

Borough of Emmaus Lehigh County, PA

DRAFT – December 16, 2024

Borough of Emmaus Zoning Ordinance

Chapter 27 of the Code of the Borough of Emmaus

Enacted:

Effective:

**BOROUGH OF EMMAUS ZONING ORDINANCE CHAPTER 27 OF THE CODE OF
THE BOROUGH OF EMMAUS BOROUGH OF EMMAUS, LEHIGH COUNTY,
PENNSYLVANIA**

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Table of Contents

PART 1 GENERAL ZONING PROVISIONS.....	7
§27-101 Short Title.....	7
§27-102 Purpose.....	7
§27-103 Authority	8
§27-105 Applicability	8
§27-106 Interpretation	8
§27-107 Severability	9
§27-108 Zoning Officer Duties and Powers.....	9
§27-109 Zoning Permits	10
§27-110 Zoning Certification Letter	15
§27-111 Change of Use	16
§27-112 Conditional Uses	16
§27-113 Fees	20
§27-114 Violations and Penalties.....	20
§27-115 Zoning Hearing Board	21
§27-116 Enforcement Notification	27
§27-117 Amendments.....	28
§27-118 Public Utility Exemptions	31
§27-119 Borough and Borough Authority Limited Exemption.....	32
Part 2 Definitions.....	33
§27-201 Rules of Interpretation.....	33
§27-202 Defined Words and Terms.....	33
Figure 27-202.A.....	39
Figure 27-202.B.....	46
Figure 27-202.C.....	51
Figure 27-202.D.....	51
Figure 27-202.E.....	52
Figure 27-202.F.....	53
Figure 27-202.G.....	53
Figure 27-202.H.....	54
Figure 27-202.I.....	55
Figure 27-202.J.....	55
Figure 27-202.K.....	56
Figure 27-202.L.....	57
Part 3 Zoning Districts.....	63
§27-301 Establishment of Zoning Districts	63
§27-302 Zoning District Hierarchy and Organization.....	63
§27-303 Zoning Map	63
§27-304 Rules for Interpretation of Zoning District Boundaries	64
§27-305 Height Interpretations.....	64
§27-306 Exceptions to Building Height Requirements	64
§27-307 Setback Interpretations	65
§27-308 Exceptions to Setback Requirements	65
Figure 27-308.A.....	66
Figure 27-308.B.....	67
§27-309 Exceptions to Lot Size Requirements	67
§27-310 Preservation (P) District.....	69
§27-311 Conservation (C) District.....	71
§27-312 Wooded Residential (RW) District	73

§27-313 Enclave Residential (RE) District.....	75
§27-314 Central Residential (RC) District.....	77
§27-315 Urban Edge Neighborhood (UEN) District.....	79
§27-316 Urban Core Neighborhood (UCN) District.....	81
§27-317 Urban Gateway (UG) District.....	83
§27-318 Downtown Neighborhood (DN) District.....	85
§27-319 Downtown Core (DC) District.....	87
§27-320 Enterprise District (ED)	89
Part 4 Zoning Uses.....	91
§27-401 General.....	91
§27-402 Uses.....	91
§27-403 Organization.....	92
§27-404 Unlisted Uses	92
Table 27-4.A Principal Uses – Residential and Lodging Uses	93
§27-405 Principal Uses – Residential and Lodging Uses	93
Table 27-4.B Principal Uses – Civic and Institutional Uses	111
§27-406 Principal Uses – Civic and Institutional Uses	111
Table 27-4.C Principal Uses – Agriculture, Forestry, and Open Space Uses.....	113
§27-407 Principal Uses – Agriculture, Forestry, and Open Space Uses.....	113
Table 27-4.D Principal Uses – Retail Uses	116
§27-408 Principal Uses – Retail Uses	116
Table 27-4.E Principal Uses – Service Uses.....	120
§27-409 Principal Uses – Service Uses	120
Table 27-4.F Principal Uses – Infrastructure Uses	134
§27-410 Principal Uses – Infrastructure Uses.....	134
Table 27-4.G Principal Uses – Industrial Uses.....	139
§27-411 Principal Uses – Industrial Uses.....	139
Table 27-4.H Accessory Uses	145
§27-412 Accessory Uses	145
Table 27-4.I Temporary Uses	164
§27-413 Temporary Uses	164
§27-414 Nonconformities	166
Part 5 Supplemental Regulations.....	171
§27-501 Purpose.....	171
§27-502 Accessory Structures and Outbuildings.....	171
§27-503 Airport Area Regulations.....	171
§27-504 Buffer Yards	173
§27-505 Building Demolition.....	174
§27-506 Encroachments.....	175
§27-507 Fences and Walls.....	176
§27-508 Street Front Requirements.....	177
§27-509 Karst Hazards	178
§27-510 Loading	180
§27-511 Lot Requirements	180
§27-512 Multiple Uses in a Building	181
§27-513 Multiple Buildings on a Lot	181
§27-514 Minimum Size of Dwellings	181
§27-515 Nuisances	181
§27-516 Obstruction to Vision	185
§27-517 Parking.....	185
Table 27-5B Off-Street Parking Requirements.....	188
§27-518 Protection of Solar Access	191

§27-519 Rooftop-Mounted Equipment.....	191
§27-520 Steep Slopes	192
§27-521 Stormwater Bonus	192
§27-522 Temporary Structure or Use	193
§27-523 Trash Dumpster, Commercial	193
§27-524 Tree Protection	195
§27-525 Unenclosed Storage	196
§27-526 Wetlands	197
Part 6 Signs	198
§27-601 Applicability	198
§27-602 Signs Exempt from Permit Requirements	198
§27-603 Prohibited Signs	200
§27-604 General Sign Requirements	201
Figure 27-604.A.....	202
Figure 27-604.B.....	202
Figure 27-604.C.....	203
Figure 27-604.D.....	203
§27-605 On-Premise Sign Regulations.....	206
§27-606 Off-Premise Sign Regulations.....	208

PART 1 GENERAL ZONING PROVISIONS

§27-101 Short Title

This Chapter shall be known and may be cited as the "Borough of Emmaus Zoning Ordinance".

ENACTED: [SPECIFY DATE OF ENACTMENT]

EFFECTIVE: [SPECIFY EFFECTIVE DATE OF ORDINANCE]

§27-102 Purpose

This Chapter is intended to guide future growth and development by regulating land uses within the Borough of Emmaus for the improvement of the health, safety, comfort, morals, and general welfare of its citizens in accordance with the requirements and purposes of the Pennsylvania Municipalities Planning Code or its successor.

This chapter has been enacted consistent with the community Development objectives specified in the Southwestern Lehigh County Comprehensive Plan, as adopted and amended.

In addition to the stated community Development objectives, the following items were duly considered in drafting and enacting this chapter:

1. To promote, protect, and facilitate any or all of the following:
 - A. The public health, safety, morals, and general welfare.
 - B. The provisions of adequate light and air.
 - C. The provision of public services and facilities, including police protection, emergency services, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable, and adequate water supply for domestic, commercial, and other public requirements.
 - D. The preservation of the natural resources, scenic views, forests, aquifers and floodplains, neighborhood character and historic atmosphere of the Borough of Emmaus.
 - E. The coordinated and practical development and suitability of various Uses, proper density and Structures for particular locations.
2. To provide for the Use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-Family and two-Family dwellings, and a reasonable range of multi-Family dwellings in various arrangements, provided, however, that this Chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type.
3. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for the Development of a variety of residential dwelling types and nonresidential Uses.
4. To help guide the future growth and Development of the Borough in accordance with the Southwestern Lehigh County Comprehensive Plan that provides for beneficial and convenient relationships among the various Uses within the Borough.

§27-103 Authority

This Chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," July 31, 1968, as amended, hereinafter referred to as "MPC".

This Chapter shall apply to all properties and Uses located within the corporate limits of the Borough of Emmaus, Pennsylvania, hereinafter referred to as the "Borough."

§27-105 Applicability

1. The terms of this Chapter shall be applied to support the intent set forth in the *Southwestern Lehigh County Comprehensive Plan*.
2. The Borough's Subdivision and Land Development Ordinance (Chapter 22 of the Borough of Emmaus Municipal Code) shall provide design standards and other regulations pertaining to the Development of land, whereas, the Zoning Ordinance provides parameters on the Use of land. Both documents correlate with each other to provide the overall regulations administered by the Borough Council, Zoning Officer, Subdivision Administrator, and/or Zoning Hearing Board, as specified in said Ordinances.
3. Except as hereinafter specified, no land shall hereafter be used, or developed, and no Building or part thereof or other Structure shall be used, located, erected, constructed, reconstructed, extended, enlarged, converted, or altered, except in conformity with the regulations herein specified for the Zoning District in which it is located. Furthermore, any changes created by a Subdivision of land shall also be in conformity with the regulations herein specified for the Zoning District in which it is located, as reviewed and determined by the Zoning Officer, as defined in Part 1.08.
4. Nothing in this Chapter shall be deemed or construed to void, nullify, abrogate, modify, limit or otherwise adversely affect any right vested under applicable law at the time of enactment of this Chapter, whether such right arose under a Subdivision or Land Development plan or Development agreement proposed by a Person and accepted or approved by the Borough. This Chapter is not intended to interfere with or abrogate or annul any more restrictive Easements, Covenants, Building Restrictions, or other agreements between parties relating to Use or Development of land.

§27-106 Interpretation

1. The regulations specified within this Chapter shall be considered minimum regulations and shall be applied uniformly to all individuals and businesses within the Jurisdiction of the Borough.
2. When this Chapter places a greater restriction than is imposed or required by other provisions of law, or by other rules, regulations, Ordinances, or by private restrictions, covenants, or declarations, the provisions set forth in this Chapter shall prevail, except where otherwise specifically stated herein, unless prohibited by statutory authority. Without limitations of the foregoing, in the event of a conflict between or among the provision of this Chapter, the Borough's Subdivision and Land Development Ordinance, and/or any other duly enacted Chapter of the Borough, the conflicting provisions shall be given precedence in the following order:
 - A. The provisions of this Chapter.

- B. The provisions of Chapter 22 of the Borough Municipal Code.
- C. The provisions of the Borough's other duly enacted Ordinances with precedence among them given to the provision bearing the latest date of passage.

3. To determine the extent of the restriction upon the Use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Borough, in favor of the property owner and against any implied extension of the restriction.

4. Private covenants contained in any Deed or Declaration are not enforceable by the Borough; however, such covenants may, as a factor, be considered in the exercise of its sound discretion by the Borough's Zoning Hearing Board when called upon to consider applications for Special Exceptions, Appeals, and Variance requests and neighborhood compatibility factors related thereto.

§27-107 Severability

Should a court of competent Jurisdiction declare any Part, subsection, or provision of this Chapter invalid or unconstitutional, this decision shall not affect the validity or constitutionality of this Chapter as a whole, or any part thereof, other than the particular part so declared to be invalid or unconstitutional.

§27-108 Zoning Officer Duties and Powers

1. The provisions of this Chapter shall be administered by the Borough's Zoning Officer.

2. The Zoning Officer, who shall not hold any elective office in the Borough, shall be appointed by the Borough Council by Resolution. The Zoning Officer shall meet qualifications established by the Council and shall be able to demonstrate to the satisfaction of the Council a working knowledge of municipal zoning. The Zoning Officer shall administer this Chapter in accordance with its literal terms and shall not have the power to permit any construction or any Use or change of Use which does not conform to this Chapter and other applicable Borough codes and ordinances. The Zoning Officer shall ensure compliance with and issuance of all Permits required by this Chapter. The Zoning Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of employment by the Borough.

3. The administration and enforcement duties and powers of the Zoning Officer shall be as follows:

- A. To enforce the provisions of this Chapter and all rules, conditions, and requirements adopted or specified pursuant thereto.

- B. Maintain files, open to the public, of all applications for Zoning Permits along with plans submitted therewith as well as final Certificates and Permits.

- C. Maintain records, open to the public, of every complaint of a violation of the provisions of this Chapter as well as action taken as a result of such complaints.

- D. Submit to the Borough Council an annual written report summarizing Zoning Permits and Certificates of Use issued as well as complaints of violations and action.

- E. Attend all Zoning appeal hearings and other meetings, as required.

- F. Make or arrange to be made all required inspections and perform all other duties called for in this chapter.

§27-109 Zoning Permits

1. General.

A. A Zoning Permit shall be required prior to the following activities:

- (1) The erection, addition, or Alteration of any Structure or portion thereof, including decks.
- (2) The establishment, change or expansion of Use of a Structure or land.
- (3) The addition of 25 square feet or more of new Impervious Coverage.
- (4) The erection or Alteration of any Signs as specified in Part 6 of this Chapter as requiring a Zoning Permit.
- (5) The erection or Alteration of any fence, wall, or shrubbery.
- (6) The installation, enlargement, or paving of driveways and Parking areas.
- (7) The increase in number of dwelling or sleeping units.
- (8) The demolition of a Preferably Preserved Significant Building or Structure.

B. It shall be unlawful for any Person to commence work for the erection or Alteration of any Structure or a change in land Use, until a Zoning Permit has been duly issued.

(1) Where a Permit is required, but the work is commenced or the Use is commenced or changed prior to obtaining such Permit, the fees set by ordinance or resolution of the Borough Council for such Permit shall be doubled.

(2) The doubling of the Permit fee shall be required to reflect the additional expense incurred by the Borough resulting from the need to inspect the property, respond to any complaints, issue any enforcement notices and/or process the application as soon as it is received.

(3) The payment of such increased Permit fee shall not relieve any Person from complying with all requirements of this Chapter or any other applicable Borough ordinances or from any penalties or enforcement actions authorized by this Chapter or the Act, including, but not limited to injunctive action by the Borough.

2. Application.

A. Every application for a Zoning Permit shall contain, in addition to other applicable requirements that may be specified in this Chapter, the following information:

(1) The application shall be made by the owner or lessee of any Building or Structure, or the agent of either; provided, however, that if the application is made by a Person other than the owner or lessee, it shall be accompanied by a signed, written authorization of the owner or the qualified Person making an application, that the proposed work is authorized by this owner. 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.

(2) The property identification number or address as it appears on the latest tax records.

(3) The required fee.

(4) A Site Plan drawn to scale signed and sealed by the Person responsible

for such drawing. If no such Plot Plan is available, a survey may be required for unusually shaped Lots or areas with dispute. The Plot Plan shall include the following:

(a) The actual shape, dimensions, radii, angles, and area of the Lot on which the Structure is proposed to be erected, or the Lot in which it is situated if in an existing Building.

(b) The exact size, including building height, and locations of the proposed Structure or Structures on the Lot, or Alteration of an existing Structure, and of other existing Structures on the same Lot.

(c) The dimensions of all yards in relation to the subject Structures and the distances between such Structures and any other existing Structures on the same Lot.

(d) The existing and intended Use of all Structures, existing or proposed, the Use of land, and the number of families or Dwelling Units the Structure is designed to accommodate.

(e) Such topographic or other information about the Structure, the Lot, or neighborhood Lot as may be necessary to determine that the proposed construction will conform to the provisions of this Chapter.

(f) Other information as may be necessary to determine compliance with this Chapter and all other ordinances.

(5) Proof of workers' compensation coverage if the application is submitted by a contractor.

(6) Proof of a Highway Occupancy or Minimum Use Driveway Permit is required for access off State-owned Streets.

B. Additional Requirements for all Commercial and Industrial Uses.

(1) A location map showing the Tract to be developed, zoning boundaries, adjoining Tracts, significant natural features, and Streets for a distance of two hundred (200) feet from all Tract boundaries.

(2) A plot plan of the Lot, showing the location of all existing and proposed Buildings, driveways, Parking lots showing access drives, circulation patterns, curb cut accesses, Parking stalls, access from Streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the Lot, and the location of all topographical features.

(3) A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, Glare, air pollution, water pollution, vibration, fire hazards, safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.

(4) Evidence that the disposal of materials and wastes will be accomplished in a manner that complies with State and federal regulations. Should the nature of the Use change in the future such that the materials used or wastes generated change significantly, either in type or amount, the owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Part.

(5) Designation of how sanitary sewage and stormwater shall be disposed and

water supply obtained.

(6) The proposed number of shifts to be worked and the maximum number of employees on each shift.

(7) Where Use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their Floor Area, and estimated number of employees.

C. The Zoning Permit application and all supporting documentation shall be made in duplicate. On the issuance of a Zoning Permit, the Borough shall return one copy of all filed documents to the Applicant.

3. Review and Issuance.

A. The Borough shall, within 15 business days after the filing of a complete and properly prepared application, either issue or deny a Zoning Permit. If a Zoning Permit is denied, the Borough shall state in writing to the Applicant the reasons for such denial, and the Applicant shall be informed of the right to appeal to the Zoning Hearing Board.

B. The Zoning Officer may call upon other Borough staff or Borough-appointed consultants in the review of submitted materials for applications.

C. No Zoning Permit shall be issued unless the proposed activity is in full conformity with all the provisions of this Chapter, and all the following:

(1) Any conditions imposed upon the site or upon the Use by the Zoning Hearing Board or Borough Council.

(2) Any recorded Subdivision or Land Development plan.

(3) The requirements of other applicable Borough ordinances and codes.

D. No Zoning Permit shall be issued for the construction or Alteration of any Structure upon a Lot without access to a Street or Highway.

E. Any Zoning Permit issued in violation of the provisions of this Chapter or previously adopted versions of the Borough of Emmaus Zoning Ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocations of nullification thereof; and any work undertaken, or Use established pursuant to any such Permit shall be unlawful.

F. In all instances in which the Zoning Officer expresses a reasonable doubt as to the ability of a proposed Use to meet all the above-described requirements, the Applicant shall furnish adequate evidence in support of their application. If such evidence is not present, in the determination of the Zoning Officer, the Zoning Permit will be denied, and may be appealed to the Zoning Hearing Board

G. An application for a Zoning Permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing, unless during that 6-month period, a Zoning Permit shall have been issued, provided that reasonable extensions of time for additional periods not exceeding 90 days each may be granted at the discretion of the Zoning Officer.

H. Conditions of Permit.

(1) No Zoning Permit shall be issued until the fees prescribed by the Borough Council pursuant to resolution shall be paid to the Borough. The payment of fees under this Part shall not relieve the Applicant or holder of said Zoning Permit from payment of other fees that may be required by this Chapter or by any other ordinances or law.

(2) The Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Chapter, except as stipulated by the Zoning Hearing Board.

(3) All work or Uses shall conform to the approved application and plans for which the Zoning Permit has been issued, as well as the approved Site Plan or Land Development Plan.

I. Every Zoning Permit shall expire after 12 months from the date of issuance. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Borough may in its sole discretion by Motion or Resolution, grant a 6-month extension, following which no further work is to be undertaken without a new Zoning Permit. Such request shall be made in writing to the Zoning Officer.

J. The Applicant shall prominently display all approved Zoning Permits on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. The Applicant shall display the Zoning Permit within 5 days of Permit issuance or prior to the commencement of actual work on the site, whichever occurs first. The Applicant shall continuously display the Zoning Permit construction is completed and the final inspection has been approved.

K. Changes to Application Following Issuance. After the issuance of a Zoning Permit by the Zoning Officer, no changes of any kind shall be made to the application, Permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer. In the event a change or adjustment is required, the Permit Holder must provide notice of those changes or adjustments to the relevant Board, Council, or Commission and may not proceed without re-approval.

L. Revocation of Permit. A Zoning Permit or Occupancy Permit for any Structure or Use shall be revoked by the Zoning Officer, or authorized representative of the Borough, if the holder of such Permit has failed to comply with the requirements of this Chapter or with any conditions attached to the issuance of the Permit. Failure to comply with the Emmaus Borough Zoning Ordinance shall include but may not be limited to the making of any material misrepresentations, false statements, or acts of fraud on behalf of the Applicant. Upon revocation of a Permit, the holder may also be subject to the enforcement remedies and penalties provided by this Chapter, by the other provisions of the Borough Municipal Code, and by State and Federal law.

4. Temporary Use Permits.

A. The Borough recognizes that there are certain Uses, of a temporary nature, which are generally beneficial to the Borough and its residents, such as:

(1) Special Events such as auctions, carnivals, and similar fund-raising activities conducted by volunteer fire companies, emergency medical service providers, schools, and similar institutional Uses.

(2) The erection of a seasonal tent from which flowers, plants, produce, holiday trees or other seasonal decorations, and fireworks are sold prior to observed holidays.

(3) Temporary Signs per Part 6 of this Chapter.

(4) Dumpsters or storage pods.

(5) Construction trailers.

B. It is the intention of the Borough to allow such temporary Uses in accordance with the requirements of this Part.

C. Zoning Permit Required. Where the proposed temporary Use is permitted within the zone per Table 27-4.I, or is listed in the supplemental regulations for temporary Structures and Uses (§27-522), the Applicant shall apply to the Zoning Officer for a Zoning Permit. Any Zoning Permit shall specify the dates upon which the temporary Use may be operated, the temporary Structures which may be erected, and the Temporary Signs which may be erected.

D. Special Exception Required. The Zoning Hearing Board, by Special Exception upon Application submitted and relevant fees paid, may authorize a temporary Use in a Zoning District where such Use is not authorized if the Applicant meets the general requirements for a Special Exception and demonstrates evidence of the temporary Use requirements. If the Applicant demonstrates to the satisfaction Zoning Hearing Board that its application meets all 5 of the below criteria, the Zoning Hearing Board may, by Special Exception, authorize each such temporary Use. The decision of the Zoning Hearing Board shall identify the specific dates upon which the Use may be conducted and the specific Tract or portion of the Tract upon which the temporary Use may be conducted.

E. Duration.

(1) Unless otherwise stated in the specific regulations for a temporary Use, temporary Uses may not exceed 15 consecutive days or 30 days in any calendar year.

(2) In the case of a special event, except under special circumstances, this should be a maximum of 6 days in any 60-day period. The Zoning Hearing Board may grant a single approval once for numerous occurrences of an event.

F. Criteria for Approval. The Applicant for a temporary Use, must present evidence of the following:

(1) Statement from Owner. The Applicant shall present a statement from the owner of record of the land accepting responsibility to ensure that the Use or Structure is removed once the Permit expires.

(2) Adequate off-Street Parking is provided. Off-Street Parking for the

temporary Use may be shared with off-Street Parking for an existing Permanent Use.

(3) Any Signs are temporary in nature and do not exceed the number or area which would be permitted for a Permanent Use.

(4) Other facilities, including but not limited to sewage disposal facilities and trash disposal are available for Persons reasonably anticipated to attend the temporary Use.

(5) A plan for addressing traffic to be generated by the temporary Use. If necessary, the Applicant shall arrange for the provision of fire police or other Persons to direct traffic to the temporary off-Street Parking facilities.

(6) The Use shall contribute to the welfare of the Borough and its residents, and will not adversely affect the health, safety or welfare of adjoining residents or the Uses permitted within the zone in which the temporary Use is proposed.

G. Nonprofits.

(1) Fee. Either the Zoning Hearing Board or the Borough Council may, in their sole discretion, waive or return the required application fee if the Applicant is an Internal Revenue Service recognized and well-established nonprofit organization, and the Applicant clearly shows that the proposed Use is temporary and will be used to clearly primarily serve a charitable or public service purpose.

(2) Permitted Uses. Only a well-established and Internal Revenue Service recognized nonprofit organization proposing a temporary Use to clearly primarily serve a charitable or public service purpose shall be eligible to receive approval for a temporary Commercial Use in a Zoning District where that Use is not permitted.

H. Annual Special Events. If the Zoning Hearing Board grants a Special Exception for a temporary Use for an annual special event, then the Board's grant of such temporary Use upon an initial application submitted by a non-profit organization applying to conduct an event, shall authorize the Zoning Officer to grant a Permit for such temporary Use in subsequent years, provided that the application for a Permit in subsequent years demonstrates to the Zoning Officer's satisfaction that the event is the same, or substantially the same, as in the year in which the Zoning Hearing Board granted the temporary Use, and that the Applicant has satisfied all of the conditions imposed by the Board for such Use. If the Zoning Officer determines that the proposed temporary Use is materially different, or has increased in size or scope, from the event for which the Board granted approval, or if the Zoning Officer determines that the proposed event does not meet all the conditions imposed by the Zoning Hearing Board, then the Zoning Officer shall deny the application. In the event of such denial, the Applicant may appeal to the Zoning Hearing Board pursuant to this section. An Applicant may only apply for a Permit under this paragraph if it is conducting an annual event. This paragraph shall not apply if the event was not held and a Permit was not issued by the Zoning Hearing Board or the Zoning Officer in the immediately preceding year.

I. Removal. Such Structure or Use shall be removed completely upon expiration of the Permit without cost to the Borough. If the Structure or Use is not removed in a timely fashion after proper notification, the Borough may remove the Use or Structure at the cost of the Person who owns the land upon which the Structure or Use is located.

J. Violation. Failure to cease operation on the date specified in the temporary Zoning Permit or failure to remove all temporary Structures and Temporary Signs shall constitute a violation of this Chapter.

§27-110 Zoning Certification Letter

1. A zoning certification letter shall be issued upon a request to certify:
 - A. Correct zoning classification;
 - B. Compatibility of existing land Uses;
 - C. Compatibility of proposed land Uses; and
 - D. Legal status of a Nonconforming Use, Structure, or Lot.
2. Requests for a zoning certification letter shall be accompanied by a Development plan, as defined by this Chapter, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.
3. *Payment of Fees.* No zoning certification letter shall be issued until the fees prescribed by the Borough Council pursuant to resolution shall be paid to the Borough.

§27-111 Change of Use

1. A Zoning Permit, certifying compliance with this Chapter, must be obtained from the Zoning Officer for any change of Use of a Structure or Land as set forth below before such new Structure or Use or change of Use is occupied or established:
 - A. Use of vacant land except for agricultural purposes.
 - B. Any change to or from a conforming Use of a Structure or land.
 - C. Any change from a Nonconforming Use of a Structure or land to a conforming Use.
 - D. Any change in the Use of a Structure or land from that permitted by any Variance of the Zoning Hearing Board.
 - E. New business activity or change in business, permitted by Special Exception, Variance or Use by-right.
2. The application for a Zoning Permit for the above purposes must include a statement of the intended Use and any existing Use of the Structure or land.
3. A new Zoning Permit is not required as long as the Use of the Structure or land for which it is granted conforms to this Chapter.
4. Prior to occupancy, the property shall be in compliance with the current International Property Maintenance standards.

§27-112 Conditional Use

1. General.
 - A. It is the intent of this Section to provide special controls and regulations for

particular uses which may, under certain conditions, be conducted within the various Zoning Districts established in Article 3 of this Ordinance.

B. Where Borough Council has stated, under Part 3 of this Ordinance, Conditional Use to be granted or denied by Borough Council pursuant to the standards and criteria specified below, the Borough Council shall hear and decide requests for such Conditional Uses in accordance with such standards and criteria. In granting a Conditional Use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

2. Application. Each application for a Conditional Use shall be accompanied by a proposed Site Plan as specified under §27-109 of this Ordinance.

3. Standards and Criteria. Each Applicant shall demonstrate compliance with the following standards and criteria:

A. The proposed use shall be consistent with the purpose and intent of this Ordinance and all other applicable Borough ordinances and codes.

B. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;

C. The proposed use shall not affect a change in the character of the subject property's neighborhood;

D. Adequate public facilities (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.) are available to serve the proposed use;

E. That the use of adjacent land and Buildings shall not be discouraged and the value of adjacent land and Buildings shall not be impaired by the location, nature and Height of Buildings, walls and fences;

F. That the use shall have proper location with respect to existing or future streets, and shall not create traffic congestion or cause nonresidential traffic on local residential streets;

G. The proposed use shall comply with those criteria specifically listed in Part 4 of this Ordinance. In addition, the proposed use shall comply with all other applicable regulations of this Ordinance; and

H. The proposed use shall not substantially impair the integrity of the Borough's Multi-Municipal Comprehensive Plan.

4. Conditions. The Borough Council in approving Conditional Use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.

5. Site Plan Approval. Any site plan presented in support of the Conditional Use pursuant to

paragraph (B) shall become an official part of the record for said conditional use. Approval of any Conditional Use shall also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the Applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another Conditional Use approval.

6. Hearing Procedures.

A. Before voting on the approval of a Conditional Use, Borough Council shall, within sixty (60) days from receipt of the applicant's application, hold a public hearing thereon, pursuant to Public Notice. Borough Council shall submit each such application to the Borough Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Borough Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, Borough Council shall hold another public hearing, pursuant to Public Notice, before proceeding to vote on the application.

B. Public Notice, as defined herein, and written notice shall be given to the Applicant, the Zoning Officer, such other persons as Borough Council shall designate by ordinance, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provisions, by rules of Borough Council. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

C. Borough Council may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, stenographer, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses on behalf of the Zoning Hearing Board, expenses for engineering, architectural, or other technical consultants, or expert witness costs.

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

E. The Council President of Borough Council shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.

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

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

H. Borough Council may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and Borough Council.

The cost of the original transcript shall be paid by Borough Council if the transcript is ordered by Borough Council; or shall be paid by the Person appealing the decision of the Borough Council if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

I. Borough Council shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

J. The hearing shall be conducted by Borough Council or Council may appoint any member or an independent attorney as a hearing officer. The decision, or, where there is no decision, the findings shall be made by Borough Council. However, the appellant or the Applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by Borough Council and accept the decision or findings of the hearing officer as final.

K. Borough Council shall render a written decision or, when no decision is called for, make written finds on the Conditional Use application within forty-five (45) days after the last hearing before Borough Council. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

7. Time Limitation.

A. If a Conditional Use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the Conditional Use is finally granted, and the Building or Alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, Borough Council may at any time, upon application in writing, extend either of these deadlines.

B. Should the appellant or Applicant fail to obtain the necessary permits within said two (2) year period or having obtained the permit should the fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or Applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by Borough Council.

C. Should the appellant commence construction or alterations within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, Borough Council may, upon ten (10) days' notice in writing, rescind or revoke the granted Conditional Use, if Borough Council finds that no good cause appears for the failure to complete within such three (3) year period, and if Borough Council finds that conditions have altered or changed in the interval since the granting of the Conditional Use that revocation or rescission of the action is justified.

D. As an alternative to the preceding, an Applicant can request, as part of the original application before Council, the granting of a timetable associated with the notwithstanding the other timelines set forth in this section. In so doing, the Applicant shall demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, Council shall establish and bind a definite time frame for (1) issuance of a Zoning Permit, and (2) completion of construction of the project.

§27-113 Fees

The Applicant for a Zoning Permit or application to the Zoning Hearing Board pertaining to Special Exceptions, Appeals, Variances, Validity Challenges, and Additional Hearing requests shall at the time of making said application, pay the Zoning Officer a fee in accordance with a fee schedule regularly established by the Borough Council.

1. Such fees shall be payable to the Borough. Until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete, and no action shall be taken on any application or appeal.

§27-114 Violations and Penalties

1. Any Person, partnership, or corporation who or which has violated the provisions of this Chapter or of the MPC, as amended, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not less than \$100.00 but no more than \$500.00 plus court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the Determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Chapter shall be paid over to the Borough.

2. The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and agreement.

3. Nothing contained in this Chapter shall be construed or interpreted to grant any Person or entity other than the Borough the right to commence any action for enforcement to this Chapter.

§27-115 Zoning Hearing Board

1. Creation and Appointment.

A. Members. Pursuant to Article IX of the MPC, the Borough Council does hereby create a Zoning Hearing Board and appoint three (3) members who shall be residents of the Borough. Members of the Zoning Hearing Board shall be appointed by resolution of the Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other office, elected, or appointed, in the Borough.

B. Alternates. Pursuant to Article 903(b) of the MPC, the Borough may appoint at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years.

Alternates shall hold no other office, elected, or appointed, in the Borough.

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

3. Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two (2) members are disqualified from acting in a particular matter, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested.

4. Expenditures for Services. Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Borough Council.

5. Hearings. A hearing conducted by the Zoning Hearing Board shall be held within 60 days from the date of the Applicant's request unless the Applicant has agreed in writing to an extension of time. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

A. Notice. Public Notice shall be given, and written notice shall be given to, the Applicant, the Borough Secretary, the Borough Planning Commission, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such a manner as shall be prescribed by the Zoning Hearing Board and the requirements of the MPC. 53 P.S. §10101 et seq., provided that the notices conform to the following:

(1) Written notices shall state the time, date, and location of the proposed hearing.

(2) Written notice shall be conspicuously posted on the affected Tract of land at least 7 calendar days prior to the hearing. Such written notice must be printed on a sign with a minimum dimension of 8.5 inches by 11 inches.

(3) At least 7 business days prior to the hearing, written notice shall be given, by U.S. Mail, to all Landowners within 200 feet of the affected Tract of land. Landowners are determined by the then-current Lehigh County tax records. Provided, however, that failure to give the notice as required by this Part shall not invalidate any action taken by the Zoning Hearing Board.

B. Conduct of Hearing. The hearings shall be conducted by the Zoning Hearing Board

or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

(1) The parties to the hearing shall be any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all Persons who wish to be considered parties enter appearances in writing.

(2) The chairperson of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

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

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

(5) The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer. It shall be paid by the Person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

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

C. Decision.

(1) The Zoning Hearing Board or the hearing officer, with assistance of legal counsel as needed, shall render a written decision or, when no decision is called for, make written findings on the application within forty- five (45) calendar days after the last hearing before the Zoning Hearing Board or hearing officer.

(2) Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

(3) If the hearing is conducted by a hearing officer, and there has been no stipulation that the officer's decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) calendar days, and the parties shall be entitled to make written findings to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) calendar days after the decision of the hearing officer.

(4) Where the Zoning Hearing Board has power to render a report and the Zoning Hearing Board or the hearing officer as the case may be, fails to render the same within the period required by this subsection, or fails to hold the required hearing within 60 calendar days from the date of the Applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing to an extension of time.

(5) When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give Public Notice of the said decision within 10 days from the last day it could have met to render a decision. If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.

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

6. Jurisdiction. The Zoning Hearing Board shall have exclusive Jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land Use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 of the MPC.

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

C. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any Permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

D. Applications for Variances from the terms of this Chapter pursuant to Article 910.2 of the MPC.

E. Applications for Special Exceptions under this Chapter pursuant to Article 912.1 of

the MPC.

F. Appeals from the Zoning Officer's Determination under Article 916.2 of the MPC.

G. Appeals from the Determination of the Zoning Officer, Stormwater Authority, or Borough Engineer in the administration of any land Use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to Development not involving applications under Article V or VII of the MPC.

7. Borough Council. The Borough Council shall have exclusive Jurisdiction to and render final adjudications in the following matters:

A. All applications pursuant to Article 508 of the MPC, for approval of Subdivisions or Land Developments under Article V of the MPC.

B. Applications for a Curative Amendment to this Chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC.

C. All petitions for amendments to land Use ordinances, pursuant to the procedures set forth in Article 609 of the MPC.

D. Appeals from the Determination of the Zoning Officer or the Borough Engineer in the administration of any land Use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for Land Development under Articles V and VII of the MPC. Where such Determination relates only to Development not involving a Part V or VII application, the appeal from such Determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Part. Where the applicable land Use ordinance vests jurisdiction for final administration of Subdivision and Land Development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

8. Zoning Hearing Board Functions.

A. Variances. The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the Applicant pursuant to MPC section 910.2. The Zoning Hearing Board may grant a Variance provided the following findings are made where relevant in each case.

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

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a Variance is, therefore, necessary to enable the reasonable Use of the property.

(3) That such necessary hardship has not been created by the appellant.

(4) That the Variance, if authorized, will not alter the essential character of the Zoning District in which the property is located, nor substantially or permanently impair the appropriate Use or Development of an Adjacent property, nor be detrimental to the public welfare.

(5) That the Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue.

(6) In granting any Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Chapter.

B. Special Exceptions. Where the Borough Council has stated Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria specified below, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter. The Board may in variance cases prohibit certain otherwise permitted uses on a lot where the Board finds that such uses would be contrary to the public interest considering the facts and circumstances of the case and the variance.

(1) Standards and Criteria. In any instance where the Zoning Hearing Board is required to consider a Special Exception to this Chapter in accordance with the provisions of this Chapter, the Zoning Hearing Board shall, among other things:

(a) Consider the suitability of the property for the Use desired and assure itself that the proposed change is consistent with the spirit, purpose, and intent of this Chapter.

(b) Determine that the proposed change will not substantially injure or detract from the Use of neighboring property or the character of the neighborhood and that the Use of the property Adjacent to the area included in the proposed change or plan is adequately safeguarded.

(c) Determine that the proposed change will serve the best interests of the Borough, the convenience of the community (where applicable), and the public welfare.

(d) Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police, and fire protection, and public schools.

(e) Consider the suitability of the proposed location of an industrial or Commercial Use with respect to probable effects upon roadway traffic and assure adequate access arrangements to protect all Streets from undue congestion and hazard.

(f) Be guided in its study, review, and recommendation by sound standards of Subdivision practice where applicable.

(g) Impose such conditions, in addition to those required, as are

necessary to assure that the intent of this Chapter is complied with, which conditions may include, but are not limited to, harmonious design of Buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of Parking and sanitation.

C. Appeals. The Zoning Hearing Board will hold hearings on appeals from rulings of the Zoning Officer and challenges to the validity of the Zoning Code or Zoning Map.

(1) The Zoning Hearing Board will hear and decide Appeals where it is alleged that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid code or map.

(2) The Zoning Hearing Board will hear challenges to the validity of the Zoning Code or Zoning Map except challenges based on an alleged defect in the process of enactment or adoption. The Board will decide all contested questions and will make findings on all relevant issues of fact which will become part of the record on Appeal to the Court of Common Pleas.

9. Parties Appellant Before Zoning Hearing Board. Appeals under §27-115.8.C may be filed with the Zoning Hearing Board in writing by the Landowner affected or any officer or agency of the Borough, or any Person aggrieved. Requests for a Variance under §27-115.8.A and for Special Exceptions under §27-115.8.B may be filed with the Zoning Hearing Board by any Landowner or any tenant with the permission of such Landowner.

10. Time Limitations. The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:

A. No Person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for Development, preliminary or final, has been approved by an appropriate Borough officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such Person alleges and proves that they that have not received notice, knowledge, or reason to believe that such approval had been given.

B. The failure of anyone other than the Landowner to appeal from an adverse decision on a tentative plan, or from an adverse decision by a Zoning Officer on a challenge to the validity of this Chapter or Zoning Map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

11. *Stay of Proceedings.* Upon filing of any proceeding with the Zoning Hearing Board and during its pendency before the Zoning Hearing Board all Land Development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the Development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for Development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by Persons other than the Applicant, the Applicant may petition the court having jurisdiction of zoning appeals to order such Persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question of whether such

petition should be granted, and the amount of the bond shall be within the sound discretion of the court.

12. Applications.

A. A complete application is required for any Zoning Hearing Board procedure. The application must be submitted to the Zoning Officer in a form established by the Zoning Officer along with a nonrefundable fee established to defray the costs of processing the application. The following information are the minimum requirements for a complete application:

- (1) The name, address, and contact information of the Applicant.
- (2) The name, address, and contact information of the owner of the real estate to be affected by such proposal.
- (3) A brief description and location of the real estate to be affected by such proposal, including the property identification number and address.
- (4) A listing of any specific sections of this Chapter being appealed, with the reasons for any appeal.
- (5) An accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size and Use of such proposed improvements and general construction thereof.
- (6) A Site Plan(see §27-107.2.A(4)) of the plot along with any improvements, existing and proposed.
- (7) The present Zoning District and major applicable Lot requirements.
- (8) If a principal nonresidential Use is proposed, a description of the proposed nonresidential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, Glare, odors, dust, fire, toxic or explosive hazards, or other significant public health and safety hazards.
- (9) If a principal nonresidential Use is proposed within close proximity to dwellings, a description of hours or operation and proposed methods of storing garbage outdoors on site.

§27-116 Enforcement Notification

1. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Part.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any Person who has filed a written request to receive enforcement notices regarding that parcel, and to any other Person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:

A. The name of the owner of record and any other Person against whom the Borough intends to take action.

B. The location of the property in violation.

C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

D. The date before which the steps for compliance must be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps must be completed.

E. An outline of remedial action which, if taken, will affect compliance with the provisions of this Chapter, or any part thereof, and with any regulations adopted pursuant thereto.

F. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Chapter.

G. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

4. In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.

5. Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

6. *Causes of Action.* In case any Building, Structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted by the Borough or prior enabling laws, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or Person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such Building, Structure, landscaping or land, or prevent, in or about such premises, any act, conduct, business or Use constituting a violation. When any such action is instituted by a Landowner or tenant, notice of that action shall be served upon the Borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Borough Council. No such action may be maintained until such notice has been given.

7. *Supplementary Provisions.* No Zoning Permit, Certificate of Use, or any other Permit referenced in this Chapter shall be issued with respect to a property unless the owner(s) of that property is/are in compliance with all other ordinances, laws, and applicable federal, State, or Borough regulations. Additionally, no such Permit shall be issued where a charge for drinking water, wastewater, and stormwater Use, real estate taxes, or other municipal charges associated with the Use or ownership of the property have not been paid and are past due.

§27-117 Amendments

1. General.

A. Borough Council Action.

(1) The Borough Council may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Chapter.

(2) Before voting on the enactment of an amendment, the Borough Council shall hold a Public Hearing thereon, pursuant to Public Notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said Public Hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the Tract to notify potentially interested citizens. The affected Tract or area shall be posted at least one (1) week prior to the date of the hearing.

(3) In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

B. Report of the Planning Commission. In making such report on a proposed amendment, the Planning Commission shall make inquiry and recommendation concerning the items specified below:

(1) Concerning a proposed amendment to or change in the text of this Chapter:

(a) Whether such change is consistent with the aims and principles embodied in this Chapter as to the particular Zoning District(s) concerned.

(b) Which areas, land Uses, Structures and establishments in the Borough will be directly affected by such change, and in what way they will be affected.

(c) The indirect implications of such change in its effect on other regulations.

(d) Whether such proposed amendment is consistent with the aims of the Southwestern Lehigh County Comprehensive Plan.

(2) Concerning a proposed amendment involving a change in the Zoning Map:

(a) Whether the Uses permitted by the proposed change would be appropriate in the area concerned.

(b) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed because of such change.

(c) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.

(d) The effect of the proposed amendment upon the growth of the Borough is envisaged by the Southwestern Lehigh County Comprehensive Plan.

(e) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Borough and the probable effect thereof.

C. Referral to County Planning Commission. The Borough Council shall at least thirty (30) days prior to the Public Hearing, refer the proposed amendment to the Lehigh Valley Planning Commission for recommendations.

D. Borough Council Public Hearing. By resolution adopted at a meeting of the Borough Council, the Borough Council shall fix the time and place of a Public Hearing on the proposed amendment to Public Notice.

E. If, after any Public Hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Borough Council shall hold another Public Hearing, pursuant to Public Notice, before proceeding to vote on the amendment.

F. Within 30 days after enactment, a copy of the amendment to this Chapter shall be forwarded to the Lehigh Valley Planning Commission.

2. Procedure for Landowner Curative Amendments.

A. A Landowner who desires to challenge on substantive grounds the validity of this Chapter or the Zoning Map or any provision thereof, which prohibits or restricts the Use or Development of land in which he has an interest may submit a Curative Amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the MPC. The Curative Amendment and challenge shall be referred to the Planning Commission, and the Lehigh Valley Planning Commission provided in MPC §609 and notice of the hearing thereon shall be given as provided in §610 and 916.1 of the MPC.

B. The hearing shall be conducted in accordance with §908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Part, be references to the Borough Council. If the Borough does not accept a Landowner's Curative Amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity of this Chapter and Zoning Map, but only for those provisions which specifically relate to the Landowner's Curative Amendment and challenge.

C. The Borough Council, if it determines that a validity challenge has merit, may accept a Landowner's Curative Amendment, with or without revision, or may adopt an alternative amendment that will cure the challenged defects. The Borough Council shall consider the Curative Amendments, plans, and explanatory material submitted by the Landowner and shall consider:

(1) The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.

(2) If the proposal is for residential Use, the impact of the proposal upon

regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of Persons otherwise unlawfully excluded by the challenged provisions of this Chapter or Zoning Map.

(3) The suitability of the site for the intensity of Use proposed by the site's soils, Slopes, woodlands, Wetlands, floodplains, aquifers, natural resources, and other natural features.

(4) The impact of the proposed Use on the site's soils, Slopes, woodlands, Wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to Development, and any adverse environmental impacts.

(5) The impact of the proposal on the preservation of agriculture and other land Uses, which are essential to public health and welfare.

3. Procedure for Municipal Curative Amendments.

A. If the Borough determines that this Chapter, or any portion hereof, is substantially invalid, it shall take the following actions:

(1) The Borough shall declare by formal action, this Chapter or portions hereof substantially invalid, and propose to prepare a Curative Amendment to overcome such invalidity. Within 30 days of such declaration and proposal, the Borough Council shall:

(a) By resolution, make specific findings setting forth the declared invalidity of this Chapter which may include:

(i) References to specific Uses which are either not permitted or not permitted in sufficient quantity;

(ii) Reference to a class of Use or Uses which requires revision; or,

(iii) Reference to this Chapter which requires revisions.

(b) Begin to prepare and consider a Curative Amendment to this Chapter to correct the declared invalidity.

B. Within one hundred eighty (180) days from the date of the declaration and proposal, the Borough shall enact a Curative Amendment to validate or reaffirm the validity of this Chapter pursuant to the provisions of Article 609 of the MPC, in order to cure the declared invalidity of this Chapter.

C. Upon the initiation of the procedures, as set forth in §27-117.3.A, the Borough Council shall not be required to entertain or consider any Landowner's Curative Amendment filed under Article 609.1 of the MPC, nor shall the Zoning Hearing Board be required to give a report requested under Article 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by §27-117.3.A(1)(a). Upon completion of the procedures as set forth in §27-117.3.A and §27-117.3.B, no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any Landowner on the basis of the substantive invalidity of the unamended Zoning Chapter for which there has been a Curative

Amendment pursuant to this Part.

D. The Borough, having utilized the procedures set forth in this Subchapter, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a Curative Amendment or reaffirmation of the validity of this Chapter. Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Borough by virtue of a change in statute or a Pennsylvania Appellate Court decision to propose a Curative Amendment to this Chapter to fulfill said duty or obligation.

§27-118 Public Utility Exemptions

The Borough, and all Borough Zoning Decisions, shall comply with the provisions of §619 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10619.

§27-119 Borough and Borough Authority Limited Exemption

The dimensional requirements of this chapter shall not apply to Uses or Structures owned by the Borough or an Emmaus Borough Authority for Uses and Structures that are intended for a legitimate governmental, public health and safety, stormwater management or public utility purpose.

Part 2 Definitions

§27-201 Rules of Interpretation

1. The following rules apply to the interpretation of this Code:
 - A. Words in the singular include the plural and those in the plural include the singular.
 - B. Words used in the present tense include the future tense.
 - C. “Used” or “occupied” as applied to any land or Building include the words “intended, arranged, or designed to be used or occupied.”
 - D. The word “Watercourse” or “Waterway” includes channel, creek, ditch, dry run, spring, stream, and river.
 - E. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.
 - F. “Sale” includes “rental.”
 - G. The word “Lot” includes the word “plot” or “parcel.”
 - H. The masculine gender includes the feminine and neuter, and vice-versa.
 - I. If a word is not defined in this Chapter but is defined in the Borough Subdivision and Land Development Ordinance (as amended), the definition in that ordinance applies. If a word is defined in both this Chapter and another Borough ordinance, each definition applies to the provisions of each applicable ordinance.
 - J. The words “such as,” “includes,” “including,” and “specifically” provide examples. These examples do not, by themselves, limit a provision to the examples specifically mentioned if other examples would comply with the provision.

§27-202 Defined Words and Terms

Words and terms used in this Code shall have the meanings given in this Code. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this Code, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Abut – Contiguous Lots that share a common Lot Line, not including Lots entirely separated by a Street or perennial waterway.

Access Drive or Accessway– A paved driveway within a property for the purposes of accessing parking or loading areas.

Accessory Building – See Building, Accessory. **Accessory Structure** – See Structure, Accessory. **Accessory Use** – See Use, Accessory.

Adjacent – Areas of contiguous Lots that share a common Lot Line or that are separated by only a Street or waterway.

Adult Entertainment Establishment - Any establishment dealing in sexually-oriented material, services and/or entertainment.

A-Frame Sign – See Sign, A-Frame.

Airport – The Queen City Municipal Airport, Lehigh County, Pennsylvania.

Airport Elevation – The established Airport Elevation for the Airport: 399 feet above mean sea level.

Alley – A public thoroughfare having a Right-of-Way of 20 feet or less, regardless of the name of such thoroughfare.

Alteration – Any change or rearrangement in the structural parts or in the existing facilities of a Building or Structure, or any enlargement thereof, whether by extension on any side or by an increase in Height, or the moving of such Structure from one location to another.

Antenna, Commercial Communications – see Commercial Communications Antenna.

Antenna, Private – A device, partially or wholly exterior to a Building, that is used for receiving or transmitting electronic signals or short-wave or citizens band radio frequencies, and which is not a Commercial Communications Antenna and other than a Satellite Antenna. This includes any accessory supporting Structures.

Applicant – The Person(s), company, partnership, profit or nonprofit corporation, or trust responsible for a particular application for an approval or Permit under this chapter, and any heirs, successors, and assigns.

Attic – The interior part of a building contained within a pitched roof with finished or unfinished space that is habitable or intended to be habitable.

Awning Sign – See Sign, Awning.

Banner - A Temporary Sign composed of cloth, canvas, plastic, fabric, or similar

lightweight, non-rigid material that can be mounted to a Structure with cord, rope, cable, or similar method or that may be supported by stakes in the ground.

Basement – An enclosed floor partly or wholly underground with a floor below ground level on all sides. A Building which is completely underground is not considered a basement. A basement shall be considered a story if both of the following are met:

(A) The majority of the Basement has a clearance from floor to ceiling of six feet or greater.

(B) The roof of the Basement is an average of four or more feet above the finished grade of the front side of the Building that faces onto a Street.

Basement, Raised – A Basement that is partly underground.

Board – The Zoning Hearing Board of the Borough of Emmaus.

Borough – Emmaus Borough, Lehigh County, Pennsylvania.

Borough Council – The Borough Council of the Borough of Emmaus.

Buffer Yard – A strip of land that separates one Use from another Use or feature and is not occupied by any Building, Parking, outdoor storage, or any Use other than open space or approved pedestrian pathways. A Buffer Yard may be part of a Setback, but not part of an existing or future Street Right-of-Way.

Build-to Area – an area of the Lot that sets the minimum and maximum distance a Building Wall can be placed from its parallel Lot Line.

Build-to Area, Front – an area of the Lot that sets the minimum and maximum distance the Façade can be placed from the Front Lot Line.

Build-to Area, Secondary Street – an area of the Lot that sets the minimum and maximum distance the Building Wall can be placed from the Secondary Street Lot Line.

Build-to Area, Side – an area of the Lot that sets the minimum and maximum distance the Building Wall can be placed from the Side Lot Line.

Building – Any Structure having a Permanent roof and intended for the shelter, work area, housing or enclosure of Persons, animals, vehicles, equipment, or materials and that has a total area under roof of greater than 50 cubic feet. Any Structure involving a Permanent roof (such as a covered Porch or a Carport) that is attached to a Principal Building is part of that Principal Building. See also Structure.

Building Face Area - The total surface area of a Building Wall, generally calculated by multiplying the wall Height by the wall width when the roof line and ground line is flat.

Building, Accessory – A Building (such as a private Garage, Carport, Storage Shed, children's playhouse or noncommercial greenhouse) which is subordinate and accessory to a Principal Building on the same Lot and which is used for purposes that are clearly customarily incidental to the Use of the Principal Building. A portion of a Principal Building used for an

Accessory Use shall not be considered an Accessory Building.

Building, Principal – The main Building on a Lot, usually placed toward the front of the Lot, and containing the Principal Use of the Lot. Any Building that is physically attached to a Principal Building is considered part of that Principal Building.

Building Wall – An exterior wall of a Building. See also Facade.

Carport – A roofed Structure allowing the storage of one or more motor vehicles and which is open on at least two sides. Carports not open on two or more sides shall be considered a Garage. If any portion of a Carport is attached to a Principal Building, it is considered part of that Building.

Cartway – The paved portion of a Street designed for vehicular traffic and on-Street Parking, including the shoulder of said Street.

Clear Sight Triangle - An unobstructed triangle formed by the curb of two intersecting Rights-of-Way and a third line connecting. The curb lines are 15' long and the third line connects the two curb lines. On Streets with no curb and gutter, the same triangle will be used and measurements made from the edge of the travel lane. Within this triangle, the vertical distance between 2' and 10' above grade at the curb must remain unobstructed.

Closed Depression – A distinct bowl-shaped depression in the land surface; it is characterized by varying magnitude, an unbroken ground surface around the perimeter and internal drainage.

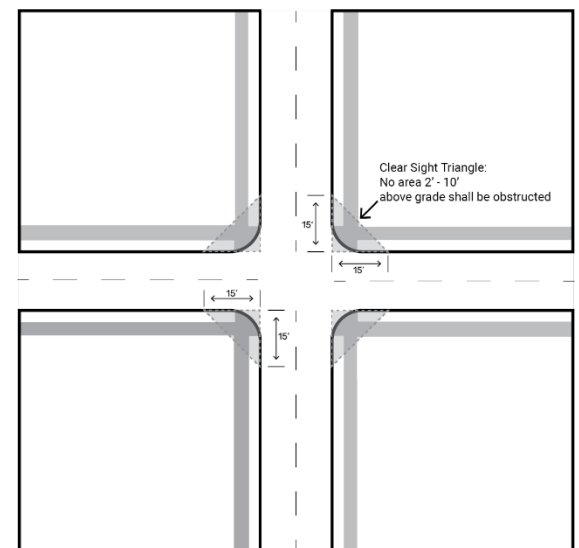


Figure: Clear Site Triangle

Clear Cutting – A logging method that removed all trees or the vast majority of all trees from a Tract of land or portion thereof.

Commercial Use – Includes retail Uses, offices, service Uses, and other Uses of a similar nature. The sale of goods or services from a vehicle on a Lot is a Commercial Use.

Commission – The Planning Commission of the Borough of Emmaus.

Common Open Space – See Open Space, Common.

Comprehensive Plan – Any current effective Comprehensive Plan adopted by the Borough Council.

Conditional Use – A Use which is allowed or denied by the Borough Council within the provisions of Part 1, after review by the Planning Commission, and pursuant to the provisions of Article VI of the Pennsylvania Municipalities Planning Code.

Conversion – To adapt or change land or Structures to a different Use.

County – The County of Lehigh, Pennsylvania.

Craft Beverage – An alcoholic beverage product Manufactured by a small, independent and privately held brewery, winery or distillery with a principal office for doing business or a Craft Beverage production facility located in the Borough of Emmaus and subject to regulation and licensing by the Commonwealth of Pennsylvania. This term shall include wine, liquor, mead, malt or brewed beverages, potable distilled spirits and other, similar alcoholic drinks or drinkable liquids, all as defined in the Pennsylvania Liquor Code.

Curative Amendment – A proposed zoning amendment made to the Borough Council by any Landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the Use or Development of land in which they have an interest.

DEP – The Pennsylvania Department of Environmental Protection.

Detached – When a Building or Structure is surrounded by open yards and is not attached to any other Building or Structure.

Determination – Final action of an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- a. The Borough;
- b. The Zoning Hearing Board; or
- c. The Borough Planning Commission, only if and to the extent the Borough Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Development – Any human-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, or Alteration of Buildings or other Structures; the placement of Manufactured Homes; Streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the Subdivision of land.

Digital Display Sign – See Sign, Digital Display.

Disabled, Persons – a Person who has a history or record of such an impairment, or a Person who is perceived by others as having such an impairment.

Disability – A physical or mental impairment that substantially limits one or more major life activities.

Dispensary – A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a Permit issued by the DOH to dispense Medical Marijuana.

Distribution – The processing of materials to sort out which finished goods are to be

transported to different locations, and the loading and unloading of such goods. This Use usually involves inventory control, material handling, order administration and packaging. This term shall not include a "trucking company terminal."

District (or Zoning District) – A land area within the Borough within which certain uniform regulations and requirements apply under the provisions of this Chapter.

DOH – Pennsylvania Department of Health.

Dwelling Unit – A single habitable living unit occupied by one Family. Each Dwelling Unit contains its own toilet, bath or shower, sink, sleeping, and cooking facilities and has separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. No Dwelling Unit includes a separate living area that is completely separated by interior walls to prevent interior access from the remainder of the living area.

Easement – A right-of-way granted for the limited use of land for public or quasi-public purposes, such as for access for utilities.

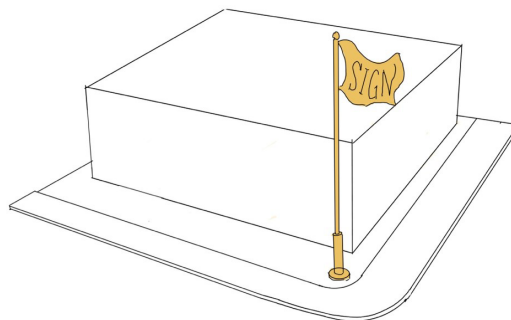
Encroachment – The Use, placement, or extension of private Uses and Structures into, upon, over, or under a Right-of-Way, public space, or publicly-owned property.

Facade – The exterior wall of a Building that is set facing a Front Lot Line. This is also called the Front Building Wall.

Family – One or more nontransient, or related persons, living together in a single dwelling unit and functioning as a single housekeeping unit sharing household expenses and sharing joint use of the entire dwelling unit and which complies with the maximum occupancy standards of the International Property Maintenance Code. For the purposes of this definition, "related" shall mean persons who are related by blood, marriage, adoption, civil union recognized by any state, or those individuals in the process of becoming married, adopted, or part of some civic union. This Provision shall not include the occupants of a clubhouse, hotel, motel, fraternity house, dormitory, boarding, group home or rooming house.

Flag – A Sign made of cloth, vinyl or a similar pliant material that is attached on one side to a flagpole and is designed to flow in the wind. (Figure 27-202.A)

Figure 27-202.A



Floodplain Area – See definition in the Borough's Floodplain Ordinance (Chapter 8).

Floodway – See definition in the Borough's Floodplain Ordinance (Chapter 8).

Floor – A continuous, supporting surface extending horizontally throughout a building, having a number of rooms, apartments, or the like, and constituting one level or stage in the structure.

Floor Area or Total Floor Area – The total floor space within a Building(s) measured from the exterior faces of exterior walls or from the center lines of walls separating Buildings. For the purposes of a calculating "Total Floor Area", each Building shall be considered separately, and then the sum of the "Floor Area" for each Building shall be added together to make this calculation.

(A) Floor Area shall specifically include, but not be limited to:

1. Fully enclosed Porches.
2. Basements or Attics that are considered a Story.

(B) For the purposes of determining minimum square feet of a Dwelling Unit, Floor Area specifically shall not include the following:

1. Elevator shafts.
2. Common stairwells serving numerous Dwelling Units or Uses.
3. Unenclosed Porches, decks, or breezeways.

Footcandle – A unit of measurement equaling the illumination on a surface of one lumen per one square foot in area.

Forecourt – A design feature where the central portion of the Façade is set back from the Front Lot Line while the rest of the Façade is close to or at the Front Lot Line.

Freestanding Sign – See Sign, Freestanding.

Front Lot Segment – See Lot Segment, Front.

Frontage – The area between a Building Facade and the Abutting vehicular lanes, inclusive of its built and planted components. Frontage is divided into Private Frontage and Public Frontage.

Frontage, Private – the privately owned portion between the Front Lot Line and the Principal Building Facade.

Frontage, Public – the area between the vehicular lanes and the Front Lot Line.

Front Lot Line – see Lot Line, Front.

Gallery – A design feature conventional for Retail Use where the Facade is aligned close to the Front Lot Line and has an attached cantilevered roof or lightweight colonnade overlapping the sidewalk.

Garage – An enclosed Building for the storage of one or more motor vehicles. No

business, occupation or service shall be conducted in a private Garage that is accessory to a dwelling, except as may be allowed as a home occupation.

Glare – A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility, or the ability to focus.

Ground Sign – See Sign, Ground.

Grower/Processor – A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a Permit from the DOH to grow and process Medical Marijuana.

Hazardous Waste – Those wastes where significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary Solid Wastes. This also includes wastes subject to special State or federal licensing or regulation including but not limited through the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101 et seq.

Height – The vertical distance measured from the average elevation of the average proposed ground level around the Building to the highest point of the Structure. For a Building with a roof, such Height shall be measured to the highest point of the structural roof. The maximum Building Height specified for each district shall not apply to: farm silos and associated agricultural structures, commercial communications antennas, amateur radio antenna, water towers, clock or bell towers, steeples or spires of places of worship, electrical transmission lines, elevator shafts, ventilators, skylights, windmills, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy.

Height, Sign – The distance from the highest point of the Sign to the average finished grade of the Street closest to the Sign. In the case of a Sign located greater than 100 feet from a public Street, Sign Height is the distance from the highest point of the Sign to the average finished grade at the base of the Sign.

Historic Commission – The Historic Commission of the Borough of Emmaus.

Historic Structure – Any Structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(C) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of

the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

Illuminated Sign – See Sign, Illuminated.

Impervious Coverage – The total area of all Impervious Surfaces on a Lot, including Building coverage, divided by the total Lot Area.

(A) Areas being voluntarily dedicated as Common Open Space may be included in the acreage for determining Impervious Coverage of an adjoining Lot.

(B) The nonimpervious coverage may be partially or wholly met by land that Abuts the Use, even if such land is in a different Zoning District, an adjoining municipality, or an Abutting Lot, if such land will be deed restricted as Permanent open space and be so clearly stated on official recorded plans. In such case, such land shall be properly maintained by the Abutting Use.

Impervious Surface – A surface that prevents the percolation of water into the ground such as those areas covered by roofs, concrete, asphalt, or other Manufactured cover. The Borough Engineer shall, in its sole discretion, decide any dispute over whether an area is impervious.

Inflatable Sign – See Sign, Inflatable.

Iron Surface Mine – A mining pit from which iron ore was taken.

Junk – Any discarded, unusable, scrap, or abandoned Manufactured or processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers, and Building materials other than materials permitted under § 27-410. Junk shall not include:

(A) Solid Waste that is temporarily stored as is customary in an appropriate container that is routinely awaiting collection and disposed of in a manner consistent with State regulations.

(B) Toxic wastes.

(C) Grass clippings, leaves, or tree limbs.

(D) Items clearly awaiting imminent recycling at an approved recycling Use.

Junk Vehicle – Includes any vehicle or trailer that meets any of the following conditions:

(A) Does not display a license plate and does not have a valid State safety inspection sticker, except for licensed antique cars not required to have an inspection sticker. Inspection stickers that expired less than 90 days ago shall be considered current for the purposes of this section.

(B) Has been demolished beyond repair.

(C) Has been separated from its axles, engine, body, or chassis.

(D) Includes only the axle, engine, body parts, or chassis separated from the remainder of the vehicle.

Karst – A type of topography that is formed over limestone, dolomite, or gypsum, by

bedrock solution, and that is characterized by Closed Depressions or Sinkholes, caves, and underground drainage.

Land Development – See the definition in the Subdivision and Land Development Ordinance (Chapter 22).

Landowner – The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a Person leasing the property (if authorized under the lease to exercise the right to the Landowner and if such lease is for a remaining period of at least 12 months), or authorized officers of a partnership or corporation that is a Landowner or other Person having a proprietary interest in land. A Person who has clearly received formal notarized powers of attorney relating to a Landowner may act in the capacity of the Landowner, if legally authorized.

Limonite Excavation – A mining pit from which iron ore, as limonite or hematite, was taken. Most have collapsed and are now partially filled with soil material. Locations indicate zones of deep weathering or preexisting Sinkholes. Up to 2,000 feet long and 175 feet deep, most are less than 50 feet deep.

Lot – A separate parcel of land that is recorded or that will be recorded after Borough final Subdivision approval in the office of the County Recorder of Deeds. A parcel under common ownership that is completely separated into two parts by a public Street is one Tract but two Lots.

Lot, Corner – A Lot Abutting on two or more intersecting Streets which has an interior angle of less than 135° at the intersection of Right-of-Way lines of two Streets. A Lot Abutting upon a curved Street or Streets is considered a Corner Lot if the tangent to the curve at the points beginning within the Lot or at the points of intersection of the Side Lot Lines with the Street lines intersect at an angle of less than 135°.

Lot, Flag – An irregularly shaped Lot characterized by an elongated extension from a Street to the principal part of the Lot. The flag shape of the Lot is normally intended to provide for access to an otherwise landlocked interior parcel. See § 27-508.

Lot, Interior – A Lot other than a Corner Lot.

Lot, Reverse Frontage – A Lot that Abuts two approximately parallel Streets, but only has access onto one Street.

Lot, Through – A Lot that Abuts two approximately parallel Streets.

Lot Area – The horizontal land area contained within the Lot Lines of a Lot (measured in acres or square feet), but excluding the following:

- (A) Areas within the future or existing legal Rights-of-Way of:
 - 1. Any proposed or existing public Streets or Alleys; or,
 - 2. Any proposed or existing commonly maintained private Streets that serve more than one Lot.
- (B) Areas that are currently or will be required to be dedicated as Common Open

Space.

(C) Areas within Rights-of-Way intended for overhead electrical lines of 35 kilovolts or higher capacity, which shall only be excluded for residential Lots.

Lot Depth – The average horizontal distance between the Front and the Rear Lot Lines, measured through the approximate center of the Lot.

Lot Lines – The property lines bounding the Lot.

Lot Line, Front – A Lot Line separating the Lot from the primary existing or future Street Right-of-Way.

Lot Line, Rear – A Lot Line opposite and most distant from the Front Lot Line. A three-sided Lot has no Rear Lot Line.

Lot Line, Secondary Street – A Lot Line separating the Lot from a secondary existing or future Street Right-of-Way.

Lot Line, Side – Any Lot Line other than a Front, Rear, or Secondary Street Lot Line.

Lot Segment, Front - the portion of the Lot between the Front Lot Line and the Front Building Wall of the Principal Building and extending the entire width of the Lot. Where there is a Secondary Street Frontage, the portion of the Lot between the Lot Line and the Principal Building Wall along the Secondary Street and extending the length or width of the Lot is also a Front Lot Segment.

Lot Segment, Mid - the portion of the Lot between the Front and Rear Building Walls of the Principal Building and extending the width of the Lot, minus any Front Lot Area along a Secondary Street.

Lot Segment, Rear - the portion of the Lot between the Rear Building Wall of the Principal Building and the Rear Lot Line and extending the width of the Lot, minus any Front Lot Area along a Secondary Street.

Lot Width – The horizontal distance between the Side Lot Lines measured at the minimum prescribed Front Setback, unless otherwise stated. In the event of a curved Lot Line, the Lot Width shall be measured using a straight line from end to end.

Manufacture – The making, with substantial use of machinery, of some product for sale, or associated assembly, fabrication, cleaning, testing, processing, recycling, packaging, conversion, production, Distribution, and repair, with substantial use of machinery, of products for sale. This term shall not include the following: retail sales, service Uses, Solid Waste disposal facility or truck terminal.

Manufactured Home – A Structure transportable in one or more sections which is built on a Permanent chassis and designed to be used with or without a Permanent foundation, regardless of whether it is attached to a foundation, when connected 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 180 consecutive days.

Massage – The performance of manipulative exercises using the hands or a mechanical

or bathing device on a Person's skin other than the face or neck by another Person(s) that is related to certain monetary compensation, and which does not involve Persons who are Related to each other by blood, adoption, marriage, or official guardianship.

Medical Marijuana – Marijuana for certified medical Use as legally permitted by the Commonwealth of Pennsylvania with Act 16.

Medical Marijuana Organization or Facility – A Dispensary or a Grower/Processor of marijuana for medical purposes.

Mid Lot Segment – see Lot Segment, Mid.

Mixed-Use Zoning District – A Zoning District that permits a variety of Uses. See §27-302 for the list of Zoning Districts considered Mixed-Use Zoning Districts.

Monument Sign – See Sign, Monument.

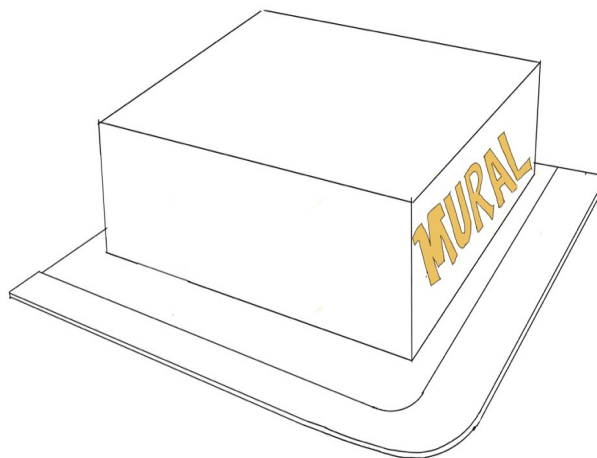
Multi-Family Dwelling Unit– A property which allows for a Unit on the property to contain multiple Family members, as Family is defined in this Zoning Ordinance, and which shall not exceed four (4) Multi-Family Dwelling Units, per property unless otherwise expressly permitted in that Zoning District.

Multi-Unit Dwelling– A property which permits multiple Units as defined in this Zoning Ordinance.

Municipalities Planning Code (MPC) – The Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended by Act 170 of 1988, 53 P.S. § 10101 et seq.

Mural - A painted image or design on a Building, which may include graphics, design, or text. The definition of Mural does not encompass architectural elements that are incorporated into a Building's Structure or Walls. (Figure 27-202.B)

Figure 27-202.B



New Construction – Structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements thereto.

Nonconforming Lot – A Lot which does not conform with the minimum Lot Width or Area dimensions specified for the Zoning District where such Lot is situated, but was lawfully in existence prior to the effective date of this Chapter or is legally established through the granting of a Variance by the Zoning Hearing Board, and which is not Abutted by other undeveloped land owned by the same owner.

Nonconforming Sign – see Sign, Nonconforming.

Nonconforming Structure – A Structure or part of a Structure manifestly not designed to comply with the applicable Lot Area, dimensional, and other provisions in this Chapter, as amended, where such Structure lawfully existed prior to the enactment of such ordinance or applicable amendment. Nonconforming Signs are considered Nonconforming Structures.

Nonconforming Use – A Use, whether of land or of a Structure, which does not comply with the applicable Use provisions in this Chapter or amendments heretofore or hereafter enacted, where such Use was lawfully in existence prior to the enactment of this Chapter or applicable amendment.

Nudity - The showing of any part of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernible turgid state.

Official Map – Any Official Map that may be adopted or amended by the Borough Council in accordance with the Municipalities Planning Code, 53 P.S. § 10101 et seq.

Official Street Classification Map – The map as adopted by the Borough Council classifying the Streets of the Borough. See definition of "Street Classification." This map may be amended by resolution of the Borough Council.

Official Zoning Map – The map as adopted by the Borough Council which designates the location and boundaries of Zoning Districts.

Off-Premise Sign – see Sign, Off-Premise.

One-Hundred-Year Flood (100-Year Flood) – A flood that has one chance in 100 or a 1% chance of being equaled or exceeded in any given year.

On-Premise Sign – see Sign, On-Premise.

Open Space, Common – A parcel or parcels of land within a Tract which meets all the following standards:

(A) Is designed, intended and suitable for active or passive recreation by residents of a residential Development or the public.

(B) If not intended to be publicly owned, is covered by a system for perpetual maintenance.

(C) Will be deeded to the Borough or deed restricted to permanently prevent Uses of land other than Common Open Space and Noncommercial Recreation.

(D) Does not use any of the following areas to meet minimum open space requirements:

1. Existing or future Street Rights-of-Way.
2. Vehicle accessways.
3. Buildings (other than Accessory Buildings and pools clearly intended for Noncommercial Recreation).
4. Off-Street Parking (other than that clearly intended for Noncommercial Recreation).
5. Any area needed to meet a requirement for an individual Lot.
6. Any area deeded over to an individual property owner for his/her own use.
7. Land within Rights-of-Way intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

Ordinance, This – The Emmaus Borough Zoning Ordinance, including the Official Zoning Map and Official Street Classification Map as amended.

Outbuilding – An Accessory Building, usually, but not necessarily, located toward the rear of the same Lot as a Principal Building. See Building, Accessory.

PA – Pennsylvania.

Parking – Off-Street Parking and aisles for vehicles unless otherwise stated.

Paved Area – All areas covered by stoned surfaces and/or Impervious Surfaces, other than areas covered by Buildings, bicycle paths and pedestrian sidewalks.

PennDOT – The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permanent – Having a life span of 6 months or more at a particular location.

Permit – A document issued by the proper Borough authority authorizing the Applicant to undertake certain activities including Construction Permit, Occupancy Permit, Zoning Permit, and any other Permits as may be desired by the Borough.

Permitted By-Right – Uses that do not have to be approved by the Zoning Hearing Board or the Borough Council, however, a site plan review may be required for certain permitted uses by right to ensure compliance with Borough ordinances. A Nonconforming Use is not considered a Permitted By- Right Use.

Person – An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Plan, Certified – A plan which is prepared by one of the following professionals who is registered by the Commonwealth of Pennsylvania: professional engineer, architect, landscape architect, or surveyor.

Planning Commission – The Planning Commission of the Borough of Emmaus.

Pole Sign – See Sign, Pole.

Porch – A design feature adjoining a first floor entrance to a Building that is non- enclosed or semi-enclosed, and roof-covered. A Porch is considered an Accessory Structure. This includes colonnades, porticos, and verandas.

Preferably Preserved Significant Building or Structure – A Building or Structure that constitutes or reflects distinctive features of the architectural, cultural, political, economic, or social history of the Borough and that the Borough Planning Commission determines is in the public interested to be preserved or rehabilitated according per §27-505 Building Demolition.

Principal Building – See Building, Principal.

Principal Use – See Use, Principal.

Private Frontage – See Frontage, Private.

Projecting Sign – See Sign, Projecting.

Public Frontage – See Frontage, Public.

Public Notice – Notice required by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

Publicly-Owned Recreation – See Recreation, Publicly-Owned.

Quarry – A mine from which construction materials, slate or various ores have been taken.

Rear Lot Segment – see Lot Segment, Rear.

Recreation, Noncommercial – Noncommercial leisure-time Uses that are only open to members, guests, or some specific group.

Recreation, Commercial – Leisure-time Uses that are principally operated for commercial purposes.

Recreation, Publicly-Owned – Land or facilities that are owned by a government agency or the Borough and are available for Use by the public for leisure and recreation.

Recreational Vehicle – A vehicle which is (i) built on a single chassis; (ii) designed to be self-propelled or Permanently towable by a light-duty truck; (iii) not designed for Use as a Permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal Use, including boats.

Recreational Vehicle Storage Area – An outdoor area used for the storage of three or more Recreational Vehicles. Retail sales or major repair work shall only be allowed if those Uses are permitted in that Zoning District.

Residential Lot Line – The Lot Line of a Lot that contains an existing primarily residential

Use.

Residential Zoning District - A Zoning District where the primary permitted Principal Uses are residential, and the intent is to create or maintain a residential neighborhood. These Zoning Districts may also include compatible nonresidential Uses. See §27-302 for the list of Zoning Districts considered Residential Zoning Districts.

Right-of-Way – Land reserved for the public or others for Use as a Street or other purpose. Unless otherwise stated, Right-of-Way shall mean the existing or future Street Right-of-Way.

Roof Sign – see Sign, Roof.

Satellite Dish Antenna or Satellite Antenna – A ground-based reflector, usually parabolic in shape, that receives electronic signals from a satellite. This term shall also include any pedestal or attached Structure.

Setback – The minimum required distance between any existing or future Structure or Use and the Lot Line. For a Setback measured from a private Street, the Setback is measured from the edge of the Cartway.

Setback, Front – The Setback extending the full width of the Lot and measured from the Front Lot Line.

Setback, Rear – The Setback extending the full width of the Lot and measured from the Rear Lot Line.

Setback, Secondary Street – The Setback extending the full length of the Lot and measured from the Secondary Street Lot Line.

Setback, Side – The Setback extending the full length of the Lot and measured from the Side Lot Line.

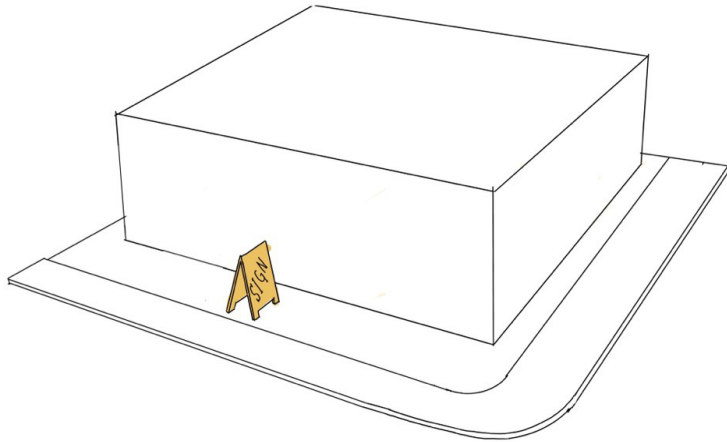
Sexual Conduct - Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, and patently offensive representations, descriptions or acts of masturbation, excretory functions, sodomy, sexual intercourse, or physical contact with a Person's clothed or unclothed genitals, pubic area, buttocks, or, if such Person be female, breasts.

Shopfront - a design feature conventional for Retail Use, with at least 60% glazing and an awning, where the Facade is placed close to the Front Lot Line with the Building entrance at Sidewalk grade.

Sign - A device, display, or Structure that is visible from a public place and that has words, letters, figures, designs, symbols, logos, illumination, or projected images. This definition does not include architectural elements incorporated into the Structure or Building Wall. For the purposes of this zoning code, Sign does not include those only visible from the inside of a Building or athletic field or stadium; nor does Sign include those held by or attached to a Person. Displays that involve clearly and entirely religious symbols shall not be deemed signs provided that they do not serve a commercial or advertisement purpose.

Sign, A-Frame - A Sign consisting of two (2) Sign Faces placed together at an angle to form an "A" shape Structure which tapers from a wide base to a narrow top. (Figure 27- 202.C)

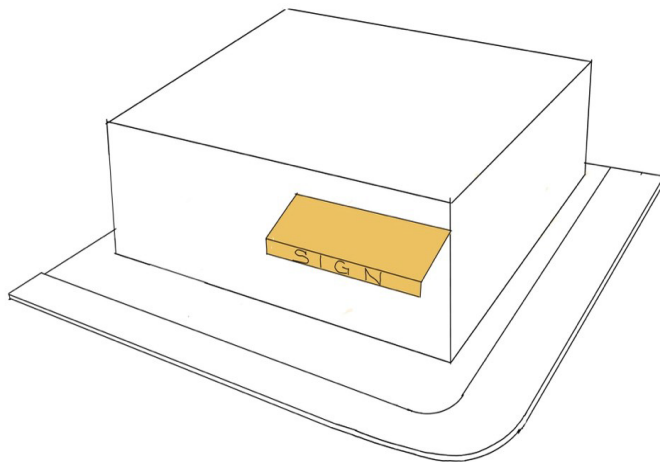
Figure 27-202.C



Sign Area - The area of a Sign means the area of all lettering, wording, and accompanying designs, logos, and symbols. The area of a Sign does not include any supporting framework, bracing or trim which is incidental to the display and does not contain lettering, wording, or symbols. (for additional sign area requirements, see Part 6)

Sign, Awning – A Sign that is mounted, painted, or attached to an awning. (Figure 27-202.D)

Figure 27-202.D



Sign Clearance – The smallest vertical distance between finished grade and the lowest point of the Sign, including any framework or other structural elements. This applies to Awning, Freestanding, and Projecting Signs.

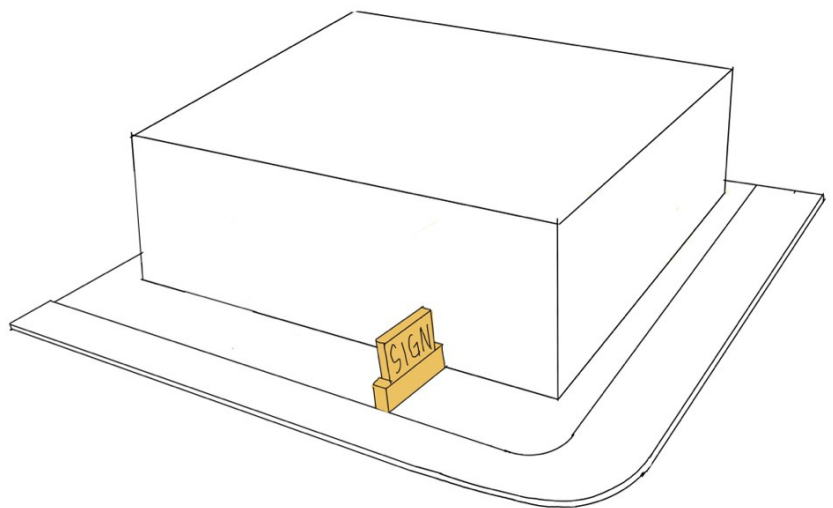
Sign, Digital Display – A Sign incorporating LCD, LED, plasma, CRT, pixelized lights, and other photo or videolike displays.

Sign Face – The area or display surface used for the message on a Sign.

Sign, Freestanding – A Sign which is supported by Structures or supports in or on the ground and independent from a Building. Freestanding Signs include Ground Signs and Monument Signs.

Sign, Ground – A low Freestanding Sign that is supported by a structural base of at least 75 percent of the width of the Sign Face (for example, a Sign with a Sign Face 8 feet wide would require a structural base of 6 feet or more in width). (Figure 27-202.E)

Figure 27-202.E

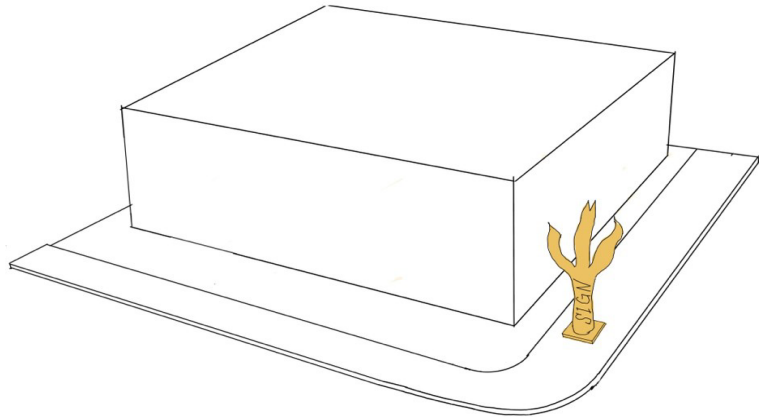


Sign Height – see Height, Sign.

Sign, Illuminated – A Sign which has characters, letters, figures, designs, or outlines illuminated, either internally or externally, by electric lights or luminous tubes.

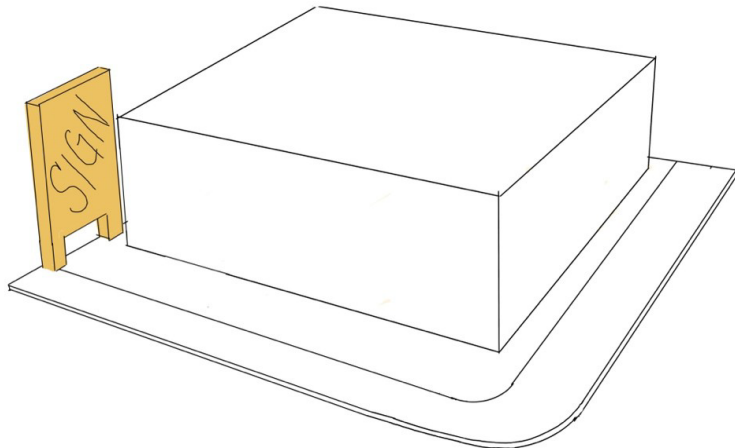
Sign, Inflatable – A Sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a Structure, and equipped with a portable blower motor that provides a constant flow of air into the device. (Figure 27- 202.F)

Figure 27-202.F



Sign, Monument – A Freestanding Sign that is supported on two posts or uprights. (Figure 27-202.G)

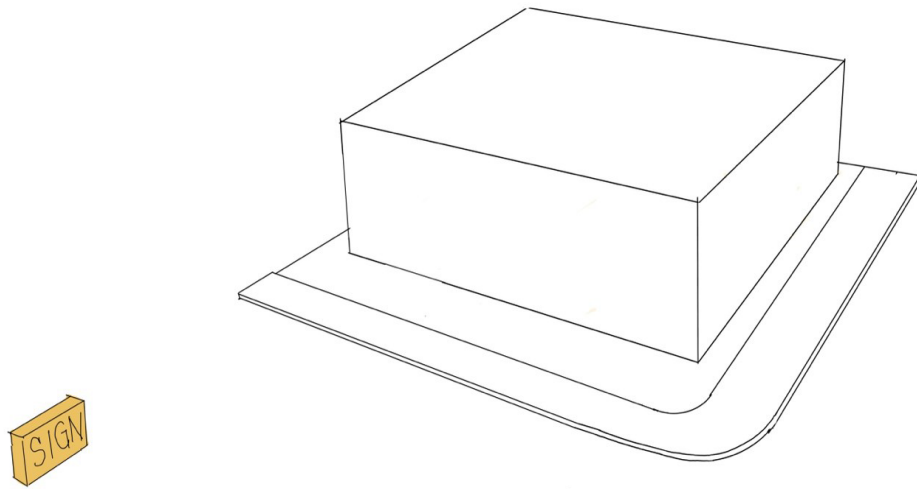
Figure 27-202.G



Sign, Nonconforming – A Sign which was lawfully erected in compliance with the applicable regulations of the Zoning Ordinance before the effective date of this chapter and which fails to conform to the current standards or restrictions, the Use of which has not been discontinued for longer than two (2) years.

Sign, Off-Premise – A Sign that displays a message directing attention to a business, product, service, profession, commodity, activity, event, Person, institution, or other message that is generally conducted, sold, Manufactured, produced, offered, or occurs elsewhere than on the premises where the Sign is located. (Figure 27-202.H) For purposes of this definition, any part of a lawfully permitted special event where public Streets have been closed to traffic is considered a single premise.

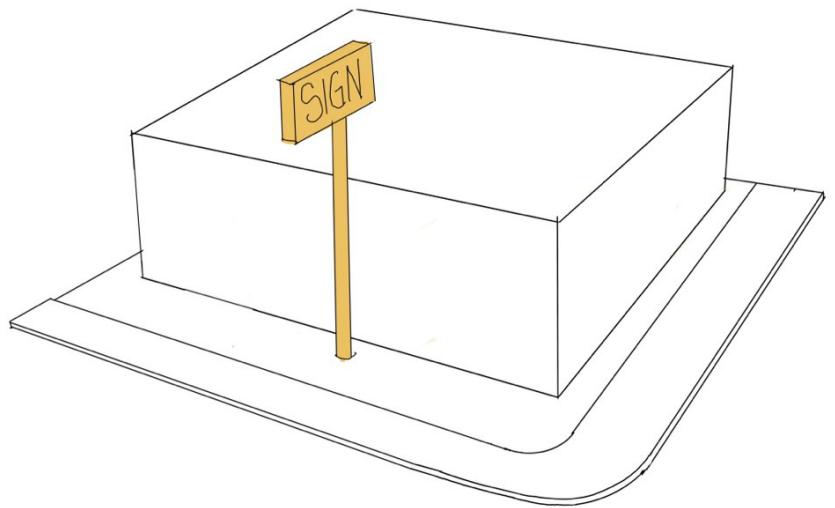
Figure 27-202.H



Sign, On-Premises – A Sign that is not an Off-Premise Sign.

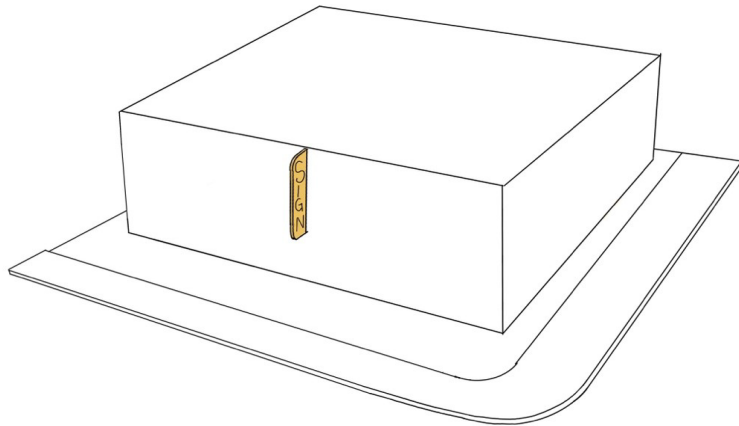
Sign, Pole – A Freestanding Sign Permanently affixed to the ground by one pole or post so that the bottom edge of the Sign Face is eight feet or more above the ground. (Figure 27-202.I)

Figure 27-202.I



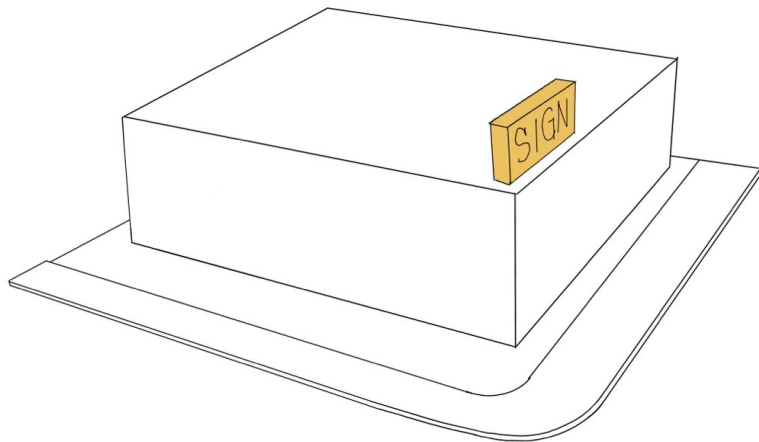
Sign, Projecting – A Sign that is wholly or partly dependent on a Building for support and which projects more than 12 inches from the Building. (Figure 27-202.J)

Figure 27-202.J



Sign, Roof – A Sign mounted on the main roof of a Building, and which is wholly dependent on the Building for support. (Figure 27-202.K)

Figure 27-202.K



Sign Structure – The erection or construction, such as Buildings, towers, masts, poles, booms, decorations, Carports, machinery, and equipment, to which a Sign is attached.

Sign, T-Frame - A Sign not anchored to the ground, but supported by a base such that the Sign and base are similar in shape to an inverted “T” and constructed so that it may be repositioned by an individual without mechanical aids.

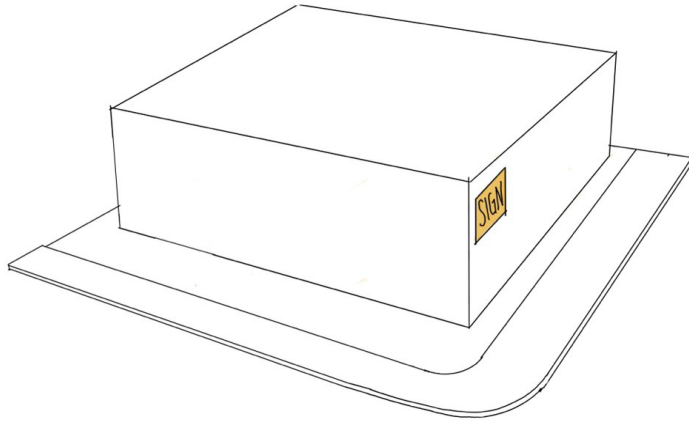
Sign, Temporary – A Sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, or other lightweight material that is not Permanently installed in the ground and not Permanently affixed to a Building or a Structure that is Permanently installed in the ground. The term Temporary Sign includes A-Frame Signs, lawn Signs, Banners, Inflatable Signs, and nonpermanent Window Signs. The term Temporary Sign does not include Flags and Signs that are intended to regularly move, such as vehicle Signs.

Sign, Tri-Vision Board – A Sign composed of a series of three-sided rotating slats

arranged side by side, either horizontally or vertically, that are rotated by an electromechanical process and display up to three separate and distinct messages, one message at a time.

Sign, Wall – A Sign fastened to or painted on the wall of a Building or Structure in such a manner that the wall becomes the supporting Structure for, or forms the background surface of, the Sign. This definition includes Signs located on a parapet wall of a Building and Signs composed of individual letters, numbers, or symbols. (Figure 27-202.L)

Figure 27-202.L



Sign, Window – A Sign that is applied or attached to or suspended from the exterior or interior of a window or located within the interior of a Structure so that its message can be read from the exterior of the Structure.

Sinkhole – A localized sinking of land surface to a variable depth generally characterized by a roughly circular outline and a downward movement of soil into bedrock voids.

Slope – The vertical change of an area of land divided by the horizontal change, measured in percent.

Small Wireless Facilities (SWF) – Facilities that meet each of the following:

(A) The facilities:

1. Are mounted on Structures 50 feet or less in Height including their antennas as defined in 47 CFR Section 1.1320(d); or
2. Are mounted on Structures no more than 10% taller than other Adjacent Structures; or
3. Do not extend existing Structures on which they are located to a Height of more than 50 feet or by more than 10%, whichever is greater.

(B) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than three cubic feet in volume.

(C) All other wireless equipment associated with the Structure, including the wireless

equipment associated with the antenna and any preexisting associated equipment on the Structure, is no more than 28 cubic feet in volume.

(D) The facilities do not require antenna Structure registration under part 47 CFR Part 17.

(E) The facilities are not located on Tribal lands, as defined under 36 CFR Section 800.16(x).

(F) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).

Small Wireless Facilities (SWF) Collocation – Collocation with respect to SWF means the mounting or installing of an antenna facility on a preexisting Structure, and/or modifying a Structure for the purpose of mounting or installing an antenna facility on that Structure. Collocation with respect to the placement or installation of SWF includes the placement, replacement, or modification of accessory equipment within a previously approved equipment compound.

Small Wireless Facilities (SWF) Structure – A pole, tower, base station, or other Building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Solicitor – Unless otherwise stated, the appointed Solicitor to the Emmaus Borough Council.

Solid Waste – Any garbage, refuse, sewage sludge or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, public, household, commercial or mining activities. The following are not considered Solid Waste for the purposes of this Chapter:

(A) Portions of trees or shrubs, leaves, mulch, and rocks.

(B) Substances legally disposed of into the air or water through a federal or State pollution discharge permit.

(C) Customary residual wastes from a permitted mineral extraction Use.

(D) Materials of a character such as paper, plastic, aluminum, and metal that have been separated from the waste stream for recycling.

Special Exception – A Use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Chapter, provided the Use complies with the conditions and standards required by this Chapter.

Specified Sexual Activities – One or more of the following:

(A) Human male genitals in a visible state of sexual stimulation.

(B) Acts of human masturbation, sexual intercourse, oral sex, or sodomy.

(C) Fondling or other erotic touching of human genitals.

State – The Commonwealth of Pennsylvania and its agencies.

Stoop – A design feature where the Facade is placed either up to, or projecting into, the Front Lot Line with the first Story elevated from the sidewalk for privacy and an exterior stair and landing at the entrance. The allowance for the projection into the Front Setback varies depending on the Zoning District.

Storage Shed – An enclosed Accessory Building maintained primarily for the convenience of the occupant(s) of the Principal Building on the Lot and which is not used for the housing of a motor vehicle.

Story – That portion of a Building included between upper surface of a Floor and upper surface of the Floor or roof next above. It is measured as the vertical distance from the top to top of two successive tiers of beams or finished Floor surfaces, and for the topmost Story, from the top of the Floor finished to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Street – A public or private thoroughfare which provides the principal means of access to Abutting Lots or that is an Expressway, but not including an Alley or a driveway. The terms "Street," "highway," and "road" have the same meaning and are used interchangeably.

Street, Primary – The Street upon which the front entrance of the principal Structure is facing or will face after construction. This shall be the Street on which the address for the principal Structure is assigned.

Street, Secondary – With respect to a Corner Lot, the Street, or Streets, other than the Primary Street.

Street Classification – The functional classification of Streets into the following types, as shown on the Official Street Classification Map for existing Streets and as determined by the Borough Engineer for future Streets.

Arterial Street – Intended for large volumes of traffic, especially including traffic traveling between different municipalities.

Collector Street – Designed to carry a moderate volume of traffic to intercept local (residential) Streets, to provide routes to minor Arterial Streets and to community facilities and to provide access to the Abutting properties.

Expressway – Designed for large volumes and high speed traffic with access limited to grade separated intersections.

Local Street – Designed to provide access to the Abutting properties and a route to collector routes.

Structure – Any Manufactured object having an ascertainable stationary location on, below or in land or water, whether affixed to the land, subject to the following specific standards. The following specifically are considered Structures: Buildings, Signs, stadiums, platform, Communications Towers, walkways, Porches, or decks; Swimming Pools (whether above or below ground); Storage Sheds, Carports, Garages, and wells, including those for Geothermal Energy Systems, Mining and Mineral Extraction, and municipal water.

Structure, Accessory – A Structure, such as a private Garage or Private Swimming Pool, serving a purpose customarily incidental to the Use of the Principal Building and located on the same Lot as the Principal Building.

Structure, Principal – A Structure serving the main or primary Use of the Lot. There may be multiple Principal Structures or a combination of Principal Buildings and Principal Structures on a Lot.

Structure, Historic – See Historic Structure.

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, partition by the court for distribution to heirs or devisees, transfer of ownership, or Building or Lot Development. 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 any residential dwelling, shall be exempted.

Subdivision Ordinance or Subdivision and Land Development Ordinance – The Emmaus Borough Subdivision and Land Development Ordinance (Chapter 22).

T-Frame Sign – See Sign, T-Frame.

Temporary Sign – see Sign, Temporary.

Terrace – a design feature where the Façade is separated from the sidewalk by level paved or planted area that is elevated above the sidewalk grade.

Tire Storage, Bulk – The storage of more than 250 tires on a Lot, except for Manufacture or Wholesale or retail sales of new tires.

Tract – In certain Zoning Districts, the Tract is the minimum amount of Adjacent land area (which may be separated by Alleys, Streets, or waterways) within the Borough that is required to be approved as part of an overall preliminary Subdivision or Land Development plan in order to allow either certain types of Uses or to allow the creation of Lots smaller than a certain specified Lot Area. An area of land shall meet the following requirements to be considered a Tract:

(A) Shall only include lands within an approved Subdivision or Land Development plan that includes a well-defined internal circulation system, maximum coordination between Lots and carefully limited points of vehicular access onto Streets exterior to the Tract; and,

(B) Shall only include lands that at the time of the approval of the preliminary plan have one Landowner, unless the Applicant proves to the satisfaction of the Zoning Officer that there is a legally binding commitment between two or more Landowners to coordinate the access and Development of the Tract as shown in the approved preliminary plan.

Tri-Vision Board Sign – see Sign, Tri-Vision Board.

Use – The purpose, activity, occupation, business, or operation for which land or a Structure is designed, arranged, intended, occupied, or maintained. Uses specifically include but are not limited to the following: activity within a Building, activity outside of a Building, any Structure, Recreational Vehicle Storage Area, or Parking of commercial vehicles on a Lot.

Use, Accessory – A Use customarily incidental and subordinate to the Principal Use or Building and located on the same Lot with such Principal Use or Building.

Use, Principal – A dominant Use(s) or main Use on a Lot, as opposed to an Accessory Use.

Variance – The granting of specific permission by the Zoning Hearing Board to Use, construct, expand, or alter land or Structures in such a way that compliance is not required with a specific requirement of this Chapter. Any Variance shall only be granted within the limitations of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

Wall Sign – See Sign, Wall.

Water Service, Public – Central water service by a system owned by a municipality or a municipal or County authority and which serves more than 30 dwellings or Principal Uses.

Water System – A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate State agencies and the Borough.

Wetlands – An area of land or water meeting one or more definitions of a "wetland" under federal or Pennsylvania law or regulations, whichever is more inclusive.

Wholesale – Sales that primarily involve transactions with other businesses and their agents and not to the public.

Windmill (Small Generation) – A windmill which is not mounted more than ten (10) feet above the highest constructed point on the Lot, regardless of whether the windmill is affixed to such structure.

Windmill (Large Mount) - All windmills which do not meet the definition of a Windmill (Small Generation).

Window Sign – See Sign, Window.

Wireless Facilities, Small, (SWF) Collocation – See Small Wireless Facilities (SWF) Collocation.

Wireless Facilities, Small, (SWF) Structure – See Small Wireless Facilities (SWF) Structure.

Zoning District – See District.

Zoning Map – The Official Zoning Map of Emmaus Borough.

Zoning Officer – The administrative officer(s) charged with the duty of enforcing the

provisions of this Chapter and any officially designated assistant(s).

Zoning Ordinance – The Emmaus Borough Zoning Ordinance (this Chapter as amended).

Part 3 Zoning Districts

§27-301 Establishment of Zoning Districts

The following Zoning Districts are hereby established in the Borough.

P	Preservation
C	Conservation
RW	Wooded Residential
RE	Enclave Residential
RC	Central Residential
UEN	Urban Edge Neighborhood
UCN	Urban Core Neighborhood
UG	Urban Gateway
DN	Downtown Neighborhood
DC	Downtown Core
ED	Enterprise District

§27-302 Zoning District Hierarchy and Organization

1. References in this Article to less restrictive or more restrictive Zoning Districts refer to the base Zoning Districts established by §27-301 and represent a progression from the most restrictive to least restrictive in the order listed in that section, except that the Enterprise District is not included in the Zoning District hierarchy.

2. The following Zoning Districts are considered Residential Zoning Districts:

RW	Wooded Residential
RE	Enclave Residential
RC	Central Residential

3. The following Zoning Districts are considered Mixed-Use Zoning Districts:

UEN	Urban Edge Neighborhood
UCN	Urban Core Neighborhood
UG	Urban Gateway
DN	Downtown Neighborhood
DC	Downtown Core
ED	Enterprise District

§27-303 Zoning Map

The Zoning Districts established by §27-301 are shown on the Borough's Official Zoning Map, which is adopted, and incorporated herein in its entirety, as part of this Chapter.

1. Promptly following enactment of this Chapter, the Zoning Officer shall place the following legend on the Official Zoning Map adopted as part of this Chapter, the Council President shall execute the same on behalf of Borough Council, and the Borough Secretary shall attest to the same: "On <DATE>, by official action of the Emmaus Borough Council, this map was adopted as the Official Zoning Map of the Borough by enactment of Chapter 27 Zoning Ordinance of the Emmaus Borough Municipal Code."

2. No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any Person or Persons shall be considered a violation of this Chapter.

3. A certified Zoning Map shall be filed with the Borough Secretary, Borough Planning Commission, and the Lehigh Valley Planning Commission.

§27-304 Rules for Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Official Zoning Map, the following rules apply:

1. Boundaries indicated as approximately following the centerlines of Streets, roadways, highways, or Alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following Lot Lines, shall be construed as following such lines.
3. Boundaries indicated as approximately following Borough limits shall be construed as following Borough limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries that are in un-subdivided property or where a Zoning District boundary divides a Lot shall be determined using the map scale as shown thereon.

§27-305 Height Interpretations

Where a Lot borders two or more Streets or other public Rights-of-Way, the Height limitation shall apply only as measured along the Principal Façade.

§27-306 Exceptions to Building Height Requirements

1. The following Structures are exempt from the maximum Height requirements specified for each Zoning District in this Part provided the provisions of §27-306.2 are met:

- A. Farm silos and associate agricultural Structures.
- B. Commercial Communications Antennas.
- C. Amateur radio antennas up to 75 ft tall and properly anchored to resist high winds. See the Borough BOCA Code (Chapter 5).
- D. Water towers.
- E. Clock or bell towers.
- F. Steeples or spires of places of worship.
- G. Electrical transmission lines.
- H. Elevator shafts.

- I. Ventilators.
- J. Skylights.
- K. Windmills.
- L. Chimneys.
- M. Rooftop air conditional units.
- N. Other appurtenances usually required to be or customarily placed above the roof level and not intended for human occupancy.

2. At a minimum, any Structure proposed to have a Height of 75 feet or more must provide sufficient information to the Zoning Officer to prove that the Structure would comply with all applicable Federal, State, and Borough requirements regarding Airport approaches and warning lights. See §27-503 regarding Airport approaches.

§27-307 Setback Interpretations

1. Corner Lots. On a Corner Lot, the Front Setback applies to the primary Street Frontage (typically the side with the front door) and the Secondary Street Setback applies to the other Street Frontage. The Side Setback applies to all Lot Lines shared with Adjacent parcels. The Rear Setback applies to any Lot Lines shared with an Alley.

2. Triangular Lots. For Lots with three sides, the Rear Setback applies to a radius centered at the point of intersection of the two Side Lot Lines.

3. Through Lots. For Lots with two parallel Lot Lines Adjacent to Street Rights-of-Way, the Front Setback applies to both Streets.

§27-308 Exceptions to Setback Requirements

1. Projections in Setbacks.

A. Routinely projecting architectural features such as cornices, fireplaces, fire escapes, flues, eaves, gutters, bay windows, windowsills, and chimneys may project up to 3 feet into a required Setback.

B. Emergency fire escapes and exits that were added to a Building that existed prior to the adoption of this Chapter may project up to 8 feet into a required Side or Rear Setback, but explicitly not into adjoining lots, regardless of ownership or co-ownership of said lots, without a variance.

C. Stairs and landings that are not covered by structural roofs and are no more than 4 feet in Height may project into any required Setback.

D. Open balconies may project up to 5 feet into any required Setback.

E. Patios and decks may reduce the required Side or Rear Setback to a minimum of 5 feet provided all the following conditions are met:

- (1) The patio or deck is not covered by a structural roof.

(2) The patio or deck is not enclosed and does not have walls of mostly solid material, glass, or plexiglass.

(3) The patio or deck is not raised an average of more than 4 feet above the surrounding average ground level.

(4) If the Principal Building is a dwelling attached to one on the Adjacent Lot, the minimum Side Setback for the patio or deck may be reduced to 0 feet along the shared Lot Line.

F. If not eligible for exception in subsection E above, patios and decks may reduce the required Side Setback to a minimum of 5 feet and the required Rear Setback to 15 feet provided that the following condition is met:

G.

(1) The patio or deck is not enclosed and does not have walls of mostly solid material, glass, or plexiglass.

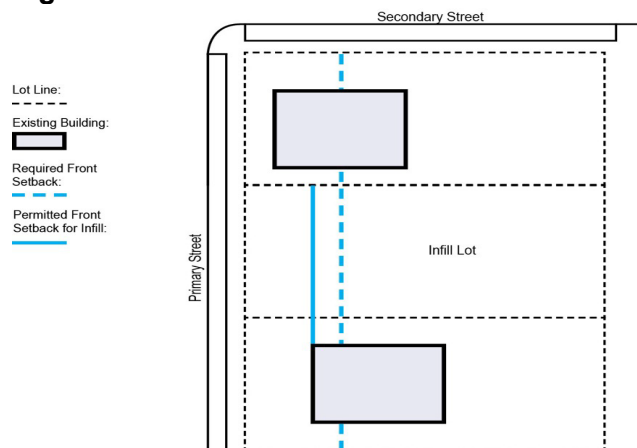
(2) If the Principal Building is a dwelling attached to one on the Adjacent Lot, the minimum Side Setback for the patio or deck may be reduced to 0 feet along the shared Lot Line.

H. Apparatus or architectural Structures needed for the efficient operation of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors or reflectors may project up to 4 feet into any required Setback.

2. Front Setback for Infill Buildings.

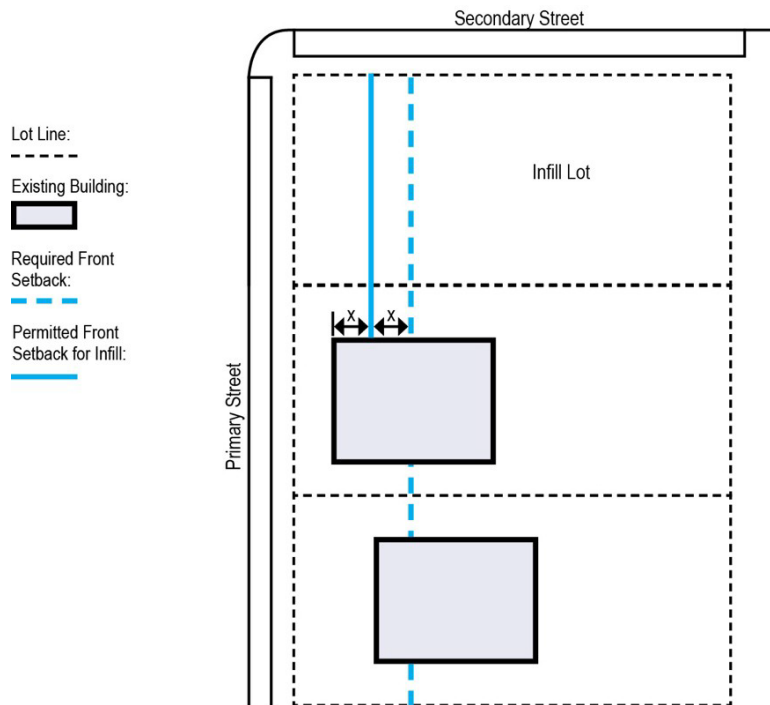
A. When a vacant Lot is situated between two Lots, each occupied by a Principal Building that extends into the required Front Setback, the minimum Front Setback of the vacant Lot shall be reduced to the depth of such Abutting improved Lot that has the largest depth. (Figure 27-308.A) Regardless of the location of the Adjacent Principal Buildings, the maximum reduction permitted is a 0-foot Front Setback.

Figure 27-308.A



B. When a vacant Lot is situated between a Street or another vacant Lot and a Lot occupied by a Principal Building that extends into the required Front Setback, the minimum Front Setback of the vacant Lot shall be the average depth of the actual Front Setback of the Adjacent occupied Lot and the Front Setback required for the Zoning District in which the vacant Lot is located. (Figure 27-308.B) In these cases, a second vacant Lot on the opposite side of the subject Lot from the occupied Lot shall have at least the minimum Front Setback required in the Zoning District.

Figure 27-308.B



3. Waiver of Setbacks. No Side Setback or Rear Setback is required where such Setback Abuts an operating railroad Right-of-Way.

4. Previously Approved Setbacks. Where a Subdivision or Land Development was granted final approval prior to the adoption of this Chapter, and the lawful Setbacks in effect at such time are shown on the approved plans, at the option of the developer, those approved Setbacks may apply in place of any revised Setbacks in this Chapter.

5. Nonconforming Uses and Structures. See §27-414 for exceptions to Setback requirements for Nonconforming Uses and Structures.

§27-309 Exceptions to Lot Size Requirements

1. A Building may be erected, altered, and used on a Lot that doesn't meet the minimum Lot size requirements provided all the following conditions are met:

A. The Lot was legally platted or recorded prior to the adoption of this Chapter.

B. All other Zoning District form regulations of Part 3 are met.

C. The proposed sanitary sewer system and Water System is approved by the Pennsylvania Department of Environmental Protection and the Borough of Emmaus Engineer and Utility Engineer.

2. Culs-de-Sac. The minimum Lot Width may be reduced to 60% of what would otherwise be required for Lots Abutting a cul-de-sac Street; provided, that the minimum width along the curbline is not less than 30 feet for a Dwelling Unit other than a townhouse.

3. Nonconforming Uses and Structures. See §27-414 for exceptions to Lot size requirements for Nonconforming Uses and Structures.

§27-310 Preservation (P) District

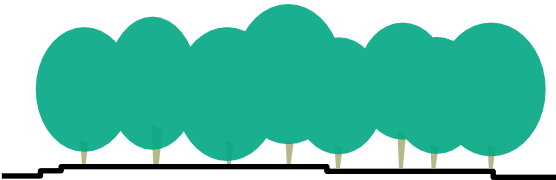
1. Purpose. The Preservation District is established for the preservation of open green space and forested hillside. This intends to maintain untouched wilderness with only light impact natural walking paths for leisure Use.

2. Building Form Regulations. Figure 27-310.A specifies the Preservation District's Building Form Regulations.

A. USE (See Part 4)	
B. BUILDING CONFIGURATION	
1. Principal Building Height	No building permitted
2. Outbuilding Height	n/a
3. Impervious Coverage	0%
4. Lot Width	n/a
5. Lot Area	n/a
C. SETBACKS - PRINCIPAL BUILDING	
n/a	
D. SETBACKS - OUTBUILDING	
n/a	
E. PRIVATE FRONTAGES	
n/a	
F. PARKING PLACEMENT	
n/a	
G. OTHER ACCESSORY STRUCTURES	
n/a	

BUILDING CONFIGURATION

- The following diagrams illustrate the standards in the table (B).



§27-311 Conservation (C) District

1. Purpose. The Conservation District is established to conserve the natural settings of Emmaus's hillsides, to maintain tree coverage, and to respond to the natural landscape. This Zoning District intends to promote small Building footprints that leave most of the Lot untouched and provide only a light impact on the land.
2. Building Form Regulations. Figure 27-311.A specifies the Conservation District's Building Form Regulations.

A. USE (See Part 4)

B. BUILDING CONFIGURATION

1. Principal Building Height	3 stories and 36' height max., measured to highest pitch of the roof
2. Outbuilding Height	20' max., measured to highest pitch of the roof
3. Raised Basement	Permitted up to 3' above grade
4. Impervious Coverage	30% max.
5. Lot Width	100' min.
6. Lot Area	1/2 acre min.

C. SETBACKS - PRINCIPAL BUILDING

1. Front Setback	10' min.
2. Secondary Street Setback	10' min.
3. Side Setback	5' min.
4. Rear Setback	20' min.

D. SETBACKS - OUTBUILDING

1. Front Setback	At or behind the Principal Building Facade
2. Secondary Street Setback	At or behind Principal Building Facade
3. Side Setback	10' min.
4. Rear Setback	5' min.

E. PRIVATE FRONTAGES

1. Porch	Permitted according to Principal Building Setbacks (C).
2. Terrace	Not permitted
3. Forecourt	Not permitted
4. Stoop	Not permitted
5. Shopfront	Not permitted
6. Gallery	Not permitted

F. PARKING PLACEMENT

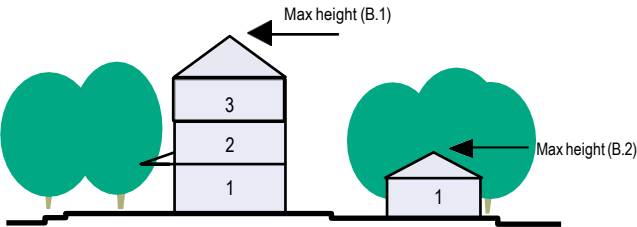
1. Parking must be sited to minimize site disturbance.	
2. No more than 600 sq ft of a driveway is permitted to be made of impervious material.	
3. Front Lot Segment To Principal Building Facade	a. Parking permitted on driveway. b. Garages are not permitted.
4. Mid Lot Segment To Rear of Principal Building	a. Parking permitted on driveway. b. Garages are not permitted.
5. Rear Lot Segment Behind Principal Building	a. Parking permitted. b. Garages are permitted.

G. CONSERVATION CONSTRAINTS

1. Slopes 25% or more. If the area of the Principal Building footprint with a 20-foot buffer includes more than 500 square feet of area within existing slopes greater than 25%:	
a. Minimum Lot Area	2 acres per Dwelling Unit or per any other permitted Principal Use
b. Impervious Coverage	10% max.
2. Slopes 15% to 25%. If the area of the Principal Building footprint with a 20-foot buffer includes more than 500 square feet of area within existing slopes of 15% to 25%:	
a. Minimum Lot Area	1 acre per Dwelling Unit or per any other permitted Principal Use
b. Impervious Coverage	20% max.

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS - PRINCIPAL BLDG

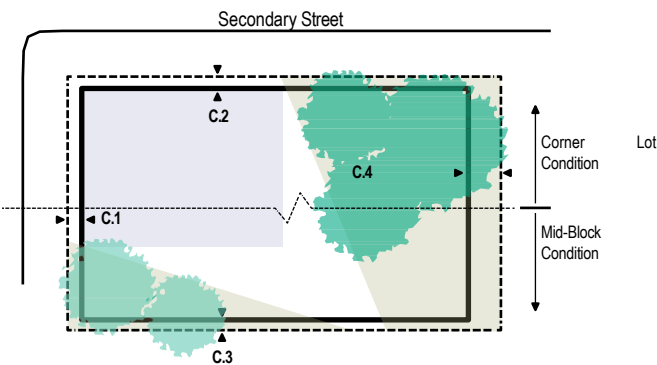
- The following diagram illustrates the Principal Building Build-to Area and Setback standards in the table (C & G).

Lot Line:

Principal Setback:
minimum

Conservation Constraints:

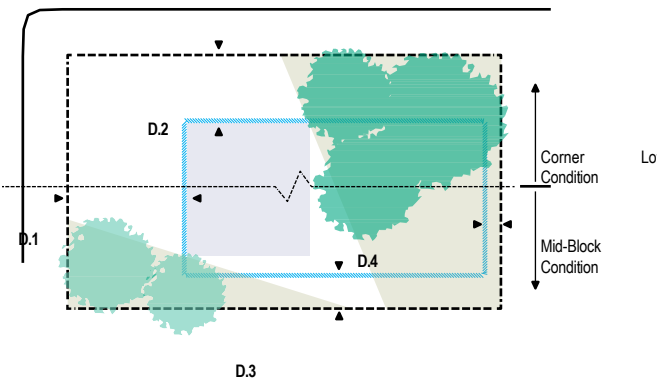
- Slope > 25%
- Tree Coverage
- Buildable Area



SETBACKS - OUTBUILDING

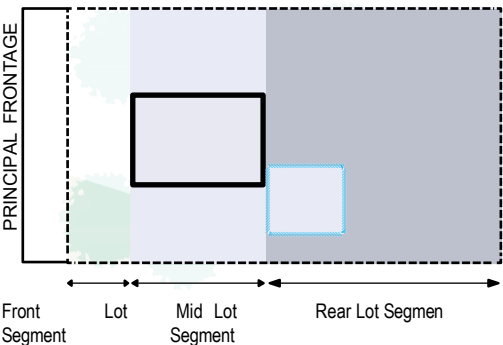
- The following diagram illustrates the Outbuilding Setback standards in the table (D & G).

Outbuilding Setbacks:
minimum



PARKING PLACEMENT

- The following diagram illustrates the Parking placement standards in the table (F).



§27-312 Wooded Residential (RW) District

1. Purpose. The Wooded Residential District is established to preserve the secluded and wooded character of this residential area and to respond to the hillside conditions. Lots are slightly larger, and house siting within each Lot allows the flexibility for Buildings to respond to the curves and the topography. Larger driveways are permitted, homes are further apart, and Facades are more organically situated from Lot to Lot.
2. Building Form Regulations. Figure 27-312.A specifies the Wooded Residential District's Building Form Regulations.

WOODED RESIDENTIAL 

B. BUILDING CONFIGURATION

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).




D. SETBACKS - OUTBUILDING

SETBACKS

- The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C & D).



Lot Line:

Principal Build-to Area:
 minimum
 maximum

Principal Setback:
 _____ minimum

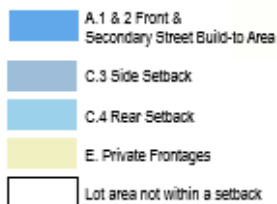
Outbuilding Setbacks:

minimum

F. PARKING PLACEMENT

BUILDING FORM

- The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to-Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).



§27-313 Enclave Residential (RE) District

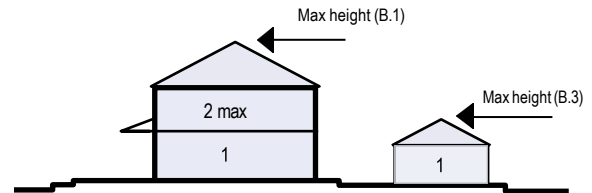
1. Purpose. The Enclave Residential District is established to maintain the scale and character of the existing residential Uses without overwhelming the limited access to this area. Consistent Setbacks compliment the walkable scale and provide a cohesive feel even as house sizes vary.
2. Building Form Regulations. Figure 27-313.A specifies the Enclave Residential District's Building Form Regulations.

FIGURE 27-313.A

A. USE (See Part 4)	
B. BUILDING CONFIGURATION	
1. Principal Building Height	2 stories and 32' max., measured to highest pitch of roof
2. Ground Floor Height	9' min.
3. Upper Floor Height	8' min.
4. Raised Basements	Permitted up to 3' above grade
5. Outbuilding Height	20' max., measured to highest pitch of roof, but not to exceed the height of the principal building
6. Impervious Coverage	60% max.
7. Lot Width	20' min.
8. Lot Area	2,000 sq ft min.
C. SETBACKS - PRINCIPAL BUILDING	
1. Front Build-to Area	25' min. - 35' max.
2. Secondary Street Build-to Area	15' min. - 25' max.
3. Side Setback	4' min., except 0' permitted for attached buildings
4. Rear Setback	50' min.
D. SETBACKS - OUTBUILDING	
1. Front Setback	50' min.
2. Secondary Street Setback	20' min.
3. Side Setback	8' min.
4. Rear Setback	5' min.
E. PRIVATE FRONTAGES	
1. Porch	a. Permitted. b. May project up to 9' beyond the Front Setback Principal (C.1).
2. Terrace	Not permitted
3. Forecourt	Not permitted
4. Stoop	Not permitted
5. Shopfront	Not permitted
6. Gallery	Not permitted
F. PARKING PLACEMENT	
1. Attached garages must be recessed a minimum 10' behind the Front Facade.	
2. Front Lot Segment to Principal Building Facade	Parking is only permitted on a driveway at least 20' long.
3. Mid Lot Segment To Rear of Principal Building	Parking permitted on driveway only.
4. Rear Lot Segment Behind Principal Building	Parking permitted.

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

- The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C & D).

Lot Line:

Principal Build-to Area:

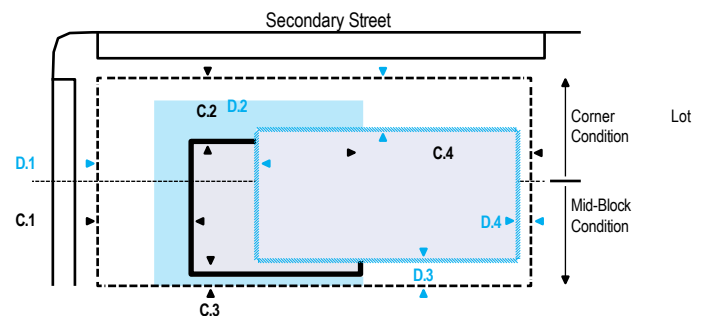
minimum maximum

Principal Setback:

minimum

Outbuilding Setbacks:

minimum



BUILDING FORM

- The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

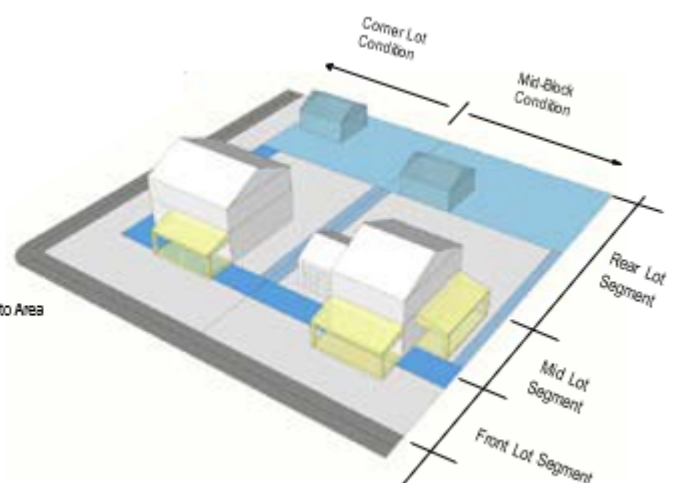
C.1 & 2 Front & Secondary Street Build-to Area

C.3 Side Setback

C.4 Rear Setback

E. Private Frontages

Lot area not within a setback



§27-314 Central Residential (RC) District

1. Purpose. The Central Residential District is established to promote residential Uses with moderate density set along walkable Streets. Consistent Setbacks provide a cohesive feel even as house sizes vary.
2. Building Form Regulations. Figure 27-314.A specifies the Central Residential District's Building Form Regulations.

A. USE (See Part 4)

B. BUILDING CONFIGURATION

1. Principal Building Height	2 stories and 32' max., measured to highest pitch of roof
2. Ground Floor Height	9' min.
3. Upper Floor Height	8' min.
4. Additional Building Height	3rd story permitted as Attic above eave at 80% max. area
5. Raised Basement	Permitted up to 3' above grade
6. Outbuilding Height	20' max., measured to highest pitch of roof
7. Impervious Coverage	60% max.
8. Lot Width	50' min.
9. Lot Area	3,000 sq ft min.

C. SETBACKS - PRINCIPAL BUILDING

1. Front Build-to Area	25' min. - 35' max.
2. Secondary Street Build-to Area	15' min. - 30' max.
3. Side Setback	4' min., except 0' permitted for attached buildings
4. Rear Setback	50' min.

D. SETBACKS - OUTBUILDING

1. Front Setback	50' min.
2. Secondary Street Setback	20' min.
3. Side Setback	8' min.
4. Rear Setback	5' min.

E. PRIVATE FRONTAGES

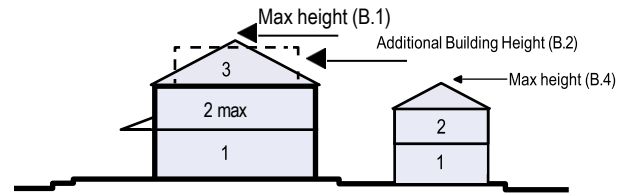
1. Porch	a. Permitted. b. May project up to 9' beyond the Front Setback Principal (C.1).
2. Terrace	Not permitted
3. Forecourt	Not permitted
4. Stoop	Not permitted
5. Shopfront	Not permitted
6. Gallery	Not permitted

F. PARKING PLACEMENT

1. Front Lot Segment To Principal Building Facade	Parking is only permitted on a driveway at least 20' long.
2. Mid Lot Segment To Rear of Principal Building	Parking permitted on driveway only.
3. Rear Lot Segment Behind Principal Building	Parking permitted.

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

- The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C & D).

Lot Line:

Principal Build-to Area:

minimum
maximum

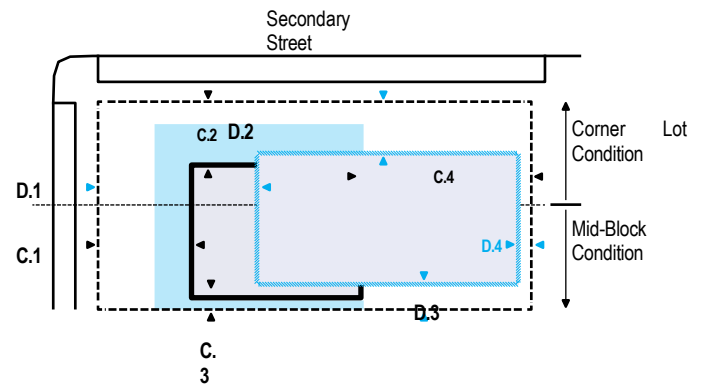
Principal Setback:

minimum

Outbuilding

Setbacks:

minimum



BUILDING FORM

- The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

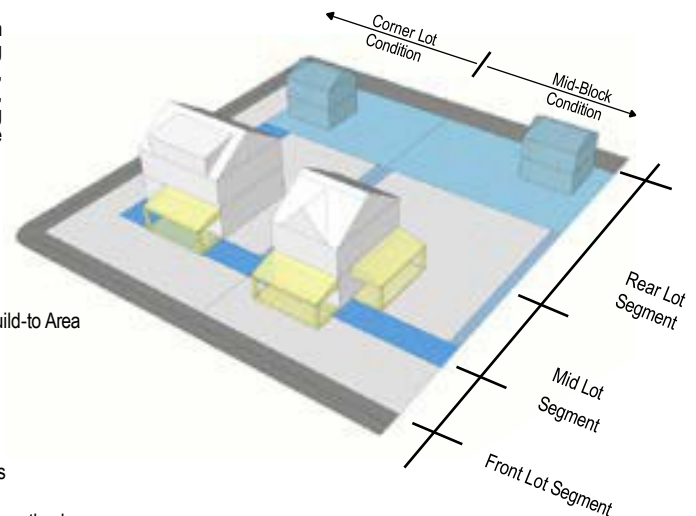
C.1 & 2 Front & Secondary Street Build-to Area

C.3 Side Setback

C.4 Rear Setback

E. Private Frontages

Lot area not within a setback



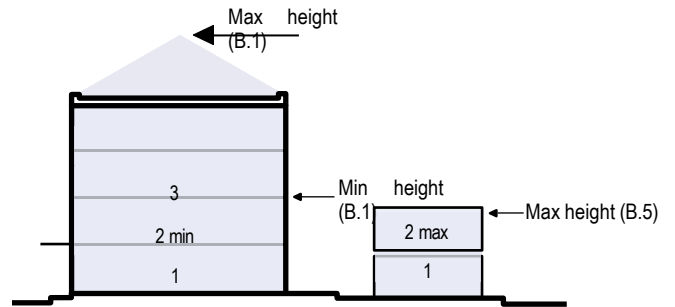
§27-315 Urban Edge Neighborhood (UEN) District

1. Purpose. The Urban Edge Neighborhood District creates an opportunity for expanded growth and density as the Borough's needs evolve. Located near the Gateway and school, it allows residential or office Uses within close walking distance to shopping and parks. A higher scale of density is suitable here without impacting the character of established residential neighborhoods. Greater flexibility in Building siting and design standards accommodate the irregular block sizes. Innovative site design and communal open spaces are permitted to incentivize higher density.
2. Building Form Regulations. Figure 27-315.A specifies the Urban Edge Neighborhood District's Building Form Regulations.

A. USE (See Part 4)	
B. BUILDING CONFIGURATION	
1. Principal Building Height	a. 2 stories min. b. stories and 56' max., measured to highest pitch of roof
2. Ground Floor Height	9' min.
3. Upper Floor Height	8 min.
4. Raised Basements	Not Permitted
5. Outbuilding Height	22' max.
6. Impervious Coverage	60% max.
7. Lot Width	75' min.
8. Lot Area	3,000 sq ft min.
C. SETBACKS - PRINCIPAL BUILDING	
1. Front Build-to Area	a. 10' min. b. 30' max.
2. Secondary Street Build-to Area	a. 10' min. b. 30' max.
3. Side Build-to Area	a. 0' min. b. 10' max.
4. Rear Setback	50' min.
D. SETBACKS - OUTBUILDING	
1. Front Setback	60' min.
2. Secondary Street Setback	10' min.
3. Side Setback	4' min., except 0' permitted for attached buildings
4. Rear Setback	5' min.
E. PRIVATE FRONTAGES	
1. Porch	a. Permitted. b. May project up to 9' beyond the Front Setback (C.1).
2. Terrace	a. Permitted. b. May project up to 9' beyond the Front Setback (C.1).
3. Forecourt	Permitted
4. Stoop	a. Permitted. b. May project up to 6' beyond the Front Setback (C.1).
5. Shopfront	Not permitted
6. Gallery	Not permitted
F. PARKING PLACEMENT	
1. Front Lot Segment to Principal Building Facade	Parking not permitted.
2. Mid Lot Segment To Rear of Principal Building	Parking not permitted.
3. Rear Lot Segment Behind Principal Building	Parking permitted.

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

- The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C & D).

Lot Line:

Principal Build-to Area:

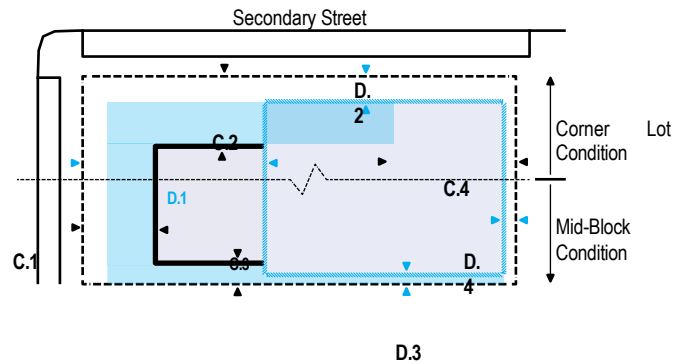
minimum
maximum

Principal Setback:

minimum

Outbuilding

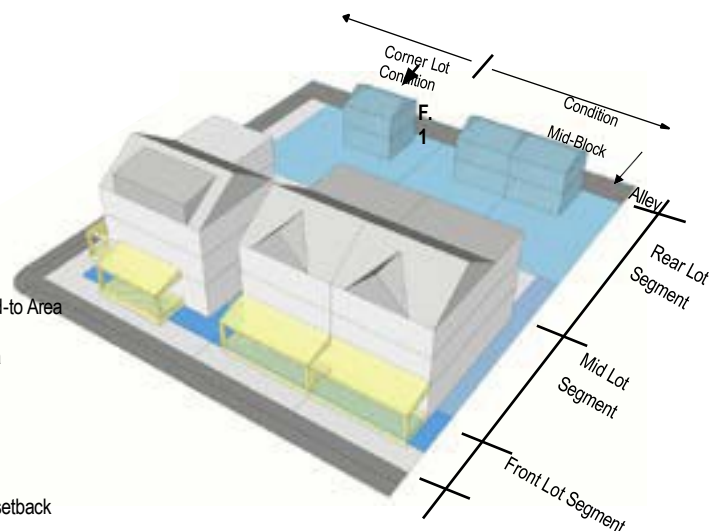
Setbacks: minimum



BUILDING FORM

- The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

C.1 & 2 Front & Secondary Street Build-to Area
C.3 Side Build-to Area
C.4 Rear Setback
E. Private Frontages
Lot area not within a setback



§27-316 Urban Core Neighborhood (UCN) District

1. Purpose. The Urban Core Neighborhood District has a variety of Building sizes and typologies that are suited to a mix of Uses and reflect the historic and traditional character of Emmaus. Primarily residential Buildings may be flexibly reused for small-scale commercial or office Uses. Narrow Lots with rear Parking access focus Facades onto the public realm and sidewalk and create a walkable and comfortable block and Street condition. Building fronts are slightly raised and often include Porches. This establishes a semi-private Frontage area on each Lot that allows a balance of dense and walkable Uses with a sense of individual privacy and quiet.
2. Building Form Regulations. Figure 27-316.A specifies the Urban Core Neighborhood District's Building Form Regulations.

A. USE (See Part 4)

B. BUILDING CONFIGURATION

1. Principal Building Height	a. 2 stories min. b. 4 stories and 56' max., measured to highest pitch of roof
2. Ground Floor Height	9' min.
3. Upper Floor Height	8' min.
4. Raised Basements	Permitted up to 3' above grade
5. Outbuilding Height	22' max.
6. Impervious Coverage	80% max.
7. Lot Width	20' min.
8. Lot Area	2,000 sq ft min.

C. SETBACKS - PRINCIPAL BUILDING

1. Front Build-to Area	a. 0' min. b. 10' max.
2. Secondary Street Build-to Area	a. 0' min. b. 10' max.
3. Side Build-to Area	a. 0' min. b. 10' max.
4. Rear Setback	60' min.

D. SETBACKS - OUTBUILDING

1. Front Setback	60' min.
2. Secondary Street Setback	5' min.
3. Side Setback	4' min., except 0' permitted for attached buildings
4. Rear Setback	5 min.

E. PRIVATE FRONTAGES

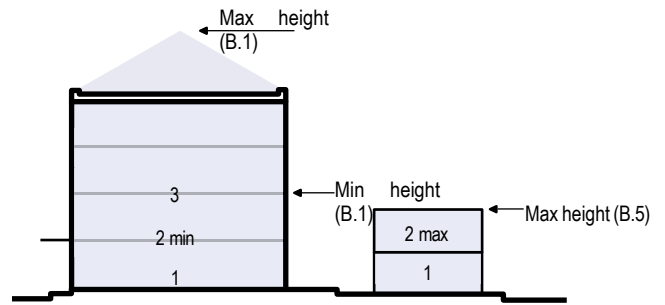
1. Porch	Permitted
2. Terrace	Permitted
3. Forecourt	Permitted
4. Stoop	Permitted
5. Shopfront	Permitted
6. Gallery	Not Permitted

F. PARKING PLACEMENT

1. Front Lot Segment to Principal Building Facade	Parking not permitted.
2. Mid Lot Segment To Rear of Principal Building	Parking not permitted.
3. Rear Lot Segment Behind Principal Building	Parking permitted.

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

- The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C & D).

Lot Line:

Principal Build-to Area:

— minimum
— maximum

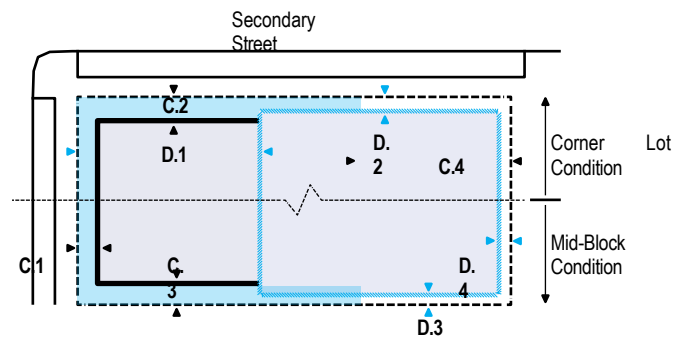
Principal Setback:

— minimum

Outbuilding

Setbacks:

— minimum



BUILDING FORM

- The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

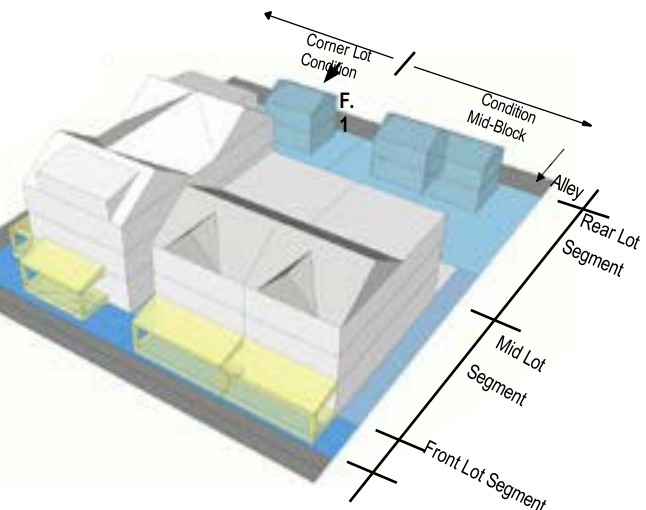
C.1 & 2 Front & Secondary Street Build-to Area

C.3 Side Build-to Area

C.4 Rear Setback

E. Private Frontages

Lot area not within a setback



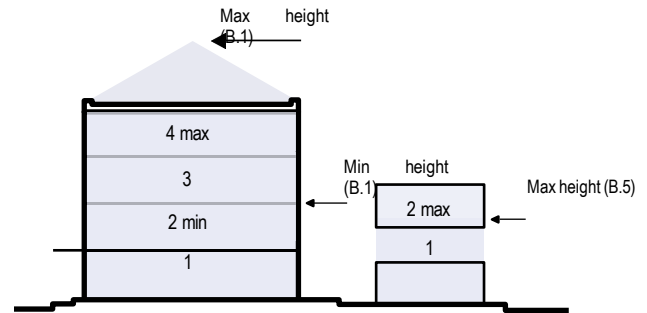
§27-317 Urban Gateway (UG) District

1. Purpose. The Urban Gateway District corresponds to both major entrances into the Borough and is suited to larger commercial and mixed Uses that focus higher density along major transportation access routes. Buildings may be up to 4 stories with little to no Setback, prioritizing active ground floor Uses such as retail shops located close to the Street. People arriving in Emmaus through this Zoning District should know they are now in a town setting, and slow down accordingly. The wide Street capacity is suited to growth and redevelopment opportunities. Rear Parking is required, and shared Parking strategies are encouraged to promote a redevelopment that is people-oriented and a natural complement to Emmaus' Downtown.
2. Building Form Regulations. Figure 27-317.A specifies the Urban Gateway District's Building Form Regulations.

A. USE (See Part 4)	
B. BUILDING CONFIGURATION	
1. Principal Building Height	a. 2 stories min. b. 4 stories and 56' max., measured to highest pitch of roof
2. Ground Floor Height	10' min.
3. Upper Floor Height	10' min. (commercial) 8' min. (residential)
4. Raised Basement	Permitted up to 3' above grade
5. Outbuilding Height	24' max.
6. Impervious Coverage	80% max.
7. Lot Width	30' min.
8. Lot Area	3,000 sq ft min.
C. SETBACKS - PRINCIPAL BUILDING	
1. Front Build-to Area	a. 5' min. b. 15' max.
2. Secondary Street Build-to Area	a. 5' min. b. 10' max.
3. Side Setback	4' min., except 0' permitted for attached buildings
4. Rear Setback	20' min.
D. SETBACKS - OUTBUILDING	
1. Front Setback	60' min
2. Secondary Street Setback	5' min
3. Side Setback	4' min., except 0' permitted for attached buildings
4. Rear Setback	5' min
E. PRIVATE FRONTAGES	
1. Porch	Permitted. May project up to Front Lot Line
2. Terrace	Not permitted
3. Forecourt	Not permitted
4. Stoop	Permitted. May project up to Front Lot Line
5. Shopfront	Permitted. May project up to Front Lot Line
6. Gallery	Not permitted
F. PARKING PLACEMENT	
1. Front Lot Segment to Principal Building Facade	Parking not permitted.
2. Mid Lot Segment To Rear of Principal Building	Parking not permitted.
3. Rear Lot Segment Behind Principal Building	Parking permitted.

BUILDING CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

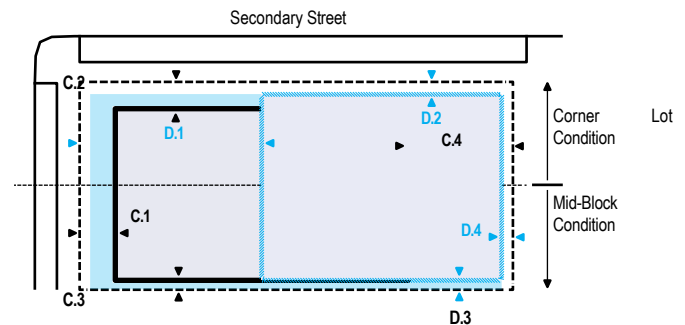
- The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C & D).

Lot Line:

Principal Build-to Area:
 minimum
 maximum

Principal Setback:
 minimum

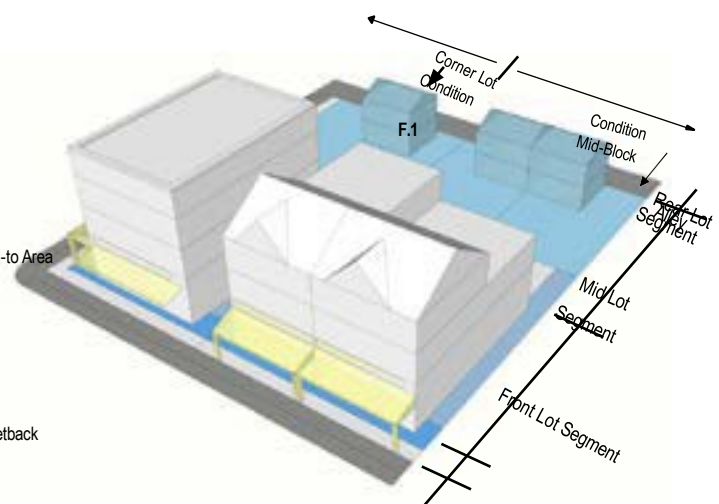
Outbuilding Setbacks:
 minimum



BUILDING FORM

- The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

- C.1 & 2 Front & Secondary Street Build-to Area
- C.3 Side Setback
- C.4 Rear Setback
- E. Private Frontages
- Lot area not within a setback



§27-318 Downtown Neighborhood (DN) District

1. Purpose. The Downtown Neighborhood District includes walkable blocks with proximity to the Triangle and Downtown Core. Buildings are closely spaced and often attached to each other, with little to no Setback that brings Buildings close to the Street. Entrances are raised only slightly, keeping clear interaction between the public sidewalk and the fronts of Buildings. A mix of Uses include residential, retail, and office, and provide many flexible opportunities for property owners and residents to adapt to their needs. Although Buildings are smaller in scale than those around the Triangle, this Zoning District clearly looks and feels like part of Emmaus's Downtown and encourages active pedestrian-oriented Uses and activities.
2. Building Form Regulations. Figure 27-318.A specifies the Downtown Neighborhood District's Building Form Regulations.

A. USE (See Part 4)

B. BUILDING CONFIGURATION

1. Principal Building Height	a. 2 stories min. b. 4 stories and 56' max., measured to highest pitch of roof (commercial) c. 3 stories and 42' max, measured to highest pitch of roof (residential)
2. Ground Floor Height	9' min. (residential) 10' min. (commercial)
3. Upper Floor Height	10' min. (commercial) 8' min. (residential)
4. Raised Basements	Permitted up to 3' above grade
5. Outbuilding Height	24' max.
6. Impervious Coverage	80% max.
7. Lot Width	15' min.
8. Lot Area	1,500 sq ft. min.

C. SETBACKS - PRINCIPAL BUILDING

1. Front Build-to-Area	a. 0' min. b. 10' max.
2. Secondary Street Build-to Area	a. 0' min. b. 10' max.
3. Side Build-to Area	a. 0' min. b. 10' max.
4. Rear Setback	30' min.

D. SETBACKS - OUTBUILDING

1. Front Setback	30' min.
2. Secondary Street Setback	5' min.
3. Side Setback	0' min.
4. Rear Setback	2' min.

E. PRIVATE FRONTAGES

1. Porch	Permitted
2. Terrace	Not permitted
3. Forecourt	Not permitted
4. Stoop	Permitted
5. Shopfront	Permitted
6. Gallery	Not permitted

F. PARKING PLACEMENT

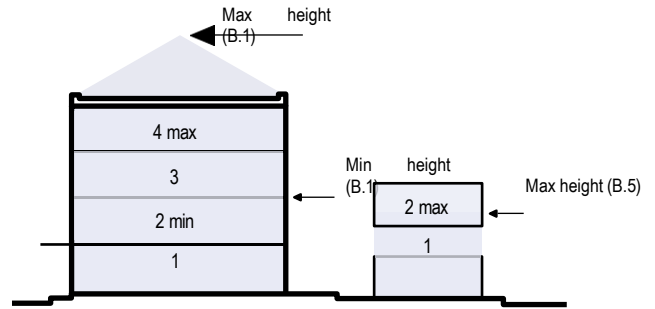
1. Front Lot Segment to Principal Building Facade	Parking not permitted.
2. Mid Lot Segment To Rear of Principal Building	Parking not permitted.
3. Rear Lot Segment Behind Principal Building	Parking permitted.

The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to-Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

BUILDING

CONFIGURATION

- The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

- The following diagram illustrates the Principal Building and Outbuilding standards in the table (C & D).

Build-to Area and Setback standards in the table (C & D).

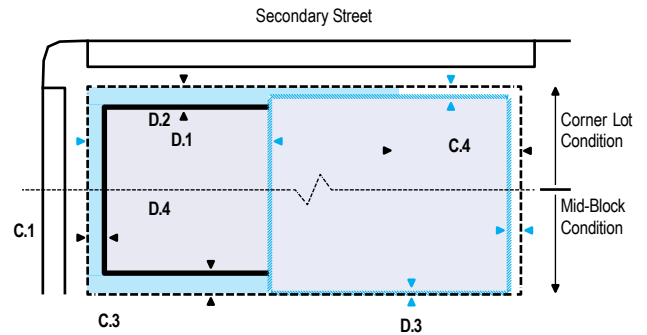
Lot Line:

Principal Build-to-Area:
minimum

maximum

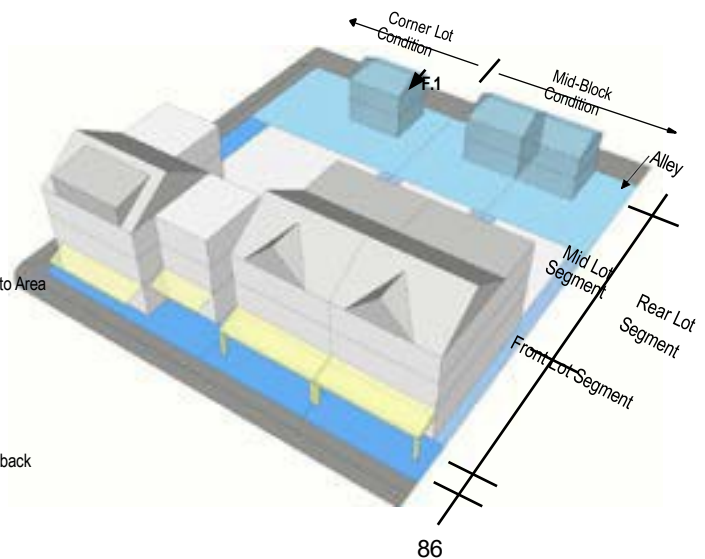
Principal Setback:
minimum

Outbuilding Setbacks:
minimum



BUILDING FORM

- C.1 & 2 Front & Secondary Street Build-to Area
- C.3 Side Build-to Area
- C.4 Rear Setback
- E. Private Frontages
- Lot area not within a setback



§27-319 Downtown Core (DC) District

1. Purpose. The Downtown Core District is the heart of Emmaus and includes the Lots directly around the Triangle, as well as nearby blocks. This is the historic center of the Borough and is to be preserved and enhanced through future growth as the center of shopping, retail, and activity. Buildings front onto the Street and have a variety of options to interact with the Public Frontage through awnings, Stoops, Porches, and other Encroachments. Larger Setbacks treated as public space are also permitted to allow an expansion of public pedestrian spaces. Heights up to 5 stories support the continued growth of Downtown Emmaus as a thriving and active destination. Parking is delegated to the rear which frees up the Frontage for new Uses and pedestrian access.
2. Building Form Regulations. Figure 27-319.A specifies the Downtown Core District's Building Form Regulations.

A. USE (See Part 4)	
1. First floor must be a commercial use.	
B. BUILDING CONFIGURATION	
1. Principal Building Height	a. 3 stories min. b. 5 stories and 68' max.
2. Additional Building Height	6th story permitted above stories and feet limit of B.1 when set back 15' from the Front Facade
3. Ground Floor Height	10' min.
4. Upper Floor Height	10' min. (commercial) 8' min. (residential)
5. Raised Basements	Permitted up to 3' above grade
6. Outbuilding Height	30' max.
7. Impervious Coverage	90% max.
8. Lot Width	20' min.
9. Lot Area	2,000 sq ft min.

C. SETBACKS - PRINCIPAL BUILDING

1. Front Build-to Area	a. 0' min. b. 100' max.
2. Secondary Street Build-to Area	a. 0' min. b. 10' max.
3. Side Build-to Area	a. 0' min. b. 10' max.
4. Rear Setback	20' min.

D. SETBACKS - OUTBUILDING

1. Front Setback	30' min.
2. Secondary Street Setback	5' min.
3. Side Setback	0' min.
4. Rear Setback	2' min

E. PRIVATE FRONTAGES

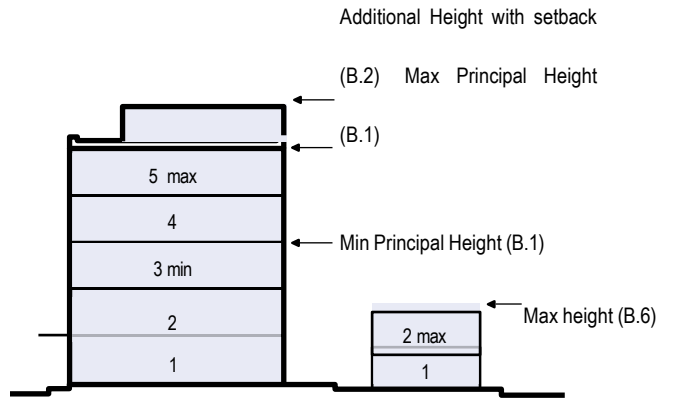
1. Porch	Permitted
2. Terrace	Not permitted
3. Forecourt	Not permitted
4. Stoop	Permitted for residential entrances only
5. Shopfront	Permitted
6. Gallery	Permitted

F. PARKING PLACEMENT

1. Front Lot Segment to Principal Building Facade	Parking not permitted.
2. Mid Lot Segment To Rear of Principal Building	Parking not permitted.
3. Rear Lot Segment Behind Principal Building	Parking permitted.

BUILDING CONFIGURATION

The following diagram illustrates the Principal Building and Outbuilding Height standards in the table (B).



SETBACKS

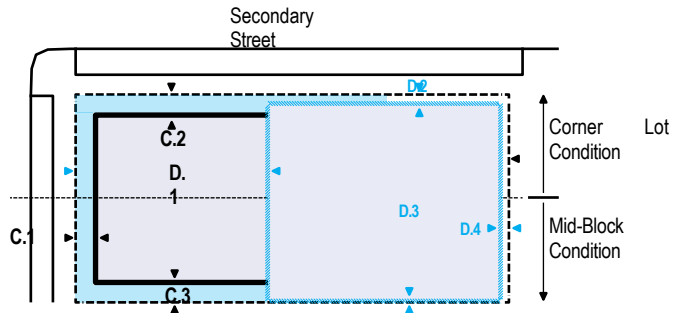
The following diagram illustrates the Principal Building and Outbuilding Build-to Area and Setback standards in the table (C, D).

Lot Line:

Principal Build-to Area:
minimu
m
maximu
m

Principal Setback:
minimum

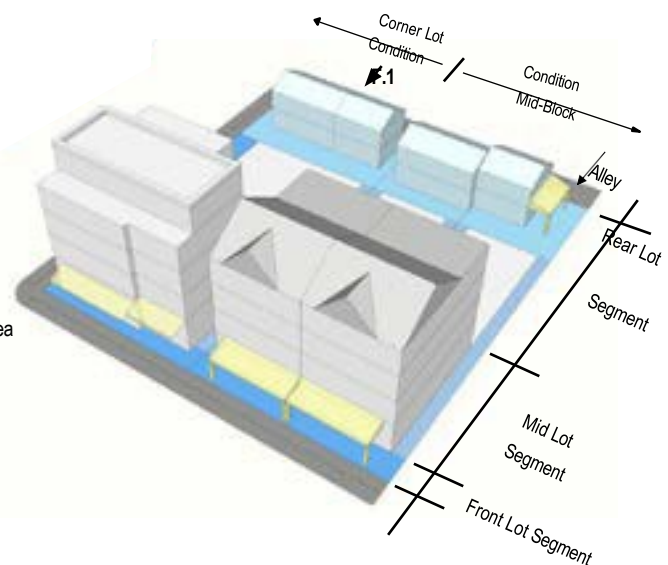
Outbuilding Setbacks:
minimum



BUILDING FORM

The following diagram illustrates the Principal Building and Outbuilding configuration, Build-to Area and Setback, Private Frontages, and parking placement standards in the table (B, C, D, E, & F).

- C.1 & 2 Front & Secondary Street Build-to Area
- C.3 Side Build-to Area
- C.4 Rear Setback
- E. Private Frontages
- Lot area not within a setback



§27-320 Enterprise District (ED)

1. Purpose. The Enterprise District includes industrial Uses that can be reused and redeveloped more flexibly than is permitted within the other Zoning Districts. Height and siting may vary widely to enable Uses in this Zoning District to best fit their needs and the market requirements.
2. Building Form Regulations. Figure 27-320.A specifies the Enterprise District's Building Form Regulations.

A. USE (See Part 4)

B. BUILDING CONFIGURATION The following diagram illustrates the Principal Building and Outbuilding height standards in the table (B).

1. Principal Building Height	45' max., measured to highest pitch of roof
2. Outbuilding Height	45' max measured to highest pitch of roof, but not to exceed the height of the principal building
3. Impervious Coverage	80% max.
4. Number of Buildings	Multiple Principal Buildings are permitted per Lot.

C. SETBACKS - PRINCIPAL BUILDING

1. Front Setback	0' min.
2. Secondary Street Setback	0' min.
3. Side Build-to Area	0' min.
4. Rear Setback	0' min.

D. SETBACKS - OUTBUILDING

1. Front Setback	0' min.
2. Secondary Street Setback	0' min.
3. Side Setback	0' min.
4. Rear Setback	0' min.

E. PRIVATE FRONTAGES

1. The design standards of this section (E) apply to Frontages across the street from a property in a zoning district other than ED.	
2. Where a Building Elevation is placed within 15' of the Lot Line along the street	60% min. transparency must be provided between 3' and 8' high in the street facing Elevation.
3. Where a Building Elevation is not within 15' of the Lot Line along the street	A landscaped edge with garden wall is required.
4. Garden Wall Design	a. 4' min. height b. 6' max. height c. 0% transparency required d. Articulation is required at least every 25' e. Articulation may use changes in plane, material, or color; horizontal banding; or other design features.
5. Landscape Edge	a. 3' wide min. b. Must be planted with species approved by the Borough.

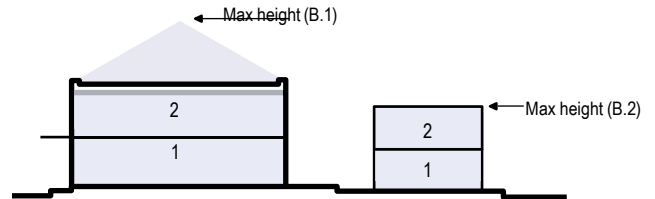
F. COMPATIBILITY STANDARDS

1. A 6' high privacy fence is required along any Lot Line adjacent to a property in a zoning district other than ED.
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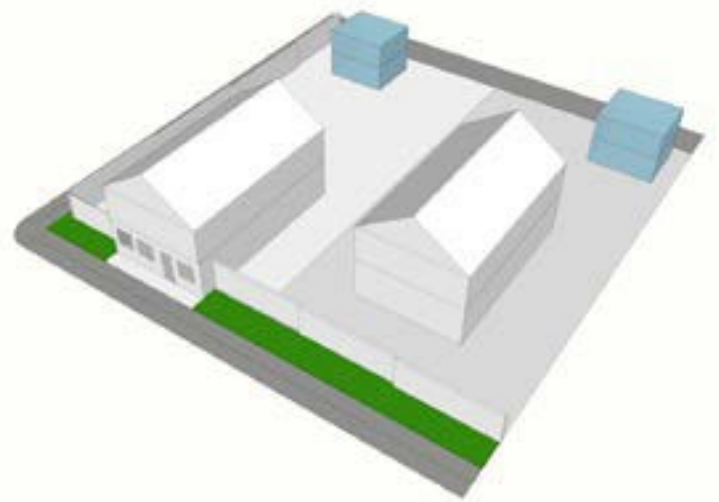
G. PARKING PLACEMENT

1. Parking must be setback 10' from any Right-of-Way.
2. Access design.
a. Driveways serving a single Lot, max. 20' width, or 30' for driveways handling large trucks
b. Shared driveways serving two Lots, max. 24' width.
c. Sidewalks must continue across all driveway entrances and

BUILDING CONFIGURATION



BUILDING FORM



Part 4 Zoning Uses

§27-401 General

The following general provisions apply to the Uses outlined in this Part.

1. More than one Principal Use may be erected on a single Lot provided the requirements of this Chapter are met for each Structure as though it were on an individual Lot.
2. In a Zoning District, allowable Uses are either Permitted By-Right or require a Special Exception or a Conditional Use Permit to be developed.
3. Only Uses permitted in the Zoning District in which a Building, Structure, or Land is located may be used for that Building, Structure, or Land, except for the continuation of existing Uses.
4. The continuation of any Use existing and permitted at the time of the adoption of these regulations is permitted, subject to the Nonconforming Use standards specified in §27-414.

§27-402 Uses

1. Permissible Uses allowed in each Zoning District and are defined in this Chapter. They are identified in the following tables:

- A. Table 27-4.A Principal Uses – Residential and Lodging Uses
- B. Table 27-4.B Principal Uses – Civic and Institutional Uses
- C. Table 27-4.C Principal Uses – Agriculture, Forestry, and Open Space Uses
- D. Table 27-4.D Principal Uses – Retail Uses
- E. Table 27-4.E Principal Uses – Service Uses
- F. Table 27-4.F Principal Uses – Infrastructure Uses
- G. Table 27-4.G Principal Uses – Industrial Uses
- H. Table 27-4.H Accessory Uses
- I. Table 27-4.I Temporary Uses

2. Principal, Accessory, and Temporary Uses are given one of the following designations in their respective tables.

A. Permitted by-Right (“P”). These Uses are Permitted By-Right in the Zoning Districts in which they are listed subject to the regulations under this Chapter.

B. Permitted by Special Exception (“SE”). These Uses are not Permitted By-Right but are subject to the Special Exception standards and criteria specified in §27-115.8.B of this Chapter in addition to any specific Use regulations of this Part.

C. Permitted by Conditional Use (“C”). These Uses are not Permitted By-Right but are subject to the Conditional Use Permit requirements in §27-112 of this Chapter in addition to any specific Use regulations of this Part.

D. Non-Permitted Uses. Uses not permitted within a Zoning District must be deemed excluded. The Zoning Officer must determine the classification of all land Uses with the context and intent of this Chapter and must issue a decision regarding whether a particular Use is permitted or excluded in a Zoning District, in accordance with this Chapter.

§27-403 Organization

Uses are grouped into general categories, which are further broken into subcategories and specific Use types that are specifically defined in this Chapter.

§27-404 Unlisted Uses

1. If a Use is clearly not provided for in this Part, then the proposed Use must be considered a Special Exception Use and be approved pursuant to the requirements specified in §27-115.8.B of this Chapter.
2. In addition to the Special Exception requirements, the proposed Use must be approved based on the following Use character eligibility standards:
 - A. The proposed Use must be consistent with and meet the stated purpose and intent of the Zoning District within which the Use is being proposed.
 - B. The proposed Use must be consistent with and uphold the general form, function, and design character of the neighborhood within which the Use is being proposed.

Table 27-4.A Principal Uses – Residential and Lodging Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by-Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Edge Urban Neighborhood	Core Urban Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	RW	RE	RC	UEN	UCN	UG	DN	DC	ED
Age-Qualified Community			C			C					
Assisted Living Facility				P		P	P		P		
Bed and Breakfast						P	P	P	P	P	
Clustered Development		C									
Conversion of Single-Family Dwelling to Multi- Unit Dwelling								P	P	P	
Conversion of Commercial Building to Multi-Unit Dwelling							SE	SE	SE	SE	
Dwelling, Single Family Detached		P	P	P	P	P	P		P		
Dwelling, Single Family Semi-Attached				P	P	P	P	P	P	P	
Dwelling, Two-Family					P	P	P	P	P	P	
Dwelling, Townhouse						P	P	P	P	P	
Dwelling, Multi-Family, Low-Rise						P	P	P	P	P	
Dwelling, Multi-Family, Mid-Rise						SE	SE	SE	SE	SE	
Group Home		P	P	P	P	P	P	P	P	P	
Hotel/Apartment Hotel								P	P	P	
Mixed-Use Building						P	P	P	P	P	P
Rooming house and Boarding house						SE			SE	SE	
Short-Term Rental										SE	
Temporary Shelter Facility						P	P	P	P	P	

§27-405 Principal Uses – Residential and Lodging Uses

This category of Uses encapsulates those for residential and overnight accommodations.

1. Age-Qualified Community. A planned residential Development in which residency is qualified by age and other related characteristics as defined by the developer in accordance with this Part and all applicable laws and regulations. Specific design requirements, listed below, apply in the Zoning Districts designated in Table 27-4.A. In all other Zoning Districts, a Development that meets the base Zoning District requirements may be designated as an age-qualified community.

A. Age Qualified Community. An age qualified community shall consist of any one or more of the following types of residential Dwelling Units provided that, the type of Dwelling Unit is permitted by-right in the Zoning District in which the age qualified community is proposed:

- (1) Single-Family Detached Dwelling

- (2) Single-Family Semi-Attached Dwelling
- (3) Two-Family Dwelling
- (4) Townhouse Dwelling
- (5) Multi-Family Low-Rise Dwelling

B. Accessory Uses shall be limited to the following:

- (1) Uses customarily incidental to the above listed dwelling types.
- (2) Recreational Uses for the exclusive use of members of the age-qualified community and their guests.
 - (a) Permitted Uses. Recreational Use facilities permitted as accessory to an Age- Qualified Community may include parks, indoor and outdoor swimming pools, athletic courts, athletic fields, pedestrian pathways, nature trails, golf/putting/chipping areas, and similar Uses.
 - (b) Prohibited Uses. Recreational Use facilities for an Age-Qualified Community must not include amusement parks, arenas, motor sports parks, racetracks, stadiums, water parks, adult-oriented businesses, and sexually oriented businesses and services.
- (3) Community center or clubhouse consisting of, inter alia, activity rooms, kitchen areas, meeting rooms, craft rooms, fitness rooms, lounges, or similar facilities for the exclusive use of members of the age-qualified community and invited guests.
- (4) Administrative and sales facilities exclusively for the management of the age- qualified community and located within the community center, except that model units may contain sales facilities until build-out of the Development.
- (5) Service facilities exclusively for the operation of the age-qualified community.
- (6) Gate houses, entrance facilities, and other similar Structures.

C. Bulk and Design Requirements:

- (1) No minimum Lot size.
- (2) Maximum Impervious Coverage: 50%
- (3) Maximum gross density: 6 Dwelling Units per acre
- (4) Buffer Yard: 15-foot wide buffer along all front, side, and rear perimeter Lot Lines
- (5) For the purposes of this chapter, all Single-Family Dwelling Units that are Manufactured Homes shall require the following:
 - (a) a permanent foundation, as determined by the Borough Engineer;
 - (b) a permanent, non-temporary, connection to utilities; and
 - (c) a valid written and recordable deed, and explicitly no vehicular titles.

(6) All Single-Family dwellings shall have a minimum square footage requirement of Six Hundred Fifty square feet (650 sq ft) or shall comply with the minimum square footage requirements of the International Building Code, whichever is more restrictive.

(7) Interior Right-of-Way Setback

(a) Principal Buildings must be Setback 20 feet from the Cartway of all interior Streets.

(b) Garages must be Setback 30 feet from the Cartway of all interior Streets.

(8) Building Separation

(a) Single-Family Detached Dwellings must be separated by a minimum 15 feet.

(b) All other Building types must be separated by a minimum 25 feet.

(9) Tract Setback. A minimum 25-foot Setback must be provided along all perimeter Lot Lines.

(a) No Building or Structure may be placed in this Setback.

(b) The required Buffer Yard may be provided within this Setback.

(10) Open Space. A minimum of 50% of the Tract area of the age qualified community shall be set aside as open space, in accordance with §27-405.1.D.7, below. Areas designated as open space for the purpose of this subsection shall be designated on the approved Land Development plan and guaranteed by deed restrictions, covenants or other instruments filed of record and binding in perpetuity.

D. General Requirements.

(1) Form of Ownership. Fee simple or condominium form of ownership may be utilized, however regardless of the form of ownership, the Applicant shall establish a community organization which shall be funded in such a manner as to be financially responsible for the operation, maintenance and upkeep of the age qualified community and the improvements and common amenities forming a part thereof.

(2) Declaration of Age Qualification. In addition to the requirements of subsection D(1), above, prior to the recording of the Land Development plan, the Applicant shall record a declaration against the property being developed, in a form acceptable to the Borough Solicitor, binding the property and owners to the minimum age qualification and such other regulations as may be established by the Applicant. Such qualifications and regulations shall be in accordance with all applicable federal and State laws and the regulations promulgated thereunder. The recorded declaration shall relieve the Borough from any obligation to enforce the qualifications and regulations set forth therein, and shall place the primary obligation of enforcement on the residents/owners and/or governing association, if any, of the Development.

(3) Utilities.

(a) The age qualified community shall be served by both public water and public sewer service, and Public Water Service shall be sufficient to provide firefighting capabilities to the satisfaction of the Borough. The public water and sewer service (excluding laterals) together with all associated Easements shall be transferred and conveyed to the Borough by appropriate instruments for the nominal consideration of \$1. The above notwithstanding, the Borough shall retain complete discretion whether to accept dedication of any pump station and force main facilities.

(b) All fire services shall be designed and constructed to meet or exceed ISO standards. The heads of all emergency services within the Borough or their designees shall review and approve those aspects of the Land Development plan relating to the provision of such services, including, but not limited to, water pressure, fire hydrant locations, turning radii, access to Dwelling Units and other Structures and access to the Development from the public Right-of-Way.

(c) All utilities to be constructed on the Tract to serve the age qualified community shall be installed underground. Design and installation of utilities shall be in accord with applicable requirements of the Borough or other provider as applicable.

(4) Pedestrian Circulation. A pedestrian circulation system shall be provided as an integral part of the age qualified community, as follows:

(a) Pedestrian sidewalks a minimum of four feet in width shall be provided on both sides of all interior access Streets, whether public or private, and along any common, off-Street Parking areas where pedestrian usage is anticipated. All pedestrian sidewalks shall be constructed using materials specified in the Borough Streets and Sidewalks Ordinance.

(b) Pedestrian sidewalks shall be set back a minimum of five feet from the curb line of all interior Streets where Street trees are placed between the sidewalk and the curb. Where Street trees are placed between the sidewalk and Building Facade the distance between the curb and sidewalk may be reduced to three feet.

(c) Pedestrian sidewalks may adjoin off-Street Parking areas, however such Parking shall not encroach upon the pedestrian sidewalk. In all cases, provision shall be made to prevent vehicles from overhanging pedestrian sidewalks.

(d) Pedestrian pathways a minimum of five feet in width shall be provided throughout the age qualified community to interconnect pedestrian sidewalks with open space, recreational space, amenities and facilities. The pedestrian pathway system shall meander throughout the open space.

(e) Pedestrian sidewalks and pathways shall meet or exceed all governmental, regulatory requirements relating to accessibility, including, but not limited to, the requirements of the ADA and the regulations promulgated there under.

(f) Nature trails may be incorporated into the pedestrian circulation system however the same shall comply with laws and governmental regulations relating to accessibility.

(g) Upon the written request of an Applicant and following a review and

recommendation by the Planning Commission, Borough Council may, in its sole discretion, modify or waive the requirements of this Part as they relate to the pedestrian circulation system. Borough Council may place reasonable conditions upon the grant of any modifications or waivers hereunder.

(5) Vehicular Circulation.

(a) Interior Streets within an age qualified community shall be private, and owned and maintained by a governing association, management corporation or other entity acceptable to the Borough.

(b) Interior Streets within the age qualified community shall be designed and constructed to Borough standards for public residential Streets, except that the Cartway width may be reduced to a minimum of 26 feet. In its discretion, Council may require that an Applicant provide Street Right-of-Way, which shall be no less than 40 feet.

(c) The Applicant shall cause to be performed at its sole cost and expense a traffic impact study. This study shall be made in accordance with all applicable industry and professional standards and certified by a professional traffic engineer. The study shall, at a minimum, detail traffic flow within the Land Development and/or Subdivision, identify points of ingress and egress, detail the effects of the Land Development/Subdivision upon local traffic movements, identify appropriate, mitigating measures and address any other specific or unique, traffic issues which may be created by the proposed Development/Subdivision. The study shall be submitted to the Borough for review and approval, and all recommendations contained in the approved traffic impact study shall be implemented by the developer in accordance with this Part and other applicable laws, rules, regulations, ordinances and standards. All improvements recommended by the approved traffic impact study shall be constructed in conjunction with the Land Development and/or Subdivision. All on site improvements shall be the responsibility of the developer.

(d) Curbs shall be provided along all Streets or Cartways.

(6) Off-Street Parking.

(a) A minimum of three off-Street Parking spaces shall be provided for each Dwelling Unit. Garage spaces may count toward this requirement provided that the developer include in its declarations and restrictions an enforceable covenant that each counted space be used for Parking and not be converted to another Use; however, at least one of the required off-Street Parking spaces must be an exterior space (outside the Garage). Alternatively, the developer may construct separate, common Parking facilities within 200 feet of the dwellings to be served thereby in accordance with regulations contained in this chapter to meet the requirements of this section.

(b) Off-Street Parking areas for the community center or other community amenities shall be set back a minimum of 20 feet from all Buildings and a minimum of 30 feet from the overall Development Tract boundaries. For the community center, a minimum of 7.5 off-Street Parking spaces shall be provided for every 1,000 square feet of Total Floor Area.

(c) Except as provided herein, off-Street Parking facilities shall comply with Part 6 of this chapter.

(7) Open Space.

(a) A minimum of 50% of the Tract area of the age qualified community shall be set aside as open space. Open space for the purpose of this section shall be defined as land areas that are not occupied by Buildings, Structures, Parking areas, Streets, Alleys, sidewalks, other Impervious Surfaces, or stormwater management facilities (except as noted in paragraph B below). Open space may be devoted to landscaping preservation of natural features, common recreation areas (as described in subsection D(8), below), and pedestrian trails.

(b) With Borough (and, as applicable, other outside agency) approval, land area containing stormwater management facilities designed and constructed as wet ponds or shallow basins and which incorporate natural features, landscaping or other, similar qualities may be attributable to the open space requirement of this section.

(c) Significant natural features such as woodland areas, large trees, natural watercourses, bodies of water, rock outcroppings, and scenic views shall be incorporated into open space areas.

(d) Upon the written request of an Applicant and following a review and recommendation by the Planning Commission, Borough Council may, in its sole discretion, modify or waive the requirements of this Part as they relate to open space. Borough Council may place reasonable conditions upon the grant of any modifications or waivers hereunder.

(8) Recreational Use Areas.

(a) A minimum of 10% of the Tract area of the age qualified community shall be set aside as area for recreational Use, which shall be for the exclusive use of the residents of the age qualified community and their guests. This requirement may be satisfied through provision of one or more individual common recreation areas.

(b) At least 50% of the total required recreational Use area acreage shall be provided in one or more areas that each have a minimum dimension of not less than 100 feet by 100 feet, a maximum Slope of 6%, and being at least 20 feet from all Buildings, Streets, Parking areas, Alleys, and stormwater management facilities.

(c) Areas associated with environmentally sensitive features that would otherwise prohibit or restrict Development, such Wetlands, floodplains, and steep Slopes in excess of 10% of the Lot Area shall not be utilized as or attributable to the required recreational Use areas.

(d) Recreational Use areas may be open space areas or recreational Buildings or facilities.

(e) Recreational Use areas otherwise meeting the requirements for open space within the meaning of subsection D(7) of this section may be counted toward the developer's obligation to provide open space pursuant to that subsection.

(f) Upon the written request of an Applicant and following a review and recommendation by the Planning Commission, Borough Council may, in its sole discretion, modify or waive the requirements of this Part as they relate to recreational Use areas. Borough Council may place reasonable conditions upon the grant of any modifications or waivers hereunder.

(9) SALDO Park and Recreation Requirements. Nothing contained herein shall relieve the Applicant of its obligation to provide land suitable for park or recreation purposes (or statutory alternatives thereto) pursuant to §503 of the Municipalities Planning Code, as amended, and the Borough Subdivision and Land Development Ordinance [Chapter 22] as may be amended from time to time. Such compliance shall be in addition to, and not in lieu of, compliance with the open space and common recreation area requirements of this Part.

(10) Record Plan Requirements. The Applicant shall include on the record plan for the Development and within the governing association documents) or management corporation document(s) a depiction of all open space and common recreation areas necessary to satisfy the requirements of This Ordinance. In addition, the developer shall include on the record plan and within the governing association documents) or management corporation document(s) a statement that no Buildings, Structures, or other Impervious Surfaces (other than pedestrian pathways and nature trails) shall be permitted to be built in the required open space.

(11) Other Requirements.

(a) Unless otherwise stated in this Part, the Borough, in its sole discretion, shall determine whether it is in the Borough's interest to accept all or a portion of any infrastructure within the age qualified community, including, but not limited to, Streets, utilities, recreational areas, and community facilities; and all such amenities shall be constructed, owned, and operated by a financially responsible governing association or management corporation.

(b) Ownership, maintenance, and Use provisions associated with all infrastructure and common amenities and facilities within the age qualified community shall be identified within a governing association document(s) or management corporation document(s). The document(s) shall be submitted to the municipality for review and approval prior to final plan approval by the Borough.

(c) All parcels of land intended to form a single, age qualified community under this Part shall be consolidated into a single parcel regardless of municipal boundaries. A parcel of land may be added subsequently to the age qualified community, provided that the parcel is consolidated with the original parcel and provided that the proposed Development continues to meet all the requirements of this Part with respect to the parcel, as consolidated.

2. Assisted Living Facility. Any Premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding 24 hours for 4 or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self-administration

3. Bed and Breakfast. A private residence providing temporary lodging to the public consisting of no more than 10 sleeping rooms and in which breakfast is the only meal served and is included in the lodging charge. The following Use regulations apply:

A. The residential nature of the neighborhood or the character of the Dwelling as a residence must not be altered.

B. Access to guestrooms must be via a main entrance, lobby, or foyer within the

Building. No guestroom must have a separate exterior access, except as may be required by applicable fire or Building codes.

C. No employees who are not otherwise eligible to be a member of the same household with the owner of the Bed and Breakfast may live on-site.

D. A Bed and Breakfast may have a Sign in accordance with Part 6 of this Chapter.

E. Off-Street Parking areas must be screened from the Street and Abutting Dwellings.

F. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted by the Zoning District regulations.

G. No guest shall stay for more than 14 days in any 30-day period.

H. The Use of any amenities provided by the bed and breakfast, such as swimming pool or tennis court, shall be restricted in use to the clientele and Permanent residents of the establishment and their occasional invited guests, unless Commercial Recreation is also permitted by the Zoning District regulations.

4. Clustered Development. A Clustered Development is a group of Single-Family Detached Dwellings in a flexible Development that responds to sensitive natural features. The following Use regulations apply:

A. Applicability.

(1) A Tract may be eligible for approval for a single-Family cluster Development if it includes a minimum of one acre in common ownership in a permitted Zoning District.

(2) No more than 1 unit per 20,000 square feet of Tract area is permitted.

(3) Tract Area. For the purposes of this section, the term "total area of the Tract" shall mean the total Lot Area or the total Lot Area of contiguous Lots in common ownership minus areas within the existing and future Rights-of-Way of existing Streets. The total area of the Tract may include: (1) the Right-of-Way of any new future Streets proposed within the Tract; and (2) any proposed open space.

(4) The Clustered Development must be designed as a unified, coordinated residential Development, and shall be approved within a Development plan controlled by a single developer. After final Subdivision approval and within an approved Development agreement, a developer may sell individual Lots to different builders or home buyers, provided that the developer or successor remains responsible for ensuring the compliance with the approved Development plan.

B. Other Requirements. All the same regulations in this chapter and other Borough ordinances that would apply to any other Development shall also apply to a Clustered Development, except for those requirements that are specifically stated in this section as being

adjusted.

C. Conditions for Approval. In addition to the specific requirements of this section, a Clustered Development shall only be approved as a Conditional Use if the Applicant proves to the satisfaction of the Borough Council, based upon review by the Planning Commission, that the following conditions will be met:

(1) That the Clustered Development would clearly serve a valid public purpose that would result in a Development that would be superior to what would result if the land would be Development as a conventional Development. Such valid public purposes include but are not limited to the following:

(a) The Permanent preservation through deed restrictions of dense forests, steep Slopes, Wetlands, creek valleys, highly scenic areas, or other sensitive natural features.

(b) The Permanent preservation of a substantial area of land in agricultural Uses, in a sized Tract that allows for efficient agricultural Use.

(c) The dedication of public parkland at a site along a perennial waterway or that is Adjacent to existing public parkland or where a proposed park is recommended by the Borough's Comprehensive Plan or Park and Recreation Plan or that is otherwise deemed by the Borough Council to be clearly suitable for active or passive recreation.

(d) The clustering of homes in a location that will be substantially buffered from highly noxious nuisance generating Uses, such as an existing or planned Expressway or major arterial highway.

(2) That the Clustered Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep Slopes, and Wetlands. Areas along creeks shall be preserved in their natural state, except for landscaping, erosion control improvements and needed utility, Street, and driveway crossings.

D. Open Space.

(1) Minimum Amount of Open Space.

(a) A minimum of 20% of the Tract area within a Clustered Development shall be Permanently preserved as public, semipublic, or private open space, which shall be preserved by a conservation Easement or dedication within the requirements of this section.

(b) The required open space under this section shall be in addition to any open space required to be preserved or dedicated or fees in lieu of recreation land that may be required under other sections of this chapter or the Borough Subdivision and Land Development Ordinance [Chapter 22].

(2) Method of Preserving Open Space.

(a) The method of ownership and preservation of the required open space shall be

determined prior to Conditional Use approval. The Borough shall be given right of first refusal at the time of the Conditional Use review to accept proposed open space as public open space. Required open space shall be Permanently preserved by one of the following methods:

(i) Dedication to Emmaus Borough as public open space if the Borough Council agrees in writing to such dedication and agrees to maintain such land for public open space.

(ii) Dedication to the County of Lehigh as public open space if the County government agrees in writing to such dedication and agrees to maintain such land for public open space

(iii) Dedication to the East Penn School District if the school district agrees in writing to accept such dedication and to use and maintain the land for public school Buildings and public open space.

(iv) Dedication to a legally binding homeowner association as common nonpublic open space, with such homeowners being legally bound to ensure the maintenance and preservation of such land.

(v) Dedication of the land itself or dedication of a Permanent conservation Easement to an established nature conservation organization acceptable to the Borough Council. (Such dedication may or may not involve actual ownership by such organization and may or may not provide for public access.) If only a conservation Easement is to be dedicated, then such open space may remain privately owned within certain Lots that are larger than would otherwise be required.

(vi) Dedication of a Permanent conservation Easement to the Borough, with such land remaining privately owned and part of individual Lots. The Borough may also require that duplicate conservation Easements be provided through agreements with both the Borough and a nature conservation organization to provide increased assurance that the land will be preserved.

(b) The Borough Council shall only approve a Clustered Development if such Council determines that there will be an acceptable method to ensure Permanent preservation of the required open space. Narrow stretches of isolated publicly- owned open space stretching between residential Lots should be avoided because of limited usefulness and to ensure the security and privacy of nearby residents.

(3) Open Space Standards. Required open spaces shall meet all the following requirements:

(a) Such open space shall be Permanently deed restricted to prevent the construction of Buildings or the Use for any commercial purposes or the Use of the land for commercial forestry.

(b) Stormwater detention basins and areas within 25 feet of existing or proposed Buildings shall not count towards the required open space, except for areas that the Applicant proves to the satisfaction of the Borough Council will clearly be suitable and safe for active or passive recreation.

(c) Wetlands as defined by current Federal or State regulations shall not count towards the required open space.

(d) Land immediately beneath or within 50 feet of electric overhead transmission lines of 35 or more kilovolts of intended capacity and towers shall not count towards the required open space.

(e) Open space intended to be open to the public shall meet one of the following two requirements:

(i) Have pedestrian access a minimum of 20 feet width to a public Street or a private Street to which the public is Permanently granted access and be a minimum of three contiguous acres in area.

(ii) Directly Abut an existing Common Open Space area which has such access.

(f) Any homeowner association agreement shall be subject to review by the Borough Solicitor, and the Borough Council may require reasonable adjustments to such agreement based upon such review. The provisions of § 705(f) parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended, 53 P.S. § 10705(f) or such successor sections, shall serve as a general guide for such agreement.

(g) Improvements to Open Spaces. The application shall include a detailed and legally binding (if approved) description of what improvements the Applicant will make to any land intended to be publicly dedicated to make it suitable for its intended purpose.

(i) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, Development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.

(ii) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.

(iii) All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.

E. Uses. A Clustered Development may only include single-Family Detached dwellings, golf course (with areas within the Clustered Development having a 3% maximum Impervious Coverage), nature preserves, Borough-owned recreation, and their customary permitted Accessory Uses.

F. Phasing. The Development shall include a phasing system that shall be approved by the Borough Council. Such phases shall ensure that the requirements of this Part would be met after the completion of any one phase, and that the Development could properly function without the construction of additional phases.

5. Conversion of Single-Family Dwelling to Multi-Unit Dwelling. An existing Single-Family Semi-Detached Dwelling that has been converted or will be converted to individual dwellings for

more than one Family, without substantially altering the exterior of the Building. The following Use regulations apply:

- A. Minimum apartment size shall conform to the following scale:

Number of Bedrooms | Usable Living Area

0-1	500 Square Feet
2	650 Square Feet
3-4	850 Square Feet

- B. Only existing, single-Family Semi-Detached dwellings may be converted for Conversion apartment Use.

- C. A maximum of 4 units may be created by the Conversion of a single-Family Detached Structure.

- D. The Building must maintain the appearance of a Single-Family Detached Dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the Structure or the Dwelling Units may internally share the single front entrance.

- E. The Conversion is not permitted if it would require the placement of an exterior stairway on the front of the Building.

- F. Separate cooking and sanitary facilities must be provided for each Dwelling Unit.

6. Conversion of Commercial Building to Multi-Unit Dwelling. An existing nonresidential Use that has been converted or will be converted to individual dwellings for more than one Family or a mixed-Use Building having first floor commercial and upper floor(s) multi-Family Dwelling Units. The following Use regulations apply:

- A. Minimum apartment size shall conform to the following scale:

Number of Bedrooms | Usable Living Area

0-1	500 Square Feet
2	650 Square Feet
3-4	850 Square Feet

- B. Separate cooking and sanitary facilities must be provided for each Dwelling Unit.

- C. In the event the total square footage being converted to residential does not exceed one thousand (1,000) square feet, and the first floor is in a mixed-Use Building with the first floor being legally permitted as a commercial usage, the first floor building height requirement shall be a minimum of eight feet (8')

7. Dwelling. A Building containing one or more Dwelling Units. The term Dwelling or any phrase including Dwelling does not include Hotel, Rooming House and Boardinghouse, Hospital, or other accommodations used for transient occupancy.

- A. Single-Family Detached Dwelling. A Building used by 1 Family, having only 1

Dwelling Unit, and surrounded by open space or yards and which is not attached to any other Dwelling by any means. Only 1 single-Family Detached Dwelling is permitted for each legally subdivided Building Lot.

B. Single-Family Semi-Attached Dwelling. One of two Buildings arranged or designed as a Dwelling, located on Abutting Lots, and separated from each other by a solid partition—without openings—extending from the Basement floor to the highest portion of the Roof along the dividing Lot Line and separated from any other Building or Structure by space on all sides.

C. Two-Family Dwelling. A Building located on one Lot containing not more than two Dwelling Units, arranged one above the other or side by side, and not occupied by more than two Families.

D. Townhouse Dwelling. One of a series of a minimum of 3 and a maximum of 8 attached Dwelling Units separated from one another by continuous vertical solid partitions without opening from Basement floor through the Roof.

E. Multi-Family Dwelling, Low-Rise. A Building containing 3 or more Dwelling Units and occupied by 3 or more Families that is no more than 3 stories in Height.

F. Multi-Family Dwelling, Mid-Rise. A Building containing 3 or more Dwelling Units and occupied by 3 or more Families that is more than 3 stories in Height and up to 6 stories as permitted in the applicable Zoning District regulations in Part 3 of this Chapter.

8. Group Home. A Single-Family Dwelling Unit occupied on a relatively Permanent basis in a Family-like environment by a group of unrelated Persons with Disabilities, including paid professional support staff provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents with Disabilities are present at the dwelling. Interrelationships between residents is an essential component of a Group Home. A Group Home includes Long-Term and Short-Term Uses as defined below, but does not include a facility that meets the definition of a Treatment Center.

A. Group Home, Long-Term. A Long-Term Group Home imposes no time limit on how long an individual can reside in the Group Home. A Long-Term Group Home is a relatively Permanent living arrangement where tenancy is measured in years.

B. Group Home, Short-Term. A Short-Term Group Home is a temporary residential living arrangement for Persons receiving rehabilitative therapy and counseling from support staff who are present when residents are present. This includes therapy and counseling to help residents recuperate from the effects of drug or alcohol addiction. Residency is limited to a specific number of weeks or months.

C. The following Use regulations apply:

(1) Supervision. There shall be adequate supervision as needed by an adequate number of Person(s) trained in the field for which the group home is intended.

(2) Certification. The Use shall be licensed or certified by an applicable State, County, or federal program for group housing. A copy of any such license or certification shall be filed with the Borough and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Borough within 14 days if there is a change in the type of clients,

the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.

(3) Registration. The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Borough. Such information shall be available for public review upon request.

(4) Counseling. Any medical or counseling services provided on the Lot shall be limited to residents and a maximum of no more than four non-residents per day.

(5) Appearance. If the group home is within a Residential Zoning District, the Building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition, and character to the other residential Structures in the area. No exterior Signs or other features visible from the exterior shall identify the type of Use.

(6) Maximum Occupancy. The following maximum number of Persons shall reside in a group home, including the maximum number of employees and care-providers routinely in the group home at any point in time:

(a) Single-Family Detached dwelling with minimum Lot Area of 15,000 square feet and minimum Building Setbacks from all Residential Lot Lines of 15 feet: 6 total Persons.

(b) Single-Family Detached dwelling with minimum Lot Area of 25,000 square feet and minimum Building Setbacks from all Residential Lot Lines of 20 feet: 8 total Persons.

(c) Any other lawful Dwelling Unit: no more than five (5) total Persons.

(7) Employees. Employees of the group home shall be prohibited from having visitors on the premises, except for visitation necessary for the operation of the group home and except for emergencies.

(8) Fire Safety. The Group Home must provide smoke detectors, illuminated "exit" signs, emergency battery-powered lighting and a minimum of two "ABC" rated fire extinguishers.

9. Hotel/Apartment Hotel. A facility offering temporary lodging not in excess of thirty (30) days to the public consisting of 10 or more sleeping rooms with a bathroom for each room and providing daily room cleaning services and other guest services. In-room kitchen facilities may or may not be provided. Includes Apartment Hotels. Secondary service Uses may also be provided, such as restaurants and meeting rooms. The following Use regulations apply:

A. Minimum Lot Area: 10,000 square feet.

B. A private lobby shall be included.

C. Rooms shall be accessed from the interior of the Building, including from interior courtyards, lobbies, or halls.

D. Recreational facilities limited to guests of the Use and a standard Eating & Drinking Place may be permitted Accessory Uses to a Hotel.

10. Mixed-Use Building. A Mixed-Use Building integrates residential and non-residential Uses within the same Building where non-residential Uses are permitted on the first floor of the Building and Multi-Family Dwelling Unit(s) are permitted on the upper floor(s). These Buildings shall comply with all standards for non-residential Building plus the following supplemental Use regulations:

A. Uses permitted on first floor:

- (1) Civic and Institutional Uses.
- (2) Retail Uses.
- (3) Services Uses.

B. Uses permitted on upper floor(s):

- (1) Multi-Family Dwelling

11. Rooming house and Boarding house.

A. Rooming house. A residential Structure whose Principal Use is to provide lodging, but not meals, for compensation by prearrangement for definite periods, to between 3 and 20 roomers, wherein no dining facilities are maintained for the roomer and in which bathrooms may or may not be shared.

B. Boardinghouse. A residential Structure where lodging and meals are provided for compensation to between 3 and 20 boarders by pre-arrangement for indefinite periods.

C. Rooming house and Boarding house are distinguished from Hotels/Apartment Hotels and Bed and Breakfast facilities by the following:

(1) The length of stay is typically longer (typically a minimum of two weeks) for Rooming house and Boarding house.

(2) Roomers and boarders often have personal household appliances (such as toaster ovens and mini refrigerators).

(3) There is no daily room cleaning or other guest services provided for rooming or Boardinghouse.

(4) The architectural character of a Rooming house or Boarding house Structure is primarily residential in nature.

D. The following Use regulations apply to Rooming houses and Boardinghouses:

(1) Minimum Lot Area: 35,000 square feet.

(2) Minimum Front Setback: 25 feet.

(3) Minimum Setback from all other Lot Lines: 40 feet.

(4) Minimum Lot Width: 125 feet.

(5) Density. A minimum of 5,000 square feet of Lot Area per sleeping room or rental unit, whichever is more restrictive.

(6) Each sleeping room shall be limited to two Persons each. A minimum of one full bathroom shall be provided for every four sleeping

rooms.

(7) Interior Space. A minimum of 250 square feet of interior floor area per resident.

(8) Maximum number of residents: 20.

(9) A 15-foot wide Buffer Yard shall be provided between any boardinghouse Building and any Abutting single-Family Detached dwelling that is within 100 feet of the proposed boardinghouse Building.

(10) Rooms shall be rented for a minimum period of five consecutive days.

(11) Signs shall be limited to one Wall Sign with a maximum of two square feet per side.

12. Short-Term Rental. A Principal Use of a Building where, for compensation, temporary lodging is provided for transient guests for less than 30 consecutive days and meals are not provided. This Use does not include Hotel, Motel, or Bed and Breakfast. The following Use regulation apply:

A. Permit Required.

(1) A Building/Zoning Permit or Zoning Occupancy Permit is required for a Short-Term Rental Use the same as any other Principal Use. Operation of a Short-Term Rental without a Building/Zoning Permit or Zoning Occupancy Permit is a violation of this Chapter.

(2) Permit Application Requirements. In addition to the Permit requirements of §27-109, Short-Term Rental Permit applications must contain the following information:

(a) The name, address, telephone number, and email address of the Owner.

(b) The name, address, and 24-hour telephone number of the designated Local Property Representative.

(c) Floor plan identifying rooms on all floors, specific location of bedrooms, and location of any pools labeled as either in-ground or above-ground.

(d) The total number of bedrooms.

(e) If the Building is a multi-unit Structure, the total number of Dwelling Units in the Structure and the number of Dwelling Units being used as Short-Term Rentals.

(f) A diagram or aerial photograph showing the location and number of on-site Parking spaces.

(g) Copy of current Pennsylvania Sales and Use Tax Permit or signed attestation that a third party collects this on behalf of the Short-Term Rental owner.

(h) Signatures of the Owner and the designated Local Property Representative.

(i) By signing the Short-Term Rental application, the Owner gives authorization to the Borough to enter onto the property to inspect and ensure compliance with this Chapter and all applicable ordinances and regulations administered and enforced by the Borough.

(j) Written notice to an applicable homeowners' association, indicating the intent to make the application for Use of the subject residential property for a Short-Term Rental, when applicable.

(3) A separate Short-Term Rental Building/Zoning Permit or Zoning Occupancy Permit is required for each Dwelling Unit being rented as a Short-Term Rental.

B. Operating Standards.

(1) Local Property Representative. The Property Owner must designate a Local Property Representative. The name, address, and telephone number of the Property Owner and Local Property Representative must be kept on file at the Borough. The Local Property Representative must be available 24-hours per day, 7 days per week, for the following purposes:

- (a) To respond within 1 hour to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental.
- (b) To take remedial action to resolve any such complaints.
- (c) Failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of approval or civil or criminal penalties.

(2) Occupancy. Maximum daytime and overnight occupancy of the Short-Term Rental must be based on the UCC standards. The Property Owner or Local Property Representative must be responsible for ensure that the Dwelling Unit is in conformance with its maximum occupancy.

(3) Restrictions on Use. A renter may not use a Short-Term Rental for a purpose not incidental to its Use for lodging or sleeping purposed. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.

(4) Parking. There will be no demand for Parking beyond that which is normal to the current residential property Use and no unusual or excessive traffic to and from the premises.

(5) Signage. No outdoor advertising Signs related to the rental of the Dwelling Unit are permitted on the site.

(6) Informational Packet. A packet of information must be provided to renters and posted conspicuously in the common area of the Short-Term Rental summarizing guidelines and restrictions applicable to the Short-Term Rental Use, including:

- (a) The physical Street address of the property.
- (b) The maximum number of occupants permitted to stay in the Dwelling Unit and the maximum number of day guests permitted at any one time.
- (c) Applicable noise and Use restrictions.
- (d) Location of designated off-Street Parking and maximum number of vehicles allowed.
- (e) The trash pick-up day and notification that trash and refuse must not be left or stored outside of designated receptacles on the exterior of the property.
- (f) The name of the owner of the unit and or the Local Property Representative and a telephone number at which that party can be reached on a 24-hour basis.
- (g) Evacuation routes.
- (h) The renter's responsibility not to trespass on private property or to create disturbances.
- (i) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Borough Municipal Code, including

Parking and occupancy limits.

(j) Notification that Short-Term Rental occupants and guests are required to make the property available for inspection by the Borough upon request.

(7) A copy of the Borough Short-Term Rental Permit must be posted within the Dwelling Unit.

(8) Insurance. The Property Owner shall maintain on file at the Borough an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.

(9) Outdoor Parking for overnight and day guests shall be limited to available Parking areas on the Short-Term Rental property. Parking for Short-Term Rental guests shall not include any lawns or vegetated areas or spaces in any Right-of-Way.

(10) Short-Term Rental occupants or guests shall not engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or Person by loud, unusual, or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.

(11) The owner or Local Property Representative shall use best efforts to assure that the occupants or guests of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Borough Municipal Code or any State law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short-Term Rentals and responding when notified that occupants are violating laws, ordinances, or regulations regarding their occupancy.

(12) The owner or Local Property Representative shall, upon notification that occupants or guests of the Short-Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct, or otherwise violated provisions of the Borough Municipal Code or State law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

(13) Overnight occupancy of Recreational Vehicles, camper trailers, and tents at the property where the Short-Term Rental is located is prohibited. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.

(14) A Short-Term Rental shall not have any outside appearance indicating a change of Use.

(15) Fireworks and floating lanterns are prohibited.

(16) Subleasing all or a portion of the Dwelling Unit is prohibited.

13. Temporary Shelter Facility. A public or non-profit facility providing temporary, emergency housing, and social, health, and related services for families or individuals 18 years of age or older, who are without resources and access to shelter. The following regulations apply:

A. The Use shall only be operated by or in conjunction with a governmental, non-profit, welfare or charitable service.

B. The maximum number of residents of the lodging shall be based upon a ratio of one Person for every 50 square feet of interior space devoted to sleeping area.

- C. The facility shall have staffing on-site during all hours of operation.
- D. At least one toilet and shower must be provided for every 15 shelter beds.
- E. New Temporary Shelter facilities shall not be located within 2,000 feet of another Temporary Shelter, or a Community Home, Halfway House, Medical Clinic, Hospital, School, or Park.
- F. The Temporary Shelter facility must be open to the individuals it serves for 24 hours per day, including the provision of an indoor waiting area for Use by individuals when a portion of the facility is not open for operation. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services outdoors.
- G. All functions associated with the Temporary Shelter facility, except for children's play areas, outdoor recreation areas, and Parking must take place within the Building housing the shelter.

Table 27-4.B Principal Uses – Civic and Institutional Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by-Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Urban Edge Neighborhood	Urban Core Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	R W	RE	RC	UE N	UC N	UG	D N	D C	E D
Assembly, Neighborhood			P	P	P	P	P	P	P	P	P
Assembly, General								P		P	P
Cemetery		P	P	P	P	P	P	P	P	P	
Government Facility						P	P	P	P	P	P
Higher Education						P	P	P	P	P	P
Library/Museum							P	P	P	P	P
Police/Fire/EMS	P	P	P	P	P	P	P	P	P	P	P
School			P	P	P	P	P	P	P	P	P

§27-406 Principal Uses – Civic and Institutional Uses

A category of Uses that fulfill the needs of day-to-day community life including assembly, public services, education facilities, and Hospitals.

1. Assembly. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Includes such Uses as Religious Institutions, houses of worship, community centers, auditoriums, civic centers, convention centers, performing arts facilities, and recreation centers.

A. Assembly, Neighborhood. An assembly Use that occupies a Building with less than 10,000 square feet of Total Floor Area.

B. Assembly, General. An assembly Use that occupies a Building with 10,000 square feet or more Total Floor Area.

2. Cemetery. Land or Buildings used for the burial of deceased humans, but not animals. The internment or scattering of remains of properly cremated humans is not regulated by this Chapter. The following Use regulations apply:

A. The minimum Lot Area for a new cemetery is 2 acres.

B. A crematorium must be Setback a minimum of 250 feet from all Residential Lot Lines.

C. All Structures and graves must be Setback a minimum of 30 feet from all Residential Lot Lines, 20 feet from any current or proposed Street Right-of-Way, and 10 feet from the Cartway of an internal driveway.

D. No graves are permitted within the 100-year floodplain.

E. The Applicant must provide evidence that the Use will include an appropriate Permanent system to ensure perpetual maintenance in accordance with 9 P.S. § 101 et seq., or any other relevant Pennsylvania statute regarding the care and maintenance of cemeteries, graveyards or other similar usages. The Zoning Officer will determine the appropriateness based upon a review by the Borough Solicitor.

3. Government Facility. A single-purpose public facility used for civic functions, which includes a place for public assembly in a portion of the facility, for the executive, legislative, or judicial branches of the State or a political subdivision thereof. Includes Borough Hall, Borough Council chambers, and courts. Does not include office Buildings occupied by a government entity that are also utilized by private or non-governmental occupants.

4. Higher Education. An institution for post-secondary education, public or private, for higher education that grants associate or bachelor's degrees and may also have research facilities, professional schools that grant master's and doctoral degrees, or trade schools.

5. Library/Museum. A Structure open to the public housing educational, cultural, artistic, or Historic information, resources, and exhibits. Includes such uses as libraries, museums, aquariums, planetariums, and exhibitions. May also include theater space, food service, and a gift shop.

6. Police/Fire/EMS. A facility providing public safety and emergency services; training facilities, locker rooms, and limited overnight accommodations may also be included - provided those accommodations are reserved exclusively for emergency and/or essential services personnel.

7. School. Public or private education facilities with classrooms and offices, which may also include associated indoor and outdoor facilities such as ball courts, gymnasium, theater, food service, and athletic fields. An accessory school stadium is not considered a Stadium/Arena. Facilities may be on a larger-scale campus and include significant traffic and Parking. The following Use regulations apply:

A. The Applicant shall meet all requirements of the Commonwealth of Pennsylvania

Code, Title 25, Chapter 171, Schools and State and Federal requirements for the construction, remodeling or Alteration, or Conversion of an existing property to an educational facility.

Table 27-4.C Principal Uses – Agriculture, Forestry, and Open Space Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by- Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non- Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Edge Urban Neighborhood	Core Urban Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	R W	RE	RC	UE N	UC N	UG	D N	D C	E D
Agriculture Operation		P					P				
Community Garden		P	P	P	P	P	P				
Forestry Operation	C	P	P	P	P	P	P	P	P	P	P
Nature Preserve	P	P	P								
Park	P	P	P	P	P	P	P	P	P	P	P

§27-407 Principal Uses – Agriculture, Forestry, and Open Space Uses

A category of Uses generally applicable to the Use of the land and may not require Buildings or other facilities Uses for agriculture, active or passive, public, or private, outdoor recreation, education, or entertainment.

1. Agriculture Operation. An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or Use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological Development within the agricultural industry. The following Use regulations apply:

A. The following requirements apply to Uses that include the raising of livestock:

(1) Minimum Lot Area: 7 acres.

(2) Any newly developed indoor area used for the keeping of animals or indoor or outdoor manure storage areas or feeding areas that are part of a raising of livestock Use shall be located a minimum of 250 feet from the following: Lot Lines of existing dwellings

(except the dwelling of the operator of the livestock Use), undeveloped Lots in Residential Zoning Districts, existing restaurants and existing office Uses and a minimum of 100 feet from all other exterior Lot Lines.

(3) Any additions to an existing indoor area used for the raising of livestock or indoor or outdoor manure storage areas or feeding areas that are part of raising of livestock Use shall be located a minimum of 200 feet from the Lot Lines of existing dwellings (except the dwelling of the operator of the livestock Use) and undeveloped Lots in Residential Zoning Districts.

(4) Any area used for the keeping of animals as part of a raising of livestock Use that is not regulated by the standards of subsections (2) and (3), above, shall be separated by a fence or wall and Setback 50 feet from any Lot Line of an existing dwelling or an undeveloped Lot in a Residential Zoning District.

B. The following regulations apply to Uses that include a stable:

(1) Minimum Lot Area: 3 acres.

(2) Any horse barn, corral, fenced-in area or stable shall be a minimum of 25 feet from any Lot Line, except 150 feet from any Residential Lot Line.

2. Community Garden. A space used to grow plants for personal enjoyment or consumption, education, recreation, community enjoyment or consumption, or beautification by members of the neighboring community. Community Gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by community group members. The following Use regulations apply:

A. Requirements for Food Production.

(1) The Site shall have reliable and legal access to an onsite source of water. Use of water storage systems for non-potable uses are permitted.

(2) The Site shall be operated in a manner that prevents the drainage of water or chemicals onto any neighboring property.

(3) Site operators shall ensure that soils are suitable for food production and shall obtain any Permits for operation required by law.

(4) Tools, supplies, and machinery shall be stored in an enclosed Structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked Structure when the Site is unattended.

(5) At the end of the growing season (and no later than December 15 of each year), all plant material must be cut to no more than 6 inches in Height, unless there is an agricultural reason for keeping the plant materials uncut.

(6) One identification Sign containing the name and phone number of the primary contact Person for the Site is required. The Sign shall be designed in accordance with Part 6, Signs of this Chapter. The Sign shall be visible from the most active Adjacent Street.

B. Operating Rules. Applicants must establish operating rules addressing the governance Structure of the Community Garden, hours of operation, maintenance, assignment of garden plots when applicable, and security requirements.

C. Garden Coordinator. Applicants must identify a garden coordinator to manage the garden and act as the point of contact with the Borough. The coordinator shall be an employee or volunteer of a public entity, non-profit organization, or other community- based organization. Applicants must file the name and telephone number of the garden coordinator and a copy of the operating rules with the Zoning Officer.

3. Forestry Operation. 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. The following Use regulations apply:

A. A forestry management plan shall be prepared and followed for any commercial forestry involving more than 1/3 acre. This plan shall be prepared by a professional forester.

B. The forestry management plan shall be consistent with the timber harvesting guidelines of the Pennsylvania Forestry Association.

C. Clearcutting shall be prohibited except on areas to be forested of less than 5,000 square feet.

D. On areas to be forested that are larger than 5,000 square feet, at least 25% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 25% of these residual trees shall be composed of higher value species as determined by a professional forester.

E. An erosion and sedimentation control plan shall be submitted to the County Conservation District for any review and recommendation.

F. The forestry management plan shall include an appropriate method to ensure re-forestation, except for areas approved for a permitted Use.

G. Commercial forestry is prohibited on areas with Slopes greater than 25% or within the 100-year floodway.

H. The Tree Protection regulations in Part 5 also apply.

4. Nature Preserve. Areas in which human activities are very limited and where the natural environment is protected from human-made changes by a conservancy or conservation Easement. The nature preserve includes woodland preservation, game preserves, and wildlife sanctuaries along with any associated educational, administrative, and maintenance buildings as may be required.

5. Park. A Use of land for active or passive, public or private, outdoor space, including such Uses as parks, plazas, greens, parkettes, reflective areas, gardens, playfields, playgrounds, recreation centers, and tot lots for general recreation, athletics, and leisure. May include Historic Structures or monuments, botanical gardens, ornamental gardens, or arboretums. Accessory Uses may include picnic areas, fishing, ziplines, and Swimming Pools. The following Use regulations apply:

A. Hours of Operation. Park hours of operation shall be determined by Borough Council and such hours of operation shall be conspicuously posted at Park entrances.

B. Site Design Components, Landscape, Furnishings, and Art. The Borough shall review and approve the design of any fencing, Buildings, Structures, Historic and monument sites, playground equipment, athletic equipment, decorative fountains, human-made ponds and water features, and Signs within any park, prior to such items being installed.

C. Events. Park Uses may be utilized to host temporary festivals, events, and farmers markets pursuant to §27-413 Temporary Uses.

Table 27-4.D Principal Uses – Retail Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by- Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non- Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Edge Urban Neighborhood	Core Urban Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	RW	RE	RC	UE N	UC N	UG	D N	D C	E D
Automobile Sales								P			
Beer/Wine/Liquor Sales								P		P	
Bicycle Sales and Service						P	P	P	P	P	P
Cigarette / Vaporizer Store								P			
Commercial Equipment and Supply								P			P
Grocery Store								P	P	P	
Medical Marijuana Dispensary								P		SE	
Outdoor Sales Lot								C			
Public Market								P		P	
Retail, Neighborhood						P	P	P	P	P	
Retail, General								P		P	

§27-408 Principal Uses – Retail Uses

A category of Uses involving the sale of goods and provision of services to the public for personal or household consumption. Visibility and accessibility are important to these Uses, as most businesses typically rely heavily on walk-in customers or clients and rarely utilize scheduled appointments.

1. Automobile Sales. A business that offers automobiles for sale or lease. The following Use regulations apply:

A. Any vehicles that are displayed outside must meet the requirements for an Outdoor Sales Lot.

B. No vehicle on display is permitted in the required customer Parking area or in any required Setback area.

C. Customer Parking spaces must be clearly marked at all times.

D. A vehicle carrier loading and unloading area must be provided on-site.

2. Beer, Wine, Liquor Sales. A Retail Use that primarily sells beer, wine, or liquor with or without nonalcoholic beverages and other incidental goods. This does not include a retail Use that sells some beer, wine, or liquor in addition to its primary goods, such as a grocery store.

3. Bicycle Sales and Service. A business that offers bicycles and related accessories for sale and may also include servicing and repairs for bicycles.

4. Cigarette / Vaporizer Store. A business establishment for which more than 50% of the Total Floor Area is dedicated to the storage, mixing, display, or retail sale of cigars, cigarettes, tobacco, electronic cigarette devices, nicotine-enriched solutions, or liquid products that are Manufactured for Use with electronic cigarettes.

5. Commercial Equipment and Supply. A Use involving the large-scale sale of goods to residents or businesses within the region. The goods or merchandise sold may be of the same type or a variety of types and typically occupy a space greater than 20,000 square feet. This Use may include bulk sales and typically involves frequent commercial vehicle and consumer traffic. This Use is primarily located indoors but may also include accessory outdoor storage of goods. This includes such Uses as those listed below (this is not an exhaustive list).

A. Typical Commercial Equipment and Supply Uses.

- (1) Bottled Gas (such as propane) Sales and Supply
- (2) Heating & Air Conditioning Supply, Sales, and Service
- (3) Building Materials, Hardware, and Lumber Supply Machine Sales and Rental
- (4) Cabinet Supply (display only)
- (5) Electrical Supply
- (6) Plumbing Sales and Service
- (7) Farm Equipment and Supply Wholesale Trade

6. Medical Marijuana Dispensary. A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Department of Health of the Commonwealth of Pennsylvania ("Department of Health") to dispense Medical Marijuana. The following Use regulations apply:

A. A Medical Marijuana Dispensary shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval and at all times shall maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be revoked or denied at any time, any Borough approval shall immediately become void. Further, the pendency of approval from the Department of Health shall not authorize an applicant to take up a commercial lease, construct a storefront, or otherwise initiate business operations in the Borough until proof of registration is provided.

B. A Medical Marijuana Dispensary shall at all times operate in compliance with Act 16 of 2016, 35 P.S. § 10231.101 et seq., as amended, and all Department of Health regulations pertaining to such facilities.

C. A Medical Marijuana Dispensary may only dispense Medical Marijuana in an indoor, enclosed, secure facility within this commonwealth, as approved by the Department of Health and with other features required by the Department of Health. No exterior sales, no outdoor

seating, and no drive-through services shall be permitted.

D. A Medical Marijuana Dispensary may not operate on the same site as a Medical Marijuana Grower/Processor except as permitted by the Medical Marijuana Act of 2016 and its amendments.

E. A Medical Marijuana Dispensary may not be located within 1,000 feet of the Lot Line of a public, private, or parochial school or day-care center unless this requirement is waived by the Department of Health and authorized by Special Exception.

F. A Medical Marijuana Dispensary shall submit to the Borough and Department of Health its system to track the waste, including the name and address of any disposal service.

7. Outdoor Sales Lot. A Use involving the sale of goods or merchandise to businesses or the public, where the majority of the goods are stored or displayed outdoors. Outdoor Sales Lot include such Uses as: the sale and rental of automobiles, trucks, trailers, boats, and Recreational Vehicles; and the outdoor sale of Building materials, landscape materials, and garden supplies. The following Use regulations apply:

A. Outdoor Sales Lots are not permitted on a Corner Lot.

B. An Outdoor Sales Lot must include Permanent construction of a Building that complies with the form-based standards of the applicable Zoning District in Part 3.

C. Items on display must comply with the Principal Building Setbacks of the applicable Zoning District in Part 3.

8. Public Market. An indoor or covered, open-air Permanent Structure dedicated to the sale of local and regional food, flowers, baked goods, and small crafts, excluding secondhand goods.

9. Neighborhood Retail. A retail Use with a Total Floor Area of less than 3,000 square feet and outdoor sales limited to no more than 10% of the indoor Total Floor Area of the retail Use. Neighborhood Retail includes such Uses as those listed below. In the event a specific Neighborhood Retail Use is not identified in this subsection, the Zoning Officer shall have the authority to review the proposed Use and the Applicant shall submit to the Zoning Officer such additional information as the Zoning Officer deems necessary to render an official Determination under this Chapter.

A. Typical Neighborhood Retail Uses.

- (1) Antique Shop
- (2) Apparel, Shoes, or Accessory Store
- (3) Small Appliance Store
- (4) Art Gallery and Sales
- (5) Art or Education Supplies
- (6) Bakery with no Distribution
- (7) Bicycle and Accessory Sales
- (8) Book &/or Video Store
- (9) Camera and Photo Supply Store
- (10) China or Glassware

- (11) Collectables Store
- (12) Craft Store
- (13) Discount Variety Store (e.g., dollar stores or five and dime stores)
- (14) Drug or Cosmetics Store, except Medical Marijuana Dispensary
- (15) Electronics Sales
- (16) Fabric and Sewing Supply Store Florist
- (17) Framing Shop
- (18) Furrier Shop, no storage
- (19) Garden Supply or Nursery
- (20) Gift, Novelty and Souvenir Shop
- (21) Grocery Store
- (22) Hardware Store
- (23) Home Furnishings and Accessories
- (24) Jewelry or Gem Store
- (25) Luggage or Leather Goods
- (26) Magazine or Newspaper Store
- (27) Music or Musical Instruments
- (28) Office Machines and Supply
- (29) Optical Goods
- (30) Paint and Wallpaper Store
- (31) Party Supply Shop
- (32) Pet or Pet Supplies Shop
- (33) Public Market
- (34) Secondhand sales of any item permitted for sale new
- (35) Specialty Food (Candy, Fish, Produce, Prepared Foods, etc.)
- (36) Sporting Goods
- (37) Stationery and Paper Store
- (38) Toy or Baby Supplies

10. General Retail. A retail Use with a Total Floor Area of 3,000 square feet or greater and outdoor sales limited to no more than 25% of the indoor Total Floor Area of the retail Use. General retail includes such Uses as those listed below (this is not an exhaustive list).

A. Typical General Retail Uses.

- (1) All "Typical Neighborhood Retail Uses" 3,000 sf and over
- (2) Appliance Sales
- (3) Automotive Supply (no service)
- (4) Computer Software Sales and Leasing
- (5) Department Store
- (6) Medical Supply Store, except Medical Marijuana Dispensary
- (7) Motorcycle and Motor Scooter Sales, limited outdoor display
- (8) Nursery
- (9) Outdoor Recreation Equipment
- (10) Public Market

Table 27-4.E Principal Uses – Service Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by- Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non- Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Edge Urban Neighborhood	Core Urban Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	RW	RE	RC	UE N	UC N	UG	D N	D C	E D
Adult Day Care Center				P		P	P		P		
Automobile Fueling and Limited Repair Service								P			
Auto Repair Garage								P			
Automobile, Truck, Limousine Rental								P			
Brew Pub								P	C	P	P
Car/Vehicle Wash Facility								P			
Child Day Care				P	P	P	P	P	P	P	P
Detailing Facility								P			
Dog Day Care		P						P			P
Eateries, Small Batch						P	P	P	P	P	
Eating & Drinking Places							SE	P	P	P	P
Entertainment Assembly								P		P	
Funeral Home								P	SE		
Medical Clinic					SE	P	P	P	P	P	
Microbrewery, Microdistillery, Microwinery								P	C	P	P
Office Uses					SE	P	P	P	P	P	P
Private Club								P	C	P	
Self-storage Facility								C			C
Self-storage Facility, Indoor, Climate-controlled								SE			SE
Service, Neighborhood					SE	P	P	P	P	P	
Service, General						P	P	P	P	P	
Smoking Places								P			
Tattoo/Piercing Parlors								P		SE	
Treatment Center								SE			

§27-409 Principal Uses – Service Uses

A category of Uses that provide patrons services and limited retail products related to those services.

1. Adult Day Care Center. Any Premises operated for profit in which Adult Day Care

is simultaneously provided for 4 or more adults who are not relatives of the operator. Adult Day Care is care given for part of the 24-hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care. This does not include any facilities that meet the definition of a Treatment Center. The following Use regulations apply:

A. Constant supervision must be provided during all hours of operation.

2. Automobile Fueling and Limited Repair Service. A business involving the sale and distribution of fuel, electric vehicle battery exchange stations, and/or limited repair service for vehicles to residents of the community and region. A convenience store may also be included as a secondary Use, as well as the sale of propane and kerosene. The following Use regulations shall apply:

A. Proximity Restriction. No Automobile Fueling and Limited Repair Service Use shall be located within a twelve hundred (1,200) foot radii of another Automobile Fueling and Limited Repair Service Use.

B. Permitted Types of Repair Service. Repairs include minor engine repairs and repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers. Engine rebuilding, bodywork, and painting are not included in this definition.

C. Outdoor Storage. Disabled or inoperable Vehicles and those awaiting pick-up may be stored outdoors if all of the following occur:

(1) No more than four (4) Vehicles are stored for no more than two (2) days each.

(2) The storage area is located in the Rear Yard and screened from view of the front Lot line. The screening shall be a minimum of eight (8) feet high and shall be a galvanized chain link fence with privacy slats.

(3) The storage area shall also be screened from adjacent uses through a continuous four (4) foot wide opaque evergreen planting located on the Side and Rear Yard areas. The planting shall be a minimum of ten (10) feet high at maturity.

(4) The Vehicles must be stored in a legitimate parking space, and not in the public right of way or in a part of the Lot not specifically designated as a parking space.

D. Outdoor Activities. All repairs or washing activities must occur inside a Structure.

E. Bathroom Facilities. At least one (1) bathroom must be provided and open during regular business hours for customers.

3. Auto Repair Garage. A building and/or land where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "Automobile Fueling and Limited Repair Service." An auto repair garage shall include, but not be limited to,

any use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "Automobile Fueling and Limited Repair Service" use is also permitted as part of an "auto repair garage." This use shall not include a use meeting the definition of a "truck stop." The following Use regulations shall apply:

A. Location.

(1) Such use shall not be located within one hundred (100) feet of any property located in a residential zoning district.

(2) Repair facilities that are primarily intended to serve trucks with three or more axles or tractor-trailer trucks shall have a minimum Lot Area of 5 acres, and all areas used for repairs and serving of such vehicles shall be Setback a minimum of 250 feet from a Residential Lot Line.

B. All repair work shall be performed within an enclosed building that has adequate ventilation and fire-protection provisions.

C. All towed vehicles shall be stored on the premises, and no vehicle shall be stored or dismantled on any public street.

D. Storage, handling, and disposal of hazardous materials, as defined by federal or state statute, shall comply with the current requirements of the Pennsylvania Department of Environmental Protection (PADEP) and the United States Environmental Protection Agency (EPA).

E. Property shall be served by public water and public sewer.

F. Service bay doors must not face directly toward an Abutting Dwelling.

G. Storage of parts, dismantled vehicles, and vehicles or equipment awaiting repair shall be kept in an enclosed building or in an outdoor area with the following conditions:

(1) The storage area is located in the Rear Yard and screened from view of the Front Lot Line. The screening shall be a minimum of 8 feet high and shall be a galvanized chain link fence with privacy slats.

(2) The storage area shall also be screened from Adjacent Uses through a continuous 4- foot-wide opaque evergreen planting located on the Side and Rear Yard areas. The planting shall be a minimum of 10 feet high at maturity.

(3) The storage area must be Setback at least 20 feet from a Lot Line of an existing Dwelling.

(4) The Vehicles must be stored in a legitimate Parking space, and not in the public Right- of-Way or in a part of the Lot not specifically designated as a Parking space.

(5) Overnight storage of Junk, other than Junk Vehicles, is prohibited within view of a public Right-of-Way or a Dwelling.

H. A site circulation plan shall be devised. The plan shall include the following information:

- (1) Location and dimensions of parking, landscaping areas and signage.
- (2) Description of internal circulation and external access.

4. Automobile, Truck, Limousine Rental. A commercial facility that offers automobiles, trucks, or limousines for rent or lease for specific periods of time, including a stand-alone facility for automobile leasing services associated with an off-site automobile dealership. The following Use regulations apply:

- A. Parking. Customer Parking spaces must be clearly marked at all times.

5. Brew Pub. An Eating Place, as defined herein, that includes as an Accessory Use the on- premises production of alcoholic beverages—including beer, wine, cider, craft beverages and distilled liquors—which produces less than 100,000 gallons of such beverages per year, and primarily sells its beverages on-site, either for on- or off-premises consumption. The area used for brewing, distilling, bottling, and kegging shall not exceed 30% of the total gross leasable Floor Area. The Brew Pub must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

- A. The hours a Brew Pub may be open to customers are limited to no earlier than 10:00 AM and no later than 10:00 PM.

- B. Any Use that involves the sale of ready-to-eat food for consumption outside of a Building must provide and maintain adequate outdoor Solid Waste receptacles at convenient locations on the property for customer use.

6. Car/Vehicle Wash Facility. A structure or site equipped for cleaning/washing the exterior and/or interior of vehicles. Car wash can be self-service, full service with attendants who will clean the vehicle or a fully automatic facility. Car wash specifically includes a detailing operation. It is subject to all of the application provisions of all Ordinances pertaining to the Borough. Car/Vehicle Wash Facility is subject to the following Use regulations:

- A. Property shall be served by public water and public sewer.
- B. Lot area shall be sufficient to provide space for the building, required yards, and access.

- C. Notwithstanding the setbacks of the controlling zoning district(s), the following setback requirements shall apply to Car Wash uses:

- (1) All structures housing washing apparatuses shall be of masonry construction and set back fifty (50) feet from any street right-of-way line, twenty-five (25) feet from any rear property line, and twenty (20) feet from any side lot line.

- (2) No such building shall be located closer than one hundred (100) feet to any residential district.

- (3) For accessory carwashes, all structures and washing apparatuses shall be set back twenty (20) feet back from the rear most portion of the primary building.

- D. All structures housing washing apparatuses shall be constructed to eliminate all noise exceeding sixty (60) dBA as measured at the property line

- E. The structure shall be screened to prevent lighting from cars or the structure from shining upon adjoining properties.

F. Trash receptacles must be provided and routinely emptied to prevent litter scattering.

G. Vehicle Stacking.

(1) For self-service car washes, each washing bay shall provide a minimum one hundred (100) foot-long on-site stacking lane which precedes the washing process.

(2) For automatic and semi-automatic car washes, each bay shall provide a minimum two hundred (200) foot long stacking lane which precedes the washing process.

(3) For full-service car washes, on-site stacking shall be at least three hundred (300) feet per lane which proceeds the washing process.

(4) Vehicle stacking area(s) shall be designed and located so as not to intrude into the required front yard area.

H. Access and Circulation.

(1) The subject property shall front on an arterial or collector street.

(2) A site circulation plan shall be provided with information on the circulation and stacking on the site.

(3) Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

(4) On-lot traffic circulation channels and parking areas shall be clearly marked.

I. Environmental Controls.

(1) Car washes shall include a water reclamation system for the purpose of recycling water to the maximum degree possible given the equipment to be used in conducting car wash activities.

(2) Owners or Operators of any car wash shall not allow water to flow onto any sidewalk or street insofar as practicable.

(3) Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.

(4) A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.

(5) Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.

J. For full-service car washes, a post-washing drying area shall be provided for no less than six (6) vehicles per washing lane.

7. Child Day Care. Any licensed Premises operated for profit in which Child Day Care is provided simultaneously for 7 or more children who are not relatives of the operator, except such centers operated under social service auspices. Child Day Care means care in lieu of parental care given for part of the 24-hour day not exceeding 18 hours in any single day to children under 16 years of age, away from their own homes as follows:

A. Care provided to a child at the parent's work site when the parent is not present in the

childcare space.

B. Care provided in private or public, profit or nonprofit facilities.

C. Care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

D. Child Day Care does not include child day care furnished in places of worship during religious services.

E. The following Use regulations apply:

(1) Where permitted in Residential Zoning Districts as a Principal Use:

(a) Minimum Lot Area: 12,000 square feet.

(b) Minimum Setback from an Abutting Residential Lot Line: 15 feet.

(2) A secure fence must be installed around any outdoor areas that are routinely used for outdoor play and Abut Streets or other hazardous conditions.

(3) In Residential Zoning Districts, outside play areas must be limited to use between 8:00 AM and 8:00 PM, if located within 150 feet of an Abutting Dwelling.

(4) Outdoor play areas of a center that cares for 25 or more children at a time must be Setback a minimum of 20 feet from an Abutting existing Dwelling.

(5) Child Day Care is prohibited in a Dwelling that is physically attached to another Dwelling under separate ownership.

(6) A Building under single ownership that includes Dwelling Units may include a Child Day Care Use.

8. **Dog Day Care.** A facility providing services such as day care for all or part of a day excluding overnight boarding, obedience classes, training, grooming, or behavioral counseling. Fully enclosed outdoor play yards are permitted.

9. **Eateries, Small Batch.** An establishment selling small batch, specialty prepared foods or drinks for on-premise or off-premise consumption. Typical Uses include ice cream or coffee shops. The following Use regulations apply:

A. Maximum Floor Area: 2,000 square feet

B. The sale and consumption of alcohol is prohibited.

C. Any Use that involves the sale of ready-to-eat food for consumption outside of a Building must provide and maintain adequate outdoor Solid Waste receptacles at convenient locations on the property for customer use.

10. **Eating & Drinking Places.** An establishment selling prepared foods for on-premise or off- premise consumption or an establishment licensed and permitted under the Pennsylvania Liquor Control Board to sell alcoholic beverages, including beer, wine, and liquor for on-site consumption. Includes such Uses as restaurants, cafes, coffee shops, diners, delis, fast-food

establishments, lunch counters, cafeterias, and bars. Eating Places may sell alcoholic beverages, including beer, wine, and liquor for on-site consumption as permitted through the Pennsylvania Liquor Control Board. Drinking Places may sell snacks. Brew Pub and Microbrewery, Microdistillery, Microwinery are regulated as separate Uses. The following Use regulations apply:

A. Any Use that involves the sale of ready-to-eat food for consumption outside of a Building must provide and maintain adequate outdoor Solid Waste receptacles at convenient locations on the property for customer use.

11. Entertainment Assembly. A facility, other than a stadium/arena or Adult Establishment, for holding events, indoors or outdoors, to which members of the public are invited with or without charge. Events may include theatrical performances; live music performances; dances, balls; shows or exhibitions; or live or broadcasted wrestling, boxing/sparring matches, or other sporting events.

12. Funeral Home. A business establishment where the bodies of the dead are prepared for burial or cremation and where funeral services may be held, including viewings. The following Use regulations apply:

A. Minimum Lot Size: 30,000 square feet.

13. Medical Clinic. Medical Clinic means a licensed institution providing same-day, walk-in, or urgent medical care and health services to the community, primarily ill or injured outpatients, which is not a hospital, and which is not a medical office, and which shall not include methadone or drug rehabilitation clinics. Medical Clinic may include a laboratory for blood testing.

A. Provision of an indoor waiting area for use by individuals when a portion of the facility is not opened for operation is required, so that clients will not be required or allowed to queue for services outdoors.

14. Microbrewery, Microdistillery, Microwinery. A facility for the production, packaging, and sampling of alcoholic beverages—including beer, wine, cider, mead, and distilled liquors—for retail or Wholesale Distribution, for sale or consumption on- or off-premises, and which produces less than 100,000 gallons of such beverages per year. It may include a restaurant (i.e., Eating Place), tasting room, and retail space to sell the product on site. “Nanobreweries” shall be included under this definition. The Microbrewery / Microdistillery / Microwinery must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

A. At least 50% of the alcoholic beverages produced must be consumed on-site.

B. The hours a Microbrewery, Microdistillery, Microwinery may be open to customers are limited to no earlier than 10:00 AM and no later than 11:00 PM.

C. Any Use that involves the sale of ready-to-eat food for consumption outside of a Building must provide and maintain adequate outdoor Solid Waste receptacles at convenient locations on the property for customer use.

15. Office Uses. A category of Uses for businesses that involve the transaction of affairs or the training of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on

walk-in customers. Office Uses include those listed below (this is not an exhaustive list):

A. Typical Office Uses.

- (1) Architecture/Engineering/Design
- (2) Broadcasting, Recording, and Sound Studio
- (3) Business Consulting
- (4) Construction Trade and Contractor (office only)
- (5) Charitable Institutions
- (6) Computer Programming and Support
- (7) Data Processing
- (8) Detective Services
- (9) Educational Services (tutor and testing)
- (10) Employment Agency
- (11) Financial and Insurance
- (12) Government Offices and Facilities
- (13) Laboratories, Medical, Dental, Optical
- (14) Legal Services
- (15) Management Services
- (16) Medical and Dental Offices (other than in hospitals or on a hospital campus, and other than clinics)
- (17) News Agency
- (18) Physical Therapy/Physical Rehabilitation
- (19) Public Relations and Advertising
- (20) Property Development
- (21) Real Estate and Apartment Finders
- (22) Research and Development
- (23) Research Agency
- (24) Support Offices for other Uses
- (25) Surveying
- (26) Training Center

16. Private Club. An establishment that operates for the good of the club's membership for legitimate purposes of mutual benefit, entertainment, fellowship, or lawful convenience. A Private Club must reserve its facilities for members and must have genuinely exclusive membership criteria. A Private Club must adhere to its constitution and bylaws, hold regular meetings open to its members, conduct its business through officers who are regularly elected, admit members by written application, investigation and ballot, charge and collect dues from elected members, and maintain records as required by law. The sale of alcohol must be secondary to the actual reason for the club's existence and be licensed by the Pennsylvania Liquor Control Board. The Borough may conduct routine inspections of the Premises to ensure the absence of illegal activity on the Premises, adequate maintenance of the interior and exterior of the Premises, the absence of public disturbance or Nuisance, and compliance with the zoning and other applicable regulations.

17. Self-storage Facility. Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. The following Use regulations apply:

A. Minimum Lot Area must be a minimum of 1 acre.

B. Access. Ingress or egress shall be from an arterial or Collector Street. A marginal access Street shall be provided if its Use will reduce the number of curb cuts on the arterial or Collector Street as determined by Borough Council.

C. Building Placement and Design.

(1) Distance from face of Building to face of Building: 28 feet minimum for units less than 15 feet in depth and 42 feet minimum for units 15 feet or more in depth.

(2) Minimum distance from end of Building to end of Building: 20 feet.

(3) Maximum length of Building: 200 feet.

(4) Maximum facility unit size: 14 feet wide, 40 feet deep, and one Story (15 feet) in Height. If units are placed back-to-back, the maximum width of the Building shall not exceed 40 feet.

(5) Buildings shall be designed and located so that overhead doors and the interior driveways within such facilities are not visible from the Adjacent public Right-of-Way. This provision does not apply to overhead doors that are within an enclosed self-storage Building and that are visible only through windows of the Building.

(6) No door openings for any storage unit shall be visible at ground level from any Lot in a Residential Zoning District.

(7) Office space may be provided which does not exceed 5% of the net site area.

(8) The design of personal storage facilities shall be by a Pennsylvania registered architect.

D. Driveway Design.

(1) Minimum driveway width: 24 feet.

(2) Interior drive aisle widths must be a minimum of 25 feet.

(3) All driveways shall be paved with an Impervious Surface.

E. Landscaping and Buffering.

(1) A landscaping plan shall be submitted with the site plan showing the site's buffer area in accordance with the Buffer Standards specified in the Borough Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code). The buffer shall exist around the entire perimeter of the site.

(2) 6-foot-high fences shall be placed around the perimeter of the site inside of the buffer zone.

(3) All fences or walls visible from the public Right-of-Way shall be constructed of

decorative building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.

F. Signs and Lighting.

(1) All outside Signs and lighting will be constructed and operated in a manner that will not cause disruptive color changes or illumination of or otherwise interfere with neighboring properties. Lighting shall not interfere with the surrounding area or distract traffic. The property owner must address any lighting complaints.

(2) No Signs may be placed on the Buildings themselves or their rooftops. Freestanding Signs denoting the site shall be the only type of Sign permitted.

G. A fire hydrant shall be provided on site, with its location to be determined by the Borough.

H. The following Uses are prohibited and all Self-Storage Facilities' rental or use contracts must specifically prohibit the same:

(1) Residential Use or occupancy, except for a caretaker who may reside on a portion of the personal storage site.

(2) Storage outside of the Building.

(3) Water or sanitary sewer service in the personal storage units.

(4) Bulk storage of flammable, combustible, explosive, or hazardous materials. Nothing in this Section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.

(5) Repair, construction, reconstruction, or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.

(6) Auctions, except as provided for in the Self-Service Storage Facilities Act (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial Wholesale or retail sales not related to the storage activity on the premises or garage sales. Retail sales of supplies associated with the rental of storage units or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.

(7) The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.

(8) Any business activity within the storage units.

I. On-site management shall be provided for a minimum of 20 hours per week, during the hours of 8:00 AM and 7:00 PM. Contact information for management during the remaining hours of the day must be prominently posted on the premises.

J. The maximum size for any storage unit shall be 20 feet by 40 feet for a total maximum of 800 square feet.

18. Indoor, Climate-controlled, Self-storage Facility. An enclosed Building consisting of individual, self-contained rooms that are leased to individuals, organizations, or businesses for climate-controlled storage. Climate-controlled storage units are generally kept between 55- and 85-degrees Fahrenheit with a base humidity of 55 percent. The following Use regulations apply:

A. For Building Conversions, the following shall apply:

(1) The indoor storage facility and any new additions thereto must have the appearance of an office Building but do not have to be designed to look the same as the existing Building.

(2) Garage type door entries shall not be placed on the front façade area of the Building.

(3) No outside storage shall be permitted on site.

(4) No overnight truck Parking shall be allowed on the site.

(5) No outdoor display of retail sales shall be permitted.

B. Access to all individual storage units shall be through the interior of the Building only.

C. An Indoor, Climate-controlled, Self-storage Facility may not be located within 1,000 square feet of another storage facility.

D. The following Uses are prohibited and all Indoor, Climate-controlled, Self-storage Facility rental or use contracts shall specifically prohibit the same:

(1) Residential Use or occupancy.

(2) Bulk storage of flammable, combustible, explosive, or hazardous materials. Nothing in this Section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.

(3) Repair, construction, reconstruction, or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.

(4) Auctions, except as provided for the in Self-Service Storage Facilities Act (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial Wholesale or retail sales not related to the storage activity on the premises or garage sales. Retail sales of supplies associated with the rental of storage units or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.

(5) The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.

(6) Any business activity within the storage units.

E. On-site management must be provided for a minimum of 20 hours per week, during the hours of 8:00 AM and 7:00 PM. Contact information for management during the

remaining hours of the day must be prominently posted on the premises.

19. Neighborhood Service. A service Use with a Total Floor Area of less than 3,000 square feet. Neighborhood Service includes such Uses as those listed below (this is not an exhaustive list). The following Use regulations apply:

A. Neighborhood Service Uses may operate no earlier than 6 AM and no later than 10 PM, except for the following Uses, which may be open 24 hours: fitness club, athletic club, dance studio, yoga studio and gym; mailing and delivery services; photocopying and printing; and veterinary services/animal hospital (no outdoor kennels).

B. Barber shops, beauty salons, spas, cosmetology services, and therapeutic Massage establishments must be operated by PA licensed technicians with a copy of the State licensure kept on file with the Borough.

C. Typical Neighborhood Service Uses.

- (1) Arcades and Billiards
- (2) Barber Shop, Beauty Salon, and Spas
- (3) Community Service
- (4) Cosmetology services
- (5) Dry Cleaning (pick-up/outlet only)
- (6) Financial Depository Institutions/Banks, chartered and excluding Check Cashing Establishments
- (7) Fitness Club, Athletic Club, Dance Studio, Yoga Studio and Gym
- (8) Home Furniture and Equipment Repair
- (9) Laundromat
- (10) Locksmith
- (11) Mailing and Delivery Services
- (12) Pet Grooming
- (13) Phone Sales and Service
- (14) Photocopying and Printing
- (15) Photography Studio with Supplies
- (16) Post Office, limited Distribution
- (17) Rental of any good permitted to be sold in the Zoning District
- (18) Repair or servicing of any good permitted to be sold in the Zoning District
- (19) Tailor or Seamstress
- (20) Tanning Salon
- (21) Therapeutic Massage establishment, licensed proprietor
- (22) Travel Agency, Ticketing, and Tour Operator
- (23) Veterinary Services/Animal Hospital (no outdoor Kennels)

20. General Service. A Service Use with a Total Floor Area of 3,000 square feet or greater as well as larger scale indoor and outdoor entertainment Uses. General Service includes such Uses as those listed below (this is not an exhaustive list).

A. Typical General Service Uses.

- (1) All Neighborhood Services over 3,000 square feet
- (2) Aquatic Facilities
- (3) Archery Ranges (indoor only)

- (4) Batting Cages
- (5) Bowling Alleys
- (6) Miniature Golf Courses
- (7) Motion Picture Theaters
- (8) Recreation, Commercial Indoor
- (9) Rental of any good permitted to be sold in the Zoning District
- (10) Skating Rink

21. Smoking Places. Establishments for which the sale of tobacco products for on-site consumption yields at least 75% of gross revenues, including such Uses as hookah lounges.

22. Tattoo/Piercing Parlor. Establishments primarily in the business of applying lettering, art, and other images with permanent and semi-permanent inks, paints, pigments, or piercings to the body of patrons. The following Use regulations apply:

A. Proximity to Certain Uses. No Building or Premises shall be used, and no Building shall be erected or altered, which is arranged, intended or designed to be used for an Tattoo/Piercing Parlor if any part of such Building or Premises is situated on any part of a Lot within a 1000 foot radius in any direction of any Lot used for, or upon which is located any Building or Structure used for any Residential and Lodging Use, Religious Institution, Medical Clinic, medical office, Hospital, school, facility attended by Persons under the age of 18 (including but not limited to school programs, children's museums, camps, and athletic leagues), Park, or other Tattoo/Piercing Parlor.

23. Treatment Center. A Use (other than a prison or a service provided in a hospital) providing housing facilities for Persons who need specialized housing, treatment, or counseling for stays of less than one year for criminal rehabilitation. The following Use regulations apply:

A. The Applicant shall provide a written description of all types of residents the Use is intended to include over the life of the Permit. Any future additions or modifications to this list shall require approval of the Zoning Hearing Board as a Special Exception.

B. The Applicant shall prove, with the full burden of proof upon the Applicant, to the satisfaction of the Zoning Hearing Board that such Use will involve adequate supervision and security measures to protect public safety.

C. The Zoning Hearing Board may place conditions on the Use as necessary to protect public safety, including conditions on the types of residents and security measures.

Table 27-4.F Principal Uses – Infrastructure Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by-Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non- Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Urban Edge Neighborhood	Urban Core Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	R W	RE	RC	UE N	UC N	UG	D N	D C	E D
Essential Services	P	P	P	P	P	P	P	P	P	P	P
Parking as a Principal Use								P		P	P
Public Utilities, Large		SE									
Public Utilities, Small	P	P	P	P	P	P	P	P	P	P	P
Transportation Facility								P			P
Wireless Communications Facility, Small	P	P	P	P	P	P	P	P	P	P	P
Wireless Communications Facility, Tower-Based	C	C									

§27-410 Principal Uses – Infrastructure Uses

A category of Uses for the provision of public and private infrastructure to support other Uses. Infrastructure Uses typically do not include a Principal Building meeting the Building type requirements. Accessory Structures may be included.

1. **Essential Services.** Essential Services are services Permitted By-Right in all Zoning Districts as either a Principal or Accessory Use. There are two categories of Essential Services – those that are exempt from the dimensional requirements of this Chapter and those that are required to meet all requirements of this Chapter.

A. Essential Services that are exempt from the dimensional requirements of this Chapter are:

- (1) Oil pipelines and natural gas transmission and Distribution lines and accessory compressing stations.
- (2) Electrical transformers as an Accessory Use to dwellings.
- (3) Electrical, telephone, internet, and Street light poles.
- (4) Electrical transmission and Distribution lines and meters.
- (5) Wells, standpipes, water transmission lines, cisterns, and meters.
- (6) Sewage pumping stations, but not including a central sewage treatment plant. The following regulation applies to sewage pumping stations:

(a) A sewage pumping station must be set back a minimum of 75 feet from any dwelling or any Residential Lot Line.

(7) Cable television, internet, and telephone lines.

(8) Stormwater pipes, outfalls, detention basins, swales, and catch basins.

(9) Shelters and benches for buses that transport school children or that are owned, operated, or financed by a public transit authority. The following regulation applies to Essential Services shelters and benches:

(a) Off-Premise Signs are prohibited.

(10) U.S. mailboxes.

(11) Boxes for receiving individual newspapers.

(12) Railroad lines.

(13) Fire hydrants and emergency callboxes.

(14) Engineered retaining walls that are clearly necessary to hold back Slopes.

(15) Sidewalks and curbs.

(16) Residential driveways.

(17) Ramps primarily intended as access for persons with disabilities.

(18) Steps leading into the entrance of a Building.

(19) Construction staging for temporary storage of vehicles, roll-off dumpsters, materials, or construction office trailers that are clearly needed and being actively used for current construction or renovation work on the same or an Adjacent Lot or within the same Subdivision. The following regulations apply:

(a) Any item must be removed from the site with 20 days of completion of the portion of the construction that they relate to.

(b) Construction vehicles and materials are only permitted to be stored outdoors on a Lot while the related Borough construction Permit is still actively in effect.

B. Essential Services that are required to meet all requirements of this Chapter, including dimension requirements, are:

(1) Electrical substations and bulk industrial or commercial transformers that are not accessory to a Dwelling. The following additional regulation applies:

(a) Outdoor Structures at least 10 feet in Height must provide screening according to the requirements of the Subdivision and Land Development Ordinance (Chapter 22) when within 150 feet of a Dwelling, undeveloped land in a Residential Zoning District, or an Expressway or Arterial Street.

(2) Water towers, water filtration plants, and water pressure stations.

(3) Emergency and other electrical generators and compressors.

(4) Solid Waste bulk dumpsters and bulk compactors.

(5) Industrial or commercial central air conditioning equipment.

2. Parking as a Principal Use. A Lot, Structure, or Building that is primarily used for the exclusive Parking of vehicles. The following Use regulations apply:

- A. Corner Lot. A Corner Lot shall not be used solely for Parking.
- B. Adjacent Parking Facilities. Two principal Parking facilities shall not be located directly Adjacent to one another, except for a new Structured Parking facility replacing an existing Parking lot.
- C. Design. In addition to the form-based standards of Part 3, in the Downtown Core, a Parking Structure must be designed to be convertible to other Uses including office, retail, and residential Uses.
- D. Adjacent Residential Facilities. Where a Parking facility directly abuts the lot line of a residential property, a buffer yard or screening fence/wall shall be required.

3. Public Utilities, Large. Public Utilities is a Use that is primarily utilized for the public infrastructure needs and services. Large Public Utilities include such Uses as generating plants, electrical switching facilities and primary substations, water and wastewater treatment plants, water tanks, and similar facilities that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, water, sewage collection, rail lines, or similar services. Public Utility does not include corporate or general offices, gas or oil processing, manufacturing facilities, or other Uses defined in this Chapter. The following Use regulations apply:

- A. The total Lot coverage of all Buildings and Structures shall be not more than 30% of the area of the Lot.
- B. All Buildings and Structures shall be set back from every Adjacent property a minimum distance of 25 feet and, in addition, not closer than 50 feet from any Adjacent residential property, except that any tower shall be set back a minimum distance of that equal to the Height of the tower from any Adjacent residential property.
- C. Transformers shall be installed pursuant to applicable Building and fire codes.
- D. Any electric or other utility lines between the infrastructure and the Street shall be underground.
- E. The infrastructure shall be suitably screened from any Adjacent residential property by both a solid fence and an outside perimeter evergreen planting screen. Fence screening shall be a minimum of 8 feet high and shall be a galvanized chain link fence with privacy slats. Evergreen screening shall be continuous 4-foot-wide opaque planting that shall be a minimum of 10 feet high at maturity.
- F. The Zoning Officer shall provide the Borough's Chief of Police and Borough Fire Chief or their respective designees the opportunity to provide input on applications for Public Utilities and shall provide such input to the Borough Planning Commission and Council, which shall take such input into account in making a decision about any Public Utilities application.

4. Public Utilities, Small. Public Utilities is a Use that is primarily utilized for the public infrastructure needs and services. Small Public Utilities are services and facilities of agencies that

are under public franchise or ownership to provide services that are essential to support Development and that involve only minor Structures, such as but not limited to poles, lines, and municipal drinking wells. The following Use regulations apply:

A. Front, Side, and Rear Setbacks shall be provided in accordance with the regulations of the Zoning District in which the facility is located.

B. Housed Equipment.

(1) Height shall be as required by the Building Form Regulations specified for each Zoning District under Part 3 of this Chapter.

(2) The external design of the Building or Structure shall be in conformity with the Buildings Form Requirements specified for each Zoning District under Part 3 of this Chapter.

C. Unhoused Equipment.

(1) When the equipment is not enclosed within a Building, it must be screened by a fence and landscaping.

(2) The fence must be 6 feet high.

(3) The access gate in the fence must have at least 50% opacity.

(4) The landscaping must be evergreen and in accordance with the Borough's recommended species and planting specifications.

5. Transportation Facilities. A Use that includes public transportation operations, maintenance, and storage facilities for public transportation agencies, school districts, hospitals, and other institutional Uses that provide regular bus and shuttle services.

6. Wireless Communications Facility, Small (SWF).

A. Definition. A Small Wireless Communication Facility meets each of the following conditions:

(1) The facility is one of the following:

(a) Mounted on a Structure 50 feet or less in Height including their antennas as defined in 47 CFR Section 1.1320(d).

(b) Mounted on a Structure no more than 10% taller than other Adjacent Structures.

(c) Do not extend an existing Structure on which it is located to a Height of more than 50 feet or by more than 10% whichever is greater.

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than three cubic feet in volume.

(3) All other wireless equipment associated with the Structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the Structure, is no more than 28 cubic feet in volume.

(4) The facilities do not require antenna Structure registration under part 47 CFR Part 17.

(5) The facilities are not located on Tribal lands, as defined under 36 CFR Section

800.16(x).

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).

B. Use Regulations. The following Use regulations apply:

(1) SWF Collocation. The placement or installation of SWF shall be collocated on previously approved and constructed SWF Structures that can safely support the placement or installation of SWF.

(2) Permits. An Applicant shall submit for review and approval an application, and procure, pursuant to Part 1, relating to certificates and Permits, a Permit and any other applicable Permits and pay all applicable fees incidental thereto for each SWF to be installed or placed in connection with the collocation requirements of Subsection B(1), above.

(3) The improvement. Upgrade or expansion of existing SWF or base stations on an existing SWF Structure or the improvement, upgrade or expansion of SWF located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the SWF Structure or compound, shall be permitted, subject to the requirements of applicable laws and regulations and compliance with the application and Permit requirements of Subsection B(2), above.

(4) Aesthetics.

(a) An Applicant hereunder shall meet and discuss with the Borough Zoning or other Code Enforcement Officer any aesthetic issues for a particular location raised in the review of the application, consistent with applicable law.

(b) Aesthetics requirements imposed hereunder shall be reasonable, no more burdensome than those applied to other types of infrastructure deployments, incorporate clearly defined and ascertainable standards and objective. Aesthetic requirements shall be applied in a principled manner and be published in advance of the application by ordinance or resolution of Council.

7. Wireless Communications Facility, Tower-Based. A Structure, partially or wholly exterior to a Building, used for transmitting or retransmitting electronic signals. Commercial communications towers include, but are not limited to, antenna used for transmitting commercial radio or television signals or cellular telephone communications or for transmission of a high-speed internet signal, but shall not include an amateur radio antenna. The following Use regulations apply:

A. The tower must be surrounded by a secure fence with a minimum Height of 8 feet.

B. A tower with a Height over 50 feet that is within 100 feet of a Right-of-Way or a Dwelling must be surrounded by evergreen screening or preserved woods meeting the Buffer requirements of the Borough's Subdivision and Land Development Ordinance (Chapter 22). A break in the plantings is permitted only for the width of the access drive.

Table 27-4.G Principal Uses – Industrial Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by-Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non- Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Edge Urban Neighborhood	Core Urban Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	RW	RE	RC	UEN	UCN	UG	DN	D C	E D
Commercial Kitchen										P	P
Beverage Production											P
Industrial, Craftsman											P
Industry, Light											P
Medical Marijuana Clinical Research											P
Medical Marijuana Grower/Processor											P
Mining and Mineral Extraction											P

§27-411 Principal Uses – Industrial Uses

A category of Uses for businesses involving assembly, production, storing, transferring and disposal of goods or products, and which may also include associated facilities such as offices, maintenance facilities, and fuel pumps and both indoor and outdoor activities and storage of goods. All outdoor storage associated with Industrial Uses shall adhere to the provisions in Table 27-4.H and §27-412 for Outdoor Storage Yards.

1. **Commercial Kitchen.** A facility that prepares food for consumption elsewhere. This may include a test kitchen, school or training kitchen, coworking kitchen, or catering kitchen. This Use may be combined with an Eating Place onsite where permitted.

2. **Beverage Production.** A facility for the production, packaging, and sampling of alcoholic beverages – including beer, wine, cider, mead, and distilled liquors – and Craft Beverages for retail or Wholesale Distribution, for sale or consumption on- or off-premises, and which produces 100,000 gallons or more of such beverages per year. A brewery, distillery, or winery must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

3. **Craftsman Industrial.** A Use that includes a showroom or small retail outlet and production space, and involves small scale production, assembly, or repair with little to no noxious by- products. This Use may also include associated facilities such as offices and small-scale warehousing with limited regional Distribution. Craftsman Industrial includes such Uses as those that Manufacture or fabricate the items listed below (this is not an exhaustive list).

A. Typical Craftsman Industrial Uses.

- (1) Agricultural Growing, such as Aquaculture
- (2) Apparel and Finished Fabric Products
- (3) Beverages, including Soft Drinks, Coffee
- (4) Liquor, Botanical Products
- (5) Brooms and Brushes
- (6) Canning and Preserving Food
- (7) Commercial Scale Copying and Printing
- (8) Cut Stone and Cast Stone
- (9) Electronics Assembly
- (10) Electrical Fixtures
- (11) Engraving
- (12) Fabricated Metal Products
- (13) Film Making
- (14) Furniture and Fixtures
- (15) Glass
- (16) Household Textiles
- (17) Ice
- (18) Jewelry, Watches, Clocks, and Leather Products (no tanning)
- (19) Meat and Fish Products, no processing
- (20) Musical Instruments and Parts
- (21) Pottery, Ceramics, and Related Products
- (22) Printing, Publishing and Allied Industries
- (23) Shoes and Boots
- (24) Signs and Advertising
- (25) Silverware
- (26) Smithing
- (27) Taxidermy (with incidental tanning)
- (28) Textile, Fabric, Cloth
- (29) Toys and Athletic Goods
- (30) Upholstery
- (31) Woodworking

4. Light Industry. A Use involving the production of goods from raw materials or the assembly of finished products that can result in limited negative external effects, noise, and other non- noxious by-products. Light Manufacturing Uses include those Uses listed below (this is not an exhaustive list). The following Use regulations apply:

A. Additional Application Information. The Zoning Officer may request additional information to ensure proper evaluation of such application. Such information may include ventilation plans, materials characteristics, drainage plans, waste disposal plans, and chemical disposition plans.

B. Typical Industrial Use Categories.

- (1) Any Craftsman Industrial Use [Subpart C above] with or without retail outlet and with significant Distribution
- (2) Agricultural Processing, unless otherwise listed

- (3) Aircraft Assembly and Testing
- (4) Apparel, Finished Products from fabric
- (5) Automobile, Truck, Boat, Recreational Vehicle and Trailer Manufacturing
- (6) Bicycle Manufacturing
- (7) Biomaterials
- (8) Cotton Wadding
- (9) Electrical Fixtures
- (10) Electronic/Electrical Equipment/Component Manufacturing
- (11) Engines and Motors Manufacturing/Rebuilding
- (12) Lasers and Optics
- (13) Laundering, Dry Cleaning, Dyeing
- (14) Lumber Mill
- (15) Machinery Manufacturing
- (16) Medical Equipment Manufacturing
- (17) Metal Products Manufacturing
- (18) Mobile/Manufactured Homes Manufacturing
- (19) Motor Testing
- (20) Pharmaceuticals
- (21) Plumbing and Heating Products
- (22) Printing, Publishing and Allied Industries
- (23) Stone Cutting and Distribution
- (24) Tool and Die Shop

5. Medical Marijuana Clinical Research. An accredited medical school within this commonwealth that operates or partners with an acute care hospital licensed within Pennsylvania. The following Use regulations apply:

A. A Medical Marijuana academic clinical research center must provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval, and at all times shall maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be revoked or denied at any time, any Borough approval will immediately become void.

B. A Medical Marijuana academic clinical research center shall at all times operate in compliance with Act 16 of 2016, 35 P.S. § 10231.101 et seq., as amended, and all Department of Health regulations pertaining to such facilities.

C. A Medical Marijuana academic clinical research center may only grow Medical Marijuana in an indoor, enclosed, and secure Building which includes electronic locking systems, electronic surveillance and other features required by the Department of Health.

D. A Medical Marijuana academic clinical research center must be located in a facility owned and used by an accredited medical school within this commonwealth that operates or partners with an acute care hospital licensed within this Commonwealth.

6. Medical Marijuana Grower/Processor. A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Department of Health to grow and process Medical Marijuana. The following Use regulations apply:

A. The Medical Marijuana Grower/Processor must comply with the following criteria:

(1) Access. Ingress or egress shall be from an arterial or Collector Street. A marginal access Street shall be provided if its use will reduce the number of curb cuts on the arterial or Collector Street as determined by Borough Council.

(2) Minimum driveway width: 24 feet. This driveway standard width applies regardless of any driveway width standards set for the applicable Zoning District in Part 3.

(3) A landscaping plan shall be submitted with the site plan showing the site's buffer area in accordance with the Buffer Standards specified in the Borough Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code). The buffer shall exist around the entire perimeter of the site.

(4) 6-foot-high fences shall be placed around the perimeter of the site inside of the buffer zone.

(5) All outside Signs and lighting will be constructed and operated in a manner that will not cause disruptive color changes or illumination of or otherwise interfere with neighboring properties. Lighting shall not interfere with the surrounding area or distract traffic. The property owner must address any lighting complaints.

(6) No storage may take place outside of the Building.

(7) No Grower or processor under this section shall be allowed to erect, establish, or otherwise conduct business within a 1,000 foot radius of any school or daycare – whether publicly or privately owned.

B. A Medical Marijuana Grower/Processor shall provide proof of registration with the Department of Health or proof that registration has been sought and is pending approval and at all times shall maintain a valid, accurate, and up-to-date registration with the Department of Health. Should registration be revoked or denied at any time, any Borough approval shall immediately become void.

C. A Medical Marijuana Grower/Processor shall at all times operate in compliance with Act 16 of 2016, 35 P.S. § 10231.101 et seq., as amended, and all Department of Health regulations pertaining to such facilities.

D. A Medical Marijuana Grower/Processor shall only grow, store, harvest, or process Medical Marijuana in an indoor, enclosed, secure facility, which includes electronic locking systems, electronic surveillance and any other features required by the Department of Health.

E. A Medical Marijuana Grower/Processor shall only provide Wholesale products to Medical Marijuana dispensaries. Retail sales and dispensing of Medical Marijuana and related products is prohibited at a Medical Marijuana Grower/Processor.

F. A Medical Marijuana Grower/Processor shall submit to the Borough and the Department of Health its system to track the plant waste resulting from the growth of Medical Marijuana or other disposal, including the name and address of any disposal service.

7. Mining and Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. Mineral Extraction includes, but is not limited to, the extraction of topsoil, coal, clay, shale, oil, natural gas, and iron ore. The routine movement of and replacement of topsoil during construction is not by itself considered mineral extraction. The following Use regulations apply:

A. Quarries are prohibited.

B. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

C. After areas are used for mineral extraction, they shall be reclaimed in phases to a nonhazardous and environmentally sound state permitting some economically productive future Use.

D. A 75-foot-wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior Lot Lines that are within 250 feet of an area of excavation or within 250 feet of machinery that is greater than 35 feet in Height. This yard shall include an earthen berm averaging a minimum of 6 feet in Height and an average of one shade tree for each 50 feet of distance along the Lot Lines. Such shade trees shall be planted outside of any berm and any fence and shall meet the size and type requirements of the landscaping standards in the Borough Subdivision and Land Development Ordinance (Chapter 22).

E. The following minimum Setbacks shall apply for the excavated area of a mineral extraction Use from property that is not owned by the owner of the mineral extraction Use:

(1) 100 feet from the existing Right-of-Way of Streets and from all exterior Lot Lines of the property.

(2) 150 feet from a commercial or industrial Building, unless released by the owner thereof.

(3) 250 feet from a Residential Lot Line.

(4) 150 feet from the Lot Line of a Publicly-Owned Recreation area that existed at the time of the application for the Use or expansion.

(5) The excavated area of a mineral extraction Use shall be set back 150 feet from the average water line of a perennial stream or the edge of a natural wetland of more than two acres.

F. Fencing. Secure fencing is required in locations where needed to protect public safety.

G. County Conservation District. A soil erosion and sedimentation plan must be prepared by the Applicant and found to be acceptable to the County Conversation District.

H. Hours of Operation. The hours of operation for the Use and related trucking and blasting operations are limited to 7:00 AM to 9:00 PM Monday through Saturday, excluding New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

I. The Applicant must submit with the application a copy of all materials submitted to State agencies regarding an application for this project. The Use must comply with all applicable State regulations as a condition of Borough approvals under this Chapter.

J. Application Requirements. Each application for a mineral extraction Use involving an excavation of more than one acre must include the following:

(1) Present Uses of the site.

- (2) A scaled map, prepared by a professional engineer, showing the locations of:
- (a) The proposed area to be excavated (and maximum depth).
 - (b) Other land to be affected, including, but not limited to, storage sites for overburden, access and haulage Streets, storage sites for equipment, and offices and other Accessory Structures.
 - (c) Lot Lines of Adjacent Lots, and owners and existing Uses of these Lots.
 - (d) Watercourses, bodies of water, Street Rights-of-Way, Buildings, and Publicly-Owned Recreation areas within 250 feet of the boundaries of land to be affected by the mineral extraction operation.
 - (e) Any Wetlands and forested areas to be removed or protected and preserved as part of the Use.
- (3) A detailed land reclamation plan of the area to be excavated, showing:
- (a) Proposed reclaimed Use and topography of the land following the mineral extraction.
 - (b) Actions to be taken during mining to conserve and replace topsoil removed during mining operations.
 - (c) Reasonable assurances that the Applicant will be capable of reclaiming the land in accordance with the plan within a reasonable time after completion of the mineral extraction operations to be covered by the requested Permit.

Table 27-4.H Accessory Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by-Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Urban Edge Neighborhood	Urban Core Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	RW	RE	RC	UEN	UCN	UG	DN	DC	ED
											P
Accessory Retail											P
Accessory Solar Energy System		P	P	P	P	P	P	P	P	P	P
Accessory Structure	See Part 5 of this Chapter										
Commercial Communication Antenna	P	P	P	P	P	P	P	P	P	P	P
Commercial High-Speed Internet Antenna	P	P	P	P	P	P	P	P	P	P	P
Composting		P	P	P	P						
Donation Containers								P		P	P
Drive-Through Facility								P			
Electric Vehicle Charging Station						P	P	P	P	P	P
Geothermal Energy Systems		P	P	P	P	P	P	P	P	P	P
Home Child Care		P	P	P	P	P	P	P	P	P	
Home Occupation, General		SE	SE	SE	SE	SE	P	P	P	P	P

Home Occupation, Light		P	P	P	P	P	P	P	P	P	P	P
Outdoor Café						P	P	P	P	P	P	P
Outdoor Display and Sales								P				
Outdoor Storage Yard								P				P
Parking, Automobile		P	P	P	P	P	P	P	P	P	P	P
Parking, RV and Boat			P	P	P	P			P			
Pets		P	P	P	P	P	P	P	P	P	P	P
Signs	See Part 6 of this Chapter											
Swimming Pool			P	P	P		P	P	P			
Warehouse												P
Windmills (small wind)	P	P	P	P	P	P	P	P	P	P	P	P
Windmills (large mount)												

§27-412 Accessory Uses

1. General Provisions.

A. Accessory Uses Allowed. Accessory Uses as listed in Table 27-4.H, Table of Accessory Uses, are allowed only in connection with the lawfully established Principal Uses.

B. Allowed Uses. Allowed Accessory Uses are limited to those expressly regulated in this Chapter as well as those that, in the Determination of the Zoning Officer, satisfy all the following criteria:

(1) They are customarily found in conjunction with the subject Principal Use(s) or Principal Structure.

(2) They are subordinate and clearly incidental to the Principal Use(s) of the property.

(3) They serve a necessary function for the comfort, safety, or convenience of occupants of the Principal Use(s).

C. Accessory Structures. Refer to Part 5, Supplemental Regulations.

D. Time of Construction and Establishment. Accessory Uses may be established only after the Principal Use of the subject property is in place.

E. Location. Accessory Uses must be located on the same Lot as the Principal Use to which they are accessory, unless otherwise expressly stated.

2. Accessory Uses.

A. Accessory Retail. A retail Use with a Total Floor Area under 3,000 square feet or 30% of the Total Floor Area of the Principal Use, whichever is less. The following Use regulations apply:

(1) Only products produced on-site may be sold.

B. Accessory Solar Energy System (ASES). An Accessory Solar Energy System consists of 1 or more roof-mounted solar arrays or modules, or solar-related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. The following Use regulations apply:

(1) Roof-mounted ASES shall be permitted as a Use by-right in all Zoning Districts when attached to a Principal or Accessory Building. Ground-mounted ASES are not permitted.

(2) Exemptions.

(a) ASES with an aggregate collection or focusing area of 10 square feet or less are exempt from this Chapter.

(b) ASES constructed prior to the effective date of this Chapter shall not be required to meet the terms and conditions of this Chapter. Any physical modification to an existing ASES whether existing prior to the effective date of this Part that materially alters the ASES shall require approval under this Part. Routine maintenance or like-kind requirements do not require a Permit.

(3) The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the UCC as enforced by the Borough and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

(4) Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Borough codes under which the ASES as constructed. Failure of the property Owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Borough in accordance with applicable ordinances.

(5) All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

(6) The Owner of an ASES shall provide the Borough written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connection system and approved such connection. Off-grid systems shall be exempt from this requirement.

(7) The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

(8) Glare.

(a) All ASES shall be placed such that concentrated solar radiation or Glare does not project onto nearby Structures or roadways.

(b) The Applicant has the burden of proving that any Glare produced does not have significant adverse impact on neighboring or Adjacent Uses either through sitting or mitigation,

pursuant to Subpart (B)4.6.4.10.

(9) Prior to the issuance of a Zoning Permit, Applicants must acknowledge in writing that the issuing of said Permit for a solar energy system shall not and does not create in the property Owner, its, his, her or their successors and assigns in title or, create in the property itself; (a) the right to remain free of shadows or obstructions to solar energy caused by Development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the Development on or growth of any trees or vegetation on such property; or (c) the right to prohibit the Development on or growth of any trees or vegetation on such property.

(10) Decommissioning.

(a) Each ASES and all solar-related equipment shall be removed within 12 months of the date when the Use has been discontinued or abandoned by system Owner or operator, or upon termination of the useful life of same.

(b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of 12 continuous months.

(11) Permit Requirements.

(a) Zoning Permit applications shall document compliance with this Chapter and shall be accompanied by drawings showing the location of the system on the Building or property, including Lot Lines. Permits must be kept on the Premises where the ASES is constructed.

(b) The Zoning Permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Chapter.

(c) The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation or any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the Owner or the ASES to conform or to remove the ASES.

(12) ASES shall be subject to the maximum Height regulations specified for Principal and Accessory Buildings within each of the underlying Zoning Districts.

(13) Solar panels shall not extend beyond any portion of the Roof edge.

(14) The Applicant shall provide evidence that the plans comply with the UCC and adopted Building code of the Borough that the Roof is capable of holding the load imposed on the Structure.

C. Commercial Communications Antenna. Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas owned or operated by any Person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall

not include private residence mounted Satellite Dishes or television antenna or amateur radio equipment, including, without limitation, HAM or citizen band radio antennas. This definition does not include Small Wireless Facilities (SWF) as separately defined and regulated in this Chapter. The following Use regulations apply:

(1) If the antenna is not attached to a Building both of the following conditions must be met:

(a) The antenna must be Setback a minimum distance equal to 2/3 of its Height from all Lot Lines and existing Street Rights-of-Way.

(b) An antenna with a Height greater than 65 feet above ground level is prohibited in a Residential Zoning District.

(2) The base of a freestanding antenna must be surrounded by a secure fence with a minimum Height of 8 feet.

(3) Any freestanding antenna higher than 50 feet that is within 100 feet of a public street or a Dwelling must be surrounded, except at the driveway crossing, by evergreen screening or preserved woods that meet the Buffer Yard requirements of the Borough's Subdivision and Land Development Ordinance (Chapter 22).

D. Commercial High-Speed Internet Antenna. An antenna used solely for the transmission of a high-speed internet signal and for no other Use, including, but not limited to, cellular telephone communications. This shall also include the accessory equipment used to operate the antennas. This definition does not include Small Wireless Facilities (SWF) as separately defined and regulated in this Chapter. The following Use regulations apply:

(1) The antenna must be attached to either an existing Tower-Based Wireless Communications Facility or an existing stall Structure or Building of at least 50 feet in Height. The Building must be nonresidential, an apartment Building, or other multi-Family Building.

(2) An antenna is prohibited on a Single-Family Detached Dwelling, Single-Family Semi-Attached Dwelling, Two-Family Dwelling, or Townhouse Dwelling.

(3) The attachment to a Structure or Building must not extend more than 15 feet above the highest point of the Structure or Building.

(4) An Antenna on a Building or Structure must be installed in a manner to blend with the Building or Structure as best possible and, if feasible, any accessory equipment must be located in the Building's or Structure's existing utility room.

E. Composting. The collection and processing of vegetative material to allow it to biologically decompose under controlled anaerobic or aerobic conditions to yield a humus-like product. The following Use regulations apply:

(1) Only biodegradable vegetative material, including grass clippings, trees, shrubs, leaves, and vegetable waste are permitted to be composted.

(2) Animal wastes and fats are prohibited as compost material.

(3) All composting activities must be maintained to prevent fire, rodent, and disease-carrying insect hazards and to prevent noxious odors for residents of Adjacent Dwelling Units.

F. Donation Container. Donation Containers that accept new or gently used clothing items are subject to the following regulations:

(1) Size. The donation Container may not be larger than 7 feet tall, 6 feet wide, or 6

feet long.

(2) Maximum Number. Donation containers are limited to a maximum of 2 per property and may not exceed a total area of 120 square feet.

(3) Location and Placement.

(a) Donation containers are only permitted on civic, institutional, and commercial properties 40,000 square feet or greater and may only be placed on such properties with written permission from the Property Owner. Such written permission must be made available to the Borough for review upon request.

(b) Donation containers are prohibited in the Front or Secondary Street Setbacks.

(4) Maintenance.

(a) Donation container items must be collected on a regular basis or within 48 hours following a Property Owner's request.

(b) Donated items or any refuse may not be left outside the containers for more than 24 hours and must be removed by the box owner/operator or Property Owners.

(5) Identification. Each donation container must be properly identified and labeled with the following information:

(a) Name and telephone number of the owner/operator.

(b) Entity responsible for collecting donated items and any refuse left outside the container.

(c) Type of donated items accepted and a statement prohibiting liquids and dumping.

G. Drive-Through Facility. A facility that provides or dispenses products or services, through an attendant or an automated machine, to Persons remaining in vehicles that are in designated stacking aisles. A Drive-Through Facility is accessory to Principal Service or Commercial Uses, such as a financial institution, personal service shop, retail store, eating establishment or gas stations. In these guidelines, a Drive-Through Facility does not include a car wash, Parking Garage kiosks, or gas pump islands. The following Use regulations apply:

(1) Lot Size. Lot sizes shall be large enough to efficiently and safely serve the operations of the Vehicle Drive-Through Facility while accommodating all necessary elements of good and efficient site design of Vehicle Drive-through Facilities.

(2) Number. No more than 1 Drive-Through Facility may be permitted per Principal Use on a Lot.

(3) Placement. Sites with multiple commercial Buildings on the property, Drive-Through Facilities shall be located internal to the site away from corners, intersections of Streets or from the Street Frontages, to reduce the visibility of vehicle drive-through traffic on the site from Street view.

(4) Site Access.

(a) Access driveways to Vehicle Drive-through Facilities shall be located as far away

as possible from Street intersections and corners and designed in accordance with the applicable Street design standards.

(b) The number of access driveways into a site shall be minimized to reduce conflicts between turning vehicles and other users of the Street, reduce curb cuts and interruptions to the sidewalk.

(c) Vehicle queuing lanes must be separated from all aisles, must not result in additional curb cuts along the same Street Frontage and must not have direct ingress and egress from any Street.

(d) Vehicle queuing lanes must not be directly accessible from a Street.

(e) Vehicle queuing lanes must not obstruct or interfere with Parking spaces, pedestrian aisles or walkways, and loading or service areas.

(5) Parking.

(a) Parking areas where possible shall avoid having pedestrians cross driveways or vehicle queuing lanes to enter the Building.

(b) The Parking areas shall not conflict with the ingress and egress of the vehicle queuing lanes. This can be achieved by locating the Parking areas away from the vehicle queuing lanes or clearly delineating the Parking areas with appropriate barriers and signage.

H. Electric Vehicle Charging Station. A commercial or public Parking area that is served by Electric Vehicle Charging (EVCS) equipment for the purpose of transferring electric energy to a battery or other energy storage device in an Electric Vehicle. The following Use regulations apply:

(1) A Property Owner may not install any EVCS on a property until a Zoning Permit has been issued by the Borough to the Property Owner.

(2) The design and installation of EVCS shall conform to the design standards specified in the Borough Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code).

(3) Electric Vehicle Make Ready System.

(a) All new, expanded, and reconstructed Parking areas may provide for the electrical capacity necessary to accommodate the future hardware installation of EVCS through an Electric Vehicle Make Ready System.

(b) Property Owners may apply for a Zoning Permit for an Electric Vehicle Make Ready System at the time of construction or renovation of appropriate charging areas.

(c) A Property Owner who installs an Electric Vehicle Make Ready System rather than an EVCS may not qualify for a reduction to the Parking space provision requirements specified in the Borough Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code) until the time the EVCS facility is installed.

(4) Additional requirements are located in the Parking section of Part 5 and in the Subdivision and Land Development Ordinance (Chapter 22).

I. **Geothermal Energy Systems.** Open-Loop Geothermal Energy Systems and any system not meeting the definition of a Closed-Horizontal-Loop Geothermal Energy System or closed-vertical-loop geothermal energy system are prohibited in the Borough. The following Use regulations apply:

(1) The design and installation of geothermal energy systems and related boreholes for geothermal heat pump systems shall conform to applicable industry standards, including those of the ANSI, the IGSHPA, ASTM, the AR1, or other similar certifying organizations, and shall comply with the Building Code and with all other applicable Borough requirements. The manufacturer's specifications shall be submitted as part of the application. The installer must have at least one representative who is certified by the International Ground Source Heat Pump Association (IGSHPA).

(2) In all closed-loop geothermal energy systems relying upon circulating fluids, only nontoxic, biodegradable circulating fluids, such as food-grade propylene glycol, shall be permitted. No dye shall be permitted.

(3) **Setbacks.**

(a) A geothermal energy system shall not be considered an Accessory Structure for purposes of determining the number of Accessory Structures permitted on each property.

(b) Unless otherwise specified, underground geothermal systems shall be located a minimum distance of 10 feet from any Lot Line.

(c) Minimum well and borehole isolation distances shall be provided as follows in Table 27-4.H.a.

Table 27-4.H.a, Isolation Distances.

Isolation Distance From	Borehole and Geothermal Supply and Geothermal Return Well (feet)
Lakes, ponds, streams, or other surface waters	50
Storm drains, retention basins, stabilization ponds or stormwater management facilities	25
Preparation area or storage area of hazardous spray materials, fertilizers or chemicals, salt piles	100
Gravity sewer lines and drains carrying domestic sewage or industrial waste	50 or according to Easement
Existing water and forced sewer buried utilities and/or utility trenches	Outside existing Easement or, if no Easement exists, no less than 50 feet from the utility or trench center line
Septic tanks, aerobic tanks or holding tanks	50

Subsurface sewage disposal systems, elevated sand mounds, other sewage disposal fields	100
Dedicated public Right-of-Way	20

(4) **Construction Requirements.** All boreholes must be dug, cased, and sealed in accordance with all applicable PA DEP regulations and protocol.

(a) **Grouting.** Geothermal heating or cooling system vertical heat exchange boreholes containing loop pipes may be filled with approved grout or bridging or fill materials from their total depth up to a minimum depth of 50 feet below grade. These vertical heat exchange boreholes must be filled with only approved grout from a minimum depth of 50 feet below grade up to the ground surface. If the annular space around the loop pipes from a minimum depth of 50 feet below grade up to the ground surface is free from standing water, the approved grout may be emplaced without pressure pumping through a tremie pipe.

(b) **Completion Report.** Upon completion of the well or borehole, submit two copies of PA DCNR's water well completion report Form 8700-FM-TG-5001S, as may be amended, to the Zoning Officer and one copy of this form to the owner. If a geothermal well is constructed, a report shall be filed with the Borough by the driller indicating the well was constructed in accordance with this Chapter.

(c) **Construction Standard.** All materials and construction practices shall conform to the requirements stated in Closed-Loop/Geothermal Heat Pump Systems Design and Installation Standards, such as, but not limited to, standards for pressure testing, heat transfer fluids, etc. All materials and construction practices shall effectively prevent contamination of groundwater.

(5) **Abandonment.** If the geothermal system remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition Permit has been obtained in accordance with the following:

(a) The heat pump and any external mechanical equipment shall be removed.

(b) Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

(c) All abandoned wells shall be reported to PA DCNR on its forms and a copy provided to the municipality. If available, the original driller's log should be included along with the details of the well abandonment procedure. A photograph should be taken of the site, and a reference map should be made to locate the abandoned well.

J. **Home Child Care.** Supplementary, temporary care of children, unrelated to the caregiver, on a regularly recurring basis for a portion of one or more days in the week and provided in the home of the caregiver. The following Use regulations apply:

(1) **Limited Attendees.**

(a) More than 6 children is considered a Principal Use as a Child Day Care Center.

(b) In a single-Family Detached Dwelling with a minimum Lot Area of 10,000 square feet and a 10-foot Setback from all Abutting existing Dwellings, a maximum of 6 children who are not related to a Permanent resident of the Dwelling are permitted.

(c) In any other Dwelling Unit, a maximum of 3 children who are not related to a Permanent resident of the Dwelling are permitted.

(2) The Dwelling Unit must retain a residential appearance with no change to the exterior of the Dwelling to accommodate the Use, other than cosmetic improvements.

(3) The Use must be actively operated by a Permanent resident of the Dwelling.

(4) If 4 to 6 children who are not related to a Permanent resident of the Dwelling are cared for, then the following requirements must be met:

(a) Smoke detectors shall be provided throughout the Building, an "ABC" rated fire extinguisher shall be provided, and exit lights shall be provided at outdoor exits and at least one exit/window shall be provided with an opening within six feet of the Adjacent exterior grade level

(b) A minimum of 100 square feet of safe exterior play area shall be available.

K. Home Occupation. A Use that is clearly subordinate and incidental to the Principal Use as a residence and is conducted in a portion of a Dwelling Unit or its permitted Accessory Structure by one or more members of the occupying household and does not alter the exterior of the Building or its appearance. A Home Occupation is further defined below as either a General Home Occupation or a Light Home Occupation. The following Use regulations apply to all Home Occupations:

(1) Retail sales and Wholesale are prohibited on the premises unless conducted over the phone and through the mail.

(2) Industrial Uses are prohibited other than custom crafts and sewing.

(3) Hotel, nursing home, Boardinghouse, Eating & Drinking Place, stable, kennel, veterinarian office, funeral home, auto repair, painting of vehicles, tractor repair, lawn mower and engine repair, trucking company terminal, manufacturing, and bulk welding are also prohibited.

(4) Uses permitted as a home occupation include, but are not limited to, art studio, office, custom sewing, tax preparation, or musical instruction.

(5) Law or Medical Office. The main office of a medical doctor, chiropractor, dentist, or attorney shall only be allowed as a home occupation if the property Abuts an arterial or Collector Street.

(6) The burden of proof shall be upon the Applicant to prove that the standards of this section will be met, especially regarding possible nuisances and truck traffic. Based upon the potential nuisances of a proposed home occupation, the Zoning Hearing Board may determine that a particular type or intensity of Use is unsuitable to be a home occupation or that the proposed Lot Area or Setbacks are not sufficient.

(7) The home occupation shall be conducted completely indoors, and may be within a principal or accessory residential Building. The total amount of Floor Area of all Buildings used for a home occupation shall not be greater than 25% of the Total Floor Area of the principal Dwelling Unit.

(8) There shall be no outdoor operations or outdoor storage of materials, products, or equipment.

(9) Signs and Displays. There shall be no use of show windows, business display or advertising visible from outside the premises, except as is specifically permitted for a general home occupation.

(10) Truck Traffic. The Use shall not require the Parking or servicing by a vehicle with more than one ton loading capacity, except for deliveries a maximum of two times per day. The Use shall not involve the Parking of more than two trucks of any type on the Lot or on Adjacent Streets at any period of time. The Use shall not need servicing by, deliveries by or Parking of tractor-trailer trucks.

(11) Nuisances. No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, Glare, electrical interference or radio or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No Use shall generate noise or Glare in excess of what is typical in a residential neighborhood.

(12) Parking and Loading.

(a) In any case, a home occupation shall include an absolute minimum of one off-Street Parking space (which may be the same space as serves the dwelling).

(b) The Applicant shall prove to the satisfaction of the Zoning Hearing Board in the case of a general home occupation that the Use will include adequate off-Street Parking and loading spaces. The amount of Parking in the required front yard should be held to a minimum to maintain a residential character. Therefore, the Board may allow appropriate, safe on-Street areas to be used to meet a portion of Parking needs.

(c) If additional Parking is needed beyond what can be accommodated using appropriate on-Street spaces and a residential-style driveway, then the Board may require that such Parking be provided in the rear of the home if practical and may deny the Use if such rear Parking cannot be accommodated.

(d) Any required off-Street spaces shall be conveniently located to reach the door of the home occupation.

(13) Building Appearance. The exterior of the Building and the Lot shall not be changed in such a way as to decrease its residential appearance, except for permitted Parking spaces and the permitted Sign.

(14) Hours. A home occupation shall not be conducted in a way that is perceptible from beyond the Lot Line between the hours of 9:00 PM and 7:30 AM. This time limit shall also apply to any loading or unloading of vehicles on the property or on a Street that causes noise to adjoining residents.

(15) Hazardous Substances. The Use shall not involve the storage or Use of hazardous,

flammable, or explosive substances, other than types and amounts commonly found in a dwelling. The Use shall not involve the Use or storage of toxic substances.

(16) Advertising. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to come to the property without an appointment.

(17) Light Home Occupation. A Light Home Occupation is one that all the on-premise workers are Permanent residents of the Dwelling and limits or prohibits Persons regularly entering and exiting the premises for business purposes as further described below. The following Use regulations apply:

(a) Only the following activities are permitted as a Light Home Occupation:

- (i) Office-type work (such as writing, editing, drafting, tax preparation, computer programming, and computer data inputting).
- (ii) Clerical work (such as typing, stenography, addressing, and sending mail).
- (iii) Custom sewing and fabric crafts.
- (iv) Creation of visual arts (such as painting, sculpture, or wood carving).
- (v) The receiving of phone calls and the keeping of files on the site.
- (vi) Sales and surveys over the phone.

(b) Traffic. The Use shall not routinely involve the arrival at the property for business purposes of more than four vehicles per day. The Use shall not require a need for Parking beyond what is typically provided for a dwelling.

(c) No Sign shall identify the business.

(18) General Home Occupation. A General Home Occupation is one that does not meet the definition and standards of a Light Home Occupation. The following Use regulations apply:

(a) Number of Employees. A total maximum of one Person shall work on the premises who is not a Permanent resident of the dwelling, except a barber, beauty shop or hairstylist may not include any nonresident employees.

(b) Instruction. Any instruction or tutoring shall be limited to a maximum of three students on the property at any one time and six students on the property on any day.

(c) If the home occupation involves work occurring on a vehicle(s), no more than one such vehicle(s) shall be parked on the Lot or on Abutting Streets overnight.

(d) Traffic. The Use shall not routinely involve the arrival at the property for business purposes of more than 10 vehicles per day or the Parking of more than four vehicles of nonresidents at any one time.

(e) Signs. Only the following Sign shall be permitted - one nonilluminated Sign with a maximum Sign Area of two square feet on each of two sides, with a maximum Height of eight feet. Such Sign shall not be located within the existing Right-of- Way of a Street, unless it is attached to a mailbox.

L. Outdoor Café. Tables and chairs for patrons of Drinking and Eating Establishments located outdoors and directly Adjacent to the Structure containing the Principal Use. The following Use regulations apply:

(1) The Outdoor Café (including outdoor seating areas) may be permitted as an Accessory Use to an existing restaurant, delicatessen, or food store provided vehicular and pedestrian circulation is not unreasonably restricted pursuant to the Encroachment requirements specified in Part 5, Supplemental Regulations.

(2) Location.

(a) The Outdoor Café may be located anywhere on the Lot, or on the Adjacent Right-of-Way, provided that, if it is located in the Right-of-Way, a minimum of 5 feet of Sidewalk shall remain available and obstacle-free for passing pedestrians.

(b) The Outdoor Café shall be located directly Adjacent to the Principal Use.

(c) The Outdoor Café not associated with additional construction and located fully on the Lot are subject to administrative approval by the Zoning Officer.

(d) The Outdoor Café is not subject to Front or Secondary Street Setbacks.

(3) Limited outside Sidewalk sales of perishable and consumable items (produce, ice cream, newspapers, magazines, soft drinks, etc.) may be permitted in conjunction with an Outdoor Café provided that the outdoor display and sale is approved pursuant to the Use regulations outlined for “Outdoor Display and Sales” in subsection M below.

(4) If the Outdoor Café does not consistently comply with all conditions listed in this subsection and its Use and Occupancy Permit, or if the Use becomes a nuisance for any reason as determined by the Zoning Officer, the Zoning Officer may order such Use terminated. For purposes of this subsection a “nuisance” shall be deemed to include any condition considered a nuisance under applicable law.

(5) This subsection applies to any and all Uses of land or Structures, including existing Uses and Structures.

(6) Cover. The Outdoor Café may have a covering or overhead enclosure and shall be open-air.

M. Outdoor Display and Sales. The Outdoor Display and Sales of merchandise or other items offered for sale or advertisement of a Principal Retail or Service Use. The following Use regulations apply:

(1) Outdoor displays may not extend more than 5 feet from the Building Façade and in no instance shall merchandise or other items for sale or advertisement be located beyond the Front Lot Line. When the Building Façade is located 0 feet from the Front Lot Line, there shall be no outdoor display.

(2) Merchandise or other items displayed as the Accessory Use shall be restricted to those items or merchandise which are sold at the Principal Use.

(3) If associated with a Principal Use on a Corner Lot, only a single Frontage shall be utilized for accessory outdoor display purposes.

(4) Merchandise or other items, and all temporary Structures used for outdoor display, shall be removed and stored indoors from dusk to dawn.

(5) Notwithstanding any provision of this Part, the public way, Street, Sidewalk, Curb, and all means of ingress and egress to the Structure containing the Principal Use shall be maintained free of obstructions, merchandise, or other items. A minimum of 5 feet of Sidewalk shall remain available and obstacle-free for passing pedestrians.

N. Outdoor Storage Yard. A portion of a Lot used primarily for the outdoor storage of construction or industrial equipment parts, materials, and supplies, and the Parking of construction equipment. The following Use regulations apply:

(1) The Outdoor Storage Yard must be secured and screened from view of the Front Lot Line. Except for the ingress and egress locations, the fence's outside perimeter shall be screened from public view by a continuous 4-foot wide opaque evergreen Buffer planting that is a minimum of 10 feet high at maturity.

(2) Loose materials must not be stacked higher than 20 feet.

(3) Loose materials must be covered.

(4) Materials must be Setback a minimum of 20 feet from any Lot Line.

(5) Parking, Automobile. Parking as an Accessory Use in conjunction with an Adjacent Principal Use on the Lot. The minimum Parking requirements of Part 5 must be met for every Principal Use.

(6) Parking Lot. A Parking lot is a Paved Surface used solely for the Parking of Vehicles, intended for Use by the occupants in an Adjacent Building on the Lot.

(7) Parking Structure. An Accessory Structure used solely for the Parking of Vehicles, intended for Use by the occupants in an Adjacent Building on the Lot. The following Use regulations apply:

(a) Location. Parking Structures including accessory use parking facilities shall be located in the Rear Yard only and shall be screened from view from the front of the Lot or the primary Street to the Principal Use Structure.

(b) Height.

(i) A Parking Structure in a Residential Zoning District and the Preservation Zoning District must meet the maximum Height of an Accessory Building for the applicable Zoning District.

(ii) A Parking Structure accessory to a Residential and Lodging Use, excluding Multi-Family Dwelling and Hotel/Apartment Hotel, must meet the maximum Height of an Accessory Building for the applicable Zoning District.

(iii) All other Parking Structures shall have a maximum Height no greater than Height of the Principal Use Structure.

O. Parking, RV and Boat. The Accessory Use of Parking a Recreational Vehicle or

boat outside. The following Use regulations apply:

- (1) The Front Setback of the applicable Zoning District applies.
- (2) A Recreational Vehicle or boat parked or stored on the Side or Rear Setback must be at least 5 feet from the Lot Line.
- (3) When parked or stored on a Lot with a Multi-Unit Dwelling as the Principal Use:
 - (a) The Side and Rear Setbacks apply.
 - (b) The area where the Recreational Vehicle or boat is parked or stored must be surrounded by a 6-foot high privacy fence.

P. Pets. The keeping of pets is permitted according to the following Use regulations:

(1) Only those pets that are domesticated and are compatible with the residential character of a given district are permitted to be kept as pets. Examples of permitted pets include dogs, cats, rabbits, frogs, gerbils, snakes that could not be poisonous to humans, and fish. Examples of not permitted pets include bears, goats, cows, wolves, wolf-dog hybrids, snakes that could be poisonous to humans, pigs (other than miniature breeds) or sheep.

(2) No Use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be allowed outdoors in a Residential Zoning District, except within a secure, completely enclosed cage or on a leash under full control of the owner.

(3) Dogs and Cats. The total number of dogs and cats shall be a combined maximum of five, unless the animals would be regularly kept at least 200 feet from a Residential Lot Line. No numerical restriction shall apply to cats and dogs of less than three months age, although commercial breeding shall only be permitted as a general home occupation. Keeping of more than the specified number of cats or dogs shall be considered a kennel.

(4) Bees. Any area used for the outdoor keeping of bees shall be set back a minimum of 150 feet from all Lot Lines. The presence of such bees shall be well-marked.

(5) Carrier Pigeons. Any keeping of carrier pigeons shall comply fully with the applicable State law. A maximum of 25 pairs of carrier pigeons may be permitted on any Lot. If a Person applies for a Permit to keep carrier pigeons, the Borough Manager shall appoint a Person to periodically inspect the premises as provided for in the State law to ensure compliance with such State health regulations. Such Person shall ensure that each carrier pigeon is stamped or banded with identification marks. The loft shall comply with the Borough's Building codes and this chapter. The loft shall be maintained in a clean, orderly condition and kept in good repair.

(6) Fowl. A maximum total of two pigeons, chickens, ducks, geese, and similar fowl shall be kept on Lots of less than two acres. A maximum of 12 such fowl shall be permitted under this section for Lots of 2 acres or more. Such animals shall be kept on the property of the Applicant. If there is more than two such fowl on a Lot, they shall be kept a minimum of 75 feet from any dwelling other than that of the owner of the animals. Keeping of more than the specified number of pigeons or fowl shall be considered keeping of livestock under the Principal Use Agricultural Operations.

(7) Rabbits. Rabbits may be kept provided they do not create a public health hazard.

(8) Horses. In any Zoning District it is permitted to maintain up to two horses on a Lot of two acres or more. Any horse barn, corral, fenced-in area or stable shall be a minimum of 50 feet from any Abutting Lot Line (other than a Street Right-of-Way) and 150 feet from any existing dwelling other than that of the owner of the horses. Keeping of more than the specified number of horses shall be considered a stable under the Principal Use Agricultural Operations.

(9) Exotic Animals. The keeping of exotic animals not normally considered to be household pets shall only be permitted by Special Exception, except for those animals prohibited as pets under this section. For such approval, the Applicant shall prove to the satisfaction of the Zoning Hearing Board that:

(a) Such animal(s) will not pose an unreasonable threat to the health or safety of Persons or property in the Borough (including the property in question); and,

(b) Adequate safeguards will be in place to prevent the release or escape of such animal from the property in question.

Q. Short-Term Rental. The Accessory Use of a Building (except a Hotel, Motel, or Bed and Breakfast) where, for compensation, temporary lodging is provided for transient guests for less than 30 consecutive days and meals are not provided. The Use standards specified under §27-405.1 and the following Use regulations apply:

(1) No more than 2 non-Family roomers are permitted per Dwelling Unit.

R. Signs. Signs, as regulated under Part 6 of this Chapter, are an Accessory Use to the Principal Use.

S. Swimming Pool. A Swimming Pool accessory to a Residential and Lodging Use is subject to the following Use regulations:

(1) Unless the wall of the pool is at least 4 feet above the ground at all points, it shall be enclosed with a fence at least 4 feet and no greater than 6 feet in Height or have a fence on top of the pool deck so that the combined Height is at least 4 feet. The fence shall be locked, and any access steps or ladders shall be removed or rendered inoperative when the pool is unattended. A higher fence along Lot Lines Adjacent to a pool may be authorized as a Special Exception by the Zoning Hearing Board.

(2) A Swimming Pool shall not involve any Commercial Use if it is an Accessory Use to a principal residential Use.

(3) The design and construction of all Swimming Pools shall be in accordance with the UCC.

(4) A Swimming Pool must be placed behind the Principal Building and comply with the Principal Building Side and Rear Setbacks. In the case of a Corner Lot, a Swimming Pool must not be placed closer to the Secondary Street than the Principal Building. A contiguous pool patio that is concrete, pavers, bricks, or other hard impervious non-combustible material that is flush with the surrounding grade shall not be required to meet Principal Building Setbacks.

T. **Warehouse.** A Building or group of Buildings primarily used for the indoor storage, transfer and Distribution of products and materials, but not including retail Uses or a truck terminal, unless such Uses are specifically permitted in that Zoning District. The following Use regulations apply:

(1) No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses, or similar items shall be permitted.

(2) Uses that would involve the entrance to the Use of an average of more than 100 tractor-trailers per weekday are prohibited.

(3) Additional requirements for Outdoor Storage apply.

Table 27-4.I Temporary Uses

BOROUGH OF EMMAUS ZONING ORDINANCE USE TABLE Key: P = Permitted by-Right SE = Permitted by Special Exception C = Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS										
	Preservation	Conservation	Wooded Residential	Enclave Residential	Central Residential	Urban Edge Neighborhood	Urban Core Neighborhood	Urban Gateway	Downtown Neighborhood	Downtown Core	Enterprise District
Uses	P	C	RW	RE	RC	UEN	UCN	UG	DN	DC	ED
Farmers Market										P	P
Seasonal Sales								P			
Outdoor Event								P		P	P
Signs	See Part 6 of this Chapter										
Temporary Uses Not Listed Above	See Part 5 of this Chapter										

§27-413 Temporary Uses

1. **General.**

A. Temporary Uses are limited to those expressly regulated in this Chapter as well as those that the Borough Zoning Hearing Board has approved as a Special Exception for a Temporary Use.

(1) A Temporary Use that is conducted annually or on a similar recurring basis as determined by the Borough must apply for Special Exception approval from the Borough Zoning Hearing Board for its first occurrence. The Temporary Use may be permitted to recur thereafter with approval from the Zoning Officer provided that the event location, format, and operations have not substantially changed from the original approval and that the conditions established in the original approval are deemed applicable.

(2) All other Temporary Uses shall receive Special Exception approval for each occurrence.

2. Temporary Uses.

A. Farmers Market. A public market administered by a market manager and held multiple times per year to connect and mutually benefit farmers, communities, and shoppers. The Farmers Market shall allow as vendors predominantly local farmers, farmers' cooperatives and producers selling any of the following: whole produce; value-added agricultural products such as jams, jellies, and pickles; prepared food; all agricultural and horticultural products including but not limited to whole produce, plants, flowers, meats, dairy products, and other food-related products. The following Use regulations apply.

(1) The Applicant shall indemnify, save harmless, and defend (if requested) the Borough and the Owner(s) of any private or public property upon which the Farmers Market will be held and their respective officers, agents, and employees from any and all claims, suits, or actions for injuries, death or property damage arising out of the Temporary Outdoor Event where the claim, suit, or action was caused by the Applicant, its officers, agents, and employees, the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, event communications staffs, the traveling public, general public, or spectators.

(2) An accurate certificate of insurance must be provided showing:

(a) General liability insurance for bodily injury and property damage in the minimum amount of \$250,000.00 per Person and \$1,000,000.00 per occurrence to cover any loss that might occur as a result of the permitted Use of the local and State Rights-of-Way or private property that might otherwise arise out of or be connected with the Farmers Market.

(b) Occurrence-based coverage.

(c) The Borough and applicable public and private Landowners named as the additional insured.

(3) Written permission for Use of any private property must be obtained from the Owner(s), or other Person with authority to grant same, and be submitted to the Zoning Officer.

(4) The farmers' market is of a temporary nature, namely, in operation only one day or 2 days per week between the maximum hours of 8:00 AM and 8:00 PM.

(5) A minimum Lot Area of 100 square feet per stand shall be provided.

(6) Farmers Market Vendors must obtain a Retail Food License from the Pennsylvania Department of Agriculture to operate a food facility at a farmers' market, whether the market is inside or outside. Each individual stand is considered its own retail food facility and must obtain its own license to operate.

B. Outdoor Event. A temporary Outdoor Event such as a carnival, circus, Street celebration, race, bazaar, market, procession, assemblage, or other similar outdoor event. Such events may be on a Street, open space, or other public space in which public access is wholly or partially restricted. The event may include the sale of goods. The following Use regulations apply:

(1) The Applicant shall indemnify, save harmless, and defend (if requested) the Borough and the Owner(s) of any private or public property upon which the event/activity will be held and their respective officers, agents, and employees from any and all claims, suits, or actions for injuries, death or property damage arising out of the Temporary Outdoor Event where the claim, suit, or action was caused by the Applicant, its officers, agents, and employees, the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, event communications staffs, the traveling public, general public, or spectators.

(2) A certificate of insurance must be provided showing: (a) public liability insurance for bodily injury and property damage in the minimum amount of \$250,000.00 per Person and \$1,000,000.00 per occurrence to cover any loss that might occur as a result of the permitted Use of the local and State Rights-of-Way or private property that might otherwise arise out of or be connected with the event; (b) occurrence-based coverage; and (c) the Borough and applicable public and private Landowners named as the additional insured. The Applicant warrants the information in the insurance certificate is accurate.

(3) The event location or route shall be appropriately secured with proper security and safety measures taken to protect the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, vehicle escort services, maintenance and protection services, the traveling public, event communications staffs, the general public, and spectators. Proper emergency medical services shall be provided. Local fire departments, the public, and the traveling public shall be notified in advance of the event.

(4) Written authorization from the Pennsylvania Department of Transportation via a Special Event Permit granting the Applicant permission Use the Right-of-Way of a public roadway. The Applicant shall provide the Borough with a complete copy of the Special Event Permit and associated documentation. All information shall be submitted to the Zoning Officer.

(5) Written permission for Use of any private property must be obtained from the Owner(s), or other Person with authority to grant same, and be submitted to the Zoning Officer.

C. Signs. Temporary Signs are regulated under Part 6 of this Chapter.

§27-414 Nonconformities

1. Registration of Nonconformities. It shall be the responsibility of a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

2. Continuation of Nonconformity. A lawful Nonconforming Use, Structure, or Lot as defined by this chapter may be continued and may be sold and continued by new owners. Any expansion of, construction upon, or change in Use of a nonconformity shall only occur in conformance with this section.

3. Expansion of, Construction Upon, or Change in Use of Nonconformities.

A. Nonconforming Structure.

(1) The Zoning Officer shall permit a Nonconforming Structure to be reconstructed or

expanded as follows:

(a) When a lawful Structure exists on the effective date of this chapter, or subsequent amendments thereto, that could not be built under the terms of this chapter by reason of restrictions on area, Lot coverage, Height, or yards, it may be continued as long as it remains otherwise lawful, subject to the following provisions:

(i) In any Residential Zoning District where a Structure is nonconforming because it does not fulfill the Setback requirements of the Zoning District in which it is located, it may be enlarged, provided that the addition does not encroach into the required Setback more than the existing Building.

(ii) In no case shall any addition be larger than 25% of the Total Floor Area of the existing Building.

(iii) A Nonconforming Structure, which is damaged by fire, explosion, or act of God, may be rebuilt and used for the same purposes, provided that the reconstruction of the Building is commenced within one year from the date of the destruction of the Building, and is carried out to completion without undue delay. In no case shall the reconstructed Structure be larger than the one existing at the time of destruction.

(2) In the case of a Nonconforming Structure that is occupied as a Nonconforming Use, any expansion shall also meet the requirements of this section regarding Nonconforming Uses

B. Nonconforming Lot.

(1) New permitted Structures for a single Permitted By-Right Principal Use and its customary Accessory Uses may be constructed, reconstructed, or expanded on a Nonconforming Lot of record as a Permitted By-Right Use if all the following requirements are met:

(a) The Lot Area is at least 40% of the minimum Lot Area.

(b) The Lot Width is at least 40% of the minimum Lot Width.

(c) The Lot is a Lot of record that lawfully existed prior to the adoption of this chapter or an applicable subsequent amendment.

(d) Minimum Setbacks and other requirements of this chapter are complied with for any New Construction or expanded area.

(e) For a dwelling on a Nonconforming Lot, the front door shall face a public Street, and the Building Wall facing onto a public Street must have the appearance typical of a front of a dwelling.

(2) Setbacks. The Zoning Hearing Board may grant a Special Exception to reduce the required Setbacks for construction on a Nonconforming Lot if the Board determines that such reduction would result in a Building that would be more compatible with neighboring Buildings than would be built if the Setback requirement was not reduced.

(3) Variances. If a proposed Development needs a Variance from one of the requirements of §27-414.3.B Nonconforming Lot, in addition to the standards for a Variance in the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., the Zoning Hearing Board will also review whether any alternative permitted Uses could reasonably be made of the property that would have less significant adverse impacts upon the established character of an existing residential

neighborhood than the proposed Use.

C. *Expansion of a Nonconforming Nonresidential Use.* A Nonconforming Use or a Building used by a Nonconforming Use shall not be expanded, except in accordance with the following provisions:

(1) An expansion of more than 5% in total Building Floor Area shall require Special Exception approval from the Zoning Hearing Board under §27-115.8.B.

(2) Such reconstruction or expansion shall be only upon the same Lot that the Nonconforming Use was located upon at the time the Use became nonconforming.

(3) The Nonconforming Use shall not be expanded by more than 25% beyond the total Building Floor Area used by a Nonconforming Use or the total area covered by Impervious Surfaces of a Nonconforming Use, whichever is more restrictive. Such measurement shall be based upon the Floor Area and Impervious Surface area that existed at the time such Use became nonconforming.

(a) These maximum increases shall be measured in aggregate over the entire life of the nonconformity.

(b) If the Zoning Hearing Board determines that such measurements are not applicable to a particular Use, then the Zoning Hearing Board may establish a reasonable measure to base the 25% expansion upon.

(4) Any expansion of a Nonconforming Use shall meet the required Setbacks and other requirements of this Chapter, unless the Zoning Hearing Board grants a Variance.

(5) The Zoning Hearing Board may require a Nonconforming Use that is expanding to provide one or both of the following:

(a) A Buffer Yard with a planting screen meeting the requirements of the Borough Subdivision and Land Development Ordinance (Chapter 22).

(b) An attractive weather-resistant solid wood fence of 6 feet minimum Height.

D. *Expansion of a Nonconforming Residential Use.* An existing nonconforming residential Use may be expanded in Floor Area as a Permitted By-Right Use provided that:

(1) The number of Dwelling Units or rental units, as applicable, is not increased.

(2) The expansion meets all applicable Setbacks.

(3) No new types of nonconformities are created.

(4) A nonconformity is not made more severe (including the Building area within the required Setback area).

4. *Damaged or Destroyed Nonconformities.*

A. A Nonconforming Structure that has been destroyed or damaged equal to 50% or more of its total value by fire, windstorm, lightning or a similar cause deemed not to be the fault of the owner may rebuild in a nonconforming fashion only if:

(1) The application for a Building Permit is submitted within 18 months after the date of damage or destruction.

(2) Work begins in earnest within 12 months afterwards.

(3) A nonconformity shall not be created or increased by any reconstruction.

B. Rebuilding of a damaged or destroyed nonconformity shall not begin until plans for rebuilding have been presented and approved by the Zoning Officer. Any change of one Nonconforming Use to another Nonconforming Use shall comply with the provisions of this section.

C. Nonconforming Use of Open Land. All nonconforming off-premises Signs, junkyards, outside storage areas and similar Nonconforming Uses of open land, when damaged to an extent of 50% or more of replacement cost, shall not be continued, repaired, or reconstructed.

5. Abandonment, Discontinuance and Delinquency.

A. The ceasing of a nonconforming Use in a Building or Structure for a continuous period of one (1) year or more shall create the presumption of abandonment of the nonconforming Use. Subsequent use of such Building or Structure shall be in conformity with the provisions of this Chapter.

B. The ceasing of a nonconforming use of land for a continuous period of one (1) year or more shall create the presumption of abandonment of the nonconforming Use with the exception of normal agricultural practices, such as, the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this Chapter.

C. In the case of the death of the Landowner and/or settling of an estate the discontinuance of the nonconforming Use shall not be considered an abandonment of the Use in accordance with Section 27-418 (2) and (3) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one (1) year grace period after such settlement or court order shall apply.

D. A nonconforming Use shall be deemed abandoned in the event the Borough or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Chapter.

6. Documentation of Nonconformance.

A. It shall be the right of the Landowner to provide evidence of the nonconformance. At the request of the Landowner and based on evidence provided to the Zoning Officer, the Zoning Officer shall issue a Certificate of Nonconformance, which shall be for the purpose of insuring to the Owner the right to continue a nonconforming Building or Use. If no documented evidence is produced, it shall be assumed that the nonconformance is not a preexisting condition.

B. The Certificate of Nonconformance shall set forth in detail all the nonconforming conditions of said property.

C. The Township shall retain a copy of the Certificate of Nonconformance.

7. Floodplain. See the floodplain area regulations in Chapter 8.

8. Changes from One Nonconforming Use to Another.

A. Once changed to a conforming Use, a Structure or land or portion thereof shall not revert to a Nonconforming Use.

B. A Nonconforming Use may be replaced by a Nonconforming Use that is equally intense or less intense. The Zoning Officer may approve this by-right provided that the Applicant provides sufficient evidence to clearly prove that the proposed Use is equally or less intense. If the Zoning Officer has doubts about the comparative intensity of the new versus the previous Use, then a Special Exception from the Zoning Hearing Board is required. The Zoning Officer or Zoning Hearing Board must consider the following in determining the relative intensity of Uses:

- (1) Traffic generation and congestion, including truck, delivery, and passenger car traffic.
- (2) Nuisance characteristics such as emission of noise, odor, dust, smoke, fumes, fire hazards, Glare, and vibration.
- (3) Hours and manner of operation.
- (4) Waste disposal and storage.
- (5) Parking demand, considering the proposed hours of Use.
- (6) Amount and character of outdoor storage.

C. Zoning District Changes. Any Uses, Structures, or Lots that become nonconforming because of a Zoning District change shall be regulated under this section on nonconformities.

9. Subdivision of Lots with Existing Buildings. Notwithstanding limitations imposed by other provisions of this chapter, a Lot which had one or more Principal Building existing prior to September 8, 1987, may be divided into more than one nonconforming Lot provided such division is for purposes of conveyance into separate ownership and provided the following conditions are met:

- A. Each Lot shall include a maximum of one Principal Building.
- B. Each Lot shall have vehicle access onto a public Street.
- C. Each Lot shall be served by both public water and public sewage service.
- D. The boundaries of all Lots shall be designed in such a manner to maximize Lot Area, Lot Width, Lot Depth and yard areas and to result in a functional configuration that minimizes nonconformities.
- E. Variances of Lot Area, width, depth, and Setbacks require action by the Zoning Hearing Board.
- F. The Zoning Hearing Board shall not make a decision on a Variance under this section until a minimum of 40 days after an application is filed, unless comments have already been received from the Planning Commission.

Part 5 Supplemental Regulations

§27-501 Purpose

The purpose of these supplemental regulations is to set specific conditions for various Uses,

classification of Uses, or areas where problems are frequently encountered, and to aid Applicants in the permitting process. Use requirements contained elsewhere in this Part apply to all Uses and Structures, whether specifically listed in this Article. The provisions of this Part are not to be interpreted as a waiver of the application of Borough UCC requirements or any other requirements of the Borough or the Commonwealth of Pennsylvania.

§27-502 Accessory Structures and Outbuildings

1. An Outbuilding must be located and constructed according to the Outbuilding Form Requirements specified for each Zoning District under Part 3 of this Chapter.

2. Unless otherwise identified in this Part, an Accessory Structure must be located and constructed according to the Outbuilding Form Requirements specified for each Zoning District under Part 3 of this Chapter.

3. A single Lot may have more than one Outbuilding or Accessory Structure provided it meets the standards set forth in this Chapter. All residential properties are limited by Paragraph 5 set forth below.

4. Separation. An Outbuilding or Accessory Structure must be at least 10 feet from the Principal Building.

5. Single-Family Detached, Single-Family Semi-Attached, Two Family, and Townhouse Dwellings, regardless of which Zoning District they are located in, are limited to two Accessory Structures/Buildings with a maximum total combined Floor Area for all Accessory Buildings of 1,000 square feet.

§27-503 Airport Area Regulations

All Uses and Structures, unless otherwise indicated, must comply with the regulations and standards of this section.

1. Definitions.

Conical Zone – The area that commences at the periphery of the Horizontal Zone and extends outward therefrom a horizontal distance of 4,000 feet.

Horizontal Zone – The area within lines drawn tangent to Adjacent arcs established by swinging arcs of 5,000 feet for all runways designated by the Airport as utility or visual and arcs of 10,000 feet for all other runways from the center of each end of the Primary Surface of each runway of the Airport.

Primary Surface – A surface centered longitudinally on a runway. If such runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of such runway.

2. Elevation Limitations. Regardless of any other provisions of this Chapter and except as otherwise provided in this Section, no Structure shall be erected, altered, or maintained, and no tree or other vegetation shall be allowed to grow in any of the following zones to an elevation in excess of the elevation limit established for each such zone as follows:

A. Conical Zone. 100 feet above the Airport Elevation at the periphery of the Horizontal Zone and increasing at a uniform Slope of one foot upward for each 20 feet outward from the Horizontal Zone to a Height of 350 feet above the Airport Elevation.

B. Horizontal Zone. 100 feet above the Airport Elevation.

3. Airport Approach Use Restrictions. Regardless of any other provisions of this Chapter, no Use of land or water in the Conical Zone or Horizontal Zone shall:

A. Create electrical interference with the navigational signals or radio communication between the Airport and aircraft.

B. Make it difficult for pilots to distinguish between Airport lights and other lights.

C. Result in Glare in the eyes of pilots using the Airport.

D. Impair visibility in the vicinity of the Airport.

E. Create bird strike hazards.

F. In any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the Airport.

4. Airport Approach Nonconformities and Natural Growth.

A. Regulations Not Retroactive. The regulations prescribed by this Section shall not be construed to require the removal, lowering, or other change or alteration of any Use, Structure, tree, or other vegetation not conforming to such regulations which nonconformity existed prior to the effective date of this section.

B. Marking and Lighting. Regardless of Subsection 3(A), above, the owner of any such Nonconforming Use, Structure, tree, or other vegetation is hereby required to install, operate, and maintain (at the owner's expense) thereon such markers or lights as shall be necessary to indicate the presence of such nonconformity to the operators of aircraft in the vicinity of the Airport.

C. Enlargement or Expansion. Regardless of any other provisions of this Chapter, no such Nonconforming Use, Structure, tree, or other vegetation may be enlarged or expanded in any way which increases the nonconformity with the regulations of this section.

D. Abandonment, Removal, Condemnation or Destruction. Regardless of any other provisions of this Chapter, no nonconforming part of any Nonconforming Use, Structure, tree, or other vegetation which is abandoned, removed, condemned, or destroyed shall be replaced unless it conforms with the requirements of this Section, except when authorized as a Special Exception by the Zoning Hearing Board pursuant to Part 1, and the following conditions:

(1) That it would not be feasible to use the remainder of the Use, Structure, tree, or other vegetation without replacement of the nonconformity.

(2) That the replacement represents the minimum nonconformity needed to use the remainder of the Use, Structure, tree, or other vegetation.

(3) That adequate safeguards will be provided to ensure the safety and welfare of all Persons and property potentially affected.

5. Airport Approach Permits.

A. An Airport zoning Permit is required for any proposed Use, Structure, tree, or other vegetation which will be both:

(1) In either the Conical Zone or the Horizontal Zone.

(2) 75 feet or more in Height or of such character or used in such a manner as to cause a reasonable question whether such proposed Use, Structure, tree, or other vegetation will conform with the requirements of this Section as determined by the Zoning Officer.

B. Application. Each application for an Airport zoning Permit shall indicate the purpose for which the Permit is desired with sufficient particularity to provide for the determination whether the proposed Use, Structure, tree, or other vegetation will conform with the regulations of this Section. No application shall be reviewed unless accompanied by the fee established by Council by resolution.

C. Issuance.

(1) An Airport zoning Permit will be issued if the Zoning Officer determines that such proposed Use, Structure, tree, or other vegetation conforms with all of the requirements of this section. The Zoning Officer may require the owner of any proposed Use, Structure, tree, or other vegetation to install, operate, and maintain (at the owner's expense) thereon such markers or lights necessary to indicate the presence of such proposed Use, Structure, tree, or other vegetation.

(2) The Zoning Officer shall not issue an Airport zoning Permit for any proposed Use, Structure, tree, or other vegetation which will not conform with all of the regulations of this Section.

(3) The decision of the Zoning Officer may be appealed to the Zoning Hearing Board pursuant to Part 1.

6. Airport Approaches Variances.

A. Application. In addition to the applicable requirements of this Chapter, a copy of each application for a Variance from the regulations of this section shall be furnished to such official or body authorized by the Airport and proof of such shall be furnished with the application. No decision shall be made until 15 days after the filing of the application unless such official or body advises the Zoning Hearing Board as to the impact of such Variance on aeronautical safety and operations.

B. Issuance. In addition to the applicable requirements of this Chapter, the Zoning Hearing Board shall not grant a Variance from the regulations of this Section, unless all the following conditions are met:

(1) That the application for a Variance shall be accompanied by a determination from the Federal Aviation Administration that the effect of the proposed Variance shall not diminish the safe, efficient use of navigable airspace or the operation of air navigation

facilities.

(2) That it would be infeasible to alter or make use of the Use, Structure, tree, or other vegetation without the proposed Variance.

(3) That the Variance represents the minimum Variance needed to make use of the Use, Structure, tree, or other vegetation.

(4) That adequate safeguards will be provided to ensure the safety and welfare of all Persons and property potentially affected.

§27-504 Buffer Yards

Buffer Yards of primarily evergreen screening shall be required whenever any new or expanded Uses principal Commercial Use, principal industrial use, industrial outdoor storage area or Development of 10 or more apartment Dwelling Units has a Side or Rear Lot Line that Abuts a Residential Lot Line as defined by Part 2. Buffer Yards and screening complying with the standards of the Subdivision and Land Development Ordinance (Chapter 22).

§27-505 Building Demolition

1. Purpose and Applicability. The purpose of these regulations is to:

A. Protect Preferably Preserved Significant Buildings or Structures within the Borough by providing advance notice of their proposed demolition.

B. Encourage owners of such Preferably Preserved Significant Buildings or Structures to preserve, rehabilitate, or restore such Buildings or Structures, rather than demolish them.

C. Promote the public welfare by making the Borough a more attractive place in which to live.

2. Significant Buildings or Structures Inventory. The Planning Commission or Historic Commission will maintain a current inventory of Preferably Preserved Significant Buildings or Structures located within the Borough. The inventory must identify each Building or Structure by tax map parcel identification number and address.

3. Proposed Demolition of Significant Buildings or Structures. All Zoning Permit applications for demolition will be reviewed by the Zoning Officer and Building Code Official who will determine if the application concerns a Preferably Preserved Significant Building or Structure as inventoried under Subpart (2) above. Applications that concern a Preferably Preserved Significant Building or Structure will be reviewed by the Planning Commission or Historic Commission.

4. Application Procedure. A request to demolish a Preferably Preserved Significant Building or Structure must comply with the zoning Permit application procedures specified under §27- 109 of this Chapter.

5. Review Criteria. The Planning Commission or Historic Commission will consider the following factors when reviewing an application to demolish a Preferably Preserved Significant Building or Structure:

A. The extent to which the demolition or preservation of the Building or Structure will promote the general welfare of the Borough and its citizens.

B. The extent to which the demolition or preservation of the Building or Structure will impact the historic or architectural character of the Borough.

C. The limitations upon the issuance of a demolition Permit for a Preferably Preserved Significant Building or Structure will not apply when the demolition has been ordered by the Borough or County for the preservation of the public health or safety.

§27-506 Encroachments

1. The following regulations are intended to assist Applicants and business owners in establishing attractive and safe Encroachments that benefit both the business community and the citizens that enjoy those public spaces:

A. *General Requirements.*

(1) The Borough's goal is to maintain the highest standards of accessibility and safety while achieving an attractive and functional design within its mixed-Use and commercial areas.

(2) In general, Encroachments shall complement public Use and improvements. In no case shall Encroachments exclude the public from any public Sidewalk or Street.

(3) Allowed Encroachments shall comply with all requirements of this Chapter.

(4) This subsection applies to any and all Uses of land or Structures, including existing Uses and Structures.

B. *Location and Dimensional Requirements.*

(1) Encroachments must maintain a clear path of no less than 5 feet. The Zoning Officer may permit paths of travel of less than 5 feet in instances where safe access can be determined.

(2) Encroachments shall not block safe access to businesses, Parking spaces, bike stalls, or other spaces required by local, State, or Federal Building or safety codes.

(3) Encroachments are not permitted within 15 feet of corners of Sidewalks or where crosswalks are present measured from the center of the corner or crosswalk. In the case of a corner with a crosswalk, the 15 feet is measured from the center of the crosswalk.

(4) Encroachments shall not impede on any required clear sight triangles.

(5) Tables shall not exceed 42 inches in width at the greatest dimension.

(6) Chairs must not extend into the required accessible minimum walkway width of 5 feet at any time. Chairs must be at a scale appropriate to the size of the table or space available

for seating.

(7) Portable outdoor heating devices and Permanently mounted heating devices shall be reviewed by the Zoning Officer for safety and require either a Zoning Permit as applicable.

(8) Encroachments shall not intrude onto other private properties.

C. Maintenance and Operational Requirements.

(1) Maintenance of Encroachments shall be the sole responsibility of the owner of the property permitted within the Encroachment.

(2) Any item permitted to be placed in the public Right-of-Way shall be maintained in a safe manner so as not to obstruct pedestrian access to public Sidewalks, access ramps or doorways. Movable items, such as chairs, shall always be positioned to prevent obstruction of access routes. The permitted item shall always be relocated to the appropriate location if moved by patrons.

(3) All materials shall be well-maintained without stains, rust, tears, or discoloration. Materials that show evidence of significant wear or age shall be replaced.

(4) All encroachments shall be constructed of durable fade resistant materials.

D. Outdoor Displays. Outdoor displays shall be limited to single items or object displays or a few examples of items or goods sold in the store and must comply with all other standards specified herein.

E. Umbrellas. Umbrellas shall be installed and maintained to provide pedestrian clearance by maintaining 7 feet of clearance from the Sidewalk to the lowest edge of the umbrella. Umbrellas shall not exceed a maximum Height of 9 feet from the base to the top portion of the pole.

F. Planters and Landscaping.

(1) Private planters shall be kept to a minimum and shall be placed against Buildings to accent Building entrances and openings. Private planters shall complement but not interfere with or be placed Adjacent to Borough-maintained planters located along the Street curb. Planters shall not be used to define seating areas or otherwise cordon off public Sidewalk for private Use.

(2) Plant material shall be of high quality and shall always be maintained in a viable condition.

(3) Debris or litter caused by planters or nearby landscaping shall be maintained or cleaned by the responsible business or property Owner. Debris, stains, or litter shall be cleaned or removed by the responsible business or property Owner.

G. Other Encroachment Types. Other types of Encroachments, not anticipated by this Chapter, may be considered and permitted by the Borough, but must comply with the purpose and intent of these requirements.

§27-507 Fences and Walls

1. General Requirements.

- A. A Zoning Permit shall be obtained for the erection of all fences and walls. Normal maintenance of fences and walls or replacement of like materials are exempt from the Permit requirement.
- B. No fence or wall shall obstruct the flow of stormwater, except as part of a Borough-approved stormwater system.
- C. Fences and walls shall not be permitted within any Right-of-Way, drainage or stormwater management Easement, Clear Sight Triangle area, within the site visibility area Adjacent to railroads, or the 100-year Floodplain of any lake, river, or wetland.
- D. Perimeter fences and walls must be installed along and up to a Lot Line but within the property limits.

2. Height Restrictions.

- A. A fence in the Front Lot Segment must not exceed 4 feet in Height and have a 1-to-1 ratio of open space to structure.
- B. A wall in the Front Lot Segment must not exceed 3 feet in Height.
- C. A fence or wall in the Mid or Rear Lot Segment must not exceed 6 feet in Height.
- D. On Corner Lots, a fence or wall must not obstruct any Clear Sight Triangle, as defined in Emmaus's Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code).
- E. Fences of wood, metal, or masonry exceeding 6 feet in Height bordering swimming pools and Commercial Uses when necessary for effective buffering may be approved as a Special Exception from the Zoning Hearing Board.
- F. Retaining walls that are required to support changes in site grades shall be excluded from these requirements. This exemption also applies to any safety fencing or railings required as part of the retaining wall.

3. Maintenance and Materials.

- A. Any fence or wall shall be durably constructed and well-maintained. Privacy fences shall be constructed so that the finished side of the fence faces toward Abutting properties and Rights-of-Way unless the fence is not visible from adjoining property. Fences and walls that have deteriorated shall be replaced or removed.
- B. All fences shall be constructed of materials normally Manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite Manufactured specifically as fencing materials. Fence materials shall

be materials approved for exterior use that are weather and decay resistant.

C. A fence shall not be constructed out of rope; string; fabric; Junk; Junk Vehicles; appliances; tanks; barrels; wire products including, but not limited to, chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; corrugated metal panels; galvanized sheet metal; plywood; fiberglass panels; or any other materials that are not Manufactured specifically as residential fencing materials. No Landowner shall construct a residential fence of used, damaged, or unsafe materials.

D. Razor wire, barbed wire, and electric fences, except for in-ground pet fencing, are prohibited in all Zoning Districts.

§27-508 Street Front Requirements

1. A Principal Building shall only be built upon a Lot with Frontage on a public Street improved to meet Borough standards or for which such improvements have been insured by the posting of a performance guarantee pursuant to the Subdivision and Land Development Ordinance [Chapter 22], except in either of the following cases:

A. A single Lot that existed as a lawful recorded Lot of record prior to the adoption of this Chapter and that is not proposed to be subdivided and that is to be used for a single- Family Detached dwelling shall be permitted to have access onto a public Street by means of a paved public Alley with a minimum Cartway width from the subject Lot to a public Street of 10 feet if all of the following apply:

- (1) Such Alley provides legally Permanent access to the property.
- (2) The Zoning Officer determines there are no other feasible methods of providing access to the property.
- (3) Such Alley already exists in a satisfactory condition or would be improved as necessary by the Applicant.
- (4) A sufficient turning radius is provided for the average size modern fire pumper truck to turn into the Alley and to turn into the Applicant's driveway.
- (5) If the integration of Nonconforming Lot provision of §27-414.3 does not apply.

B. A townhouse or condominium apartment Development may have access to individual dwellings using a Parking court and a shared accessway/private Street within the Tract; provided, that such shared access/private Street guarantees adequate Permanent access (with a method for funding perpetual maintenance approved by the Borough Council under the Subdivision and Land Development Ordinance [Chapter 22]) from such dwellings to a public Street).

2. Any new Lot that is granted Subdivision approval shall have Frontage onto a public Street, except as permitted in subsection 1, above, the individual Lots within a townhouse or condominium apartment Development are not required to have their own Frontage onto a public Street if the overall Tract has Frontage onto a public Street.

§27-509 Karst Hazards

1. Purpose. The purpose of this section is to recognize the potential for damage to public and private improvements, human injury or death, and the disruption of vital public services which may arise by the potential for Sinkholes and/or subsidence within areas of carbonate geology. A further purpose of this section is to minimize the potential for such Sinkhole and/or subsidence occurrence and to protect the ground water resource. Should the regulations of this and other applicable regulations conflict, the most stringent regulations shall apply.

2. Disclaimer of Liability. Whereas the exact occurrence of Sinkholes and/or subsidence is not predictable, the administration of these regulations shall create no liability on behalf of the Borough Engineer, Borough employees or Borough agencies as to damages which may be associated with the formation of Sinkholes or subsidence. That is, compliance with these regulations represents no warranty, finding, guarantee, or assurance that a Sinkhole and/or subsidence will not occur on an approved property. The Borough, its agencies, consultants and employees assume no liability for any financial or other damages which may result from Sinkhole activity.

3. Karst Hazard Indicator Map. Areas of the Borough in which Karst features are believed more likely to be present are shown on the Karst Indicator Map at the end of this chapter. These areas are the "carbonate" areas shown on the map. The Sinkholes, quarries, Limonite Excavations, solution pans, closed, semi-closed or linear depressions and Iron Surface Mines delineated on the Karst Hazard Indicator Map were taken from two sources. (1) Sinkholes and Karst related features mapping for Lehigh County prepared by the Commonwealth of Pennsylvania Department of Environmental Resources, Bureau of Topographic and Geologic Survey (open file report 8701); (2) the Little Lehigh Creek Basin Carbonate Prototype Area Closed Depression Map prepared by R.E. Wright Associates, Inc. The Karst Hazard Indicator Map is intended as a tool to assist Applicants and the Borough in identifying Karst hazard areas. However, the Karst Hazard Indicator Map is not the exclusive tool for locating Karst features. The Borough shall also utilize generally accepted geological techniques to locate such features.

A. Procedures. As part of the preliminary plan requirements for all Subdivisions and Land Developments the Applicant shall engage a qualified professional to review the existing aerial photos, soils, geological and related data available to him as it may pertain to the subject property and to make a site inspection of the property.

B. A site inspection by the Applicant's professional using all available data and with such assistance as is needed shall determine the presence or absence of Karst surface features of the site and locate the same if present on a site plan at a scale no smaller than one inch to 100 feet. In particular, the following features shall be located, if present, on the site:

- (1) Closed Depressions
- (2) Open Sinkholes
- (3) Season high water table indicators
- (4) Unplowed areas in plowed fields
- (5) Surface drainage into ground
- (6) Limonite Excavations and quarries
- (7) Any Karst feature shown on the Karst Features Indicator Map

C. The Applicant must provide the Borough with a map at a scale of one inch

to 100 feet that shows the Karst features listed in subsection 4.B.

D. Based upon the site inspection, the Applicant's professional shall determine what further testing should be done by the Applicant to ensure compliance with performance standards set forth in subsection 5. Testing methodology shall be reasonable under the circumstances, including (1) the scale of the proposed Development; and (2) the hazards revealed by examination of available data and site inspection.

E. The Applicant shall cause the additional testing, if any to be effected, and shall submit test results to the Borough Engineer.

F. The Borough Engineer shall report to the Borough Planning Commission and/or Council, with a copy to the Applicant, his opinion concerning the adequacy of the report submitted based upon the scale of the Development and the hazards revealed by the report, and shall make recommendations to the Planning Commission or Council based upon the report submitted concerning site Development, including stormwater management, the layout of utility lines and Building location. The Borough Engineer may require the Applicant to perform such additional testing as may be appropriate.

4. Performance Standards.

A. All Applicants for Subdivisions or Land Developments shall comply with the requirements of this Part regarding Karst hazards.

B. No stormwater detention facility shall be placed within 100 feet of the features listed in subsection 4.B, unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

C. No stormwater swale with design flows in excess of 10 cubic feet per second for the ten- year flood may be constructed within 100 feet of the features listed in subsection 4.B, unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

D. No storm sewer pipe shall be constructed within 100 feet of the features listed in subsection 4.B unless it is concrete pipe utilizing O-ring joints.

E. No Principal or Accessory Building, no Structure, and no Impervious Surface shall be located closer than 100 feet from the edge of the features listed in subsection 4.B unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

F. No septic systems or tile field, no swimming pool, no Solid Waste disposal area, transfer area or facility, no oil, gasoline, salt or chemical storage area, and no blasting for Quarry or well enhancement activities shall occur within 100 feet of the features listing in subsection 4.B unless a detailed geotechnical solution to the subsidence, pollution and safety problems of the Karst feature has been presented by a competent professional in carbonate geology.

G. Soil erosion and sedimentation control plans filed with the County Conservation District shall detail safeguards to protect identified Karst features.

H. All water, sanitary sewer and storm sewer lines located in a Karst hazard area shall be so constructed as to not permit the flow of water along the utility line trench, and shall be imperviously diked at thirty-foot intervals.

§27-510 Loading

Off-Street loading must be provided for all new Buildings, additions to Buildings, expansions of Use, and changes in Use according to the requirements specified in the Borough Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code).

§27-511 Lot Requirements

1. No Lot, Structure, or Use shall be created or developed in such a way that it would result in another Lot, Building, or Use not being able to meet the requirements of this Chapter. This includes, but is not limited to, Setback areas, non impervious areas, and off-Street Parking areas.

2. Emergency Access. All Uses and Structures shall have adequate provisions for access by emergency vehicles. The Zoning Officer, Borough Council, or Planning Commission may request advice from the Borough emergency services staff on whether this requirement is met.

3. Accuracy. The Applicant is responsible to make sure that all measurements, certifications, reports, and statements submitted to the Borough are accurate.

§27-512 Multiple Uses in a Building

Occupancy of a Principal Building by more than one permitted Use is specifically allowed, provided that all other requirements of this Chapter are satisfied.

§27-513 Multiple Buildings on a Lot

An approved commercial, institutional, industrial, townhouse, or apartment Lot may include more than one Principal Building. In such case, the minimum Front, Side, and Rear Setback and Build-to Area requirements shall only apply at Lot Lines of the property. Individual Buildings or portions of such Buildings may be held in approved condominium ownership, but the Lot shall be owned by a single legal entity. In cases not meeting this subsection only one Principal Building shall be permitted per Lot.

§27-514 Minimum Size of Dwellings

Each Dwelling Unit shall include the following minimum habitable indoor heated Floor Area:

1. 500 square feet for apartment Dwelling Units.
2. 1000 square feet for any other Dwelling Units.

§27-515 Nuisances

1. No Landowner, tenant, or lessee shall Use or allow to be used land or Structures in a way that seriously threatens to or creates any of the following conditions:

A. Communicable disease or other public health hazards, including activities that would be attractive to or encourage the breeding of disease-prone insects or rodents (See the Borough Vermin Control Ordinance, Chapter 10, Part 2).

B. Significant physical hazards to the public, especially hazards that would be easily accessible by small children.

C. Activity that prevents a neighboring Landowner of ordinary sensitivities from making reasonable Use of his/her property.

D. Activity that creates a significant hazard to public health and safety because of serious explosive, fire, biological, biogenetic, or toxic hazards. (See the International Property Maintenance Code, Chapter 5, Part 6, and the Borough Fire Prevention Code, Chapter 5, Part 2.)

E. Activity that causes serious pollution to groundwaters or surface waters.

2. It is the responsibility of every property owner to ensure that the property does not threaten public health or safety, and to remove or alter any Structure or situation that threatens the public health and safety. This includes, but is not limited to, structurally unsound Structures, including those damaged by fire.

3. The following Nuisance performance standards and restrictions shall apply for all nonresidential Uses in any of the Zoning Districts.

A. Control of Smoke, Dust, Dirt, Fumes, Vapors, Gases and Odors. The Pennsylvania Air Pollution Control Act [Act of Jan. 8, (1960) 1959, P.L. 2119, No. 787] standards shall be used to control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases, or odors.

B. Electric, Diesel, Gas, or Other Power. Every Use requiring power shall be so operated that any service lines, substation, etc., shall conform to the highest applicable safety requirements. They shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the Building or, if visible from Abutting residential properties, shall be concealed by evergreen planting.

C. Fire Hazards. No activity or operation shall be established which fails to meet requirements of National Fire Protection Association (NFPA) Life Safety 101: Fire Code standard.

D. Glare and Heat.

(1) All Uses shall minimize the production of light, heat, or Glare that is perceptible beyond any Lot Line of the Lot from which the light, heat, or Glare is produced.

(2) Glare, whether direct or reflected, such as from spotlights or high temperature processes, and as differentiated from general illumination, shall be not visible beyond the Lot Line of the Lot on which the Use is located.

(3) Exterior lighting, other than that essential for the safety and convenience

of the users of the premises shall be prohibited. All exterior lighting shall be in compliance with the requirements set forth in §27-515.3.E(6) of this section.

(4) Except for within commonly owned properties under unified management such as commercial centers, no direct or sky-reflected Glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, is permitted to be visible at the Lot Line of the subject property.

(5) Furthermore, there shall be no transmission of heat or heated air to be discernible by a healthy observer such as the Zoning Officer or designee at the Lot Line.

E. Light.

(1) Street Lighting Exempted. This section does not apply to Street lighting that is owned, financed, or maintained by the Borough or State.

(2) All Uses, Signs, and other sources must be designed and operated to reasonably minimize the light they generate at night onto Adjacent Dwellings.

(3) Height. No luminaire, spotlight or other light source that is within 200 feet of a dwelling or Residential Zoning District shall be placed at a Height exceeding 35 feet above the average surrounding ground level. This limitation shall neither apply to lights needed for air safety nor to lights intended solely to illuminate an architectural feature of a Building.

(4) Diffusion. All light sources, including Signs, must be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from Streets, public sidewalks, Dwellings, or Adjacent Lots.

(5) Shielding. All light sources, including Signs, must be shielded around the light source, and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable Persons in Adjacent Dwellings or undeveloped areas in Residential Zoning Districts, and to prevent the lighting from shining into the eyes of passing motorists.

(6) Maximum Candlepower. No lighting source, including Signs, shall spill over a Lot Line in such a way as to cause an illumination of greater than the following amounts, measured at night on the surface of the receiving Residential Lot Line:

(a) Three-tenths Footcandle spillover at 10 feet inside a Residential Lot Line between the hours of 10:00 p.m. and 6:00 a.m.

(b) One Footcandle spillover at 10 feet inside a Residential Lot Line between the hours of 7:00 p.m. and 10:00 p.m.

(c) In addition to the above requirements, all Signs must meet the illumination regulations of Part 6.

(7) Flickering.

(a) Strobe lighting is prohibited.

(b) Flashing or flickering lighting is prohibited, except for non-advertising seasonal lights between October 25th and January 10th.

(8) Measurement. The maximum illumination levels of this section shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye.

F. Noise.

(1) At no point along a Lot Line shared with a non-industrial Use shall the sound pressure level of any operation or plant (except as otherwise noted herein) exceed the decibel limits in the octave bands designated in Table 27-5A below.

(2) Sound levels shall be measured with a sound-level meter and associated octave band filter, Manufactured in compliance with the standards prescribed by the American Standards Association.

(3) Exemptions. The following shall be exempt from noise performance standards:

- (a) Noises of construction or maintenance activities.
- (b) Noises of safety signals, warning devices, and emergency pressure relief valves.
- (c) Transient noises of moving sources such as transportation Vehicles, including trains and aircraft.
- (d) Other noises not under the direct control of the property user.
- (e) The Use of outdoor public address systems for any purpose shall be approved by the Zoning Officer.

Table 27-5A, Noise Level Standards

Octave Bands Frequency (cycles per second)	Maximum Permitted Sound Level (Decibels) At Lot Line shared with a Residential Zoning District	Maximum Permitted Sound Level (Decibels) At Lot Line shared with a Mixed-Use Zoning District (including the same Zoning District as the subject property)
0 to 75	72	79
75 to 150	67	74
150 to 300	61	68
300 to 600	56	62
600 to 1,200	50	56
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Above 4,800	38	38

G. Radioactivity and Electrical Disturbances.

(1) No Use shall routinely cause electrical, radio, or electromagnetic disturbances to equipment on other Lots.

(2) No radioactive wastes shall be disposed of in any Zoning District, and no radioactive wastes shall be stored on a Lot for longer than 90 days after their active use is completed. See also Pennsylvania Department of Environmental Protection regulations.

H. Sewage and Waste Treatment. All methods of sewage and industrial waste treatment and disposal shall be approved by the Borough of Emmaus and Lehigh County Authority, as governed by and in conjunction with the PADEP, when applicable, and be in accordance with all applicable regulations.

I. Vibration. Any Use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be Setback a minimum of 250 feet from Adjacent Zoning Districts. No perceptible vibrations shall be permitted at the Lot Line. Vibration caused by maintenance and construction activities is exempt.

§27-516 Obstruction to Vision

Walls, fences, Signs, or other Structures shall not be erected or altered, and hedges, trees or other plant material shall not be planted or maintained, which may cause danger to traffic on a Street or road by obstructing the view.

§27-517 Parking

1. Requirements for Calculating Number of Spaces.

A. Number of Spaces. Each Use that is newly developed, enlarged, significantly changed in type, or increased in number of establishments shall provide and maintain off-Street Parking spaces in accordance with Table 27-5B and the regulations of this Part, except as exempted by §27-517.3.F in the Downtown Core (DC) District.

B. Uses Not Listed. Uses not specifically listed in Table 27-5B shall comply with the requirements for the most similar Use listed in Table 27-5B, unless the Applicant proves to the satisfaction of the Zoning Officer, after a review by the Planning Commission, that an alternative standard should be used for that Use.

C. Multiple Uses. Where a proposed Lot contains or includes more than one type of Use, the number of Parking spaces required shall be the sum of the Parking requirements for each separate Use, except as may be allowed under § 27-517.2, below.

D. Calculation. Where the calculation of required Parking spaces does not result in a whole number, the calculation shall be rounded up to the closest whole number.

E. Shared Use. The required Parking spaces for any number of separate Uses may be combined through an appropriate long-term mechanism within a single Lot. The required spaces assigned to one Use shall not be assigned to meet the requirements of a second Use except:

- (1) As may be authorized by § 27-517.2, below; or,
- (2) That 50% of the required Parking spaces for a place of worship, a theater, a membership club, (not including a restaurant or tavern) or an auditorium whose public attendance would be at night, on Sundays, or on those other days of religious importance to the

particular sect or faith may be assigned to a Use that will have an insignificant or no Parking demand during such nights or Sundays.

F. **Net Increase.** The requirements of this Part shall be based upon the net increase in Parking spaces. If the creation of off-Street Parking results in a reduction in the number of legal on-Street Parking spaces, then those numbers of reduced Parking spaces shall also be required to be provided, unless the Applicant proves to the satisfaction of the Zoning Hearing Board that those on-Street Parking spaces were rarely occupied.

G. **Off-Site Parking.** See § 27-517.3.E and § 27-517.3.F.

2. **Reduction of Parking Requirements by Special Exception.**

A. **Purposes.** To minimize Impervious Surfaces, while ensuring adequate Parking; to recognize unique circumstances may justify a reduction in Parking.

B. The Zoning Hearing Board may permit a reduction, through the Special Exception process of Part 1, of the number of Parking spaces required to be developed if the Applicant proves to the satisfaction of the Board that less Parking spaces are needed.

(1) **Proof.** To prove that less Parking spaces are needed, the Applicant shall provide existing and projected employment, customer, resident, or other relevant data. Such data may include a study of Parking at similar Developments during peak periods of Use.

(2) **Shared Parking.** Under this section, an Applicant may seek to prove that Parking Permanently shared with another Use or another Lot with shared internal access or another Lot within 250 feet of the entrance to the Use will reduce the total amount of Parking needed because the Uses have different peak times of Parking need or overlapping customers.

(3) **Reservation of Future Parking Areas.** If a reduction is permitted under this section, the Board may require as a condition of the Special Exception that the Lot include the reservation, Permanently or for a specified number of years, of areas for Use if needed in the future for additional Parking.

(a) Such reservation shall be provided in a legal form acceptable to the Zoning Hearing Board Solicitor. A legally binding deed restriction is recommended.

(b) In such case, the Applicant shall be required to submit site plans to the Zoning Officer showing where and how the additional Parking could be accomplished. Such future Parking areas shall be designed to meet all Borough requirements, including stormwater runoff. Such future Parking areas shall not be covered by Buildings and shall be attractively landscaped unless needed for Parking.

(c) Such additional Parking shall be required to be provided within one year by the owner of the Lot at that time after the Zoning Officer may determine in writing to such owner that such Parking has become needed to meet actual Use. Such determination shall be based upon the Zoning Officer's on-site review on at least three different days.

3. **General Regulations.**

A. **General.** Parking spaces and accessways shall be laid out to result in safe and

orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-through facilities. No Parking area shall cause a safety hazard or impediment to traffic off the Lot.

B. Existing Parking.

(1) Structures and Uses in existence at the effective date of this chapter shall not be required to add additional Parking spaces to meet the requirements of this Part unless one of the following occurs:

- (a) The general type of Use is significantly changed.
- (b) The Use is expanded a total aggregate over time of more than 5% or 2,000 square feet in Floor Area, whichever is more restrictive.

(2) Any Parking spaces serving such pre-existing Structures or Uses at the time of adoption of this chapter shall not in the future be reduced in number below the number required by this chapter.

C. Expansion of Use. An existing Building or Use that does not currently conform to the off-Street Parking requirements of this Chapter must provide Parking according to the following requirements when there is an expansion of Use.

(1) If the Building or Use would expand by less than a total aggregate of 50% in a measurement of Parking need according to Table 27-5B, then additional Parking facilities shall only be required for any expansion of the Use or Building.

(2) If the Building or Use would expand by a total aggregate of 50% or more in a measurement of Parking need addressed by Table 27-5B, then sufficient off-Street Parking facilities shall be required not only for the expanded area but also for the pre-existing Use or Building.

D. Continuing Obligation of Parking and Loading Spaces. All required numbers of Parking spaces shall be available as long as the Use or Building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this chapter. No required Parking area shall be used for any other Use (such as storage or display of materials) that interferes with the area's availability for Parking to serve a Use, except that an owner of a Parking area may allow use of the spaces by another Use during specific times of the day and week when they are clearly not needed for the primary user.

E. Location of Parking. Required off-Street Parking spaces shall be on the same Lot or Abutting Lot with the Principal Use served, unless the Applicant proves to the satisfaction of the Zoning Officer that a guaranteed long-term method of providing the spaces is available using area of a Lot within 500 feet of the entrance of the Principal Use being served (except as provided in subsection F, below). Such method may involve a deed restriction allowing use of the spaces during peak hours of need, or a lease extending 20 years or for the life of Use of the property, whichever is of shorter duration.

F. Downtown Parking Exemption.

(1) In recognition the need to strongly encourage New Construction and the reuse of Building space in the downtown, and recognizing the availability of on-Street Parking areas, the

requirements in Table 27-5B for minimum numbers of off-Street Parking spaces in this Part shall not apply within the Downtown Core (DC) District, except for:

- (a) The New Construction of an aggregate total of more than 4,000 square feet of Building Floor Area; or,
- (b) Any additional number of Dwelling Units or boarding house units.
- (2) In any case, existing Parking in the Downtown Core (DC) District shall not be reduced below a minimum equal to one space per 1.3 employee.
- (3) Within the Downtown Core (DC) District, the provision of §27-517.E, above, permitting off-site Parking shall be extended to a 700 feet distance.

G. *Fees-in-Lieu of Parking*. As a Conditional Use, the Borough Council may permit all or part of the Parking required in the Downtown Core (DC) District or Downtown Neighborhood (DN) District to be waived if the Applicant agrees to provide a fee-in-lieu of Parking. Such fees shall be accounted for separately and shall only be used for acquisition or Development of municipal vehicle Parking areas. Such one-time fee shall be \$900 per Parking space, unless such fee is modified by future resolution of Borough Council.

4. *Parking and Storage of Junk and Unregistered Vehicles*.

A. *Private Property*. See the applicable Borough Ordinance [Chapter 5, Part 3, § 5-303, Ordinance 560] concerning Parking on private property.

B. *Right-of-Way*. See the Vehicle Code, 75 Pa.C.S.A. § 101 et seq., and Borough Ordinance [Chapter 15], § 15-404, concerning Parking on public Streets.

Table 27-5B Off-Street Parking Requirements

Uses	Minimum Parking Requirement
Residential and Lodging Uses	
Age-Qualified Community	0.6 per unit, plus 1 per nonresident employee
Assisted Living Facility	1 space per 2 beds
Bed and Breakfast	1 per 1.5 units, plus 1 per nonresident employee
Clustered Development	1 per unit
Conversion of Single-Family Dwelling to Multi-Unit Dwelling	
Conversion of Commercial Building to Multi-Unit Dwelling	
Dwelling, Single Family Detached	2 per unit
Dwelling, Single Family Semi-Attached	
Dwelling, Two-Family	
Dwelling, Townhouse	
Dwelling, Multi-Family, Low-Rise	1.5 per unit
Dwelling, Multi-Family, Mid-Rise	
Group Home	1 per 1.5 residents, plus 1 per employee per shift
Hotel/Apartment Hotel	1 per sleeping room, 1 per 5 seats in any meeting room, plus 1 space for every 1.2 employees per shift, and required Parking for any restaurant
Residential in Mixed-Use Developments	1 per unit

Rooming House and Boardinghouse	1 space per 2 beds, plus 1 per nonresident employee
Short-Term Rental	1 per unit
Temporary Shelter Facility	1 per employee
Civic and Institutional Uses	
Assembly, Neighborhood	1 per 4 occupants at max occupancy
Assembly, General	
Cemetery	
Government Facility	Parking Demand Analysis
Higher Education	
Library/Museum	1 per 300 sq ft of customer-accessible Floor Area, plus 1 per 1.2 employee
Police/Fire/EMS	Parking Demand Analysis
School	1 per 4 students in a High School, 5 spaces designated as visitor Parking, and 1 per employee
Agriculture, Forestry, and Open Space Uses	
Agriculture Operation	1 per employee
Community Garden	1 per 2,000 sq ft of land area
Forestry Operation	Parking Demand Analysis
Nature Preserve	
Park	
Trails	2 per trail entrance

Uses	Minimum Parking Requirement
Retail Uses	
Automobile Sales	1 per 15 vehicles displayed, plus 1 per employee
Beer/Wine/Liquor Sales	1 per 250 sq ft of customer-accessible Floor Area or land area
Bicycle Sales and Service	
Commercial Equipment and Supply	
Electronic Cigarette / Vaporizer Store	
Grocery Store	
Medical Marijuana Dispensary	
Outdoor Sales Lot	
Public Market	
Retail, Neighborhood	
Retail, General	
Service Uses	
Adult Day Care Center	1 per 2 adults served, plus 1 per employee
Automobile Fueling	0.25 per fuel nozzle, plus 1 per employee
Automobile Service/Car Wash	5 per repair/service bay, 2 per washing lane or stall, plus 1 per employee
Automobile, Truck, Limousine Rental Service	1 per 15 vehicles displayed, plus 1 per employee
Brew Pub	1 per 40 sq ft of customer-accessible Floor Area
Child Day Care	1 per 10 children, plus 1 per nonresident employee
Dog Day Care	1 per employee, plus 1 per 15 animals of capacity
Eating & Drinking Places	1 per 4 seats for table service places or 1 per 40 sq ft of Total Floor Area, whichever is greater
Entertainment Assembly	Parking Demand Analysis
Funeral Home	1 per 5 seats, 1 per nonresident employee, plus spaces required for any Dwelling Units
Medical Clinic	5 per doctor or dentist per shift, plus 1per every 1.2

	employees
Microbrewery, Microdistillery, Microwinery	1 per 40 sq ft of customer-accessible Floor Area
Office Uses	1 per 300 sq ft of Floor Area, excluding storage, but a minimum of 3 spaces
Private Club	1 per 40 sq ft of Total Floor Area
Self-storage Facility	1 per 20 storage units, plus 1 per employee
Self-storage Facility, Indoor, Climate-controlled	
Service, Neighborhood	1 per 250 sq ft of customer-accessible Floor Area
Service, General	
Smoking Places	1 per 40 sq ft of Total Floor Area
Treatment Center	1 per 2 residents 16 years or older, 1 per nonresident patient calculated based on peak times, and 1 per nonresident employee
Infrastructure Uses	
Parking as a Principal Use	0 spaces
Public Utilities, Large	1 space
Public Utilities, Small	0 spaces
Transportation Facility	Parking Demand Analysis
Wireless Communications Facilities, Small	0 spaces
Wireless Communications Facilities, Tower-Based	1 space

Uses	Minimum Parking Requirement
Industrial Uses	
Beverage Production	1 per employee per shift, plus 1 per 300 sq ft of customer-facing Floor Area
Commercial Kitchen	
Indoor Agriculture	
Industrial, Craftsman	
Industry, Light	
Medical Marijuana Clinical Research	
Medical Marijuana Grower/Processor	
Mining and Mineral Extraction	Parking Demand Analysis
Accessory Uses	
Home Child Care	1 space, plus 1 per nonresident employee
Home Occupation	1 spaces
No-Impact Home-Based Business	0 spaces

§27-518 Protection of Solar Access

1. No new Accessory Structures or vegetation shall be placed in a way that blocks a solar collector's access to the solar energy on an Abutting Lot in accordance with the following restrictions.

A. No solar collector shall be shaded between the hours of 10:00 AM and 3:00 PM.

B. These regulations do not apply to Accessory Structures or vegetation existing on an Abutting Lot at the time of installation of the solar energy collection system.

2. A statement that a solar energy collection system is to be installed on a Lot shall be filed and recorded with the Borough on the day of the Permit for the solar system is issued. The date of installation shall be the date of recordation. The solar facility must be completed, and the Zoning

Officer shall be notified within one calendar year from the date of installation.

§27-519 Rooftop-Mounted Equipment

For all nonresidential Uses, mixed-Uses, and multi-Family dwelling Uses, all rooftop-mounted equipment and other similar appurtenances such as stairwells, air-conditioning units, large vents, heat pumps, and mechanical equipment shall, to the maximum extent feasible, be inconspicuously sited on the roof, screened by parapets, walls, fences, landscaping, or other approved screening, or integrated to be within the roof form, such that views from Adjacent Street Rights-of-Way (excluding Alleys) are minimized. All architectural features to be used to screen rooftop equipment shall be designed to be architecturally compatible with the Principal Building (including design, materials, and colors).

§27-520 Steep Slopes

1. Site Plan. If an area of a Lot including Slopes of 15% or greater is proposed for construction of Buildings, Streets or driveways or nonagricultural grading, then the Applicant shall submit a steep Slope site plan to the Zoning Officer. These submittal requirements may be met by including the required information on Subdivision/Land Development plans.
2. Submission Requirements. A steep Slope site plan shall meet the following requirements:
 - A. Show detailed existing and proposed Slope contours for all areas that potentially may be disturbed or constructed upon.
 - B. Identify all areas of 15% to 25% and greater than 25% Slope.
 - C. Be to scale (such as one inch equals 50 feet or as otherwise approved by the Borough or other reviewing agency).
 - D. Show substantial areas of trees and dense vegetation proposed to be removed or preserved prior to or during the Development of the Use.
 - E. Be stamped by a professional surveyor, professional engineer, registered landscape architect or registered architect.
 - F. State the maximum Slope of proposed driveways and Streets.
 - G. Show an area of 20 feet around the proposed Principal Building locations.
 - H. Show proposed locations of Principal Buildings, Streets, driveways, on-lot septic fields and other areas of soil disturbance. If the exact location of these features is not definitely determined at the time of plan submittal, then the plan shall designate the outer limits of areas where such features may potentially be located. If different locations outside of the approved location would be proposed after approval of the site plan, then the Applicant shall prove to the Zoning Officer that the revised location would still meet the requirements of this section.

§27-521 Stormwater Bonus

1. **Intent.** To provide incentives to developers to help to resolve preexisting stormwater problems.
2. This section shall apply to the stormwater management districts identified in §26-317.
3. If an Applicant offers to put into place measures to resolve a serious pre-existing stormwater problem area, a bonus may be granted as a Conditional Use by the Borough Council under this section. It shall be the responsibility of the Applicant to prove to the satisfaction of the Borough Council, based upon review by the Borough Engineer and Planning Commission, that the proposed measures would resolve or substantially reduce the stormwater problem.
4. No bonus shall be granted for any stormwater controls that would ordinarily be required under Borough ordinances, standard engineering practices, County Conservation District approval or State law.
5. **Bonuses.** If an Applicant meets the requirements of these bonus provisions as determined by Borough Council, Borough Council shall authorize as a Conditional Use the following:
 - A. An increase of 10% in the maximum Impervious Coverage above what would otherwise be permitted.
 - B. A reduction of 10% of Building Setback requirements.
 - C. A decrease of 10% in the minimum Lot Area below what would otherwise be permitted.

§27-522 Temporary Structure or Use

1. **Construction Vehicle Parking and Temporary Offices.** Temporary storage of vehicles, roll-off dumpsters, materials, or construction office trailers that are clearly needed and being actively used for current construction or renovation work on the same or an Adjacent Lot or within the same Subdivision, provided such items are removed from the site within 20 days of completion of the portion of the construction that they relate to, are not required to meet the Setback, Lot Area, or other requirements of this Chapter. Construction vehicles and materials shall only be stored outdoors on a Lot while the related Borough construction Permit is actively still in effect.
2. **Tents.** Tents erected for a temporary Accessory Use during a maximum of 5 days in any calendar year are Permitted By-Right provided they are for one of the following Uses:
 - A. Routine and customary accessory noncommercial Uses (such as weddings in a rear yard).
 - B. Routine and customary Accessory Use to an existing Commercial Use.
3. **Holiday Sales.** A Lot in a Mixed-Use Zoning District may be used for the retail sale of seasonal holiday items (for example, fireworks and Christmas trees) for a period of up to 45 consecutive days, provided such Use does not create a public safety hazard.
4. **Accessory Outdoor Retail Sales.** Other than is permitted by the above subsection 3, a commercial Lot may be used for additional outdoor commercial retail sales only if all the following

conditions are met:

- A. The operator is granted any business Permits required by the Borough.
- B. No required off-Street Parking spaces are obstructed.
- C. Signs visible from a public Street comply with this Chapter.

5. Other Temporary Uses. Additional temporary Uses are permitted as specified in Table 27-4.1 and §27-413.

§27-523 Trash Dumpster, Commercial

1. In addition to the other applicable requirements of the Borough, commercial trash dumpsters shall be governed by the following provisions:

A. Applicability. This subsection applies to any and all Uses and Structures, including existing Uses and Structures, that provide a dumpster on-site.

B. Setbacks. Trash Dumpsters must meet the following Setbacks:

- (1) 10 feet from any Lot in a Residential Zoning District.
- (2) 5 feet from any Lot in a Mixed-Use Zoning District.
- (3) 20 feet from any public Street.
- (4) 15 feet from any residential unit.

C. Service Access.

(1) Placement of trash dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to each trash dumpster and the unobstructed opening of the gates during the disposal process.

(2) Trash dumpsters must not be placed such a manner that the service Vehicle will block any public Street or Alley.

(3) When trash dumpsters are to be serviced from an Alley, enclosures shall be angled 30 degrees and recessed off the Alley approximately 6 feet (recessing the enclosure is necessary so that gates do not open into the Alley so as to obstruct traffic and so that a Clear Sight Triangle can be achieved).

D. Screening.

(1) All trash dumpsters shall be enclosed on 3 sides by a 6 foot tall enclosure to ensure that the trash area is:

- (a) Not visible from the Street, and
- (b) Not visible from any single- or two-Family home within 50 feet.

(2) Each screened enclosure shall provide a minimum 10 foot interior length and width subject to the following requirements:

(a) Each enclosure shall provide a minimum of 12 inches of clear space between each side of the trash dumpster (including lifting flanges) and the Adjacent wall surface of that enclosure, or any other trash dumpsters within that same enclosure.

(b) Commercial trash dumpsters may be sized appropriately based on specific Use requirements.

(3) Permitted materials for trash enclosures include materials that provide solid, opaque screening, such as:

(a) Masonry wall (such as concrete block, brick, or stone).

(b) Solid wood fencing.

(c) Evergreen plants.

E. Service Gates.

(1) All screened trash dumpster enclosures shall have gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material consisting of wood or other solid material. Metal or plastic slats inserted in chain link are permitted and shall be maintained.

(2) Service gates shall incorporate gate stops and latches that are functional in the fully open and closed positions.

(3) Gates that swing out from the container shall be set back from the Lot Line at least a distance equal to the width of the gate. Hinge assemblies shall be strong and durable so that access and servicing gates function properly and do not sag.

F. Vermin Control. Containers that include Solid Waste that are stored outdoors must be adequately enclosed to control the attraction of rodents and insects. See the Borough Vermin Control Ordinance (Chapter 10, Part 2).

§27-524 Tree Protection

1. Intent. To protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas and conserve energy.

2. Applicability. This section does not apply to an Owner of a residential Lot of less than 1 acre after occupancy.

3. Tree Removal.

A. The provisions of this section do not apply to:

(1) A permitted commercial forestry Use (see §27-407).

(2) Routine selective cutting of up to 15% of the trees throughout a Lot to thin woods that does not involve clearcutting of any areas.

- (3) A permitted Agriculture Operation that is a Christmas tree farm.
- (4) The cutting of trees of less than 6 inches trunk diameter measured 4 feet above the original grade.

B. Except as permitted in subsection (A), above, a maximum of 10 trees per Lot, or on any combination of adjoining Lots in common ownership, with a trunk diameter of 6 inches or more (measured at a Height 4 feet above original grade) may be removed in any calendar year, in addition to any additional tree(s) that meets or will meet one or more of the following conditions:

- (1) Is located within 10 feet of an uncurbed vehicular Cartway.
- (2) Is within a proposed or existing vehicular Cartway, shoulder or sidewalk.
- (3) Is within 10 feet of an approved stormwater detention basin, Paved Area, driveway, or on-lot sewage system.
- (4) Is within 25 feet of the foundation of an approved Structure.
- (5) Is within an approved utility corridor.
- (6) Is diseased, dead or poses a clear danger to a Structure, utility, or public improvement.
- (7) Is a hazard to vehicular sight distance.
- (8) Is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional 5 years.
- (9) Is within an area of an approved principal or Accessory Use that clearly requires the removal of the tree.
- (10) Is necessary to allow longer rows for crop farming.

4. Protection of Trees During Construction. See the Borough Subdivision and Land Development Ordinance (Chapter 22).

§27-525 Unenclosed Storage

1. Applicability. This section applies to any unenclosed storage that does not qualify as Outdoor Display and Sales or Outdoor Storage Yard per the Accessory Use regulations of Table 27-4.H and §27-412.

2. Outdoor machinery.

A. Whenever reasonable, commercial, industrial, and institutional outdoor machinery that could create a noise nuisance must be placed toward a side of the Principal Building that does not face an Abutting existing Dwelling, Residential Zoning District, school, or other noise sensitive Use.

B. General types of toxic, biological, electrical, and other significant hazards involving stationary outdoor machinery and storage must be marked with signs.

C. The following must be secured by solid fences or walls:

- (1) Stationary hazardous machinery and equipment that are outdoors.
- (2) Outdoor bulk aboveground or surface storage of potentially explosive or hazardous liquids, gases, or other substances.

3. Screening and Buffering.

A. In all Zoning Districts, outside storage areas shall be screened from any public Street or pedestrian walkway, any Abutting residential Use, and any adjoining Residential Zoning District in accordance with the requirements specified in the Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code).

B. All yards used for the storage of any material needed for the operation or conduct of a commercial enterprise shall be enclosed by a solid wall uniformly painted, colored fence, or evergreen screen planting on all sides which face upon a Lot in a more restricted zone or Adjacent to a residential Use and in accordance with the requirements specified in the Subdivision and Land Development Ordinance (Chapter 22 of the Borough Municipal Code).

C. The stockpiling of tires, metal pipes, automobile parts, and similar objects or materials shall be stored in a Garage or an enclosed storage Structure in all Zoning Districts, except the Enterprise District (ED).

4. Trash, Garbage, Refuse, or Junk. Except as provided in any Borough of Emmaus Ordinance dealing with the collection of garbage, refuse, trash, or Junk, the outdoor accumulation of trash, garbage, refuse, or Junk for a period exceeding 15 days is prohibited.

5. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Borough.

6. No substances which threaten to contaminate or otherwise tarnish groundwater or surface water shall be stored unless those substances are kept in impermeable containers. The sufficiency of any such container must be approved by the Reviewing Authority prior to their erection or placement on the subject lot.

7. No Structure or land shall be used or developed, and no Structure shall be located, extended, converted or structurally altered unless the Applicant takes all reasonable measures to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions, hazardous materials, or other substances which, if released, would constitute pollutants to surface water or groundwater or environment. It shall be within the sole discretion of Borough Council, by majority vote, to determine what constitutes a "reasonable measure". The Applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency, Pennsylvania Department of Environmental Protection, and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

§27-526 Wetlands

1. If the Borough Engineer, Planning Commission or Borough Council has reason to believe that a portion of a site proposed to be altered may possibly meet the State or federal definitions of a "wetland," the Applicant(s) may be required to provide a study, prepared by a qualified professional, which delineates that location of said Wetlands. In addition to this study, all Wetlands located on this site shall be properly identified, via metes and bounds descriptions

with a reference tie to the perimeter property survey, on the corresponding Subdivision and/or Land Development plan for the proposed Development. Please note, however, that the Borough accepts no responsibility to identify all Wetlands, or to warn all parties of such possibilities.

2. A certification, which states that either the wetland area(s) shown have been delineated in accordance with current State or federal guidelines or that no Wetlands exist on this site, shall be placed on all Subdivision or Land Development plans and signed by a qualified professional.

3. If it is found that the proposed work will be performed in Wetlands, a Borough Permit shall not be issued until such time as all necessary Permits and approvals are first obtained from the appropriate federal or State agencies by the Applicant(s). Copies of all federal and State Permits and approvals shall be filed by the Applicant(s) with the Borough at the time of Permit application.

Part 6 Signs

§27-601 Applicability

1. Purpose. The intent of this Part is to provide comprehensive and balanced Sign regulations that will preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; to prevent Signs from reaching such excessive size that they obscure one another to the detriment of all concerned; and ensure that Signs are well-constructed and maintained and expressive of the identity of individual activities and the community.

2. Compliance.

A. A Sign erected, altered, or maintained after the effective date of this Part must conform to the regulations specified in this Part.

B. Existing Nonconforming Signs. A Sign lawfully existing at the time of the adoption or amendment of this Part may be continued although the size or location does not conform with this Part. This Sign is a Nonconforming Use or Structure, and the Nonconforming Use and Structure provisions of This Ordinance apply. Maintenance of a Nonconforming Sign must comply with §27-604.3.

C. A Person who displays a Sign in compliance with this code may substitute the message on that Sign without first securing additional approval, permitting, or notice, unless the substitution would result in the Sign becoming noncompliant.

3. Interpretation.

A. Any ambiguity in these Sign regulations should be resolved in favor of allowing the display of a proposed Sign.

B. Nothing in this code is intended to prevent the strengthening or restoration to a safe condition of a Nonconforming Sign for purposes of the public health and safety.

§27-602 Signs Exempt from Permit Requirements

The Signs in this section do not require a Sign Permit, are not counted against the maximum Sign allotment for a particular property, and are not subject to other restrictions in the Sign regulations, except the Prohibited Sign section of §27-603. These exempted Signs are:

1. A Sign posted by the Borough or a County, State, or Federal agency.
2. Street addresses and numbers.
3. An interior Sign that is not visible from the Right-of-Way or Abutting property.
4. A nonpermanent Window Sign.
5. A Sign under 4 sq ft in Sign Area.
6. A Temporary Sign, subject to the following:
 - A. The Sign and Sign Structure must be kept in good repair throughout the duration of the temporary period the Sign is posted.
 - B. A Temporary Sign must be nonilluminated.
 - C. Number permitted:
 - (1) One Temporary Sign is permitted per Lot with one Street Frontage.
 - (2) Two Temporary Signs are permitted per Lot with two or more Street Frontages provided each Sign faces a separate Street.
 - D. In Residential Zoning Districts and the Conservation Zoning District:
 - (1) The maximum Sign Area for Temporary Sign is 6 square feet.
 - (2) A-Frame and T-Frame Signs are prohibited in Residential Zoning Districts.
 - E. In Mixed-Use Zoning Districts:
 - (1) In the Enterprise District, the maximum Sign Area for Temporary Sign is 32 square feet.
 - (2) In all other Mixed-Use Zoning Districts, the maximum Sign Area for Temporary Sign is 32 square feet.
 - (3) A-Frame and T-Frame Signs must not exceed 4 square feet for each Sign Face.
 - F. Temporary Signs are not permitted in the Right-of-Way. This prohibition includes Signs on utility poles, traffic medians, and along roads and sidewalks, except as follows:
 - (1) A-Frame and T-Frame Signs are permitted on the front sidewalk provided the following conditions are met:
 - (a) An unobstructed pedestrian pathway of at least 3 feet is maintained.
 - (b) Each Sign Face must not exceed 4 square feet.
 - (c) The Sign must be removed from the sidewalk and stored inside at the close of business every day.
 - G. Banners and Inflatable Signs are required to obtain a Sign Permit and are only permitted to be displayed for 30 consecutive days once every year.

7. A Flag, subject to the following:

A. In Residential Zoning Districts and the Conservation Zoning District:

- (1) A Flag must not exceed 15 square feet in area.
- (2) Flagpoles must not exceed 30 feet in Height, as measured from the ground.
- (3) Up to two Flags are permitted per Lot.
- (4) Only one ground-mounted flagpole is permitted per Lot.

B. In Mixed-Use Zoning Districts:

- (1) Flagpoles must not exceed 30 feet in Height, as measured from the ground.
- (2) For flagpoles mounted on the ground:
 - (a) Up to two Flags are permitted per flagpole.
 - (b) Civic and Institutional Uses are permitted up to 3 flagpoles per Lot.
 - (c) All other Uses are permitted only one flagpole is per Lot.
- (3) For flagpoles attached to a Building:
 - (a) Only one Flag is permitted per flagpole.
 - (b) Two flagpoles are permitted per Lot with one Street Frontage.
 - (c) Four flagpoles are permitted per Lot with two or more Street Frontages

provided no more than two flagpoles face each Street.

C. Flagpoles may be erected vertically or may be attached to Buildings horizontally or at an angle.

8. A lightweight Sign, decal, sticker, or paint placed on a vehicle, with the permission of the vehicle owner.

9. Art or a Mural, provided such Sign does not contain any commercial messaging.

§27-603 Prohibited Signs

1. The following are prohibited:

A. A Sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety.

B. A Sign that obstructs free ingress to or egress from a fire escape, door, window, or other required access way to or from a Building or site.

C. A Sign not maintained in good condition.

D. A Sign that blocks a Clear Sight Triangle.

E. A Sign that interferes with the view of, or is confused with, a traffic control Sign or device, and a Sign that misleads or confuses traffic flow. A Sign's position, size, shape, color, and illumination, but not its content, must be considered when making this determination.

F. A Sign with material depicting, describing, or relating to Nudity or Sexual Conduct, as defined herein.

G. A Sign nailed, fastened, or affixed to a tree.

H. A Sign located on private property against the wishes of the property owner.

- I. A Roof Sign.
- J. A Sign comprising Lasers, Twirling, Balloons, Spinners, or Pennants.
- K. A Sign that is mobile or portable except as specifically permitted by this Part.
- L. A Sign that is animated or contains any moving content whether electrical or mechanical.
- M. A Sign with zoning information either stating or implying that a property may be used for a purpose not permitted by this zoning code.
- N. A Sign located in the Right-of-Way unless specifically authorized by other ordinances and regulations of the Borough, and in compliance with PennDOT regulations.
- O. A Sign that otherwise violates these Sign regulations.

2. Enforcement against Prohibited Signs.

A. If, upon inspection, the Sign inspector determines that a Sign violates this section, the Sign inspector should give notice to the Sign owner specifically stating the nature of the violation and requiring them to repair, remove, or modify the Sign within 30 business days after receipt of notice.

B. In cases of emergency, meaning cases where a Sign presents an imminent hazard to public safety, the Sign inspector may cause the immediate removal of a dangerous or defective Sign, at the owner's expense.

§27-604 General Sign Requirements

1. Permits.

A. Before installation, a Sign not otherwise exempted from the Permit requirement (§27- 602) must obtain a Permit according to the permitting procedures of Part 1.

B. If a Sign lacks the required Permit but is otherwise in compliance under these Sign regulations, the Sign's continued display may be allowed provided the Sign owner applies for a Permit within 7 business days.

C. In addition to the Signs exempted from the permitting requirements in §27- 602, Permits are not required for the following:

- (1) Changing Sign content.
- (2) The customary maintenance of a Sign.

2. Signs and Sign Structures must maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

3. Sign Materials and Construction.

A. A Sign must be constructed of durable materials, using noncorrosive fastenings.

B. A Sign must be structurally safe and erected or installed in strict accordance with the PCC.

C. A Sign must always be maintained in safe condition and good repair with all Sign information clearly legible.

4. Sign Area.

A. Where the Sign consists of individual letters, designs, or symbols attached to a Building, awning, wall, or window, the Sign Area is the smallest rectangle which encompasses all the letters, designs, and symbols. (Figure 27-604.A and Figure 27-604.B)

Figure 27-604.A

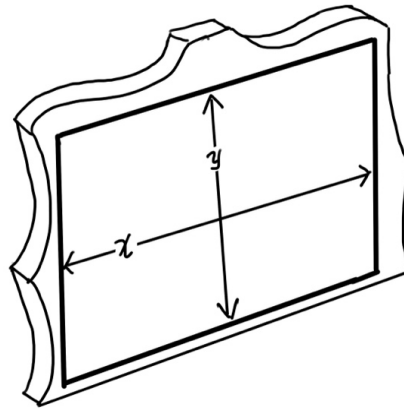
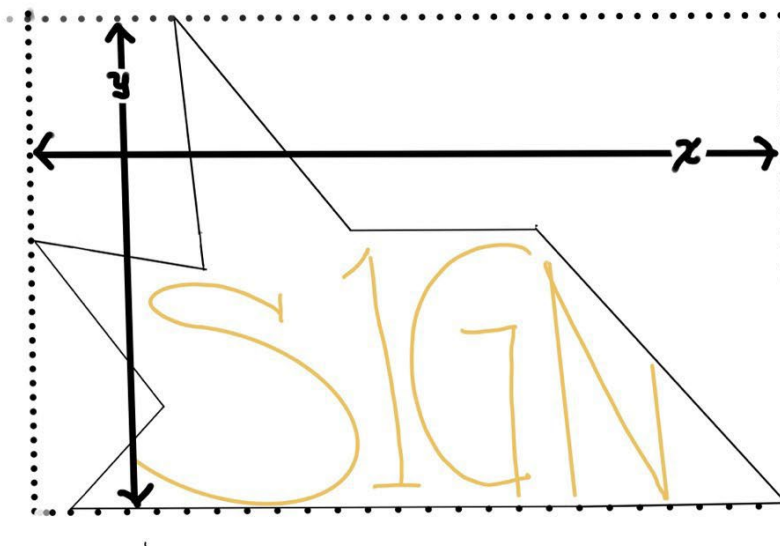


Figure 27-604.B



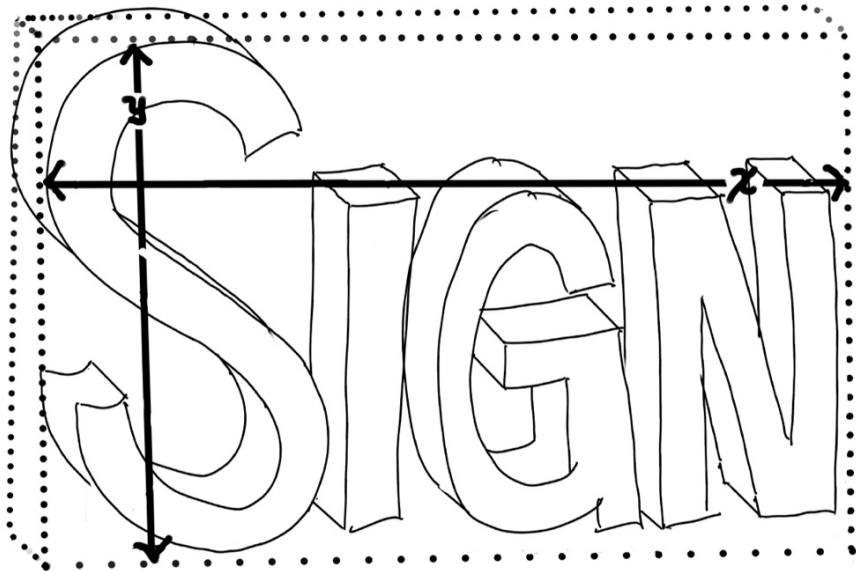
B. Multifaceted Signs. In computing the square foot area of a double-faced Sign, only

one side is considered in calculating the Sign Area provided both sides are identical and the interior angle between the two faces is less than 45°. Otherwise both sides are considered in calculating the Sign Area.

C. Multidimensional Signs. For Signs that consist of, or have attached to them, one or more

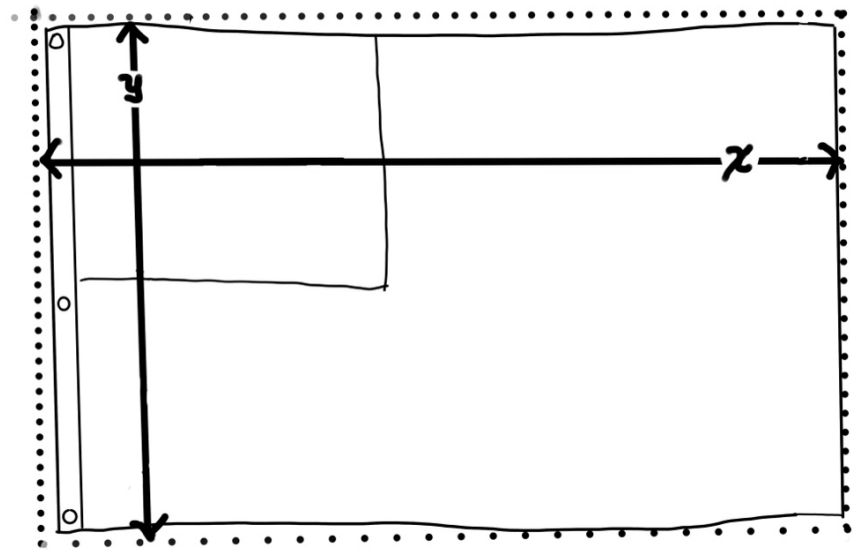
three-dimensional or irregularly shaped objects, the Sign Area is the sum of two Adjacent vertical Sign Faces of the smallest cube encompassing the Sign or object. (Figure 27-604.C)

Figure 27-604.C



D. If elements of a Sign are movable or flexible, such as a Flag, the measurement is taken when the elements are fully extended and parallel to the plane of view. (Figure 27- 604.D)

Figure 27-604.D



E. The permitted maximum Sign Area for all Signs is determined by the Sign type and its location.

5. Illumination.

A. Signs may be illuminated provided they are not located in a Residential Zoning District or the Conservation Zoning District and they comply with this Part.

B. Uncovered light bulbs are prohibited.

C. Signs, other than public traffic control Signs, must have no elements that are flashing, blinking, rotating, or pulsating.

D. Digital Display Signs are not considered flashing or pulsating Signs, provided they comply with this Part.

E. The light output of any Illuminated Sign must not measure more than one-half ($\frac{1}{2}$) Footcandle at the boundary of an Abutting property.

F. Hours of Operation.

(1) Signs in Mixed-Use Zoning Districts may be illuminated from 5 AM until 11 PM, or one-half ($\frac{1}{2}$) hour past the close of business of the facility being identified or advertised, whichever is later.

(2) Signs must have an automatic timer to comply with the permitted hours of operation.

G. Message Duration. The minimum length of time each message may be displayed on a Digital Display Sign or Tri-Vision Board Sign is 30 seconds. Transitions from one message to another message must appear instantaneous as perceived by the human eye.

H. Types of Illumination.

(1) External. Externally Illuminated Signs are subject to the following

regulations:

- (a) The source of the light must be concealed by translucent covers.
- (b) External illumination must be by a steady, stationary light source, shielded and directed solely at the Sign. The light source must be static in color.
- (c) The source of the light must not be mounted higher than 25 ft above ground level.
- (2) Internal. Internally Illuminated Signs are subject to the following regulations:
 - (a) Internal illumination, including neon lighting, must be static in intensity and color.
 - (b) Digital Display Signs are permitted in accordance with the regulations contained in Subpart (E)9.
 - (c) Internally Illuminated Signs and Digital Display Signs are prohibited in the Downtown Core Zoning District
 - I. Digital Display Signs are subject to the following regulations in addition to all other requirements established in this Part.
 - (1) Sign Type. Digital Display Signs are permitted in the form of Freestanding Signs and Wall Signs in accordance with the regulations established under §27-605 and §27- 606.
 - (2) Maximum Number per Property. Where permitted, one Digital Display Sign is permitted per property.
 - (3) Message Display.
 - (a) A Digital Display Sign containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited.
 - (b) Each complete message must fit on one screen.
 - (c) One message or display may be brighter than another, but each message or display must be static in intensity.
 - (d) The content of a Digital Display Sign must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
 - (e) Default Design. The Sign must contain a default design which must freeze the Sign message in one position if a malfunction should occur.
 - (4) Conversion of a permitted non-digital Sign to a Digital Display Sign requires the issuance of a Sign Permit.
 - (5) The addition of a digital display to a Nonconforming Sign is prohibited.
 - (6) Public Service Announcements. The Owner of a Digital Display Sign must coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages must remain in the advertising rotation according to the protocols of the agency that issues the information.
 - J. Electrical Standards.
 - (1) Permits for Illuminated Signs will not be issued without an approved

electrical Permit, if required. Applications for electrical Permits must be filed at the same time as the Sign Permit application.

(2) All work must be completed in full compliance with the National Electric Code.

(3) The electrical supply to all Signs, whether to the Sign itself or to lighting fixtures positioned to illuminate the Sign, must be provided by means of concealed electrical cables. Electrical supply to Freestanding Signs must be provided by means of underground cables.

(4) The Owner of an Illuminated Sign must arrange for a certification showing compliance with the brightness standards of this sign code by an independent contractor and provide the certification documentation to the Borough prior to the issuance of a Sign Permit.

K. Glare Control. Glare control must be achieved primarily by such means as cutoff fixtures, shields, and baffles, and the appropriate application of fixture mounting Height, wattage, aiming angle, and fixture placement. Vegetation screens do not qualify as the primary means for controlling Glare.

6. Landscaping. All Permanent Freestanding Signs must be set in a landscaped base. The base must be of appropriate size to contain flowers, groundcover, ornamental grasses, shrubs, or other base plantings that will enhance and complement the Sign. The landscape area must be at least six feet wide with a length of at least 1.5 times the overall length of the Sign Face or Sign Structure, whichever is longer.

§27-605 On-Premise Sign Regulations

1. In the Preservation Zoning District, On-Premise Signs are prohibited.
2. In Residential Zoning Districts and the Conservation Zoning District:

	C, RC, RE, RW
A. Number Permitted	1 Sign per Lot
B. Types Permitted	Freestanding, Wall, or Window
C. Max. Area per Sign	8 sq ft
D. Illumination	None permitted
E. Setback	All Signs must comply with the Setbacks for Principal Structures.

3. In Mixed-Use Zoning Districts:

	ED, DC, DN	UG, UEN, UCN,
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A. Illumination	External Illumination is permitted	(1) External Illumination is permitted (2) Internal Illumination is permitted provided the Sign does not face a Residential Zoning District or the Conservation Zoning District (3) Digital Display is permitted in the UG only.
B. Luminance	NA	(1) Between sunrise and sunset, a maximum of 2,500 nits is permitted. (2) At all other times, a maximum of 250 nits is permitted.
C. Number Permitted	Inclusive of all Sign types: (1) 2 Signs are permitted per Lot fronting on one	See each Sign type for number permitted per Lot.

	Street (2) 3 Signs are permitted per Lot fronting on two or more Streets (3) Up to 1 Sign may be a Freestanding Sign per Lot	
D. Freestanding Sign		
(1) Number Permitted	See C.3 for total number of Signs permitted per Lot.	(a) 1 Sign Structure per Lot with less than 150 ft of Street Frontage (b) 2 Sign Structures per Lot with at least 150 ft of Street Frontage (c) Each Sign Structure may hold multiple Signs
(2) Types Permitted	(a) Pole Signs are prohibited (b) Monument and Ground Signs are permitted	
(3) Max. Area per Sign	(a) 25 sq ft per side (b) Up to 2 sides permitted	1 sq ft of Sign Area per 2 ft of Street Frontage, up to a total of 50 sq ft
(4) Max. Sign Height	8 ft	25 ft
(5) Setback	(a) 4 ft min. from all Lot Lines (b) 25 ft min. from a Lot in a Residential Zoning District or the Conservation Zoning District	
E. Wall Sign		
(1) Wall Signs must not extend beyond the edge of the wall that they are mounted on.		
(2) Number Permitted	See C.3 for total number of Signs permitted per Lot.	Wall Signs are permitted on up to two sides of a Building
(3) Max. Area per Sign	40 sq ft	See 5.d.

(4) Max. Area per Lot	Wall and Window Signs combined must not exceed 15% of the Building Face Area	(a) 15% of the Building Face Area (b) Permanent Window Signs are included in the 15% calculation
(5) Sign Clearance	9 ft min. over sidewalk	
(6) Sign Projection	(a) 1 ft max. (b) projection over a Street or driveway is prohibited	
F. Window Sign		
(1) Number Permitted	See C.3 for total number of Signs permitted per Lot.	Window Signs are permitted on up to two sides of a Structure
(2) Max. Area per Sign	25% of total window area on each Street	See 6.c.
(3) Max. Area per Lot	Wall and Window Signs combined must not exceed 15% of the Building Face Area	(a) 15% of the Building Face Area (b) Wall Signs are included in the 15% calculation
G. Projecting Sign		
(1) Number Permitted	See C.3 for total number of Signs permitted per Lot.	Not permitted.

(2) Max. Area per Sign	(a) 6 sq ft, if projecting over a Right-of-Way (b) 10 sq ft, if not projecting over a Right-of-Way	NA
(3) Sign Clearance	(a) 9 ft min. over sidewalk (b) projection over Street prohibited	NA
(4) Sign Projection	3.5 ft max	NA
(5) Sign Materials	Must be constructed of wood, but not plywood, exclusive of metal support and fasteners	NA
H. Awning Sign		
(1) Number Permitted	See C.3 for total number of Signs permitted per Lot.	(a) Awning Signs are permitted on up to two sides of a Building (b) Awning Signs are prohibited in the UEN
(2) Max. Sign Height	8 inches	
(3) Sign Clearance	(a) 9 ft min. over sidewalk (b) projection over Street prohibited	

§27-606 Off-Premise Sign Regulations

1. Off-Premise Signs are permitted according to the regulations of §27-602 and through a Special Exception in accordance with the regulations of this section:

	UG and UCN
A. Number Permitted	1 Sign per property
B. Types Permitted	Freestanding
C. Max. Area per Sign	60 sq ft
D. Max. Sign Height	(1) Monument Signs: 35 ft (2) Ground Signs: 8 ft
E. Illumination	External permitted
F. Sign Clearance	Monument Signs: 9 ft
G. Setback	(1) 10 ft min. from all Lot Lines (2) 100 ft min. from any Lot in a Residential Zoning District

§27-115 Zoning Hearing Board

1. Creation and Appointment.

A. *Members.* Pursuant to Article IX of the MPC, the Borough Council does hereby create a Zoning Hearing Board and appoint three (3) members who shall be residents of the Borough. Members of the Zoning Hearing Board shall be appointed by resolution of the Borough Council. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other office, elected, or appointed, in the Borough.

B. *Alternates.* Pursuant to Article 903(b) of the MPC, the Borough may appoint at least one (1) but no more than three (3) residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three(3) years. Alternates shall hold no other office, elected, or appointed, in the Borough.

2. *Removal of Members.* Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member requests a hearing in writing.

3. *Organization of Zoning Hearing Board.* The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two (2) members are disqualified from acting in a particular matter, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf. The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Borough and

laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Borough Council as requested.

4. *Expenditures for Services.* Within the limits of funds appropriated by the Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Borough Council.

5. *Hearings.* A hearing conducted by the Zoning Hearing Board shall be held within 60 days from the date of the Applicant's request unless the Applicant has agreed in writing to an extension of time. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

A. *Notice.* Public Notice shall be given, and written notice shall be given to, the Applicant, the Borough Secretary, the Borough Planning Commission, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such a manner as shall be prescribed by the Zoning Hearing Board and the requirements of the MPC. 53 P.S. §10101 et seq., provided that the notices conform to the following:

- (1) Written notices shall state the time, date, and location of the proposed hearing.
- (2) Written notice shall be conspicuously posted on the affected Tract of land at least 7 calendar days prior to the hearing. Such written notice must be printed on a sign with a minimum dimension of 8.5 inches by 11 inches.
- (3) At least 7 business days prior to the hearing, written notice shall be given, by U.S. Mail, to all Landowners within 100 feet of the affected Tract of land. Landowners are determined by the then-current Lehigh County tax records. Provided, however, that failure to give the notice as required by this Part shall not invalidate any action taken by the Zoning Hearing Board.

B. *Conduct of Hearing.* The hearings shall be conducted by the Zoning Hearing Board or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.

(1) The parties to the hearing shall be any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all Persons who wish to be considered parties enter appearances in writing.

(2) The chairperson of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

(3) The parties shall have the right to be represented by counsel and shall be afforded

the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

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

(5) The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer. It shall be paid by the Person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

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

C. *Decision.*

(1) The Zoning Hearing Board or the hearing officer, with assistance of legal counsel as needed, shall render a written decision or, when no decision is called for, make written findings on the application within forty- five (45) calendar days after the last hearing before the Zoning Hearing Board or hearing officer.

(2) Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

(3) If the hearing is conducted by a hearing officer, and there has been no stipulation that the officer's decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) calendar days, and the parties shall be entitled to make written findings to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) calendar days after the decision of the hearing officer.

(4) Where the Zoning Hearing Board has power to render a report and the Zoning Hearing Board or the hearing officer as the case may be, fails to render the same within the period required by this subsection, or fails to hold the required hearing within 60 calendar days from the date of the Applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing to an extension of time.

(5) When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give Public Notice of the said decision within 10 days from the last day it could have met to render

a decision. If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.

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

6. *Jurisdiction.* The Zoning Hearing Board shall have exclusive Jurisdiction to hear and render final adjudications in the following matters:

A. Substantive challenges to the validity of any land Use ordinance, except those brought before the Borough Council pursuant to Sections 609.1 and 916.1 of the MPC.

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

C. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any Permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

D. Applications for Variances from the terms of this Chapter pursuant to Article 910.2 of the MPC.

E. Applications for Special Exceptions under this Chapter pursuant to Article 912.1 of the MPC.

F. Appeals from the Zoning Officer's Determination under Article 916.2 of the MPC.

G. Appeals from the Determination of the Zoning Officer, Stormwater Manager or Authority, or Borough Engineer in the administration of any land Use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to Development not involving applications under Article V or VII of the MPC.

7. *Borough Council.* The Borough Council shall have exclusive Jurisdiction to and render final adjudications in the following matters:

A. All applications pursuant to Article 508 of the MPC, for approval of Subdivisions or Land Developments under Article V of the MPC.

B. Applications for a Curative Amendment to this Chapter or pursuant to Sections 609.1 and 916.1(a) of the MPC.

C. All petitions for amendments to land Use ordinances, pursuant to the procedures

set forth in Article 609 of the MPC.

D. Appeals from the Determination of the Zoning Officer or the Borough Engineer in the administration of any land Use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for Land Development under Articles V and VII of the MPC. Where such Determination relates only to Development not involving a Part V or VII application, the appeal from such Determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Part. Where the applicable land Use ordinance vests jurisdiction for final administration of Subdivision and Land Development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

8. *Zoning Hearing Board Functions.*

A. *Variances.* The Zoning Hearing Board shall hear requests for Variances where it is alleged that the provisions of this Chapter inflict unnecessary hardship upon the Applicant pursuant to MPC section 910.2. The Zoning Hearing Board may grant a Variance provided the following findings are made where relevant in each case.

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

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter and that the authorization of a Variance is, therefore, necessary to enable the reasonable Use of the property.

(3) That such necessary hardship has not been created by the appellant.

(4) That the Variance, if authorized, will not alter the essential character of the Zoning District in which the property is located, nor substantially or permanently impair the appropriate Use or Development of an Adjacent property, nor be detrimental to the public welfare.

(5) That the Variance, if authorized, will represent the minimum Variance that will afford relief and will represent the least modification possible of the regulation in issue.

(6) In granting any Variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Chapter.

B. *Special Exceptions.* Where the Borough Council has stated Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria specified below, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purposes of this Chapter.

(1) *Standards and Criteria.* In any instance where the Zoning Hearing Board is required to consider a Special Exception to this Chapter in accordance with the provisions of this Chapter, the Zoning Hearing Board shall, among other things:

(a) Consider the suitability of the property for the Use desired and assure itself that the proposed change is consistent with the spirit, purpose, and intent of this Chapter.

(b) Determine that the proposed change will not substantially injure or detract from the Use of neighboring property or the character of the neighborhood and that the Use of the property Adjacent to the area included in the proposed change or plan is adequately safeguarded.

(c) Determine that the proposed change will serve the best interests of the Borough, the convenience of the community (where applicable), and the public welfare.

(d) Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police, and fire protection, and public schools.

(e) Consider the suitability of the proposed location of an industrial or Commercial Use with respect to probable effects upon roadway traffic and assure adequate access arrangements to protect all Streets from undue congestion and hazard.