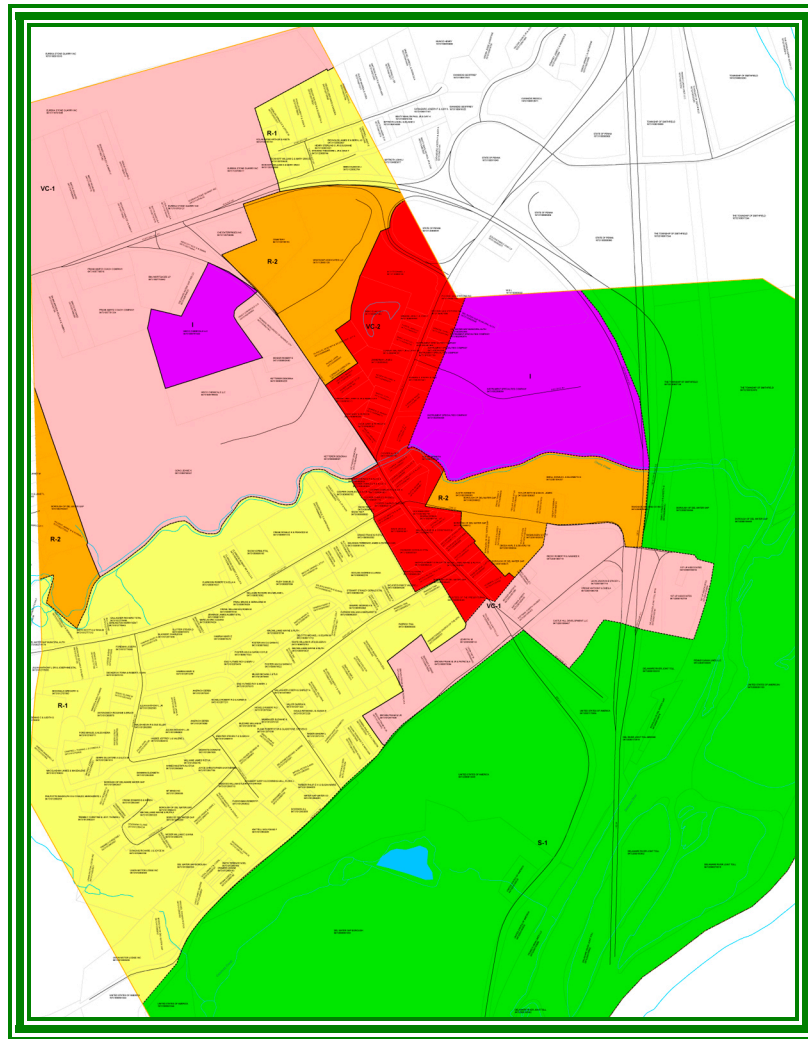


BOROUGH OF DELAWARE WATER GAP  
MONROE COUNTY, PA

# ZONING ORDINANCE



DELAWARE WATER GAP PLANNING COMMISSION  
MICHAEL CABOT ASSOCIATES, COMMUNITY PLANNERS

ADOPTED FEBRUARY 1, 1988

ZONING ORDINANCE, AMENDMENTS AS OF 1987  
OF  
DELAWARE WATER GAP BOROUGH  
MONROE COUNTY, PA.

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PREPARED BY THE  
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ZONING ORDINANCE, AMENDMENTS AS OF 1987  
FOR DELAWARE WATER GAP BOROUGH, PA.

An Ordinance completely amending the Delaware Water Gap Borough Zoning Ordinance No. 157 of November 12, 1975, which in turn completely amended Borough Ordinance No. 142 of June 1, 1970.

This Ordinance permits, prohibits, regulates and determines the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; and the density of population and intensity of use; and further the Ordinance contains provisions for special exceptions and variances to be administered by a Zoning Hearing Board; provision for Conditional Uses to be decided by the Borough Council, provisions for administration and enforcement and such other provisions as may be necessary to implement the requirements of the Ordinance.

Pursuant to the authority conferred by State Act No. 247 of 1968 as amended, the Pennsylvania Municipalities Planning Code, the Borough Council of the Borough of Delaware Water Gap does hereby enact and ordain as follows:

ARTICLE 1 - GENERAL PROVISIONS

1.100 SHORT TITLE

This Ordinance shall be known and cited as the 1987 Zoning Ordinance Amendment of the Borough of Delaware Water Gap, PA.

1.200 APPLICATION OF ORDINANCE

No building, sign or other structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this Ordinance. However, this Ordinance shall not require any change to any building, structure or use legally existing at the effective date of this Ordinance, or any amendment thereto; or to any building, structure or use planned and construction started in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance, or any amendment thereto except as provided in Section 5.405.

### 1.300 JURISDICTION

The regulations and provisions of this Ordinance shall apply to and affect the incorporated limits of Delaware Water Gap Borough, Monroe County, PA.

### 1.400 PURPOSE OF THE ORDINANCE

The purposes of this Ordinance are to comply with the provisions of State Act No. 247, the Pennsylvania Municipalities Planning Code, and to promote, protect and facilitate the following: the public health, safety, morals, general welfare, coordinated and practical development of the Municipality, the proper density of population, heliports, the provision of adequate light and air police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements and the protection of the environment.

The Ordinance is also designed to prevent the following: the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

### 1.500 STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES

Delaware Water Gap Borough hereby establishes the following community development objectives based on the initial "General Plan, Borough of Delaware Water Gap" dated June, 1967 and the "Comprehensive Plan - Partial Update" dated June, 1986. The following community development objectives constitute a statement of legislative findings on which this amended Zoning Ordinance is based. Said community development objectives are related to the Comprehensive Plan of Delaware Water Gap Borough with respect to land use, density of population, location and functioning of streets and other community facilities and utilities and other factors.

#### 1.501 General Community Development Objectives

- a. Promote, protect and facilitate the public health, safety, morals and general welfare.
- b. Promote coordinated and practical community development and provide for the overall improvement and development of the Borough.
- c. Provide for proper densities of population, adequate light and air, vehicle parking and loading space.
- d. Provide opportunities for safe development of transportation, water, sewage facilities and other appropriate public facilities.

- e. Prevent overcrowding of land, blight, danger, and congestion, loss of health, life or property from fire, flood, panic or other dangers.
- f. Balance the needs for new development against the need to conserve the natural environment and other existing development in the Borough.

1.502 Specific Community Development Objectives

- a. Protect existing residential, commercial, industrial and public land uses and provide opportunities for continued development of such uses in accordance with the comprehensive planning studies and recommendations prepared by the Planning Commission and the Borough Council.
- b. Establish zoning districts which protect existing uses from encroachment of incompatible land uses of a type which would adversely affect existing neighborhoods or districts.
- c. Specific objectives with regard to various types of uses are listed below:

1. Residential Land Uses

- Protect existing residential neighborhoods from adverse location of incompatible uses in such neighborhoods.
- Provide a variety of choices for different housing types in residential areas, at generally low densities of development, which are needed to meet the economic and social needs of the population and the specialized needs of the elderly.
- Maintain the general integrity of existing single-family and two-family residential areas but provide for controlled development in such areas of Planned Residential Developments (including conversions of larger structures into multi-family use) and of other uses normally related to or appropriate in residential areas.
- Provide suitable areas for Planned Residential Development.

- Provide opportunities where sufficient vacant land exists for the controlled development of mobile home parks.
- Provide opportunities for the development of home occupations in residential areas in a manner which does not detract from the quality of the residential neighborhood.
- Promote the rehabilitation and improvement of the existing housing stock.
- Provide opportunities for new residential development in established residential neighborhoods and districts.

## 2. Non-Residential Development

- Provide opportunities for strengthening the existing economic base and economic activities in the Borough by establishment of well-defined areas for commercial and industrial development.
- Protect existing commercial and industrial areas from adverse location of incompatible uses and where conflicts between residential and non-residential uses exist, balance the needs of both types of uses.
- Provide opportunities for broadening the type of economic development which exists in the Borough by promoting activities which serve local, regional and expanded economic markets.
- Provide for suitable commercial development through the establishment of defined areas for the location of general commercial uses and also provide for the controlled development of residential uses in such areas in a manner which protects both types of uses.
- Heavy commercial uses such as warehouse and truck depot uses may locate in industrial zoned areas.
- Promote the rehabilitation, appropriate conversion and improvement of the older commercial



buildings and encourage the utilization of under utilized commercial space.

- Provide opportunities for new commercial development which serves the needs of residents of the Borough and also of the many visitors to the area.
- Preserve the river frontage and agricultural river terrace land in its natural state with any development of these lands to primarily benefit Borough residents for such uses as recreation, parking for fishing and boating access.

### 3. Resort and Recreational Use

- Recognize the special historical characteristics and gateway to Pennsylvania location of the Borough as a resort-recreational community in the Poconos.
- Provide opportunities for continued resort-recreational uses to serve visitors in the area in a manner which does not conflict with the needs of the permanent population of the Borough.
- Protect and enhance the existing resort-recreational uses which have become established over the years.
- Discourage any uses which would distract from the resort-recreational environment such as land use activities which generate excessive noise, light, air pollution, ground or water pollution.

### 4. Appropriate Public Uses

- Provide for the controlled development of appropriate public uses and facilities in all areas where such uses are needed to serve the area or the community as a whole.

### 5. Customary Accessory Uses and Essential Services

- Permit development of accessory uses which are needed to complement other residential and non-residential uses to which they are related.
- Permit the development in all areas of necessary public utilities and public services which are needed to serve the public and to maintain the general welfare and safety of the population.

#### 6. Special Facilities and Uses

- Where feasible, provide for the development of off-street parking and loading facilities needed to serve any new development.
- Provide for the controlled development, in appropriate areas, of signs, fences, swimming pools, screening and mobile homes which should be located only in mobile home parks or on individual lots in high-density non-historic areas.
- Prohibit obscene sexual uses or activities which violate State law and local ordinances or contemporary community standards of the Borough.

#### 7. Non-Conforming Lots

- Recognize that since the town was founded in 1793, development in the Borough has included many small lot sizes which do not meet current and more modern standards for development.
- Establish a reduced bulk, density and area standard for such lots which permits their development or which permits existing uses on such lots to be expanded in a manner which is in keeping with the general character of the neighborhood in which they are located.
- Such small lots shall not, by reason of the size of the lot or by its area dimensions or coverage, render an existing use to be a non-conforming use or structure.

#### 8. Non-Conforming Uses or Structures

- Identify existing uses or structures which do not conform with the use provisions established in this Ordinance and establish standards and conditions under which such non-conforming uses may be enlarged, restored, discontinued or changed.

9. Existing Conforming Uses & Legal Non-Conforming Uses

- Provide for the continuation and expansion of existing conforming uses and legal non-conforming uses which have encroached into required yard areas or exceeded the height requirements of this Amendment.

10. Historic, Architectural and Environmental Preservation -

- Provide encouragement for property owners to restore their historic and/or architecturally significant structures.
- Respect for the existing physical and human environment should be required in regard to any proposed change to the Borough environment. The Borough should continue to provide opportunities for people to learn about the physical and biological processes in the evolution of the Borough through such places as the Dutot Museum. Knowledge of this evolution and the values of this place should be an indispensable step before anyone makes a change to the land.
- Protect the historic legacy of the Borough which was identified in the Monroe County Historic Preservation Plan published in June of 1980 by the Monroe County Planning Commission.
- Encourage designation on the National Register of Historic Places for Borough historic structures.
- Preserve the local environment through an ecological evaluation process with the following considered:
  1. Climate - includes air pollution potential.

2. Geology - includes natural scenic features such as the Delaware Water Gap, bedrock and archeological digs.
3. Physiography - includes features of scientific, educational and scenic value, slope of land, surface drainage, riparian land, beaches, and stream access.
4. Hydrology - includes water areas, aquifers, and aquifer recharge and watershed protection.
5. Pedology - includes soil drainage, compression strength and stability for foundations and erosion susceptibility.
6. Vegetation - includes existing woodland and marsh areas.
7. Wildlife - includes land and water species. Any new major project should have an environmental impact evaluation which at least considers the above factors.

#### 11. Transportation System

- To develop the best possible traffic circulation system that will serve all types of traffic; local, inter-municipal, recreation and through traffic in cooperation with the Pennsylvania Commonwealth Department of Transportation and the Delaware River Bridge Commission.
- To promote a satisfactory transit bus service system including convenient, safe school bus stops in the Borough which are also protected from deleterious influences.
- To provide adequate ingress and egress from major commercial, industrial and residential developments in the Borough.

#### 1.600 INTERPRETATION AND VALIDITY

- 1.601 Interpretation - In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and

general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances provided that where this Ordinance imposes greater restrictions upon the use of buildings or premises, or upon the height or bulk of a building, or requires larger open spaces, the provisions of this Ordinance shall prevail.

1.602 Validity - The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision of this Ordinance.

1.603 Repealer - The Borough of Delaware Water Gap Ordinance No. 157 adopted November 12, 1975, and all amendments thereto are hereby completely amended by this Ordinance. All other existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

#### 1.700 EFFECTIVE DATE

This Ordinance shall take effect immediately subsequent to adoption.

### ARTICLE 2 – DEFINITIONS

#### 2.100 APPLICABLE DEFINITIONS

Except where specified in the following definitions, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "occupied" or "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used"; and the word "shall" is intended to be mandatory and the word "may" is permissive; the word "abut" shall include the words "directly across from" and the word "lot" includes "parcel," "tract" or "plot."

2.101 Accessory Use or Structure - A use or structure subordinate to and located on the same lot as the principal use or building and serving a purpose customarily incidental to the use of the principal use or building.

Where any part of the wall of an accessory building is part of the wall of a main building, or where the accessory building is attached to the main building by a roof, including carports however covered, such accessory building shall be deemed part of the main building.

2.102 Adult Facility - An establishment open to the general public or a private club open to members which is used and occupied for one or more of the following activities:

- a. Adult Book Store - An establishment in which 20% or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, of pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape or similar visual presentations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct or offers for sale sexual devices.
  - b. Adult Theatre - A building or a room within a building used for presenting motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
  - c. Adult Cabaret - An establishment, club, tavern, restaurant, theatre or hall which features live entertainment distinguished or characterized by emphasis on sexual conduct, sexually explicit nudity and/or activity such as mud wrestling.
  - d. Adult Massage Parlor - An establishment whose business is the administration of massage to the anatomy of patrons regardless of whether or not the same includes sexual conduct.
- 2.103 Alley - A public or private way affording only secondary means of access to abutting property. Alleys may also be known as courts, places or lanes.
- 2.104 Alterations, Structural - As applied to a building or structure, a change or rearrangement in the structural parts of a structure including the walls, columns, beams, girders, floors, roof or ceiling; or an enlargement whether by extending on a side or by increasing in height; or the moving from one location or position to another; but not including normal maintenance or minor repairs or improvements.
- 2.105 Amusement Games or Machines
- a. Amusement Game Machines - A coin operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score, which by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of

skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

- b. Amusement Machines, Other - A coin operated machine or device, not including amusement games, which provides a ride, sensation, electronic reading, photograph, lamination or item of merchandise provided at random among other items of merchandise, for use by and to the amusement of the public.
- c. Amusement Machine Complex - A group of more than five amusement games or other amusement machines, in the same place, location or premises.

- 2.106 Animal Husbandry - The raising and keeping of livestock and poultry, with the intent of producing capital gain, or profit or with the intent of selling any livestock or poultry products. The keeping of livestock or poultry as farm pets, or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.
- 2.107 Auto, Trailer or Boat Sales Area - An open area, other than a street, used for the display, sale or rental of new or used motor vehicles, trailers or boats in operable condition and where no repair work is done.
- 2.108 Auto Service Station - A building or place of business where gasoline and automobile accessories are dispensed directly to the motor vehicle trade, and where automotive repair services may be rendered.
- 2.109 Auto Wrecking/Salvage Yard - The dismantling or disassembling of two or more used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- 2.110 Basement - A story in a building, the structural ceiling of which is four feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road, and the floor level of which is below finished grade at all points on the periphery of the building.
- 2.111 Board - See Zoning Hearing Board.
- 2.112 Boarding House - See "Rooming House."
- 2.113 Building - Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property. Structures divided by unpierced, solid masonry division walls

extending from the ground to the roof shall be deemed to be separate buildings.

- 2.114 Building Coverage - Maximum - The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot (including covered porches, carports and breeze-ways, but excluding open patios, parking areas, swimming pools, tennis courts and other structures which are open to the sky) by the total area of the lot upon which the buildings are located.
- 2.115 Building Height - The vertical distance measured from the average elevation of the finished grade at the front of the building at the foundation wall to the highest point of the roof.
- 2.116 Building, Principal - A building in which is conducted the main or principal use of the lot on which it is situated.
- 2.117 Bulk - The size and shape of a building or its location in relationship to lot lines and other buildings and all open spaces required in connection with a building.
- 2.118 Cellar - The portion of a building, other than a basement, that is located below ground level.
- 2.119 Commission - See "Planning Commission."
- 2.120 Common Open Space - Usable open space available for two or more dwelling units or for two or more non-residential units.
- 2.121 Conditional Use - A "Conditional Use" is a provision of the Ordinance which may be allowed or denied by the Borough Council after recommendations by the Planning Commission pursuant to express standards and criteria established in this Ordinance. Requests for such "Conditional Uses" shall be decided by the Borough Council after receipt of the Planning Commission recommendations and after a hearing to determine compliance with said standards and criteria.
- 2.122 Convalescent Home - See "Nursing Home."
- 2.123 Crop Farming - The raising and keeping of field, truck and tree crops. For the purposes of this Ordinance, the term "Crop Farming" does not include animal husbandry.
- 2.124 Deck - See definition of "Patio" and "Porch."
- 2.125 Density - A measure of the quantity of units per unit of land area.
  - a. Density, Gross Residential Project - The total number of residential units divided by the total project area.



- b. Density, Net Residential Project - The net residential project density of a proposed residential subdivision or land development measured in residential units per acre shall be equal to the total number of residential dwelling units divided by the total net residential land in acres. The total net residential land is equal to the total project area minus the land in the project which is not used for residential purposes or related residential yard areas (such as street rights-of-way, common open space and/or non-residential uses).

For purposes of this Ordinance, low, medium, and high net residential density shall be defined as follows:

1. Low Density - Zero to three units per acre.
2. Medium Density - 3.1 to six units per acre.
3. High Density - Above six units per acre.

2.126 District or Zone - A portion of the territory of the municipality within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

2.127 Dump - A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, vehicles or parts thereof, or waste material of any kind.

2.128 Dwelling - Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons and as defined further below. The term "dwelling" shall not be deemed to include automobile court, motor lodge, rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house.

- a. Dwelling Unit - One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure designed as a unit for occupancy by not more than one family (as defined herein) for living and sleeping purposes.
- b. Dwelling, Single-Family - A detached building, designed for or occupied exclusively by one family, except for an "Accessory Dwelling Unit" as defined below and excluding a "Mobile Home Dwelling" as defined below.

- c. Dwelling, Two-Family - A detached or semi-detached building where not more than two individual family or dwelling units are entirely separated by vertical walls and/or horizontal floors.
- d. Dwelling, Mobile Home - A transportable dwelling structure, intended for permanent occupancy for use by one family, contained in one or more sections designed to be joined into one integral unit and constructed so that it may be used without a permanent foundation and capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations; except for a travel trailer as defined herein; and excluding such mobile home dwellings or prefabricated homes or sections thereof which when assembled or combined into a single unit are more than 19 feet in width and no longer readily capable of being separated for repeated towing.
- e. Dwelling, Multi-Family - A building designed for occupancy of families living independently of each other, and containing three or more dwelling units per building.
- f. Dwelling Unit, Accessory - A separate second dwelling unit which may be located within a structure in which the principal use is for a single-family dwelling or on the second story of a garage accessory to such a single-family dwelling.
- g. Dwelling, Apartments - A multi-family dwelling occupied as separate living quarters for three or more families with direct access from the outside or through a common hall and further, provided with separate cooking, sleeping and bathroom facilities for the exclusive use of each family.
- h. Row Houses - A multi-family building containing three to six dwelling units and not exceeding 2 ½ stories in height, having a solid masonry firewall between each unit and individual separate access from the outside to each unit.
- i. Dwelling, Garden Apartment - A multi-family dwelling containing six to fifteen units and not exceeding three stories in height.
- j. Dwelling, Dormitory - A residence hall or building which provides sleeping rooms to be used primarily by students of a school or college or by members of a club, fraternity or sorority or other institution.
- k. Dwelling, Efficiency Unit - A dwelling unit contained within a structure with said unit being small in size, usually only one

room with sections of the unit containing living, sleeping, eating, kitchen and storage space within these use areas usually screened one from another and with a separate bathroom.

- 2.129 Essential Services - The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, communication, water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings, except telephone booths, fire houses, pump stations, treatment plants and similar facilities which shall also be considered as essential service facilities hereunder.
- 2.130 Family - Any individual, or two or more persons, all of whom are related by blood, marriage, legal adoption or foster placement. A group of not more than five persons, some of whom are not related as defined above, living together in a dwelling unit shall also be considered to be a family. A "family" shall not be deemed to include the occupants of a motel, motor lodge, motor court, country inn, boarding house, rooming or lodging house, club, fraternity/sorority or dormitory.
- 2.131 Family Care Facility - A facility which provides resident service in a private residence to five or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes foster or boarding houses for children. Group care facilities are not included in family care facilities. They are separately defined herein.
- 2.132 Fence - Any outdoor barrier of either natural living vegetation or composed of fabricated materials, as defined below, which is placed or arranged as a line of demarcation between lots, or to enclose a lot or a part of a lot. For the purpose of this Ordinance, a fence is a boundary line fence when the average center line of the fence is established on the lot within two feet of a property and/or lot line. The height of any fence shall be the distance measured from the existing grade of the natural surface to the top of the fence.
- a. Natural Living Fence - A barrier of natural living vegetation, including shrubs, hedges, trees or other plant materials, shall only be considered to be a fence if 50% or more of the

horizontal dimension of such materials or growth provides a visual screen or obstruction to vision.

- b. Fabricated Materials Fence - Any structure or wall, regardless of composition or material, except for a natural living fence, which is constructed and installed to act as a visual or physical outdoor barrier.
- 2.133 Flood Prone Area - A Flood Prone Area is an area subject to flooding as defined in the Delaware Water Gap Borough Flood Plain Ordinance No.174 adopted in 1985, as it may be amended thereafter.
- 2.134 Flood Area - The sum of the gross areas of the floors of every story of a building measured from the exterior faces of exterior walls or from the center lines of common or party walls separating two buildings.
- 2.135 Floor Area Ratio - The total floor area of a building divided by the area of the lot on which it is located.
- 2.136 Garage - A building or part thereof used for the storage of one or more vehicles.
- 2.137 Group Care Facility - A facility which provides resident services to six or more individuals of whom one or more are unrelated. These individuals are handicapped, aged or disabled, are undergoing rehabilitation and are provided services to meet their needs. This category includes uses licensed or supervised by any Federal, State or County health/welfare agency, such as group homes (all ages), half-way houses, resident schools, resident facilities and foster or boarding homes.
- 2.138 Home Occupation - An occupation which is permitted under the terms of this Ordinance to be conducted in a residential dwelling unit as an accessory use.
- 2.139 Hospital - A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, clinic, convalescent home, nursing home or rest home.
- 2.140 Hotel Inn or Country Inn - A building or part thereof which has a common entrance and common dining room and which contains seven or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.
- 2.141 Intensity - This is the relationship between the use of a part and the whole. For example: Building coverage intensity may be measured by

dividing the largest area "foot print" coverage of the building(s) on the lot divided by the total area of the lot.

<u>Intensity</u>	<u>Building Coverage of Land</u>
Very low	0 to 15%
Low	15.1 to 25%
Medium	25.1 to 35%
High	Above 35%

2.142 Junk and Junk Yard

- a. Junk - Junk shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used tires and other manufactured goods, any of which are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled or processed for reclamation, salvage or recycling.
- b. Junk Yard - A junk yard shall consist of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.

2.143 Lot - Any parcel of land, regardless of size, intended as a unit of ownership, transfer of ownership, use, rent, improvement or development.

- a. Lot, Corner - A lot situated at and abutting the intersection of two streets.
- b. Lot, Depth - The average distance between the front and the rear lot lines.
- c. Lot Lines - The property lines bounding the lot.
  1. Lot Line, Front - The line separating the lot from a street right-of-way.
  2. Lot Line, Rear - The lot line opposite and most distant from the front lot line.

3. Lot Line, Side - Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.
  - d. Lot Width - The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.
  - e. Lot Area - The computed area contained within the lot lines.
- 2.144 Membership Club - See "Social Hall, Club, or Lodge."
- 2.145 Mobile Home Park - A lot where two or more mobile homes are located or a parcel of land where two or more lots are held out for the purpose of supplying to the public a parking space for two or more mobile homes. Also see definition of "Dwelling" and "Travel Trailer."
- 2.146 Motel - A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, motor hotel, auto courts and other similar uses.
- 2.147 Municipality or Borough - Delaware Water Gap Borough located in Monroe County, PA.
- 2.148 Nonconforming Lot - Any lot which does not conform with either one or more of the following: the minimum width, depth, and area dimensions specified for the District where such a lot is situated.
- 2.149 Nonconforming Use or Structure
- a. Nonconforming Structure - A building or structure or part thereof manifestly not designed to comply with the applicable use provisions of the Zoning Ordinance of the Municipality or amendment heretofore or hereafter enacted when such building or structure lawfully existed prior to the enactment of Ordinance No. 142 as amended by Ordinance No. 157 of the Municipality or this Amendment or prior to the application of such Ordinance or Amendment to its location by reason of annexation.
  - b. Nonconforming Use - A use, whether of land or building or structure, which does not comply with the applicable use provisions of the Zoning Ordinance of the Municipality or amendment heretofore or hereafter enacted, where such law was lawfully in existence prior to the enactment of Ordinance

No. 142 as amended by Ordinance No. 157 of the Municipality or this Amendment, or prior to the applications of such Ordinance or Amendment to its location by reason of annexation.

2.150 Nursing Home - A "Group Care Facility" as defined herein including any premises containing sleeping rooms or beds to be used by seven or more persons who are lodged and furnished with meals and nursing care for hire.

2.151 Open Space - Open space is land used for recreation, resource protection, amenity or buffers and is freely accessible to the residents of the area. Open space does not include land occupied by buildings, roads or road rights-of-way; nor does it include the yards or lots of single or multi-family dwelling units or parking areas as required by the provisions of this Ordinance.

Livable and usable open space shall have the same meaning. See the definition for usable open space.

2.152 Patio - A land use involving a surfaced area or courtyard or a deck less than one foot above ground elevation designed for outdoor living purposes as an accessory use to a structure, which shall be completely unenclosed except for any side which may adjoin a structure or for any fences or walls four feet or less in height, or shrubs or hedges. Outdoor areas which are screened or enclosed by a roof or awning shall be considered to be a structure.

2.153 Permit - A document issued by the proper Authority of the Municipality authorizing an applicant to undertake certain activities, as further defined below:

- a. Zoning Permit - A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this Ordinance or with an order of the Zoning Hearing Board and authorizing an applicant to proceed with said use, building, or structure.
- b. Building Permit - A permit indicating that a proposed construction alteration or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Borough and authorizing an applicant to commence with said construction, alteration, or reconstruction. Such a permit shall not be confused with a zoning permit or with an occupancy permit as may be required under the terms of this Ordinance.

- c. Occupancy Permit - A permit issued upon completion of the construction of a structure, or change in use of a structure or parcel of land indicating that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit.
- 2.154 Permitted Use - Any use which does not require special action by the Planning Commission, the Zoning Hearing Board or the Borough Council before a zoning permit is granted by the Zoning Officer.
- 2.155 Planning Commission - The Planning Commission of the Borough of Delaware Water Gap.
- 2.156 Plot Plan or Site Plan - A plan drawn to scale to be submitted with all zoning applications should consist of, but not be limited to, the dimensions of the lot to include property and curb lines, dimensions of side, front and rear yards, dimensions of the building (ground floor) including any projections, height of structure, off-street parking facilities, landscaping (where required), distance from side lot lines and any adjacent buildings and any additional information deemed necessary by the Zoning Officer or the Zoning Hearing Board to properly evaluate the application.
- 2.157 Porch - A structure or part of a structure which is enclosed on one or more sides by a fence or wall over four feet high or by a roof or awning or a structure which would otherwise be classified as a patio or deck except that it is one foot or more above the ground elevation.
- 2.158 Portable Structure - A structure or building, whether above or below grade level, designed or intended for seasonal rather than year-round use, and not attached to a principal building.
- 2.159 Principal Use - The primary or most important use of a lot, parcel, or structure.
- 2.160 Professional Office - Professional offices shall include the office of a physician, dentist, optometrist, architect, landscape architect, engineer, planner, insurance man, realtor, accountant, lawyer, author, or other member of a recognized profession.
- 2.161 Recreation Vehicle (RV) - A vehicle which is designed for recreational use, regardless of its size, and which RV is not designed to be used as a permanent dwelling and which RV is self-propelled or is designed to be towed.
- 2.162 Refuse Site - A lot or land or part thereof used primarily for disposal by sanitary landfill, burial, incineration, or any other legal means of



garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

- 2.163 Resort - A business situated on a lot containing ten acres or more, combining lodging, eating and recreational facilities as a single enterprise offered to the public at large or any segment thereof.
- 2.164 Rooming or Boarding House - A building containing one or more dwelling units in which at least two rooms are offered for rent, payable in money or other consideration, whether or not meals are furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained. A school or college dormitory, fraternity or sorority house, membership club with residents and other similar uses are not deemed as a boarding or rooming house.
- 2.165 Screening - Screening as required by this Ordinance shall consist of a visual screen or obstruction, of sufficient height (but not less than six feet high) to effectively obscure the area being screened from adjoining uses. Such a screen or obstruction shall consist of a suitable fence or wall or of appropriate planting materials such as shrubs, hedges or trees located within a buffer strip having a minimum width of five feet.
- 2.166 Sexual Conduct - Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons or an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or if such person be female, a breast.
- 2.167 Sexual Explicit Nudity - A sexually oriented and explicit showing or exhibition, by any means or manner, which presents or exposes to the viewer the following anatomical areas: the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering; the covered human male genitals in a discernible turgid state; the postpubertal, full or partially developed human female breast with less than fully opaque covering of a portion thereof below the top of the areola nipple.
- 2.168 Sign, Advertising - An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.
- 2.169 Sign, Business - A "business sign" is a sign which directs attention to a business or profession or to a commodity, service or entertainment conducted, sold or offered upon the premises where such sign is located, or to which it is affixed.

- 2.170 Sign, Gross Surface Area Of - The "gross surface area" of a sign or sign structure shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign or structure and in no case passing through or between any adjacent elements of same, but not including any structural or framing elements located outside the limits of the display of such sign.
- 2.171 Social Hall, Club or Lodge - A building, structure, lot or land area, or portion thereof, used as a private club or social organization or for activities or services not generally extended to the general public and not conducted for individual profit or gain.
- 2.172 Special Exception - A "Special Exception" is a provision of the Ordinance which may be granted or denied by the Board pursuant to express standards and criteria established in this Ordinance. Requests for such "Special Exceptions" shall be decided by the Board after a hearing to determine compliance with said standards and criteria.
- 2.173 Special Use - The term "Special Use" shall have the same meaning and be identical with "Special Exception."
- 2.174 Story and Half-Story - That portion of a building, included between the surface of any floor, but excluding the basement or cellar, and the ceiling next above it and having a vertical distance of not less than seven feet. Any such portion of a building having a distance of less than seven feet shall be considered to be a half-story.
- 2.175 Street - A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, way, drive, boulevard, highway, road and any other thoroughfare except an alley.
- 2.176 Structure - Anything constructed including a building, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. The term "structure" shall include signs, fences, walls, stationary and portable carports, porches, swimming pools, garages and other construction of all types.
- 2.177 Swimming Pool - Any body of water or receptacle for water having a depth at any point greater than two feet used, or intended to be used, for swimming or bathing and constructed, installed or maintained in or above the ground, outside any building.
- 2.178 Temporary or Seasonal Occupancy - The use of any premises or structure for living and/or sleeping purposes for one hundred or less days in any calendar year.

2.179 Time-Sharing - The ownership and/or right to use any facility or dwelling structure for a defined time period.

2.180 Travel Trailer - See definition of "Recreation Vehicle."

2.181 Usable Open Space - A portion of a lot or tract used for residential purposes exclusive of required front and side yard areas which is not covered by buildings or parking areas and is suitable for use as outdoor open space for the residents thereon.

Livable open space shall have the same meaning as usable open space.

2.182 Use Class - A group of similar, related or compatible land uses which are grouped together for inclusion in one or more zoning districts.

2.183 Use Class Subcategory - Within any single Use Class, those uses which are considered to be similar or of the same type are included in the same paragraph in Section 4.400. Any use located in the same paragraph as another use as set forth in Section 4.400 shall be considered to be in the same "Use Class Subcategory."

2.184 Variance - The Zoning Hearing Board's authorized departure from the provisions of this Ordinance where the Board finds that such provisions inflict unnecessary hardship upon an applicant, in accordance with the procedures set forth in this Ordinance and with the laws of the Commonwealth of Pennsylvania.

2.185 Yard - An open space, as may be required by this Ordinance, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this Ordinance.

a. Yard, Front - An open space extending the full width of the lot between the principal building and the front lot line.

b. Yard, Rear - An open space extending the full width of the lot between the principal building and the rear lot line.

c. Yard, Side - An open space extending from the front yard to the rear yard between the principal building and the nearest side lot line.

2.186 Zoning Hearing Board - The Zoning Hearing Board of the Borough of Delaware Water Gap.

2.187 Zoning Officer - The administrative officer charged with the duty of enforcing the provisions of this Ordinance.

### ARTICLE 3 - ESTABLISHMENT OF ZONING DISTRICTS

#### 3.100 NAMES OF ZONING DISTRICTS

Delaware Water Gap Borough is hereby divided into the following six districts:

- S-1 Conservation and Park District
- R-1 Low-Density Residential District
- R-2 Medium-Density Residential District
- VC-1 Village Commercial - Residential District
- VC-2 Village Center Business District
- I Industrial District

In addition to the above six zoning districts, there are flood plain overlay districts which shall also be applicable. The Borough has adopted a separate Flood Plain Management Ordinance, Ordinance 174, as amended in 1985 by Ordinance No. 195. All specific flood plain management regulations are contained in that separate Ordinance.

#### 3.200 ZONING MAP

The location and boundaries of these districts are established as shown on the attached Zoning Map of Delaware Water Gap Borough. The Zoning Map is hereby made a part of this Ordinance.

#### 3.300 INTERPRETATION OF BOUNDARIES

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Zoning Hearing Board shall determine the location of such boundary.

#### 3.400 DISTRICT BOUNDARIES

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, highways or alleys or such lines extended or lines

parallel or perpendicular thereto. Where figures are shown on the Zoning Map between a street or highway and a district boundary line, they indicate that the district boundary line runs parallel to the street or highway line at a distance therefrom equivalent to the number of feet so indicated. Where a district boundary divides a lot, the location of such boundary shall be determined by dimension on the map or, if no map dimensions are given, then the Zoning Map scale shall be used to determine the boundary line location.

### 3.500 BOUNDARY TOLERANCES

Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance the regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than 20 feet beyond the district boundary line.

### 3.600 STATEMENT OF ZONING DISTRICTS' INTENT AND PURPOSE

The general intent and purpose for each of the zoning districts established in Section 3.100 above are as follows:

- 3.601 S-1 Conservation and Park District - To establish and preserve areas for watershed, forestry, crop farming and the general conservation of the land with its flora and fauna. Uses such as low-intensity outdoor recreation and other uses that do not significantly change the natural character of the land or do not attract large numbers of people would be compatible with this intent.
- 3.602 R-1 Low Density Residential District - To establish and preserve quiet single-family home neighborhoods, free from incompatible activities which would generate distractive sights, sounds, traffic or would in any way compromise the privacy and serenity of the living environment for the individual residential lots.
- 3.603 R-2 Medium Density Residential District - To establish and preserve an area for single-family, two-family and limited multi-family uses which are protected in the same manner as the R-1 District above.
- 3.604 VC-1 Village Commercial - Residential District - To establish and preserve areas for commercial and resort facilities which are in close proximity to the major highway traveling public. These uses should minimize and/or buffer the incompatible portion of their activities from any nearby residential uses.
- 3.605 VC-2 Village Center Business District - To establish and preserve a compact business-residential center while respecting the historic character of the buildings and the necessary ingredients for a

hospitable, residential living environment (as defined in the above R Districts) within this Village Center Business District. The business and service commercial uses permitted will be suited primarily for the needs of travelers, tourists and vacationers. However, local commercial needs may also be accommodated.

- 3.606 I - Industrial District - To establish and preserve areas for industrial and related uses of such nature that they will not create serious incompatibility problems with other neighboring land uses. Other uses such as warehouse commercial will also be appropriate for this District.

#### ARTICLE 4 - BASIC DISTRICT REGULATIONS

##### 4.100 BASIC REGULATIONS

The basic regulations governing the use of land, the size of lots, yards and buildings within each Zoning District are established in this Article. For certain specific uses or exceptional situations, these basic regulations are supplemented by Article Five and by other provisions of this Ordinance.

- 4.101 Regulations Governing the Use of Land - Regulations governing the use of land within various Zoning Districts shall be as set forth in Schedule I.

- 4.102 Regulations Governing the Size of Lots, Yards and Buildings for Permitted Uses - Regulations governing the size of lots, yards and buildings in the various Zoning Districts for Permitted Uses shall be as set forth in Schedule II.

- 4.103 Regulations Governing Special Uses – Regulations governing certain Special Uses shall be as set forth in Section 4.402.

- 4.104 Regulations Governing Conditional Uses – Regulations governing Conditional Uses shall be as set forth in Section 4.403.

##### 4.200 PERFORMANCE CHARACTERISTICS

No use shall be permitted in any district if it is to be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, environmental or other hazard; noise or vibration; smoke, dust, dirt or other form of air, solid waste or water pollution; electrical, glare or other disturbance which will adversely affect the surrounding area or premises, or be dangerous to public health and safety. See Section 5.907 of this Ordinance for Performance Requirements.

#### 4.300 FLOOD PRONE AREA REQUIREMENTS

Areas located in identified Flood Prone Areas as defined herein shall be subject to the following restrictions.

- 4.301 Flood Plain Ordinance - All uses proposed for location in a designated Flood Prone Area shall conform with the requirements and definitions of the Delaware Water Gap Flood Plain Ordinance No. 174 as amended in 1985 and as it may subsequently be amended.

All such, proposed development shall be designed in accordance with the Flood Plain Management principles, and requirements of said Ordinance.

- 4.302 Uses in Flood Areas Shall Be Considered As Special Uses - All uses proposed for location in a Flood Prone Area shall be considered to be a "Special Use" subject to all of the Special Use review provisions set forth in this Ordinance and the Board may also require approval by a competent authority or agency recognized by the Board.

- 4.303 Applicable Authorities - As a basis for determining conformance with these requirements, the Board may utilize information provided by recognized applicable authorities or studies. Said authorities may include the U. S. Army Corps of Engineers, the U. S. Geological Survey, the U. S. Soil Conservation Service, the Federal Insurance Administration, the Pennsylvania Department of Environmental Resources or some other competent authority or agency recognized by the Board.

- 4.304 Partial Development - If the Board determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

- 4.305 Environmental Protection Requirements - Areas and proposed uses subject to special environmental or hazardous conditions or other site problems which may adversely affect the public health, safety and welfare shall be subject to the additional regulations set forth in Article 5 of this Ordinance. Such environmental or hazardous conditions or other site problems shall be identified by the Soil Interpretive Maps of the U. S. Soil Conservation Service, or by any other competent authority recognized by the Board.

Such environmental or hazardous conditions shall include a flood hazard, potential soil erosion or stream sedimentation, a seasonal or year-round water table within four feet of the ground surface, a wetland area, sections with a slope in excess of 15% and any other conditions adversely affecting the public health, safety or welfare.

If the Zoning Officer determines that there may be excessive noise, dust, air or any other significant adverse environmental impact from the proposed use, he may require that the applicant submit an environmental impact evaluation report to the Borough before a zoning and/or occupancy permit is approved.

#### 4.400 USE CLASSES IN ZONING DISTRICTS

The following "Use Classes" are hereby established as shown in Schedule I. The specific uses included in each Use Class are outlined below.

4.401 Permitted Uses - Uses listed as "Permitted Uses" in Schedule I shall require no special action by the Zoning Hearing Board or by the Planning Commission before a Zoning Permit is granted by the Zoning Officer.

Use Class 1. Watershed, Forestry, and Park Uses - Includes watershed, forestry, crop farming, open land conservation uses, steep slope areas, golf courses, natural preserves, fish and wildlife refuges, wetlands, areas subject to flooding.

Such uses shall be subject to Site Plan Review as set forth in Section 5.800.

Use Class 2. Single-Family Residential – Includes single-family detached dwellings. The minimum floor area for human habitation in a single-family detached structure shall be 960 square feet.

Use Class 3. Two-Family Residential - Includes two-family dwellings. The minimum floor area for human habitation in a two-family structure shall be the combination of minimum floor areas for the appropriate units included in the structure as follows:

Type of Unit By Number of Bedrooms	Minimum Floor Area (sq. ft.)
Efficiency Unit	400
One-Bedroom Unit	625
Two-Bedroom Unit	725
Three-or More-Bedroom Unit	850 + 100 for each bedroom beyond three

#### SCHEDULE I

#### REGULATIONS GOVERNING THE USE OF LAND



USE CLASS	ZONING DISTRICTS						Site Plan
	S-I	R-I	R-2	VC-I	VC-2	I-I	Review
<u>PERMITTED USES</u>							
1. Watershed, Forestry & Park	X	X	X	X	X		X
2. Single-Family Residential		X	X	X	X		
3. Two-Family Residential			X	X	X		
4. General Commercial				X	X		X
5. Limited Industrial						X	X
6. Customary Accessory Uses and Essential Services	X	X	X	X	X	X	
<u>SPECIAL USES</u>							
7. Resort Development		X	X	X			X
8. Commercial Indoor Recreation				X			X
9. Outdoor Recreation	X			X			X
10. Moderate Scale Home Occupation			X	X	X		
11. Conversions		X	X	X	X	X	X
12. Related Residential Uses			X	X			X
13. Institutional Uses					X		X
14. Appropriate Public Uses	X	X	X	X	X	X	X
<u>CONDITIONAL USES</u>							
15. Apartments and Planned Residential Clusters			X	X	X		X
16. Planned Mobile Home Developments			X	X			X
17. Outdoor Sports and Recreation				X			X

Note: "X" indicates that the Use Class is a permitted, special or conditional use within the zoning district. See Section 4.400 for a description of the uses included in each Use Class and for an explanation of the conditions under which they are permitted in each District.

The Borough of Delaware Water Gap has adopted a separate Flood Plain Management Ordinance, Ordinance 174 as amended in 1985. Flood plain districts identified in Ordinance 174, as amended, shall be overlays on top of the zoning districts described in this Zoning Ordinance.

See Section 5.800 for Site Plan Review Requirements.

## INSERT SCHEDULE II

The above regulations shall be required in all dwelling units designed for permanent occupancy in order to promote public health, safety and welfare of occupants residing in such residential dwelling units.

Use Class 4. General Commercial – Includes the following general commercial uses which shall be carried on in a completely enclosed building except for off-street parking and loading facilities as required herein and limited outdoor displays not occupying more than 30% of the lot area.

Retail Business Establishments including shops selling food, drugs, cigars, candy, clothing and clothing accessories, newspapers, books, stationery, dry goods, hardware, paint, variety goods, household goods, appliances, flowers, package liquor, photo supplies, garden supplies, artist and hobby supplies, sporting goods, specialty and gift items, furniture and office supplies. The limited production of such goods which are primarily intended for retail sale on the premises shall be permitted provided that such production is a necessary adjunct of the retail establishment.

Customer Service Establishments including shops engaged in the repair of household goods, clothing, shoes and appliance items, pick-up stations, and self-service establishments for the dry cleaning and laundering of clothes, business and professional offices, eating and drinking establishments, off-street parking lots, gymnasium and physical health salons, photographic studios, medical and dental centers, hotels and motels, banks and financial institutions, blueprinting and graphic reproduction shops, printing and publishing establishments, wholesale offices and showrooms, office buildings and offices of all types, radio and television studios, auto supply stores, auto service stations, bus passenger stations, funeral homes and hairdressing or other similar establishments providing personal services for individuals.

Adult facilities or businesses which contain an adult facility section shall comply with the following requirements.

- a. An adult facility shall not be located within 1,000 feet of any other adult facility.
- b. An adult facility shall not be permitted to be located within 1,000 feet of any public or private school, daycare facility, public recreation facility, or any house of worship.
- c. An adult facility shall not be permitted within 500 feet of a school bus stop.
- d. No materials, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside a building or structure.
- e. Any building or structure used and occupied as an adult facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service or entertainment are exhibited or displayed and no sale materials, merchandise, film or

offered items of service or entertainment shall be visible from outside the structure.

- f. No sign shall be erected upon the premises depicting or giving a visual representation of the type materials, merchandise, film, service or entertainment offered therein.
- g. If all adult facility video tape rental uses are restricted to a discreet small area of 150 square feet or less within a larger non-adult facility business, then the requirements under (e) and (f) above only apply to that section of the business which is devoted to an adult facility video tape rental use area within the business space.

Commercial Recreation and Entertainment Establishments, except as prohibited in Section 5.906, including theaters, museums, nightclubs, art galleries and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs and lodges, swimming pools, gymnasiums and physical health salons or spas including indoor court games, amusement game machines and "other amusement machines" as defined herein limited to no more than five to any single establishment.

Any timesharing development which is part of a resort shall also meet the requirements of the Borough Time-sharing Ordinance No.183 adopted May 3, 1982.

Commercial Education Establishments, including schools for the study of business, technical trades, art, music, dancing and photography.

Medical and allied uses including hospitals, medical and dental testing laboratories, medical and orthopedic appliance stores, retail outlet for drugs and medical supplies and medical and dental offices and centers and group care facilities for children or adults as defined herein and animal hospitals on minimum of one acre lot; if boarding facilities are provided, the minimum lot shall be two acres.

Special manufacturing uses which are conducted above the first floor, including experimental, photo and testing laboratories, the manufacture of musical and small precision instruments, watches and clocks, toys, novelties, garments, pottery and ceramic products using kilns fired only by electricity or gas and other limited manufacturing or testing activities employing no more than 30 persons.

Use Class 5. Limited Industrial - Includes all types of limited industrial uses of which at least 60 percent of the activity shall be carried on in an enclosed building, except as listed further below and except for off-street parking and loading facilities, incidental storage and vehicle, boat, trailer and mobile home sales areas.

Such industrial uses include the manufacture, fabrication, processing, assembly, repair, testing, packing and storage of all types of products made from previously prepared materials and also the processing of raw materials and animal hospitals.

Also included are wholesale business, storage and warehousing establishments, truck and freight terminals, delivery and distribution centers, wholesale produce and meat markets, mechanical and vehicle equipment repair establishments, dry cleaning and dyeing plants, carpet and rug cleaning establishments, laundries and sign painting.

All such uses except for incidental storage and off-street parking or loading facilities, which are carried on outside of a completely enclosed building and which abut a residential area or are visible from a residential area across a street or alley shall be enclosed by a permanent fence or wall, as specified in Section 5.901, which is adequate to screen such uses from said residential area.

Use Class 6. Customary Accessory Uses and Essential Services - Includes uses customarily accessory to the principal use of a lot and essential services provided by public utilities. Such uses include the following:

Accessory uses which are customarily subordinate to the principal use of a lot or a building located on the same lot, and which serve a purpose customarily incident to the use of the principal building or lot within any district. Such uses include home occupations as regulated in Article 5, home gardening, nurseries and greenhouses (not including outdoor storage of equipment), a single accessory dwelling unit as defined herein, private garages or parking areas, signs, off-street parking and loading, temporary tract offices, unoccupied accessory travel trailers and buildings and other uses customarily appurtenant to other Permitted or Special Uses which comply with minimum yard, area and other requirements of this Ordinance.

Essential services for public utilities as defined in Article 2 which conform to the height regulations of the Zoning District in which they are proposed.

- 4.402 Special Uses - Uses listed as "Special Uses" in Schedule I shall require individual consideration in each case because of their unique

characteristics. Such "Special Uses" shall be referred to the Planning Commission by the Board for review and recommendation and such uses may be permitted only upon authorization by the Board subject to certain conditions and safeguards, as provided in this Section and after a hearing.

Such Special Uses which are authorized by the Board shall be subject to any additional conditions and safeguards established by the Board in each case which may be warranted by the character of the areas in which such uses are proposed or by other special factors and which are necessary to implement the purposes and Statement of Community Objectives of this Ordinance.

A Special Use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading so as to minimize interference with traffic on the local streets and any required or permitted signs shall be compatible with adjoining development and such special uses shall not jeopardize the public health, safety, welfare and convenience. Such special uses shall be appropriate to the character of the District and neighborhood in which it is proposed and with the presence of other conforming uses located in the area and also with the area which the uses will serve.

Applicants for Special Uses shall submit plot plans in sufficient detail to provide the Board and the Planning Commission with enough information to properly evaluate the proposed planned use and shall comply with the Site Plan Review requirements of Section 5.800.

The following regulations shall apply to Special Uses which are authorized by the Board.

Use Class 7. Resort Development - Resort developments may include lodging facilities for overnight guests, such as hotels, motels, inns, bed and breakfast facilities, cabins, cottages and other similar lodging accommodations. Such resorts shall also include related eating, drinking and recreation facilities designed to primarily serve the guests and clientele of the resort. Said recreation facilities may include the various outdoor recreation uses listed in Use Class 9 and Use Class 17 below subject to Borough Council approval plus additional indoor recreational uses of the type listed under Use Class 4 above, except that all recreational facilities shall be designed to primarily serve the clientele and guests of the resort.

All lodging, eating, drinking and recreational facilities shall complement each other for the purpose of providing a balanced group of facilities available to resort clientele.

All resort development shall take place on a parcel of land at least ten acres in size and shall be served with public or centralized sanitary sewer and water supply systems adequate in size and capacity to serve all potential users. Schedule II regulations shall apply to all resort buildings. The Board may apply higher standards for any outdoor activities.

No special use resort development may be permitted unless the application can demonstrate an ability to achieve at least 15 potential development points. See Schedule IIIA. The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the development's compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

Use Class 8. Commercial Indoor Recreation - Commercial indoor recreation facilities carried out in a completely enclosed building including theaters, museums, club houses, spas, indoor court games, bowling and similar uses.

Commercial Recreation and Entertainment Establishments, except as prohibited in Section 5.906, including theaters, museums, nightclubs, art galleries and cultural establishments, bowling alleys, skating rinks, billiard parlors, social halls, clubs and lodges, swimming pools, gymnasiums and physical health salons or spas including indoor court games, amusement game machines and "other amusement machines" as defined herein limited to no more than five to any single establishment.

Such indoor recreation facilities shall be located on a tract of land at least one acre in size unless such uses are part of and designed to primarily serve a complex, including a resort, campground, membership club, motel or other use permitted in the District in which the commercial indoor recreation facility is to be located. The Board may apply Schedule II regulations to any proposed commercial indoor recreation building.

No commercial indoor recreation use may be permitted unless the application can demonstrate an ability to achieve at least 12 potential development points. See Schedule IIIA. The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the development's compatibility with the intent of the zoning district and/or based upon any findings revealed at the Board's required public hearing.

Use Class 9. Outdoor Recreation - Outdoor recreation facilities including lakes, fishing, bird sanctuary, trails, walkways, ice skating, picnic areas and other similar facilities, but excluding places of public assembly of 50 people or more per acre or spectator sports arenas or areas designed to attract the general public of 50 people or more per acre.

Such Use Class 9 outdoor recreation facilities shall be located on a parcel of land at least five acres in size.

No special use outdoor recreation use may be permitted unless the application can demonstrate an ability to achieve at least 12 potential development points. See Schedule IIIA. The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the development's compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

Use Class 10. Moderate Scale Home Occupation – A moderate scale home occupation shall include home occupations as defined under the accessory use Section 5.302 of this Ordinance, except for the size or number of such home occupations. A special use home occupation shall meet the following criteria:

That the home occupation is in conformity with all of the other applicable provisions set forth in Section 5.302 except as follows:

- a. More than one home occupation may be carried on as long as the total of all home occupation activity shall comply with this use class.
- b. All home occupation activity shall be conducted by no more than two non-residents of the dwelling unit.
- c. All home occupation activity shall be restricted to occupations and activities which do not generate more than six customers, visitors and/or deliveries in any one hour, with maximum of 20 per day. The limit may be increased to 10 per hour for student or daycare home occupations. All deliveries shall be made by vehicles which have no more than three axles.

That, beyond a reasonable doubt, the nature of the home occupation and of the traffic and clientele to be generated shall remain relatively stable and shall not grow to a point where it may detract from the residential character of the neighborhood or exhibit any other adverse influences on the neighborhood.



That adequate buffering is planned for home occupation land use activity which may be incompatible with neighboring residential properties. Examples of incompatible activities include off-street parking areas and pedestrian or vehicular movements which could compromise the privacy of other residential properties.

All applicants for permits to undertake a home occupation shall submit the following information to the Zoning Officer:

- a. A complete description of the nature and operation of the home occupation.
- b. The type of use, product or service produced or rendered.
- c. The names of the residents who will operate the home occupation.
- d. The number of additional employees or other nonresidential personnel, if any, to be utilized by the home occupation.
- e. The portion of the residential structure to be devoted for the use of the home occupation.
- f. Any building or structural modifications, signs or other physical changes required to the interior or the exterior of the structure.
- g. The expected maximum number of customers, visitors or clientele expected to be served by the home occupation during any one hour and the number of hours and schedule of operations when home occupation shall be open to the public.
- h. A plot plan indicating how compliance will be achieved with off-street parking requirements.
- i. A certification by the applicant that the home occupation shall not detract from the residential character of the neighborhood and that all of the facts submitted with the application are true and correct and that any incorrect information submitted shall be cause for the Borough to require cessation of the home occupation.
- j. A certification and agreement by the applicant that the home occupation will be discontinued if changes occur in the character of the operation so that it no longer complies with the requirements of this Zoning Ordinance.

If and when the moderate scale home occupation increases in intensity to generate more than six visitors, customers and/or

deliveries per hour, or if more than two non-residents need to be involved in the home occupation, then the home occupation shall be classified as a business activity which no longer qualifies as a home occupation.

No moderate scale home occupation use may be permitted unless the application can demonstrate an ability to achieve at least 11 potential development points. See Schedule IIIA. The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of a site plan, based upon the Board's on-site evaluation of the home occupation's compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

Use Class 11. Conversions - Includes the redesign and conversion of existing residential structures into two-family and multi-family dwellings or the redesign of existing non-residential structures which are to be permanently converted into residential use in their entirety or above the first floor or any structure located in the R-2, VC-1, VC-2 and, I -1 districts. All conversions shall have at least 3,000 square feet of lot space for each dwelling unit, each unit shall have adequate light, air, heating and plumbing facilities and shall conform to the floor space size requirements of the Table in Use Class 3. Off-street parking standards for conversions shall be one off-street space for each dwelling unit except where there is already a surplus of off-street parking space on the lot according to the standards as set forth in Section 5.500 of this Ordinance. The Board may apply Schedule II regulations to any new construction which is part of the conversion.

No conversion use may be approved unless the application can demonstrate an ability to achieve at least 15 potential development points. See Schedule IIIA. The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the development's compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

Use Class 12. Related Residential Uses – Includes family care facilities as defined herein, rooming houses, nurseries for the daycare of young children and non-profit social halls, clubs and lodges.

Such uses shall comply with the following:

- a. Except for a sign, there shall be no external evidence of any gainful activity for such uses which are located in the R-2 or VC-1 Districts.

- b. Any such use shall have sufficient parking to serve the anticipated number of users and employees as specified in Section 5.500 and shall have suitable street access without causing excessive traffic on local residential streets.
- c. All such uses shall have a minimum lot size and shall conform to the Minimum Yards, Maximum Building Height and Maximum Building Coverage Regulations specified in Schedule II for the zoning district in which they are located.
- d. All such uses must be fully registered with and licensed by the Borough of Delaware Water Gap with information provided on their operation, availability of professional personnel, physical facilities and other characteristics.

No related residential special use may be approved unless the application can demonstrate an ability to achieve at least 12 potential development points. See Schedule IIIA. The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the proposed related residential uses compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

Use Class 13. Institutional Uses - Includes group care facilities, institutions of learning, funeral homes, membership clubs and dormitories. Such uses shall be governed by Schedule II for the zoning district for which such use is proposed to be developed.

No institutional use may be permitted unless the application can demonstrate an ability to achieve at least 14 potential development points. See Schedule IIIA.

The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the proposed development's compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

Use Class 14. Appropriate Public Uses - Includes public and quasi-public uses of a welfare, educational, religious, historic, recreation, governmental and cultural nature, and associated accessory uses; radio and television transmission or receiving towers; and essential public utilities that require enclosure within a building.

All proposals for new public uses or for additions or changes to existing public uses shall be submitted to the Zoning Hearing Board, together with required plans, to provide the Board with sufficient

information to determine compliance with the Special Use Provisions of this Ordinance.

An Appropriate Public Use permitted by the Zoning Hearing Board as a Special Use shall be appropriate to the character of the District and the neighborhood in which it is proposed and also with the presence of other conforming uses located in the area and also with the general area which the use will serve. Such Appropriate Public Uses shall have adequate access as per PA Department of Transportation (Penn DOT) standards shall provide off-street parking and loading as specified in Section 5.500, shall provide necessary landscaping and screening to protect adjoining areas, and shall have lot areas, yards and building coverage consistent with the character of the neighborhood and the District requirements in which they are proposed.

No appropriate public use may be permitted unless the application can demonstrate an ability to achieve at least 14 potential development points. See Schedule IIIA.

The Board may impose additional conditions and safeguards of the applicant based upon the Board's review of the required site plan, based upon the Board's on-site evaluation of the development's compatibility with the intent of the zoning district and/or based upon any findings revealed at the required public hearing.

- 4.403 Conditional Uses - Uses listed as "Conditional Uses" in Schedule I shall require individual consideration in each case because of their unique characteristics. Such "Conditional Uses" shall be referred to the Planning Commission by the Borough Council for review and recommendation and may be permitted only after a hearing and determination by the Borough Council that such uses meet the standards of this Ordinance. The Commission shall have 30 days from the date they receive the referral from the Borough Council in which to make their recommendation to the Borough Council.

Applicants for Conditional Uses shall submit plot plans in sufficient detail to provide the Borough Council and the Planning Commission with enough information to properly evaluate the proposed planned use.

Such Conditional Uses which are authorized by the Borough Council may be subject to any additional conditions and safeguards established by the Borough Council in each case which may be warranted by the character of the areas in which such uses are proposed or by other special environmental impact factors and which are necessary to implement the intent of the zoning district and the purposes of this Ordinance.

A Conditional Use shall not cause substantial injury to the value of other property where it is to be located; shall conform with regulations applicable to the District where located; shall be compatible with adjoining development; shall provide adequate landscaping and screening to protect adjoining areas; shall provide off-street parking and loading in keeping with Section 5.500 of this Ordinance so as to minimize interference with traffic on the local streets and shall not jeopardize the public health, safety, welfare and convenience.

The following regulations shall apply to Conditional Uses which are authorized by the Borough Council.

Use Class 15. Apartments and Planned Residential Clusters - Includes planned residential clusters, including two-family or multi-family dwelling structures developed on a parcel of land at least one acre in size in the VC-2 Zoning District and at least five acres in size in the VC-1 District. Such dwelling structures shall be served with adequate public water, sewer and parking facilities and adequate yard planting and screening shall be provided to effectively screen off any adjoining commercial uses and shall be designed to complement abutting uses.

Such planned residential clusters shall be planned and developed with adequate yards, building layout and spacing and open space and shall comply with the following:

	Maximum Building Height In Stories	Development <u>Intensity</u> Maximum Building Coverage		Development <u>Density</u> Maximum Net Project <u>Density (du/acre)</u>	
			R-2	VC-1	VC-2
Single-Family Structures	2.5	20%	3	3	3
Two-Family Structures	2.5	25%	3	4	5
Town or Row House Structures	2.5	25%	4	5	6
Garden Apartments	3.0	30%	5	6	6

du means individual dwelling unit not the entire dwelling structure. See definition section for dwelling unit definition.

Any proposed development with 20 or more dwelling units shall be provided with usable open space suitably designed and maintained for

use as play areas for children and/or as outdoor recreation space for residents in amounts not less than 250 square feet per dwelling unit.

Building spacing and setback requirements shall be as follows: All minimum yard requirements shall be as established for permitted uses in Schedule II for the district in which the use is proposed. No principal building shall be closer to other principal buildings on the same lot than the heights of the taller of the two buildings.

No conditional apartment or planned residential cluster use may be permitted unless the application can demonstrate an ability to achieve at least 15 potential development points. See Schedule IIIA.

Use Class 16. Planned Mobile Home Development - Includes a planned development permitting occupancy of mobile homes as single-family dwellings, together with other types of single-family dwellings, in detached, semi-detached and attached forms, with related uses and facilities in keeping with the character of a residential development. A planned mobile home development may consist of mobile home park, a mobile home subdivision, a mobile home condominium development or a combination thereof.

Permitted principal uses and structures are as follows:

1. One-family detached, semi-detached and attached mobile homes.
2. One-family detached, semi-detached and attached dwellings.
3. Parks, playgrounds, community centers and noncommercial recreational facilities such as golf courses, shuffleboard courts, swimming pools, tennis courts, marinas, game rooms, libraries, and the like.
4. Structures and uses required for operation of a public utility or for functions necessary for the operation or maintenance of the planned mobile home development.

In connection with Uses 1 and 2 above, no rentals shall be for periods of less than 30 days.

No sales lots for mobile homes or other movable dwellings or component modulars shall be permitted in any such district, but this limitation is not intended to prohibit sales of homes on the lots they are intended to occupy.

The maximum net residential project density of development shall not exceed five units per acre.

- a. Mobile Home Parks - Where the property is established for operation of a mobile home park only, property minimum area shall be seven acres. Minimum width of tract for portions used for general vehicular entrances and exits only (other than alleys and service entrances) shall be 50 feet; for portions containing lots for dwellings and buildings open generally to occupants, the minimum tract width dimensions shall be 218 feet. Minimum number of lots completed and ready for occupancy before first rentals are permitted shall be 30.
- b. Mobile Home Subdivisions, Condominiums or Combinations Thereof With a Mobile Home Park - Where a district is established for creation of a mobile home subdivision, condominium or for either and a mobile home park in combination, minimum area shall be 15 acres. In the case of such combinations, the mobile home park portion shall be separate from the other portions and shall meet all dimensional and other requirements for mobile home parks, and the subdivision or condominium portions shall consist of at least eight acres and shall meet all other requirements for subdivisions or condominiums.

No lot in any mobile home subdivision, condominium development shall be occupied until at least 30 lots have been fully improved and are ready for occupancy.

Minimum width of tract for portions used for general vehicular entrances and exits only, for portions containing lots for dwellings and buildings open generally to the occupants, and requirements and exceptions concerning the tract as a single plot shall be as for mobile home parks above.

All mobile home developments shall be connected to the Borough centralized water and sewerage systems.

All mobile home developments shall follow the site planning and improvement details of Section 5.908 of this Ordinance.

No conditional mobile home development use may be permitted unless the application can demonstrate an ability to achieve at least 15 potential development points. See Schedule IIIA.

Use Class 17. Outdoor Sports, Recreation and Specialized Facilities - Includes campgrounds, RV facilities, sports camps, stadiums, arenas, amusement parks, riding stables, ski slopes, golf courses, swimming pools, roller skating, ball fields, court game facilities, excursion rides or activities on water, rail, ground, streets or in the air. Helipads and

heliports are included. Temporary or regular events such as marathons and concerts which may use public streets and/or private property are also included.

An environmental impact evaluation study shall be prepared by the applicant for any activity proposed as part of this use class. The Borough Council shall then determine whether the proposed use will be consistent with the intent of the zoning district or if there will be an adverse impact upon the environment. Based upon Council's finding of an adverse impact, the Borough Council may reject the application or it may approve the application subject to conditions which will mitigate the adverse impacts.

The minimum land area for this use class shall be 10 acres.

Following are additional requirements for certain outdoor sports, recreation and specialized facilities.

- a. Heliports and/or Helipads - Any area to be used by helicopters shall be provided with a dustless surface. Hours of operation for take-off and landings may be regulated by Borough Council based upon the location and flight path of such a facility in relationship to residential and public areas.

No aircraft under its own power shall be less than 200 feet from its property line. The minimum setback from all property lines shall be 300 feet.

Screening shall be required for heliports and/or helipads located within 50 feet of any R District.

- b. Recreation and Sport Facilities - Swimming clubs or swimming pools other than private swimming pools shall have their swimming pool setback 100 feet from all property lines. The swimming pool shall also be surrounded and enclosed by a four-foot high fence structurally suitable to deter direct access to the body of water in the pool.

All recreation facilities shall comply with the following minimum setback requirements:

<u>Type of Outdoor Recreation Facility</u>	<u>Minimum Setback From Any Property Line (Feet)</u>
Stadiums, Arenas, Amusement Parks, Riding Stables	500'
Basketball, Handball, Volleyball or Other Courts	200'



Baseball or Softball Field Diamond (Not outfield)	100'
Concession Stand and Concentrated Picnic Areas (tables, barbecue pits, etc.)	100'
Bingo, Miniature Golf, Outdoor Casino	100'
Outfield Relative to Baseball or Softball Parking Areas	50' 50'
Golf Course Fairways	50'
Games Normally Involving Less Than 10 People	50'

- c. General Requirements Applicable to All Activities in this Use Class - If outdoor lighting is provided for night activity, the applicable setback requirements shall be doubled. Public address systems or other amplified noises may only be conditionally permitted as long as their sound level at their property line is 50 decibels or less during daytime and 45 decibels or less during nighttime. All parking areas and spaces as per Section 5.500 of this Ordinance may be conditionally permitted if they have a dustless surface and shall have landscaping at a density of one tree for every 10 spaces.
- d. Campgrounds, Sports Camps and RV Facilities - The minimum yards, spacing and screening requirements shall be as follows: No building, tent or RV shall be less than 300 feet from the property line. Recreation activity setbacks shall comply with the minimum setbacks in the above table in Section (b) of this Use Class.

No building or RV intended for uses as sleeping quarters shall be closer than 30 feet from each other. Tents shall not be less than 10 feet apart. Screening is required between such sleeping quarter areas and any other use.

No conditional outdoor sports, recreation and/or specialized facilities under Use Class 17 may be permitted unless the application can demonstrate at least 15 potential development points. See Schedule IIIA.

# SCHEDULE 111 A

## POTENTIAL DEVELOPMENT POINTS

### STANDARDS FOR ISSUANCE OF SPECIAL AND CONDITIONAL USES

Development Factors	MAXIMUM POINTS BY ZONING DISTRICT										
	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	#17
<u>A. Major Access</u>											
1. Direct Access Via State Road	5	5	5	3	3	3	5	5	5	5	5
2. State Road With-in ¼ Mile	3	3	3	2	2	2	3	3	3	3	3
3. State Road Within ½ Mile	1	1	1	1	1	1	1	1	1	1	1
4. Via Borough Street	1	0	1	0	1	1	0	0	1	0	0
<u>B. Off-Street Parking for Total Facility Existing &amp; Proposed</u>											
1. 125% of Min. Req.	3	2	2	4	4	4	4	4	4	4	4
2. 100% of Min. Req.	2	1	1	1	2	2	2	2	2	2	2
3. 100% of Min. Req. Via Shared Parking Agreement	1	1	1	1	1	1	1	1	1	1	1
4. 75-100% of Min. Req.	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
<u>C. Fire Service</u>											
1. Station within ½ Mile	3	4	2	3	3	3	3	3	3	3	4
2. Station ½ to 1 Mile	2	3	1	2	2	2	2	2	2	2	3
3. Upgraded Water Line & Hydrant within 500 Feet	2	4	0	2	1	1	2	2	2	2	4
<u>D. Delaware River and/or Appalachian Trail</u>											
1. Either within ¼ Mile	4	0	3	0	0	2	2	0	2	1	1
2. Either within ¼ to ½ Mile	2	0	2	0	0	1	1	0	1	0	0
<u>E. Compatibility</u>											
1. Same as Adj. Uses	6	6	6	5	5	5	5	5	5	5	5
2. Nearly Same as Adj. Uses	4	4	4	3	3	3	3	3	3	3	3
3. Effective, Attractive Buffer	2	2	2	2	2	2	2	2	2	2	2
4. Building Exterior Compatible With Historic Area	4	4	4	4	4	4	4	4	4	4	4
<u>F. Peak People Attracting Capacity for 24 Hrs.</u>											
1. Less Than 10 People	5	2	4	3	3	3	3	5	3	2	2
2. 10-100 People	3	3	3	1	1	1	1	3	1	1	1
3. Over 100 People	1	1	1	0	0	0	0	1	0	0	0
<u>G. Proposed Buffer's Ability to Reduce Physical Activity Incompatibility</u>											

1. 75-100% Efficient	4	4	4	5	4	4	4	4	4	4	4
2. 30-74% Efficient	3	3	3	2	3	3	3	3	3	3	3
3. 10-29% Efficient	1	2	2	1	2	2	2	2	2	2	2
H. Minimum Total Points Desired	15	12	12	11	15	12	14	14	15	15	15

Note: See Schedule IIIB as resource for calculating Peak People Attracting Capacity (F) above. All judgment decisions are to be made by the Borough approving body.

## SCHEDULE IIIB

## ARTICLE 5 - SUPPLEMENTARY REGULATIONS

### 5.100 PERMITTED VARIATIONS FROM REQUIRED AREAS

The minimum lot, yard and height requirements of Article 4 shall prevail in all cases, except as follows:

5.101 Existing Non-conforming Lots - In any district where a non-conforming lot exists as a separate entity at the time of passage of this Ordinance, and where the owner of the non-conforming lot does not own an adjoining lot, then the following development is permitted:

- a. If the lot is located in the R-1, R-2 or VC-1 District, a single-family dwelling, including any attached permitted accessory use, may be constructed on it as a permitted use subject to the following requirements:

<u>Requirement</u>	<u>No Central Water or Sewer</u>	<u>No Central Sewer</u>	<u>with Both Central Water and Sewer</u>
Minimum Lot Size (area- sq.ft.)	14,500	10,000	5,000
Minimum Lot Width (ft.)	75	60	40
Minimum Front Yard (ft.)	25	25	25
Minimum Rear Yard (ft.)	20	20	20
Minimum Side Yards (a)			
- One Side Yard (ft.)	12	12	10
- Both Side Yards Combined (ft.)	24	24	20
Maximum Building Height For	-----2 ½ Stories -----		
Principal Building		or 35 feet	
<u>Maximum Building Coverage</u>	<u>30%</u>	<u>45%</u>	<u>50%</u>

- a. Except Minimum Distance between Structures shall be 25 feet in all cases.

Accessory structures which are not attached to the principal structure may be built up to eight feet to any side lot line or not less than 10 feet from the rear lot line provided that such accessory structures are not located closer than 10 feet from any principal structure.

- b. If the lot is located in any VC-2 or I District, then a structure not exceeding two stories in height may be constructed on it, for a use permitted in the district in which it is located, as shown on Schedule I, provided that the off-street parking and loading requirements of this Ordinance shall be complied with and that the side and rear yards are not reduced by more than 50% of the requirements of Schedule II.
- c. For changes to existing conforming uses located on non-conforming lots, see Section 5.105.
- d. For requirements governing non-conforming uses and structures, see Section 5.400.
- e. Any such non-conforming lot not served with central water or sewer facilities shall provide an adequate on-lot or alternate facility which complies with PA DER and Borough regulations.

5.102 Height Limitations - District height limitations for church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, antennas, satellite disks of not more than 2' in diameter, farm structures, silos, flag poles, utility and television towers may be increased by five feet. Any further increase in the height limit shall be reviewed and approved by the Board to determine whether there would be any adverse environmental impact from the structure as proposed.

5.103 Front Yard Exception - When an unimproved lot is situated between two improved lots each having a principal building within 25 feet of the side lot line of the unimproved lot, the front yard may be reduced to a depth equal to that of the greater front yard of the two adjoining lots; provided, however, that it may not be reduced to below 10 feet in residential districts.

5.104 Projections Into Yards - Projections into required yards may be permitted as follows, except that no such projection shall be located closer than eight feet to any side or rear lot line or 25 feet to any front lot line, except as provided for in 5.101 for "Existing Non-conforming Lots."

- a. Fire escapes, uncovered stairs and landings, canopies, eaves, or other architectural features not required for structural support may project into the required side, front or rear yard not more than a total of 3 feet.
- b. Accessory structures may project into yards as set forth in Section 5.301.
- c. Patios may be located in the required yard area not closer than the following to any property line:
  - Side and rear property lines - 5 feet
  - Front property line - 10 feet except that patios constructed on existing non-conforming lots may line up with and be as wide as the principal structure on the lot.

5.105 Alterations and Changes to Conforming Uses and Building - Any conforming use or building may be repaired, maintained, restored or rebuilt up to the same dimensions existing at the time that this Ordinance was adopted.

Any enlargement of a structure, on the same lot, or any conforming use must comply in all respects with the regulations of this Ordinance.

## 5.200 UNIQUE LOTS AND BUILDING LOCATIONS

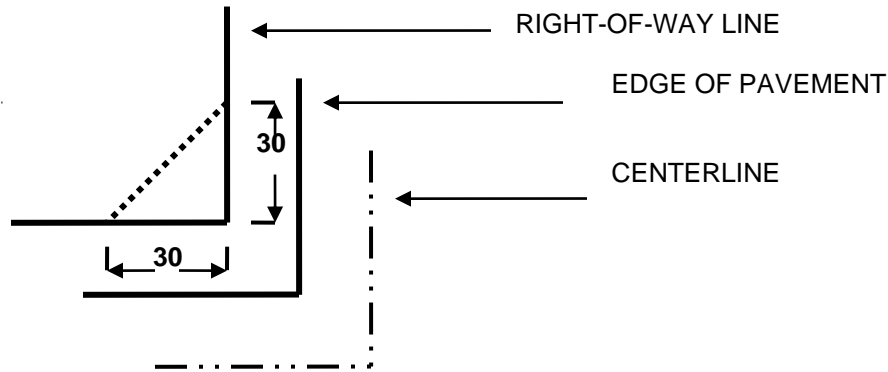
5.201 Two or More Buildings on a Lot - Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of this Ordinance which would normally apply to each building if each were on a separate lot.

5.202 Through Lots - Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning Commission shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in Section 5.201 and 5.203.

5.203 Lots Fronting on an Alley - Individual lots existing at the effective date of this Ordinance, fronting on an alley, shall comply with all the requirements of this Ordinance and the district in which said lots are located.

5.204 Side Yard of a Corner Lot - The side yard of a corner lot which abuts a street, may be reduced to one-half of the required front yard for that street.

- 5.205 Corner Lots - No obstruction to vision (other than an existing building, post, sign, column or tree) exceeding 30 inches in height above the street level shall be erected, planted or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point, and a line drawn between



two points on the right-of-way line of each street each located 30 feet from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

### 5.300 ACCESSORY STRUCTURES AND USES

- 5.301 Accessory Structures - All accessory structures shall conform with the minimum yard regulations established in Article 4, except for non-conforming lots as set forth in Section 5.101, and except as permitted below:

- a. Unattached Structures Accessory to Residential Buildings – Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than 15 feet or one and one-half stories and may be erected within the required rear and side yards of a principal structure provided that they conform with the following:
  1. Distance from Side Lot Line - Not less than 10 feet from the side lot line, except in the case of corner lots where the side yard as specified in Section 5.204 may be maintained.
  2. Distance from Rear Lot Line - Not less than 10 feet from the rear lot line, except where abutting an alley where the extension may not be less than 10 feet from the alley.
  3. Distance from Principal Structure - Not less than 10 feet from a principal structure.

- b. Unattached Structures Accessory to Non-Residential Buildings- Such accessory structures shall comply with front and side yard requirements for the principal structure and shall be not less than 20 feet from the rear lot line.
- c. Variation for Non-Conforming Lots - In lieu of the above requirements, permitted accessory structures located on non-conforming lots may comply with the requirements of Section 5.101.

5.302 Home Occupations - A single home occupation per residential dwelling unit may be permitted as either a "Permitted Use" or as a "Special Use" as provided there in:

- a. Permitted Use Home Occupations - A home occupation shall be considered to be an accessory use to a residential dwelling unit. Such accessory home occupations shall be subject to the following requirements:
  - They shall be conducted by no more than three persons, two of whom shall be permanent residents of the dwelling unit.
  - They shall be restricted to occupations which do not generate more than three customers, visitors or clientele in anyone hour with a maximum of six per day for teaching or daycare activity.
  - They shall comply with all other legal requirements.
  - They shall not detract from the residential character of the neighborhood or exhibit any influences which are detrimental to the health, safety, welfare or morals of the residents of the neighborhood.
  - They shall comply with all off-street parking requirements of Section 5.500.
  - They shall not exhibit any external characteristics or evidence of their presence, except for a sign not to exceed two square feet in area. Such sign shall not be internally illuminated nor shall it be a moving sign.
  - They shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes.
  - All such home occupations shall be located within the principal residential structure or other legally approved accessory structure such as a garage or barn.



- b. Special Use Home Occupations - It is the intent of this Ordinance to permit the expansion of a home occupation to a limited extent but in all cases that home occupation shall remain an accessory use and shall not become a primary residential use. It is also the intent to assure that the home occupation activity shall be compatible with the surrounding residential environment. Therefore, three levels of home occupation are envisioned by this Zoning Ordinance as follows:

	<u>Permitted Accessory</u>	<u>Special Use Permitted Accessory</u>	<u>Not Permitted Accessory</u>
1. Total number of people involved in home occupation per dwelling unit	up to three	up to four	more than four
2. Total number of non-residents participating in home occupations per dwelling unit	one	up to two	more than two
3. Maximum number of customers, visitors and/or clients per hour visiting dwelling unit	three	six	more than six
4. Maximum number of student or daycare persons at the dwelling unit	six	ten	more than ten
5. Maximum number of roomers and/or boarders per dwelling unit	two	four	more than four

When a home occupation needs to expand its activity so that it would exceed any of the standards for a permitted accessory use, then the principal dwelling unit occupant shall apply for a special use permit for the activity. Such special use shall be subject to all of the Special Use procedures of this Ordinance. In such cases, the Zoning Hearing Board shall review said application as the approving agency.

See the Special Use Class Section for application requirements which apply to moderate scale home occupations for which a permit is required.

- 5.303. Home Gardening, Nurseries and Greenhouses – Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas provided that they shall not include the outdoor storage of equipment and supplies. No zoning permit shall be required for home gardening.
- 5.304 Private Outdoor Swimming Pools - A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests. Such a pool may be located within the required rear or side yards for the District in which the pool is to be located except that no portion of the body of water in the pool shall be located closer to the property line than ten feet and no portion of any walks or accessory pool appurtenances surrounding the body of water shall be closer than five feet to any property line.

All pools shall be surrounded and enclosed by a four foot high fence structurally suitable to deter direct access to the body of water in the pool. Such a fence shall not have openings, holes or gaps therein larger than four inches in width or, if larger than four inches in width, no larger than four inches in length except for doors or gates; provided, however, that if a picket fence is erected or maintained the horizontal dimensions shall not exceed four inches, provided, further, that a dwelling house or accessory building may be used as a part of such a fence and provided, further, that existing hedges may be used as such enclosure or a part or parts thereof with the written approval of the Zoning Officer. The Zoning Officer in his discretion may approve such existing hedges which substantially comply with the above requirements for fences or walls.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure hereinabove required need not be so equipped.

Fences shall be constructed of weather resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps.

The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool provided that such sides of the pool are at least four feet high and provided further that any stairs, steps or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which will prevent their use when the pool is not in operation by the residents of the property or their guests.

Any pool whose body of water is closer than six feet to a property line shall be shielded by a six foot high privacy fence, hedge or other suitable visual obstruction where required to insure privacy for the adjoining property as determined by the Zoning Officer. Such a privacy fence may also serve as the fence required to deter direct access to the body of water as required herein if it conforms with the other requirements of this Section.

#### 5.305 Fences, Walls and Planting Materials

- a. General Requirements - Any person, corporation, firm or association intending to erect a fence shall, before work is commenced, make application to the Zoning Officer as required below and by this Ordinance and no work on such a fence shall be commenced before receipt of a permit from the Zoning Officer.

Fences may be either a "Natural Living Fence" or a "Fabricated Materials Fence" as defined herein.

Fences or walls exceeding the height limitations set forth herein shall be subject to the accessory structure requirements of Section 5.301, except where otherwise required by this Ordinance.

Well-maintained and safe trees, shrubs or hedges and other appropriate plant material, which do not constitute a Natural Living Fence as defined herein, and which are designed to enhance the livability and attractiveness of any lot may be located in any yard or court, provided that they do not encroach on adjoining properties or uses.

- b. Location of Fences - Fabricated material fences may be located within any front, rear or side yard, except that no fence shall be placed closer than six inches to any property line or closer than one foot from any sidewalk or right-of-way which is open for use by the general public.

- c. Height of Fences - The height of all fences shall be as set forth in the Table on page 60.
- d. Obstruction to Vision - No fence shall be constructed or maintained in the vicinity of any street intersection or driveway entrance which provides an "obstruction to vision," thereby creating potential vehicular safety hazards. An obstruction to vision is defined as any fence which obstructs vision between a height of two to ten feet above the center line grade of the adjoining street or streets, within a distance of 75 feet from the point of intersection of intersecting streets and 50 feet from the point of intersection of a driveway with a street.
- e. Removal of Unsafe or Nuisance Fences - Any fence which obstructs vision as defined above or which impedes vehicular or pedestrian traffic or which causes a fire hazard, restricts safe access, unduly restricts light or air and/or affects public or traffic safety, or which creates a nuisance as determined by the Board shall be removed. The Zoning Officer shall have the authority to direct the removal of such unsafe or nuisance fences or to direct the trimming or modification of any natural living fence or of any other vegetation so as to eliminate the unsafe or nuisance conditions.
- f. Swimming Pool Fences - Private outdoor swimming pools shall be protected with a fence as set forth in Section 5.304 above.
- g. Fence Materials and Construction
  - 1. The following fences or fencing materials are specifically prohibited:
    - Barbed wire, except on a permitted chain link fence which is at least eight feet high in a "non-residential area."
    - Short, pointed fences except for wooden picket fences which are usually three to four feet in height.
    - Canvas fences
    - Cloth fences
    - Electrically charged fences
    - Poultry fences

- Turkey wire
  - Temporary fences such as snow fences and expandable fences and collapsible fences, except during construction of a building or special Borough approved events.
2. All chain link fences erected shall be erected with the closed loop at the top of the fence.
  3. All entrances or gates shall open into the property.
  4. All fences or walls must be erected so as not to encroach upon a public right-of-way or easement.
  5. If the fence is wood cover on wood frame, the framework must face onto the interior of the lot, unless the fence is so designated as to provide equal frame and cover area to adjoining yards.
  6. If the fence is open metal mesh, supported by posts and frames of either pipe or wood, the posts and frames must be on the interior of the mesh.
  7. If the fence is of masonry construction, a finished surface must be provided on the exterior side.

## HEIGHT OF FENCES

Type of Fence and Location	<u>Maximum Height (Feet)</u> <u>Located on Parcels Used</u> <u>Predominantly for:</u>	
	Residential or Open Space Use	Non-Residential or Resort Uses
<u>Fabricated Materials</u> <u>Fence - Located in:</u>		
- Front Yard	4	6(a)

- Side Yard	6	6(a)
- Rear Yard	6	6 ft. except that chain link fences may be 8 ft. (a) (b)
<u>Natural Living Fence - Located in:</u>		
- Front yard	4	8(a)
- Side Yard	6	8(a)
- Rear Yard	10	12(a)

Note: Any Fabricated Material Fence exceeding the height limitations established in this Table, unless permitted under footnote (a) below, shall be considered to be an "Accessory Structure" subject to the provisions of Section 5.301.

Footnotes:

(a) Special situations requiring security, complete prevention of access or the provision of buffers to protect adjoining uses may have a higher fence if approved by the Board as a Special Use. The Board shall determine that such additional height is necessary to meet these objectives and also to protect the public safety and general welfare.

(b) Chain link fences which are eight feet high may also be topped with barbed wire where necessary to prevent access and provide security.

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h. Application for Fence - All applicants for permits to construct a fence shall submit the following information to the Zoning Officer:

- Completion of a form supplied by the Zoning Official.
- A plan or sketch showing the proposed location of the fence and the materials to be used, including sufficient information to determine conformance with the requirements of this Ordinance.
- The required fee.
- Natural living fences shall only require a permit if their initial height shall be over six feet.

## 5.400 NON-CONFORMING USES AND STRUCTURES

Any legal, non-conforming use or structure may be continued, repaired, maintained and improved except as provided below:

- 5.401 Enlargement - Such non-conforming use or structure may not be enlarged more than 40 percent of the existing floor or ground area except for non-conforming use junkyards which may not be enlarged. Such enlargement shall not exceed the maximum height or maximum building coverage requirements set forth in Schedule II for the district in which such non-conforming use is located.
- 5.402 Restoration - If an existing non-conforming use or structure is damaged or destroyed, then a permit for its restoration may be obtained if such application is filed and restoration completed within 18 months of the initial damage or destruction.
- 5.403 Discontinuance - No such use or structure may be reestablished after it has been discontinued or vacated for a period of 18 months. Also, a non-conforming use or structure when razed or removed from premise shall not be relocated except in conformity with the regulations of the district to which it is moved.
- 5.404 Change of Use - A non-conforming use or structure may be changed to another non-conforming use or structure only if such use is listed in the same Use Class Sub-category in which the non-conforming use or structure is first listed, as set forth in Section 4.400. A permit for such a change may be approved by the Zoning Officer without referral to the Zoning Hearing Board provided that the Zoning Officer shall determine that the following conditions which are generated by the proposed use are not higher than those generated by the existing non-conforming use at any time for a period of two years prior to the proposed change:
- Number of employees.
  - Amount of employee and visitor parking required.
  - Number of commercial vehicles serving the proposed use and number of such vehicles to be parked at the premises or vicinity of the use.
  - Traffic volumes and congestion to be generated.
  - Adverse environmental effects generated by the proposed use.

A proposed change to a non-conforming use which is not listed in the same Use Class Subcategory as required above shall be submitted to

the Zoning Hearing Board subject to the Special Use procedures of this Ordinance. In such cases, the Board, may approve such changes only if it determines that the change is equal or more appropriate to the character of the District and neighborhood in which it is located. Such a determination shall be based on a consideration of the same factors listed above for consideration by the Zoning Officer.

Any change of use permit acquired under this Section shall be posted on the property with the date of authorization of the permit included on the permit. This will give any person in disagreement with the decision an opportunity to appeal to the Board.

- 5.405 Off-Street Parking - A non-conforming use may be enlarged, as provided for in Section 5.401, only after compliance with Article 5.500 for the portion of the non-conforming use to be enlarged.

#### 5.500 OFF-STREET PARKING AND LOADING

- 5.501 Off-Street Parking - In all districts, off-street parking spaces shall be provided as set forth in Schedule II whenever any building is erected, enlarged or converted. Such spaces shall have an area of at least 200 square feet exclusive of access drives or aisles and shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are accessory or within a radius of 400 feet in the same district or in an adjoining district when approved by the Board as a Special Use.

Said Schedule IV shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Borough after the effective date of this Ordinance.

- 5.502 Home Occupations - Home occupations shall provide the following number of off-street parking spaces:

- The required number of spaces for the residential structure as shown in Schedule IV.
- The required number of spaces for the most applicable use listed in Schedule IV to which the home occupation is most similar, or if greater, one off-street parking space for each non-resident employee and one additional for each roomer, student, patron, patient, customer or other visitor which the home occupation serves during any one hour period of maximum use.

The total number of off-street parking spaces for a home occupation may be reduced by the number of legal curb parking spaces which exist directly abutting the home occupation.



5.503 Off-Street Loading - Every commercial, industrial, resort or other building which requires the receipt or distribution by vehicles of materials or merchandise shall provide one off-street loading space for each 10,000 square feet of gross building ground floor area or part thereof, and each such space shall be at least 400 square feet in area.

Said loading spaces shall apply only to any new construction, new uses or to the enlarged section of any addition which may be approved by the Borough after the effective date of this Ordinance.

5.504 Design and Development of Parking and Load Spaces – All off-street parking and loading areas shall conform with the following:

- a. Off-street parking and loading spaces may be developed on any required side, front, or rear yard except that such spaces located in the R-1, R-2 and VC-2 Districts shall have a landscaping setback of at least five feet from any street on which they abut. Such spaces shall be properly designed in relation to adjoining uses and/or buildings. Adequate barriers shall be provided to protect buildings and sidewalks, and screening shall be provided as required in Section 5.901.
- b. Each required space shall be no less than 12 feet in width, 30 feet in length and 14 feet in height, exclusive of drives and maneuvering space, and located entirely on the lot being served.
- c. There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
- d. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 35 feet, the minimum width shall be 20 feet.
- e. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance or a hazard or unreasonable impediment to traffic.

5.505 General Regulations Applying to Required Off-Street Parking Facilities

- a. Existing Parking - Structures and uses in existence at the date of adoption of this Ordinance shall not be subject to the requirements of this Section so long as the kind or extent of use is not changed and provided that any parking facility is now serving such structures or uses shall not in the future be reduced below such requirements.

- b. Change in Requirements - Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of Schedule IV the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
- c. Conflict with Other Uses - No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- d. Continuing Character of Obligation - All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision except in conformity with the requirements of this Section. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve.

Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance or a hazard or unreasonable impediment to traffic.

- e. Joint Use - Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by approval of the Zoning Hearing Board if it can be demonstrated to the Board that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.
- f. Fractional Spaces - Where the computation of required parking space results in a fractional number any fraction of the next higher number shall be counted as one.
- g. Location of Parking Spaces - Required off-street parking spaces shall be on the same lot or premises with the principal use served, or, where this requirement cannot be met, within 300 feet of the principal use served within the same district.
- h. Maintenance of Parking Area - For parking areas of three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with dustless, durable, all-weather pavement parking surface, and drained to

the satisfaction of the Borough Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property. All off-street parking stall spaces shall be marked so as to indicate their location.

- i. Lighting - All parking areas and driveways serving commercial uses shall be adequately illuminated during the hours of use between sunset and sunrise.
- j. Shade Trees - Off-street parking areas which provide parking for ten or more vehicles shall be provided with shade trees of a type and size approved by the Borough. The shade trees shall be located in a planned manner within the parking lot area.

5.506 Design Standards - The design standards specified below shall be required for all off-street parking facilities with a capacity of three or more vehicles built after the effective date of this Ordinance.

- a. Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking	Parking Width	Stall Depth	Aisle Width	
			One-way	Two-way
90°	10'	20'	22'	24'
60°	10'	21'	18'	21'
45°	10'	20'	15'	18'
30°	10'	18'	12'	15'
Parallel	8'	22'	12'	18'

- b. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- c. The width of entrance and exit drives shall be:
  - 1. A minimum of 12 feet for one-way use only.
  - 2. A minimum of 20 feet for two-way use.
  - 3. A maximum of 40 feet at the street line.
- d. Any use with less than 100 feet of lot frontage on a public street shall have no more than one accessway to each such street. Any business or other use with 100 feet or more of frontage on a public street shall have no more than two access ways to anyone street for each 300 feet of frontage. Where more than one accessway is permitted, their center line shall be placed at least 80 feet apart. On all corner properties, they shall be

spaced a minimum of 60 feet, measured at the curb line, between the center line of any entrance or exit drive and the street line or the street parallel to said access drive.

- e. In no case shall parking areas for three or more vehicles be designed to require or encourage cars to back into a public street in order to leave a lot.
- f. All parking spaces and access drives shall be at least five feet from any lot line.
- g. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single-family residences shall be physically separated from any public street by a concrete curb, sidewalk (where required) and by a planting strip which shall be not less than eight feet in width.
- h. All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighborhood property.

## **SCHEDULE IV**

## 5.600 SIGNS

5.601 Signs in Residential Districts - Non-flashing, non-animated and non-advertising signs are permitted in all Residential (R-1, R-2) Districts in accordance with the requirements set forth in the following table:

<u>SIGN REGULATIONS FOR RESIDENTIAL DISTRICTS</u>		
<u>Type of Sign</u>	<u>Maximum Area per Sign Structure (Sq. Ft.)</u>	
	<u>One Face</u>	<u>Total of Two Faces</u>
1. Name Plates, Identification, Home Occupation, Private Drive or Trespass Signs	1	2
2. Sale, Rental or Temporary Signs	6	12
3. Highway Directional Signs	6	12
4. Signs accessory to non-dwelling uses or activities	9	18

No such sign shall project into any public right-of-way or be higher than one story or 10 feet, whichever is lower.

The number of signs shall be restricted to one sign on each street which the property abuts for each dwelling unit, entrance, exit or building to which it pertains. A double faced sign may qualify as one sign if it meets the definition of sign, gross surface area of in the definition section of this Ordinance.

5.602 Signs in Commercial and Industrial Districts – Non-flashing business and advertising signs are permitted in all Commercial and Industrial Districts (VC-1, VC-2, I-1) in accordance with the following:

- a. Area of Signs - The maximum gross area of all signs located on any property shall be in accordance with the requirements as set forth in the following table:

SIGN REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS		
	Maximum Gross Surface Area (Sq.Ft.) of All Signs* per Foot of Front Lot Line	Maximum Height for Sign
District	Non-Flashing Signs	
VC -1	2	30
VC - 2	1	25
I -1	3	35

\*Signs located on one or more faces of a single sign structure shall be counted separately as per the definition of sign, gross surface area of.

In no case shall any single non-flashing sign structure exceed 150 square feet.

- b. Projection of Signs - No hanging or suspended sign shall project over any public street right-of-way, public sidewalk area, or more than three feet from the main wall of any building, except when such signs are an integral part of a marquee or awning as provided for in Section 5.604.
- c. Location of Signs - In any VC-2 District all signs shall be securely attached to a building. Free standing signs shall be permitted in VC-1 and I-1 Districts only, provided that no such sign shall be nearer to any property line than 10 feet.
- d. Maximum Number of Signs - The maximum number of signs per business shall be the lesser of one per street frontage or two per use.

5.603 General Sign Regulations - The following regulations shall apply to all permitted sign uses:

- a. Location - The main supporting structure of all free-standing business signs and free-standing signs permitted in residential districts shall not be located closer than 10 feet to any curb line, nor within the street right-of-way, except for official traffic signs or other governmental signs. All free-standing advertising signs shall conform to the side yard, front yard and rear yard requirements established for principal buildings in the district in which the sign is located, except as otherwise provided for in this Ordinance.
  - 1. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, and shall not project more than 18 inches from its surface.
  - 2. Signs attached to or applied to trees, rocks or other natural features shall not be permitted.
  - 3. No two sign structures shall be spaced less than 500 feet apart.
  - 4. Official and business "on premise" signs as defined in Section 131(c) of Title 23 United States Code shall not be counted nor shall measurements be made from them for purposes of determining spacing requirements.
  - 5. The distance between sign structures shall be measured along the nearest edge of the pavement points directly opposite the signs along the same side of the traveled way.
- b. Access to Buildings - No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape or so as to prevent free access from one part of a roof to any other part. No sign of any kind shall be attached to a stand-pipe or fire escape.
- c. Zoning Permit - A zoning permit shall be required for the erection or alteration of any sign which has a total sign surface area of more than seven square feet.
- d. Temporary Signs - All temporary signs erected for a special event or activity which is legally permissible in the Borough are permitted in all districts subject to the following:



1. A zoning permit shall not be required providing that such signs shall be removed by the property owner within 15 days after the circumstances leading to their erection no longer applies; and provided that such signs do not exceed two in number or together total more than 10 square feet in area; and provided that they are located on private property and not in any public right-of-way.
  2. The following types of sign lights or promotional devices shall only be permitted for a new business in a commercial or industrial zone for a period of not more than 15 days before and/or 30 days after the opening of a new business: Flood lights, flags, banners twirling, "A" type, sandwich type, sidewalk or curb signs and balloons or other air or gas-filled figures and special promotional devices. These promotional type signs, lights or devices shall not be permitted at any other time, except for temporary uses as permitted by the Zoning Hearing Board.
- e. Traffic or Visual Obstruction - No sign shall be erected at the intersection of streets so as to obstruct free and clear vision, and if located within the direct line of vision of any traffic control sign or signal, shall not have flashing or intermittent lighting or red, green or amber illumination.
- f. Sign Illumination - Signs may be illuminated by direct lighting but shall have such lighting shielded so no direct light will shine on abutting properties or in the normal line of vision of the public using the street or sidewalks. No flood or spot lights shall be mounted higher than 30 feet above level ground.
- Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited except those giving public service information such as time, date, temperature, weather.
- g. Directional Signs - Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises and having inscribed thereon the name of the owner, developer, building or agent, may be erected and maintained provided:
1. The size of any such sign is not in excess of four square feet and not in excess of five feet in length.
  2. Not more than one such sign is erected on each 500 feet of street frontage.

3. The individual erecting such directional sign shall obtain permission from the property owner on which the sign is to be erected and shall remove such sign or signs upon completion of the project.
  4. Joint identification signs with directional information for seven or more locations shall have a maximum directional sign size limit of 40 sq. ft. total.
- h. Artisans' Signs - Signs of mechanics, painters and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:
1. The size thereof is not in excess of 12 square feet.
  2. Such signs are removed promptly upon completion of the work.

5.604 Marquees and Awnings in Commercial Districts – Marquees and awnings which are designed to provide shelter or which are designed to enhance the appearance of a commercial structure may project out over a public sidewalk area for a distance of up to six feet, but in no case shall they extend beyond the curb line. If a sign or symbol is attached to the marquee or awning then all other sections of 5.600 of this Ordinance shall apply except Section 5.602(b).

#### 5.700 EXCAVATION AND FILL MATERIAL

Any excavations for the removal of topsoil or other earth products may be permitted only as a temporary special use by the Zoning Hearing Board. Such excavations must be adequately drained to prevent the formation of pools of water. Temporary ponds may be permitted by the Board if those ponds are part of a plan and/or permit for soil erosion and stream sedimentation control as per PA Department of Environmental Resources regulations. The Board may require that such an excavation be enclosed by a fence if it is deemed to be a menace to the public health, safety and welfare.

Unless specifically permitted by the Board, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.

The dumping of earth, gravel, rock or other materials not subject to decay, noxious or offensive odors may be permitted in any zone or any vacant land provided that the existing grade shall not be raised above the grade of the nearest road, that hazardous or nuisance conditions are not created, and that

an unsightly appearance or unstable slopes are not created. Industrial or other operations requiring the dumping of such materials above the grade of the nearest road may be permitted by the Board as a Special Use if the Board determines that such dumping is not a menace to the public health, safety or welfare or a nuisance to nearby residential areas.

#### 5.800 SITE PLAN REVIEW AND REQUIREMENTS

A plot plan and any necessary maps needed to show the major details of the proposed development must contain the following minimum information.

5.801 Site Conditions and Characteristics - Water courses, flood plains, unique natural features, tree clusters and large (three foot circumference) trees shall be shown on a contour map. The site plan map scale shall be one inch equal to one hundred feet or larger. The contour interval shall be twenty feet. The Zoning Officer may require a smaller contour interval and a larger scale plan map in order to clarify special site issues.

5.802 Building and Development Characteristics - The location and floor area of all existing and proposed buildings, structures, fences, parking areas and other development shall be shown on the map. Existing development should be differentiated from proposed. Each proposed structure should be described in the map notes relative to the proposed height, type of dwelling units if applicable, and exterior building materials. Building renderings may be required by the Zoning Officer.

5.803 Utility Systems - The existing and proposed utility systems shall be shown on the site plan including sanitary sewer lines, storm sewers, water lines, electric, gas, and telephone lines.

5.804 Landscape and Site Perimeter Plans- A general landscaping plan shall indicate the proposed planting areas. Particular attention should be given to the treatment of the perimeter of the site, including landscaping, screens, fences and walls.

#### 5.900 MISCELLANEOUS PROVISIONS

5.901 Screening Requirements - Adequate screening shall be provided along the side and rear boundaries of any manufacturing, commercial or resort use or of any off-street parking or loading area for more than five vehicles which abuts a residential or institutional use or along the boundaries of any other use where such screening is required.

Open construction yards, lumber building materials and other storage yards and junk yards shall be screened in accordance with the provisions of this Section.

Such screening shall consist of a visual screen or obstruction of sufficient height, but not less than six feet high, to effectively obscure the area being screened from adjoining uses.

Fencing and buffering may satisfy screening requirements if a suitable fence, wall or an appropriate planting material strip is used. A suitable planting strip is one with shrubs, hedges or trees located within a buffer strip having a minimum width of five feet. Such fence, wall or planting materials shall be maintained in good condition without any advertising thereon. Any space between such fence, wall or planting materials and adjoining lot lines shall be attractively surfaced and/or landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

Occupancy permit approval shall consider the condition of required screening and fencing. If these required screen and fences are not maintained in good order, the occupancy permit holder may be in violation of this Ordinance. See Article 6 entitled Administration and Enforcement.

5.902 Slope of Yards - The surface area of any yard of open space adjacent to a building or structure shall be graded so that surface water will be drained away from any such structure.

5.903 Design of Highway (Non-Residential) Development - It is the objective of this Ordinance to encourage the orderly development of commercial, industrial and other non-residential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health and welfare of the population of the municipality. This shall be accomplished as follows:

- a. The design of streets, service drives and pedestrian ways shall provide for safe, convenient and hazard-free internal circulation of goods, persons and vehicles.
- b. Non-residential parcels shall be limited to no more than two driveway access points from the street or highway from which they derive their principal access and such driveway access points shall not be more than forty feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
- c. Where a number of individual parcels or buildings are being developed jointly, or where a parcel or building is being developed adjacent to another parcel used or suitable for non-residential development consideration shall be given to the following:

1. The location and planning of driveway access points to permit their joint use by adjoining parcels so as to minimize the number of intersections with the street or highway from which they derive their access.
2. The development of parking and loading areas which permit convenient traffic circulation between adjoining parcels.
3. The development of pedestrian walkways between adjoining parking areas and buildings.
4. The provision of landscaping and other features which will enhance the usability, character and attractiveness of the area.

5.904 Animals and Fowls - In any district the establishment, maintenance and operation of boarding stables, dog kennels, boarding kennels, aviaries or similar facilities for the housing, boarding, service, treatment, care, breeding or sale of animals and fowls is prohibited, except for animal hospitals as permitted in Use Class 4.

The provisions of this Section shall not apply to the keeping of pets which are the personal property of persons residing on the premises, provided that such pets shall not create nuisance or health problems.

5.905 Public Water and Sewer Facilities - All buildings within the Borough shall be served with public water and sanitary sewer facilities when available and where such facilities are not available, suitable alternate facilities meeting the requirements of the Pennsylvania Department of Environmental Resources shall be provided.

5.906 Prohibited Uses - The following uses shall be prohibited:

- a. Uses Prohibited in Every Zoning District - Any use involving activities which constitute violation of 18 PA C.S.A. §5903, as amended, relating to display, sale, lending, distribution or exhibiting of obscene and other sexual materials, or any Ordinance of Delaware Water Gap Borough, whichever is more restrictive.

5.907 Performance Requirements - No use shall be permitted in any district if it is to be operated in such a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactivity, environmental or other hazard; noise or vibration; smoke, dust, dirt or other form of air, persistent odor, solid waste or water pollution; electrical, glare, or other disturbance

which will adversely affect the surrounding area or premises, or be dangerous to public health and safety.

All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site. Such uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading the destruction of the ground surface, the preservation of substantial stands of trees and wetland areas, the preservation of attractive views and any other natural features existing on the site.

All new uses or conversions shall comply with the following performance standards:

- a. Noise Control - The sound pressure level of any use (other than the operation of emergency or time signals, outdoor athletic facilities and the operation of motor vehicles or other transportation facilities, operations involved in the construction or demolition of structures) shall not exceed the decibel levels in the designated octave bands as stated below. The sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conform to specifications published by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z 24, 3-1944, American Standards Association, Inc., New York, New York, and the American Standard Specification for Octave Bank Filter Set for the Analysis of Noise and Other Sounds, Z 24, 10-1053, American Standards Association, Inc., New York, New York, shall be used).

All sound pressure level measurements shall be taken at the property line of the property where the sound is being generated.

The maximum permissible sound pressure levels for smooth and continuous noise shall be as follows (all of the decibel levels stated below shall apply in each case):

Frequency Band (Cycles per Second)	Maximum Permitted Sound Pressure Level (Decibels)
0-150	67
150-300	59
300-600	52

600-1200	46
1200-2400	40
2400-4800	34
above 4800	32

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If the noise is not smooth and continuous or is radiated during sleeping hours, one or more of the corrections shall be added to or subtracted from each of the decibel levels given below.

Type of Operation or Character of Noise	Correction in Decibels
--	---------------------------

Noise occurs between the hours of 10 P.M. and 7 A.M	-3
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Noise occurs less than five percent of any one-hour period	+5
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Noise is of periodic character (hum, scream, etc.) or is of impulsive character (hammering, etc.). (In the case of impulsive noise, the correction shall apply only to the average pressure during an impulse and impulse peaks shall not exceed the basic standards given above).

#### APPROXIMATE SOUND LEVELS OF FAMILIAR NOISES (dbA)

dynes/cm <sup>2</sup>	decibels	
----10----	---120---	--NEAR JET AIRCRAFT DURING TAKEOFF
----10----	---100---	
----10----	---90---	--POWER MOWER, VERY LOUD TRAFFIC
		--FOOD BLENDER

---1.0---	---80---	
	---70---	--TELEVISION SOUND
	---60---	--ELECTRIC TYPEWRITER
---.01---		--CONVERSATION
	---50---	--AVERAGE HOME WITH RADIO
	---40---	--URBAN AMBIENT BACKGROUND NOISE
---0.01---	---30---	
	---20---	--RADIO BROADCASTING STUDIO
---0.001---	---10---	
0.0002	---0---	--THRESHOLD OF AUDOLITY

- b. Control of Smoke, Dust and Dirt, Fumes, Vapors, Gases and Odors - The Pennsylvania Air Pollution Control Act, enacted January 8, 1960, and as amended, shall control the emission of smoke, dust, dirt, fly ash, fumes, vapors, gases or odors. Necessary tests to determine compliance with the Pennsylvania Air Pollution Control Act shall be required.
- c. Storage of Materials
1. No materials or waste shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to enter any stream or watercourse.
  2. All materials or waste which might cause fumes or dust which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- d. Glare and Heat Control - No use shall carry on an operation that will produce heat or glare perceptible beyond the property line of the lot on which the operation is situated.



- e. Vibration Control - Machines or operations which cause vibration shall be permitted, but in no case shall any such vibration be perceptible along the lot lines of any use without the aid of instruments.
- f. Radiation or Electrical Emissions, Radioactivity or Electrical Disturbance - Activities which may emit dangerous radioactivity beyond enclosed areas shall comply with the codes of the PA Department of Environmental Resources, Division of Radiology. No electrical disturbances (except from domestic household appliances) shall be permitted to affect adversely, at any point, any equipment, other than that of creator of such disturbance.
- g. 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, shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant, or if visible from abutting residential properties, shall be concealed by evergreen planting.
- h. Industrial Wastes and Sewage - All methods of sewage and industrial waste treatment and disposal shall be approved by the Pennsylvania Department of Environmental Resources and the engineering division of the sewer district receiving the effluent and must be in accordance, with all applicable regulations pertaining to treatment and disposal of sewage.

The property owner may be required to document that the commercial-industrial effluent is in compliance with Federal, State and/or local standards to be treated in the Borough sewage treatment plant.

#### 5.908 Site Plan Requirements and Guidelines

The following information shall be included on the site plan:

- a. A statement describing the proposed use of land and/or buildings.
- b. A site layout drawn to a scale of not less than one inch equals fifty feet showing the location, dimensions and area of each lot, the location, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of

the portion scheduled for initial development to the proposed layout of the entire property.

- c. The location, dimensions (number shown) and arrangements of all open spaces and yards, landscaping, fences and buffer yards including methods and materials to be employed for screening.
- d. The location, size (number shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- e. The dimensions (numbers shown), location and methods of illumination for signs and exterior lighting.
- f. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- g. The sewer and water facilities and their line connections to individual uses or building. Provisions to be made for treatment and disposal of sewage, storm water and industrial wastes.
- h. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
- i. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, other safety hazards or any other significant adverse environmental impact which might be considered a nuisance.
- j. Description of methods to be employed in mitigating or controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, other safety hazards or any other significant environmental impact.
- k. Site contours at two foot intervals.
- l. All proposed site grading and draining provisions; road, driveway, and parking lot construction and proposals.
- m. A key map showing the entire project and its relation to surrounding properties and existing building thereon.

- n. Zoning districts and requirements.
- o. Soils, slopes and floodplain delineations (if required by Zoning Officer).
- p. Certification by the person who prepared the Site Plan.
- q. Certification of the ownership and acknowledgment of plan signed by owner or developer.

The following site plan guidelines are divided into ten categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Zoning Officer in their reviews of all Site Plans. These guidelines are meant to encourage creativity, innovation and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

1. Relation of Proposed Buildings to the Surrounding Environment - Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.
2. Drive, Parking and Circulation - For vehicular and pedestrian circulation (including walkways, interior drives and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
3. Surface Water Drainage - Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies and paved areas. Collect surface water from all paved areas to permit

vehicular and pedestrian movement. Adequate collection and disposal of storm water runoff from the site and storm water detention shall be required as determined by downstream restrictions determined by the Borough Engineer.

- 4) Utility Service - Place electric and telephone lines underground where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
- 5) Advertising Features - Ensure that the size, location, lighting and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
- 6) Special Features - Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
7. Preservation of Landscape - Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.
8. Solar Energy Use - Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.
- 9) Traffic Facility Features - Indicate location and type of traffic facility improvements to be developed in order to deal with the traffic impact. The Board may require a traffic impact study for major projects to assure that the traffic features proposed by the applicant will not produce a negative or adverse environmental impact upon the Community.

10. Community Facility Features - Indicate location and type of community facility improvements to be developed in order to satisfy any community facility deficiency identified by the Board which will be aggravated by this proposed development or use.

## ARTICLE 6 - ADMINISTRATION AND ENFORCEMENT

### 6.100 GENERAL PROCEDURE

- 6.101 General Sequence of Steps - Persons desiring to undertake any new construction, structural alteration or changes in the use of a building or lot shall apply to the Zoning Officer for a Zoning Permit by filling out the appropriate application form and by submitting the required fee. The Zoning Officer will either issue the Zoning Permit or will refuse the permit after any necessary review by the Zoning Hearing Board and the Zoning Officer will indicate in writing the reason for refusal. If refused a permit, the applicant may appeal to the Board for further consideration. After the Zoning Permit has been received by the applicant, he may proceed to obtain other necessary permits and undertake the action permitted by the Zoning Permit and the other necessary permits and upon completion of such action shall apply to the Zoning Officer for an Occupancy Permit where such a permit is required.

If the Zoning Officer finds that the action of the applicant has been taken in accordance with the Zoning Permit, he will then issue an Occupancy Permit allowing the premises to be occupied.

- 6.102 Zoning Permit Types – Under the terms of this Ordinance, the following classes of Zoning Permits may be issued:
  - a. Permitted Uses - A Zoning Permit for a permitted use may be issued by the Zoning Officer on his own authority.
  - b. Special Uses - A Zoning Permit for a Special Use may be issued by the Zoning Officer upon the order of the Board after a hearing and after any required review by the Planning Commission.
  - c. Conditional Use - A Zoning Permit for a Conditional Use may be issued by the Zoning Officer upon the order of the Borough Council after receipt of a recommendation from the Planning Commission and after a hearing.

- d. Zoning Permit after an Appeal or Request for a Variance – A Permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board and after a hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

## 6.200 ZONING AND OCCUPANCY PERMITS AND CERTIFICATES

- 6.201 Applications to Zoning Officer - All applications for Zoning Permits for Permitted, Special or Conditional Uses, for Occupancy Permits, for Certificates of Non-Conforming Use, for variances and for interpretations of any fact or provision of this Ordinance shall be made directly to the Zoning Officer. Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land.

All applications for Special or Conditional Uses subject to Site Plan Review as set forth in Section 5.800 shall also include the information required therein.

The Zoning Officer, Zoning Hearing Board or the Borough Council may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its conformity with this Ordinance.

- 6.202 Applications to Zoning Hearing Board - All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Secretary and/or Solicitor of the Zoning Hearing Board. Such appeals shall be in writing and shall explain fully the facts and parties in the case and shall clearly state the reasons or provisions of the Ordinance on which the appeal is based.
- 6.203 Zoning Permits - The purpose of the Zoning Permit is to determine compliance with the provisions of this Ordinance, and no person shall erect, alter or convert any structure, building or part thereof, nor alter the use of any land, subsequent to the adoption of this Ordinance, until a Zoning Permit has been issued by the Zoning Officer. Zoning Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance.

Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time. The Zoning Officer or the Board may revoke a Zoning Permit at any time if it appears that the application is in any respect false or misleading, or that work being

done upon the premises differs materially from that called for in the application.

No Zoning Permit shall be issued, except on written order of the Board for any Special Use or Variance; or on written order from the Borough Council for any Conditional Use. No Zoning Permit shall be issued where the proposed construction, alteration or use would be in violation of any provision of this Ordinance.

Unless there has been substantial progress in the work for which a Zoning Permit was issued, as determined by the Zoning Officer, said Permit shall expire one year from the date of issue.

6.204 Occupancy Permits - The purpose of an Occupancy Permit is to certify that the premises comply with the provisions of this Ordinance and may be used for the purposes set forth in the Occupancy Permit. Prior to the use or occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Zoning Officer. A copy of the Occupancy Permit shall be kept upon the premises and shall be displayed upon request made by any officer of the municipality. All applications for Occupancy Permits shall be in writing on forms to be furnished by the Zoning Officer.

6.205 Certificate of Non-Conforming Use - The Zoning Officer is assigned the responsibility to identify and register non-conforming uses and non-conforming structures. The owner of the premises occupied by a lawful non-conforming use or structure may request a Certificate of Non-Conforming Use from the Zoning Officer. If the Borough records show that the use was in fact non-conforming at the time of Ordinance adoption, a Non-Conforming Use Certificate shall be issued free of charge to the owner. Such Certificate shall be for the purpose of certifying to the owner his right to continue such non-conforming use or structure.

### 6.300 ZONING OFFICER

6.301 Appointment of Enforcing Officer - This Ordinance shall be enforced by the Zoning Officer who shall be appointed by the Borough Council at the time this Ordinance is adopted. The Officer's term of office shall expire as of the first Borough Council meeting in January at which time the Officer may be reappointed or a new Officer may be appointed.

6.302 Duties and Powers - The Zoning Officer shall receive and examine all applications required under the terms of this Ordinance and shall issue or refuse permits within thirty days of the receipt of the

application or where applicable shall refer said application within ten days to the Board, Borough Council and/or Planning Commission. The Zoning Officer shall issue a written notice of violation to any person, firm, or corporation violating any provisions of this Ordinance. He shall keep records of applications, of permits, or certificates issued, of variances granted, of inspections made, of reports rendered and of notice or orders issued and shall identify and register non-conforming uses and structures and shall make all required inspections and perform all other duties as called for in this Ordinance.

#### 6.400 ZONING HEARING BOARD

6.401 Board is Hereby Created - A Zoning Hearing Board is hereby established in accordance with the provisions of the State Act No. 247, the Pennsylvania Municipalities Planning Code. The members of the Board shall be residents of the Borough and shall be appointed by the Borough Council to serve for terms as prescribed by law. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.

At the date of adoption of this Ordinance, the members of the existing Zoning Hearing Board, previously designated in accordance with Delaware Water Gap Borough Zoning Ordinance No. 157 shall continue in office and shall serve as the Zoning Hearing Board under this Ordinance.

6.402 Organization of Board - The Board shall elect officers and conduct any hearings and take any actions required by the Ordinance and may make rules and forms for its procedure.

6.403 Board Functions - The Board shall be responsible for the following:

- a. To hear and decide appeals against any alleged errors or actions of the Zoning Officer.
- b. To hear and decide all requests for the interpretation of any fact or provision of this Ordinance.
- c. To hear and decide all requests for "variances."
- d. To hear and decide all requests for "special exceptions" which are also referred to herein as "special uses" in accordance with the standards and criteria set forth in this Ordinance.
- e. To hear and decide challenges to the validity of this Ordinance or Zoning Map which are within its jurisdiction.



- f. The preparation and submission of a report of its activities to the Borough Council once a year.

All findings and decisions of the Board shall be in writing and shall be rendered within 45 days after the last hearing before the Board and if the Board fails to render such a decision, then 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.

The Board shall perform such other duties as may be provided or made necessary by this Ordinance, or by State Act No. 247 adopted on July 31, 1968, as amended, including the interpretation of zoning boundaries, the holding of hearings after proper notice, the referral of any pertinent matter to the Planning Commission for review and recommendations. The Board shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

- 6.404 Notice of Hearings - Notice of all hearings of the Board shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Borough Council and such other persons who have made a timely request for such notice. Such notice shall be given in the manner defined in Act 247 as amended as follows: "Public Notice," notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days or less than 14 days from the date of the hearing.
- 6.405 Referral to Planning Commission - The Board shall refer to the Planning Commission all applications for Special Uses and any other applications or appeals which, in the opinion of the Board, require review by the Planning Commission. In its review, the Planning Commission shall, in the case of Special Uses, determine compliance with the standards and criteria set forth in this Ordinance and in all cases may report in writing its findings and recommendations to the Board within 14 days. If such report is not received by the Board within said time period, the Board may then proceed to final action on the case.
- 6.406 General Hearing Board Special Use Standards - Whenever, in the course of administration of the Special Use Section of this Ordinance, it is necessary and/or desirable for the Zoning Hearing Board to make a decision, then, unless other standards are in this Ordinance, the decision shall be made so that the result will not be

contrary to the spirit, purposes and/or statement of community development objectives of this Ordinance, will not be contrary to the intent of the Zoning District nor will be injurious to the surrounding neighborhood.

## 6.500 VARIANCES

6.501 Board May Authorize Variances - The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may grant a variance provided the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- c. That such unnecessary hardship has not been created by the appellant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

6.502 Appeals - Where the Board has jurisdiction over a zoning matter pursuant to Act 247, the Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal

ordinance or requirement pertaining to the same development plan or development. In any such case, the Board shall have the power to make decisions on zoning issues as per Act 247. The Board shall have no power to pass upon the non-zoning issues, but shall take evidence and make a record thereon as provided in Act 247. At the conclusion of the hearing, the Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

The time limitation for the filing of an appeal to the Hearing Board shall be no later than 30 days after the decision, whether on a preliminary or final issue, has been approved or disapproved by a Zoning Officer, Board, Borough Agency or Body.

#### 6.600 BOROUGH COUNCIL

6.601 Function of Borough Council – The Borough Council will be responsible for the following:

- a. To hear and decide on a landowner's appeal for a curative amendment consistent with Act 247.
- b. To hear and decide all requests for "Conditional Uses" in accordance with the standards and criteria set forth in this Ordinance.
- c. To hear and decide all requests for recommendations for amendments submitted to the Borough by the Planning Commission or any other applicant for an amendment as set forth herein and as may be provided for in accordance with the requirements of State Act 247 – Pennsylvania Municipalities Planning Code adopted on July 31, 1968, as amended.

All findings and decisions of the Borough Council shall be in writing and shall be rendered within 45 days after the last hearing before the Borough Council and if the Council fails to render such a decision, then 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.

The Borough Council shall perform such other duties as may be provided or made necessary by this Ordinance, or by State Act No. 247 adopted on July 31, 1968, as amended, including the holding of hearings after proper notice and the referral of any pertinent matter to the Planning Commission for review and recommendations. The Board shall keep a full public record and a

summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.

6.602 Notice of Hearings – Notice of all hearings of the Borough Council shall be given to the public, the applicant, the Zoning Officer, the Planning Commission, the Zoning Hearing Board and such other persons who have made a timely request for such notice. Such notice shall be given in accordance with the term “Public Notice” as defined in Section 6.404 of this Ordinance.

6.603 Referral to Planning Commission – The Borough Council shall refer to the Planning Commission all applications for Conditional Uses. In its review, the Planning Commission shall, in the case of Conditional Uses, determine compliance with the standards and criteria set forth in this Ordinance, and in all cases may report in writing its findings and recommendations to the Borough Council within 14 days.

## 6.700 AMENDMENTS

6.701 Procedure - The Borough Council may, on their own motion or by petition, amend, supplement, change, modify or repeal this Ordinance, including the Zoning Map. Before voting on the enactment of an amendment, the Borough Council shall hold a public hearing thereon, pursuant to public notice as required by State Act No. 247.

Any landowner may propose and prepare a "Curative Amendment" to the Zoning Ordinance for consideration by the Borough Council in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

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 30 days prior to the hearing on such proposed amendment. In all cases, the Borough Council shall also submit any proposed amendment to the Monroe County Planning Commission at least 30 days prior to the public hearing on such proposed amendment. Said submittals shall provide each Planning Agency an opportunity to submit recommendations.

If, after any public hearing held upon an amendment, the proposed amendment is revised or further 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. At all public hearings, full opportunity to be heard shall be given to any citizen and all parties in interest.

## 6.800 VIOLATIONS AND PENALTIES

- 6.801 Borough Council May Initiate Appropriate Action - In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, or of any ordinance, permit or regulation made under authority conferred hereby, the Borough Council, or, with their approval, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate action of proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation within 10 days and to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- 6.802 Enforcement Penalties - Any person, partnership or corporation who or which shall violate the provisions of any zoning ordinance enacted under this act or prior enabling laws shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of at least fifty dollars, but not more than five hundred dollars. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than sixty days. Each day that a violation is continued shall constitute a separate offense. All fines collected for the violation of zoning ordinances shall be paid over to the Borough.

## 6.900 FILING FEES

The following fees shall be paid at the office of the Zoning Officer.

- 6.901 Zoning Permits - Applicants for a zoning permit shall be required to pay the following fee:
- Minimum Fee - shall be \$10 for fences, for minor construction valued from \$100 up to \$2,500, for moderate scale home occupations under the Special Use category and for signs valued at less than \$2,500 which require a permit. No fee is required for construction valued at less than \$100.
  - General Fee - \$25 for improvements estimated to cost between \$2,500 and \$10,000; plus a \$1.00 fee for each additional \$1,000 in construction cost up to a construction cost of \$100,000; plus \$10.00 for each additional \$50,000 in construction cost or fractional part thereof above \$100,000.

6.902 Zoning Hearing - \$150.00 for any action requested which requires a public hearing.

ADOPTED by the Borough Council of the Borough of Delaware Water Gap, Monroe County, Pennsylvania, this first day of February, 1988.

BOROUGH COUNCIL

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Mayor

ADDENDUM INDEX FOR DELAWARE WATER GAP ZONING ORDINANCE  
FOR INFORMATIONAL PURPOSES ONLY - THIS SHOULD NOT  
BE CONSIDERED A PART OF THE ZONING ORDINANCE DOCUMENT

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SCHEDULE II

REGULATIONS GOVERNING THE SIZE OF  
LOTS, YARDS AND BUILDINGS FOR PERMITTED USES ONLY (a)

	ZONING DISTRICT						
	S-1	R-1	R-2		VC-1	VC-2	I-1
TYPE OF REGULATION (b)		SF (c)	SF	TF			
<u>Minimum Lot Size</u>							
Area (square feet)	60,000	14,500	9,500	16,000	22,500	4,500	60,000
Width (feet)	200	100	65	75	100	35	200
Depth (feet)	200	140	100	200	225	125	250
<u>Average Minimum Lot Area</u>							
<u>Per Dwelling Unit (square feet)</u>	60,000	14,500	9,500	8,000	7,500	4,500	-----
<u>Minimum Yards (feet)</u>							
Front	50	25	20	20	30	10	50
Rear	50	45	35	25	30	20	20
Each Side Yard	40	20	10	10	20	6	6
<u>Maximum Building Height</u>							
Number of Stories	2.5	2.5	2.5	2.5	2.5	2.5	3
Feet	35	35	35	35	35	35	45
<u>Maximum Building Coverage (%)</u>	15	20	25	25	35	45	50

(a) Regulations for Special Uses are specific in Section 4.402.

This table assumes that all uses will be served by the Borough Municipal Water System and the proposed new centralized sewerage system. If a new lot is proposed for development and will not be served by centralized sewerage or water then the S-1 column shall apply regardless of in which district the lot is located. If the lot has only central water, then the minimum lot size shall be 43,460 sq. ft. and all other size requirements of this S-1 shall apply.

(b) See Article 5 for other Supplementary Regulations governing various uses including variations to the lot and yard sizes, and regulations governing accessory structures, signs, off-street parking and loading and non-conforming uses and lots.

(c) SF and TF respectively mean single-family and two-family dwellings.

SCHEDULE IIIB  
TRIP GENERATION  
AVERAGE WEEKDAY VEHICLE TRIP ENDS  
(DAILY TRAFFIC)

Land Use	Trip Generation Average Trip Rate	Land Use	Trip Generation Average Trip Rate	Land Use	Trip Generated Average Trip Rate
<b>A. Residential</b>		<b>E. General Office Building</b>		<b>H. Services</b>	
- Single Family	10.0/Dwelling Unit	- Under 25,000 sq. ft.	23.0/1000 GSFBA	- Bank (walk-in)	169.0/1000 GSFBA
- Low Rise Residential Structures (2 or more DU's/structure)	7.5/Dwelling Unit	- 25,000 – 49,999 sq. ft.	19.0/1000 GSFBA	- Bank (drive-in)	192.0/1000 GSFBA
- Condominium Units	5.2/Dwelling Unit	- 50,000 – 99,999 sq. ft.	16.5/1000 GSFBA	- S & L (walk-in)	61.0/1000 GSFBA
- Mobile Homes	4.8/Dwelling Unit	- 100,000 – 599,999 sq. ft.	13.0/1000 GSFBA	- S & L (drive-in)	74.0/1000 GSFBA
- Retirement, Senior Citizen Developments	3.3/Dwelling Unit	- 600,000 sq. ft. and over	11.0/1000 GSFBA	- Auto Service Station	133.0/Gas Pump
- Timesharing	Add 50% to above rates	<b>F. Commercial Shopping</b>		<b>I. Industrial</b>	
<b>B. Lodging (all types)</b>		- Small Specialty Retail Center	40.7/1000 GSFLA	- Industrial and Manufacturing	5.43/1000 GSFBA
	10.5 per room	- Shopping Center		- Warehousing, General	4.88/1000 GSFBA
<b>C. Recreation</b>		- Under 50,000 sq. ft.	117.9/1000 GSFLA	- Research Center (whichever is greater)	2.4/Employee
- Open Space Uses (includes golf courses)	6.9/Acre	- 50,000 – 99,999 sq. ft.	82.0/1000 GSFLA	or	5.3/1000 GSFBA
- Outdoor Recreation (Borough parks)	6.0/Acre	- 100,000 – 199,999 sq. ft.	66.7/1000 GSFLA	- Truck Terminal	9.86/1000 GSFBA
- Resort Outdoor Recreation (no spectator events or places for public assembly)	10.0/Acre	- 200,000 – 299,999 sq. ft.	50.6/1000 GSFLA	- Storage (personal) Warehouse	2.8/1000 GSFBA
- Commercial Indoor Recreation	11.2/GSFBA	- 300,000 – 399,999 sq. ft.	41.9/1000 GSFLA		
- Outdoor Sports and Recreation (including large scale places for public assembly)	100 to 250/Acre	- 400,000 sq. ft. and over	37.2/1000 GSFLA		
		- Discount Store	70.1/1000 GSFBA		
		- Supermarket	125.5/1000 GSFBA		
		- Convenience Market			
		- Open less than 16 hours daily	322.6/1000 GSFBA		
		- Open 16 – 24 hours daily	625.2/1000 GSFBA		
		- Wholesale Market	6.73/1000 GSFBA		
		- Furniture Store	0.70/1000 GSFBA		
		- Hardware/Paint Store	51.3/1000 GSFBA		
		- New Car Sales	47.5/1000 GSFBA		
<b>D. Medical</b>		<b>G. Restaurant</b>			
- Hospital	11.4/Bed	- Low Turnover (over one hour seating)	74.9/1000 GSFBA		
- Nursing Home	2.6/Bed	- High Turnover (less than 1 hour seating)	164.4/1000 GSFBA		
- Outpatient Office or Clinic	54.6/1000 GSFBA	- Primarily Drive-In	553.0/1000 GSFBA		

Source: Adapted from *Trip Generation, An Informational Report* published by the Institute of Transportation Engineers. Third Edition, 1982.

Note: GSFLA – Gross Square Feet of Leasable Area

GSFBA – Gross Square Feet of Building Area

SCHEDULE IV  
REGULATIONS FOR OFF-STREET PARKING SPACES (a)

Type of Use (b)	Number of Parking Spaces Required
<u>1. Recreation and Open Space Uses</u>	
- Forestry, Park Use	1 per employee
- Outdoor Recreation, Excursion	1 per 2 potential peak day users or 1 for every 3 persons of total capacity, whichever is greater.
- Train or Trolley Use	1 for every 3 persons of total capacity or 1 for every 200 sq. ft. whichever is greater.
- Indoor Recreation	
<u>2. Residential</u>	
- Conventional residential dwelling units	2 per dwelling unit
- Units for the elderly (over 61)	1 per 2 dwelling units
- Conversion and accessory dwelling units	1 per 1 dwelling unit
- Home occupations	1 for every 300 sq. ft. home occupation space
- Timesharing residential units	3 per dwelling unit
<u>3. Resort Development</u>	Cumulative totals of more specific lodging, recreation, eating, and drinking facilities and other uses.
<u>4. Lodging</u>	
- Motels, hotels, inns, bed and breakfast establishments	4 for every 3 sleeping rooms
- Rooming houses and dormitories	1 for every bed
- Campgrounds	2 for every camp site
<u>5. Eating and Drinking Establishments</u>	
- Restaurants and dining facilities	1 for every 2.5 seats or 3 per 100 gross sq. ft., whichever is greater
- Night Clubs, Taverns, Bars, Cocktail Rooms	1 for every 2 seats
<u>6. Membership For Private Clubs, Social Halls and Lodges</u>	1 for every 200 gross sq. ft.
<u>7. Commercial</u>	
- Retail, services, administrative offices, shopping centers and commercial entertainment	1 for every 200 gross sq. ft.
- Banks and financial institutions	1 for every 200 gross sq. ft. plus 1 for each 100 gross sq. ft. used to serve customers.
- Gasoline service stations	1 for each 150 gross sq. ft.
- Auto Rentals or sales	1 for each 100 gross sq. ft.
- Funeral Homes	1 for each 4 chapel seats plus 1 for 2 employees
- Bowling alleys	5 for each alley
- Adult Facility	1 for each 100 gross sq. ft. plus 1 for each employee
<u>8. Medical and Related Facilities</u>	
- Hospitals	1 for every 1.5 beds
- Nursing Homes and Group Homes	1 for every 3 beds
- Medical, dental and veterinarian offices and clinics	5 for every doctor, dentist or professional person
<u>9. Educational Facilities</u>	
- Commercial and other schools	1 for every 5 classroom seats
<u>10. Places of Assembly</u>	
- Churches, theatres, auditoriums and other places of assembly including spectator recreation and cultural facilities	1 for every 50 gross sq. ft. or 1 for every 2.5 seats or person to be accommodated
<u>11. Manufacturing and Wholesale or Warehouse Establishments</u>	1 each for 3 employees plus 1 for each 100 gross sq. ft., but not less than 25% of the total floor area

FOOTNOTES:

(a) This Table applies only to new construction or to new uses and to the enlarged section of any addition. For multi-purpose facilities, use the cumulative total of all uses included.

(b) For any use not specifically listed, the Zoning Officer shall apply the requirements of that listed use which he determines to be most similar.