and repair services.

(d) D4 Business Services. Establishments primarily engaged in rendering services to business establishments, such as advertising and mailing, building maintenance, employment service, management and consulting service, protective service, equipment rental and leasing, commercial research, development and testing, printing, commercial copy centers, personnel supply services, union halls and chambers of commerce.

(e) D5 Repair Services. Establishments primarily engaged in rendering services for the repair or maintenance of appliances, watches, guns, bicycles, locks, small business machines, electronic and precision equipment.

(f) D6 Professional Services. Establishments primarily engaged in rendering services in the field of architecture, engineering, surveying, law, art, literature, music, ~~travel~~travel, and photography.

(g) D7 Administrative Offices. Establishments primarily engaged in management and general administrative functions, such as executive, personnel and sales activities performed centrally for other establishments of the same company, including government administrative offices.

(h) D8 Hotel/Motel. Facilities offering overnight lodging accommodations to the ~~general public~~ and providing additional services such as restaurants, meeting rooms and recreation facilities which are not necessarily restricted to lodging guest use.

(i) D9 Bed-and-Breakfast. An establishment in a private, owner-occupied dwelling that supplies temporary accommodations to overnight guests for a fee. Any additional services such as dining shall be limited to lodging guest use only. No more than eight guest rooms shall be provided.

(j) D10 Community Services. Establishments rendering social services to the public, including welfare institutions, United Way, Red Cross, Salvation Army, and similar uses.

(k) D11 Day-Care Center. A facility which is licensed by the Commonwealth of Pennsylvania Department of Public Welfare to provide care to a cumulative number of seven or more children during any twenty-four hour period, where the child-care areas are not used for a family residence.

(l) D12 Check-Cashing Facility. A business establishment that provides financial services limited to the exchange of cash for a personal or business check, money order, or similar credit device, for a fee, as well as the sale of money orders and cash gift cards. Such facilities do not provide loans, savings or checking accounts, or any other such services generally offered by bank, savings and loan, credit union, or other regulated financial services.

(m) D13 Pawnshop. An establishment in which is carried on the business of pawn brokerage, or the business of receiving money for the broker or for another person, receiving as security for payment thereof pawns or pledges of property, or the business of buying personal property and reselling or agreeing to resell, trade or exchange the article to vendors, their personal representatives or their assignees at a price agreed upon at or before the time of purchase, whether the business be the principal or sole business so carried on or merely incidental to, in connection with or a branch or a department of some other business.

(n) D14 Automotive Repair. Businesses that specialize in automotive repair. This use may include the sale of automotive parts as an ancillary use.

(o) D15 Medical Services. Establishments that provide outpatient health services, primarily engaged in the field of dentistry, chiropractic, medicine, imaging, psychiatry, and psychology.

(p) D16 Kennel. Any place used for breeding, boarding, or keeping of dogs and/or cats over the age of four months.

(5) Institutional uses.

(a) E1 Educational Services. Establishments such as preschool, primary schools, secondary schools, postsecondary schools, technical schools, colleges, libraries, and related administrative activities, both public and private.

(b) E2 Government Services. Establishments primarily engaged in rendering services under the auspices of a department, commission, independent agency, or instrumentality of the federal, state, county or City governments.

(c) E3 Hospitals. Establishments that provide inpatient health services, many of which can only be provided using the specialized facilities and equipment that form a significant and integral part of the production process.

(d) E4 Extended-Care Facility. An institution or part of an institution that is licensed or approved to provide health care under medical supervision for two or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. This includes nursing homes and hospices.

(e) E5 Religious Worship Services. Structures or places in which worship, ceremonial rituals to a particular system of religious beliefs are held, including churches, temples, synagogues, and shrines, and burial places.

(f) E6 Residential Treatment Facility. A facility whose primary function is to temporarily house individuals for the purpose of receiving medical, psychological, or social treatment and/or counseling. This shall only apply to those groups covered as protective classes under federal law.

(g) E7 Rehabilitation Facility. A facility which provides treatment and rehabilitation services, which may include room and board, personal care, and intensive supervision and casework for one who houses individuals, whether adult or juvenile, receiving therapy and counseling under the supervision and constraints of alternatives to imprisonment, but not limited to, parole, release, work release, restitution, or probationary programs.

(h) E8 Correctional Facility, Prison or Jail. A facility for the confinement of a person convicted of a crime and sentenced to incarceration.

(i) E9 Burial place or Cemetery. Land used or intended to be used for the burial of the dead and dedicated for Cemetery purposes, including columbarium, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such Cemetery.

(j) E10 Crematorium. An enclosed facility wherein human or animal remains are cremated in an approved cremation retort.

(6) Light industrial and agricultural.

(a) F1 Trade Contractors. An establishment in which the primary activity of the proprietor is performing specific activities involved in building construction or other activities that are similar for all types of construction.

(b) F2 Food Processing. An establishment in which food and kindred products are processed or otherwise prepared or packed for distribution to retail establishments.



(c) F3 Furniture and Other Furnishings Manufacture. An establishment in which furniture, including carpeting and other furnishings, are assembled, or otherwise processed for distribution to retail establishments.

(d) F4 Publishing. An establishment engaged in the art, practice, or business of producing books, magazines, newspapers, and other printed material for distribution to retail establishments.

(e) F5 Textile Mill Products. An establishment in which filament or yarn used in making cloth is prepared for distribution to finishing establishments.

(f) F6 Apparel, Finished Products. An establishment in which cloth, leather and kindred materials are assembled and otherwise processed for distribution to retail establishments.

(g) F7 Lumber and Wood Products. An establishment in which lumber and wood products, except furniture, are processed for sale to retailers and the public.

(h) F8 Warehouse and Storage. Structures or other facilities used primarily for the storage of goods and materials, whether public or private.

(i) F9 Computers and Electronics. Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products.

(j) F10 Cottage Industry. An ancillary, light industrial use, employing a maximum of three employees. The use includes, but is not limited to, carpentry, upholstery, woodworking, pottery, food production, mechanical repair, glassworks, or similar uses.

(k) F11 Husbandry. All systems modified or created specifically to grow or raise biological products for consumption or use. Such as the breeding, cultivation and production of crops or animals. This includes cropland, pasture, orchards, groves, vineyards, and series of ornamental or cultural area, and confined feeding areas.

(7) Heavy Manufacturing and industrial uses.

(a) G1 Outdoor Storage Area. An area, ~~in excess of~~ more than 200 square feet and not contained within a building, on which materials and objects are stored but not processed, manufactured, or abandoned. Such use is not open to the public, and materials and objects are not available for sale, whether retail or wholesale.

(b) G2 Chemical Industries. Limited to research and development laboratory, similar experimental testing, or scientific establishment.

(c) G3 Petroleum Industries. Limited to research and development laboratory or similar experimental testing or scientific establishment.

(d) G4 Plastics and Rubber Industries. Limited to research and development laboratory or similar experimental testing or scientific establishment.

(e) G5 Stone, Clay, and Glass Industries. An establishment engaged in the production of glass and the processing or storage of stone, clay, or glass products, not including art, for the distribution or sale to other manufacturers, retailers, and the public.

(f) G6 Primary Metal Industries. An establishment engaged in the production of primary metal products such as iron, steel, aluminum, etc., for distribution to fabricators or retailers.

(g) G7 Fabricated Metal Industries. An establishment engaged in the transformation of metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture or treating metals and metal-formed products fabricated elsewhere. Such uses engage in forging, stamping, bending, forming, and machining, used to shape individual pieces of metal, and other processes, such as welding and assembling, used to join separate parts together. Fabricated metal industries may use one of these processes or a combination of these processes. An establishment engaged in the processing and storage of metal products for distribution to manufacturers or retailers is not including junkyards.

(h) 8 Recycling Collection Facility. A center for the acceptance, by donation, redemption, or purchase, of recyclable materials from the public. Such a facility does not use power-driven equipment, except for compacting.

(i) G9 Recycling Processing Facility. An establishment entirely contained in a building and ~~in excess of more than~~ 200 square feet, used for the collection and processing of recyclable materials, including the preparation of material for efficient shipment or to the end user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Such a facility uses power-driven processing equipment but is not engaged in metal fabrication.

(j) G10 Salvage Yard. An establishment not entirely contained within a building and ~~in excess of more than~~ 200 square feet for the controlled storage and processing of reusable materials, including the preparation of material for efficient shipment or to the end user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, and cleaning. Such establishment is not engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or parts thereof or parts thereof, nor manufacturing of end products or metal fabrication. A salvage yard does not use power-driven processing equipment.

(k) G11 Solid Waste Disposal Facility. A sanitary landfill, an incinerator, a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal and is constructed and approved in accordance with the requirements of the Commonwealth of Pennsylvania. Such facilities collect solid waste, including all putrescible and nonputrescible solid and semisolid wastes, except human excreta, but including garbage rubbish, ashes, street cleanings, dead animals, offal, and solid commercial, industrial and institutional wastes. Such facility does not engage in manufacturing, remanufacturing, or fabrication, nor collect or store broken or ~~nonoperable inoperable~~ vehicles, machinery, or parts thereof. Such use shall not engage solely in collection or processing of recyclable materials.

(8) Transportation, communications facility, and utility uses.

(a) H1 Passenger Depot. A regular stopping place in a passenger transportation route, including a bus station, taxi or limo stand, train station and airport or heliport.

(b) H2 Freight Depot. An area or building used as a regular stopping place in a freight carrier line for trucks, trains, or airlines, with classifying yards, docks, and related facilities.

(c) H3 Parking Lot. Any public or private land area designed and used for parking motor vehicles.

(d) H4 Parking Structure. Any public or private land area or structure designed and used for parking motor vehicles.

(e) H5 Mixed Use Parking Structure. A structure containing a parking structure [as defined in Subsection A(8)(d), use H4, above], and a commercial component open to the public at grade level, as otherwise permitted by right or special exception within the district, as principal uses.

(f) H6 Utility Services. Establishments engaged in the generation, transmission and/or distribution of electricity, gas, steam, or water. Also included are water and wastewater treatment facilities.

(g) H7 Communications Facilities. A group of single communications antenna, communications equipment building, and/or communications tower, as defined and regulated in Part 4 of this chapter.

(9) Accessory uses.

(a) I1 Accessory Amusements. A portion of a structure, not exceeding 25% of the gross floor area of the principal use, engaged in providing amusement or entertainment for the exclusive use of patrons or clientele of the principal use and where prizes do not include money.

(b) I2 Accessory Office. A portion of a nonresidential structure, not exceeding 25% of the gross floor area used for conducting the affairs of a business, profession, service, industry, or government, and totally subordinate and incidental to the primary use of the

(c) I3 Small Accessory Structure. A structure or other feature detached from and on the same lot as the principal use to which it is customarily incidental and subordinate, such as garages, sheds, fencing, walls, basketball courts, pavements, and other stationary man-made objects. These structures shall not exceed 15 feet in height, and shall not be more than 15% of the gross floor area of the principal use.

(d) I4 Large Accessory Structure. A structure or other feature detached from and on the same lot as the principal use to which it is customarily incidental and subordinate, such as vehicle and storage garages. These structures shall not have a height greater than 10 feet less than the height of the principal use or 25 feet in height, whichever is lower, and shall not exceed 30% of the gross floor area of the principal use.

(e) I5 Temporary Structure. A structure without a foundation or footing necessary during construction or other special circumstances of a nonrecurring nature and which is completely removed upon completion of the project/event or within a period of no more than six months. Included are truck trailers, mobile offices, and tents.

(f) I6 Accessory Storage. Storage or warehousing which is customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. An accessory storage area shall not exceed 25% of the gross floor area of the principal structure.

(g) I7 Accessory Parking Area. A parking area located on a lot occupied by a principal structure and use, and is customarily incidental and subordinate to support the principal structure and use. ~~Such parking may or may not be customarily incidental to the principal use.~~

(h) I8 Accessory Swimming Pool. A private not-for-profit swimming pool located on the same lot as the principal use to which it is customarily incidental and subordinate and is used for the exclusive use of the occupants and their guests of the principal structure. Swimming pools installed outside of the building envelope ~~Such uses~~ are permitted in rear yards only, ~~shall be completely enclosed with a four foot high fence~~ and shall be set back at least six feet from the rear lot line, six feet from the side lot line and four feet from any other structure.

(i) I9 Accessory Hot Tub. A private not-for-profit swimming pool located on the same lot as the principal use to which it is customarily incidental and subordinate and is used for the exclusive use of the occupants and their guests of the principal structure. Hot tubs installed outside of the building envelope are permitted in rear yards only and shall be set back at least six feet from the rear lot line, 3 feet from the side lot line, and two feet from any other structure.

(~~ij~~) ~~I9-I10~~ Accessory Religious Shelter. A temporary homeless shelter and operated under the supervision of an established religious group. Such temporary use shall be located in an area of an existing worship service facility suitable for such use and subject to the approval of the City's fire, building and health offices in accordance with applicable codes and standards. The operation of an accessory religious shelter shall be limited in duration to three one-month periods in a given year at a given site. Approval shall not be required for use in consecutive months. Use shall be limited to the hours of 6:00 p.m. to 8:00 a.m.

(~~jk~~) ~~H0-I11~~ Small Family Day-Care Home. An accessory home occupation operated for profit or not for profit in which child day care is provided on a regular basis to no more than three children who are not relatives of the caregiver during any twenty-four-hour period.

(~~kl~~) ~~I1-I12~~ Large Family Day-Care Home. An accessory home occupation operated for profit or not-for-profit in which child day care is provided on a regular basis to no more than six children who are not relatives of the caregiver during any twenty-four-hour period.

(~~lm~~) ~~H2-I13~~ No-Impact Home-Based Business (Accessory Home Business). A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions, to or from the premises in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

[1] The business activity shall be compatible with the residential use of the property and surrounding residential uses.

[2] The business shall employ no employees other than family members residing in the dwelling.

[3] There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

[4] There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

[5] The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, colors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

[6] The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

[7] The business activity shall be conducted only within the dwelling and may not occupy more than 5% of the habitable floor area.

[8] The business may not involve any illegal activity.

~~(mn)~~ ~~H13-I14~~ Nonresidential Solar Energy System. A solar energy system that is an accessory use to a nonresidential use in any zoning district and mounted on the principal building on the lot.

~~(no)~~ ~~H14-I15~~ Residential Solar Energy System. A solar energy system that is an accessory use to a lawful residential use in any zoning district and mounted on the principal building on the lot.

I16 Accessory Dwelling Unit. A smaller, independent residential dwelling unit located on the same lot as a principal use that includes provisions for sleeping, eating, cooking, and sanitation.

(q)I17 Accessory Electric Vehicle Charging. A stationary electric vehicle charging station installed as an incidental and subordinate use to a principal use for public use to recharge electric vehicles.

(10) Forestry.

(a) J1 Timber Activities. The management, maintenance, cultivation and harvesting of timber outside of the public right-of-way from a site of 1/4 acre or more or a linear extent in any direction greater than 200 feet. The production or processing of lumber shall be considered an industrial use and is not included in this definition. Trees regulated by Chapter 554, Trees, Shade, shall not fall under this definition.

(b) J2 Timber Harvesting Operation. The uprooting or removal of five or more trees per acre of six-inch caliper or greater from any lot or tract which has a gross area prior to any subdivision or land development of more than one acre and which is undertaken in

compliance with an approved timber harvesting plan. "Forestry," as defined by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., as amended, shall also be considered a tree harvesting operation and shall require the submittal and approval of a timber harvesting plan. (See also "selective cutting.")

(11) Advertising.

(a) K1 Advertising. The use of off-premises signage.

B. Use or occupancy to conform to zoning provisions. ~~Except as provided by law or in this chapter, no building, structure or land shall be used or occupied except for the purposes permitted in each district and further subject to Part 3, Zoning General Regulations. Unless otherwise provided by law or specifically in this chapter, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.~~

(1) Principal building(s). A lot may contain more than one principal building, provided each building conforms to the provisions of this chapter for principal buildings.

(2) Mixed-use non-residential buildings. A non-residential building, with more than one commercial tenant space, may contain more than one principal use. Each commercial tenant space may have a different use as permitted within the district in which the building is located. The principal use of the entire building shall be C15 Mixed-use Commercial.

C. Uses not listed. Uses not listed or without a definition shall be a use compatible with, and shall be considered a special exception in the zoning districts as follows:

(1) All undefined residential uses shall be considered as a special exception in the College Hill, Downtown, South Side, and Ward Zoning Districts.

(2) All undefined amusement, and recreational uses shall be considered as a special exception in the Adaptive Reuse, and River Corridors and Other Green Areas Zoning Districts.

(3) All undefined retail uses shall be considered as a special exception in the Downtown and Street Corridor Enhancement Overlay Zoning Districts.

(4) All undefined service uses shall be considered as a special exception in the Downtown Zoning District.

(5) All undefined institutional uses shall be considered as a special exception in the Adaptive Reuse, Expressway Transitional, Institutional-1, and Institutional-2 Zoning Districts.

(6) All undefined agricultural, industrial, manufacturing, transportation, communications facility, utility, and accessory uses shall be considered as a special exception in the Adaptive Reuse, Expressway Transitional, and Innovation Overlay Zoning Districts.

D. Prohibited activities and uses. Given the predominantly residential character of the City of Easton, its unique natural setting and its intent to preserve and enhance the quality of its air, land and water, certain uses and activities are hereby recognized and generally known to give off noxious odors, disturb the tranquility of a large area by making loud noises, have the obvious potential of poisoning the air or the water of the area, or similarly have clearly deleterious effects upon the general public, or are otherwise detrimental to the general health and welfare of the public. Such uses are specifically prohibited from all areas of the City and shall include:

- (1) The use of fire, explosives or other chemical reactions to alter, grade or otherwise reshape the natural landform of the City.
- (2) Any use which will cause public hazard whether by fire, explosion or by the use of processes involving explosives, poisons, dangerous chemicals, or other substances and any use clearly noxious or offensive by reasons of dust, odor, smoke, gas, vibration or noise.
- (3) Dumps or junkyards.
- (4) Open-air retail sales and vending activities except as specifically authorized on Centre Square or during periods of community bazaars and similar events authorized by council.
- (5) Any use involving activities which constitute violation of the Act of 1977, November 5, P.L. 221, No. 68, § 1 et seq., as amended (18 Pa.C.S.A. § 5903), relating to display, sale, vending, distribution or exhibiting of obscene and other sexual material. The term "obscene" as used in this subsection shall be defined in the same manner as set forth in the aforesaid statute.
- (6) Any unscreened or unbuffered outdoor storage area.
- (7) ~~Habitation~~ Except where otherwise permitted, habitation in necessary buildings.
- (8) Flammable liquid storage of any kind except where permitted and controlled under Retail Use C9, Liquid Fuels, and for normal storage of home or business heating fuel oil necessary for the site on which it is located and not for sale or redistribution.
- (9) Other similar uses as mentioned above.
- (10) Any activities or uses otherwise prohibited or illegal.

E. Applicability of other laws. Uses permitted by right or as special exceptions shall, in addition to meeting the provisions of this chapter, conform with all applicable laws, ordinances, regulations or statutes of the City, state and federal governments which regulate such uses.



## § 595-12 College Hill (CH) District.

A. Legislative intent. The purpose of the College Hill District is to protect the character of this unique hillside neighborhood adjoining Lafayette College, accommodating a mix of housing types and development intensities, neighborhood retail and commercial services, green space, and appropriate infill.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.-

- (1) J1 Timber activities (in accordance with § 595-32, Supplemental standards).
  - (2) J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).
  - (3) The following uses are permitted in Block Class A:
    - (a) A1 Single-family detached dwelling.
    - (b) A2 Single-family semidetached dwelling.
    - (c) A3 Single-family attached dwelling.
    - (d) A4 Two-family detached dwelling.
    - (e) I3 Small accessory structure.
    - (f) I5 Temporary structure.
    - (g) I6 Accessory storage.
    - (h) I7 Accessory parking area.
    - (i) I8 Accessory swimming pool.
    - (j) I9 Accessory hot tub
    - (k) I12-I13 No-impact home-based business.
    - (l) I16 Accessory dwelling unit.
    - (m) I17 Accessory Electric Vehicle Charging
  - (4) In addition to the uses permitted in Block Class A, the following uses are permitted in Block Classes B and C:
    - (a) A5 Two-family detached dwelling.
    - (b) A6 Two-family attached dwelling.
- C. Special exception uses. All uses subject to Supplemental Standards §595-32.
- (1) A7 Multifamily dwelling.
  - (2) A8 Residential low-rise.
  - (3) B3 Parks.
  - (4) E5 Religious worship services.
  - (5) H6 Utility service.



(6) H7 Communications facility.

- (7) I4 Large accessory structure.
- (8) I9 Accessory religious shelter.
- (9) ~~H0-I11~~ Small family day-care home.
- (10) E1 Educational services.

D. Dimensional criteria. The dimensional criteria for the College Hill (CH) District shall be in accordance with the following table: [Amended 9-8-2021 by Ord. No. 5758]

	Blocks			Minimum Lot Requirements		Minimum Yard Setbacks				
						Build-To		Maximum Building		
	Area (square feet)	Width (feet)	Line (feet)	Side <sup>1</sup> (feet)	Rear (feet)	Height (feet)	Maximum Impervious Coverage			
								A	B	C
Single-family detached dwelling unit	X			9,500	60	*	10	40	40	50%
		X		5,000	50	5	7**	35	40	50%
			X	4,000	40	0	5**	25	40	50%
Single-family semi-detached dwelling unit	X			6,750	60		10	40	40	50%
		X		4,000	50	5	7**	35	40	50%
			X	3,000	30	0	5**	25	40	50%
Single-family attached dwelling unit	X			4,000	45		0	40	40	50%
		X		3,500	35	5	0	35	40	50%
			X	1,500	18	0	0	25	40	50%
Two-family detached dwelling unit	X			6,750	60	*	10**	40	40	50%
		X		4,000	40	5	7**	35	40	50%
			X	2,500	25	0	5**	25	40	50%
Two-family semi-detached dwelling unit	X			4,000	40	*	10**	40	40	50%
		X		2,500	50	5	7**	35	40	50%
			X	1,750	30	0	5**	25	40	50%
Two-family attached dwelling unit	X			3,250	35	*	10	40	40	50%
		X		2,000	25	5	0	35	40	50%
			X	1,250	18	0	0	25	40	50%

	Blocks			Minimum Lot Requirements		Minimum Yard Setbacks					Proposed Amendments 1
	Area (square feet)		Build-To		Maximum Building			Maximum Impervious Coverage			
			Width (feet)	Line (feet)	Side <sup>1</sup> (feet)	Rear (feet)	Height (feet)				
	A	B	C	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)		
Multifamily dwelling	X		7,000	70	*	10**	40	40	50%		
		X	6,000	60	5	5**	35	40	50%		
			X	5,000	50	3	5	25	40	50%	
Mixed residential/business	X		7,000	70	*	10**	40	40	50%		
		X	6,000	60	5	5**	35	40	50%		
			X	5,000	50	3	5	25	40	50%	
All non-residential uses	X		7,000	70	*	10**	40	40	50%		
		X	6,000	60	5	5**	35	40	50%		
			X	5,000	50	3	5	25	40	50%	

## NOTES:

<sup>1</sup> Two side yards required for detached buildings; one side yard per lot is required for mid-detached buildings.

\* See § 595-12F(8).

\*\* Patios without roofs or walls and on grade, made of concrete, bricks, or manufactured pavers or paver blocks shall be permitted to reduce the side yard setback to one foot on the side that adjoins a neighboring property, and to zero feet on a side that adjoins the public right-of-way.

E. Accessory buildings or structures:

- (1) Shall be four feet from any and all side lot lines.
- (2) Shall be four feet from the rear lot line, where no vehicular access exists, and six feet otherwise.
- (3) Shall be located at least four feet from other structures.
- (4) Shall be located behind the principal structure.

F. Design standards. The following design standards shall apply:

- (1) Streets and blocks.
  - (a) Existing grid network of streets and alleys shall be maintained.
  - (b) New blocks, street and alley networks shall be created to tie into the existing network, whenever

properties are developed or redeveloped.

- (c) Existing blocks shall be maintained.
- (2) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (3) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 554, and as determined by the City Forester.
- (4) Lots. Lot widths and sizes shall emulate existing lots on a block and adjacent blocks but may vary up to 25% of the lots on the blocks, to create diversity for new and infill development.
  - (a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.
  - (b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.
- (5) Off-street parking shall be accessed via an alley, where such alleys exist. New off-street parking shall be located in the rear of buildings. If parking cannot be located to the rear of the lot, the parking shall be located to the side of the building.
- (6) Driveways shall be no more than 10 feet wide in block class B and C.
  - (a) Driveways shall be no more than 12 feet wide in block class A.
- (7) New single-family and two-family homes shall include architectural elements such as accessible front porches, covered entryways, entryway lighting or pitched roofs.
- (8) Building location.
  - (a) Buildings in Block Class A shall have a front yard setback of 20 feet.
  - (b) New buildings on a block shall be located in alignment with existing buildings with a possible five-foot offset.
  - (c) Buildings shall be located on anchor street corners, except where a park or plaza may be located.
- (9) Building size and height. New buildings shall be designed to be compatible in size and type with buildings on the same block. New principal buildings shall be a minimum of two stories and shall have a footprint that is not greater than or not less than 15% of the footprint of principal structures on adjoining properties.
- (10) New buildings are intended to be positioned in context with existing traditional buildings.
  - (a) A vertical bay structure shall be utilized for new and redeveloped buildings.
  - (b) Fenestration shall be vertical in orientation.
  - (c) Any new building that exceeds 40 feet in width shall be designed with vertical bays formed by pilasters, windows, panels and other projections or recesses.
- (11) When located directly beside any building under 40 feet in height or exceeds 40 feet in width, the applicant shall use one or more of the following design strategies:
  - (a) Incorporate transitions of appropriate height and scale;
  - (b) Step back the upper stories from the stories below;

(c) Tuck the upper stories inside a pitched roof; and/or

- (d) Use pitched roofs with dormer windows for upper story rooms.
- (12) No new attached garage may be front-loaded.
- (13) Fences and walls.
- (a) Fences and walls shall be constructed of durable materials, and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.
- (b) Chain-link fences are not permitted in front of a principal structure.
- (c) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway site-sight distance.
- (d) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
- (e) Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supports or posts. The sections of solids and voids shall be uniform throughout the fence section.
- (f) Fences and hedges shall not exceed the following heights in each yard except by special exception:
- [1] Front and side yard: four feet.
- [2] Rear and side yard: six feet.
- (g) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence.
- (h) Fences installed on top of walls or within three feet of the top of walls shall be measured from the point where the wall is above grade when determining maximum fence height.
- (i) Fences shall be installed on the rail side facing the property installing the fence and the pickets on the outside of the way.
- (14) Porch, portico, and stoop design.
- (a) No new front yard porches, porticos, or stoops are permitted to be enclosed, provided it is setback from the front property line at least fifteen (15) feet. Otherwise, porches, porticos, or stoops that are setback or built to a line less than fifteen feet from the front property line and shall be open on three sides. An exception is when the structure is attached on at least one side and the front walls of each dwelling structure are set back from the adjoining structure prohibiting, the openness of the three sides. In this case, all available sides shall be open.
- (b) Shall not have any unpainted or unstained wood.
- (c) Shall be of an architectural style that matches the style of the structure to which it is a part.
- (15) Windows
- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.
- (16) Dumpsters and Enclosures
- (a) All new construction of commercial or industrial uses, multifamily residential developments,

and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.

(b)Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).

(c)Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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**§ 595-13 College Hill/Institutional-1 Transitional Zone (CH/INS-1 T) District.**  
**[Added 9-24-2008 by Ord. No. 5120]**

**A. Legislative intent.**

- (1) College Hill/Institutional-1 Transitional Zone District's purpose is to provide for a mix of residential and nonresidential uses and development that will enhance the transition from Lafayette College campus to College Hill community.
- (2) Uses would allow students, staff, faculty, residents, and visitors to live, shop, dine and receive their wellness needs. The district encourages mixed-use buildings and alternative modes of transportation such as walking and biking, with an emphasis on promoting safe and attractive pedestrian-oriented landscapes as well as a reduction in the need for impervious surfaces for parking. The College shall provide the necessary resources to facilitate the use of its ancillary and accessory facilities located within INS-1 and AR Districts that are situated in more suitable less intrusive locations to meet its current and future parking demands.

**B. Permitted uses.** All uses subject to Supplemental Standards §595-32.

- (1) J1 Timber activities (in accordance with § 595-32, Supplemental standards).
- (2) J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).
- (3) A1 Single-family detached dwelling.
- (4) A2 Single-family semidetached dwelling.
- (5) A3 Single-family attached dwelling.
- (6) A4 Two-family detached dwelling.
- (7) A5 Two-family semidetached dwelling.
- (8) A6 Two-family attached dwelling.
- (9) A15 Mixed-use/dormitory.
- (10) B1 Cultural activities and exhibitions.
- (11) C2 General bookstore/coffee shop.
- (12) C5 Eating and drinking places.
- (13) D15 Medical services.
- (14) E1 Educational services. (Permitted uses are limited to libraries, tutoring, or adult learning open to the public, that does not require enrollment in a college or university.)
- (15) I2 Accessory offices.
- (16) I3 Small accessory structure.
- (17) I5 Temporary structure.
- (18) I6 Accessory storage.
- (19) I7 Accessory parking area.



(20) I8 Accessory swimming pool.

(21) I9 Accessory hot tub

~~(222)~~ ~~H2-I13~~ No-impact home-based business.

C. Special exception uses. All uses subject to Supplemental Standards §595-32.

(1) A7 Multifamily dwelling.

(2) A8 Residential low-rise.

(3) A9 Residential mid-rise.

(4) A12 Mixed residential/business.

(5) A17 Short-term rental.

(6) B2 Amusements.

(7) B3 Parks.

(8) B4 Private social clubs.

(9) C3 General merchandise.

(10) C4 Food establishments.

(11) C14 Grocery Store

(12) C15 Mixed-use Commercial

~~(113)~~ D1 Information and data.

~~(214)~~ D2 Finance, insurance and real estate.

~~(315)~~ D3 Personal services.

~~(416)~~ D4 Business services.

~~(517)~~ D5 Repair services.

~~(618)~~ D6 Professional services.

~~(719)~~ D7 Administrative offices.

~~(820)~~ D9 Bed-and-breakfast.

~~(921)~~ E1 Educational services (except as permitted by right).

~~(222)~~ E5 Religious worship services.

~~(2123)~~ F10 Cottage industry.

~~(224)~~ H1 Passenger depot.

~~(325)~~ H3 Parking lot.

~~(426)~~ H4 Parking structure.

- (~~2527~~) H5 Mixed use parking structure.
- (~~2628~~) H6 Utility service.
- (~~2729~~) H7 Communications facility.
- (~~2830~~) ~~H0-I11~~ Small family day-care home.
- (31) I17 Accessory electric vehicle charging.

D. Dimensional criteria. The dimensional criteria for the College Hill/Institutional-1 Transitional Zone (CH/INS-1 T) shall be in accordance with the following table:

Permitted Use	Blocks			Minimum Lot Requirements	Minimum Yard Setbacks				Maximum Impervious Coverage	
					Side **	Rear	Building Height			
	A	B	C	Area (square feet)	Width (feet)	Build-To Line* (feet)	(feet)	(feet)	(feet) <sup>3</sup>	
Single-family detached dwelling unit	X			9,500	60	20	10 <sup>4</sup>	40	55	85%
		X		5,000	50	10	7 <sup>4</sup>	35	55	85%
			X	4,000	40	10	5 <sup>4</sup>	25	55	85%
Single-family semi-detached dwelling unit	X			6,750	50	20	10 <sup>4</sup>	40	55	85%
		X		4,000	40	10	7 <sup>4</sup>	35	55	85%
			X	3,000	30	10	5 <sup>4</sup>	25	55	85%
Single-family attached dwelling unit	X			2,500	25	10	0	35	55	85%
		X		1,800	18	0	0	25	55	85%
Two-family detached dwelling unit	X			4,000	40	10	7 <sup>4</sup>	35	55	85%
			X	2,500	25	0	5 <sup>4</sup>	25	55	85%
Two-family semi-detached dwelling unit	X			2,500	50	10	7 <sup>4</sup>	35	55	85%
		X		1,750	30	0	5 <sup>4</sup>	25	55	85%
Two-family attached dwelling unit			X	2,000	25	10	0	35	55	85%
	X			1,250	18	0	0	25	55	85%
Multifamily		X		4,000	40	10	7	35	55	85%
			X	3,000	30	0	5	25	55	85%

Permitted Use	Minimum Lot Requirements			Minimum Yard Setbacks			Maximum Building Height (feet) <sup>3</sup>	Maximum Impervious Coverage
	A	B	C	Area (square feet)	Width (feet)	Build-To Line* (feet)	Side ** (feet)	Rear (feet)
Residential mid-rise		X		12,000 <sup>2</sup>	30	0-5 <sup>1</sup>	5	5
			X	12,000 <sup>2</sup>	30	0-5 <sup>1</sup>	5	5
Mixed-use/dormitory			X	12,000 <sup>2</sup>	30	0-5 <sup>1</sup>	5	5
				12,000 <sup>2</sup>	30	0-5 <sup>1</sup>	5	5
All other non-residential uses		X		3,000 <sup>2</sup>	30	0-5 <sup>1</sup>	5	5
			X	3,000 <sup>2</sup>	30	0-5 <sup>1</sup>	5	5

## NOTES:

\* See § 595-28C.

\*\* Two side yards required for detached buildings, one side yard per lot is required for semidetached buildings.

<sup>1</sup> Except for the development of public plazas and/or common areas in front or between buildings.

<sup>2</sup> This number shall only denote the minimum lot area for the permitted use.

<sup>3</sup> Minimum of two stories.

<sup>4</sup> Patios without roofs or walls and on grade, made of concrete, bricks, or manufactured pavers or paver blocks shall be permitted to reduce the side yard setback to one foot on the side that adjoins a neighboring property, and to zero feet on the side that adjoins the public right-of-way.

E. Accessory buildings or structures:

- (1) Shall be four feet from any and all side lot lines.
- (2) Shall be four feet from the rear lot line, where no vehicular access exists, and six feet otherwise.
- (3) Shall be located at least four feet from other structures.
- (4) Shall be located behind the principal structure.

## F. Design standards.

- (1) Lot sizes and dimensions in this district are not required to conform to existing lot patterns or dimensions but shall be suitable for development which transitions the building types from the Institutional-1 District to the College Hill District.

(2) The following design standards shall apply:

- (a) Building location (build-to line). The build-to line shall be consistent with the dimensional criteria for the district, except for the development of public plazas and/or common areas in the front or between buildings to allow and encourage these amenities.
- (b) Building size and types. Buildings shall have a mass and scale that transition from the INS-1 District to the CH District as a means of creating a harmonious streetscape.
- (c) New buildings are intended to be positioned in context with existing buildings, utilizing a vertical bay structure, and vertically oriented fenestration.
- (d) New buildings that exceed 40 feet in width shall be designed with vertical bays formed by pilasters, windows, panels and other projections or recesses.
- (e) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (f) Building height. Structures shall have a minimum height of two stories and a maximum height of 55 feet.
- (g) Uses. Uses may be a combination of permitted uses to provide for a mix of uses to enhance the transitions between the Institutional-1 and College Hill Districts.
- (h) Lot building and coverage. The maximum lot and building coverage shall comply with Attachment 3, "Dimensional Criteria for College Hill/Institutional-1 Transitional Zone (CH/INS-IT) District."
- (i) Building ornamentation. Any new building that exceeds 40 feet in width shall comply with Subsection **F(3)(b)[3]** below.
- (j) Fences, walls, hedges and other areas.
  - [1] Fences and walls shall be constructed of durable materials and shall not be constructed using barbed wire, razor wire, electric fencing, or glass, or any other material that endangers the public health, safety and well-being.
  - [2] Low walls and hedges shall be placed to form a street wall wherever buildings do not adjoin the sidewalk except for along alleys, and the development of public plazas and/or common areas in the front or between buildings to allow and encourage these amenities.
  - [3] Fences, walls and hedges shall be used to screen off-street parking areas and utilities.
  - [4] Chain-link fences shall not be used in front of the principal structure or along a street wall.
  - [5] Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supports or posts. The sections of solids and voids shall be uniform throughout the fence section.
  - [6] Fences and hedges shall not exceed the following heights in each yard ~~except by special exception:~~
    - [a] Front ~~and side~~ yard: four feet.
    - [b] Rear ~~and side~~ yard: six feet.
  - [7] Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence. **[Amended 9-8-2021 by Ord. No. 5758]**
  - [8] Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height. **[Amended 9-8-2021 by Ord. No. 5758]**

- [9] Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside, facing away. **[Added 9-8-2021 by Ord. No. 5758]**

(k) Porch, portico, and stoop design.

[1] ~~No new front~~ Front yard porches, porticos, or stoops are permitted to be enclosed, **provided it is setback from the front property line at least fifteen (15) feet. Otherwise, porches, porticos, or stoops that are setback or built to a line less than fifteen feet from the front property line** and shall be open on three sides. The exception is when the structure is attached on at least one side and the front walls of each ~~dwelling structure~~ are set back from the adjoining structure, prohibiting the openness of the three sides. In this case, all available sides shall be open.

[2] Shall not have any unpainted or unstained wood.

[3] Shall be of an architectural style that matches the style of the structure.

- (3) In addition to other design standards of this section pertaining to lot area and width, build-to lines, side yards, building height, and impervious surface, the following shall apply:

(a) One- and two-family, and multifamily dwellings:

- [1] Off-street parking shall be accessed via an alley, where such alley exists, and shall be located at the rear of the buildings. If parking cannot be located at the rear of the buildings, the parking shall be located to the side of the building.

- [2] No new attached garage may be front-loaded.

- [3] Driveways shall be no more than 10 feet wide.

(b) Other than one- and two-family, and multifamily dwellings.

- [1] Residents of dormitories are required to park in college or university parking areas. This section shall remain consistent with and be enforced through the requirements of Chapter 399 of the City Code, titled "Parking Permits."

- [2] Within the College Hill/Institutional-1 Transitional Zone District, off-street parking for dormitory uses shall be required on-site but shall be provided for in the amount specified in § 595-33B; within college or university off-street parking areas within the INS-1 and AR Districts, § 595-33M shall not apply, and such parking areas shall comply with the design standards applicable to the zoning district within which they are located.

- [a] Nonresidential business uses within a mixed-use/dormitory shall be calculated as 30% of one parking space per every 600 square feet. If, in the opinion of the Zoning Administrator, additional parking is necessary, a detailed parking study shall be required to determine if additional off-street parking is required. The study shall also provide a determination of the future percentage of pedestrian versus vehicle volumes. The study shall also provide documentation that the projected number of off-street parking spaces needed is sufficient to meet off-street parking standards set forth in this subsection. Joint-use parking shall comply with § 595-33. Required parking spaces may be located within parking areas within 600 feet of the lot on which the parking is required; § 595-33M shall not apply, and such parking areas shall comply with the design standards applicable to the zoning district within which they are located.

- [3] When located directly beside any building under 40 feet in height or exceeds 40 feet in width, the applicant shall use one or more of the following design strategies:

- [a] Incorporate transitions of appropriate height and scale;

- [b] Step back the upper stories from the stories below;

- [c] Tuck the upper stories inside a pitched roof; and/or
- [d] Use pitched roofs with dormer windows for upper-story rooms.
- [4] Dwelling units within mixed-use/dormitories shall have minimum area of 150 square feet for one student and 100 square feet shall be added for each additional student.
- (c) Drive-through facilities or services are not permitted in this district.

#### (4) Windows

(a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

#### (5) Dumpsters and Enclosures

(a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.

(b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).

(c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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## § 595-14 **South Side (SS) District.**

A. Legislative intent. The purpose of the South Side District is to enhance the character of this neighborhood by accommodating a mix of housing types and development intensities, green space, ~~local and regional commercial~~, and appropriate redevelopment and infill that maintains or extends the existing network of streets and alleys.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) A1 Single-family detached dwelling.
- (2) A2 Single-family semidetached dwelling.
- (3) A3 Single-family attached dwelling.
- (4) A4 Two-family detached dwelling.
- (5) A5 Two-family semidetached dwelling.
- (6) A6 Two-family attached dwelling.
- (7) I3 Small accessory structure.
- (8) I5 Temporary structure.
- (9) I6 Accessory storage.
- (10) I7 Accessory parking area.
- (11) I8 Accessory swimming pool.
- (12) I9 Accessory hot tub
- (13) I10 No-contact home-based business
- (14) I16 Accessory dwelling unit.
- (15) I17 Accessory Electric Vehicle Charging

(16) J1 Timber activities (in accordance with § 595-32, Supplemental standards).

(17) J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

C. Permitted by special exception. All uses subject to Supplemental Standards §595-32.

- (1) A7 Multifamily dwelling.
- (2) A8 Residential low-rise.
- (3) B3 Parks.
- (4) B8 Indoor shooting range (only when the use is part of a police facility).
- (5) C2 General bookstore/coffee shop.
- (6) C3 General merchandise.
- (7) C5 Eating and drinking places.
- (8) C14 Grocery store.

(~~5~~9) E5 Religious worship services.



- (~~6~~10) H6 Utility service.
- (~~7~~11) H7 Communications facility.
- (~~8~~12) I4 Large accessory structure.
- (~~9~~13) ~~I9-I10~~ Accessory religious shelter.
- (~~10~~14) ~~H10-I11~~ Small family day-care home.
- (~~11~~15) E1 Educational services.

D. Dimensional criteria. The dimensional criteria for the South Side (SS) District shall be in accordance with the following table:

Permitted Use	Minimum Lot Requirements			Minimum Yard Setbacks			Maximum Building Height (feet)	Maximum Impervious Coverage
	A	B	C	Area (square feet)	Width (feet)	Build-To Line (feet)	Side (feet)	Rear (feet)
Single-family detached dwelling unit	X			7,500	75	*	10**	35
		X		5,000	50	5	5	30
			X	3,000	30	3	5	20
Single-family semi detached dwelling unit	X			2,500	33	*	10**	35
		X		2,000	25	5**	5	30
			X	1,900	23	3	5	20
Single-family attached dwelling unit	X			2,500	25	*	0	35
		X		2,100	23	5	0	30
			X	1,200	18	3	0	20
Two-family detached dwelling unit	X			3,750	40	*	10**	35
		X		3,000	30	5	5**	30
			X	2,500	25	3	5	20
Two-family semi detached dwelling unit	X			3,000	35	*	10**	35
		X		2,000	30	5	5**	30
			X	1,750	25	3	5	20
Two-family attached	X			3,000	30	*	0	35

Permitted Use	Blocks			Minimum Lot Requirements		Minimum Yard Setbacks			Proposed Amendments 1	
						Side <sup>1</sup> (feet)	Rear (feet)	Maximum Building Height (feet)	Maximum Impervious Coverage	
	Area (square feet)	Width (feet)	Build-To Line (feet)							
dwelling unit	X			2,000	25	5	0	30	40	50%
		X		1,200	18	3	0	20	40	50%
Multifamily dwelling	X			6,500	65	*	10**	35	40	50%
		X		5,500	55	5	5**	30	40	50%
		X		5,000	50	3	5	25	40	50%
Mixed residential/business	X			6,500	65	*	10**	35	40	50%
		X		5,500	55	5	5**	30	40	50%
		X		5,000	50	3	5	25	40	50%
	X			6,500	65		10	35	40	50%
All non-residential uses	X			5,500	55	5	5**	30	40	50%
		X		5,000	50	3	5	25	40	50%

## NOTES:

<sup>1</sup> Type and depth of setbacks required for detached buildings; one side yard per lot is required for semi-detached buildings.

\* See § 595-14F(7)(b).

\*\* Patios without roofs or walls and on grade, made of concrete, bricks, or manufactured patio or paver blocks shall be permitted to reduce the side yard setback to one foot on the side that adjoins a neighboring property, and to zero feet on a side that adjoins the public right-of-way.

E. Accessory buildings or structures:

- (1) Shall be four feet from any and all side lot lines.
- (2) Shall be four feet from the rear lot line, where no vehicular access exists, and six feet otherwise.
- (3) Shall be located at least four feet from other structures.
- (4) Shall be located behind the principal structure.

## F. Design standards. The following design standards shall apply:

- (1) Streets and blocks.

- (a) Existing grid network of streets and alleys shall be maintained.
- (b) New blocks, street and alley networks shall be created to tie into the existing network, whenever properties are developed or redeveloped.
- (c) Existing blocks shall be maintained.
- (d) A new street and/or alley shall be designed in accordance with City Code §§ **520-21** through **520-25**.
- (2) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (3) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 554, and as determined by the City Forester.
- (4) Off-street parking shall be accessed via an alley, where such alley exists. New off-street parking shall be located in the rear of buildings. If parking cannot be located to the rear of the lot, the parking shall be located to the side of the building.
- (5) Lots. Lot widths and sizes shall emulate existing lots on a block and adjacent blocks, but may vary up to 25% of the lots on the blocks, to create diversity for new infill development.
  - (a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.
  - (b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.
- (6) Driveways shall be no more than 10 feet wide in block class B and C.
  - (a) Driveways shall be no more than 12 feet in block class A.
- (7) Building location.
  - (a) Buildings in Block Class A shall have a front yard setback be located on a build-to line of 10 feet.
  - (b) Buildings in Block Class B and C shall be located on a build-to line adjoining the sidewalk.
  - (c) New buildings on a block shall be located in alignment with existing buildings with a possible five-foot offset.
  - (d) Buildings shall be located to anchor street corners, except where a City park or plaza may be located.
  - (e) Buildings may be located with a five-foot offset if the design is compatible with the existing buildings on the block.
- (8) Building size and height. New buildings shall be designed to be compatible in size and type with buildings on the same block. New buildings shall be a minimum of two stories and shall have a footprint that is not greater than or not less than 15% of the footprint of principal structures on adjoining properties.
- (9) New buildings are intended to be positioned in context with existing buildings, utilizing a vertical bay structure, and vertically oriented fenestration.
- (10) When located directly beside any building under 40 feet in height or if the building exceeds 40 feet in width, the applicant shall use one or more of the following design strategies:
  - (a) Incorporate transitions of appropriate height and scale;

(b) Step back the upper stories from the stories below;

- (c) Tuck the upper stories inside a pitched roof; and/or
- (d) Use pitched roofs with dormer windows for upper-story rooms.
- (11) When a new building exceeds 40 feet in width, it shall be designed with vertical bays formed by pilasters, windows, panels and other projections or recesses.
- (12) No new attached garage shall be front-loaded.
- (13) Fences and walls.
  - (a) Fences and walls shall be constructed of durable materials, and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.
  - (b) Chain-link fences are not permitted in front of a principal structure.
  - (c) Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supports or posts. The sections of solid and void shall be uniform throughout the fence section.
  - (d) Walls in front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall be located within a street right-of-way or a driveway site-sight distance.
  - (e) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
  - (f) Fences and hedges shall not exceed the following heights for each yard ~~except by special exception~~:
    - [1] Front ~~and side~~ yard: four feet.
    - [2] Rear and side yard: six feet.
  - (g) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence. [Added 9-8-2021 by Ord. No. 5758]
  - (h) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height. [Added 9-8-2021 by Ord. No. 5758]
  - (i) Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside facing away. [Added 9-8-2021 by Ord. No. 5758]
- (14) Porch, portico, and stoop design.
  - (a) ~~No front~~ yard porches, porticos, or stoops are permitted to be enclosed, provided it is setback from the front property line at least fifteen (15) feet. Otherwise, porches, porticos, or stoops that are setback or built to a line less than fifteen feet from the front property line and shall be open on three sides. The exception is when the structure is attached on at least one side and the front walls of each dwelling structure are set back from the adjoining structure, prohibiting the openness of the three sides. In this case, all available sides shall be open.
  - (b) Shall not have any unpainted or unstained wood.
  - (c) Shall be of an architectural style that matches the style of the structure.
- (15) Residential development design. New single-family and two-family homes shall include architectural elements such as front porches, covered entryways, or entryway lighting.

(16) Windows

(a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(17) Dumpsters and Enclosures

(a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.

(b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).

(c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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**§ 595-15 West Ward (WW) District.**

A. Legislative intent. The purpose of the West Ward District is to protect and enhance the character of this existing neighborhood by accommodating a mix of housing types and development intensities, green space, neighborhood retail and commercial services, and appropriate infill and redevelopment.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) A1 Single-family detached dwelling.
- (2) A2 Single-family semidetached dwelling.
- (3) A3 Single-family attached dwelling.
- (4) A4 Two-family detached dwelling.
- (5) A5 Two-family semidetached dwelling (B and C Blocks only).
- (6) A6 Two-family attached dwelling (B and C Blocks only).
- (7) I3 Small accessory structure.
- (8) I5 Temporary structure.
- (9) I6 Accessory storage.
- (10) I7 Accessory parking area.
- (11) I8 Accessory swimming pool.

(12) I9 Accessory hot tub

~~(1213)~~ ~~I12-I13~~ No-impact home-based business.

(14) I16 Accessory dwelling unit.

(15) I17 Accessory Electric Vehicle Charging

~~(1316)~~ J1 Temporary activities (in accordance with § 595-32, Supplemental standards).

~~(1417)~~ J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

C. Special exception uses. All uses subject to Supplemental Standards §595-32.

- (1) A7 Multifamily dwelling.
- (2) A8 Residential low-rise.
- (3) B3 Parks.
- (4) B8 Indoor shooting range (only when the use is part of a police facility).
- (5) C2 General bookstore/coffee shop ~~(shall only be permitted on a corner lot).~~
- (6) C3 General merchandise ~~(shall only be permitted on a corner lot).~~
- (7) C5 Eating and drinking places.
- (8) C14 Grocery store.
- ~~(79)~~ E5 Religious worship services.

(~~8~~10) H6 Utility service.



- (~~9~~11) H7 Communications facility.
- (~~10~~12) I4 Large accessory structure.
- (~~11~~13) I9 Accessory religious shelter.
- (~~12~~14) ~~H0-I11~~ Small family day-care home.
- (~~13~~15) E1 Educational services.

D. Dimensional criteria. The dimensional criteria for the West Ward (WW) District shall be in accordance with the following table:

Permitted Use	Blocks			Minimum Lot Requirements		Minimum Yard Setbacks			Maximum Building Height	Maximum Impervious Coverage
	A	B	C	Area (square feet)	Width (feet)	Build-To Line (feet)	Side <sup>1</sup> (feet)	Rear (feet)		
Single-family detached dwelling unit	X			6,000	60	20	10	35	40	50%
		X		4,500	45	0	5	30	40	50%
			X	3,000	30			25	40	50%
Single-family semi-detached dwelling unit	X			4,000	40	20	10*	35	40	50%
		X		3,500	35	10	5	30	40	50%
			X	2,500	25		5	25	40	50%
Single-family attached dwelling unit	X			2,550	25	10	0	30	40	50%
		X		1,500	18	0	0	25	40	50%
Two-family detached dwelling unit	X			3,000	30	10	5	30	40	50%
		X		2,500	25	0	5	25	40	50%
Two-family semi-detached dwelling unit	X			2,000	25	10	5	30	40	50%
		X		1,750	20	0	5	25	40	50%
Two-family attached dwelling unit	X			2,000	25	10	0	30	40	50%
		X		1,200	18	0	0	25	40	50%
Professional office		X		3,500	35	10	5	30	40	50%
			X	2,500	25	0	5	35	40	50%
Multifamily	X			6,000	60	20	10*	35	40	50%

Proposed Amendments 1										
Blocks			Minimum Lot Requirements			Minimum Yard Setbacks				
Permitted Use	A	B	C	Area	Build-To	Side <sup>1</sup>	Rear	Maximum	Maximum	
				(square feet)				Width (feet)		Line (feet)
dwelling		X		5,000	50	10	5*	30	40	50%
			X	4,500	45	0	5	25	40	50%
		X		6,000	60	20	10*	35	40	50%
		X		5,000	50	10	5*	30	40	50%
			X	4,500	45	0	5	25	40	50%
Mixed residential/business		X		6,000	60	20	10*	35	40	50%
		X		5,000	50	10	5*	30	40	50%
All non-residential uses			X	4,500	45	0	5	25	40	50%

## NOTES:

<sup>1</sup> Two side yards required for detached buildings; one side yard per lot is required for semidetached buildings.

\* Patios with roofs or walls, and on-grade, made of concrete, bricks, or manufactured pavers shall be permitted to reduce the side yard setback to one foot on the side that adjoins a neighboring property, and to zero feet on the side that adjoins the public right-of-way.

E. Accessory buildings or structures:

- (1) Shall be three feet from alley and all side lot lines.
- (2) Shall be three feet from the rear lot line, where no vehicular access exists, and six feet otherwise.
- (3) Shall be located at least four feet from other structures.
- (4) Shall be located behind the principal structure.

## F. Design standards. The following design standards shall apply:

- (1) Streets and blocks.
  - (a) Existing grid network of streets and alleys shall be maintained.
  - (b) New blocks, street and alley networks shall be created to tie into the existing network, whenever properties are developed or redeveloped.
  - (c) Existing blocks shall be maintained.

- (2) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (3) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 554, and as determined by the City Forester.
- (4) Off-street parking shall be accessed via an alley. New off-street parking shall be located in the rear of buildings. If parking cannot be located to the rear of the lot, the parking shall be located to the side of the building.
- (5) Lots. Lot widths and sizes shall emulate existing lots on a block and adjacent ~~blocks, but~~ blocks but may vary up to 25% of the lots on the blocks, to create diversity for new and infill development.
  - (a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.
  - (b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.
- (6) Driveways shall be no more than 10 feet wide in block class B and C.
  - (a) Driveways shall be no more than 12 feet wide in block class A.
- (7) Building location.
  - (a) Buildings shall be located on a build-to line adjoining the sidewalk.
  - (b) New buildings on a block shall be located in alignment with existing buildings with a possible four-foot offset.
  - (c) Buildings shall be located to anchor street corners where a City park or plaza may be located.
- (8) Building size and height. New buildings shall be designed to be compatible in size and type with buildings on the same block. New buildings shall be a minimum of two stories and shall have a footprint that is not greater than and not less than 15% of the footprint of principal structures on adjoining properties.
- (9) New buildings are intended to be positioned in context with existing buildings, utilizing a vertical bay structure and vertically oriented fenestration.
- (10) When located directly beside any building under 40 feet in height or if the building exceeds 40 feet in width, the applicant shall use one or more of the following design strategies:
  - (a) Incorporate transitions of appropriate height and scale;
  - (b) Step back the upper stories from the stories below;
  - (c) Tuck the upper stories inside a pitched roof; and/or
  - (d) Use pitched roofs with dormer windows for upper-story rooms.
- (11) When a new building exceeds 40 feet in width, it shall be designed with vertical bays formed by pilasters, windows, panels and other projections or recesses.
- (12) Fences and walls.
  - (a) Fences and walls shall be constructed of durable materials, and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.

(b) Chain-link fences are not permitted in front of a principal structure.

- (c) Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supports or posts. The sections of solids and voids shall be uniform throughout the fence section.
- (d) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway site-sight distance.
- (e) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
- (f) Fences and hedges shall not exceed the following heights in each yard:
- [1] Front ~~and side~~ yard: four feet.
  - [2] Rear and side yard: six feet.
- (g) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence. [Added 9-8-2021 by Ord. No. 5758]
- (h) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height. [Added 9-8-2021 by Ord. No. 5758]
- (i) Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside, facing away. [Added 9-8-2021 by Ord. No. 5758]
- (13) No new attached garage may be front-attached.
- (14) Porch, portico, and stoop design.
- (a) ~~No front~~ yard porches, porticos, or stoops are permitted to be enclosed, provided it is setback from the front property line at least fifteen (15) feet. Otherwise, porches, porticos, or stoops that are setback or built to a line less than fifteen feet from the front property line and shall be open on three sides. The exception is when the porch is attached on at least one side and the front walls of each dwelling structure are setback from the adjoining structure, prohibiting the openness of the three sides. In this case, all available sides shall be open.
  - (b) Shall not have any unpainted or unstained wood.
  - (c) Shall be of an architectural style that matches the style of the structure.
- (15) Residential development design. New single-family and two-family homes shall include architectural elements such as accessible front porches, covered entryways or entryway lighting.
- (16) Windows
- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.
- (17) Dumpsters and Enclosures
- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
  - (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).

(c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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## § 595-16 West Ward/Institutional-2 Transitional Zone (WW/INS-2 T) District.

### A. Legislative intent.

- (1) West Ward/Institutional-1 Transitional Zone District's purpose is to provide a mix of uses and development that will enhance the transition from the Northampton County Government institutional campus to the West Ward Neighborhood.
- (2) Existing and new uses should allow county staff, legal businesses and agencies, associated and ancillary businesses and neighborhood residents to live, work, receive personal and professional services, and dine. The district encourages a variety of uses and mixed-use building styles and both vehicle and alternative modes of transportation.

### B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) A12 Mixed residential/business.
- (2) D2 Finance, insurance and real estate.
- (3) C4 Food establishments (B and C blocks only).
- (4) C5 Eating and drinking places.
- (5) C11 Pharmacy (C Blocks only).

#### (6) C14 Grocery store.

#### (67) D4 Business services.

#### (78) D6 Professional services.

#### (89) D7 Administrative office.

#### (910) D15 Medical services (C blocks only).

#### (1011) I3 Small accessory structure.

#### (1112) I4 Temporary structure.

#### (1213) I6 Accessory storage.

#### (1314) I7 Accessory parking area.

#### (1415) I8 Accessory swimming pool.

#### (1516) ~~H2-I13~~ No-impact home-based business.

#### (1617) J1 Timber activities (in accordance with § 595-32, Supplemental standards).

#### (1718) J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

### C. Special exception uses. All uses subject to Supplemental Standards §595-32.

- (1) A7 Multifamily dwelling.
- (2) A8 Residential low-rise.
- (3) A17 Short-term rental.
- (4) B3 Parks.

- (5) C2 General bookstore/coffee shop.
- (6) C3 General merchandise.
- (7) C6 Retail specialty establishments.
- (8) C10 Retail sales - large scale.
- (9) D1 Information and data.
- (10) D3 Personal services.
- (11) D5 Repair services.
- (12) D9 Bed-and-breakfast.
- (13) E1 Educational services.
- (14) E5 Religious worship services.
- (15) F10 Cottage industry.
- (16) H1 Passenger depot.
- (17) H6 Utility service.
- (18) H7 Communications facility.
- (19) I4 Large accessory structure.
- (20) ~~I10-I11~~ Small family day-care home.

(21) I17 Accessory electric vehicle charging.

D. Dimensional criteria for the West Ward/Institutional-2 Transitional Zone (WW/INS-2 T) District shall be in accordance with the following table:

Permitted Use	Minimum Lot Requirements			Minimum Yard Setbacks			Maximum Building Height	Maximum Impervious Coverage
	A	B	C	Area (square feet)	Width (feet)	Build-To Line (feet)	Side <sup>1</sup> (feet)	Rear (feet)
Professional/ Business Services	X			5,000	50	5	5	35
		X		3,500	35	5	5	30
			X	2,500	25	0	0	25
Mixed residential/bus iness	X			6,000	60	5	5	35
		X		4,500	45	5	5	30
			X	3,000	30	0	0	25



							Proposed Amendments			
Permitted Use	Blocks			Minimum Lot Requirements		Minimum Yard Setbacks			Maximum Building Height (feet)	Maximum Impervious Coverage
	A	B	C	Area (square feet)	Width (feet)	Build-To Line (feet)	Side <sup>1</sup> (feet)	Rear (feet)		

## NOTES:

- <sup>1</sup> Two side yards required for detached buildings; one side yard per lot is required for semidetached buildings.

E. Accessory buildings or structures:

- (1) Shall be three feet from any and all side lot lines.
- (2) Shall be three feet from the rear lot line, where no vehicular access exists, and six feet otherwise.
- (3) Shall be located at least four feet from other structures.
- (4) Shall be located behind the principal structure.

## F. Design standards. The following design standards shall apply:

- (1) Streets.
  - (a) Existing grid network of streets and alleys shall be maintained.
  - (b) New blocks, street and alley networks shall be created to tie into the existing network, whenever properties are developed or redeveloped.
  - (c) Existing blocks shall be maintained.
- (2) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (3) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 5 and as determined by the City Forester.
- (4) Lots. Lot widths and sizes shall emulate existing lots on a block and adjacent ~~blocks, but~~ blocks but may vary up to 25% of the lots on the blocks, to create diversity for new and infill development.
  - (a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.
  - (b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.
- (5) Off-street parking shall be accessed via an alley. New off-street parking shall be located in the rear of buildings. If parking cannot be located to the rear of the lot, the parking shall be located to the side of the building.
- (6) Driveways shall be accessed via an alley, and shall be no more than 10 feet wide.
- (7) Building location.

- (a) Buildings shall be located on a build-to line adjoining the sidewalk.
- (b) New buildings on a block shall be located in alignment with existing buildings with a possible four-foot offset.
- (c) Buildings shall be located to anchor street corners, except where a City park or plaza may be located.
- (8) Building size and height. New buildings shall be designed to be compatible in size and type with buildings on the same block. New buildings shall be a minimum of two stories and shall have a footprint that is not greater than or not less than 15% of the footprint of principal structures on adjoining properties.
- (9) New buildings are intended to be positioned in context with existing buildings, utilizing a vertical bay structure and vertically oriented fenestration.
- (10) When located directly beside any building under 40 feet in height or the building exceeds 40 feet in width, the applicant shall use one or more of the following design strategies:
  - (a) Incorporate transitions of appropriate height and scale;
  - (b) Step back the upper stories from the stories below;
  - (c) Tuck the upper stories inside a pitched roof; and
  - (d) Use pitched roofs with dormer windows for upper-story rooms.
- (11) When a new building exceeds 40 feet in width, it shall be designed with vertical bays formed by pilasters, windows, panels and other projections and recesses.
- (12) No new attached garage may be front-loaded.
- (13) Porch, portico, and stoop design.
  - (a) ~~No~~ Front yard porches, porticos or stoops are permitted to be enclosed, provided it is setback from the front property line at least fifteen (15) feet. Otherwise, porches, porticos, or stoops that are setback or built to a line less than fifteen feet from the property line and shall be open on three sides. The exception to the structure is attached on at least one side and the front walls of each dwelling structure are set back from the adjoining structure, prohibiting the openness of the three sides. In this case, all available sides shall be open.
  - (b) Shall not have any unpainted or unstained wood.
  - (c) Shall be of an architectural style that matches the style of the structure.
- (14) Fences and walls.
  - (a) Fences and walls shall be constructed of durable materials, and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.
  - (b) Chain-link fences are not permitted in front of a principal structure.
  - (c) Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supports or posts. The sections of solids and voids shall be uniform throughout the fence section.
  - (d) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway site-sight distance.

- (e) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
- (f) Fences and hedges shall not exceed the following heights in each yard:
- [1] Front ~~and side~~ yard: four feet.
  - [2] Rear and side yard: six feet.
- (g) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence. [Added 9-8-2021 by Ord. No. 5758]
- (h) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height. [Added 9-8-2021 by Ord. No. 5758]
- (i) Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside, facing away. [Added 9-8-2021 by Ord. No. 5758]
- (15) Windows
- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.
- (16) Dumpsters and Enclosures
- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
  - (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).
  - (c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

## § 595-17 River Corridors and Other Green Areas (RC) District.

A. Legislative intent. The purpose of the River Corridors and Other Green Areas District is to accommodate appropriate development while providing for adequate protection and buffering of the City's waterways and other natural resources; assist in flood management; protection of environmentally sensitive areas; and meet the need for local and regional greenways, open space, and recreation within the City.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) B3 Parks.
- (2) B6 Athletic facilities.
- (3) C5 Eating and drinking places.
- (4) E1 Educational services.
- (5) E2 Government services.
- (6) I2 Accessory office.
- (7) I3 Small accessory structure.
- (8) I5 Temporary structure.
- (9) I7 Accessory parking area.
- (10) ~~I12-I13~~ No-impact home-based business.
- (11) J1 Timber activities (in accordance with § 595-32 Supplemental standards).
- (12) J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

C. Special exception uses. All uses subject to Supplemental Standards §595-32.

- (1) A1 Single-family detached dwelling.
- (2) A2 Single-family semi-detached dwelling.
- (3) A3 Single-family attached dwelling.
- (4) A8 Residential low-rise.
- (5) A12 Mixed residential/business.
- (6) B1 Cultural activities and exhibitions.
- (7) B2 Amusements.
- (8) B7 Zoo.
- (9) B8 Indoor shooting range.
- (10) C2 General bookstore/coffee shop.
- (11) C3 General merchandise.
- (12) C4 Food establishments.

(13) C6 Retail specialty establishments.

(14) ~~C10-C11~~ Retail sales - large scale.

(15) D1 Information and data.

(16) D3 Personal services.

(17) D4 Business services.

(18) D5 Repair services.

(19) D6 Professional services.

(20) D7 Administrative offices.

(21) D8 Hotel/motel.

(22) D15 Medical services.

(23) D16 Kennel.

(24) E9 Burial place or cemetery.

(25) E10 Crematorium.

(~~2426~~) F10 Cottage industry.

(~~2527~~) F11 Husbandry.

(~~2628~~) H6 Utility services.

(~~2729~~) H7 Communications facilities.

(~~2830~~) I4 Large accessory structures.

(31) I17 Accessory electric vehicle charging.

D. Dimensional criteria. The dimensional criteria for the River Corridors and Other Green Areas (RC) District shall be in accordance with the following:

(1) Maximum building height: 40 feet.

(2) Maximum impervious coverage: 30% except that impervious coverage greater than 30% may be permitted if:

(a) The increase results from a lot line adjustment between developed parcels which does not involve new development or a cumulative increase in the existing impervious coverage.

(b) Justified by a design professional demonstrating that increased stormwater will be managed without adverse impacts on infrastructure or water quality.

(c) The increase is required in conjunction with improvements such as:

[1] Compliance with this chapter, Chapter **515**, or other applicable codes of the City of Easton.

[2] Compliance with the regulations of other governmental agencies.

[3] Adherence to sound engineering or best management practices.

## (3) Minimum lot requirements:

- (a) Block Class A: 8,000 square feet and a minimum width of 80 feet.
- (b) Block Class B: 5,000 square feet and a minimum width of 50 feet.
- (c) Setbacks:

[1] Front yard: Block Class A, 30 feet; Block Class B, 25 feet.

[2] Rear yard: Block Class A, 40 feet; Block Class B, 30 feet.

[3] Side yard: Block Class A, 12 feet; Block Class B, 10 feet.

E. Accessory buildings or structures:

- (1) Shall not be located in any required front yard.
- (2) Shall be 10 feet from any property line.
- (3) Shall be located at least six feet from other structures.
- (4) Shall be located behind the principal structure.

## F. Design standards. The following design standards shall apply:

## (1) Streets and blocks.

- (a) Existing grid network of streets and alleys shall be maintained.
- (b) New blocks, street and alley networks shall be created to tie into the existing street network, whenever properties are developed or redeveloped.
- (c) Existing blocks shall be maintained.

(2) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.

(3) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 554, and as determined by the City Forester.

(4) Lots. Lot sizes and dimensions in this district shall be suitable for development which is harmonious with the adjacent parcels and blocks.

(a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.

(b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.

(5) Off-street parking shall be accessed via an alley, where such alley exists. New off-street parking shall be located in the rear of buildings. If parking cannot be located to the rear of the lot, the parking shall be located to the side of the principal building.

(6) Driveways accessed via a street, and not an alley, shall be no more than 10 feet wide.

(7) Buildings and landscaping shall be designed to mitigate the impacts to the floodplain and promote adaptation to climate change.

(a) Compliance with this section can be achieved through the use of energy efficient building materials,

stormwater mitigation features, the use of canopy trees for shading, and other materials and practices which can demonstrate flood mitigation and climate change adaptation.

(8) Fences and walls.

- (a) Fences and walls on properties adjoining residential properties shall be designed and constructed of materials which do not detract from the general design of the neighborhood.
- (b) Fences and walls shall be constructed of durable materials, and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.
- (c) Chain-link fences are not permitted in front of a principal structure.
- (d) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway site-sight distance.
- (e) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
- (f) Fences, hedges, or walls which are located on property lines shall not exceed six feet in height. Fences, hedges, or walls which are set back from property lines may be increased in height at a ratio of one foot additional height for every two feet of additional setback. In no case shall any fence, wall or hedge exceed 10 feet in height.
- (g) Fence height shall be measured from the ground level on the side of the fence facing the property installing the fence. [Added 9-8-2021 by Ord. No. 5758]
- (h) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height. [Added 9-8-2021 by Ord. No. 5758]
- (i) Fences shall be installed with the picket side facing the property installing the fence and the pickets on the outside, facing away. [Added 9-8-2021 by Ord. No. 5758]
- (9) No drive-in uses shall be permitted.

(10) Windows

- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(11) Dumpsters and Enclosures

- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
- (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).
- (c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

# **§ 595-18 Institutional-1 (INS-1) District.**

A. Legislative intent. The purpose of the Institutional-1 District is to accommodate the orderly development of educational campuses providing four-year or higher degree programs, such as Lafayette College.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) A1 Single-family dwelling.
- (2) A2 Single-family semidetached dwelling.
- (3) A3 Single-family attached dwelling.
- (4) A11 Rooming house.
- (5) A14 Dormitory.
- (6) A15 Mixed use dormitory.

## (7) A18 Fraternity or Sorority

~~(78)~~ B1 Cultural activities and exhibitions.

~~(89)~~ B2 Amusements.

~~(910)~~ B3 Parks.

~~(1011)~~ B4 Private social clubs.

~~(1112)~~ B6 Athletic facilities.

~~(1213)~~ C2 General bookstore/coffee shop.

~~(1314)~~ C4 Food establishment.

~~(1415)~~ C5 Food and drink places.

~~(1516)~~ / Administrative offices.

~~(1617)~~ Bed-and-breakfast.

~~(1718)~~ D10 Community services.

~~(1819)~~ D11 Day-care center.

~~(1920)~~ D15 Medical services.

~~(2021)~~ E1 Educational services.

~~(2122)~~ E2 Government services.

~~(2223)~~ E3 Hospitals.

~~(2324)~~ E4 Extended-care facility.

~~(2425)~~ E5 Religious worship services.

~~(2526)~~ E6 Residential treatment center.



- (~~26~~27) E7 Rehabilitation facility.
- (~~27~~28) H1 Passenger depot.
- (~~28~~29) H3 Parking lot.
- (~~29~~30) H4 Parking structure.
- (~~30~~31) H5 Mixed use parking structure.
- (~~31~~32) I1 Accessory amusements.
- (~~32~~33) I2 Accessory offices.
- (~~33~~34) I3 Small accessory structure.
- (~~34~~35) I5 Temporary structure.
- (~~35~~36) I6 Accessory storage.
- (~~36~~37) I7 Accessory parking area.
- (~~37~~38) I8 Accessory swimming pool.
- (~~38~~39) I9 Accessory religious shelter.
- (~~39~~40) ~~I10-I11~~ Small family day-care home.
- (~~40~~41) ~~I12-I13~~ Non-impact home-based business.
- (~~42~~) ~~I17 Accessory electric vehicle charging.~~
- (~~41~~43) J1 Timber activities (in accordance with § 595-32, Supplemental standards).
- (~~42~~44) J2 Timber harvesting operations (in accordance with § 595-32, Supplemental standards).
- C. Special exception uses. All uses subject to Supplemental Standards §595-32.
- (1) A7 Medium family dwelling.
- (2) A8 Residential low-rise.
- (3) A12 Mixed residential business.
- (4) A13 Group home.
- (5) B8 Indoor shooting range (only when the use is part of a police facility).
- (6) C9 Liquid fuels.
- (7) C10 Electric vehicle charging facility.
- (~~7~~8) ~~C10-C11~~ Retail sales - large scale.
- (~~8~~9) H6 Utility services.
- (~~9~~10) H7 Communications facilities.
- (~~10~~11) I4 Large accessory structure.

D. Dimensional criteria. The dimensional criteria for the Institutional-1 (INS-1) District shall be in accordance with the following:

- (1) Setback requirements: ten-foot along the perimeter of the campus; 50 feet along the Bushkill Creek.
- (2) Maximum impervious coverage: 50%, but may be increased to 65% with justification by a design professional demonstrating that increased stormwater will be managed without adverse impacts on infrastructure or water quality.
- (3) Maximum building height: 60 feet at the INS-1 District perimeter, for every 100 feet of distance away from the INS-1 District perimeter an additional 12 feet in building height is permitted with a maximum building height of 100 feet.

E. Accessory buildings:

- (1) Shall be 25 feet from any property line.

F. Design standards.

- (1) The following university or college campus design standards shall apply:

- (a) Mixed use buildings may have residential uses on all floors.
- (b) Dormitories and mixed-use dormitories may have more than four unrelated people in each unit, provided the applicable units are in compliance with other codes, standards, and regulations for proposed occupancy levels.
- (2) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.

(3) Windows

- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(4) Dumpsters and Enclosures

- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
- (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).
- (c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

G. Parking requirements.

- (1) Parking facilities may be in any location within INS-1. Sections **595-33K** and **595-33L** do not apply.
- (2) Parking Facilities may be located in the AR and RC Zoning Districts adjoining the INS-1 Zoning District.

- (3) If the parking facility is located over 600 feet from the INS-1 Zoning District perimeter, a regular shuttle service shall be provided.
- (4) All off-street parking areas of five or more spaces shall be illuminated such that public security and safety is maintained. All lighting shall be directed away from property so as to not cause glare or other nuisances to adjacent properties.
- (5) Buffering along the perimeter of off-street parking areas located within the INS-1 District shall only be required when the parking area abuts the boundary of the INS-1 District. In addition to required buffering along the perimeter of off-street parking areas, interior landscaping shall be provided in accordance with the following standards:
- (a) Canopy trees shall be provided and evenly distributed throughout the parking area to create maximum shade to parked vehicles and minimum disruption of pedestrian and vehicular traffic flow and visibility.
- (6) In connection with any building or structure which is to be erected, substantially altered and which requires the receipt or distribution of materials or merchandise by truck or similar vehicles, there shall be provided off-street loading berths when the building or structure is situated on a public street.
- (a) The requirements of § **595-33K** shall apply when § **595-18G(6)** requires an off-street loading berth.

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**§ 595-19 Institutional-2 (INS-2) District.**

A. Legislative intent. The purpose of the Institutional-2 District is to accommodate the institutional needs of Northampton County Government.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) A12 Mixed residential/business.
- (2) B1 Cultural activities and exhibitions.
- (3) B3 Parks.
- (4) B4 Private social clubs.
- (5) C2 General bookstore/coffee shop.
- (6) C3 General merchandise.
- (7) C4 Food establishments.
- (8) C5 Eating and drinking places.
- (9) D1 Information and data processing services.
- (10) D2 Finance, insurance and real estate services.
- (11) D3 Personal services.
- (12) D4 Business services.
- (13) D5 Repair services.
- (14) D6 Professional services.
- (15) D7 Administrative offices.
- (16) D10 Community services.
- (17) D15 Day-care center.
- (18) D15 Medical services.
- (19) E1 Educational services.
- (20) E2 Government services.
- (21) E3 Hospitals.
- (22) E4 Extended-care facility.
- (23) E6 Residential treatment facility.
- (24) E7 Rehabilitation facility.
- (25) H1 Passenger depot.
- (26) H5 Mixed use parking structure.
- (27) I1 Accessory amusements.

- (28) I2 Accessory offices.
- (29) I3 Small accessory structure.
- (30) I5 Temporary structure.
- (31) I6 Accessory storage.
- (32) I7 Accessory parking area.
- (33) I8 Accessory swimming pool.
- (34) ~~I4-I12~~ Large family day-care home.
- (35) ~~I2-I13~~ No-impact home-based business.
- (36) ~~I17~~ Accessory electric vehicle charging.

- ~~(3637)~~ J1 Timber activities (in accordance with § 595-32, Supplemental standards).
- ~~(3738)~~ J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

C. Special exception uses. All uses subject to Supplemental Standards §595-32.

- (1) A9 Residential mid-rise.
- (2) B8 Indoor shooting range (only when the use is part of a police facility).
- (3) C6 Retail specialty establishments.
- (4) ~~C10-C11~~ Retail sales - large scale.
- (5) E8 Correctional facility, prison or jail.
- (6) H4 Parking structure.
- (7) H4 Utility services.
- (8) H7 Communications facilities.
- (9) I4 Large accessory structure.

D. Dimensional criteria. The dimensional criteria for the Institutional-2 (INS-2) District shall be in accordance with the following table:

Permitted Use	Minimum Lot Requirements			Minimum Yard Setbacks			Maximum Building Height (feet)	Maximum Impervious Coverage	
	Area (square feet)		Width (feet)	Build-to line (feet)	Side (feet)	Rear (feet)			
	A	B							
Mixed and non-residential uses	X		6,500	35	0-5	10	10	60	60%
		X	5,000	30	10	8	25	40	50%

Proposed Amendment									
Blocks			Minimum Lot Requirements			Minimum Yard Setbacks			
Permitted Use	A	B	Area	Width	Build-to	Side	Rear	Maximum Building	Maximum Impervious Coverage
			(square feet)	(feet)	line (feet)	(feet)	(feet)	Height (feet)	
		X	3,500	20	10	5	20	50	40%

E. Accessory buildings or structures:

- (1) Shall not be located in any required front yard.
- (2) Shall be 10 feet from any property line.
- (3) Shall be located at least six feet from other structures.
- (4) Shall be located behind the principal structure.

F. Design standards.

(1) Streets and blocks.

- (a) Existing grid network of streets and alleys shall be maintained.
- (b) New blocks, street and alley networks shall be created to fit into the existing network, whenever properties are developed or redeveloped.
- (c) Existing blocks shall be maintained.

(2) Sidewalks. New sidewalks shall have a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.

(3) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 554, and as determined by the City Forester.

(4) Lots. Lot widths and sizes shall emulate existing lots on a block and adjacent blocks, but blocks but may vary up to 25% of the lots on the blocks, to create diversity for new and infill development.

(a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.

(b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.

(5) Parking requirements.

- (a) Required parking areas shall constitute no more than 50% of the maximum impervious surface.
- (b) Off-street parking is required for all uses in the INS-2 District in accordance with § 595-33. Where two or more uses are located in the same structure, parking spaces shall be provided for each use, and all such required parking spaces shall be cumulative.
- (c) New off-street parking shall be located in the rear of buildings. If parking cannot be located to the rear of the lot, the parking shall be located to the side of the building.

- (6) Principal buildings shall have a minimum building height of 30 feet.
- (7) New buildings are intended to be positioned in context with existing buildings, utilizing a vertical bay structure and vertically oriented fenestration.
- (8) When located directly beside any building under 40 feet in height or if the building exceeds 40 feet in width, the applicant shall use one or more of the following design strategies:
- (a) Incorporate transitions of appropriate height and scale;
  - (b) Step back the upper stories from the stories below.
- (9) When a new building exceeds 40 feet in width, it shall be designed with vertical bays formed by pilasters, windows, panels and other projections or recesses.
- (10) Building location.
- (a) Buildings shall be located on a build-to line adjoining the sidewalk.
  - (b) New buildings on a block shall be located in alignment with existing buildings with a possible five-foot offset.
  - (c) Buildings shall be located to anchor street corners except where a City park or plaza may be located.
- (11) Public plazas/common areas. New multi-story developments with a building footprint over 10,000 square feet shall incorporate a public plaza or common area that contains landscaping, seating and lighting. Such plazas shall be incorporated into plans, particularly on corner lots.
- (12) Fences and walls.
- (a) Fences and walls shall be constructed of durable materials, and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass or any other material that endangers the public health, safety and welfare.
  - (b) Chain-link fences are not permitted in front of a principal structure.
  - (c) Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supporting posts. The sections of solids and voids shall be uniform throughout the fence section.
  - (d) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway ~~site sight~~ distance.
  - (e) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
  - (f) Fences and hedges shall not exceed the following heights in each yard ~~except by special exception~~:
- [1] Front ~~and side~~ yard: four feet.
  - [2] Rear ~~and side~~ yard: six feet.
- (g) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence. **[Added 9-8-2021 by Ord. No. 5758]**
  - (h) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height. **[Added 9-8-2021 by Ord. No. 5758]**

- (i) Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside, facing away. **[Added 9-8-2021 by Ord. No. 5758]**

(13) Windows

- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(14) Dumpsters and Enclosures

- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
- (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).
- (c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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## § 595-20 **Downtown (DD) District.**

- A. Legislative intent. The purpose of the Downtown District to provide the highest intensity of development within the core of the City of Easton while preserving the City's historic resources and context; to promote a mix of regional commercial and office space, with residential opportunity and neighborhood services; and to support mass transit and transit-oriented development.
- B. Permitted uses. All uses subject to Supplemental Standards §595-32.
- (1) A8 Residential low-rise dwellings (in accordance with § **595-32**, Supplemental standards).
  - (2) A9 Residential mid-rise.
  - (3) A10 Residential high-rise. (Except for properties on and west of 5<sup>th</sup> Street, where this use is considered a Special Exception Use.)
  - (4) A12 Mixed residential/business. (Except for properties on and west of 5<sup>th</sup> Street, where this use is considered a Special Exception Use.)
  - ~~(5) B1 Cultural activities and exhibitions.~~
  - ~~(6) B2 Amusements.~~
  - ~~(7) B3 Parks.~~
  - ~~(8) B4 Private social club.~~
  - ~~(95)~~ C2 General bookstore/coffee shop.
  - ~~(106)~~ C3 General merchandise. (Except for properties on and west of 5<sup>th</sup> Street, where this use is considered a Special Exception Use.)
  - ~~(117)~~ C4 Food establishments. (Except for properties on and west of 5<sup>th</sup> Street, where this use is considered a Special Exception Use.)
  - ~~(128)~~ C5 Eating and drinking places.
  - ~~(9)~~ C14 Grocery Store (Except for properties on and west of 5<sup>th</sup> Street, where this use is considered a Special Exception Use.)
  - ~~(10)~~ C15 Mixed-use Commercial (Except for properties on and west of 5<sup>th</sup> Street, where this use is considered a Special Exception Use.)
  - ~~(1311)~~ D1 Information and data.
  - ~~(1412)~~ D2 Finance, insurance, real estate.
  - ~~(1513)~~ D3 Personal services.
  - ~~(1614)~~ D4 Business services.
  - ~~(1715)~~ D5 Repair services.
  - ~~(1816)~~ D6 Professional services.
  - ~~(1917)~~ D7 Administrative offices.
  - ~~(2018)~~ D8 Hotel/motel.

~~(2119)~~ D9 Bed-and-breakfast.

~~(2220)~~ D10 Community services.

~~(2321)~~ D15 Medical services.

~~(2422)~~ E1 Educational services.

~~(2523)~~ E2 Government services.

~~(26)E3-Hospitals.~~

~~(27)E4-Extended-care facility.~~

~~(2824)~~ F4 Publishing.

~~(29)H1-Passenger depot.~~

~~(30)H4-Parking structure.~~

~~(31)H5-Mixed use parking structure.~~

~~(3225)~~ I1 Accessory amusements.

~~(3326)~~ I2 Accessory offices.

~~(3427)~~ I3 Small accessory structure.

~~(3528)~~ I5 Temporary structure.

~~(3629)~~ I6 Accessory storage.

~~(3730)~~ I7 Accessory parking area.

~~(3831)~~ I8 Accessory swimming.

~~(3932)~~ ~~I9-I10~~ Accessory religious shelter.

~~(4033)~~ ~~I10-I11~~ Small family day-care home.

~~(4134)~~ ~~I11-I12~~ Large family day-care home.

~~(4235)~~ ~~I12-I13~~ No-imp home-based business.

(36) I16 Accessory dwelling unit.

~~(4337)~~ J1 Timber activities (in accordance with § 595-32, Supplemental standards).

~~(4438)~~ J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

C. Special exception uses. All uses subject to Supplemental Standards §595-32.

(1) A1 Single-family detached dwelling.

(2) A2 Single-family semidetached dwelling.

(3) A3 Single-family attached dwelling.

(4) A4 Two-family detached dwelling.

(5) A5 Two-family semidetached dwelling.

(6) A6 Two-family attached dwelling.

(7) A7 Multifamily dwelling.

(8) A11 Rooming house.

(9) A14 Dormitory.

(10) A17 Short-term rental.

(11) B1 Cultural activities and exhibitions

(12) B2 Amusements

(13) B3 Parks

(14) B4 Private social club

(~~115~~) B8 Indoor shooting range (only when the range is part of a police facility).

(16) B10 Bar or Pub

(17) B11 Entertainment and gaming establishment.

(~~118~~) C1 Shopping gallery.

(~~119~~) C6 Retail specialty establishments.

(~~120~~) C11 Pharmacy

(~~121~~) D11 Day-care center. [Amended 2008 by Ord. No. 5120]

(~~122~~) E3 Hospitals

(23) E4 Extended-care facility

(24) E5 Religious worship services.

(~~125~~) F1 Trade contractors.

(~~126~~) F2 Food processing.

(~~127~~) F3 Furniture and other furnishings manufacture.

(~~128~~) F5 Textile mill products.

(~~129~~) F6 Apparel finished products.

(~~230~~) F7 Lumber and wood products.

(~~331~~) F9 Computers and electronics.

(~~432~~) F10 Cottage industry.

(~~533~~) H1 Passenger depot

(34) H4 Parking structure

(35) H5 Mixed use parking structure

(36) H6 Utility services.

(2637) H7 Communications facilities.

(38) I17 Accessory electric vehicle charging.

D. Dimensional criteria. The dimensional criteria for the Downtown District (DD) shall be in accordance with the following table:

Permitted Use	Blocks	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Yard Setbacks	Maximum Building Height (feet)	Maximum Impervious Coverage
Residential mid-rise	X	7,500	75	5	0	0	7555 100%
	X	6,500	60	0	0	0	7555 100%
	X	5,500	55	0	0	0	7555 100%
Residential high-rise	X	8,000	80	5	0	0	10060 100%
	X	7,500	75	0	0	0	10060 100%
	X	6,500	65	0	0	0	9060 100%
Mixed uses; non-residential uses	X	3,000	30	10	0	0	10055 100%
	X	2,500	25	0	0	0	10055 100%
	X	2,000	20	0	0	0	9055 100%

	X	7,000	70	5	0	0	40	100%
Multifamily dwelling	X	6,000	60	0	0	0	40	100%
	X	5,000	50	0	0	0	40	100%

NOTES:

- <sup>1</sup> Minimum building height of 40 feet and a minimum of three stories.

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- (87) Building size and height. New buildings shall be designed to be compatible in size and type with buildings on the same block and adjoining blocks. Except for parking structures open to the public, new buildings shall have a footprint that is not greater than or not less than 15% of the footprint of principal structures on adjoining properties.
- (98) Buildings shall have a minimum height of 40 feet and be designed to appear to be a minimum of three stories from the street.
- (109) The build-to line shall apply to the first four stories of building height only. Additional stories may be set back 10 feet beyond the build-to line.
- (110) The maximum building footprint in the DD shall be 16,000 square feet.
- (a) Infill development may be up to 24,000 square feet by special exception.
- (b) Parking structures open to the public shall be permitted to exceed the maximum building footprint.
- (1211) Primary entrances shall be located along the street front. Secondary entrances may be located at the side or rear of building. [Amended 9-24-2008 by Ord. No. 5126]
- (1312) Public plazas/common areas. New multi-story development with a building footprint over 10,000 square feet shall incorporate a public plaza or common area that contains landscaping, seating and lighting. Such plazas shall be incorporated into plans, particularly on corner lots.
- (1413) A minimum of 60% of the first floor of the primary facade shall be window surface area. No more than 20% of such window surface area shall be blocked by interior fixtures and/or signs. Commercial buildings in the Downtown District that are intended to be permeable to allow for window shopping and visibility of goods and services.
- ~~(15) All nonresidential uses located within the Street Corridor Enhancement Overlay and the Downtown District, fronting Northampton Street in the areas from Larry Holmes Drive/Riverside Drive to 2nd Street, and from 4th Street to 6th Street, shall have a nonresidential use occupying the first floor. Such use shall occupy an area equal to the linear frontage along the street line by a depth of at least 20 feet and shall provide direct pedestrian access from the sidewalk into the commercial area.~~
- (14) Porch, portico, and stoop design.
- No front yard porches, porticos, or stoops are permitted to be enclosed, and shall be open on three sides. The exception is when the structure is attached on at least one side and the front walls of each dwelling structure are set back from the adjoining structure, prohibiting the openness of the three sides. In this case, all available sides shall be open.
  - Shall not have any unpainted or unstained wood.
  - Shall be of an architectural style that matches the style of the structure.
- (15) Fences, walls, and hedges. [Amended 9-8-2021 by Ord. No. 5758]
- (a) Shall be used to screen off-street parking areas and utilities.
- (b) Chain-link fences shall not be permitted in the Downtown District.
- (c) Fences, walls, and hedges shall not exceed four feet in height in the front and side yard and shall not exceed six feet in the rear yard.
- (d) Fences and walls shall be constructed of durable materials and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.

- (e) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway site-sight distance.
- (f) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.
- (g) Fences in front of a principal structure shall have an opacity of no more than 50%, measured at each fence section between supports or posts. The sections of solids and voids shall be uniform throughout the fence section.
- (h) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence.
- (i) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height.
- (j) Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside, facing away.
- G. Standards and criteria governing special exception uses shall be:
- (1) Cottage industry shall meet the supplemental standards of § 595-32.
- (2) Trade contractors, food processing, furniture and other furnishings manufacture, publishing, textile mill products, apparel, finished products, lumber and wood products, and computers and electronics uses:
  - (a) The requirements of § 595-40C, Special Exception shall be met.
  - (b) The use shall not be located within the Street Corridor Enhancement Overlay District.
  - (c) The use shall have a display component visible and open to the general public during regular business hours. Such space shall be a minimum of 10 square feet for every foot of building frontage, with direct access to the street.
  - (d) The use shall be limited to a maximum of 80 feet of frontage along a public street.

#### (16) Windows

- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

#### (17) Dumpsters and Enclosures

- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
- (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).
- (c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.



## § 595-21 **Business and Entertainment (BE) District.**

### A. Legislative intent.

- (1) The purpose of the Business and Entertainment District (BE) is to encourage active uses and storefronts that enhance Easton's Downtown as a place to visit, do business, and stay for evening dining and entertainment.
- (2) The Business and Entertainment District should encourage cultural events, vibrant commercial activity, dining, and entertainment establishments and venues. This district is considered the hub of local and regional festivals, events and is intended to create a consistent stream of daytime and nighttime foot traffic from existing businesses and potential customers that sustain the district.
- (3) Maintain or construct vertical multi-story mixed-use buildings.
- (4) Provide continuity between old and new in the built environment.
- (5) Permit building design appropriate with the standards set forth by the Local Historic District Ordinance.
- (6) Permit land uses that increase opportunities for day time, evening and weekend activities.
- (7) Promote development that maintains an attractive streetscape.
- (8) Support entrance and facade remodeling on downtown buildings that will contribute to the existing pedestrian environment.
- (9) Permit housing and office opportunities in upper floors.
- (10) Discourage development and uses that require storage, or drive-through lanes or drive-through windows.

### B. Permitted uses. All uses subject to Supplemental Standards §595-32. Uses permitted by right in the Business and Entertainment District are as follows:

- (1) A12 Mixed residential/business.
- (2) A17 Short-term rental
- (23) B1 Cultural activities and exhibitions.
- (34) B2 Amusement parks.
- (45) ~~B4 Private social clubs.~~ B10 Bar or pub.
- (6) B11 Entertainment and gaming establishment.
- (57) C1 Shopping gallery.
- (8) C2 General bookstore/coffee shop.
- (69) C3 General merchandise.
- (710) C5 Eating and drinking places.
- (11)C14 Grocery store.
- (12)C15 Mixed-use commercial

- (813) D1 Information and data.
- (914) D2 Finance, insurance, real estate.
- (4015) D3 Personal services.
- (1116) D4 Business services.
- (1217) D6 Professional services.
- (1318) D7 Administrative offices.
- (1419) D8 Hotel/motel.
- (1520) F4 Publishing.
- (1621) F9 Computers and electronics.
- (1722) I1 Accessory amusements.
- (1823) I2 Accessory offices.
- (1924) ~~I12-I13~~ No impact home-based business.

C. Special exception uses. All uses subject to Supplemental Standards §595-32. ~~Special exception uses are as follows:~~

- (1) B9 Nightclub.
- (2) C11 Pharmacy.
- (3) H7 Communications antenna.
- (24) I3 Small accessory structure.
- (35) I4 Large accessory structure.
- (6) I17 Accessory electric vehicle charging.

D. Dimensional criteria. The dimensional criteria for the Business and Entertainment (BE) District shall be as follows.

- (1) Minimum building height: 60 feet, and shall be designed to appear to be a minimum of five stories at the street.
- (2) Maximum building height: 125 feet.
  - (a) An additional 15 feet in height is permitted at street intersections.
- (3) Maximum impervious coverage: 100%.
- (4) Build-to Line: zero feet.

E. Accessory buildings:

- (1) Shall be located behind the principal structure.

F. Design standards. The following design standards shall apply:

- (1) All new building construction shall utilize the entire lot for building(s) and accessory uses.

- (2) All buildings in the Business and Entertainment Zoning District shall comply with City Code Chapter **318**, Historic Preservation.
- (3) Lots. Lot widths and sizes shall emulate existing lots on a block and adjacent ~~blocks, but~~ blocks but may vary up to 25% of the lots on the blocks, to create diversity for new and infill development.
- (a) Lots shall not be consolidated to increase the size of the largest existing lot in a proposed consolidation by more than 50%, except by special exception.
- (b) Lot consolidation requires a land development plan for review at the time of lot consolidation review.
- (4) Building design:
- (a) The build-to line shall be zero feet. The build-to line shall apply to the first four stories of the building height. Additional stories may be set back 10 feet beyond the build-to line.
- (b) Primary entrances shall be located along the street front. Secondary entrances may be located at the side or rear of building.
- (c) The first floor use shall have a commercial or office component visible to the public from the front facade. Such space shall be located along the primary facade for depth of at least 20 feet and have direct pedestrian entry from the street. [Amended 12-2021 by Ord. No. 5758]
- (d) Building height:
- [1] Buildings shall have a minimum height of 40 feet and be designed to appear to be a minimum of five stories at the street.
- [2] Additional height is permitted at gateway and corner locations for architectural features, such as clock towers, spires, statues, or public art.
- (e) Any new building that exceeds 40 feet in width shall be designed with vertical bays formed by pilasters, windows, panels and other features or recesses. Fenestration shall be vertical in orientation.
- (f) Corner buildings are considered to be anchor buildings in the City's downtown districts. Building design and front door placement shall be appropriately anchored to a street corner.
- (g) A minimum of 60% of the first floor of the primary façade shall be window surface area. No more than 20% of such window surface area shall be blocked by interior fixtures and/or signs.
- (5) Building design shall promote enhanced pedestrian accessibility, active uses and amenities on the streets, public areas and rights-of-way in this district. New sidewalks and crosswalks proposed are intended to extend from and into existing sidewalks and crosswalks.
- (6) Building size and height. New buildings shall be designed to be compatible in size and type with buildings on the same block and adjoining blocks. New buildings shall have a footprint that is not greater than or not less than 15% of the footprint of principal structures on adjoining properties.
- (7) The maximum building footprint in the BE shall be 16,000 square feet.
- (a) Infill development may be up to 24,000 square feet by special exception.
- (8) Public plazas/common areas. New multi-story development with a building footprint over 10,000 square feet shall incorporate a public plaza or common area that contains landscaping, seating and lighting. Such plazas shall be incorporated into plans, particularly on corner lots.

- (9) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (10) Streetscape or landscape enhancements, including, but not limited to, fencing, sitting walls, brick pavers, and other hardscape elements must be included within a landscaping plan.
- (11) Chain-link fences are not permitted.
- (12) Fences, walls, and hedges shall not exceed four feet in height and shall not be permitted in the front or sides principal structures.
- (a) When a wall or hedge is proposed in front of principal structures, it shall only be permitted as part of the landscaping for public plazas and shall not exceed 42 inches in height.

(13) Windows

- (a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(14) Dumpsters and Enclosures

- (a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.
- (b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).
- (c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

~~G. Parking requirements. Notwithstanding anything to the contrary in this chapter, off-street parking is not required for new uses within the BE except for nonresidential uses requiring 10 or more parking spaces and residential uses containing five or more dwelling units. In such cases, the minimum parking spaces requirement of § 595-33B of this chapter shall only apply to the number of dwelling units in excess of four, and all such required spaces may be provided off-site in compliance with § 595-33I, Joint use, and § 595-33K, Location of facilities. Mixed-use parking shall be provide in accordance with § 595-33G, Maneuvering area; space layout.~~

**§ 595-22 Adaptive Reuse (AR) District.**

A. Legislative intent. The purpose of the Adaptive Reuse District is to promote the redevelopment and revitalization of underutilized and underperforming areas of the ~~City~~city with residential, institutional, and commercial uses and industrial development in an environmentally sensitive manner.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

(1) A1 Single-family detached dwelling.

(2) A2 Single-family semidetached dwelling.

(3) A3 Single-family attached dwelling.

(4) A8 Residential low-rise.

(5) A9 Residential mid-rise.

(6) A10 Residential high-rise.

(7) A12 Mixed residential/business.

(8) A14 Dormitories.

(9) A15 Mixed-use/dormitories.

(10) B1 Cultural activities and exhibitions.

(11) B2 Amusements.

(12) B3 Parks.

(13) C1 Shopping galleries.

(14) C3 General merchandise.

(15) C5 Eating and drinking places.

(16) C7 Wholesale trade.

(17) C8 Motor vehicle sales.

(18) C9 Liquid fuels.

(19)C10 Electric vehicle charging facility.

~~(1920)~~ D5 Repair services.

~~(2021)~~ D6 Professional services.

~~(2122)~~ D7 Administrative offices.

~~(2223)~~ D11 Day-care center.

~~(2324)~~ D14 Automotive repair.

~~(2425)~~ D15 Medical services.

~~(2526)~~ E1 Educational services.

- (~~2627~~) E2 Government services.
- (~~2728~~) F1 Trade contractors.
- (~~2829~~) F2 Food processing.
- (~~2930~~) F3 Furniture and other furnishings manufacture.
- (~~3031~~) F4 Publishing.
- (~~3132~~) F5 Textile mill products.
- (~~3233~~) F6 Apparel, finished products.
- (~~3334~~) F7 Lumber and wood products.
- ~~(34) F8 Warehouse and storage.~~
- (~~3535~~) F9 Computers and electronics.
- (~~3636~~) F10 Cottage industry.
- (~~3737~~) H1 Passenger depot.
- (38) ~~H2 Freight depot.~~
- (39) ~~H3 Parking lot.~~
- (40) ~~H4. Parking structure.~~
- (41) ~~H5 Mixed-use parking structure.~~
- (~~4238~~) H6 Utilities.
- (~~4339~~) I1 Accessory usemen
- (~~4440~~) I2 Accessory office
- (~~4541~~) I3 Small accessory structure.
- (~~4642~~) I4 Temporary structure.
- (~~4743~~) I6 Accessory storage.
- (~~4844~~) I7 Accessory parking area.
- (~~4945~~) I8 Accessory swimming pool.
- (~~5046~~) I9 Accessory religious shelter.
- (~~5147~~) ~~I12-I13~~ No-impact home-based business.
- (48) I17 Accessory electric vehicle charging.
- (~~5249~~) J1 Timber activities. ~~(in accordance with § 595-32, Supplemental standards).~~
- (~~5350~~) J2 Timber harvesting operation. ~~(in accordance with § 595-32, Supplemental standards).~~
- C. Special exception uses. All uses subject to Supplemental Standards §595-32.

- (1) A16 Manufactured home park.
- (2) B5 Adult entertainment.
- (3) B7 Zoo.
- (4) B8 Indoor shooting range (only when the use is part of a police facility).
- (5) D12 Check-cashing facility.
- (6) D13 Pawnshop.
- (7) D16 Kennel.
- (8) E10 Crematorium.
- (~~8~~9) F8 Warehouse and storage.
- (~~10~~) G1 Outdoor storage area.
- (~~9~~11) G2 Chemical industries.
- (~~10~~12) G3 Petroleum industries.
- (~~11~~13) G4 Plastics and rubber industries.
- (~~12~~14) G5 Stone, clay and glass industries.
- (~~13~~15) G6 Primary metal industries.
- (~~14~~16) G7 Fabricated metal industries.
- (~~15~~17) G8 Recycling collection facility.
- (~~16~~18) G9 Recycling processing.
- (~~17~~19) G10 Salvage yard.
- (~~18~~20) I1 Solid waste disposal facility.
- (~~19~~21) I7 Communications facility.
- (~~20~~22) I4 Drive access structure.

D. Dimensional criteria. The dimensional criteria for the Adaptive Reuse (AR) District shall be in accordance with the following table:

Permitted Use	Blocks			Minimum Lot Requirements		Minimum Yard Setbacks			Proposed Amendments	
						(feet)			Maximum Building Height* (feet)	Maximum Impervious Coverage
	Area (square feet)	Width (feet)	Setback (feet)	Side(s)	Rear					
Single-family detached dwelling unit	X			6,000	60	15	10	35	40	40%
		X		4,500	45	10	5	30	40	40%
			X	3,000	30	0	5	25	40	40%
Single-family semi-detached dwelling unit	X			4,000	40	15	10	35	40	40%
		X		3,500	35	10	5	30	40	40%
			X	2,500	25	0	5	25	40	40%
Single-family attached dwelling unit	X			3,000	30	15	10	35	40	40%
		X		2,500	25	10	5	30	40	40%
			X	2,000	20	0	5	25	40	40%
Residential mid-rise and dormitory	X			7,000	75	10	10	30	75	60%
		X		6,000	60	10	10	25	75	60%
			X	5,500	55	0	5	20	75	60%
Residential high-rise	X			8,000	80	10	10	30	90	60%
		X		7,500	75	5	10	25	90	60%
			X	6,500	65	0	5	20	90	60%
Mixed residential/business and mixed use/dormitory	X			5,000	50	5	10	30	90	60%
		X	X	4,000	40	5	5	20	90	75%
All non-residential uses	X			8,000	80	10	10	30	100	75%
		X		6,500	65	5	5	25	100	75%
			X	4,000	40	0	0	20	100	75%

NOTES:



			Minimum Lot Requirements		Minimum Yard Setbacks					
			Area		Width Setback		Side(s)		Maximum Building Height*	
Permitted Use	A	B	C	(square feet)	(feet)	(feet)	(feet)	(feet)	(feet)	Maximum Impervious Coverage

\* The principal building shall have a minimum height of 20 feet.

E. Accessory buildings or structures:

- (1) Shall be set back five feet from any and all side lot lines.
- (2) Rear yard setback shall be four feet where no vehicular access exists and five feet otherwise.
- (3) Distance to other structures shall be five feet.
- (4) Shall be located behind the principal structure.

F. Design standards.

- (1) New street widths shall be consistent with existing street widths.
- (2) Street trees. Street trees shall be planted along both sides of all streets, in accordance with Chapter 554, and as determined by the City Engineer.
- (3) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is an existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (4) Primary entrances shall be located along the street front. Secondary entrances may be located at the side or rear of a building.
- (5) Building size and type. Buildings shall have a minimum height of two stories, and a mass and scale that create a harmonious streetscape with the adjoining properties.
- (6) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitation. **[Added 9-8-2021 by Ord. No. 5758]**
- (7) Fences, walls and hedges. **[Amended 9-8-2021 by Ord. No. 5758]**
  - (a) Shall be used to screen off-street parking areas and utilities.
  - (b) Fences and walls on properties adjoining residential properties shall be designed and constructed of materials which do not detract from the general design of the neighborhood. Chain-link fence is not permitted in front of principal structures.
  - (c) Fences, walls, and hedges shall not exceed six feet in height. Fences, hedges, or walls which are set back from property lines may be increased in height at a ratio of ~~one foot~~one-foot additional height for every two feet of additional setback. In no case shall any fence, wall, or hedge exceed 10 feet in height.
  - (d) Fences and walls shall be constructed of durable materials and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public

- (e) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence.
- (f) Fences installed on top of walls or within three feet of the top of walls shall be measured from the base of the wall when determining maximum fence height.
- (g) Fences shall be installed with the rail side facing the property installing the fence and the pickets on the outside, facing away.

(8)Windows

(a)All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(9)Dumpsters and Enclosures

(a)All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.

(b)Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).

(c)Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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### § 595-23 **Expressway Transitional (ET) Zone.**

A. Legislative intent. The purpose of the Expressway Transitional (ET) District is to accommodate industrial, commercial, mixed and advertising uses in areas adjacent to multilane, controlled-access roads, to promote better safety and welfare within the City of Easton. These areas have traditionally been geared toward industry and commerce, with a minimal residential base. As such, the Expressway Transitional (ET) District is ideal for uses which are incompatible with residential areas.

B. Permitted uses. All uses subject to Supplemental Standards §595-32.

- (1) B1 Cultural activities and exhibitions.
- (2) B2 Amusements.
- (3) B3 Parks.
- (4) C3 General merchandise.
- (5) C5 Eating and drinking places.
- (6) C7 Wholesale trade.
- (7) D1 Information and data processing establishments.
- (8) D2 Finance, insurance, real estate.
- (9) D3 Personal services.
- (10) D4 Business services.
- (11) D5 Repair services.
- (12) D6 Professional services.
- (13) D7 Administrative offices.
- (14) D8 Hotel/motel.
- (15) D9 Bed and-breakfast.
- (16) D14 Automotive repair.
- (17) D15 Medical services.
- (18) E3 Hospitals.
- (19) H1 Passenger depot.
- (20) H2 Freight depot.
- (21) H3 Parking lot.
- (22) H4 Parking structure.
- (23) H5 Mixed use parking structure.
- (24) J1 Timber activities (in accordance with § 595-32, Supplemental standards).
- (25) J2 Timber harvesting operation (in accordance with § 595-32, Supplemental standards).

C. Special exception uses. All uses subject to Supplemental Standards §§ 95-32.

- (1) B7 Zoo.
- (2) B8 Indoor shooting range.
- (3) B12 Gambling establishment.
- (~~34~~) C1 Shopping gallery.
- (~~45~~) C8 Motor vehicle sales.
- (~~56~~) C9 Liquid fuels.
- (7) C10 Electric vehicle charging facility.
- (~~68~~) E1 Educational services.
- (9) E10 Crematorium.
- (~~710~~) F1 Trade contractors.
- (~~811~~) F2 Food processing.
- (~~912~~) F3 Furniture and other furnishings manufacturing.
- (~~1013~~) F4 Publishing.
- (~~1114~~) F5 Textile mill products.
- (~~1215~~) F6 Apparel finished products.
- (~~1316~~) F7 Lumber and wood products.
- (~~1417~~) F8 Warehouse and storage.
- (~~1518~~) H6 Utilities.
- (~~1619~~) I6 Communications facility.
- (20) I17 Accessory electric vehicle charging.
- (~~1721~~) K1 Advertising.

D. Dimensional criteria. The dimensional criteria for the Expressway Transitional (ET) District shall be in accordance with the following table:

Proposed Amendments										
				Minimum Lot Requirements			Minimum Yard Setbacks (feet)			
Permitted Use	Blocks			Area (square feet)	Width (feet)	Build-To Line (feet)	Side(s)	Rear	Maximum Building Height* (feet)	Maximum Impervious Coverage
	A	B	C							
Mixed uses	X			5,000	50	5	10	30	90	60%
		X	X	4,000	40	5	5	20	90	75%
All non-residential uses	X			8,000	80	10	10	30	100	75%
		X		6,500	65	5	5	20	100	75%
			X	4,000	40	0	0	20	100	75%

## NOTES:

\* The principal building shall have a minimum height of 20 feet.

E. Accessory buildings or structures:

- (1) Shall be set back five feet from any and all lot lines.
- (2) Rear yard setback shall be four feet where no vehicular access exists and 10 feet otherwise.
- (3) Distance to other structures shall be 10 feet.
- (4) Shall be located behind the principal structure.

## F. Design standards.

- (1) The block structure of the City shall be maintained and extended onto properties that lack a block structure. New blocks shall be created to tie in to into the existing block grid and the existing street and alley network.
- (2) New street widths shall be consistent with existing street widths.
- (3) Sidewalks. New sidewalks shall be a minimum width of five feet on both sides of any street. In the case where there is existing sidewalk and curbing, new sidewalk and curbing width shall match.
- (4) The principal building shall have a minimum building height of 20 feet.
- (5) Primary entrances shall be located along a street front, not to include limited access highways. Secondary entrances may be located at the side or rear of the building.

(6) ~~(Reserved)~~

(7) ~~(Reserved)~~

(8) ~~(Reserved)~~

(96) Walls in the front of a principal structure shall be no greater than 36 inches in height and shall be brick or masonry construction. Walls of any kind shall not be located within a street right-of-way or a driveway site-sight distance.

(107) Walls which are used as landscaping features shall be considered fences and shall be subject to the same height limitations.

(118) Fences, walls, and hedges. [Amended 9-8-2021 by Ord. No. 5758]

- (a) Shall be used to screen off-street parking areas and utilities.
- (b) Chain-link fences are not permitted in front of the principal structure or along a street wall.
- (c) Fences and walls on properties adjoining residential properties shall be designed and constructed of materials which do not detract from the general design of the neighborhood.
- (d) Fences and walls shall be constructed of durable materials and shall not be constructed using barbed wire, razor wire, electric fencing, broken glass, or any other material that endangers the public health, safety and welfare.
- (e) Fences, walls, and hedges shall not exceed six feet in height. Fences, hedges or walls which are located on property lines shall not exceed six feet in height. Fences, hedges or walls which are set back from property lines may be increased in height at a ratio of one foot additional height for every two feet of additional setback. In no case shall any fence, wall or hedge exceed 10 feet in height.
- (f) Fence height shall be measured from the grade level on the side of the fence facing the property installing the fence.
- (g) Fences installed on top of walls or within three feet of walls shall be measured from the base of the wall when determining maximum fence height.
- (h) Fences shall be installed with the wall side facing the property installing the fence and the pickets on the outside, facing away.

(12) (Reserved)

(139) The design standards above do not apply to off-premises signs, which are to be regulated in accordance with § 55-34, Sign Regulations, and the other provisions, standards and criteria herein which pertain to off-premises signs.

(10) Windows

(a) All non-residential windows shall remain unblocked by signs, product displays, or other obstructions, unless otherwise approved or permitted by Section 595-34, Sign Regulations.

(11) Dumpsters and Enclosures

(a) All new construction of commercial or industrial uses, multifamily residential developments, and new uses that do not receive curbside service shall provide sufficient dumpsters required for trash disposal.

(b) Enclosures for the dumpster(s) shall be a minimum of 12 feet by 12 feet and be enclosed by a six-foot decorative masonry block wall on three sides. Enclosures shall be designed to integrate with the site design, using the same materials and architectural details as the primary structure(s).

(c) Enclosures within view of the public from a street shall be screened with appropriate plant materials. These plant materials shall be approved by the City Forester.

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## 595-25 Street Corridor Enhancement (SC) Overlay District

- A. Legislative intent. The Street Corridor Enhancement Overlay District's purpose is to accommodate medium- and high-intensity development at the gateways to the City and along the principal vehicular and pedestrian corridors, and to promote compact, walkable, mixed-use buildings with local and regional commercial services, compatibly scaled light industrial, and residential uses.
- B. Permitted uses. All uses permitted by right in the underlying zoning district shall be permitted by right in the Street Corridor Enhancement (SC) Overlay District, except A1, A2, A3, A4, A5, and A6 uses. All uses subject to Supplemental Standards §595-32.
- (1) A7 Multifamily dwelling.
  - (2) A12 Mixed residential/business.
  - (3) B1 Cultural activities and exhibitions.
  - ~~(3)(4)~~ B11 Entertainment and gaming establishment.
  - ~~(4)(1)~~ B3 Parks.
  - (5) C2 General bookstore/coffee shop.
  - (6) C3 General merchandise (except on 13th Street between Washington and Pine Streets and between Church and Bushkill Streets where this use is still considered a special exception).
  - (7) C5 Eating and drinking places without drive-through service (except on 13th Street between Washington and Pine Streets and between Church and Bushkill Streets where this use is considered a special exception).
  - (8) D2 Finance, insurance, and real estate.
  - (9) D3 Personal services.
  - (10) D4 Business services.
  - (11) D6 Professional services.
  - (12) D7 Administrative offices.
  - (13) D15 Medical services.
  - ~~(14)~~ F4 Publishing.
  - ~~(15)(14)~~ F10 Cottage industry.
  - ~~(16)(1)~~ H1 Passenger depot.
- C. Special exception uses. If a use is permitted by right in the underlying zoning district, a special exception is not necessary, except A1, A2, A3, A4, A5, and A6 uses. Special exception uses in the Street Corridor Enhancement (SC) Overlay District are as follows: All uses subject to Supplemental Standards §595-32.
- (1) A9 Residential mid-rise (in College Hill, South Side, and West Ward Districts only).
  - (2) B2 Amusements.
  - (3) B3 Parks.
  - (4) B4 Private social club.



~~(5)~~B10 Bar or pub.

~~(2)~~(6) C3 General merchandise (except as permitted above).

~~(3)~~(7) C4 Food establishments.

~~(4)~~(8) C5 Eating and drinking places (except as permitted above).

~~(5)~~(9) C6 Retail specialty establishments.

(10) C9 Liquid fuels.

~~(6)~~(11) C10 Electric vehicle charging facility.

~~(7)~~(12) ~~C10~~C11 Retail sales - large scale.

(13) ~~C11~~C12 Pharmacy.

(14) C13 Convenience store.

(15) C14 Grocery store.

~~(8)~~(16) C15 Mixed-use Commercial.

~~(9)~~(17) D5 Repair services.

~~(10)~~(18) D9 Bed-and-breakfast.

~~(11)~~(19) D10 Community services.

~~(12)~~(20) D11 Day-care center.

~~(13)~~(21) D14 Automotive repair.

~~(14)~~(22) E1 Educational services.

~~(15)~~(23) E2 Government services.

(24) E5 Religious worship services.

(25) F4 Publishing.

~~(16)~~(26) H1 Passenger depot.

~~(17)~~(27) H4 Parking structure.

(28) H5 Mixed use parking structure.

~~(18)~~(29) I17 Accessory electric vehicle charging.

- D. Dimensional criteria. The dimensional criteria for the Street Corridor Enhancement (SC) Overlay District shall be in accordance with the following table:

Underlying District	Build-To Line (feet)	Additional Building Height Permitted <sup>2</sup> (feet)
College Hill	0 to 5	15 additional feet
South Side	0 to 5	15 additional feet
West Ward	0 to 5	30 additional feet within 1,000 feet of the boundary of the Downtown District, otherwise: additional feet at street intersections; 15 additional feet midblock
INS-1	0 to 10	15 additional feet
Downtown	0/sidewalk	30 additional feet at street intersections; 15 additional feet midblock
Adaptive Reuse	0 to 10	15 additional feet

Underlying District	Build-To Line (feet)	Additional Building Height Permitted <sup>2</sup> (feet)
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## NOTES:

- <sup>1</sup> Unless noted here, dimensions shall comply with the regulations for the underlying district.
- <sup>2</sup> Additional height permitted over the existing regulations for the underlying district.

## E. Design standards. The following design standards shall apply:

- (1) There shall be a maximum building footprint of 12,000 square feet, unless permitted to be greater in the underlying zoning district.
- (2) The new principal building shall have a minimum height of 30 feet and be at least two stories, unless located in the Downtown Zoning District where the minimum height is 40 feet and the appearance of the building is three stories.
- (3) The primary façade of buildings longer than 30 feet at the build-to line shall be designed to look like more than one building. Each additional forty-foot building segment shall be designed to look like an additional building (i.e., a sixty-foot building shall be designed to look like two buildings, a ninety-foot building shall be designed to look like three different buildings). When this results in a fraction of a building, any fraction greater than 15 feet shall be counted as an additional segment (i.e., a forty-five-foot building shall be designed to look like two buildings, a seventy-five-foot building shall be designed to look like three different buildings). Pilasters, alternate materials, recesses and projections, or other architectural elements shall be used to differentiate each segment from the next. Color shall not be used to differentiate segments.
- (4) Primary entrances shall be located along the street front. Secondary entrances may be located at the side or rear of buildings.
- (5) No blank walls shall face a street. Such building walls facing a street shall have fenestration, entrances or other features.
- (6) Required parking spaces may be located on facilities within 600 feet of the lot on which the parking is required: § 595-33M shall not apply.
- (7) No drive-in uses shall be permitted.
- (8) Commercial buildings in the street corridor are intended to be permeable to allow for window shopping and visibility of retail good and services.
- (9) The first floor shall be a minimum of 60% glazing to meet this requirement.
- (10) The following regulations shall apply within the CH, SS and WW Districts, except on Northampton Street and Cattell Street:
  - (a) Business activity shall be limited to general merchandise, food establishments, public eating and drinking places, specialty retail establishments, personal services, repair services, educational services, medical services and professional services.

[1] The use shall be located on a corner lot or a lot immediately adjacent to a corner lot.

- (b) Each nonresidential use in a mixed-use building shall have a maximum floor area of 6,000 square feet.

F. ~~Standards and criteria governing special exception uses.~~

~~(1)(11)~~ All nonresidential uses located within the Street Corridor Enhancement Overlay and the Downtown District, fronting Northampton Street in the areas from Larry Holmes Drive/Riverside Drive to 6th Street, or fronting on Center Square, shall have a permitted arts, entertainment, recreational, retail, or service use occupying the first floor. Such use shall occupy an area equal to the linear frontage along the street line, except for entrances to lobbies or to the other uses within the building, by a depth of at least 20 feet and shall provide direct pedestrian access from the sidewalk into the commercial area.

~~(2) Nonresidential uses shall not be permitted anywhere on a floor above residential uses within the same building.~~

DRAFT

## Part 3 Zoning General Regulations

§ 595-31 ~~(Reserved)~~ Rules for Measurement. Where not specified elsewhere in this chapter, this section shall apply.

- A. Purpose. The purpose of this section is to explain how to perform calculations and measurement required to implement the zoning regulations.
- B. Fractions. Whenever the Zoning Code requires consideration of distances, parking spaces, residential dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded up to the nearest whole number.
- C. Determining Residential Density. The maximum number of residential dwelling units allowed on any site is determined by dividing the area of the site in square feet by the minimum number of square feet of lot area required for each residential dwelling unit.
- D. Determining Setbacks. A setback line is measured as the distance between the nearest lot line and the closest point on the exterior of a building or structure, excluding permitted projections.
- E. Determining Lot Coverage. The footprint of all impervious surface shall be summed then divided by the total lot area; the result is multiplied by 100 to determine the percentage of lot coverage.
- F. Measuring distance for off-site parking. When off-site, off-street parking is permitted, the distance shall be measured along established or common paths of pedestrian travel from the public entrance of the building served by the off-site parking to the public entrance of the off-street parking.
  - a. When the established or common path of pedestrian travel involves a change of elevation with a slope that exceeds 1:12, all of the required accessible parking shall be on site or within the travel distance that does not have an elevation change with a slope that exceeds 1:12.
- G. Measuring distance for separation of uses. Where a use is required by this chapter to be separated from another use, the distance shall be measured in a straight-line radius from the boundary of the property for the proposed use.
  - a. When the separation of the uses involves a natural barrier, such as a river, or steep slope, without a connection, such as a bridge, stairs, elevator, or similar, the Zoning Officer shall consider a reduction in the required separation.

## § 595-32 Supplemental standards.

## A. Residential uses.

## (1) Single-family and two-family dwellings.

(a) In the Downtown District, single-family detached dwellings shall be located outside of the Street Corridor Enhancement Overlay.

(b) In the INS Districts, minimum lot size is 1,500 square feet per dwelling unit with a minimum lot width of 50 feet, unless otherwise specified.

(c) Minimum dwelling unit size: 450 square feet.

(d) The primary façade of single-family and two-family dwellings shall front the street upon which it is constructed. Only one primary façade is required. The street address of the property shall determine the street upon which single-family and two-family dwellings are constructed.

## (2) Multifamily dwellings.

(a) Minimum lot size: 1,250 square feet per dwelling unit with a minimum lot width of 50 feet.

(b) Minimum dwelling unit size: 450 square feet.

(c) The primary façade of multifamily dwellings shall front the street upon which it is constructed. In the case of corner lots, multifamily dwellings shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from the side street by more than five feet.

## (3) Residential low-rise.

(a) Minimum lot size: 1,250 square feet per dwelling unit with a minimum lot width of 50 feet and a minimum dwelling unit size of 450 square feet.

(b) Maximum impervious surface: 50% in the INS District or 80% in the DD.

(c) Maximum dwelling units per acre: 20.

(d) Maximum building length: 150 feet.

(e) The primary façade of residential low-rise buildings shall front the street upon which it is constructed. In the case of corner lots, low-rise buildings shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from the side street by more than five feet.

(f) No part of any building shall be nearer than 12 feet to any other building or groups of attached buildings, and no portion of the front or rear of any building or groups of attached buildings shall be nearer than 50 feet to the front and rear of another building or groups of attached buildings.

## (4) Residential mid-rise.

(a) Minimum lot size: 1,000 square feet per dwelling unit with a minimum lot width of 50 feet and a minimum dwelling unit size of 450 square feet.

(b) No part of any building shall be nearer than 12 feet to any other building or groups of attached buildings, and no portion of the front or rear of any buildings or groups of attached buildings shall be nearer than 50 feet to the front and rear of another building or groups of attached buildings.

(c) The primary façade of residential mid-rise buildings shall front the street upon which it is constructed. In the case of corner lots, residential mid-rise buildings shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from the side street by more than five feet.

(5) Short-term rental.

(a) No signs shall be posted on the property advertising short-term rental opportunities, or otherwise identifying the property as a short-term rental.

(b) One off-street parking space shall be provided as follows: for each guest.

[1] Short-term rentals that are an individual room in a dwelling occupied by the owner of the dwelling, one additional off-street parking space shall be provided in addition to the required off-street parking spaces for the building in which the unit is located.

[2] Short-term rentals that are the entire dwelling unit shall have off-street parking spaces based on the occupant load of the dwelling unit and divided in half.

For example, a dwelling unit with an occupant load of six requires three off-street parking spaces. Any half-unit shall be rounded up to the next whole number; for example, a dwelling unit with an occupant load of five requires three parking spaces.

(c) No short-term rental property shall be located within 500 feet of another short-term rental property.

(d) A short-term rental use shall only be permitted in a dwelling unit.

(e) A short-term rental use shall be prohibited in an accessory dwelling unit.

(6) Mixed residential/business.

(a) Except for in the Business and Entertainment District and Street Corridor Overlay, No nonresidential uses shall not be located on a floor above any residential use.

(b) The primary façade of mixed residential/business buildings shall front the street upon which it is constructed. In the case of corner lots, mixed residential/business buildings shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from the side street(s) by more than five feet.

(c) Minimum residential dwelling unit size: 450 square feet.

(7) Mixed-use/dormitory.

(a) Residential uses shall not be at or below grade level, unless allowed for in a specific zoning district.

(b) Nonresidential uses shall not be located on a floor above any residential use, unless allowed for in a specific zoning district.

(c) The minimum lot size shall be 12,000 square feet.

(d) The primary façade of mixed-use/dormitory buildings shall front the street upon which it is constructed. In the case of corner lots, mixed-use/dormitory buildings shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from the side street(s) by more than five feet.

(8) Group homes.

(a) The use shall be conducted in a detached residential structure containing not less than 1,000 square feet gross floor area plus 100 square feet gross floor area per occupant capacity.

(b) The use shall not be established within 1,000 feet of similar use.

(c) The use shall be provided with trained personnel 24 hours per day.

(d) No sign shall be used for the use.

(e) The primary façade of group homes shall front the street upon which it is constructed, except if otherwise permitted by specific exception.

(9) Manufactured home parks.

(a) No person shall construct, maintain, operate or alter any manufactured home park within the City limits unless he holds a valid operating permit issued annually by the Board in the name of such person for the specific manufactured home park. All permits expire April 1 following their issuance. Application for renewal shall be made prior to March 15 of each year for a further period of 12 months.

(b) Any change in the site requires submission of plan to the Planning and Codes Department.

(c) An annual inspection fee will be charged to each manufactured home park according to the schedule as specified in Chapter 285, Fees.

(d) All manufactured home parks within the limits of the City shall be subject to Pennsylvania Code, as amended, except for the following which will be governed by applicable City regulations:

[1] All water used in the operation of a manufactured home park.

[2] All structural, mechanical, electrical, plumbing and energy regulations.

[3] Whenever food service is provided.

[4] Measures for the control of vermin and vectors.

## B. Cultural activities and entertainment.

(1) Parks. Parks shall be developed in a manner that preserves natural features such as watercourses, unique rock outcrops, steep slopes and vegetation.

(2) Adult entertainment.

(a) The requirements of § 595-40C, Special exceptions, shall be met.

(b) No use as defined under § 595-09A, B5 (adult entertainment), shall be established within 500 feet of any dwelling.

(c) No use as defined under § 595-09A, B5 (adult entertainment), shall be established within 500 feet of any such previously existing use.

(d) No use as defined under § 595-09A, B5 (adult entertainment), shall be established within 1,000 feet of a school, religious use or recreational use.

(e) Any use as defined under § 595-09A, B5 (adult entertainment), shall not have more than one sign, the dimensions of which shall not exceed 20 square feet.

(f) A sign for a use as defined under § 595-09A, B5 (adult entertainment), shall contain no words, symbols or graphics which explicitly refer to sexual gratification or which are generally considered sexual in nature.

(g) No sign for use as defined under § 595-09A, B5 (adult entertainment), shall be visible from adjacent properties other than public roadways.

(h) All activities of a use as defined under § 595-09A, B5 (adult entertainment), shall be conducted within an fully enclosed building, secured such that the activities cannot be viewed outside the confines of the building.

(i) No illicit activity shall be permitted.

(j) A complete site plan shall be submitted at the time of application to the City following the requirements of § 520-35, Subdivision and land development plan, and shall be subject to approval of the Zoning Administrator.

(3) Indoor shooting range.

(a) Shall only be permitted to operate between the hours of 9:00 a.m. and 8:00 p.m.

(b) Noise from this use shall not create a sound so as to cause a noise disturbance across a real property boundary or on a public right-of-way.

(c) No shooting range shall create a nuisance that interferes with other's rights to safety and enjoyment of their own property.

(d) Alcohol and controlled substances shall not be permitted at the facility.



(e) The design of a shooting range shall comply with all applicable laws and standards, and shall receive the approval of the Zoning Administrator, Building Official, and Chief of Police.

(f) No shooting range property boundary shall be within 1,000 feet of another shooting range property boundary.

(g) Indoor shooting ranges shall be designed so projectiles cannot penetrate the walls, floor, or ceiling, and ricochets or back splatter cannot harm range users.

(h) Indoor shooting ranges shall be designed that noise does not transmit through the walls, floor or ceiling of the shooting range.

C. Retail uses. ~~Food establishments, eating and drinking places, retail specialty establishments shall be located in the CH, SS or WW Districts only as part of a mixed residential/business use.~~

(1) General merchandise.

(a) Zoning application applicants:

- [1] Shall provide hours of operation.
- [2] Shall provide types of retail goods for sale.
- [3] Shall not include drive-through facilities.

(b) The primary façade of general merchandise buildings or uses shall front the street upon which it is constructed. In the case of corner lots, general merchandise buildings or uses shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from a side street(s) by more than five feet.

(c) General merchandise uses that sells firearms or ammunition, shall not be located within 1000 feet of another use that sells firearms or ammunition.

Where located in other than the Business and Entertainment District and Street Corridor Overlay District, the use shall be limited to a maximum footprint of 2000 square feet and shall be located on the corner lot of a block, and only as a part of a mixed residential/business use.

[1] This use may be permitted on the second lot from the corner, provided that the corner lot to which it is adjacent is a permitted General Bookstore/Coffee Shop, Eating and Drinking Place, or a Grocery Store.

[2] This use shall be prohibited beyond the second lot from the corner of a block.

(2) Retail sales - large scale.

(a) The primary façade of buildings containing retail sales uses shall front the street upon which it is constructed. In the case of corner lots, buildings containing retail sales uses shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from a side street(s) by more than five feet.

(b) Grocery stores shall provide plans for:

[1] Store exterior lighting and security.

[2] Shopping cart storage.

(c) All merchandise shall be kept inside the premises, except for limited outdoor sales for which a plan must be provided. The plan should include the size of outdoor sales area, coverage for inclement weather, and the dates during which the outdoor sales area will be utilized. This area shall not impede upon pedestrian accessibility or required visibility.

[1] Limited outdoor sales shall not exceed 120 days in any calendar year.

(d) The sale of firearms or ammunition shall not be permitted within 1000 feet of another use that sells firearms or ammunition.

(e) Buildings shall be oriented to face public streets and transit routes.

(f) Building entrances shall be emphasized with entry plazas, vertical masonry and architectural elements such as awnings or canopies.

(g) No building walls facing streets shall run as a continuous place for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or active spaces, or into window displays that are at least 6 feet deep. The maximum length of the wall may be 40 feet if it includes artwork approved by the City. If located in the downtown historic district, exterior design shall be approved by the Historic District Commission and granted a certificate of appropriateness.

(3) Pharmacy. A pharmacy use includes a traditional pharmacy and/or a medical marijuana dispensary. The following regulations apply to a medical marijuana dispensary:

(a) The primary facade of buildings containing pharmacy uses shall front the street upon which it is constructed. In the case of corner lots, buildings containing a pharmacy use shall have primary facades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from a side street(s) by more than five feet.

(b) A medical marijuana dispensary may only dispense medical marijuana indoors within an enclosed, secure building which includes electronic locking systems, electronic surveillance, and other features required by the Pennsylvania Department of Health as required by Act 16, as amended and not within a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.

(c) A medical marijuana dispensary may not operate on the same site as a facility used for growing and processing medical marijuana.

(d) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing or testing occurs, and the facility shall comply with § 595-29, Environmental controls and protection.

(e) A medical marijuana dispensary shall:

- [1] Not have a drive-through service;
- [2] Not have outdoor seating areas;
- [3] Not have outdoor vending machines;
- [4] Prohibit the application and consumption of medical marijuana on the premises; and
- [5] Not offer direct or home delivery service.

(f) A medical marijuana dispensary may not be located within 1,000 feet of the property line of a public, private or parochial school, a charter school or a day-care center; unless an adjustment or waiver of such prohibition shall have been approved by the Pennsylvania Department of Health and satisfactory proof thereof shall have been provided to the Zoning Officer. This distance shall be measured in a straight line from the closest property line in which the business is conducted or proposed to be conducted, to the closest property line of the protected use, regardless of the municipality in which it is located.

(g) Any medical marijuana dispensary facility lawfully operating shall not be rendered in violation of these provisions by the subsequent creation of a public, private or parochial school, a charter school or a day-care center, provided the dispensary use shall not have been, or thereafter become, abandoned in the manner provided by § 595-10G, Abandonment.

(h) Loading and off-loading areas within the structure are preferred. If an external loading dock arrangement is used it shall be from within a secure environment, in accordance with § 595-3011.

(i) The applicant shall submit documentation showing compliance with federal and state law, as amended, and all related regulations, including, but not limited to, licensure, upon demand of the Zoning Officer.

(4) Retail specialty establishments.

(a) The primary façade of buildings containing retail specialty uses shall front the street upon which it is constructed. In the case of corner lots, buildings containing retail specialty uses shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from a side street(s) by more than five feet.

(b) Retail specialty establishments shall not be located within 1,000 feet of any other retail specialty establishment or convenience store use.

(c) Retail specialty establishments shall have be limited to a maximum area of 2,500 square feet.

(5) Liquid fuels and Electric vehicle charging facilities.

(a) Liquid fuel sales for the purpose of vehicle refueling and electric vehicle charging facilities shall have the fueling and charging areas screened from adjacent properties by

landscaping with bushes and shrubbery not to exceed 42" in height and that it does not impede on required line-of-sight.

(b) The equipment at these facilities shall be maintained in good working order, with regular maintenance and inspection. This shall include, but not be limited to, network connectivity, charging cords, and hoses.

(c) Equipment shall be protected from physical damage.

(6) General bookstore/coffee shop.

(a) When located in other than the Business and Entertainment District and Street Corridor Overlay District, the use shall be limited to a maximum footprint of 2000 square feet and shall be located on the corner lot of a block.

[1] This use may be permitted on the second lot from the corner, provided that the corner lot to which it is adjacent is a permitted General Merchandise, Eating and Drinking Place, or a Grocery Store.

[2] This use shall be prohibited beyond the second lot from the corner of a block.

(7) Eating and drinking places.

(a) When located in other than the Business and Entertainment District and Street Corridor Overlay District, the use shall be limited to a maximum footprint of 2000 square feet and shall be located on the corner lot of a block.

[1] This use may be permitted on the second lot from the corner, provided that the corner lot to which it is adjacent is a permitted General Bookstore/Coffee Shop, General Merchandise, or a Grocery Store.

[2] This use shall be prohibited beyond the second lot from the corner of a block.

(8) Convenience Store.

(a) Convenience stores shall not be located within 1,000 feet of any other convenience store or retail specialty establishment.

(b) Convenience stores may include an indoor seating area comprising of not more than 10% of the gross floor area. When the indoor seating area is in conjunction with alcohol sales, the minimum required indoor seating area shall be no larger than required by the Pennsylvania Liquor Control Board regulations.

(c) Convenience stores that include the sale of liquid fuels or provide electric vehicle charging shall have the fueling and charging areas screened from adjacent property by landscaping with bushes and shrubbery not to exceed 42" in height and that it does not impede on required line-of-sight.

(9) Grocery Store.

(a) Grocery stores may include an indoor seating area comprising of not more than 10% of the gross floor area. When the indoor seating area is in conjunction with alcohol sales, the minimum required indoor seating area shall be no larger than required by the Pennsylvania Liquor Control Board regulations.

(b) When located in other than the Business and Entertainment District and Street Corridor Overlay District, the use shall be limited to a maximum area of 2,500 square feet and shall be located on the corner lot of a block.

[1] This use may be permitted on the second lot from the corner, provided that the corner lot to which it is adjacent is a permitted General Bookstore/Coffee Shop, General Merchandise, or a Eating and Drinking Place.

[2] This use shall be prohibited beyond the second lot from the corner of a block.

#### D. Service uses.

(1) Repair services, personal services, or professional services shall be located in the CH, SS or WW Districts only as part of a mixed residential/business use, unless otherwise specified within the underlying district.

(2) Bed-and-breakfast.

(a) A maximum of eight guest rooms shall be permitted.

(b) One sign with a maximum of five square feet of sign area shall be permitted.

(c) The principal building shall comply with the dimensional criteria of the designated zoning district and block class.

(d) The primary façade of buildings containing a bed-and-breakfast shall front the street upon which it is constructed. In the case of corner lots, buildings containing a bed-and-breakfast shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from a side street(s) by more than five feet.

(3) Check-cashing facility and pawnshop.

(a) A minimum distance of 1,000 feet, as measured from property line to property line, shall be maintained between any check-cashing facility and/or pawnshop establishment.

(b) All storefronts shall contain transparent glass windows that allow for views into the establishment from the nearest public right-of-way.

(c) The primary façade of buildings containing check-cashing facility or pawnshop shall front the street upon which it is constructed. In the case of corner lots, buildings containing check-cashing facilities shall have primary façades on each street the building is situated, except in the case of the corner lot being created by an alley or the building is set back from a side street(s) by more than five feet.

(4) Kennel.

(a) Kennels are permitted only in the AR (Adaptive Reuse) District.

(b) Kennels must be located 500 feet from the lot line of any property zoned or used for residential purposes.

(c) Kennels must be soundproofed so no dogs or cats can be heard off of the property.

(d) No kennel shall be located in a front yard.

E. Institutional uses.

(1) Educational facilities and religious worship services (in the CH, SS and WW Districts).

(a) Minimum lot size: 30,000 square feet.

(b) Minimum lot width: 150 feet.

(c) Minimum side yard(s): 25 feet.

(d) Minimum rear yard: 50 feet.

(e) Build-to line: shall comply with the average build-to line of the buildings of the two adjoining blocks, with a maximum of 15 feet.

(f) Maximum impervious surface: 50% or higher, as allowed in the applicable zoning district.

(g) Access to parking areas shall be taken directly from an arterial or collector street as identified in the City of Easton Comprehensive Plan.

(h) The primary façade of buildings containing educational or religious worship uses shall front the street upon which it is constructed, except as otherwise permitted by special exception.

(2) Extended-care facilities.

(a) Minimum lot size: 10,000 square feet per patient bed with a minimum lot width of 50 feet.

(b) Maximum impervious surface for WW or INS Districts: 50%; for DD: 100%.

(c) Maximum dwelling units per acre: 20.

(d) Maximum building length: 150 feet.

(e) The principal building(s) shall comply with the required yards and height of the designated zoning district and block class.

(f) No part of any building shall be nearer than 25 feet to any other building or groups of detached buildings, and no portion of the front or rear of any building or groups of attached buildings shall be nearer than 50 feet to the front and rear of another building or groups of attached buildings.

(g) The primary façade of buildings containing extended-care facilities shall front the street upon which it is constructed, except if otherwise permitted by special exception.

(3) Burial place or Cemetery.

(a) No person shall bury or inter, or cause to be buried or interred, in the city the body or remains of any human being except in a cemetery.

(b) The following accessory uses, buildings, and structures shall be permitted in a cemetery:

- \_\_\_\_\_ [1] Administrative buildings.
- \_\_\_\_\_ [2] Cemetery maintenance facilities.
- \_\_\_\_\_ [3] Dwellings or sleeping quarters only for persons employed on the premises.
- \_\_\_\_\_ [4] Gates, fountains, statuary, benches and decorative features.
- \_\_\_\_\_ [5] Markers, headstones, or monuments.
- \_\_\_\_\_ [6] Parking in accordance with §595-33.

(c)The perimeter of any cemetery shall be screened from view by adjacent uses by appropriate evergreen landscaping and shrubbery providing a sight-obscuring boundary, or by a wall or fence. The principal accessways to a cemetery shall be clearly defined by landscaping or gating techniques. Any space between a public street and a perimeter landscape screen, wall, or fence shall be landscaped and permanently maintained, and such area shall not be used for interment.

(4) Crematorium.

- (a)Crematoriums shall not be located within five hundred feet (500') of any adjacent residential use parcel, or within two hundred feet (200') from a parcel used for office or commercial.
- (b)Crematoriums shall not emit visible emissions or odors.
- (c)Noise emitted from the crematorium shall not exceed the maximum sound levels set forth in City Code Chapter 376.
- (d)All activity relating to the dead shall be handled discretely and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
- (e)The crematorium shall not be used for the disposal of any waste materials.

F. Light industrial and agricultural uses

Cottage industry.

- (a) In the CH and WW Districts, the industry shall be:

[1] Located in a mixed residential/business building where the primary operator of the industry is a permanent occupant; and

[2] Limited to one industry per lot.

(b) A maximum of four employees in addition to any full-time occupant(s) of the building may be employed.

(c) The maximum floor area of the use shall not exceed 2,000 square feet.

(d) The use shall be limited to the first floor of the building and any accessory buildings.

(e) If located within the Street Corridor Enhancement Overlay, a retail component with public access from the street front shall be required. The retail component shall comply with the design standards in § 595-20F.

(f) One sign with a maximum of five square feet shall be permitted.

(g) Parking shall be calculated for each use in accordance with § 595-33 Off-street and on-street parking.

(h) No exterior storage shall be permitted.

(i) Sales of goods on the premises shall be limited to:

[1] Goods made on the premises.

[2] Goods relating to services performed on the premises.

(2) Husbandry uses.

(a) Five acres or more are required for an animal husbandry use.

(b) Any farm animals on these properties shall be contained so they are not roaming on other neighboring properties.

(3) Warehouse

(a) The maximum building height shall be 50 feet.

(b) The total maximum impervious coverage shall be 75%.

(c) Where the footprint of the proposed principal warehouse structure is 100,000 square feet or greater:

i. The minimum lot area shall be 10 acres.

ii. All access points shall be a minimum of 250 feet from any dwelling.

All drive aisles, loading/unloading areas, and parking areas intended for use by tractor trailers shall be a minimum of 250 feet from any dwelling.

(d) A one-hundred-foot-wide buffer yard shall be provided along the entire length of the street frontage of any property upon which a warehouse is located.

i. The buffer yard shall be landscaped with evergreen trees, deciduous trees, flowering trees, and shrubs that are resistant to diesel exhaust. All landscaping shall be approved by the City Forester.

(e) Equipment shall be installed to remove snow and ice from the rooftops of trucks and trailers before the trucks and trailers leave the site.

(f) The roof of the building(s) shall be designed to accommodate the installation of solar panels and enable renewable energy sources.

(g) Tractor-trailer truck parking spaces should include electrical infrastructure to limit truck idling and improve air quality by reducing emissions and ensure compliance with the 2008 Pennsylvania Diesel Idling Law.



- (h) Truck and passenger vehicle parking lots should be prepared for the future of electric vehicles by providing the necessary charging infrastructure that may be required.
- (i) Bicycle storage racks should be installed in a convenient location at the building to support mixed-transportation integration.
- (j) Landscaping should be provided to expand access to green spaces and benefit the mental and physical well-being of workers, and outdoor seating and tables should be provided for use during breaks.
- (k) Use of native species in landscape design, including retaining as many existing trees as possible to better maximize preservation of woodlands and critical habitats.
- (l) Accommodations for specific drop-off/pick-up location(s) shall be provided for ride-share services, bus service, or similar transportation option, similar to a bus shelter with seating, trash receptacles, and lighting to provide employees safe access to the site.
- (m) Provide accommodation for long-term parking so drivers can rest as federal law requires.
- (n) Provide driver accommodations, including restrooms, garbage and recycling containers, lighting, driver break rooms and lounges, furnished with tables and vending machines to provide drivers the ability to relax or plan their day in a climate-controlled environment.

#### G. Heavy manufacturing.

##### (1) Heavy manufacturing.

- (a) A heavy buffer screen shall be placed along all street and river frontage consisting of a six-foot tall solid fence and evergreen vegetation.

##### (2) Commercial communications facility.

- (a) Structures shall be completely fenced, screened, or otherwise obscured from view or blended into the surroundings to render invisible or minimally visible to the casual observer.

- (b) Such use shall not adversely affect the operation of any equipment beyond its lot lines.

##### (3) Utility service. The facility shall be essential for the provision of the utility service, and alternative locations in nonresidential districts cannot be utilized.

#### H. Accessory uses.

##### (1) Accessory rooming unit.

- (a) Such a unit shall only be permitted in a single-family detached dwelling.
- (b) There shall be a limit of one such unit per dwelling.
- (c) There shall be a limit of one person inhabiting the rooming unit.

(d) An additional 1,000 square feet of lot area shall be provided in addition to the minimum lot area required per the designated zoning district and block class.

(e) One additional off-street parking space shall be provided on the same lot as the unit served.

(2) Large family day-care home.

(a) Such use shall be conducted in a single-family dwelling only.

(b) No sign shall be displayed advertising the use.

(c) A state registration to conduct such activity shall be obtained.

(d) No structural or decorative modifications that may alter the prior residential character of the building or neighborhood shall be permitted.

(e) Outdoor play areas shall be fenced or otherwise enclosed.

(f) Any outdoor activity or play equipment must be set back at least four feet from any property line.

(g) Two additional off-street parking spaces shall be provided.

(3) Accessory parking area. Shall only serve a use that is permitted in the district in which the parking is located.

(4) Accessory dwelling unit.

(a) An accessory dwelling unit may be located only on block class A in district WW, SS, and CH. Only one such dwelling unit shall be permitted on a parcel of land. The dwelling unit shall not have an address separate from that of the principal dwelling on the property.

(b) An accessory dwelling unit is an attached or detached dwelling that is subordinate to a principal use consisting of a single-family detached dwelling located on the same lot or parcel as the accessory dwelling unit. The dwelling unit may contain sleeping quarters, a bathroom, living area and a kitchen.

(c) An accessory dwelling unit shall be used only for a residential use that is accessory to the principal dwelling on the parcel, such as a dwelling for guests of the residents of the principal dwelling, a dwelling unit for an elderly family member or for other residential accessory use.

(d) Minimum unit size:

(i) 220 square feet and a maximum of two occupants.

(ii) 320 square feet and a maximum of three occupants.

(e) The maximum number of occupants shall be three.

(f) One off-street parking space shall be provided for the unit in addition to the required parking for the principal use.

(g) The property owner shall reside in the principal dwelling.

(5) Accessory Electric Vehicle Charging.

(a) An electric vehicle charging station installed at a single-family dwelling for use by the dwelling occupant shall not be considered an accessory use, but as an appliance for the dwelling.

(b) A maximum of 20% of off-street parking spaces shall be permitted to have an accessory electric vehicle charging station.

(c) Shall be installed on private property for the use of the clientele of the principal use(s).

(d) The equipment shall be protected from physical damage, and maintained in good working order, with regular maintenance and inspection. This shall include, but not be limited to, network connectivity, charging cords, and hoses.

(e) Installation in the public right-of-way shall be a Special Exception, and requires approval from the Engineering Bureau, Planning Bureau, Zoning Bureau, Codes Bureau, and a right-of-way encroachment agreement approved by City Council.

(i) Provisions shall be provided to protect the equipment from physical damage, such as bollards.

(ii) Cords shall not be permitted to be installed with electric vehicle charging stations installed in the right-of-way. Users shall supply their own cord for each use and remove the cord when charging is completed.

## I. Forestry uses.

(1) Timber activities. Forestry activities, including, but not limited to, timber harvesting, shall be a permitted by right use in all zoning districts of the City of Boston. Forestry activities shall be conducted in accordance with the following requirements, conditions and/or approvals:

(a) Forestry activities shall be set back a minimum of 50 feet from any property line.

(b) Forestry activities shall be set back a minimum of 150 feet from any residential structure.

(c) No debris, such as, but not limited to, tree limbs or branches, chipped wood, etc., shall be stored within the street setbacks.

(d) Tree replacement shall take place in accordance with § 520-33, Tree replacement

(e) Forestry activities are prohibited in riparian buffers, on very steep slopes (greater than 25%) or within the one-hundred-year floodplain.

(2) Timber harvesting operation. In addition to the regulations for timber activities, Subsection A, timber harvesting operations shall be conducted in accordance with the following requirements, conditions and/or approvals:

(a) A zoning permit shall be obtained from the Zoning Administrator prior to forestry activities or timber harvesting;

(b) A timber harvesting plan shall be submitted to the Zoning Administrator for approval prior to removing 10 or more trees per acre of six-inch caliper or greater on any tract of land larger than one acre;

(c) Prior to the issuance of a zoning permit for timber harvesting operation, an erosion and sedimentation control plan shall be submitted by the applicant to the County Conservation District for review, recommendation and approval;

(d) When harvesting or otherwise removing five or more trees on tracts larger than one acre, at least 60% of the forest cover (canopy) shall remain and the residual trees shall be well distributed. At least 30% of these residual trees shall be composed of highest value species pursuant to the timber harvesting plan; and

(e) No timber harvesting operation or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or any time on weekends or legal holidays.

**DRAFT**

### § 595-33 Off-street and on-street parking.

- A. Application of provisions. The off-street parking and loading provisions of this chapter shall apply as follows:
- (1) For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory parking and loading facilities shall be provided as required in this section.
  - (2) When the intensity of use of any building, structure or premises shall be increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required parking and loading facilities, parking and loading facilities shall be provided for such increase in intensity of use.
  - (3) Whenever the existing use of a building, structure or land shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for such new use. However, if the existing use of land or structure was established prior to the effective date of this chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this chapter.
  - (4) Mixed use parking structures:
    - (a) Mixed use parking structures shall incorporate usable commercial space for retail, office or similar uses into its design when such structure is proposed to have containing frontage on a public street other than a twenty-foot-wide alley. The commercial space shall be permitted by right or as a special exception within the zoning district.
    - (b) The commercial area of a parking structure shall, except for incidental access drives, occupy the facade area abutting each street of the first floor of the entire length of the structure and shall provide direct pedestrian access from the sidewalk into the commercial area.
- B. Minimum spaces required.

Use	Required Spaces	Additional Standard
<b>Residential use</b>		
Single-family dwellings	1 per dwelling unit	
Two-family dwellings	1.5 per dwelling unit	
Multifamily dwellings: residential low-rise; residential mid-rise; high-rise	1.5 per dwelling unit	
Mixed residential/business	1 per dwelling unit + business	
Group home	1 space per employee on shift of greatest employment	
Rooming house, rooming unit	1 per four beds, plus 1 additional space per 2 employees on shift of greatest employment	

### Arts, entertainment and recreation

Use	Required Spaces	
Auditorium, theater, convention	1 per 4 seats or 10 per 1,000 square feet gross floor area, whichever is greater	
Bowling alley	3 per lane	
<u>Entertainment and Gaming or Gambling Establishment</u>	<u>1 per 4 game machines and 1 per multi-player game table/station</u>	
Public library, gallery, museum	1 per 500 square feet gross floor area	
Private social club	1 per 300 square feet gross floor area	
Indoor health and fitness centers	1 per 200 square feet gross floor area	
Outdoor recreation	1 space per every 1,500 square feet of recreation area plus 20 spaces per acre of active recreation area plus swimming pools; 1 space per every 50 square feet of water surface plus golf courses; 4 spaces for each hole, (miniature golf, 1 space per hole) plus restaurant/assembly use if applicable	
<b>Retail uses</b>		
Drive-in service	4 queuing spaces per window or booth	8 queuing spaces per window or booth for uses associated with coffee or fast food sales
General merchandise and retail	1 per 400 square feet	
Restaurants	1 per 4 seats and 1 space per 2 employees on the shift of greatest employment	
Restaurant, fast food	1 space for every 2 seats, plus 1 space for every 1.2 employees on the shift of greatest employment	Drive thru services has additional requirements
Shopping center development, planned business development	4 per 1,000 square feet of gross floor area	
Vehicle, service station/repair garage	1 space for every 250 square feet of gross floor area plus 2 spaces for each fuel pump plus	

	parking required for any retail store space plus 1 space for each employee on the shift of greatest employment	
Vehicle, sales agency	1 per 1,000 square feet used for display plus 1 space for every 2 employees on the shift of greatest employment	
Vehicle washing, self-wash	3 per bay	
Vehicle washing, automatic	2 per 1,000 square feet	plus 4 queuing per bay
<b>Service uses</b>		
Day-care center	1 space per every 400 square feet of gross floor area used for day-care plus 1 space for every employee on the shift of greatest employment plus 2 spaces for the dwelling unit (if applicable) (minimum of 3 spaces)	
Funeral home	1 per 75 square feet of assembly room space	
Hospital/nursing home	1 per 4 beds	Plus 1 space per employee on shift of greatest employment and 1 space per facility vehicle
Hotel/motel	1 per guest bedroom, plus 1 space per employee on shift of greatest employment	Plus spaces required for restaurants, etc.
Bed-and-breakfast	1 per guest room	Plus 2 for dwelling
<b>Offices</b>		
Business	1 space per 400 square feet gross floor area	
General office, financial	1 space per 400 square feet gross floor area	Plus drive-in service
Medical office/physical rehabilitation facility	6 spaces for every doctor or dentist working concurrently	
Government services	1 space per 400 square feet gross floor area	
<b>Schools</b>		



Use	Required Spaces	Additional Standard
Nursery school	1 per 1,000 square feet classroom use	
Elementary or junior high school	2 per classroom	Plus auditorium parking
High school; business or trade school	1 space per employee on shift of greatest employment plus 1 space for every 3 students in tenth grade and higher	
College or university	Cumulative total of all spaces required for each of the following: 1 per 4 residential beds; 1 per 1.33 employees on campus at any one time; 5% of the total of the previous 2 categories as visitor or contingency spaces	
Research institute, laboratory	1 per 800 square feet	
<b>Industrial</b>		
Cottage industry	1 per 900 square feet	Minimum of 2 spaces
Industrial, manufacturing, wholesale, distribution	1 per 1,000 square feet of gross floor area	Minimum of 5 spaces
Warehouse	1 space for every 1.1 employees on the shift of greatest employment, plus 1 space for each company vehicle parked on premises	
Public transportation facility or terminal	4 spaces per each loading/unloading stalls for buses plus 1 space for every 2 employees on the shift of greatest employment	
Public utility	1 space per vehicle routinely needed to service facility	

- C. Uses not listed. For uses not specifically listed, the same requirements shall apply as for the most similar use listed in § 595-33B, as determined by the Zoning Officer.
- D. Each use may be permitted to reduce the required number of off-street parking spaces by one (1) for each 18 feet of street frontage that has legal on-street parking spaces for the entirety of each 18 feet of street frontage at the structure containing the use, that is to be considered for reducing the required off-street parking.

(1) Where the division of the street frontage results in a measurement of less than 18 feet but more than 9 feet, such frontage shall be counted as one-half (0.5) parking space.

- ~~D. Mixed uses. For mixed uses, total requirements shall be the sum of the requirements of the component uses computed separately, except for the Downtown District (DD) and Business and Entertainment District (BE), where the total requirements may be reduced by 1/2.~~
- E. Downtown and Business and Entertainment District. Notwithstanding anything to the contrary in this chapter, and before a possible reduction in accordance with §595-33F, off-street parking requirements in the Downtown and Business and Entertainment Districts shall be modified as follows:
- (1)Downtown. After calculating the required off-street parking required in §595-33B new non-residential uses shall be permitted to reduce by six (6) and new residential uses shall be permitted to reduce by four (4). A new mixed-use building shall be permitted to reduce by a maximum of ten (10), but not more than six (6) for the non-residential component(s) and not more than four (4) for the residential component(s).
  - (2)Business and Entertainment. After calculating the required off-street parking required in §595-33B new non-residential uses shall be permitted to reduce by ten (10) and new residential uses shall be permitted to reduce by six (6). A new mixed-use building shall be permitted to reduce by a maximum of sixteen (16), but not more than ten (10) for the non-residential component(s) and not more than six (6) for the residential component(s).
- F. Mixed use buildings. For mixed-use buildings, total requirements shall be the sum of the requirements of the component uses computed separately, except for the Downtown District (DD) and Business and Entertainment District (BE), where the sum of the requirements of the component uses computed separately may be reduced by 1/2 if the property is located within 600 feet of a public parking area or garage and the public parking has capacity for the required off-street parking demand.
- (1)Proof of parking space allocation and availability of parking to meet the demand for the proposed use shall be provided to the Zoning Officer by the applicant.
  - (2)The Zoning Officer shall evaluate the available parking, distance of parking from the use, and the future demand for parking when determining the 1/2 reduction in parking requirements.
- ~~EG. Buildings or structures undergoing a change of use shall have the required minimum off-street parking calculated as per this section. If there is a requirement for more off-street parking spaces than currently available, the additional off-street parking spaces shall be provided.~~
- (1) Buildings and structures in existence prior to the enactment of this Zoning Ordinance that do not have the required number of off-street parking spaces as calculated as per this section, shall be credited the number of off-street parking spaces required by this section but are not provided on the site.
- GH. Size of parking space.
- ~~(1) All off-street parking spaces shall be of a size no less than nine feet wide and 18 feet deep unless otherwise specified in § 595-33H, not including maneuvering space, whether inside or outside of a structure, for the purpose of long- or short-term standing of automotive vehicles, to be used exclusively as a parking stall for one automotive vehicle.~~
  - (1) All off-street parking spaces shall be of a size no less than 8.5 feet wide and 18 feet deep unless otherwise specified in § 595-33H, not including maneuvering space, whether inside or outside of a structure, for the purpose of long- or short-term standing of automotive vehicles, to be used exclusively as a parking stall for one automotive vehicle.
  - (2) All on-street parking spaces shall be no less than seven feet wide and 22 feet long.

**F.I.** Computation of spaces.

- (1) In all districts, when the required parking area or number of parking spaces calculated as provided in § **595-33B** results in the requirements of a fractional space, any fraction of 1/2 or greater shall be construed as requiring a full space.
- (2) **Parking Management Plan.** A Parking Management Plan, prepared by a qualified professional or professional firm with experience in preparing parking management plans or parking master plans for institutions, may be accepted by the City to allow a reduction in the number of parking spaces otherwise required by this section. The plan shall be fully implemented, monitored, and maintained by the applicant, and the results of the parking management plan shall be reported to the City every year for five years. For any project amendment requiring City approval, the Parking Management Plan must be updated. The Parking Management Plan shall include the following:
  - (a) Summary of the parking inventory by facility, with regular and accessible spaces identified in a table.
  - (b) Vehicle occupancy counts of all facilities during the peak two-hour window of time on the day of the week with maximum class enrollment, as verified by the individual in charge of enrollment, and a table of occupancy by facility with the total spaces used and the spaces vacant.
  - (c) A general description of the allocation of spaces (spaces used by employees, resident students, commuter students, the institution, visitors, etc.).
  - (d) A description of any transportation system and the park it serves.
  - (e) Any upcoming plans for parking displacement, replacement, and/or construction.
  - (f) Calculation of future parking demand associated with any proposed facility or change in use of an existing facility.
  - (g) A description of how parking is managed, operated, and enforced.
  - (h) A statement of the adequacy of spaces for a defined future period, and a contingency plan to provide adequate parking if it will not exist for the defined future period.
- (3) The fee for review of the initial Parking Management Plan, and subsequent reviews, revisions, or other necessary documents for maintenance of the plan, shall be in accordance with § **285-31G**.

**G.I.** Maneuvering area; space layout. For the purpose of determining the minimum maneuvering area required for any array of five or more off-street parking spaces, the parking schedule shown in this section shall be complied with. When angles other than those listed are proposed, review and approval by the Planning Commission shall be required.

Parking Schedule						
A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width	Curb Length per Car	Width Double Aisle	Row Between
(degrees)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
0	<u>98.5</u>	9	12	22	30	30
20	<u>98.5</u>	15	11	26.3	41	32.5

## Parking Schedule

Proposed Amendments 1/23/2025

A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width	Curb Length per Car	Width Double Aisle	Row Between
(degrees)	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
30	<u>98.5</u>	17.3	11	18	45.6	37.8
45	<u>98.5</u>	19.8	13	12.7	52.6	46.2
60	<u>98.5</u>	21	18	10.4	60	55.5
70	<u>98.5</u>	21	19	9.6	61.6	57.9
80	<u>98.5</u>	20.3	24	9.1	62.6	63
90	<u>98.5</u>	18	24	9	<del>62</del> <u>60</u>	<del>62</del> <u>60</u>

[\[Image\]](#)

Diagram Notice: Diagrams are for illustrative purposes and should not be construed as the operative language of the Zoning Ordinance. The obligations are governed solely by the written standards set forth in this chapter.

- HK.** Provision for compact cars. In off-street parking areas in excess of 20 spaces, up to 25% of the total spaces may be designed and clearly designated for compact cars. In such areas the required stall width B shall be reduced by one foot and required stall-to-curb length C shall be reduced by two feet.
- HL.** Joint use. The number of spaces in a common parking area required for two or more uses may be reduced below the required sum total for such uses through special exception procedure, if it can be demonstrated to the Planning Commission and Zoning Hearing Board that the hours or days of peak parking needed for the uses are so different that a lesser total will provide adequately for all uses served by the facility, based on a publication entitled "Shared Parking," Second Edition, 2005, or the most recent version thereof, by the Urban Land Institute (ULI).

Developers, owners or tenants of premises who seek to satisfy parking requirements pursuant to this section by utilization of a joint-use common parking area which they do not own shall enter into, provide for City review, and maintain a legally enforceable agreement for the use of the joint-use common parking area which is acceptable in form to the City Solicitor, and which shall continuously provide for the use of that number of parking spaces deemed adequate by the Planning Commission, Zoning Hearing Board or Zoning Administrator with jurisdiction over the application. This agreement shall remain valid and in full force and effect at all times during which satisfaction of parking requirements requires utilization of the joint-use common parking area. The City Zoning Administrator shall be notified by the property owner who requires the parking of the termination or any material changes or amendments to such agreement within 10 days of such change.

- JM.** Off-street parking access and control.

- (1) For the purpose of servicing any property held under single and separate ownership, entrance and exit drives shall be limited to two along the frontage of any single street. The location, sight distance and design of such drive shall be subject to the standards used by the Pennsylvania Department of

Transportation, where appropriate, and otherwise subject to the review and approval of the City Engineer.

- (2) In no case shall off-street parking areas for three or more vehicles be designed to require or encourage vehicles to back into a public street in order to leave the lot.
- (3) Off-street parking spaces are not permitted in front of the minimum building setback line and shall be at least four feet from any side or rear lot line, except for the additional requirements in buffer yards.
- (4) All off-street parking areas of over five spaces shall be separated from any public street or adjacent property line by a landscaped buffer area to protect adjacent areas, unless exempted in the specific zoning district. Required yard areas may be used for this purpose.
- (5) No off-street parking shall be permitted in front of buildings, unless permitted in the specific zoning district.
- (6) All off-street parking areas of over five spaces, including access drives, shall be provided with a bituminous, concrete or other permanent surface, and all stalls shall be properly marked with stripe paint.
- (7) All artificial lighting used to illuminate any off-street parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets.
- (8) Sight triangles shall be provided in accordance with § 52-28H, Required sight triangle.

**KN**. Location of facilities.

- (1) A substantial wall or landscaping enhancement, of no less strength and resilience, shall be placed near all lot lines to protect pedestrians and existing structures and property abutting any off-street parking or loading area containing five spaces or more.
- (a) Other landscape enhancements should consist of fencing, sitting walls, brick pavers, and other attractive hardscape elements.
- (2) No off-street parking spaces shall be located in the front yard area of the lot. Off-street parking areas shall be designed and configured so as to minimize the visibility of parking from any street or pedestrian sidewalk. For purposes of this subsection, the "front yard" of the lot shall be defined in § 52-44A, Word usage/terms and words defined.
- (3) New drives shall be accessible from an alley.
- (4) All parking spaces required herein shall be located on the same lot as they are intended to serve; however, where, in the opinion of the Zoning Administrator, practical difficulties prevent such an arrangement, they may be established within 600 feet of the premises they are intended to serve.  
**[Added 9-24-2008 by Ord. No. 5120]**

**LO**. Off-street loading requirements. 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, there shall be provided off-street loading berths not less than the minimum requirements specified below:

- (1) Service vehicle areas. Areas provided for loading and unloading of delivery trucks and other vehicles and for the servicing of shops by refuel, collection, fuels and other service vehicles shall be so arranged that they may be used without:
  - (a) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrian ways; or

- (b) Ingress and egress shall not require backing onto a street or lot.
- (2) Location. All required loading berths shall be located on the same lot as the use to be served, and no portion of the vehicles shall project into any traffic lane.
- (3) Size. A required off-street loading berth shall be at least 10 feet in width by at least 40 feet in length, exclusive of aisle and maneuvering space, and shall have vertical clearance of at least 14 feet.
- (4) Access. All required off-street loading berths shall be designed with appropriate means of vehicular access to an interior drive in a manner which will least interfere with traffic movements and shall be subject to approval of the Office of the City Engineer. They shall have all-weather surfaces to provide safe and convenient access during all seasons. All access areas shall further be set back from street intersections as required by § 595-33K.
- (5) Surfacing. All open off-street loading berths shall be paved.
- (6) Repair and service. No storage of any kind or motor vehicle repair work of any kind, except emergency work, shall be permitted within any required loading berth.
- (7) Space allowed. Space allowed to any off-street loading berth shall not, when so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. Required off-street parking spaces shall not be used for loading and unloading purposes except during hours when business operations are suspended.

#### Loading Berth Schedule

Use	Floor Area (square feet)	Required Berths
Service	Under 10,000	0
	10,000 <del>or more</del> <u>to 50,000</u>	1
	Each additional 50,000 or fraction thereof, <u>after the first 50,000</u>	1 additional
Retail	Under 5,000	0
	5,000 <del>or more</del> <u>to 20,000</u>	1
	Each additional 20,000 or fraction thereof, <u>after the first 20,000</u>	1 additional
Industrial	Under 3,000	0
	3,000 <del>or more</del> <u>to 15,000</u>	1
	Each additional 15,000 or fraction thereof, <u>after the first 15,000</u>	1 additional

- (8) The above requirements for off-street loading may be modified upon review and approval by the City Engineer, ~~and the Easton Police Department, and the Easton Planning Commission. In no case shall a use that requires at least one off-street loading berth, as detailed above, have less than one off-street loading berth, subject to dimensional modification as approved by the City Engineer and/or Easton Police Department.~~



(a) Where a loading berth is provided on-street, it shall be reserved for a specific timeframe of 9:00 a.m. to 5:00 p.m. and when outside of the timeframe specified, be available for on-street parking of passenger vehicles.

**MP.** Additional design standards.

- (1) All off-street parking areas of five or more spaces shall be illuminated such that public security and safety is maintained. All lighting shall be directed away from property so as to not cause glare or other nuisances to adjacent properties.
- (2) Planting buffers shall be installed to screen off-street parking and be comprised of design to include 80% native and 20% nonnative plant material, designs shall be one of a multi-level nature, approved by the City Forester.
- (3) In addition to required buffering along the perimeter of off-street parking areas, interior landscaping shall be provided in accordance with the following standards:
  - (a) No less than one canopy tree shall be provided for every five vehicles served by the facility.
  - (b) The location of shade trees shall be evenly distributed throughout the parking area to create maximum shade to parked vehicles and minimum disruption of pedestrian and vehicular traffic flow and visibility.
  - (c) Where possible, shade trees and other landscaping should be planted in otherwise unusable areas. However, no continuous row of parking stalls shall exceed 10 spaces without one separate planter equal in size to the adjacent stalls.
  - (d) Trees shall be provided to the extent that 12 years from the date of planting, tree canopies will provide a minimum of 50% coverage of the parking lot area. The area of the parking lot is the square foot area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not contain either parallel or perpendicular parking spaces. The extent of canopy at maturity shall be based on published reference texts, generally accepted by certified design professionals, nurserymen and arborists.

**NQ.** Bicycle and electric vehicle provisions

- (1) Provisions for adequate accommodations for bicycles supports many mixed-transportation initiatives. The minimum parking requirements for off-street parking areas for at least five spaces, may be reduced by one space when providing a bicycle rack or similar feature to accommodate the parking, storage, and servicing of at least five bicycles. A maximum reduction of two spaces may occur when providing the aforementioned accommodations for at least 10 bicycles, when the minimum number of required off-street parking spaces is 10.
- (2) Provisions to accommodate electric vehicles supports efforts to reduce carbon emissions. The minimum parking requirements for off-street parking areas for at least five spaces, may be reduced by one when providing a maintained electric vehicle charging station accessible to the public. A maximum reduction of two spaces may occur when providing two maintained electric vehicle charging station accessible to the public, when the minimum number of required off-street parking spaces is 10.
- (3) When providing provisions for both bicycles and electric vehicles as specified in §§ **595-33N(1)** and **595-33N(2)**, the reduction of required parking spaces shall not be stacked and must be calculated independently. A maximum of one space may be reduced for each off-street parking area required to have at least five off-street parking spaces, to a maximum reduction of four off-street parking spaces for an off-street parking area required to have at least 20 off-street parking spaces.

## **§ 595-37 Solar energy system regulations.**

### **A. Purpose.**

- (1) To promote the use of solar energy systems for the generation of electricity (photovoltaics), or for water heating, or space heating or cooling (solar thermal — passive and active), and to obtain the benefits of solar energy as a renewable and clean energy source which enhances the reliability of the overall electrical power grid, reduces peak power demands, helps diversify Pennsylvania's energy supply portfolio, and helps reduce dependence on fossil fuels;
- (2) To provide for the installation and construction of solar energy systems in the City of Easton subject to reasonable conditions that will protect the public health, safety and welfare, and protect the historic character and resources of the City;
- (3) To provide protection of a reasonable amount of sunlight from shade from structures and vegetation whenever feasible to all parcels in the City in order to preserve the economic value of solar radiation falling on structures, investments in solar energy systems, and the options for future uses of solar energy;
- (4) To promote, protect and facilitate access to incentive solar energy, as provided by Section 604 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10604.

### **B. Definitions. As used in this code the following terms shall have the meanings indicated:**

#### **ADJOINING LOT**

Any lot that shares a common boundary with, or that otherwise touches, the lot on which a solar energy system is installed.

#### **ARCHITECTURALLY INTEGRATED DEVICE**

A device that is integrated as distinguished from merely positioned on, the external surfaces of the shell of buildings or building structures.

#### **CLEARNESS INDEX (KT)**

A number from zero to one that describes the amount of solar radiation that passes through the atmosphere.

#### **MAJOR LOSS OF EFFICIENCY**

Twenty percent loss of efficiency of solar energy system to nonsystem (outward) causes, such as shading of the solar access plane based on NASA Clearness Index (KT) and NREL, "Typical Meteorological Year," TMY3 data, as well as Tilt and Orientation Factor (TOF) and Total Solar Resource Fraction (TSRF). Reports generated by "Solar Pathfinder™," "Solmetric Suneye™" or other devices that provide functionally equivalent reporting which utilize this data are acceptable.

#### **NONRESIDENTIAL SOLAR ENERGY SYSTEM**

A solar energy system that is an accessory use to lawful nonresidential use in any zoning district and mounted on the principal building on the lot.

#### **RESIDENTIAL SOLAR ENERGY SYSTEM**



A solar energy system that is an accessory use to a lawful residential use in any zoning district and mounted on the principal building on the lot.

#### SOLAR ACCESS

The access of a solar collector to direct sunlight.

#### SOLAR ACCESS PLANE

The area along a property line beginning a minimum of 12 feet above grade and bounded by the projections from the area of solar energy device perpendicular to the sun's rays between the hours of 10:00 a.m. and 3:00 p.m. on December 21.

#### SOLAR COLLECTOR

A solar photovoltaic cell, panel or array, or solar hot air or water collector device, that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

#### SOLAR ENERGY

Radiant energy (direct, diffuse, and reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical or electrical energy.

#### SOLAR ENERGY SYSTEM or SES

Any device or combination of devices or elements which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or part of a structure's energy requirements, including, but not limited to, any substance or device which collects sunlight for use in the heating or cooling of a structure or building, heating or pumping of water, or the generation of electricity. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member of part of the roof of a building or structure and serving as a window or wall. A solar energy system shall not be the primary use of the property.

#### TILT AND ORIENTATION or TOR or TOF

The solar insolation at actual tilt and orientation divided by the insolation at the optimal fixed tilt and orientation, expressed in percent. Note that for one-axis and two-axis tracking, TOF may be greater than 100%, since insolation may be more than with the fixed panel.

#### TOTAL SOLAR RESOURCE FRACTION or TSRF

The ratio of insolation available accounting for both shading and the specific tilt and orientation of the surface, divided by the insolation available assuming no shade and assuming the surface is at the optimal tilt and orientation. TRSF is expressed in percent, according to the following equation:  $TSRF = \text{Solar Access} \times \text{TOF}$ . Note that with one-axis and two-axis tracking, TSRF may be greater than 100% because it is compared to a fixed panel.

#### C. Applicability.

(1) Section 595-37 applies to:

- (a) Solar energy systems to be installed and constructed after January 23, 2013;
- (b) All applications for solar energy systems on existing structures or property; and

(c) Any upgrades, modifications or changes that materially alter the size or placement of a solar energy system existing on or before January 23, 2013.

(2) ~~Solar energy systems constructed prior to January 23, 2013, shall not be required to meet the requirements of § 595-37; provided that any~~ Any upgrade, modification or change to an existing solar energy system that materially alters the size or placement of the existing solar energy system shall comply with the provisions of this chapter.

(3) Use of solar energy systems as an accessory use:

(a) A building-mounted residential solar energy system is allowed as a permitted accessory use to any lawful residential use in any zoning district in the City if mounted on the principal building and the energy generated is used for one or more of the principal uses on the same lot, subject to requirements of § 595-37.

(b) A building-mounted nonresidential solar energy system is allowed as a permitted accessory use to any lawful nonresidential use in any zoning district in the City, if mounted on the principal building and the energy generated is used for one or more of the principal uses on the same lot, subject to requirements of § 595-37.

(4) Use of solar energy systems is subject to the restrictions imposed by the present development pattern and topography found inside the City limits of Easton, plus zoning and height restrictions. Where a strict provision of the Zoning Ordinance may prohibit adequate solar access without major loss of efficiency, the developer may appeal to the City of Easton Zoning Hearing Board for a variance. In addition to other relevant factors, the Zoning Hearing Board shall weigh the following factors in its evaluation:

(a) Different levels of solar access.

(b) Restrictiveness of the ordinance with regard to height, bulk, setback, and related provisions.

(c) Local energy needs, topography, and aesthetics of the specific area or land tract in relation to solar access use.

(d) Characteristics of shading due to building and trees in determination of necessary solar access plane.

(e) Identification of possible conflicts with solar access, including architectural or historic preservation requirements, steep slopes, low- and moderate-income housing restrictions, and individual landowner preferences.

#### D. Design and installation.

(1) To the extent applicable, the solar energy system shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and the regulations adopted by the Department of Labor and Industry.

(2) The design of the solar energy system shall conform to applicable industry standards. To the extent reasonably possible, the design shall use materials, colors, textures, screening and landscaping that will blend the system into existing structures and environment.

~~(3) Low-slope roof. On low-slope roof structures (i.e., roof structures not exceeding 25% slope), solar devices shall be mounted with adequate setback so as to not be visible from any public way at ground level. Where this is not possible, solar devices shall be located so as not to be visible from the front of the building or from major approaches at ground level. Solar panels on a sloped roof, not exceeding 25% slope, shall be installed to be parallel with the roof surface, with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge or surface of the system. The highest point of the system shall not exceed the highest point of the roof to which it is attached.~~

(4) Steep-slope roof. On steep-slope roof structures (i.e., roof structures exceeding 25% slope), solar devices shall not be visible from the street, unless the device is an architecturally integrated device. If the device must be visible (no other alternative is feasible without major loss of efficiency of the system), the design of the solar system shall be evaluated and approved by the authority having jurisdiction, including, where applicable, the Historic District Commission, prior to installation. Flush mount of solar panels on sloped roof shall be utilized where possible.

(5) All installers of solar energy systems shall be on the Pennsylvania Department of Environmental Protection's list of registered installers for the DEEP Solar Sunshine program or shall establish to the satisfaction of the Code Officer that they meet the certification standards of the North American Board of Certified Energy Practitioners (NABCEP).

~~(6) In all cases, solar energy systems shall be set back from roof edges and from the roof ridge line a minimum of three feet to provide safe access for firefighters and other emergency responders.~~

#### E. Solar access requirement and easements.

~~(1) Upon issuance of a zoning permit for a solar energy system, the Zoning Administrator shall provide written notice of the issuance of such permit by first-class mail to the owner of record of each adjoining lot, together with a copy of this section of the Zoning Code.~~

~~(2) When a solar energy system is installed on a lot, new accessory structures or vegetation established thereafter on an adjoining lot shall not be located in a manner that blocks the solar collector access to solar energy, or the solar access plane, so as to cause a major loss of efficiency. The portion of a solar collector that is protected is the portion which is located so as not to be shaded between the hours of 10:00 a.m. and 3:00 p.m. on December 21 by a hypothetical minimum twelve-foot high obstruction located on the lot line.~~

~~(3) Subsection B of this section shall not apply to structures or vegetation existing on an adjoining lot at the time of installation of the solar energy collection system, or the effective date of this Part 4, whichever is later. It shall apply to the erection of any accessory structure and to the planting of new vegetation and its subsequent growth on adjoining lots after the installation of the solar energy system.~~

(41) Installation of a solar energy system does not guarantee the creation of a permanent easement for solar access. However, existing solar energy systems and solar access requirements shall be considered by the Planning Commission when reviewing applications for land development or subdivision.

(52) If the owner of any solar energy system claims that the erection of an accessory structure or planting of any vegetation is causing a major loss of efficiency, it shall be the burden of the owner of the system to establish all facts necessary to support the claim, including, but not limited

to, the actual power output of the system prior to the erection of the structure or planting of vegetation, test conditions, comparable illumination levels, and other relevant factors, all of which shall be supported by a certification by a solar energy system installer meeting the qualifications set forth in Section D (above) or a professional engineer.

F. Required submittals. Required submittals:

- (1) An application for installation along with application fee.
- (2) Drawings indicating location and type of system, along with other technical information as required by the ~~Building Code~~ Pennsylvania Uniform Construction Code.
- (3) In all applications involving the installation of solar energy systems, the property owner must supply plot plan and photographic documentation as required by the Department of Planning and Codes and must demonstrate adequate solar access during the hours of 10:00 a.m. to 3:00 p.m. on December 21.

G. Evaluation.

- (1) Setbacks and height restrictions.
  - (a) On existing construction, a solar energy system may be installed as long as it meets the requirements of this chapter and all other applicable construction codes.
- (2) Solar easements.
  - (a) On new land development or subdivision plans that propose to provide for solar energy systems, the plans shall include notation that restrictions have been placed on the lots in question concerning the placement of structures and vegetation as they relate to the solar energy systems.
  - (b) Applications for new land development or subdivision plans that propose to provide for solar energy systems shall require that an easement for solar access be placed on the deeds of those lots proposed for a solar energy system and all adjoining lots in the proposed development or subdivision.
  - (c) An easement of direct sunlight may be acquired over the land of another by express grant or covenant. Any instrument creating a solar easement may include, but the contents are not limited to, all of the following:
    - [1] A description of the dimensions of the easement expressed in measurable terms, such as vertical or horizontal angles measured in degrees, or the hours of the day on specified dates during which direct sunlight to a specified surface of a solar collector, device, or structural design feature may not be obstructed, or a combination of these descriptions.
    - [2] The restrictions placed upon vegetation, structures, and other objects which would impair or obstruct the passage of sunlight through the easement.
    - [3] The amount, if any, of permissible obstruction of the passage of sunlight through the easement, expressed in measurable terms, such as a specific percentage of sunlight that may be obstructed.

[4] The provisions for trimming vegetation that would impermissibly obstruct the passage of sunlight through the easement including any compensation for trimming expenses.

[5] Any provisions for compensation of the owner of property benefiting from the easement in the event of impermissible obstruction of the easement.

[6] The terms or conditions, if any, under which the easement may be revised or terminated.

(d) Any instrument creating a solar easement shall be recorded in the office of the Recorder of Deeds in and for Northampton County.

H. Abandonment and removal. Any solar energy system that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such system shall remove the same within 90 days of receipt of notice from the City of Easton notifying the owner of such abandonment. Failure to remove an abandoned system within said 90 days shall be grounds to remove the system at the owner's expense and constitute a code violation, subject to a minimum fine of \$300 per day or maximum fine of \$1000 per day or 90 days' imprisonment. The Zoning Administrator may extend the time for an unused system to remain in place up to six months following notice of abandonment.

DRAFT



PROPOSED ZONING DISTRICT MAP

Zoning Districts

- AR- ADAPTIVE REUSE
- CH - COLLEGE HILL
- DD - DOWNTOWN
- BE - BUSINESS & ENTERTAINMENT DISTRICT
- ET - EXPRESSWAY TRANSITIONAL
- INS 1 - INSTITUTIONAL 1
- INS 2 - INSTITUTIONAL 2
- RC - RIVER CORRIDOR AND OTHER GREEN AREAS
- SS - SOUTH SIDE
- WW - WEST WARD
- CH/INS-1 T - COLLEGE HILL/INSTITUTIONAL 1 TRANSITIONAL ZONE
- WW/INS-2 T - WEST WARD/INSTITUTIONAL 2 TRANSITIONAL ZONE
- SC - STREET CORRIDOR OVERLAY
- IO - INNOVATION OVERLAY
- Proposed\_New\_BE\_District
- Proposed New AR District

Note: Refer to Ordinance Text for Flood Hazard Overlay District and Steep Slope Conservation Overlay District  
This map is not intended for conveyances, nor is it a legal survey.

