

AMENDMENTS TO THE ZONING ORDINANCE CHAPTER 595

ARTICLE II

Part II Purpose and Objectives

§595-7 Statement of community development objectives; district purposes.

Easton's community development objectives are encompassed in the City's Comprehensive Plan, as adopted by resolution of Council in ~~1997~~
2017.

- A. 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.
- ~~A.~~ **B. The College Hill/Institutional 1 Transitional Zone (CH/INS-1 T) purpose is to provide for a mix of residential and non-residential uses that will accommodate current and future College Hill and Lafayette College needs and amenities. Such uses would allow college students, staff and faculty, and residents and visitors of College Hill 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. It is a goal to promote and build safe and attractive pedestrian oriented landscapes as well as reduce the need for impervious surfaces for parking.**
- ~~B.~~ C. 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 and appropriate redevelopment and infill that maintains or extends the existing network of streets and alleys.
- ~~C.~~ D. 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.
- ~~D.~~ E. River Corridors 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.
- ~~E.~~ F. Institutional-1 District's purpose is to accommodate the orderly development and expansion of Lafayette College.
- ~~F.~~ G. Institutional-2 District's purpose is to accommodate the orderly development needed to meet the institutional needs of Northampton County.
- ~~G.~~ H. 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.

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- ~~H.~~ **I.** Adaptive Reuse District's purpose is to promote the redevelopment and revitalization of underutilized and underperforming areas of the City with mixed residential, commercial and light industrial development in an environmentally sensitive manner.
- ~~I.~~ **J.** 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.
- ~~J.~~ **K.** 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.
- ~~K.~~ **L.** Flood Hazard Overlay District's purpose is to establish basic performance standards to mitigate flood hazards in and adjacent to floodway, flood-fringe, and flood-prone areas of the City.
- ~~L.~~ **M.** Steep Slope Conservation District's purpose is to establish basic performance standards for development on and adjacent to steep slope areas to mitigate soil erosion, sedimentation and mass wasting (landslides).
- ~~M.~~ **N.** Expressway Transitional District's purpose is to accommodate uses that are suited ideally to areas adjacent to the City's major expressways, while limiting potential negative impacts of these uses to residential, commercial, mixed-use, natural and historic areas.

[Added 4-11-2012 by Ord. No. 5352]

ARTICLE IV
Definitions

COLLEGE OR UNIVERSITY – An institution of higher education and research authorized by the Commonwealth that provides associate, undergraduate, or higher degrees.

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. **When applied to a Dormitory, including in a mixed-use dormitory structure, Dwelling Unit describes a room or group of rooms where one or more persons reside, without necessarily containing all of the aspects, such as cooking, otherwise applicable as set forth above. Standards for such dormitory rooms will be as established within the zoning district in which the use is permitted.**

ARTICLE IX
Use Regulations
§595-36 Use Definitions

~~(14) 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 by an entity that was formed to promote the interests of and is 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.~~ **A building whose principal purpose is to provide residential living facilities, including dwelling units, for occupancy by students, staff or faculty of a college, university or similar institution. This definition is not intended to prevent housing of students, staff, or faculty of a college, university, or similar institution in a dwelling unit in zoning districts where Dormitory is not a permitted use.**

~~(15) A15 MIXED-USE/DORMITORY. A structure containing dormitory [as defined in Subsection A(14) above] and commercial and/or service components as otherwise permitted by right or special exception within the district, as principal uses. No such building or structure shall contain a dormitory component at or below the grade level and/or first level.~~ **subordinate or ancillary retail, eating and drinking establishments,**

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educational services, healthcare and /or service uses as permitted in the district by right or by special exception. No such building or structure shall contain a dormitory component at or below the grade level and/or first level.

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ARTICLE XI

Districts Established

§595-51 Division into districts

Abbreviation

CH

CH/INS-1T

SS

WW

WW/INS-2T

RC

INS-1

INS-2

DD

AR

ET

Abbreviation

SC

IO

FH

SSC

~~CH/INS-1T~~

~~WW/INS-2T~~

~~ET~~

District

College Hill

College Hill/Institutional 1 Transitional Zone

South Side

West Ward

West Ward/Institutional 2 Transitional Zone

River Corridors and Other Green Areas

Institutional-1

Institutional-2

Downtown

Adaptive Reuse

Expressway Transitional

Special Overlay District

Street Corridor Enhancement Overlay

Innovation Overlay

Flood Hazard Overlay

Steep Slope Conservation Overlay

~~College Hill/Institutional 1 Transitional Zone~~

~~West Ward/Institutional 2 Transitional Zone~~

~~Expressway Transitional~~

ARTICLE XIII

College Hill/Institutional 1 Transitional Zone (CH/INS-1 T)

District

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

§ 595-61. Permitted uses. ~~Legislative intent; requirements.~~

~~A. J1 Timber activities (in accordance with Article XXXI, Supplemental Standards).~~

A. Legislative intent.

- (1) The intent of the College Hill/Institutional 1 Transitional Zone (CH/INS-1 T) is to provide an area of transition that integrates the needs of Lafayette College’s students, staff and faculty with the College Hill neighborhood.**
- (2) Consistent with this intent, uses include current single family detached, semi-attached, semi-detached and attached residential dwellings. A Mixed-Use/Dormitory would be permitted to provide residential dormitory living space on upper floors with street level uses consisting of retail, eating and drinking places, professional and administrative offices, educational services as well as healthcare related as of right services. Certain complimentary uses are also to be permitted by special exception. The provisions within the District implement the policies set forth in the Easton Comprehensive Plan, as amended, to facilitate a pedestrian oriented streetscape and encourage alternative modes of transportation, such as walking and biking, and minimize the introduction of 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 and less intrusive locations to meet its current and future parking demands.**

~~B. J2 Timber harvesting operation (in accordance with Article XXXI, Supplemental Standards).~~ **Requirements.**

- (1) Lots sizes and dimensions in this district are not required to conform to pre-existing lot patterns or dimensions.**
- (2) New buildings in this district are not required to conform to pre-existing building size, design and style. The following requirements established by Article XXXV Context Sensitive Design Standards that apply: 595-211, 595-212, 595-218, 595-219, 595-225, 595-226, 595-229 A & B 2 through 4, and § 595-230.**
- (3) In the event that a provision of this Article is inconsistent or in conflict with a provision of Sections 595-178,595-179 and Article XXXV, provisions established for this district shall govern. The other standards in Article XXXV shall not be applicable to this CH/INS-1 T District.**

~~C. Permitted uses : by right in Block Class A:~~

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- (1) ~~A1 Single family detached dwelling.~~
- (2) ~~A2 Single family semidetached dwelling.~~
- (3) ~~I3 Accessory structure.~~
- (4) ~~I4 Temporary structure.~~
- (5) ~~I5 Accessory storage.~~
- (6) ~~I6 Accessory parking area.~~
- (7) ~~I7 Accessory swimming pool.~~
- (8) ~~I11 No impact home based business.~~

D. ~~In addition to the uses in Subsection C, the following uses are permitted by right in Block Classes B and C:~~

- (1) A3 Single-family attached dwelling.
- (2) A4 Two-family detached dwelling.
- (3) A5 Two-family semidetached dwelling.
- (4) A6 Two-family attached dwelling.
- (5) **A7 Multifamily dwelling.**
- (6) **A8 Residential lowrise.**
- (7) **A9 Residential midrise.**
- (8) **A12 Mixed residential/business.**
- (9) **A15 Mixed-Use/Dormitory.**
- (10) **C5 Eating and drinking places without drive-through service.**
- (11) **C6 Retail specialty establishments.**
- (12) **D6 Professional services.**
- (13) **D7 Administrative offices.**
- (14) **E1 Educational services.**
- (15) I3 Accessory structure.
- (16) I4 Temporary structure.
- (17) I5 Accessory storage.
- (18) I6 Accessory parking area.
- (19) I7 Accessory swimming pool.

(20)I11 No-impact home-based business.

§ 595-62. Special exception uses.

- ~~A. A7 Multifamily dwelling.~~
- ~~B. A8 Residential lowrise.~~
- ~~C. A9 Residential midrise.~~
- ~~D. A12 Mixed residential/business.~~
- ~~E. A15 Mixed use/dormitory. [Added 4-26-2017 by Ord. No. 5590.]~~
- ~~F. A. B1 Cultural activities and exhibitions.~~
- ~~G. B. B2 Amusements.~~
- ~~H. C. B3 Parks.~~
- ~~I. D. B4 Private social clubs.~~
- ~~J. E. C2 Hardware.~~
- ~~K. F. C3 General merchandise.~~
- ~~L. G. C4 Food establishments.~~
- ~~M. C5 Eating and drinking places.~~
- ~~N. C6 Retail specialty establishments.~~
- ~~O. H. C7 Furniture and other furnishings.~~
- ~~P. I. D1 Information and data.~~
- ~~Q. J. D2 Finance, insurance and real estate.~~
- ~~R. K. D3 Personal services.~~
- ~~S. L. D4 Business services.~~
- ~~T. M. D5 Repair services.~~
- ~~U. D6 Professional services.~~
- ~~V. D7 Administrative offices.~~
- ~~W. N. D9 Bed-and-breakfast.~~
- ~~X. E1 Educational services.~~
- ~~Y. O. E5 Religious worship services.~~

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- ~~Z~~ P. F10 Cottage industry.
- ~~AA~~ Q. H1 Passenger depot.
- ~~BB~~ R. H3 Parking lot/structures.
- ~~CC~~ S. H4 Utility service.
- ~~DD~~ T. H5 Communications facility.
- ~~EE~~ U. I9 Small family day-care home

1. Editor's Note: This ordinance also provided for the redesignation of Subsections E through DD as Subsections F through EE, respectively.

§595-63. Dimensional criteria.

The Table of Dimensional Criteria for the College Hill/Institutional 1 Transitional Zone (CH/INS-1 T) District is located at the end of this chapter.

§595-64. Accessory buildings.

- A. Shall not exceed 15 feet in height.
- B. Shall be four feet from any and all side lot lines.
- C. Shall be four feet from the rear lot line, where no vehicular access exists, and six feet otherwise.
- D. Shall be located at least four feet from other structures.

§ 595-65. Design standards.

- ~~A. In addition to other design standards of this article pertaining to lot area and width, build-to lines, side yards, building height, and impervious surface, the following shall apply:~~
 - ~~(1) The context sensitive design standards of Article XXXV.~~
 - ~~(2) Off-street parking shall be accessed via an alley, where such alley exists.~~
 - ~~(3) No new attached garage may be front loaded.~~
 - ~~(4) Driveways accessed via a street, and not an alley, shall be no more than nine feet wide.~~
 - ~~(5) Dwelling units and/or rooms within a mixed-use/dormitory located within the College Hill/Institutional 1 Transitional Zone District may have up to four unrelated persons per dwelling unit.~~

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~~[Added 4-26-2017 by Ord. No. 5590]~~

~~(6) Residents of Lafayette College owned residence halls are required to park in Lafayette College parking areas.~~

~~[Added 4-26-2017 by Ord. No. 5590]~~

~~(7) Off-street parking for retail businesses shall be calculated as one per every 600 square feet within the College Hill/Institutional 1 Transitional Zone District. A detailed parking study shall be required. The study shall 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 follow Article XXXII, § 595-186.~~

~~[Added 4-26-2017 by Ord. No. 5590]~~

~~(8) When located directly beside any building under 40 feet in height, the applicant shall use one or more of the following design strategies:~~

~~[Added 4-26-2017 by Ord. No. 5590]~~

- ~~(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.~~

A. In addition to other design standards of this article , the following shall apply:

(1) In the case of new one and two family and multifamily dwellings:

- (a)** Off-street parking shall be accessed via an alley, where such alley exists.
- (b)** No new attached garage may be front-loaded.
- (c)** Driveways accessed via a street, and not an alley, shall be no more than nine feet wide.

(2) In the case of a Mixed-Use/Dormitory, the following shall apply:

- (a) Dwelling units and/or rooms within a Mixed-Use/Dormitory located within the College Hill/Institutional 1 Transitional Zone District may have up to four unrelated persons per dwelling unit. [Added 4-26-2017 by Ord. No. 5590]**
- (b) Parking for Mixed-Use/Dormitory. Because the district is adjacent to a university setting and is planned for high pedestrian volumes and reduced impervious surfaces, the development of expansive parking lots is not anticipated. Alternate arrangements for parking and calculation of parking needs, are provided as follows, recognizing that the occupants within the Mixed-Use/Dormitory, and those who utilize the facilities in the lower level, will primarily be students and members of the College located within in the INS-1 Zone, so that the following shall apply:**

 - 1. Mixed-Use/Dormitory residents are required to park in Lafayette College parking areas located in INS-1 or AR districts. Such students and residents of Lafayette College or any other university in this district are not permitted to park in spaces designated as parking for the general public and or any non-residential uses within a Mixed-Use/Dormitory. The College will be required to provide regular shuttle service if the designated parking is located further than 1,000 feet from the Mixed-Use/Dormitory.**
 - 2. Mixed-Use/Dormitory residents are not eligible for a City issued College Hill Parking Permit.**
 - 3. Off-street parking for retail businesses shall be calculated as one per every 600 square feet.**
 - 4. The parking requirements for the Retail, Service, and Education Service uses within a Mixed-Use/Dormitory use shall be equal to 20% of the parking requirements in §595-179 as modified by (b)3 above.**
 - 5. On-street parking may be counted toward the required parking for non-residential uses within a Mixed-Use/Dormitory, only if such parking is located along the frontage owned by the applicant or landowner, exclusive of any curb cut. All eligible on-street parking areas shall be clearly depicted on a plan. Such parking areas shall not conflict with any turning movements off the cartway or obstruct access to any street, driveway, sidewalk, crosswalk, other accessway, or fire hydrant.**
 - 6. Parking spaces for non-residential uses within a Mixed-Use/Dormitory may also be located within a parking lot/structure located within 600 feet of the lot on which the use is located.**
 - 7. Article XXXII §595-188 D, §595-169 E (2)(c), and §595-181 requirements shall not apply.**
- (c) Design of Mixed-Use/Dormitory requires preservation and protection of pedestrian orientation of the ground level uses and avoidance of physical and visual barriers between ground level use and abutting streets and**

sidewalks. Accordingly, §595-168 and §520-30B, §520-32, §520-33 and §520-34 pursuant to Subdivision and Land Development Ordinance amendments shall not be applicable for a Mixed-Use/Dormitory use. Applicant shall be required, to extent capable of doing so, to install appropriate streetscape and tree plantings, subject to approval by the City Forester for street tree species and planting location.

- (d)** When located directly beside any building under 40 feet in height, the applicant shall use one or more of the following design strategies:
 1. Incorporate transitions of appropriate height and scale;
 2. Step back the upper stories from the stories below;
 3. Tuck the upper stories inside a pitched roof; and/or
 4. Use pitched roofs with dormer windows for upper story rooms.
- (e)** **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. Lot size, parking and density requirements in §595-169 shall not apply to Mixed Use/Dormitories.**
- (f)** **No on or off-street parking spaces and no structure or fence, wall or shrubs a height range of two to ten feet shall be permitted within a sight triangle (as required by §595-187 and §595-161).**

(3) No drive-through facilities or services are permitted in this District.

Article XXXII Off-Street and On-Street parking

§ 595-181 Mixed uses.

For mixed uses, total requirements shall be the sum of the requirements of the component uses computed separately or **an applicant may follow Joint-use parking regulations in Article XXXII, § 595-186**, except for the Downtown District (DD), where the total requirements may be reduced by 1/2.

Article XXXII Off-Street and On-Street parking

§595-189 Off-street loading requirements.

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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:

A. 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:

- (1) Blocking or interfering with the use of accessways, automobile parking facilities, or pedestrianways; or
- (2) Ingress and egress shall not require backing onto a street or lot.

B. 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.

C. 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.

D. 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 § 595-187A.

E. Surfacing. All open off-street loading berths shall be paved.

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.

G. Space allowed. Space allowed to any off-street loading berth shall not, while 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.

Use	Floor Area (square feet)	Required Berths
Service	Under 10,000	0

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Use	Floor Area (square feet)	Required Berths
Retail	Over 10,000	1
	Each additional 50,000 or fraction thereof	1 additional
	Under 5,000	0
Industrial	Over 5,000	1
	Each additional 20,000 or fraction thereof	1 additional
	Under 3,000	0
	Over 3,000	1
	Each additional 20,000 or fraction thereof	1 additional

H. The above requirements are subject to modifications based on the request of the applicant or the City Engineer and/or the Easton Police Department. All modifications are subject to review and approval of the City Engineer and/or the Easton Police Department.

Amending Article XIII – Attachment 3

595 Attachment 3
 Dimensional Criteria for
 College Hill/Institutional 1 Transitional Zone (CH/INS-1T) District

Adding:

Permitted Use	Blocks			Minimum Lot Requirements		Build – To Line	Minimum Yard Setbacks		Maximum Building Height	Maximum Impervious
				Area/DU (square)	Width		Side	Rear		

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	A	B	C	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)	Coverage
Single family detached dwelling unit	X			9,500	60	20	0	0	55	85%
		X		5,000	50	10	0	0	55	85%
			X	4,000	40	10	0	0	55	85%
Single family semidetached dwelling unit	X			6,750	60	20	0	0	55	85%
		X		4,000	40	10	0	0	55	85%
			X	3,000	30	10	0	0	55	85%
Single-family attached dwelling unit		X		3,500	35	10	0	0	55	85%
			X	1,800	18	0	0	0	55	85%
Two-family detached dwelling unit		X		4,000	40	10	0	0	55	85%
			X	2,500	25	0	0	0	55	85%
Two-family semidetached dwelling unit		X		2,500	50	10	0	0	55	85%
			X	1,750	30	0	0	0	55	85%

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Two-family attached dwelling unit	X		2,000	25	10	0	0	55	85%
		X	1,250	18	0	0	0	55	85%
Mixed-Use/Dormitory	X		12,000 ²	30	0 ¹	5	5	55	85%
		X	12,000 ²	30	0 ¹	5	5	55	85%
All Non-Residential Uses	X		3,000 ²	30	0 ¹	5	5	55	85%
		X	3,000 ²	30	0 ¹	5	5	55	85%

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

²For Mixed-Use/Dormitory and all Non-Residential Uses this column will denote the minimum lot area but shall not be used to calculate the minimum density of these uses.

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Amending 595 Attachment 1

595 Attachment 1
Table of Uses by Zoning District

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USES	DISTRICT												
	CH	CH/ INS-1 T	SS	WW	WW/ INS-2 T	RC	INS-1	INS-2	DD	AR	ET	SC	IO
A. Residential Uses													
A7. Multifamily	SE	SE P	SE	SE	SE	N	SE	P	P	P	N	P	*
A8. Residential Lowrise	SE	SE P	SE	SE	SE	SE	SE	P	P	P	N	*	*
A9. Residential midrise	N	SE P	N	N	N	N	N	SE	P	P	N	SE ³	*
A12. Mixed residential/business	N	SE P	N	N	SE	SE	SE	P	P	P	N	P	*
A15. Mixed-Use/Dormitory	N	SE P	N	N	N	N	N	N	N	N	N	*	*
C. Retail Uses													
C5. Eating and drinking places	N	SE P	N	N	SE	SE	P	P	P	N	N	SE	*
C6. Retail specialty establishments	N	SE P	N	N	SE	SE	P	P	P	N	N	SE	*
C7. Furniture and other furnishings	SE	SE	N	N	N	N	N	N	P	P	P	SE	SE

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D. Service Uses													
D6. Professional services	N	SE P	N	N	P	SE	N	P	P	P	P	SE	SE
D7. Administrative offices	N	SE P	N	N	P	SE	P	P	P	P	P	SE	SE
D10. Community services	N	N	N	N	N	N	P	P	P	N	N	SE	*
E. Institutional Uses													
E1. Educational services	SE	SE P	SE	SE	SE	N	P	P	P	SE	SE	SE	*

**AMENDMENTS TO THE SUBDIVISION & LAND DEVELOPMENT ORDINANCE
CHAPTER 520**

Article III: Design Standards

§520-22 Street cross sections.

§520-22.B

- B. Insufficient widths. Where a subdivision abuts or contains an existing street of insufficient width as required above, additional cross-section widths in conformance with the above standards shall **may** be required **as deemed appropriate by the City engineer**. These additional widths shall be divided evenly between the abutting lots on the opposite sides of the street.

Article III: Design Standards

§ 520-30 Parks, playgrounds and other community facilities.

- A. Conformity with Official Map. All subdivisions shall conform with the Official Map as to the reservation, location and size of parks and playgrounds.
- B. New parks, playgrounds, other community facilities. Due consideration shall be given to the allocation of suitable areas for schools, churches, parks, playgrounds and other community facilities to be dedicated for public use or reserved for the common use of all property owners within the proposed subdivision by covenants in the deeds. In the interest of public welfare, at least 5% of the area of every subdivision or land development, exclusive of streets, should be set aside for recreational purposes. Where the tract contains less than 40 acres, such reservation for open space shall be combined, wherever possible, with similar reservations in adjoining tracts. Such recreation areas and facilities shall be located in a manner to best serve the public likely to use them and to utilize to the greatest degree any topographical features. **This section is not applicable to a Mixed-Use/Dormitory use.**
- C. In order to further the principles and standards established in the City's Park, Recreation and Open Space Plan, as amended, as herein incorporated by reference in accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, the following requirements shall apply to all new residential and commercial subdivisions and land developments within the City of Easton unless otherwise specified herein. Fees shall be assessed.
 - (1) Fees shall be paid in the following manner:
 - (a) The total fee must be deposited by the applicant prior to final plan review by the Easton Planning Commission. In the event the plan is denied/rejected, the deposit shall be refunded. Upon approval of the final plan, the fee shall be retained by the City regardless of subdivision and/or land development implementation.^[1]
[Amended 9-24-2008 by Ord. No. 5120]

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[1]Editor's Note: Original Subsection 2, which immediately followed this subsection, was repealed 9-24-2008 by Ord. No. 5120.

(2) Method of contribution. The preferred method of allocation of the contribution should be in accordance with the findings, standards and principles contained in the City's Park, Recreation and Open Space Plan, as amended from time to time.

(3) Use of collected park, recreation and open space fees. In accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code, all fees collected for use in the City of Easton's Park, Recreation and Open Space System shall be deposited into an interest-bearing park, recreation and open space trust fund. Interest earned on said account shall become funds of that account, and said funds shall be expended by the City of Easton within three years of their collection for capital improvements, including but not necessarily limited to the development, improvement, or construction of park, recreational and/or open space facilities for which the fees were collected.

§ 520-31 Utilities in a flood zoning district.

If a subdivision proposal or land development is in a flood zoning district, per Article XXV, Flood Hazard Overlay District, of Chapter 595, the City of Easton Zoning Ordinance, and as delineated by map and profiles entitled "Flood Insurance Rate Map, Northampton County, Pennsylvania," or the most recent version thereof, provided by the Federal Emergency Management Agency, they shall be reviewed to assure that:

- A. The proposal is consistent with the need to minimize flood damage with the flood zone districts and is in accordance with Chapter 595, Article XXV, entitled "Flood Hazard Overlay District."
- B. All public utilities and facilities (such as sewer, gas, electrical and water systems) are located and constructed to minimize or eliminate flood damage to the satisfaction of the City Engineer.
- C. Adequate drainage is provided to reduce exposure to flood hazards.

§ 520-32 Street tree, shade tree and landscaping requirements.

- A. Street trees and shade trees shall be added and/or replaced per the requirements of the City Forester as outlined in Chapter 554, Shade Trees, for all subdivision and/or land development activities.
- B. All required landscaping shall be installed and maintained in accordance with a landscape plan approved by the City Planning Commission, which shall be in compliance with this section, the tree replacement standards of § 520-33 and the buffering requirements of § 520-34. The landscape plan shall be signed and sealed by a certified design professional. The plan shall depict all proposed plantings required to complement, screen or accentuate buildings, streets, alleys, parking areas, sidewalks, walkways, sitting areas, courtyards, service or maintenance areas, and other site features.
- C. The landowner or developer shall protect trees to be retained from damage during construction. The following procedures shall be followed in order to protect such trees:
 - (1) Trees of six-inch diameter or more at breast height (DBH) shall be preserved to the greatest extent possible, and the City Planning Commission may require the landowner or developer to plant one tree of not less than two inches in caliper for each tree of six inches in caliper or more to be destroyed.

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- (2) No more than six inches of soil shall be placed around the trunks of trees which are to remain. For those trees which are to remain, where more than six inches of soil are to be placed, tree wells shall be constructed to preserve such trees.
- (3) Trees to remain shall be protected by temporary fencing placed at the dripline of such trees.
- (4) No boards or other material shall be nailed to trees during construction, and no trees shall be sprayed with paint.
- (5) Heavy equipment operators shall avoid damaging existing tree trunks and roots. Feeder roots shall not be cut closer than 25 feet from tree trunks.
- (6) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being pruned flush, and if trunks are scarred, they shall be traced out for proper healing. All soil shall be properly backfilled and tamped around such trunks and roots.
- (7) Tree limbs damaged during construction shall be pruned.
- (8) The operation of heavy equipment over root systems of trees shall be minimized in order to prevent soil compaction.
- (9) Deciduous trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.
- (10) Construction debris shall not be disposed of near or around the bases of trees.

D. All landscape plans shall be submitted at the time of preliminary plan approval for any subdivision or land development. All landscape plans shall be reviewed by the Planning Department, Zoning Administrator, City Engineer and/or City Forester, as needed, to ensure compliance with this chapter and other applicable provisions of the City of Easton Code.

E. Landscape plans shall be based on and reflect the following:

- (1) The functional, environmental, and aesthetic factors which relate to the property and to the principal and accessory buildings and other structures.
- (2) Enhancing views from and within the property.
- (3) Screening and complementing proposed buildings and other structures.
- (4) Creating visual interest for the users and/or residents of the proposed development.
- (5) Using plant materials which are hardy and acclimated to the conditions at the property and within the City of Easton.

F. A landscape plan shall include notes, diagrams, sketches or other depictions to present the consideration and analysis of the following:

- (1) An analysis of the site in terms of the existing views to and from the areas which are proposed for development, existing topography and vegetation conditions and other existing conditions which are relevant to the site.
- (2) The consideration of locations where plantings and other landscaping is needed to provide visual interest, define outdoor space, complement the proposed architectural style, and achieve other functional and aesthetic requirements for landscaped areas.
- (3) An analysis of proposed planting and other landscaping needs as related to screening parking areas, screening storage areas, screening site utilities, and other appropriate types of screening.

G. Preliminary and final landscape plans shall reflect the following detailed criteria:

- (1) Street trees shall be provided and/or replaced as required by the City Forester.
- (2) The outer perimeter of all off-street parking areas shall be screened. Effective screens shall be accomplished through the use of plant materials, fencing or walls.
- (3) All commercial, institutional, multifamily, and industrial buildings on properties of 1/2 acre or greater shall be landscaped in accordance with the following criteria:
 - (a) A combination of evergreen and deciduous trees and shrubs shall be used as foundation plantings, i.e., plantings to be installed in reasonably close proximity to the facades.
 - (b) One three-inch-caliper specimen deciduous tree shall be planted for every fifty-foot length of building edge, and such tree shall be a minimum of 11 feet to 13 feet in height at the time of planting; and one eight-foot-to-ten-foot-tall specimen evergreen tree shall be planted for every 50 feet of length of building edge.
 - (c) Five evergreen and/or deciduous shrubs shall be planted for every 20 feet of length of building edge.
 - (d) Trees and shrubs shall be grouped in accordance with specific design needs and objectives.
- (4) Other landscaping, including trees, shrubs and ground covers, shall be provided along walkways, in courtyards, around sitting areas, at the entrance to the site and in other highly visible locations, especially on the outer side of any internal access roads which are visible from a public street which may adjoin a property, at the entrance to buildings and around structures used for service, storage or maintenance purposes.
- (5) Requirements and standards for landscaping, in addition to that specified above, shall be as determined by the City Planning Commission. The Planning Commission may require plantings to reduce glare; to abate other nuisances; to enhance the planting area in conjunction with streets; and to fulfill screening, buffering and other functional purposes.
- (6) The location, type, size, height and other characteristics of all landscaping shall be subject to the review and approval of the City Planning Commission. The Commission reserves the right to have such plans reviewed by the City Forester, Zoning Administrator and City Engineer.

H. The preliminary landscape plan shall be drawn at a scale of at least one inch equals 50 feet. It shall be totally coordinated with the overall site plan in terms of its relationship to proposed buildings, streets, parking areas, walks, fencing, benches, signs, lighting and other structures. It shall contain the following:

- (1) A delineation of existing and proposed plant materials and ground covers.
- (2) A delineation of other landscaping features, such as planting beds to be used for herbaceous plants, and other elements of the proposed improvements, such as fences, walls, retaining walls, lighting, benches, signs, paving, walkways, stone, tree wells, and the like.

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I. A final landscape plan shall be submitted after the City has reviewed the preliminary landscape plan and submitted comments on the plan to the applicant. The final landscape plan shall be drawn at a scale of one inch equals 50 feet. It shall be totally coordinated with the overall site plan and shall contain the following:

- (1) A final version of all of the plan requirements stated above for a preliminary landscape plan.
- (2) A plant schedule wherein the botanical and common name of proposed plants are listed, along with the quantity, caliper, height, spread and other dimensions and characteristics.
- (3) Details for the planting and staking of trees and the planting of shrubs and any other details which depict other related installation or protection, such as ground-cover spacing, tree fencing, tree grates and guards, tree wells and the like.
- (4) Information regarding the continued maintenance of all plantings and notes indicating that all plantings will be installed and maintained and replaced if dead or diseased in locations as shown on the approved landscape plan.

J. Plant characteristics and maintenance. All landscape plans shall contain the following notes:

- (1) All plants shall conform with the most recent edition of the American Standard for Nursery Stock of the American Association of Nurserymen.
- (2) Trees and shrubs shall be typical of their species and variety; have normal growth habits; well-developed, densely foliated branches and vigorous, fibrous root systems.
- (3) Trees and shrubs shall be free from defects and injuries and certified by appropriate federal and state authorities to be free from diseases and insect infestations.
- (4) Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the City or properly acclimated to conditions of the City of Easton.
- (5) Any tree or shrub which dies shall be replaced by the landowner or developer. Any tree or shrub which is deemed, in the opinion of the City, not to have survived or grown in a manner characteristic of its type shall be replaced. Substitutions for certain species of plants may only be made when approved by the City Planning Commission.
- (6) It shall be the responsibility of the landowners, tenants and/or other occupants of the premises to adequately and properly maintain the landscaped areas, which responsibility shall include watering, cleaning of weeds and debris, pruning and trimming, replacement of dead or diseased plantings, and fertilizing to maintain healthy growth.
- (7) All trees along the right-of-way of any property shall be kept trimmed 10 feet above any sidewalk and 12 feet above all streets, except those subject to truck traffic. On those streets determined by the City Engineer to be primary truck traffic streets, trees shall be trimmed to 16 feet above the street. All trees shall be trimmed in accordance with current arboricultural standards as determined by the City Forester.
- (8) All shrubs and growth abutting any sidewalks shall be kept cut back three inches from the edge of the sidewalks.

(9) Existing trees and shrubs at the corner of an intersection of streets and/or driveways shall be cut to the height of 24 inches from point of intersection of corner property lines back 50 feet to avoid blocking sight distance to oncoming traffic, and shrubs or ground covers to be planted shall be of the dwarf variety and shall not exceed 24 inches in height at maturity.

K. All final landscape plans shall be accompanied by a cost estimate prepared by the landowner or developer. The cost estimate shall be evaluated by the City and revised by the City if necessary. The cost estimate shall serve as a basis of establishing an escrow account related to landscaping.

L. This section is not applicable to a Mixed-Use/Dormitory use. Design of Mixed-Use/Dormitory requires preservation and protection of pedestrian orientation of the ground level uses and avoidance of physical and visual barriers between ground level use and abutting streets and sidewalks. Applicant shall be required, to extent capable of doing so, to install appropriate streetscape and tree plantings, subject to approval by the City Forester for street tree species and planting location.

§ 520-33 Tree replacement standards.

A. All trees of six-inch caliper or more shall be preserved to the maximum extent possible, and the procedure outlined in this article shall be followed for tree replacement. The landowner or developer shall plant replacement trees as follows:

- (1) One tree of not less than 2 1/2 inches to three inches in caliper for each tree of six inches up to 12 inches in caliper to be removed.
- (2) Two trees of not less than 2 1/2 inches to three inches in caliper for each tree from 12 inches up to 24 inches in caliper to be removed.
- (3) Three trees of not less than 2 1/2 inches to three inches in caliper for each tree of 24 inches or more in caliper to be removed.

B. In the event such trees cannot be planted on the development site, the City and the landowner or developer shall agree on one or more of the following methods to comply with the tree replacement requirement:

- (1) The required trees shall be planted on City-owned and -maintained property.

C. This section is not applicable to a Mixed-Use/Dormitory use. Design of Mixed-Use/Dormitory requires preservation and protection of pedestrian orientation of the ground level uses and avoidance of physical and visual barriers between ground level use and abutting streets and sidewalks. Applicant shall be required, to extent capable of doing so, to install appropriate streetscape and tree plantings, subject to approval by the City Forester for street tree species and planting location.

§ 520-34 Buffering standards.

A. The purpose of the buffering standards are to create an acceptable transition between potentially incompatible land uses and to reduce conflicts between these uses:

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- (1) Buffer areas required. In order to protect existing land uses from proposed uses of an incompatible character, buffer areas are hereby required as set forth below. A buffer area consists of a combination of plantings and/or fencing which screens or blocks vision, noise, pollutants or other negative by-products associated with incongruous activities on adjacent properties. Required buffers shall be the responsibility of the new or changed use. The extent of buffering required shall be determined by the type of use proposed and the adjacent uses surrounding the proposed use and subject to the review and approval of the Zoning Administrator and Planning Commission.
- (2) Existing vegetation. All existing deciduous and coniferous trees larger than two inches in caliper and/or six feet in height may be considered to contribute to the required buffer yard. Existing plant material of the above caliper and/or height shall be preserved in any required buffer area except where clearance is required to ensure adequate sight distance at intersections and driveways.
- (3) Buffer area use and maintenance. Buffer areas may be included as part of required front, side or rear yards. All buffer areas shall be maintained and kept clean of all debris and rubbish.
- (4) Plant health and death. All plant material used in buffer areas shall be alive and healthy and shall further meet all the requirements of the American Association of Nurserymen. Any plant material that dies shall be replaced immediately.
- (5) Applicability. In addition to the landscaping requirements of § 520-32 and of Chapter 595, Article XXX, Landscaping Standards, buffer areas shall be located between potentially conflicting uses. Visual screening, consisting of the indicated Class A, B, C or D buffer, shall be required between the following uses:
 - (a) Any retail or office use adjacent to any single-family detached or semidetached dwellings shall provide a Class A buffer.
 - (b) Any industrial use, except as noted below, that adjoins any residential use shall provide a Class B buffer.
 - (c) Any industrial use with greater than 50,000 square feet of gross floor area or industrial park adjacent to any residential use shall provide a Class C buffer.
 - (d) A salvage yard, landfill, recycling center, or transfer station shall provide a Class D buffer between the required fence and the street line or any edge of the property adjacent to a residential use.
 - (e) Other uses determined to be potentially conflicting shall provide the buffer class specified by the City Planning Commission.
- (6) Buffer class standards. After determining the required buffer class, the applicant shall select an appropriate planting option listed below. Plantings are not required to be aligned on property or right-of-way boundaries but may be sited as necessary to achieve the optimal screening level. Plant materials shall be selected from the plant materials list included at the end of the chapter.

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(a) Class A: One deciduous/canopy tree of a minimum of two-inch caliper per 40 feet of buffer length, plus one flowering tree of a minimum of two-inch caliper per 60 feet of buffer length, plus one evergreen of a minimum of four feet in height per 60 feet of boundary.

(b) Class B: One evergreen of a minimum of four feet in height per 20 feet of buffer length and one flowering tree per 60 feet of boundary.

(c) Class C:

[1] One evergreen of a minimum of four feet in height per 25 feet of buffer length, plus one berm four feet high; or

[2] Six-foot-high fencing or walls, plus one flowering tree of a minimum of two-inch caliper or evergreen tree of a minimum of four feet in height, every 30 feet of buffer length.

[3] Minimum width. The minimum buffer width shall be 20 feet.

(d) Class D:

[1] Six-foot-high fencing or walls, plus one canopy tree of a minimum of two-inch caliper at an average of one tree per 40 linear feet, plus one evergreen tree at an average of one tree per 20 linear feet of buffer.

[2] Minimum width. The minimum buffer width shall be 30 feet.

(7) Plant materials.

(a) Each option listed in Subsection A(6) above may use any of the plant materials listed in the Plant Materials List contained in the Appendix included at the end of the chapter. The City Planning Commission may permit other planting types if they are hardy to the area, are not subject to blight or disease and are of the same general character and growth habit as those on the approved list.

(b) Existing planting, topography or man-made structures can reduce or eliminate the buffering requirements if they partially or completely achieve the level of screening as the planting requirements outlined in this article. This determination shall be made at the discretion of the City Planning Commission.

(8) Fence, hedge and wall regulations.

(a) Fences in residential districts shall be constructed of materials which do not detract from the general neighborhood.

(b) 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.

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

(d) Fences and retaining walls shall be constructed of durable materials and shall be built in accordance with Building Codes as adopted by the City and plans for such construction shall be approved by the Building Inspector.

(9) General buffering requirements.

- (a) All buffering yards shall be maintained and kept clean of all debris, rubbish, weeds and tall grass.
- (b) All planting in the buffer area shall be installed and thereafter maintained by the property owner.
- (c) Plant materials required within the buffer area shall be assured by a performance guaranty posted with the City in an amount equal to the estimated cost of the plant materials. Such guaranty shall be released only after the passage of the second growing season following planting.
- (d) No manufacturing or processing activity or storage of materials shall be permitted within the buffer area.
- (e) Plant materials and structures required within the buffer area of a corner lot shall be planted and/or maintained at a height not to exceed two feet within the required sight triangle.
- (f) No structures may be placed within the buffer area, except for the following:
 - [1] Berms, fences or walls, which aid in screening and do not conflict with the character of adjoining properties nor block clear sight required at intersections.
 - [2] Structures relating to and used for landscaping, such as tree wells, tree guards, tree grates and retaining walls, to preserve stands or specimens or existing trees or used for other functional purposes.
 - [3] Streets which provide direct ingress/egress for the lot, including appurtenant structures within street rights-of-way, such as curbs, sidewalks, signs, lighting standards, or benches.
 - [4] Underground utilities.

(10) Plan review. Prior to plan approval, complete plans showing the location of all adjacent property lines and uses, all buffer areas, and the placement, species and size of all plant materials, fences or walls within those areas shall be reviewed by the City Planning Commission, City Engineer, Zoning Administrator, Building Code Administrator and/or City Forester to ensure compliance with the standards of this article and other applicable City codes.

B. This section is not applicable to a Mixed-Use/Dormitory use. Design of Mixed-Use/Dormitory requires preservation and protection of pedestrian orientation of the ground level uses and avoidance of physical and visual barriers between ground level use and abutting streets and sidewalks.

Article IV: Plan Requirements

§520-36 Preapplication requirements.

§520-36 C

- C. Site data, which shall show all proposed uses, both public and private, for the development of the property, including ~~appropriate landscaping, parking, building size, use and lot coverage~~ **applicable Chapter 595 Zoning requirements** provisions, and neighboring land uses.