ZONING

Chapter 157

Borough

of

EAST STROUDSBURG
Chapter 157
ZONING

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§ 157-1. Title.

This chapter shall be known and cited as the "Borough of East Stroudsburg Zoning Chapter."

1. Editor's Note: This ordinance supersedes former Ch. 157, Zoning, adopted 8-2-1983 by Ord. No. 803, as amended.
§ 157-2. Purpose.
A. This chapter is hereby adopted in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247 of 1969, as amended by Act 170 of 1988,2 and in conformity with the objectives of East Stroudsburg Borough’s Comprehensive Plan.
B. The provisions of this chapter are designed:
   (1) To promote, protect and facilitate one or more of the following: the public health, safety, morals and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; airports and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; water; sewage; schools; public grounds; and other public requirements; as well as
   (2) To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, flood, panic or other dangers.
C. This Zoning Chapter has been made in accordance with an overall program and with consideration for the character of the municipality and its various parts and the suitability of the various parts for particular uses and structures.

This chapter is hereby enacted to implement the goals and objectives as contained in East Stroudsburg Borough’s Comprehensive Plan. Such goals and objectives are incorporated herein by reference.

Except as otherwise specified, the words in this chapter carry the following meanings:
A. Words in the singular include the plural, and words in the plural include the singular.
B. Words in the present tense include the future.
C. The word "person" includes an individual, corporation, partnership, incorporated association or other similar entity.
D. The word "lot" includes the word "plot" or "parcel."
E. The terms "shall" and "will" are always mandatory.
F. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."
G. The term "Council" shall always mean the Borough Council of the Borough of East Stroudsburg.

2. Editor’s Note: See 53 P.S. § 10101 et seq.
H. The term "Board" shall always mean the Zoning Hearing Board of the Borough of East Stroudsburg.

I. The term "Commission" shall always mean the Planning Commission of the Borough of East Stroudsburg.


§ 157-5. Enforcement by Zoning Officer.

The Zoning Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter. The Zoning Officer shall be appointed by the Borough Council and may not hold any elective office in the Borough. The Zoning Officer shall have the following duties and powers:

A. To receive and examine all applications required by this chapter and to issue or refuse permits, in writing, within 30 days of receipt of the application. Said application shall be complete, and fees shall be paid in accordance with the fee schedule as set forth by the Borough Council. The zoning permit is hereby incorporated by reference. Incomplete applications will be returned to the applicant.

B. To receive and examine requests for variances, appeals, special exceptions, conditional uses or other permit applications relating to zoning matters. Complete applications shall be referred to the appropriate agency for the next regularly scheduled meeting, provided that said application is submitted at least 30 days before said meeting. Incomplete applications will be returned to the applicant. Conditional uses shall be forwarded to the Borough Council. Parking lot site plans shall be forwarded to the Planning Commission. Variances, appeals and special exceptions shall be forwarded to the Zoning Hearing Board.

C. Enforcement notice. If it appears that a violation of the Zoning Chapter has occurred, the Zoning Officer shall send to the owner of record of the parcel on which the violation has occurred an enforcement notice. This notice shall also be sent to any person who has filed a written request. Said notice shall be served personally to the responsible owner, occupant, operator or responsible person in charge; or shall be served by registered or certified mail with a return receipt requested; or, where such responsible person in charge cannot be found, service may be made by posting a notice in or about the structure or premises or by publishing such notice in a newspaper of general circulation for a period of three consecutive days; or shall be served by any other method authorized under the laws of the Commonwealth of Pennsylvania. The notice shall include:

(1) The names of the owner of record, the responsible person in charge and any other person against whom the municipality intends to take action.

(2) The location of the property in violation.
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The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.

(4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.

(5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in the chapter.

(6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

D. To identify and register nonconforming uses and nonconforming structures upon approval of the Zoning Hearing Board.

E. To keep records of applications, permits or certifications issued, variances granted, inspections made, reports rendered and notices or orders issued.

F. To have the power to institute civil enforcement proceedings as a means of enforcement.

G. To give preliminary opinion approval per MPC Section 916.2.3

§ 157-6. Violations and penalties.

A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Chapter enacted under the MPC or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than $500 plus all court costs, including reasonable attorney’s fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney’s fees collected for the violation of the Zoning Chapter shall be paid over to the Borough whose chapter has been violated.

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

3. Editor's Note: See 53 P.S. § 10916.2.

Where any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Chapter or any duly enacted amendment hereof, the Mayor, the Council, the District Attorney of Monroe County or any owner of real estate within the Borough may, in addition to other remedies provided by law, institute an appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.


Whenever a violation of this Zoning Chapter occurs, any person may file, in writing, a complaint in regard thereto with the Zoning Officer, who shall record such complaint, immediately investigate the complaint and make a written report thereof to the Borough Manager.


A. All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Zoning Officer. 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 chapter on which the appeal is based. An appellant shall have 30 days from the Zoning Officer’s alleged error in decision in which to make an appeal. The Zoning Hearing Board shall review all appeals and render a decision.

B. In addition, no person shall be allowed to file any proceeding with the Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate Borough officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given.

§ 157-10. Interpretation of provisions.

In interpreting and applying the provisions of this Zoning Chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare of the Borough and its residents. It is not intended by this Zoning Chapter to interfere with, abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Zoning Chapter; nor is it intended by this Zoning Chapter to interfere with, abrogate or annul any easements, covenants, building restrictions or other agreements between parties. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces or a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the Zoning Chapter and the regulations made under authority of this Zoning Chapter, the provisions of such statute shall govern.
The provisions of this Zoning Chapter are separable; and if any provision shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other provision.

§ 157-12. Applications to Zoning Officer for permits.
All applications for zoning permits for permitted uses, for special exceptions, for building and occupancy permits, for certificates of nonconforming uses or structures, for variances and for interpretations of any fact or provision of this chapter 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. The Zoning Officer, the Zoning Hearing Board or the Planning Commission may require any additional information deemed necessary to properly evaluate the application for the purpose of determining the conformity with this chapter.

The purpose of the zoning permit is to determine compliance with the provisions of this chapter, 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 chapter, until a zoning permit has been issued by the Zoning Officer. Zoning permits shall be issued in triplicate, 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 chapter.

A. Permitted uses. A zoning permit for a permitted use may be issued by the Zoning Officer on his authority.
B. Special exceptions. A zoning permit for a special exception may be issued by the Zoning Officer only upon the order of the Board after a hearing following a review by the Planning Commission.
C. Conditional uses. A zoning permit for a conditional use may be issued by the Zoning Officer only upon the order of the Borough Council.

The purpose of an occupancy permit is to certify that the premises comply with the provisions of this chapter 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.

A. Temporary certificate of occupancy. If, in the opinion of the Zoning/Code Inspector, the project is complete to a point where no immediate danger exists, a temporary certificate
of occupancy can be issued. The temporary certificate of occupancy shall expire at the end of 12 months. In no case shall a certificate of occupancy be issued where the endangering of life and/or public welfare exists.

B. Final occupancy permit. A final occupancy permit can only be issued when, upon the determination of the Zoning Officer, the applicant shall have completed his project according to the approved site plan in all respects, including but not limited to landscaping, lighting, stormwater, striping of parking lot and other special conditions placed upon the applicant by the Zoning Officer, Planning Commission, Zoning Hearing Board and Borough Council.

C. Multiphase projects. Projects consisting of more than two dwelling units or commercial units can be developed in phases. The applicant shall clearly state and delineate the extent of work, to be accomplished in each phase to comply with § 157-17 of the chapter.

§ 157-15. Other permits.

The municipality may require additional permits specified in other related ordinances and laws.

§ 157-16. Certificate of nonconforming use or structure.

A. The owner of the premises occupied by a lawful nonconforming use or structure shall secure a certification of nonconforming use from the Zoning Officer. Such certificate shall be authorized by the Board and shall be for the purpose of certifying to the owner his right to continue such nonconforming use. Note: Any existing use or structure unregistered as a nonconforming use or structure and where no record exists of zoning permit approval shall be considered a violation under this chapter until said use or structure is registered as a legal nonconforming use or structure. Proof that said use or structure existed prior to the adoption of the Zoning Chapter or amendments thereto shall be the responsibility of the owner.

B. In the determination of nonconforming uses, structures, lots and any other requirements that are nonconforming under this chapter, reference shall be made to the original Zoning Document Chapter No. 552, February 5, 1963. This zoning document and subsequent amendments and additional documents shall be referred to in the determination of any nonconforming uses, structures, lots and any other requirements that are nonconforming under this chapter.


Zoning permits issued after the effective date of this chapter with respect to construction and use of a property shall expire six months after the date of issuance, unless construction work is begun prior thereto and is carried on to completion without voluntary interruption. In no case shall the completion of a project or phase take more than 12 months unless a time extension has been properly approved by the Zoning Hearing Board. Time extension requests shall be limited to a maximum period of 12 months. Time extension or continuation requests
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shall be reviewed by the Zoning Hearing Board at a fee prescribed and set by the Borough Council. Failure to comply with this requirement constitutes a violation of this chapter.


A. Pursuant to Article IX of Act 247 of 1969, as amended by Act 170 of 1988, known as the "Municipalities Planning Code," a Zoning and Hearing Board is hereby established, the membership of which shall consist of five residents of the municipality appointed by the governing body.

B. The terms of office of a five-member Board shall be five years and shall be so fixed that the term of office of one member of a five-member Board shall expire each year.

C. The Board shall promptly notify the governing body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the municipality.

D. The governing body may appoint by resolution at least one but no more than three residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. When seated pursuant to the provisions of Section 906 of the MPC, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. Alternates shall hold no other office in the Borough. Any alternate may participate in any proceedings or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated pursuant to Section 907 of the MPC unless designated as a voting alternate member pursuant to Section 906 of the MPC.

E. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the governing body which appointed the member, taken after the member has received 15 days’ advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.


A. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board, but the Board may appoint a hearing officer from its own membership to conduct any

4. Editor's Note: See 53 P.S. § 10901 et seq.
5. Editor's Note: See 53 P.S. § 10906.
6. Editor's Note: See 53 P.S. § 10907.
hearing on its behalf, and the parties may waive further action by the Board as provided in Section 908 of the MPC."

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the municipality and laws of the commonwealth. The Board shall keep full public records of its business, which records shall be the property of the municipality, and shall submit a report of its activities to the governing body as requested by the governing body.

§ 157-20. Functions of Zoning Hearing Board.

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

A. Appeals from the Zoning Officer. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any valid provision of this chapter and/or map or any valid rule or regulation governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny the appellant the right to proceed directly in court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedure, Rules 1091 to 1098, relating to mandamus.

B. Challenge to the validity of any chapter or map. The Zoning Hearing Board shall hear challenges to the validity of a Zoning Chapter or Map, and at the conclusion of the hearing, the Board shall decide all contestant questions and shall make findings on all relevant issues of fact, which shall become part of the record on appeal to the court.

C. Variances.

(1) The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Chapter inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance, provided that 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 Chapter 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 Chapter 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.

(2) 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 Chapter.

D. Special exceptions. The Zoning Hearing Board shall hear and decide requests for all special exceptions as provided in this chapter and in accordance with such standards and criteria contained in this chapter. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes and intent of this chapter.

E. Floodplain appeals. The Zoning Hearing Board shall hear appeals from determinations by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard chapter or such provisions within a land use chapter.

F. Stormwater management. The Zoning Hearing Board shall hear appeals from determinations of the Zoning Officer or Municipal Engineer in the administration of any land use chapter or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relates to development not involving planned neighborhood developments or new subdivision.

G. Records and reports. The Zoning Hearing Board shall keep full public records of its business and shall submit an annual report of its activities to the governing body.

H. Hearings.

(1) The Zoning Hearing Board shall conduct public hearings and make decisions in accordance with the following:

(a) Notice of hearings. Public notice shall be given, and written notice shall be given to the applicant, the Zoning Officer, the Planning Commission, the Borough and any person who has made timely request for the same. Written
notices shall be given at the same time as the first notice is published in the paper. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. Said notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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 not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

(b) Referral of applications. The Zoning Officer shall accept all applications for variances, special exceptions, conditional uses and other applications of appeals relating to land use issues. The Zoning Officer shall review the application for completeness. Incomplete applications will be returned to the applicant with a request for additional information. Once the application is complete, the Zoning Officer shall refer it to the Planning Commission for its review. In its review, the Planning Commission shall determine completeness and appropriateness and, within 10 days, submit its written recommendations to the Zoning Officer, who in turn will refer it to the appropriate board or public body.

(c) Time requirements. The Zoning Hearing Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board. All conclusions based on any provisions of Act 247 of 1969, as amended by Act 170 of 1988 or of this chapter shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. When the Zoning Hearing Board fails to render the decision within the period required by this chapter or fails to hold the required hearing within 60 days of the date of the applicant’s request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, then the municipality shall give public notice of said decision within 10 days in the same manner as provided in Subsection H(1)(a) of this section.

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

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8. Editor’s Note: See 53 P.S. § 10101 et seq.

All zoning appeals for securing review of any chapter, decision, determination or order of the governing body of a municipality, its agencies or officers adopted or issued pursuant to Act 247 of 1969, as amended by Act 170 of 1988, shall be in conformance with Article XA of said Act.

§ 157-22. Parties appellant before Board.

All appeals from the Zoning Officer and proceedings to challenge the validity of any chapter may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any office or agency of the municipality or any such person aggrieved. Requests for a variance and for special exceptions may be filed with the Board by any landowner or any tenant with the permission of such landowner. However, questions of an alleged defect in the process of enactment or adoption of any chapter or map shall be raised by an appeal taken directly from the action of the governing body to the court filed not later than 30 days from the effective date of the chapter or map.

§ 157-23. Expiration of appeal decision.

Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning permit or comply with the conditions of said authorized permit within 12 months from the date of authorization thereof.


In the case of an appeal from the Board to the Court of Common Pleas, the Board shall make the return required by law and shall promptly notify the Solicitor to the municipality of such appeal and furnish him with a copy of the return, including the transcript of testimony. Any decision of the Board not appealed within 30 days after notice thereof shall be final.


Upon filing of any proceeding referred to in § 157-21 and during its pendency before the Board, all land development pursuant to any challenged chapter, order or approval of the Zoning Officer or of any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to hold a hearing to determine if such persons should post a bond as a condition to continuing the proceedings.

9. Editor's Note: See 53 P.S. § 11001-A et seq.
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before the Board. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.

§ 157-26. Information required on appeals to Board.

All appeals from a decision of the Zoning Officer and applications to the Board shall be in writing on forms prescribed by the Board. Every appeal or application shall include the following:

A. The name and address of the applicant or appellant.

B. The name and address of the owner of the zone lot to be affected by such proposed change or appeal.

C. A brief description and location of the zone lot to be affected by such proposed change or appeal.

D. A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.

E. A statement of the section of this chapter under which the appeal is made and reasons why it should be granted or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed and the reasons for this appeal.

F. A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.


The municipality must, on its own motion or by petition, amend, supplement, change, modify or repeal parts of this chapter if it has been determined that parts of its Zoning Chapter are substantively invalid, including the Zoning Map. In the case of an amendment other than that prepared by the planning agency, the governing body shall submit each such amendment to the planning agency at least 30 days prior to the hearing on such proposed amendment to provide the 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 governing body shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment. If a county

10. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.
planning agency shall have been created for the county in which the Borough adopting the chapter is located, then, at least 30 days prior to the hearing on the chapter by the local governing body, the Borough planning agency shall submit the proposed chapter to the county planning agency for recommendations.


A landowner who desires to challenge on substantive grounds the viability of a chapter or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code, Act 247 of 1969, as amended by Act 170 of 1988. The governing body shall commence a hearing thereon within 60 days of the request as provided in the Pennsylvania Municipalities Planning Code, Act 247 of 1969, as amended by Act 170 of 1988, unless the landowner requests a consent to an extension of time. The curative amendment shall be referred to the municipal planning agency or agencies as provided in § 157-27, and notice of the hearing thereon shall be given as provided in the Pennsylvania Municipalities Planning Code, Act 247 of 1969, as amended by Act 170 of 1988. The hearing shall be conducted in accordance with § 157-20, and all reference therein to "Zoning Hearing Board" shall, for purposes of this section, be references to the governing body.

§ 157-29. Fees.

The governing body may prescribe reasonable fees with respect to the administration of a Zoning Chapter and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the Secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board or expenses for engineering, architectural or other technical consultants or expert witness.

ARTICLE II
Definitions


As used in this chapter, the following terms shall have the meanings indicated:

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 building.

AIR RIGHTS — The rights to the space above a property for development.

ALLEY — A public or private way, at the rear or side of a property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not

11. Editor's Note: See 53 P.S. § 10101 et seq.
be construed as satisfying the requirements of this chapter relating to frontage on a dedicated street. Alleys shall not be used as access to anything other than one single-family residence.

ATTACHED STRUCTURE — A principal structure shall be considered attached only when at least 50% of an exterior wall is a party wall in common between two structures. All accessory structures, such as decks, porches and garages, shall be considered attached if they are within 10 feet of the principal structure.

AUTOMOBILE SERVICE CENTER (no fuel sales) — A facility which performs routine servicing of motor vehicles, including the replacement of elements and fluids which are expected to be routinely replaced on a frequent basis (such as engine oil and other lubrication; brake, transmission and power steering fluids; and air filters).

AUTOMOBILE SERVICE STATION —

A. GASOLINE FILLING STATION, MINOR AUTO REPAIR — Buildings and land areas where gasoline, oil, grease, batteries, tires and automobiles accessories are intended to be supplied and dispensed at retail and where minor repair services are rendered. Such services may include repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor motor services such as grease, oil, spark plug and filter changing; tuneups; emergency road service; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar services for motor vehicles which do not include the services normally associated with major repair service stations as defined.

B. MAJOR REPAIR, BODY SHOP — Wrecker service; collision service, including body, frame or fender straightening or repair; customizing; painting; welding; or other work involving noise, glare, fumes, smoke or other characteristics normally found in major repair service stations.

AUTOMOBILE WRECKING YARD — Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and including the commercial salvaging of any other goods, articles or merchandise.

BASEMENT — That portion of a building which is partly, but less than half the floor-to-ceiling height, below the average grade adjoining the building, as distinguished from "cellar," which means a story more than half below grade. The basement is counted as a story for the purpose of determining building height, but a cellar is not counted.

BED-AND-BREAKFAST — A single-family dwelling unit that is permitted to be constructed or converted if located in a C-1, C-1A, C-2 or S-1 Zoning District to a dwelling with rooms for temporary occupancy of not more than 12 persons for compensation.

[Amended 12-16-1997 by Ord. No. 1066, approved 12-16-1997]

BOARD HOUSING — See "rooming house."

BOARD or ZONING HEARING BOARD — The Zoning Hearing Board of the Borough of East Stroudsburg.
BOROUGH COUNCIL — The elected governing body of the Borough of East Stroudsburg that has the jurisdiction to render final adjudications in matters relating to conditional use permits.

BUILDING — Any structure having a roof supported by columns or walls, used for the shelter, housing or enclosure of persons, animals or property.

BUILDING COVERAGE, MAXIMUM — The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breezeways, but excluding open patios).

BUILDING HEIGHT — The vertical distance measured from the average finished grade along the wall of the building to the highest point of such building or structure. The average finished grade, in computing the height of buildings, shall be the average elevation of all finished grade elevations around the periphery of the building.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which it is situated.

COMMERCIAL CAMP OR CLUB — A business offering dormitories, cottages, cabins or similar accommodations, eating facilities, sanitary facilities and recreational and/or educational facilities to the public at large or any segment of the public on other than a transient basis. This definition does not include trailer camps.

COMMISSION or PLANNING COMMISSION — The Planning Commission of the Borough of East Stroudsburg.

COMPREHENSIVE PLAN — The complete plan for the continuing development and redevelopment of the Borough of East Stroudsburg, as recommended by the Planning Commission and currently adopted by the Borough Council.

CONVERSION (BUILDING) — Changing the original purpose of a building to a different use; usually referring to the division of a single-family dwelling into apartments, or residential structures into commercial- or institutional-district-type uses.

COOPERATIVE — A cooperative regime involves the purchase of a multiunit building by a cooperative corporation, which in turn sells stock to persons desiring to live in the units. Shares are sold in proportion to the value of the particular living unit for an extended period of time. The shares carry with them the right to enter into a lease (often referred to as a "proprietary lease") for the desired unit

DECK — Usually a wooden deck that does not have a roof and is not enclosed in any way, with the exception of a railing not exceeding four feet above the floor of such deck.

DISTRICT or ZONE — A portion of the territory of the Borough within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DWELLING — Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons. The term "dwelling" shall not be deemed
to include a motel, rooming house, tourist home, hotel, hospital, nursing home, dormitory, fraternity or sorority house or other group residence as defined herein.

A. CONDOMINIUM — A house, townhouse, apartment or any such other permitted dwelling type under this chapter in which the dwelling unit(s) is (are) individually owned and which has all of the following characteristics:

1. The unit (the interior and associated exterior areas designated for the private use in the development plan) is owned by the occupant.

2. The unit may be any permitted dwelling type.

3. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Unit Property Act of July 3, 1963, P.L. 196, and in accordance with the provisions for open space, roads or other development features as specified in this chapter and the Subdivision and Land Development Regulations.

B. DWELLING, SINGLE-FAMILY:

1. DWELLING, SINGLE-FAMILY (DETACHED) — A detached building designed for or occupied exclusively by one family, except for a mobile home as defined below.

2. DWELLING, SINGLE-FAMILY (ATTACHED) — A building designed for and used exclusively as a residence for only one family and having at least one party wall in common with an adjacent building, each structure being situate on a separate lot.

C. DWELLING, TWO-FAMILY:

1. DWELLING, TWO-FAMILY (ATTACHED) — A building containing two units having a party wall in common and having two side yards, being owned by one owner and situate on one lot. (See the definition of "attached structure.")

2. DWELLING, TWO-FAMILY (DETACHED) — A building used by two families, with one unit arranged over the other, and having two side yards.

3. DWELLING, TWO-FAMILY (SEMIDETACHED) — A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

D. DWELLING, MOBILE HOME — A vehicle or movable dwelling structure which is designed to be used for living or sleeping quarters and which stands on wheels or on rigid supports or on a foundation and which contains not more than one dwelling unit, but excluding prefabricated homes or sections thereof and also excluding travel trailers as defined herein.

12. Editor's Note: Said Act was repealed 7-2-1980 by P.L. 286, No. 82. See now 68 Pa.C.S.A. § 3101 et seq.

13. Editor's Note: See Ch. 140, Subdivision of Land.
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E. DWELLING, MULTIFAMILY — A building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units. Such buildings shall consist of the following types:

(1) MEDIUM-DENSITY DWELLINGS — Multifamily structures containing a maximum of six units per gross acre, not exceeding 2.5 stories in height.

(2) HIGH-DENSITY DWELLINGS — Multifamily structures containing a maximum of eight units per gross acre, not exceeding three stories in height.

F. DWELLING, GROUP RESIDENCES — All structures, except rooming or boarding houses, used primarily for the housing of persons nonrelated by blood or marriage, shall be considered group residences. Such group residences shall include but not be limited to dormitories, fraternities and sororities and also all other structures occupied by groups of persons sharing a dwelling. There shall be at least 1,000 square feet of building floor area for each dwelling unit. There shall be no more than two dwelling units occupied by group residents in any conversion residential structure.

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 for living and sleeping purposes.

ESSENTIAL SERVICES — Includes the provision of gas, electrical, steam, communication, telephone, sewer, water, public safety and other similar services. The facilities required to provide such services shall consist of:

A. Limited facilities, including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, police call boxes, traffic signals, hydrants and other similar equipment which does not require enclosure within a building or which can be constructed within a public right-of-way.

B. Major facilities, including equipment which requires enclosure within a building or construction on its own site, such as gas storage areas, substations, telephone exchanges and telephone booths.

FAMILY — One or more persons occupying a single dwelling unit, provided that, unless all members are related by blood or marriage, no such family shall contain over two unrelated persons, but further provided that one domestic servant employed on the premises may be housed on the premises without being counted as a separate family.

FENCE — A barrier, made in whole or part of posts, wire, boards or plant material, which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between a public right-of-way and a property.

FLOODPLAIN — That relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation once in every 100 years.

FLOODWAY — The designated area of a floodplain required to carry the discharge water of a given magnitude. For purposes of this chapter, the floodway shall be capable of a flood of the one-hundred-year magnitude. The floodway must be kept free of encroachment in order that the one-hundred-year flood can be carried without substantial increases in flood heights.
Criteria adopted by the Federal Insurance Administration limit such increases in flood heights to one foot, provided that hazardous velocities are not produced.

**FLOODWAY FRINGE** — That portion of the one-hundred-year floodplain outside the floodway.

**FLOOR AREA or GROSS FLOOR AREA** — The total gross horizontal area on all floors as measured to the outside surfaces of exterior walls or from the center line of party walls separating two buildings, excluding crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces.

**GAMBLING OR OFF-TRACK BETTING ESTABLISHMENTS** — Includes any and all gambling uses, including, but not limited to, off-track betting establishments, but excluding small games of chance, legal lottery sales and bingo, whether or not including a restaurant, night club, bar or similar use. [Added 5-19-1998 by Ord. No. 1072, approved 5-19-1998]

**HANDICAPPED** — A person with a physical or mental disability that substantially limits physical activity. All handicap ramps do not have to meet yard setbacks, provided that they are no higher than four feet and do not block or interfere with a public right-of-way.

**HOME OCCUPATION** — An occupation conducted in a dwelling unit, provided that:

A. No persons other than members of the family residing on the premises shall be engaged in such occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the principal building.

D. No home occupation shall be conducted in any accessory building.

E. There shall be no retail sales in connection with such home occupation.

F. No traffic shall be generated by such home occupation in greater volumes than two cars at the same time in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by the off-street parking requirements. Such parking shall not be permitted in the front yard.

G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference.

**HOSPITAL** — An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.
JUNK or SALVAGE — Any discarded material or articles, including but not limited to scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

JUNKYARD (SALVAGE YARD) — Any lot, land, structure or part thereof where junk or salvage is discarded, bought, sold, exchanges, stored, baled, cleaned, packed, disassembled or handled. See also "automobile wrecking yard."

KENNEL — The keeping of six or more dogs on one lot, whether for pay or as individual pets.

LAND DEVELOPMENT — Any of the following activities:

A. The improvement of one lot or two or more contiguous lots or parcels of land for any purpose involving:

   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.

   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

LIGHTING — In all zoning districts of the Borough, private luminaries for commercial and residential uses, such as spotlights, floodlights, dusk-to-dawn lights, etc., shall be designed and mounted with the following consideration:

A. Illumination shall be directed in a downward manner and shall be arranged to reflect light away from all adjoining landowners. Light shall require shielding if reflecting onto other properties.

B. Luminaries shall not be located more than 20 feet above ground level nor higher than the principal building located on premises, whichever is less.

LIVESTOCK — Poultry and rabbits are the only livestock permitted in the Borough of East Stroudsburg. These may be owned and raised for personal consumption only. No retail use of livestock is permitted. No livestock will be allowed if, in the opinion of the Borough Zoning Officer or Borough Health Officer, it is not being kept in a safe and healthy manner. All hoofed animals (cows, horses, goats, etc.) may be kept on parcels greater than one acre, at a ratio of two per acre.

LIVING SPACE and REQUIRED SPACE — As contained in the applicable codes as adopted by the East Stroudsburg Borough Council. Notwithstanding anything to the contrary, living space shall include, however, bathrooms and closets. All hallways shall be excluded in ascertaining living space.

LOT — A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use.
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and uses accessory or incidental to the operation thereof, together with such open spaces as required by this chapter, and having frontage and access on a public street.

A. LOT, CORNER — A lot located at the intersection of two or more streets having an angle of intersection of not more than 135°. For the purpose of determining yard requirements, all sides of a lot adjacent to the public right-of-way shall be considered frontage. Yards shall be provided as indicated under yard requirements in these regulations.

B. LOT DEPTH — The mean horizontal 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.

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.

MAXIMUM BUILDING HEIGHT — The highest elevation of a building from finished grade at the location that the building elevation is the most above ground. The maximum building height shall be no greater than is stated in the Table of Bulk Regulations. 14

MECHANICAL TELLER — A computer operated banking facility, either drive-through or walk-up.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

MOBILE HOME PARK — A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

MIXED USE [VERTICAL (STRATIFIED) ZONING] — Zoning which allows different uses to be located at different elevations in the same building. In commercial districts, the ground
floor is restricted to commercial uses, while residential uses are permitted above the ground floor.

MUNICIPALITIES PLANNING CODE (MPC) — Act 247 of 1968, as amended by Act 170 of 1988. 15

NONCONFORMING LOT — Any lot which does not conform to the minimum width, depth and area dimensions specified for the district where such a lot is situated.

NONCONFORMING STRUCTURE — A building or structure, or portion thereof, irrespective of use, lawfully existing at the time of passage of the chapter (or as later amended), designed or arranged in a manner which does not conform to dimensional use regulations applicable in the zoning district in which it is located and which is not adaptable without major structural alterations.

NONCONFORMING USE — A use of a structure or a lot, or portion thereof, lawfully existing at the time of this chapter, or as later amended, which does not conform to the use regulations applicable in the zoning district in which it is located.

NURSING HOME — Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

OPEN SPACE — The unoccupied space open to the sky on the same lot as the principal building. This area excludes the areas of principal and accessory structures, streets, driveways and parking areas but may include areas occupied by walkways, open patios, playgrounds and other such areas occupied by outdoor recreation or play apparatus.

PARKING LOT, PUBLIC — Any open area, other than a street, alley or place, used for the temporary parking of more than two self-propelled vehicles and available for public use as an accommodation for clients or customers. The parking surface shall be paved with an all-weather surface in accordance with §§ 157-64, 157-65 and 157-66.

PARKING LOT, SEMIPUBLIC — Any open area, other than a street, alley or place, used for temporary parking of more than two self-propelled vehicles as an accessory use to semipublic institutions, schools, churches and hospitals. The parking surface shall be paved with an all-weather surface in accordance with §§ 157-64, 157-65 and 157-66.

PARKING SPACE, PRIVATE OFF-STREET — A surfaced area not in a street or alley and having an area of not less than 162 square feet per car permanently reserved for the temporary storage of automobiles, accessory to the principal use of the lot and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles. No space shall be located within 15 feet of any street pavement. [Amended 1-3-1995 by Ord. No. 1026, approved 1-3-1995]

PATIO — An area or courtyard 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, fence or hedge. Any patio exceeding 12 inches in height shall be considered a deck.

15. Editor's Note: See 53 P.S. § 10101 et seq.
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PERMIT — A document issued by the Borough of East Stroudsburg authorizing an applicant to undertake certain activities.

A. 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 required under the terms of this chapter.

B. ZONING PERMIT — A permit issued indicating that a proposed use, building or structure is in accordance with the provisions of this chapter and authorizing an applicant to proceed with said use, building or structure.

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 chapter and may be used for the purposes set forth in the occupancy permit.

PERMITTED USE — Any use which does not require special action by the Board before a zoning permit is granted by the Zoning Official.

PHASE — A portion of a larger project that can stand on its own by fulfilling all requirements of this code.

PLACE OF WORSHIP — A church or religious institution where individuals gather to worship. [Added 12-16-1997 by Ord. No. 1066, approved 12-16-1997]

PLANNED RESIDENTIAL DEVELOPMENT — An area of land controlled by a landowner, to be developed as a single entity for a specified number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, lot coverage and required open space to the regulations established in any one residential district.

PLANNING COMMISSION — A Commission appointed by Borough Council to provide for the orderly growth of the Borough.

PORCH — A roofed or unroofed structure projecting from the front, side or rear wall of the building which shall have no wall more than 36 inches high and which shall be open on all sides except the side adjoining the building. All porches shall be regulated as a part of the principal structure.

PRINCIPAL STRUCTURE — A building in which is conducted the principal use of the lot on which it is situated in any residential district. Any structure containing a dwelling unit shall be deemed to be the principal building.

PROFESSIONAL OFFICE — Includes the office of a physician, dentist, optometrist, minister, architect, landscape architect, planner, engineer, insurance man, realtor, accountant, lawyer, author, musician and such other professional occupations which may be so designated by the Zoning Hearing Board. By so designating, the Board must find that such occupation is truly professional in character by virtue of the need for similar training or experience as the above and as a condition of the practice thereof. The practice of such occupation shall in no
way adversely affect the safety and amenity of surrounding property to a greater extent than for the professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the governing body, planning agency or Zoning Hearing Board, intended to inform and obtain public comment prior to taking action in accordance with this chapter.

PUBLIC MEETING — A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act." 16

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 not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RAMP — A sloping wall or roadway.

RATED X — An adult use, such as a bookstore, peepshow/booth or massage parlor, where an individual must be over 18 to enter. Such uses are permitted in all commercial districts as a special exception, provided that they are more than 5,000 feet from any church, school or establishment selling or serving alcoholic beverages. All property owners within 1,000 feet must be notified by certified mail by the applicant at the time of filing his application. All provisions of all Borough codes must be met.

RECREATION —

A. COMMERCIAL RECREATION — Recreation facilities operated as a business and open to the general public for a fee.

B. NONCOMMERCIAL PRIVATE RECREATION — Clubs or recreation facilities operated by nonprofit organizations and open only to their members and gratuitous guests.

C. PUBLIC RECREATION — Recreation facilities operated as a nonprofit enterprise by a governmental entity or a nonprofit organization and open to the public.

D. PRIVATE RECREATION — A recreation facility located on private property, accessory to the principal structure and used and enjoyed solely by the residents and their friends for entertainment. Such facilities shall not be accessible to the general public. Facilities include but are not limited to swimming pools, tennis courts and basketball courts.

RETAIL FURNITURE SHOWROOM — A premises which is used exclusively for the display of commercial and/or residential furniture, furnishings, mattresses, carpeting and related goods and merchandise for inspection and purchase/ordering by the general public, provided that warehousing, customer pickup and delivery operations associated with the business are conducted off premises and that there are no direct sales and deliveries to customers on premises, other than incidental sales of one-of-a-kind or discontinued goods or

merchandise which are not warehoused by the business or otherwise available from the manufacturer for retail sale by the business. [Added 8-3-1999 by Ord. No. 1088, approved 8-3-1999]

RETAIL SALE — The sale of goods, especially in small quantities, to the general public for personal and household consumption.

ROOMING OR BOARDING HOUSE — A building containing a single dwelling unit occupied by the owner and rooms for the rooming and/or boarding of not more than six persons for compensation.

SERVICE STATION — See "automotive service station."

SHOPPING CENTER — Any development containing five or more acres consisting of a single store, such as a department store, or a group of two or more stores planned and designed to function as a facility for the lot on which it is located with off-street parking provided as an integral part of the facility. [Amended 8-25-1994 by Ord. No. 1016, approved 8-25-1994]

SHOPPING CENTER PLAZA — A group of two or more stores planned and designed to function as a unit on a lot less than five acres in size, with off-street parking provided as an integral part of the facility. [Added 12-16-1997 by Ord. No. 1066, approved 12-16-1997]

SIGN, ADVERTISING (OFF-PREMISES) — 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.

SIGN, ADVERTISING (ON-PREMISES) — Any advertising display on which is shown the products, accommodations, services or activities on the premises or anything else that draws attention to the activities on the premises.

SIGN, A-FRAME — A freestanding sign whose bottom structural support rests on a public sidewalk.

SIGN, BUSINESS — A sign which directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

SIGN, DIRECTIONAL/INFORMATION — An on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

SIGN, FASCIA — Every sign attached to a wall, forming part of a building which fronts on a street. The plane of such sign shall not project more than 18 inches from the face of such wall.

SIGN, FREESTANDING — A sign permanently supported independently of a building or other structure, having its own supports, such as a pole, imbedded in concrete.

SIGN, GROSS SURFACE AREA OF — The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same.
SIGN, PROJECTING — A sign projecting more than 18 inches from a building to which it is attached.

SIGN, REAL ESTATE OR CONSTRUCTION — A sign advertising land sale or improvements thereto or describing construction activities or a firm doing work related to construction on the premises on which the sign is located.

SIGN, TEMPORARY — A temporary sign, including flags and banners, but not including a frame-type sign which directs attention to a special activity, sale or entertainment event. Such signs are not intended to be permanently affixed to a structure and shall be removed at the end of the event, sale or special activity. However, in no case shall a temporary sign be displayed longer than 14 days.

SITE PLAN — A plan depicting the lot boundaries and all present and future improvements. For an application to be complete, a site plan shall be submitted with all applications. The distance from any structure to the lot boundaries shall be clearly shown on the plan.

SKATEBOARD —
A. A narrow board about two feet long mounted on roller-skate wheels.
B. A single platform mounted on wheels, having no mechanism with which to steer or control the direction or movement while being operated.

SPECIAL EXCEPTION USE — A use which, because of its unique characteristics, requires individual consideration in each case by the Zoning Hearing Board before a zoning permit may be issued in accordance with the general land use characteristics of the neighborhood.

STORMWATER MANAGEMENT — A program of stormwater management is designated to preserve and restore the flood-carrying capacity of streams; to preserve to the maximum extent practicable natural stormwater runoff regimes and natural course, current and cross section of water of the Borough; and to protect and conserve groundwaters and groundwater recharge areas. Required stormwater plans shall be based on Appendix B, Stormwater Management Criteria, of Chapter 140, Subdivision of Land, of the Code of the Borough of East Stroudsburg. [Amended 8-25-1994 by Ord. No. 1016, approved 8-25-1994]

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET — A public or private thoroughfare which affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure, but not including normal maintenance or minor repairs or improvements.

STRUCTURE — Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including
stationary and portable carports. All such structures shall meet the setback requirements as set forth in this chapter.

SWIMMING POOL, PRIVATE OUTDOOR — 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, and provided that the edge of the pool is not located closer than 10 feet to any property line and that a four-foot high fence measured from the ground level shall completely surround the area of all pools. Permits shall be required for all pools capable of holding two or more feet of water (in depth). In the case of aboveground pools, the sidewalks may be considered as part of the fencing requirements. A pool may not be constructed in the required front yard.

TEMPORARY — A period of 14 days, and shall be applicable unless otherwise specified in this chapter.

TIME-SHARING — Mutual ownership of real estate for lawful purposes by more than one party with the understanding that the occupancy will be proportionately divided among the investors.

TRAVEL TRAILER — A vehicle less than 30 feet in length and used for temporary living or sleeping purposes and standing on wheels.

USABLE OPEN SPACE — A portion of a lot used for residential purposes, exclusive of required front, rear 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.

VARIANCE — The Board’s authorized departure to a minor degree from the text of this chapter in direct regard to a hardship peculiar to an individual lot in accordance with the procedures set forth in this chapter.

WETLANDS — Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. "Wetlands" generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds (as defined in Executive Order 11990, Protection of Wetlands). No structure shall be located within 50 feet of any wetland-designated area.

YARD — An open space, as may be required by this chapter, 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 chapter.

ZONING OFFICER — The administrative officer charged with the duty of enforcing the provisions of this chapter.

In order to implement the purpose of this chapter, the Borough is hereby divided into various districts, with the designations and general purposes listed below and the specifically permitted and prohibited uses tabulated in Article IV.

A. R-1 Single-Family Residential District: primarily a one-family detached dwelling district with adequate lot areas required and the customary accessory uses.

B. R-2 Two-Family Residential District: an area comprised of one-family detached and attached dwellings, with medium size lot areas and customary accessory uses.

C. R-3 One- and Two-Family Residential District: primarily a one- and two-family dwelling district with smaller lot areas per family, but including one-family detached and one-family attached dwellings, certain residential related uses and the customary accessory uses.

D. C-1 Community Commercial District: primarily for commercial development which serves the adjacent residential neighborhoods.

E. C-1A Central Business District: It is the purpose of the C-1A District to accommodate commercial activities commonly found in the core of a Borough which require a concentration of businesses or a high pedestrian volume to be successful and where on-street public parking facilities are available.

F. C-2 Heavy Commercial District: primarily for limited heavy commercial and industrial development because of location, existing facilities and relationship to other land uses. These areas would also include uses of a product storage or product limited production and service nature.

G. M-1 General Industrial District: primarily for manufacturing, assembling and fabrication activities, including large scale or specialized industrial operations requiring good access by road and/or railroad and perhaps requiring special sites or services.

H. S-1 Special Purpose District: essentially for areas offering a variety of development potential by virtue of topography, vegetation, drainage, floodplain or other natural conditions. "Variety" also connotes uses including commercial and residential uses as outlined in Article IV.

I. I-M Institutional Medical District (hospital): area best suited for medical activities.

J. I-U Institutional University District (University): area best suited for university activities.

K. Aquifer Protection Area: It is the purpose of this overlay district to protect the groundwater that serves as the supply of water for the Borough of East Stroudsburg.

L. Airport Overlay District: The Airport Overlay District is a strategy which promotes compatible land uses in turn allowing the coexistence of airport operations.
M. I-UA Institutional University A District (University): Area best suited for the administrative purposes, cultural facilities and educational purposes of the university, such as offices, an alumni center and an arts or music center, but specifically excluding student housing, food services and active recreational facilities such as a gymnasium or outdoor swimming pool. [Added 5-17-1994 by Ord. No. 1013, approved 5-17-1994]


A. The location and boundaries of these districts are established as shown on the attached Zoning Map of the Borough of East Stroudsburg, dated May 2001, and as subsequently amended. The Zoning Map is hereby made a part of this chapter.

§ 157-33. 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.

ARTICLE IV
Basic District Regulations

§ 157-34. General provisions.

The basic regulations governing the use of land and the size of lots, yards and buildings within each zoning district are established in this article. These basic regulations are further supplemented by Article V and by other provisions of this chapter as pertain to certain specific situations.

§ 157-35. Regulations governing use of land.

Regulations governing the use of land within the various zoning districts shall be as set forth in Article IV.


Regulations governing the size of lots, yards and buildings in the various zoning districts shall be as set forth in the Table of Bulk Regulations.

17. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.
18. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.
19. Editor's Note: The Table of Bulk Regulations is included at the end of this chapter.
§ 157-37. Preexisting special exceptions.
Any use existing on the effective date of this Zoning Chapter which is classified as a special exception in the district in which the land occupied by the use is located shall be deemed to have been granted special exception, subject to maintaining the character and extent of use and structure existing on that date. Any application for a change in use or structure shall require review and approval by the Zoning Hearing Board.

The following uses are prohibited in any zoning district:

A. Any use that involves the use or production of dangerous and hazardous materials or products.
B. Any use that may cause injury, annoyance or disturbance to any of the surrounding properties or to their owners and occupants.
C. Any use which involves the discharge or dispersal of liquid or solid wastes which may adversely affect health or sanitation of persons or cause contamination of the soil or watercourses.
D. Any use which is noxious or objectionable by reason of the emission of smoke, dust, ash or other form of air pollution.
E. Dumps or disposal sites, except a refuse disposal site established as an official Borough refuse disposal site or a refuse site duly licensed by the Borough Council.
F. Artificial lighting facilities of any kind with light sources which create glare beyond the lot lines.
G. Mobile homes and trailers for occupancy on any lot outside the established boundary of a mobile home park or a trailer camp.

In the Table of Use Regulations, those uses permitted by right are designated by the symbol "X." Those uses that may be permitted by special exception in accordance with § 157-20 are designated by the symbol "S." Those uses that may be permitted upon approval by the Borough Council are designated by the symbol "C." Where no symbol occurs in a district column for a particular use, such use is not permitted in that district.

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20. Editor's Note: The Table of Use Regulations is included at the end of this chapter.
ARTICLE V
Supplementary Regulations

§ 157-40. Permitted deviations from required areas.
The minimum lot, yard and height requirements of Article IV shall prevail in all cases, except as follows.
§ 157-41. Existing nonconforming lots.

A. In any one where a nonconforming lot exists as a separate entity at the time of passage of the original Zoning Chapter adopted February 5, 1963, or subsequent amendments thereto, and where the owner of the nonconforming lot does not own an adjoining lot, the following development is permitted:

(1) If the lot is located in the R-1, R-2 or R-3 District, a single-family dwelling may be constructed on it as a permitted use, provided that the lot has a lot width of 40 feet and is in at least sixty-percent compliance with each of the following requirements for the single-family dwelling, as specified in the district in which the lot is located: rear yard, side yard and maximum building coverage.

(2) The following requirements shall be met before the issuance of a permit:

(a) Two off-street parking spaces shall be provided. Such parking shall not be in the front yard.

(b) Copies of deeds shall be provided by the applicant, from a period of February 5, 1963, to the present, of all abutting properties.

(c) The applicant shall detail all past and present uses of the lot.

(3) If the lot is located in any remaining district, then a structure may be constructed, but not exceeding the maximum height for a use permitted in the district in which it is located, as shown on the bulk regulations chart, provided that the off-street parking and loading requirements of this chapter shall be complied with and that the front, side and rear yards are in keeping with the surrounding area.

B. All such development shall be first reviewed by the Planning Commission and approved by the Zoning Hearing Board prior to the issuance of a permit.

§ 157-42. Nonconforming uses.

A. In all I-M, I-U, C and M Districts, expansion or enlargement of existing residential structures is permitted if the area requirements of the R-2 Zoning District are met.

B. Any legal nonconforming use may be continued, repaired, maintained and improved except as provided below, subject to the review and approval by the Zoning Hearing Board after a duly advertised public hearing.

(1) Enlargement. Such nonconforming use may not be enlarged more than 25% of the existing floor or use area.

(2) Restoration. If less than 50% of the floor area of any such nonconforming use is damaged, it may be restored or reconstructed within a period of 12 months of the date of the damage.

21. Editor's Note: The Table of Bulk Regulations is included at the end of this chapter.
(3) Discontinuance. No such use may be reestablished after it has been discontinued or vacated for a period of 12 months or more, unless an extension is granted.

(4) Change of use. A nonconforming use may be changed to another nonconforming use only if such change is more appropriate to the character of the district in which it is located.

(5) All parking and off-street loading requirements shall be met with the expansion of any nonconforming use.


Where a lawful structure exists on the effective date of the Zoning Chapter or subsequent amendments that could not be built under the terms of the Zoning Chapter by reason of restrictions on area, lot coverage, height or yards, it may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. In any residential district where a structure is nonconforming because it does not fulfill the yard requirements of the district in which it is located, it may be enlarged, provided that the addition is extended along the existing building line. Such extension shall not be permitted to encroach any further into the yards than as currently nonconforming nor cause a nonconformity.

B. In no case shall any addition be larger than 25% of the gross floor area of the existing building.

C. A nonconforming structure which is damaged by fire, explosion or act of God may be rebuilt and used for the same purposes, provided that the reconstruction of the building is commenced within one year from the date of the destruction of the building and is carried out to completion without undue delay. In no case shall the reconstructed structure be larger than the one existing at the time of destruction.

§ 157-44. (Reserved) 22

§ 157-45. Front yard exception.

When an unimproved lot is situated between two improved lots, each having a principal building within 20 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.

§ 157-46. Front yard exception for corner lots.

When an unimproved corner lot is situated adjacent to two improved lots, then the front and side yards of the corner lot which abut the street right-of-way may be reduced to a depth

22. Editor's Note: Former § 157-44, Amortization of nonconforming signs, was repealed 12-16-1997 by Ord. No. 1066, approved 12-16-1997.
equal to the respective front yards of the adjoining lots; provided, however, that each yard may not be reduced to below 10 feet.

§ 157-47. Projections into yards.

Projections into required yards shall be permitted as follows. In residential districts, in no case shall a structure or projection, except for patios, be located closer than four feet to any side or rear lot line or 15 feet to any front lot line.

A. Bay windows, carports, decks, fireplaces, fire escapes, chimneys, uncovered stairs and landings, balconies and cornices, canopies, marquees, eaves or other architectural supports may project into the required side, front or rear yard not more than a total of three feet, unless the feature is a same-size replacement for a preexisting condition which has become unsafe or unsightly.

B. Patios may be located in the required side and rear yards not closer than three feet to any adjacent property line and may project into front yards not closer than 15 feet to the street right-of-way line.


District height limitations shall not apply to church spires, cupolas and domes, monuments, water towers, chimneys, smokestacks, silos, flagpoles, radio and television towers, masts and aerials, and parapet walls extending not more than four feet above the limiting height of the building, except as otherwise provided in Article VII, Airport Overlay District.

§ 157-48.1. More than one principal building or use on a lot.

Except as otherwise authorized in this code, the erection of more than one permitted principal building or use on a single lot is allowed, provided that each building meets the setback requirements and lot width, lot depth and lot area requirements as if it were on a separate lot in that district.

§ 157-49. 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 otherwise permitted in this chapter.

§ 157-50. Lots fronting on an alley.

Individual lots, existing at the effective date of this chapter, fronting on an alley shall comply with all the requirements of this chapter and the district in which said lots are located.
§ 157-51. Corner lots.
No obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches in height shall be erected 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 each located 30 feet from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

§ 157-52. Accessory structures.
All accessory structures shall conform to the minimum yard regulations established in Article IV, except as permitted below.

A. Unattached structures accessory to residential buildings. Structures accessory to residential buildings which are not attached to a principal structure may be erected within the required side and rear yards of a principal structure, provided that they conform to the following:
   (1) Maximum height: 1 1/2 stories or 15 feet in height.
   (2) Distance from side lot line: not less than four feet from the side lot line, except in the case of corner lots where the full side yard as specified in the Table of Bulk Regulations shall be maintained.
   (3) Distance from rear lot line: not less than four feet from the rear lot line.
   (4) Distance from principal structure: not less than 10 feet from a principal structure.

B. Unattached structures accessory to nonresidential buildings. Such accessory structures shall comply with front and side yard requirements for the principal structure and shall have a minimum rear yard of at least 10 feet. The maximum height of such structures shall be 1 1/2 stories or 15 feet.

C. Fences and walls. Unless specifically noted, the provisions of this chapter shall not apply to fences, terraces or walls less than six feet in height above the average natural grade nor to terraces, steps or other similar features not over three feet high above the level of the floor of the ground story. Fences and walls higher than six feet above the average natural grade will be considered accessory structures.

D. Pet enclosures. Enclosures used for household pets are to be in the rear yard areas only and not closer than three feet to a property line.

Home gardening and accessory structures used for nurseries or as greenhouses are permitted in residential areas, provided that they are used by the residents for noncommercial purposes, and provided further that they shall not include the outdoor storage of equipment and supplies.

23. Editor's Note: The Table of Bulk Regulations is included at the end of this chapter.
§ 157-54. Private outdoor swimming pools.
A. See the definition of "swimming pool, private outdoor" in § 157-26.
B. 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, and provided that the edge of the pool is not located closer than 10 feet to any property line and that a four-foot-high fence shall completely surround the area of all pools.
C. Permits shall be required for permanent pools capable of holding two or more feet of water.

§ 157-54.1. Outdoor recreation facilities.
A. Institutional University District. All outdoor recreational facilities are permitted in the Institutional University District, provided that they do not cause more than 65 dB of sound level between 9:00 p.m. and 7:00 a.m. at the property boundary of any residential lot.
B. Residential districts.
   (1) Except as otherwise provided for in this chapter, all construction of outdoor recreational facilities shall be by special exception, with the following exceptions:
      (a) Basketball poles, baskets and back stops when facing away from a public street.
      (b) Jungle gyms less than 15 feet high.
      (c) Skateboard ramps are not allowed in any residential district.
   (2) Outdoor recreational facilities shall include but are not limited to tennis courts and ice skating rinks.
   (3) Requirements shall be as follows:
      (a) No sound level of over 60 dB shall be measured at lot boundaries.
      (b) Screening and landscaping to reduce impact on abutting properties.
      (c) No lighting.
      (d) Full yard setbacks when any structure is over six feet.
C. Commercial districts. In all C-1 and C-2 Districts, outdoor recreational facilities are permitted by special exception. Outdoor recreational facilities are not permitted in the C1-A District. Such facilities shall include but are not limited to tennis courts, skateboard ramps, ice skating rinks, miniature golf and other golf courses.
D. Special requirements shall be as follows:
§ 157-54.1 EAST STROUDSBURG CODE § 157-56

(1) Off-street parking requirements as specified in §§ 157-64, 157-65 and 157-66.

(2) No sound level of over 60 dB at a lot boundary (40 dB if abutting a residential district). Sound-proofing, when possible, is required.

(3) Lighting according to §§ 157-88 and 157-88.1.

(4) A setback of 25 feet for any structure abutting a residential district.

§ 157-55. Pedestrian skywalks.

A. General provisions. The purpose of this section is to permit pedestrian skywalks in the I-M, I-U and C-1A Districts as a conditional use where, in the opinion of the Council of the Borough of East Stroudsburg, pedestrian skywalks are necessary to segregate pedestrians from vehicular traffic thereby improving the flow of both people and automobiles.

B. Design standards. The following general standards shall be applied to any proposed skywalk construction:

(1) Pedestrian skywalks shall be designed so to be architecturally integrated with existing and proposed structures.

(2) Skywalks shall be a minimum of 14 feet above finished grade at all points.

(3) All skywalks shall be lighted to aid in the safety of pedestrian movement and to discourage vandalism or acts of violence. Lighting shall comply with § 157-88.1.

(4) All skywalks shall be completely enclosed with glass and/ or other acceptable materials to be approved by the Borough Council.

§ 157-56. Parking structures.

A. General provisions. The purpose of this section is to permit parking structures in the I-M, I-U, C-1, C-1A and C-2 Districts as a permitted use.

B. General design criteria.

(1) The parking structure exterior shall be harmonious with surrounding buildings and integral with the treatment of the buildings they are built to serve.

(2) The location of parking structure entrances and exits must be planned so as to have the least impact on residential streets and busy intersections.

(3) Facade length and height must be limited so as not to create large blank walls without the benefit of architectural relief and landscaping.

(4) Setbacks must be consistent with what is required for the district within which it is located.
(5) Interfloor travel system. Interfloor travel systems shall be designed to provide for the maximum ease of circulation within the structure and to create a minimum dump-time at peak hours.

(6) Interior garage signage. Directional and informational signs shall be placed so as to direct motorists to parking spaces and exits and should inform the driver of one-way aisles and ramps. They shall also direct pedestrians to exits, stairs and elevators.

(7) Exterior garage signage. Directional signs for entrances and exits shall be posted as needed; however, no such signage shall be larger than 12 square feet in size.

(8) Lighting within the garage is necessary to aid in the safety of movement and to discourage vandalism or acts of violence. The table below presents minimum and desirable lighting standards for garages. A high light level is needed at the entrance where a driver proceeds from bright sunshine into the garage.

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Light Intensity (footcandles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entrance</td>
<td>50-80</td>
</tr>
<tr>
<td>Driving aisles</td>
<td>8-10</td>
</tr>
<tr>
<td>Over parked vehicles</td>
<td>3-5</td>
</tr>
</tbody>
</table>

(9) Setback requirements. Bulk, area and setback requirements shall conform to the requirements of the district within which the structure is proposed.

(10) Landscaping. A planting shall be provided along all property lines where street rights-of-way abut the parking structure. The minimum landscaping strip shall be eight feet wide, to be planted with shade trees and low shrubs. Provide a minimum of one shade tree per every 40 feet of lot frontage. Additional shade trees may be necessary to effectively shade/screen the parking structure.

§ 157-57. Signs in residential districts.

A. Nonilluminating, nonanimated and nonadvertising signs are permitted in R-1, R-2 and R-3 Districts in accordance with the requirements set forth in the following table:

<table>
<thead>
<tr>
<th>Sign</th>
<th>Maximum Area (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nameplates and identification signs</td>
<td>1.5</td>
</tr>
<tr>
<td>Sale, rental or temporary signs</td>
<td>4</td>
</tr>
<tr>
<td>Signs accessory to nondwelling uses or activities</td>
<td>6</td>
</tr>
<tr>
<td>Directional or safety signs</td>
<td>6</td>
</tr>
</tbody>
</table>
B. No such sign shall be higher than 10 feet.

C. 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.

D. Zoning permits are required for signs proposed in the residential districts.

E. Freestanding signs that advertise a name other than the occupant’s are prohibited.


Nonflashing and nonanimated business signs are permitted in all Commercial and Industrial Districts (C-1, C-1A, C-2, S-1, INST and M-1) in accordance with the following:

A. Area of signs. In no case shall any single sign or sign structure exceed 300 square feet in area and no principal establishment contain more than one freestanding sign for the purpose of advertisement. A wraparound sign, including a lighted strip which may serve to identify a particular use, is permissible and considered to be one sign, not to include safety or directional signs which are not used for identification purposes. Flashing and animated signs of any size are not permitted. The maximum gross area of all signs located on any property shall be in accordance with the requirements set forth in the following table:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Gross Surface Area of all Signs per Foot of Lot Frontage (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-1</td>
<td>2</td>
</tr>
<tr>
<td>C-1A</td>
<td>2</td>
</tr>
<tr>
<td>C-2</td>
<td>2</td>
</tr>
<tr>
<td>S-1</td>
<td>2</td>
</tr>
<tr>
<td>M-1</td>
<td>2</td>
</tr>
<tr>
<td>INST-M, INST-U and INST-UA</td>
<td>2</td>
</tr>
</tbody>
</table>

NOTES:
1Signs located on one or more faces of a single sign structure shall be counted separately.

B. Height of signs. No sign may be higher than 30 feet above the ground.

C. Multiple frontage. Where an occupancy is on a corner or has more than one right-of-way frontage, one additional sign per frontage will be allowed, provided that it does not exceed the maximum gross surface area of all signs as specified in the chart above.

D. A frame signs shall be prohibited.
§ 157-58. Special sign regulations applicable to shopping centers.
A. The following provisions shall apply to shopping center freestanding signs, notwithstanding the district in which located:
   (1) One freestanding sign shall be permitted for each entrance to the shopping center, but in no case shall more than two freestanding signs be permitted per shopping center.
   (2) The maximum area of any one freestanding sign shall be 300 square feet. A double-faced sign shall be counted as two signs.
   (3) The maximum height of any freestanding sign shall be 30 feet.
B. In addition to the freestanding sign, wall signs shall be permitted for each individual tenant. The total signage area shall be calculated in accordance with § 157-58 and divided equally among all tenants in the shopping center. [Amended 12-16-1997 by Ord. No. 1066, approved 12-16-1997]

§ 157-60. Special sign regulations applicable to the Central Business District.
The following provisions shall apply to the Central Business District:
A. Purpose. The regulations in this section are intended to coordinate the use, placement, physical dimensions and design of all signs within the Central Business District (C-1A).
B. Prohibited signs shall be signs of any kind, except building fascia or window signs. These signs may be illuminated or nonilluminated. [Amended 8-25-1994 by Ord. No. 1016, approved 8-25-1994]
C. General design standards. Signs shall not conceal any of the building’s ornamental or architectural features.
D. The accumulative area of sign area shall not exceed the maximum sign area allowable in the district as specified in § 157-58.

§ 157-61. Temporary signs. 24
A. Temporary signs which are to be erected for a special event or purpose legally permissible in the Borough are permitted in all districts subject to the following:
   (1) Signs which refer to any single temporary event or purpose, which do not exceed two in number or seven square feet in area and which are not to be located in any public right-of-way shall not require any zoning permit, provided that such signs

24. Editor’s Note: Zoning permit required.
§ 157-61. General sign regulations. 

The following regulations shall apply to all permitted sign uses:

A. Location.

(1) The main supporting structure of all freestanding business signs and freestanding signs permitted in residential or other districts shall not be located closer than three feet to any property line, except for official traffic signs or other governmental signs.

(2) Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward from the wall to which they are attached.

(3) Signs shall not be located in any public right-of-way, except when such signs are required in connection with the provision of essential services or when such signs are permitted as temporary signs as provided for in this chapter.

B. Illuminated signs. Illuminated signs shall not cause any excessive glare or electrical or other disturbance which shall be incompatible with the nature of the adjoining neighborhood in which they are located. However, in no case shall flashing signs or lights be permitted in the windows of commercial establishments.

C. Attachment. All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements.

D. 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 standpipe or fire escape.

E. Zoning permit. A zoning permit shall be required for the erection or alteration of any sign, except nameplates, identification signs, home occupation signs, sale or rental signs or as otherwise provided in this chapter.

F. Replacement of hanging or suspended signs. No existing hanging or suspended sign may be reconstructed or replaced.

§ 157-62. Political signs, including posters, may not be erected more than two weeks prior to election day and shall be removed within 24 hours following election day. The fee for political signs shall be $25.


The following regulations shall apply to all permitted sign uses:

A. Location.

(1) The main supporting structure of all freestanding business signs and freestanding signs permitted in residential or other districts shall not be located closer than three feet to any property line, except for official traffic signs or other governmental signs.

(2) Signs attached to any structure shall be attached flat against the structure and shall not hang, suspend or project outward from the wall to which they are attached.

(3) Signs shall not be located in any public right-of-way, except when such signs are required in connection with the provision of essential services or when such signs are permitted as temporary signs as provided for in this chapter.

B. Illuminated signs. Illuminated signs shall not cause any excessive glare or electrical or other disturbance which shall be incompatible with the nature of the adjoining neighborhood in which they are located. However, in no case shall flashing signs or lights be permitted in the windows of commercial establishments.

C. Attachment. All signs shall be constructed and securely fastened in a manner which will prevent their displacement by the elements.

D. 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 standpipe or fire escape.

E. Zoning permit. A zoning permit shall be required for the erection or alteration of any sign, except nameplates, identification signs, home occupation signs, sale or rental signs or as otherwise provided in this chapter.

F. Replacement of hanging or suspended signs. No existing hanging or suspended sign may be reconstructed or replaced.
§ 157-62

G. 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, it shall not have flashing or intermittent lighting or red, green or amber illumination.

H. Real estate signs. Real estate or construction signs, as defined in § 157-30, shall not be larger than nine square feet in size. These signs are limited to on-premises only. There shall be no fees associated with real estate or construction signs.

I. Flags and banners. The use of flags and banners for temporary advertising purposes requires a zoning permit. No flag or banner sign shall be in place longer than 14 days.

§ 157-63. Off-premises signs.

An off-premises sign is a sign structure advertising or drawing attention to an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which said sign is located, e.g., billboards or outdoor advertising. Off-premises signs are permitted in the S-1 Zone by special exception, subject to the following controls and any other safeguards the Zoning Hearing Board may require:

A. In no case shall any off-premises sign exceed 300 square feet in area and 30 feet in height, measured from the lowest ground elevation of the support or sign base.

B. All off-premises signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

C. All off-premises signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the Borough's Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 36 inches horizontally or vertically to any conductor or public utility guy wire.

D. A zoning permit shall be required for each new sign face to be installed on a sign or any new sign planned to be erected in order to determine compliance with the off-premises sign requirements. An application for review shall be submitted to the Zoning Officer and approved as to its design prior to any change in the appearance of the sign. [Added 6-1-1999 by Ord. No. 1087, approved 6-1-1999]

E. No off-premises sign shall be closer than 2,000 feet to another. [Added 6-1-1999 by Ord. No. 1087, approved 6-1-1999]

F. An off-premises advertising sign shall be the only principal use on a conforming lot. The sign shall have only one face not larger than 300 square feet. [Added 6-1-1999 by Ord. No. 1087, approved 6-1-1999]

G. All off-premises signs shall be maintained in a safe manner. [Added 6-1-1999 by Ord. No. 1087, approved 6-1-1999]

H. The following mandatory design requirements shall be met by the applicant for an off-premises sign: [Added 6-1-1999 by Ord. No. 1087, approved 6-1-1999]
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(1) No animated signs shall be permitted. This would include any parts that would cause the effect of movement.

(2) Only two-dimensional signs with a single face are allowed.

(3) Signs shall contain no parts that are holographic or be able to produce any holographic image.

(4) Signs shall have no protruding elements.

(5) There shall be no other activity associated with a sign such as broadcasting, etc.

(6) There shall be no reflective material or devices installed on a sign. There shall be no glare from or other lighting with the sign that will adversely affect passing traffic.

§ 157-64. Off-street parking.

A. General provisions. In all districts except the Central Business District (C-1A), off-street parking spaces shall be provided as set forth in this section whenever any building is erected or enlarged or converted from residential to commercial usage. Such enlargement includes the addition of a dwelling to the existing structure.

(1) All new, conversions of and additions to buildings other than single- and two-family homes shall provide accessibility and usability for physically handicapped people in accordance with American National Standard A117.1-1986. Further, handicapped parking shall be provided at a ratio of one space for each 20 off-street parking spaces that are required.

(2) In the Central Business District, parking shall not be required for any commercial use. However, parking shall be required for residential uses at the rate of 1.5 spaces per unit Parking design standards specified in this section are mandatory.

(3) A certificate of occupancy for any new use, structure or premises shall not be issued until all of the required parking facilities and landscaping for the use have been completed in conformance with the requirements of this article.

(4) Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this article governing location, design, improvements and operation.

(5) Any use of property which is nonconforming only as to off-street parking facilities may be continued in the same manner, except that, at the time of expansion, there shall be screening and landscaping of all existing and new parking areas as required by this article.

(6) When 10 or more spaces are required 20% of the spaces may be allocated for compact cars, which shall meet the dimension requirements of this section and § 157-65.
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(7) In the event that two or more uses occupy the same building, lot or parcel of land, the total requirement for off-street parking shall be the sum of each individual use computed separately.

(8) If parking is developed in the Central Business District, the following provisions are not applicable to the development of that off-street parking: [Added 10-15-1991 by Ord. No. 960, approved 10-15-1991]

   (a) Section 157-64A(4).
   (b) Section 157-64A(7).
   (c) Section 157-64C.

B. Location. The off-street parking facilities required by this article shall be on the same lot or parcel of land as the structure or use they are intended to serve, except in the following cases:

   (1) An adjacent lot or lot within a radius of 400 feet may be used which is in the same person's possession as the structure or use. Such possession may be by deed or long-term lease, approved as to form by the Borough's Attorney and recorded in the office of the County Recorder. A copy of the recorded document stipulating the reservation of the property for parking purposes shall be filed with the Borough prior to issuance of a zoning permit. In no case shall any parking extend into abutting residential districts.

C. Regulations for off-street parking spaces shall be as follows:

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices, retail business and customer service</td>
<td>1 for every 300 square feet of total floor area</td>
</tr>
<tr>
<td>establishments and public buildings</td>
<td></td>
</tr>
<tr>
<td>Restaurants, taverns and night-clubs</td>
<td>1 for every 2.5 seats</td>
</tr>
<tr>
<td>Medical and dental clinics</td>
<td>6 for every doctor or dentist of record working in that office</td>
</tr>
<tr>
<td>Motels, tourist homes and bed-and-breakfasts</td>
<td>4 for every 3 sleeping rooms</td>
</tr>
<tr>
<td>Hotels</td>
<td>4 for every 3 sleeping rooms</td>
</tr>
<tr>
<td>Churches, theaters, auditoriums and places of</td>
<td>1 for every 3.5 seats</td>
</tr>
<tr>
<td>assembly</td>
<td></td>
</tr>
<tr>
<td>Elementary schools</td>
<td>1 for every 15 classroom seats</td>
</tr>
<tr>
<td>Secondary public and parochial schools</td>
<td>1 for every 2 teachers and employees plus 1 for each 10 students</td>
</tr>
<tr>
<td>Colleges, universities and commercial schools</td>
<td>1 for every 5 classroom seats</td>
</tr>
<tr>
<td>Social halls, clubs and lodges</td>
<td>1 for every 200 square feet of total floor area</td>
</tr>
</tbody>
</table>
§ 157-64

Type of Use
Bowling alleys
Hospitals
2-family dwellings
Multifamily dwellings
Funeral homes
Rooming houses and dormitories
Manufacturing plants
Group residences
Wholesale establishments and warehouses
Nursing and convalescent homes
Single-family dwellings
Fitness centers/recreational uses
Aerobics
Swimming pools
Tennis courts
Racquetball courts
Weight rooms
Outdoor recreation
Skateboard ramps
Tennis courts
Golf courses
Ice-skating rinks
Other uses
Retail furniture showroom [Added 8-3-1999 by Ord. No. 1088, approved 8-3-1999]

Number of Parking Spaces Required
(Fractions shall be rounded to next highest whole number.)
5 for every 1 alley
1 for every bed plus 1 for each employee on the major shift
2 for every dwelling unit plus 1 per visitor; 5 total
2 for every dwelling unit plus an additional 10% of the total parking requirement
10 for every 1 parlor
1.5 for each occupant
1 for every 3 employees\(^1\)
1 1/2 for each occupant
1 for every 2 employees\(^1\)
1 for every 4 beds
3 for every dwelling unit; stacked parking is permitted
1 for every 100 square feet of floor area
1 for every 75 square feet of gross water area
5 for every tennis court
3 for every racquetball court
1 for every 300 square feet
5 per ramp
5 per court
5 per hole
5 per 100 square feet
5 per 100 square feet of use area
1 for every 600 square feet of total floor area

NOTES:
\(^1\)Plus one additional space for each 1,000 square feet of floor area.
\(^2\)In no case shall the total parking area be less than 25% of the floor area.

All off-street parking and loading areas which serve public uses shall conform to the following:
A. Off-street parking and loading lots may be developed on any required side, front or rear yard but not closer than 15 feet to any street pavement. If parking is developed within the Central Business District, the restriction relative to off-street parking being not closer than 15 feet to any street pavement is reduced from 15 feet to five feet, so long as parking is developed in a manner which will not allow parked cars to protrude out into a sidewalk or roadway area. [Amended 10-15-1991 by Ord. No. 960, approved 10-15-1991]

B. Public and semipublic parking lots shall be paved and open to the public as an accommodation for customers, clients or residents of multifamily developments. They shall be surfaced with durable bituminous or concrete paving material within one year of occupancy and shall be properly graded and drained to dispose of all surface water. A stormwater management plan shall be submitted as part of any parking lot proposal of more than four spaces. The stormwater management plan shall be designed by a licensed, registered engineer. The designing engineer shall take into consideration the importance of groundwater recharge by using seepage areas as appropriate. The proposed stormwater management plan must be approved by the Borough Engineer.

C. They shall be arranged and marked for orderly and safe movement, creation of fire lanes, loading, parking and storage of vehicles and shall be adequately illuminated with luminaries which shall not be located more than 20 feet above ground level or not higher than the building located on the premises, whichever is less, if designed for use by more than three cars after dusk. All luminaries for off-street parking areas shall be arranged to reflect the light away from all adjoining landowners.

D. Exit and entrance driveways or access points shall be at least 22 feet wide and shall not exceed 40 feet in width and, wherever practicable, shall not occupy the full width of the streets, alleys or other rights-of-way from which they derive their access, but shall be limited to well-defined points, and shall be so designed to provide maximum safety for other adjoining uses.

E. The minimum off-street parking stall dimensions should be as follows: [Amended 1-3-1995 by Ord. No. 1026, approved 1-3-1995]

<table>
<thead>
<tr>
<th>Angle Parking (degrees)</th>
<th>Stall Width Standard (feet)</th>
<th>Stall Width Compact (feet)</th>
<th>Stall Depth Standard (feet)</th>
<th>Stall Depth Compact (feet)</th>
<th>Aisle Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>9 1/2</td>
<td>9</td>
<td>18</td>
<td>18</td>
<td>22</td>
</tr>
<tr>
<td>30</td>
<td>9 1/2</td>
<td>9</td>
<td>18</td>
<td>18</td>
<td>16</td>
</tr>
<tr>
<td>45</td>
<td>9 1/2</td>
<td>9</td>
<td>18</td>
<td>18</td>
<td>15</td>
</tr>
<tr>
<td>60</td>
<td>9 1/2</td>
<td>9</td>
<td>18</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>90</td>
<td>9 1/2</td>
<td>9</td>
<td>18</td>
<td>18</td>
<td>25</td>
</tr>
</tbody>
</table>

NOTE: A parking space on a site with more than five parking spaces and which is adjacent to a wall over 12 inches in height shall be increased in width by three feet when the wall parallels the stall depth line.
F. All off-street parking spaces shall have access to a public street or alley and shall have internal circulation, safe entrances and exits, drives and aisles. Every required parking space shall have unobstructed access from an aisle. Traffic circulation shall be designed such that no vehicle need enter a public street in order to progress from one aisle to any other aisle within the same development.

G. If parking is developed within the Central Business District, entranceways and aisle width requirements can be reduced to 20 feet. One-way traffic flow patterns through the parking lot shall be developed and properly marked and signed. The traffic pattern shall be designed in such a manner that no vehicles shall back out into an alley or public/private roadway area. Additionally, parking stall dimensions shall follow the table set in § 157-65E, except for aisle widths addressed above. [Added 10-15-1991 by Ord. No. 960, approved 10-15-1991]


The provisions of this section shall apply to all projects unless exempt by approval of the Zoning Hearing Board subject to the approval of the Zoning Officer. Planting shall be harmonious with the architectural design and site location. All landscaping shall be maintained in a neat, clean and healthy condition. Maintenance shall include proper pruning, mowing, disease and rodent control, weeding, litter removal, fertilizing, watering and plant replacement as necessary.

A. Interior landscaping. A minimum of 8% of the total net site area shall be landscaped by using landscaping strips or planting islands. For traffic visibility purposes, the maximum height of shrubbery shall be 32 inches within any parking area. No individual landscape area comprising the eight-percent requirement shall be smaller than two feet in any dimension or smaller then eight square feet in area. [Amended 10-15-1991 by Ord. No. 960, approved 10-15-1991; 1-3-1995 by Ord. No. 1026, approved 1-3-1995]

B. Landscape setbacks for front and exterior side yards. A ten-foot-wide landscaped area shall be provided along any streetside property line except at driveway openings. Any planter or screen walls shall be placed behind the landscape area and shall be set back five feet from the edge of any alley or driveway.


A. General provisions. Every commercial, industrial or other use which requires the receipt of material or merchandise, except those located in the Central Business District (C-1A), shall provide off-street loading spaces in conformance with the following table:

<table>
<thead>
<tr>
<th>Gross Floor Area</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 15,000</td>
<td>1</td>
</tr>
<tr>
<td>15,000 to 40,000</td>
<td>2</td>
</tr>
</tbody>
</table>

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Commercial and Industrial Uses

<table>
<thead>
<tr>
<th>Gross Floor Area</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>40,000 to 90,000</td>
<td>3</td>
</tr>
<tr>
<td>90,000 to 150,000</td>
<td>4</td>
</tr>
<tr>
<td>150,000 and over</td>
<td>5</td>
</tr>
</tbody>
</table>

Hospitals and Institutions

<table>
<thead>
<tr>
<th>Gross Floor Area</th>
<th>Loading Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 50,000</td>
<td>1</td>
</tr>
<tr>
<td>50,000 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>100,000 and over</td>
<td>3</td>
</tr>
<tr>
<td>Restaurant; hotels; motels; and retail furniture showrooms [Added 8-3-1999 by Ord. No. 1088, approved 8-3-1999]</td>
<td>1</td>
</tr>
</tbody>
</table>

B. Design standards.

(1) The minimum size of loading spaces shall be at least 12 feet in width and 40 feet in length with 14 feet in vertical clearance. The Zoning Hearing Board, in special circumstances, based on the nature of the use or combination of uses as well as the specific design characteristics of the projects, may modify this requirement.

(2) Loading spaces shall be located so commercial vehicles shall not back into a public street or alley.

C. Screening provisions.

(1) Any commercial or industrial development that uses part of the property for the storage of materials, supplies, trucks, trailers or anything considered an accessory and integral part of the business shall submit as part of the zoning application a drawing that depicts a screening plan.

(2) Storage requirements.

(a) Outside storage must be on the premises of the business and is limited to the rear and side of the building.

(b) Outside storage must be obscured from view by opaque fencing, screening or landscaping. The height of the stored materials may not exceed the height of the screening.

(c) Unsafe storage of waste or hazardous material that creates a pollution threat or a fire hazard or is an attraction to rodents or insects is not permitted.
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(d) All storage areas open to vehicles must be paved with asphalt surfacing, crushed rock or other dust-free materials.

§ 157-68. Motor vehicle storage.
Any motor vehicle incapable of movement by its own power and/or not licensed to operate on Pennsylvania streets shall be stored either in an enclosed building or entirely screened from view.

The outside storage of up to three inoperable and/or unlicensed vehicles at automobile service stations is permitted. However, in no event shall more than three vehicles, body parts or dismantled vehicles be stored on the premises unless screened and in the side or rear of the property.

§ 157-70. Special exception use regulations.
A. Uses listed as special exception uses in § 157-39 shall require individual consideration in each case because of their unique characteristics. Such special exception uses shall be permitted only upon authorization by the Zoning Hearing Board after a duly advertised public hearing and subject to certain conditions and safeguards, as provided in this section.

B. Such special exception uses shall comply with the provisions of this section, and they shall be permitted by the Board subject to any additional conditions and safeguards which may be warranted by the character of the areas in which such uses are proposed or by other special factors.

C. A special use shall not cause substantial injury to the value of other property where it is to be located; shall conform to 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 shall not jeopardize the public health, safety, welfare and convenience.

D. Controls for the special exception uses in this section shall also apply to permitted uses where they are more restrictive than controls found elsewhere in this chapter. However, said permitted uses do not require Zoning Hearing Board approval.

§ 157-71. Conversions of permitted uses.
A. Conversions of single-family dwellings into two-or-more-family dwelling units that do not require the enlargement of the existing structure shall meet the following requirements at a minimum:
§ 157-71 ZONING

(1) All conversions shall comply with § 157-65 (off-street parking).

(2) No parking spaces shall be permitted in the front yard.

(3) No parking area shall be located within five feet of any abutting property line.

(4) Access drives shall not be located within three feet of adjoining property lines.

(5) Each unit shall meet applicable Building Code requirements and be a minimum of 800 square feet in size.

(6) All conversions shall comply with the usable open space requirements as provided in § 157-72.

B. When the conversion involves the expansion of the existing structure, the following regulations shall apply:

(1) All requirements as specified in Article V, § 157-72, Multifamily residential dwellings, and §§ 157-64, 157-65 and 157-66 (off-street parking) are applicable.

C. The conversion of residential structures into commercial or mixed-use structures shall meet the following requirements:

(1) The entire structure may be converted to commercial use or may provide residences above the first floor and shall have at least 600 square feet of living space and required space for each dwelling unit, and the design of said conversion shall be undertaken in a manner which ensures its compatibility with other commercial structures in the adjoining neighborhood.

(2) All of the parking requirements of this chapter shall be complied with.

(3) All driveways and vehicular access to the structure shall be planned in a manner which ensures vehicular and pedestrian safety. Driveway access points shall be restricted to the minimum required to provide safe vehicular access.

(4) To the maximum extent possible, the provisions of § 157-86 shall be complied with.

(5) This includes, within the S-1, M-1, I-M and I-U Districts, the conversion of existing structures or uses to new uses which meet the permitted or special use requirements of the district in which such conversion is proposed.

§ 157-72. Multifamily residential dwellings.

A. The following definitions shall apply to all development of multifamily residential dwellings within the Borough:

(1) Attractively landscaped. A separate detailed site plan showing landscaping proposals is required. The plan shall show the type, size, number and placement of all plantings. Trees shall be placed at intervals no greater than four feet along buffer and screening areas. The landscaping site plan will incorporate reasonable
proposals from the Planning Commission and Zoning Hearing Board as conditions for the issuance of a zoning permit.

(2) Adequate ingress and egress. An ingress and egress area shall be at least 22 but not greater than 40 feet wide for two-way traffic and at least 18 feet wide for one-way traffic. All plans shall incorporate reasonable proposals from the Planning Commission and Zoning Hearing Board as conditions for the issuance of a permit. If the property is located on a state highway, a Pennsylvania Department of Transportation permit is needed prior to final approval by the Zoning Hearing Board.

(3) Site plan. The site plan shall conform to the following requirements. If the site plan does not meet the plan requirements, it shall be deemed incomplete and may be rejected for specific reasons.

(a) Scale. The preliminary plan shall be at a scale of not more than 20 feet to the inch.

(b) Plan information. The site plan shall show or be accompanied by the following information:

[1] The proposed development name or identifying title.

[2] A North point, scale and date.

[3] The name of the owner of the property.

[4] The name of the registered engineer, surveyor or architect responsible for the plan.


[a] The names and addresses of adjoining property owners on the site plan.

[b] Notification. All property owners and all abutting property owners within a five hundred-foot radius of the development shall be notified of the proposal and meetings by certified mail. All copies of certified mail receipts shall be presented at the Planning Commission meeting.

[6] Contours vertical intervals of two feet or, in the case of relatively level tracts, at such lesser intervals as may be necessary for satisfactory study and planning of the tract.

[7] All existing watercourses, tree masses and other significant natural features.

[8] All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
§ 157-72  ZONING  § 157-72

[9] All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.

[10] All existing property lines, easements and right-of-way and the purpose for which the easements or rights-of-way have been established.

[11] The location and width of all proposed accesses, alleys, rights-of-way and easements; proposed building lines with accurate dimensions; and playgrounds, buildings and open areas.

[12] Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan; also copies of any existing deed restrictions shall be attached.

[13] Site plans shall be on sheets not larger than 34 inches by 44 inches overall. It is recommended that, as far as practicable, site plan sheets be held to the following overall sizes: 17 inches by 22 inches; 22 inches by 34 inches; 34 inches by 44 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, site plans shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

[14] An affidavit that the applicant is the owner or equitable owner of the land proposed to be developed.

(4) All multifamily dwelling units shall be located on or above the ground level and shall have a minimum living area of 600 square feet. Multiple buildings are permitted, provided that buildings are at least 20 feet apart.

(5) All multifamily developments are required to provide two parking spaces per dwelling unit and 10% of the total required parking spaces as a visitor parking allocation per dwelling unit and developed within the same parking scheme applied to the units.

(6) Usable open space is the unoccupied area of a lot. Usable open space does not include the areas of principal and accessory structures, streets, driveways or parking areas but may include areas occupied by playgrounds, outdoor recreation or play apparatus, swimming pools and trees. It shall have a minimum width of 20 feet and a minimum depth of 20 feet and shall have one contiguous piece of at least 600 square feet.

B. Multifamily residential regulations for C-1, C-1A, C-2 and S-1 Zones.

(1) The regulations below apply to multifamily dwellings where permitted by right. Medium and high-density dwellings shall be served with public water, sewer and parking facilities. Such dwelling structures shall be attractively landscaped, shall have adequate ingress and egress and shall provide a usable open yard or recreation space of at least 200 square feet per dwelling unit.
(2) The usable open space shall not include front, rear and side yard requirements. It shall be clearly dimensioned and detailed on plans and shall be assembled in not more than three locations on the property.

(3) Parking requirements shall conform to §§ 157-64 and 157-65. A ten-foot buffer strip of plantings or walkway, or combination of both, must separate the building from the parking area. In addition, parking is not allowed in the required front yard. In addition, a five-foot parking buffer from adjoining properties is required. If the development abuts a differently zoned property, the buffer area shall be a minimum of 10 feet.

(4) Prior to acceptance by the Planning Commission and Zoning Hearing Board, stormwater calculations and methods of control shall be submitted for review by the Borough Engineer.

(5) The following regulations shall also apply:

**Regulations for Multifamily Dwellings**

<table>
<thead>
<tr>
<th>Type of Regulation</th>
<th>Medium-Density Dwellings</th>
<th>High-Density Dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area (square feet)</td>
<td>12,000</td>
<td>43,560</td>
</tr>
<tr>
<td>Width (feet)</td>
<td>80</td>
<td>125</td>
</tr>
<tr>
<td>Depth (feet)</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Maximum density per gross acre</td>
<td>6 per acre</td>
<td>8 per acre</td>
</tr>
<tr>
<td>Minimum yards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear yard (feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Front yard (feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Each side yard (feet)</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Maximum building height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of stories</td>
<td>2 1/2</td>
<td>3</td>
</tr>
<tr>
<td>Feet</td>
<td>35</td>
<td>40</td>
</tr>
</tbody>
</table>

C. Multifamily residential regulations for I-U and I-M Zones:

(1) The regulations below apply to multifamily dwellings where permitted by special exception. Medium- and high-density dwellings shall be served with public water, sewer and parking facilities. Such dwelling structures shall be attractively landscaped, shall have adequate ingress and egress and shall provide a usable, open yard or recreation space of at least 250 square feet per dwelling unit and shall comply with the following.

(2) The usable open space shall not include front, side and rear yard requirements and shall be clearly dimensioned and detailed on plans and assembled in one location.
§ 157-72

Parking requirements shall conform to §§ 157-64 and 157-65. A ten-foot buffer strip of plantings or walkway, or combination of both, must separate the building from the parking areas. In addition, parking is not allowed in the front and side yards. Parking lots shall be broken up with plantings every eight spaces if the total number exceeds eight. In addition, a five-foot buffer of screening between abutting properties is required. If the development abuts a differently zoned property, the buffer area shall be a minimum of 10 feet.

Stormwater calculations and control methods shall be submitted for review by the Borough Engineer prior to acceptance by the Planning Commission and Zoning Hearing Board.

The following regulations shall also apply:

### Regulations for Multifamily Dwellings

<table>
<thead>
<tr>
<th>Type of Regulation</th>
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<th>High-Density Dwellings</th>
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<tr>
<td>Minimum lot size</td>
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<td></td>
</tr>
<tr>
<td>Area (square feet)</td>
<td>12,000</td>
<td>43,560</td>
</tr>
<tr>
<td>Width (feet)</td>
<td>80</td>
<td>125</td>
</tr>
<tr>
<td>Depth (feet)</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Maximum density per gross acre</td>
<td>6 per acre</td>
<td>8 per acre</td>
</tr>
<tr>
<td>Minimum yards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear yard (feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Front yard (feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Each side yard (feet)</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Maximum building height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of stories</td>
<td>2 1/2</td>
<td>3</td>
</tr>
<tr>
<td>Feet</td>
<td>35</td>
<td>40</td>
</tr>
</tbody>
</table>

Multifamily residential developments are allowed by special exception only in the Institutional Districts I-M and I-U. These proposals must go before the Planning Commission and Zoning Hearing Board for review and approval.

§ 157-73. Mobile home parks.

This section includes provisions for the development of mobile homes planned as a unit which are located on tracts of land at least 10 acres in size. It also includes provisions for individual mobile homes located in such parks. Such mobile home parks and individual mobile homes shall comply with all of the regulations of the Commonwealth of Pennsylvania for mobile home parks and with the following additional regulations:

A. Individual mobile home lots located in a mobile home park shall contain at least 4,000 square feet of lot area. The clustering of mobile home units on a lesser-sized area to
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produce a livable environment may be permitted, provided that the objectives of this
section are complied with, and provided further that the overall average lot area per unit
of the court shall not be less than 4,000 square feet.

B. No mobile home shall be located closer than 50 feet to any property line defining the
external boundary of the park.

C. No structure located on any lot in any mobile home park shall be closer to any front line
than 20 feet, to any side lot line than 10 feet nor to any rear lot line than 20 feet. "Front
yard" refers to the area on which the main entrance is located.

D. The minimum side clearance between any two adjacent mobile homes shall be 30 feet.

E. Roadway or area lighting shall be reflected away from adjoining properties.

F. The commercial sale of mobile homes from a mobile home park by a mobile home
dealer shall be prohibited.

G. Individual tenants at the mobile home park may construct attached enclosures to
individual mobile homes, provided that such enclosures do not exceed 100% of the floor
area of the mobile home. Individual building and zoning permits shall be required for
such enclosures in each case.

H. The layout and construction of new streets within the mobile home park shall conform to
the requirements of the Subdivision Regulations of the Borough.25

I. All mobile home parks shall provide to each lot line both a continuing supply of safe and
potable water as approved by the Pennsylvania Department of Health. The park will also
provide a connection to public sanitary sewage disposal facilities of the Borough or to
facilities provided by the developer, which shall be in accordance with and as approved
by the Pennsylvania State Department of Health.

J. All areas devoted to utility purposes, such as garbage storage areas, common washing or
drying facilities and other such areas, shall be adequately screened.

§ 157-74. Time-sharing.

All structures constructed or converted to time-sharing status shall provide a maintenance
agreement for all buildings and grounds which is satisfactory to the Borough Manager.

§ 157-75. Rooming or boarding houses.

All rooming houses shall be operated by an owner-occupant residing on the premises and
occupying a single-family dwelling unit. Said family shall establish a procedure for the proper
operation and maintenance of the rooming units so as to ensure the livability of these units
and also to ensure that these units do not detract from the residential character of the district
in which they are located.

25. Editor’s Note: See Ch. 140, Subdivision of Land.
§ 157-76. Home occupations.

A home occupation is an accessory use which is carried on by a member(s) of the resident family clearly incidental to the principal residential use, provided that no external alterations or structural changes not customary to a dwelling area are required; the occupation does not produce offensive noise, vibration, heat, dust or other objectionable conditions; no outside storage is required; and there is little contact with the general public.

§ 157-77. Planned residential developments.

A planned residential development includes residential uses of all types which are located on a tract of land at least five acres in size which is planned for development in its entirety under single ownership or control. Such residential large scale developments may be allowed as a conditional use for the purpose of encouraging a flexibility of design which will result in an integrated site plan designed to benefit the residents or occupants of such development and of neighborhood properties and shall comply with the following:

A. Average area per dwelling unit.

(1) It shall consist of either single-family detached, two-family or multifamily dwellings or combinations thereof, provided that the average number of square feet of land area per dwelling unit, excluding streets, shall not be less than the following:

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Average Area Required per Dwelling Unit (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, detached</td>
<td>12,500</td>
</tr>
<tr>
<td>Two-family</td>
<td>7,000</td>
</tr>
<tr>
<td>Multifamily (medium-density only)</td>
<td>2,500</td>
</tr>
</tbody>
</table>

(2) However, in no case shall there be more than an average of six dwelling units per gross acre.

B. The proposed developer shall demonstrate that a sufficient market exists for the type, size and character of the development proposed.

C. Adequate, safe and convenient pedestrian and vehicular circulation facilities, including fire hydrants, roadways, driveways, off-street parking, sidewalks and landscaped areas, to serve the development shall be provided.

D. Paving and drainage facilities shall be designed to adequately handle stormwater and prevent erosion and formation of dust.

E. All housing should be located so as to provide adequate privacy and ensure natural light in all principal rooms.
F. Routes for vehicular and pedestrian access and parking access shall be convenient without creating nuisances or detracting from privacy.

G. The location and arrangement of buildings and open spaces must be shown so that the Borough Council may review the intensity of land use and serve the public interest by protecting neighboring land uses.

H. The following requirements shall apply:

1. No dwelling unit shall be within 20 feet of the curb or street right-of-way.

2. No dwelling unit be erected within 25 feet of any other housing structure or within a distance equal to the height of the greater of two adjacent housing structures.

3. No single-family dwelling unit shall be constructed closer than 25 feet to an adjacent property line, and each two-family dwelling unit shall have an open side yard of not less than 10 feet. In no case shall the distance between single- or two-family dwelling units be less than 20 feet.

4. Where the property line of any planned residential development abuts another residential development or residential zoning district, a buffer strip shall be provided consisting of evergreen planting material which, at the time of development, is at least six feet in height and no more than 30% open. Said buffer strip area shall be a minimum of 10 feet in width and shall abut the exterior property line.

5. The maximum building height shall be 40 feet from grade or three stories.

I. Where the development abuts an area of predominantly single-family detached structures, detached single-family units shall be placed in the development in such manner that they will provide a buffer between existing developed areas and the development of multifamily units on site.

J. The orientation of multiple-dwelling buffer yards shall provide adequate light, air and open space and shall conform to the following:

1. In buildings containing multiple-dwelling units, walls containing main window exposure or main entrances shall be so oriented as to ensure adequate light and air exposures.

2. Multiple-dwelling buildings shall be so arranged as to avoid undue exposure to concentrated parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

3. A multiple-dwelling building wall exposing both windows and an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 50 feet.

4. A multiple-dwelling building wall exposing only windows or only an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 25 feet.
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(5) A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible by emergency vehicles.

(6) The maximum building height for multiple-dwelling buildings shall be 40 feet from grade or three stories.

K. Usable open space suitable for use as play areas for children or as outdoor living space for families shall be provided in amounts not less than 500 square feet per dwelling unit for single-family and two-family dwellings and 300 square feet per dwelling unit for multifamily units. In addition to this play area or outdoor living space, public open space amounting to at least 10% of the land area of the tract shall be reserved for use as buffers, landscaped areas, wooded areas or other forms of open space designed to enhance the attractiveness and livability of the development.

L. All areas devoted to utility purposes, such as garbage storage areas, common washing or drying facilities and other such areas, shall be adequately screened.

M. Streets and sidewalks. All streets and sidewalks must conform to the Borough’s design standards with respect to right-of-way width, paving specification, cartway design, horizontal and vertical alignment, sight distances and drainage provisions. All streets shall be dedicated to the Borough, except when such requirement is modified or waived by the Borough Council. Pedestrian circulation systems must be provided as convenient, safe and attractive links between residential groupings, open space areas, recreation areas and schools.

N. Parking.

(1) For each dwelling unit there shall be two off-street parking spaces consisting of not less than 200 square feet each.

(2) Parking areas shall be arranged so as to prevent through traffic to other parking areas.

(3) Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms or changes in grade or walls.

(4) No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

(5) No more than 60 parking spaces shall be accommodated in any single parking area.

(6) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from residences.

(7) Each parking space shall be a minimum of 10 feet wide and 20 feet long.

O. Landscaping.

(1) Landscaping shall be regarded as an essential feature of every planned residential development in order to enhance the appearance of housing, provide protection from wind and sun and for screening roads, parking areas and nearby property.
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from view. All trees and shrubs shall be maintained in a healthy condition or replaced with others of similar size and type.

(2) All parking areas containing more than four parking spaces shall be landscaped. Landscaping plans shall be submitted for review with the application.

P. Street signs, street furniture and streetlighting.

(1) The quality of design of street signs, street furniture and streetlighting is subject to review by the Planning Commission and approval by Borough Council.

(2) All streets and areas of high pedestrian use shall be adequately lighted.

(3) The character, size and shape of all outdoor signs shall comply with the Borough Zoning Regulations.

Q. Supplementary project facilities.

(1) Swimming pools, tennis courts, ice-skating rinks and other recreational areas shall be located so as not to interfere with the residential character of adjacent dwelling units.

(2) Where public trash collection is not required, refuse stations must be designed with suitable screening and in locations convenient for collection and removal so as not to be offensive to the occupants of adjacent dwelling units.

(3) Adequate lighting must be provided in outdoor areas used by occupants after dark, illuminating walkways, steps, ramps and signs. Lighting shall be so located as to avoid shining directly into habitable room windows in the project or into private outdoor open space which is associated with dwelling units.

(4) The planned residential development shall be provided with a public water supply and sanitary sewer connected to the Borough's systems. Such facilities and all appurtenances shall be reviewed and approved by the Borough.

(5) Public utilities shall be provided and shall be underground.

(6) All historical sites located on a parcel of ground proposed for development shall be preserved, and said sites shall be provided with public access roads or paths and shall be landscaped in accordance with plans reviewed by the Planning Commission and approved by the Borough Council.

(7) Water, sanitary and storm sewer facilities shall be connected to the Borough's system, and all such facilities lying within dedicated public rights-of-way or easements shall be turned over to the Borough upon the completion of the project and acceptance by the Borough.

R. Common open space.

(1) The Borough of East Stroudsburg may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the Borough need not require, as a condition of the approval of a planned
residential development, that land proposed to be set aside for common open space be dedicated or made available to public use. The landowner shall provide for and establish an organization for the ownership and maintenance of the common open space, including parking lots, and such organization shall not be dissolved nor shall it dispose of common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Borough.

(2) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof and shall state the date and place of hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Borough, in order to preserve taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Borough shall not constitute a taking of said common open space nor vest in the public any rights to use the same. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents of the planned residential development, to be held by the Borough Council, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough Council shall determine that such organization is ready and able to maintain common open space in reasonable condition, the Borough shall cease to maintain said common open space at the end of said year. If the Borough Council or its designated agency shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Borough may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Borough Council shall be subject to appeal to court in the same manner and within the same time limitation as is provided for zoning appeals.

(3) The cost of such maintenance by the Borough shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a lien on said properties.
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The Borough, at the time of entering upon said common open space for the purpose of the maintenance, shall file a notice of lien in the office of the prothonotary of the county upon the properties affected by the lien within the planned residential development.

S. Fees. An application fee, prescribed by the Council, shall be paid by the applicant upon submittal of the plans to the Borough.

§ 157-78. Professional offices.

Professional offices meeting the definition herein are required to meet all applicable off-street parking and sign requirements of this chapter. In addition, no exterior alterations shall be made which are not consistent with the neighborhood character.


Public and semipublic uses shall comply with the applicable regulations of Article IV for the zone in which the use is located. Parking and sign controls for each district shall also apply.


Day-care centers shall be permitted as a conditional use in an M-1 Zoning District subject to the following standards and criteria:

A. Day-care centers shall meet the regulations of Article IV for the zone in which they are located. In addition, day-care centers shall meet the following bulk regulations:

1. Minimum lot area: two acres.
2. Minimum yard setbacks: front, 40 feet; rear, 50 feet; and each side, 50 feet.
3. Maximum building coverage: 40%.
4. Minimum building area of day-care use: 1,500 square feet.
5. Maximum building height: two stories or 35 feet.
6. Minimum off-street parking requirements: one space per employee plus one space for every 12 children at the center on any single day.

B. Recreation area requirements.

1. An outdoor play area shall be provided of at least 100 square feet per child. The area shall be completely enclosed by fencing or other appropriate buffering of a minimum height of four feet.

26. Editor's Note: The term "professional office" is defined in § 157-30.
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(2) No play area shall be closer than 50 feet to adjacent property lines. This area shall be buffered from adjacent uses through a combination of fencing and landscaping, as approved by the Borough Council.

C. Design requirements.

(1) Pick up and discharge of children shall take place on the property in a designated area.

(2) Perimeter fencing and buffering shall be required as deemed necessary by the Borough Council.

(3) Pennsylvania state and federal licensing must be submitted to the Borough when required.

§ 157-81. Social halls, clubs and lodges.

A. Where permitted, all buildings shall be a minimum of 30 feet from any property line. There may be included retail sales for guests only.

B. Any such use shall front on a public street having a minimum pavement width of not less than 30 feet and shall provide ingress and egress so as to minimize traffic congestion.

C. Such uses shall not be located on lots of less than 15,000 square feet with a minimum frontage of 125 feet.

§ 157-82. Technical and trade schools.

No appreciable noise or glare may extend beyond the property lines during normal use of the facility. Where completely detached buildings are located on the same lot, the buildings shall not be closer than 20 feet to one another.

§ 157-83. Automobile sales.

A. Activities are limited to new or used automobile sales and service of the same. No general sale of gasoline and oil is permitted. All auto sales permitted as a special exception in a C-1 or C-2 Zone shall comply with the following standards as well as the standards set forth in the special exception regulations:

(1) Minimum lot frontage: 125 feet.

(2) Minimum lot depth: 200 feet.

(3) Minimum lot area: 30,000 square feet.

(4) Minimum yards:
   (a) Front: 15 feet.
   (b) Rear: 20 feet.
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c) Each side: 10 feet.

(5) Maximum building height for the principal building: two stories and 35 feet.

(6) Maximum building coverage: 20%.

(7) Minimum parking requirements:

(a) Employees and customers: one space for every 300 square feet of building floor area.

(b) Outside display: a minimum of 2,000 square feet of exterior display parking area. The parking area size requirement of 200 square feet per parking space shall not apply to outside display parking area. The maximum exterior display parking shall not exceed 20% of the gross area of the lot.

(c) Inside display: a minimum area of 1,000 square feet of interior parking display area. The parking area size requirement of 200 square feet per space shall not apply to interior display parking area.

(d) Loading requirements: all loading and unloading of cars from over-the-road carriers must be carried out on the lot as opposed to Borough rights-of-way. Loading facilities shall conform to § 157-67 of this chapter.

B. For automobile sales permitted by right in an M-1 Zone, the following standards shall be followed:

(1) Minimum lot area: two acres.

(2) Minimum lot frontage: 150 feet.

(3) Minimum setback from all street lines and all adjacent residential districts: 25 feet.

§ 157-84. Heavy industry.

Building coverage shall not exceed 50%. No structure or active operation shall be located closer than 20 feet to an R or I District. Reasonable protection shall be provided for the natural and man-made environment. Screening and fencing shall be provided for general protection. Protection shall be provided against noise, glare, heat, vibration and emissions beyond the property lines of the particular use.


Junkyards may be permitted as a special exception use within an M-1 District under conditions that the parcel of land in which the junkyard is proposed to be located does not abut any existing residential lot, that the operation can be effectively screened from public streets and adjacent uses and that the materials, storage and salvage operation shall be designed and conducted so as not to create any adverse affects upon adjacent properties. The minimum lot size required to establish a junkyard in the M-1 District is 10 acres. The minimum front yard setback required for storage and operation activities shall be 40 feet. The
minimum side and rear yard setbacks required for storage and operation activities shall be 20 feet. A fence with a minimum height of 10 feet shall be provided to totally enclose and screen the operation from adjacent properties.

§ 157-86. Design of nonresidential development.

It is the objective of this chapter to encourage the orderly development of new commercial, industrial and other nonresidential parcels in a manner which will provide for proper access and reduce traffic conflicts and provide for the health, welfare, safety and aesthetic enjoyment of the population of the Borough. This shall be accomplished as follows:

A. The design of streets, service drives and pedestrianways shall provide for safe, convenient and hazard-free internal circulation of goods, persons and vehicles.

B. Nonresidential parcels shall be limited to no more than two driveway access points from each street or highway from which they derive their principal access, and such driveway access points shall not be more than 40 feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.

C. New or converted commercial structures in the C-1, C-2 or C-1A District shall either be physically connected to any adjoining structures located on the same or adjacent lots or, if not physically connected, shall be located at a distance of at least 10 feet from such adjoining structures.

D. 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 nonresidential development, the plan shall ensure that the following criteria shall be complied with:

(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 area which permits convenient traffic circulation between adjoining parcels.

(3) The development of pedestrian walkways between adjoining parking areas and buildings.

(4) The provisions of landscaping, screening and other features which will enhance the character and attractiveness of the area.

§ 157-87. Excavations and backfill.

A. Excavation or filling in connection with development. The altering of the natural surface of the earth by excavation or filling, in connection with anything other than the excavation of a basement or footer for a structure, shall require the submission of an erosion and sedimentation control plan that addresses the site before and after
construction. Said plan shall be designed by a licensed engineer and approved by the Soil Conservation District.

B. General requirements.

1. Any excavations for the removal of topsoil or other earthy products must be adequately drained to prevent the formation of pools of water. The Zoning Hearing 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. Such excavations shall be graded to avoid the creation of open pits, holes or depressions which are below the elevation of adjacent roadways.

2. Unless specifically permitted by the Zoning Hearing 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.

3. The dumping of earth, gravel, rock or other materials not subject to decay or noxious or offensive odors shall not be permitted in any zone or on any vacant land except by permit. In any event, the existing grade shall not be raised more than three feet above the nearest road, and hazardous or nuisance conditions and an unsightly appearance or unstable slopes shall not be created. The dumping of materials subject to decay, noxious or offensive materials or junk shall not be permitted in any district.

4. Excavations shall be only by permit, which shall be issued only when shown not to be detrimental to the neighborhood or the objectives of this chapter. Excavations may not be permitted to remain as a scar to the land and must be contoured and seeded to restore to contour with surrounding land.

5. A maximum of thirty-percent graded incline or decline shall be permitted in relationship to existing adjoining property grades after excavation.

6. The excavation or filling of any part of a lot by three feet or more shall require a zoning permit.

7. No excavation of natural features and archaeological sites shall be permitted upon the written findings of discovery of the Zoning Officer, two members of the Planning Commission and one member of the Borough Council that significant natural features or an archaeological site of importance exists, in which case work will cease until an environmental impact study is filed with the Zoning Hearing Board. Sites that contain features not common to surrounding properties and evidence of pre-1800 habitation shall constitute significant reasons for requiring an environmental impact study. Such study shall be authorized by individuals who are properly qualified.

§ 157-88. General lighting objectives.

All commercial and industrial lighting should meet the following objectives:
A. No glare.

B. No light sources should be exposed to the eye except those covered by globes. The total area lighted shall not exceed that as shown in § 157-88.1 below.

C. Other lighting should be indirect or surrounded by a shade to hide visibility of the light source.

D. Excessive glare should be measured by the standard of nuisance value to adjacent residences, hospital, hotels and motels.

E. Lighting design shall become an inherent part of the architectural design.

F. The above lighting requirements apply to both area lighting purposes and illuminated signs.

§ 157-88.1. Exterior lighting standards.

A. Purpose. The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public streetlighting.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

CANDLEPOWER — The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source or luminaire.

CUTOFF — The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cut off) at a specific angle above the ground.

CUTOFF ANGLE — The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

CUTOFF-TYPE LUMINAIRE — A luminaire with elements, such as shields, reflectors or refractor panels, which direct and cut off the light at a cutoff angle that is less than 90°.

FOOTCANDLIE — A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

GLARE — The brightness of a light source which causes eye discomfort.

LUMINAIRE — A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
MAXIMUM PERMITTED ILLUMINATION — The maximum illumination, measured in footcandles, at the interior buffer yard line at ground level in accordance with the standards below.

C. The following standards are required of all exterior lighting, except the outdoor recreational uses specifically exempted below. Many uses have the option of providing a lower light post with a non-cutoff-type luminaire or with a luminaire that totally cuts off light spillover at a cutoff angle less than 90°. [Amended 1-3-1995 by Ord. No. 1026, approved 1-3-1995]

(1) Exterior lighting shall meet one of the following standards:

(a) When a light source or luminaire has no cutoff and is located in a residential district or adjacent to a residential use:

<table>
<thead>
<tr>
<th>Maximum Permitted Illumination at the Property Line (footcandles)</th>
<th>Maximum Permitted Height of Luminaire (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.20</td>
<td>10</td>
</tr>
<tr>
<td>0.20</td>
<td>15</td>
</tr>
<tr>
<td>0.30</td>
<td>20</td>
</tr>
</tbody>
</table>

(b) When a light source or luminaire has not cutoff and is located in a commercial or industrial district:

<table>
<thead>
<tr>
<th>Maximum Permitted Illumination at the Property Line (footcandles)</th>
<th>Maximum Permitted Height of Luminaire (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>2</td>
<td>15</td>
</tr>
<tr>
<td>3</td>
<td>20</td>
</tr>
</tbody>
</table>
An illustration of one type of this luminaire is provided below.

Commentary. Exterior lighting fixtures frequently produce unsightly glare. At times, the glare may even result in a safety hazard. The standards imposed by this section are designed to reduce the hazard and nuisance of these fixtures.

(2) When a luminaire has a total cutoff of an angle greater than 90°, the maximum illumination at the property line and the maximum permitted luminaire height shall be:

(a) In residential districts or adjacent to residential uses or districts:

<table>
<thead>
<tr>
<th>Maximum Permitted Illumination at the Property Line (footcandles)</th>
<th>Maximum Permitted Height of Luminaire (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3</td>
<td>15</td>
</tr>
<tr>
<td>0.5</td>
<td>20</td>
</tr>
</tbody>
</table>

(b) In C-1, C-2, C1-A, I-U, I-M, M-1 and S-1 Districts, light standards equipped with a total cutoff angle of less than 90°:

<table>
<thead>
<tr>
<th>Maximum Permitted Illumination at the Property Line (footcandles)</th>
<th>Maximum Permitted Height of Luminaire (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0</td>
<td>15</td>
</tr>
<tr>
<td>4.0</td>
<td>20</td>
</tr>
<tr>
<td>2.0</td>
<td>30</td>
</tr>
</tbody>
</table>
An illustration of this type of luminaire is provided below.

Commentary. This standard is designed to ensure that no light is emitted above a horizontal line parallel to the ground. In order to achieve total cutoff at 90°, such a luminaire shall emit maximum (peak) candlepower at an angle not exceeding 75°. This angle is formed by the line at which maximum candlepower is emitted from the light source and a line perpendicular to the ground from the light source.

(3) Exemption for specified outdoor recreational uses.

(a) Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields and tennis courts are exempted from the exterior lighting standards of the subsection above. These outdoor recreational uses must meet all other requirements of this section and of this chapter.

(b) The outdoor recreational uses specified above shall not exceed a maximum permitted post height of 80 feet.

(c) The outdoor recreational uses specified above may exceed a total cutoff angle of 90°, provided that the luminaire is shielded to prevent light and glare spillover to adjacent residential property. The maximum permitted illumination at the interior buffer yard line shall not exceed two footcandles.

D. Additional regulations. Notwithstanding any other provision of this section to the contrary:

(1) No flickering or flashing lights shall be permitted.

(2) Light sources or luminaires shall not be located within buffer yard areas except on pedestrian walkways.

(3) In no case shall any exterior light fixture have a lighting intensity that exceeds 60 footcandles, measured at its point of peak candlepower.

E. Measurement.
§ 157-88.1 ZONING § 157-90

(1) Metering equipment. Lighting levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus 5%. It shall have been tested, calibrated and certified by an independent commercial photometric laboratory or the manufacturer within one year of the date of its use.

(2) Method of measurement. The meter sensor shall be mounted not more than six inches above ground level in a horizontal position. Readings shall be taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination at the property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.

F. Exterior lighting plan. At the time any exterior lighting is installed or substantially modified and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted to the Zoning Officer in order to determine whether the requirements of this section shall be met.

§ 157-89. Auto service stations.

A. Auto service stations, which are permitted in the C-1, C-2 and M-1 Districts, shall not be located within a distance of 1,500 feet, measured along the street center line, of any existing or approved auto service station.

B. No gasoline service station or automobile repair shop shall have an entrance or exit for vehicles within 200 feet, as measured along the public street, of a place in which there exists a school or public library, and such access shall be not closer to the intersection of any two street lot lines than 30 feet.

C. No gasoline filling station or parking garage shall be permitted where any oil drainage pit or visible appliance for any such purpose is located within 12 feet of any street lot line or within 25 feet of any R-District, except where such appliance or pit is within a building. Rest room areas shall be screened from the street.

§ 157-90. Lots not served with public sewer or water facilities.

The sizes of lots specified in Articles IV and V shall apply in all cases except where such lots are not served with public sewer and/or water facilities. In such cases, the requirements of the Pennsylvania Sewage Facilities Act, Act No. 537,27 shall apply.

27. Editor's Note: See 35 P.S. § 750.1 et seq.

All structures permitted under this chapter shall be adequately maintained and painted to avoid their deterioration or decay, collection of debris or other conditions which might endanger the public health, safety and welfare.


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

B. Any new development on a ten-percent slope shall be required to file and have approved a stormwater control mechanism that will control runoff rates that are at a minimum equal to the predevelopment rates. Also required is an erosion and sedimentation control plan that has been approved by the Borough.


All residential structures located in the R-1 and S-1 Districts shall be served with underground utility lines.

§ 157-94. Yard planting and screening.

A. Yard screening shall be provided along the boundaries of any manufacturing or commercial use or off-street parking lot and on any special exception use where such screening is required. Such screening shall consist of a visual screen or obstruction of suitable shrubs, hedges, fences or walls at least three feet high. Proposals for such screening shall be reviewed by the Planning Commission, and where such screening does not effectively buffer the residential use from said adjoining use, the Zoning Hearing Board may require additional screening to comply with the objectives of this chapter.

B. Fences, walls, shrubs or hedges under six feet tall may be located in any yard or court and shall be maintained in good condition. Suitable trees and other plant material designed to enhance the livability and attractiveness of any lot shall also be located in any yard or court.

§ 157-95. Vending machines.

In any business district, the outdoor sale of vending machine products is limited to one machine per establishment. In no case are any vending machines permitted to be located within the public right-of-way.

§ 157-96. Automatic teller machines (ATM’s).

A. Exterior walk-up tellers.
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(1) General requirements.

(a) No more than one ATM shall be permitted on one parcel.

(b) All construction and modifications to the exterior of the building pertaining to the installation of an ATM shall be completed in a manner consistent with the architectural design of the building.

(c) No ATM shall be located so as to eliminate or substantially reduce any existing landscaped areas.

(d) Each ATM shall be provided with night and security lighting.

(e) Each exterior ATM shall be provided with a trash receptacle to accommodate trash and smoking materials generated by users of the ATM.

(2) Setback requirements.

(a) An ATM shall not be installed within a street or alley facing an exterior wall unless it is set back from the street or alley not less than seven feet. Such setback shall include a minimum three-foot landscaped planter with raised six-inch curbing on either side.

(b) Waiting and privacy areas. In addition to a privacy area in front of the automatic teller machine of five feet wide by four feet deep, each exterior walk-up ATM shall be provided with a queuing lane measuring 12 feet long by three feet wide for customers waiting. Such privacy and waiting areas shall be exclusive of pedestrian circulation lanes on public sidewalks and of building ingress and egress points.

(3) Parking requirements. When parking exists in connection with other uses on the site, additional off-street parking for the ATM shall not be required, provided that the existing parking is no further than 100 feet. If parking is required because it does not meet the distance condition listed above, then four off-street parking spaces shall be required. Parking space design shall conform to §§ 157-64, 157-65 and 157-66 of this Zoning Chapter.

B. Interior mechanical tellers. Mechanical tellers that are located in the lobby or vestibule area of a banking facility shall be permitted as an accessory use and shall not require any special zoning requirements other than a zoning permit.

C. Freestanding drive-through mechanical tellers.

(1) General requirements.

(a) Drive-through ATM’s shall be designed so that at least four cars (60 feet) can be in a waiting line without encroaching on the public right-of-way.

(b) The drives shall be, at a minimum, eight feet wide, curbed, paved and marked in order to control the traffic flow. Ingress and egress design and paving specifications shall be approved by the Borough Engineer.
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(c) At least 150 square feet of landscaping shall be provided around any ATM. Planting shall be harmonious with the architectural design and site location. All landscaping shall be maintained in a neat, clean, healthy condition. Maintenance shall include proper pruning, mowing, disease and rodent control, weeding, litter removal, fertilizing, watering and replacement as necessary.

(2) Setback requirements. Setbacks, at a minimum, shall meet the minimum requirements for permitted structures in that district.


Application for any conditional uses permitted by this Zoning Chapter will be made to the Zoning Officer, who shall refer such applications to the Planning Commission at least 10 working days prior to the Planning Commission’s next regularly scheduled meeting. The Planning Commission will review the application and submit its recommendation to the Council for approval or denial. The recommendations of the Planning Commission and the decision of the Council shall be based on but not limited to the following standards and criteria:

A. Compatibility. The proposed use will be reviewed as to its relationship to and effect upon surrounding land uses and existing environmental conditions regarding the pollution of air, land and water; noise; potential of hazards and congestion; and illumination and glare, limited to restrictions to natural light and circulation of air.

B. Purpose. It will be reviewed as to the intended purpose of the proposed use as it relates to the Borough’s development objectives established in the Comprehensive Plan.

C. Suitability. The nature of the activity and the population served, the numbers of participating population, the frequency of use, the adequacy of space and spatial requirements and the potential generation of and impact on congestion will be reviewed as suitably related to the proposed location of the potential use.

D. Accessibility. Ingress and egress to the site of the proposed use, circulation and movement of pedestrian and vehicular traffic, parking requirements and accessibility to the existing and proposed Borough street system will be reviewed. Section D106 of the International Fire Code, 2000 Edition, pertaining to means of ingress and egress for fire apparatus, shall apply to all land developments within the Borough. [Amended 8-1-2000 by Ord. No. 1104, approved 8-1-2000]

E. Serviceability. Reviews will be made as to the adequacy and availability of utility services and facilities, such as sanitary and storm sewers, water and trash and garbage collection and disposal, and the ability of the Borough to supply such services.

F. Applicability. The proposed use will be reviewed as to its application to and coordination with the planning policies of the Borough and its Comprehensive Plan and plans for land uses, highways, schools, parks, sewers, water distribution and population growth.

G. Timing. The developer shall include in the application a schedule of completion, including the timing of various phases of the planned residential development. The
approval of the project will be based on said schedule, and any changes or extensions beyond the dates indicated will require review by the Planning Commission and approval by the Borough Council.

§ 157-98. Condominium additions.
Condominium additions and accessory structures of condominiums shall be treated as one owner of the building. Applicants shall provide a letter from the homeowners’ association stating that there are no objections to the addition to the condominium or placement of an accessory structure.

Any development other than a single-family house on an individual lot shall be considered a land development. All requirements of Chapter 140, Subdivision of Land, must be met by the applicant.

§ 157-100. Sidewalk regulations.
Sidewalks, according to the specifications contained in Chapter 140, Subdivision of Land, shall be required along public streets in any land development.

§ 157-100.1. Construction entrances.
Whenever a zoning permit is issued for the new construction of a building or any renovation or addition that requires the entrance of anything heavier than a three-fourths-ton pickup truck, a construction entrance shall be created by the applicant. Such construction entrance shall be at least six inches of PennDOT No. 4 coarse aggregate at least 15 feet wide by 20 feet deep.

The purpose of this section is to permit shopping centers in the C-1 and C-2 Districts as a conditional use subject to the following standards and criteria:

A. Bulk regulations. Bulk regulations shall be as follows:

(1) Minimum lot area: five acres.

(2) Minimum lot frontage on any right-of-way providing access to the shopping center: 200 feet.

(3) Minimum yards: front, 20 feet; rear, 50 feet; and each side, 50 feet. (NOTE: No outside storage or sales area shall be located within any yard setback area.)

(4) Maximum building coverage: Forty percent.

(5) Maximum building height: Number of stories, three; feet, 45.
(6) Maximum impervious surface: Seventy-five percent.

(7) Minimum open space: Five percent.

(8) Minimum off-street parking: One space per 250 square feet of gross floor area.

B. Design requirements.

(1) Plans shall be submitted for full development (no phasing of plans even though construction may be phased).

(2) All points of ingress and egress (two minimum) shall be fully curbed and channelized to a minimum depth of 100 feet inside the property line or as may be required by the Pennsylvania Department of Transportation (PADOT).

(3) Interior drives shall be a minimum of 25 feet in width and shall have curbs, where required, for safe interior circulation.

(4) All off-street loading shall be located separately from parking areas and shall provide its own means of ingress and egress. Access to and from the off-street loading area shall be routed separately at the perimeter of the property to eliminate conflict with passenger vehicle and pedestrian traffic.

(5) Adequate capacity for public water and public sanitary sewer connections shall be available.

(6) Firesafety lanes shall be provided around 100% of the perimeter of all buildings.

(7) All area not used for buildings, parking or loading shall be fully landscaped, except phasing areas for future building construction, provided that the construction phasing is completed within one year of the issuance of the initial building permit.

(a) Any part or portion of any size which is not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. A replacement program for nonsurviving plants shall be included.

(b) Any single parking area with 20 or more spaces shall utilize at least 5% of its area in landscaping, which shall be in addition to open space area requirements.

(8) A complete traffic impact study is required, including recommendations for traffic control, acceleration-deceleration lanes, complete peripheral curbing and street widening. Off-site improvements recommended in the traffic study or as otherwise may be required shall be implemented by the developer at his/her sole expense.

(9) In addition, the Borough Council and the Planning Commission may require such other design criteria to assure safety, compatibility of the site and harmony with the character of the neighborhood.
(10) Internal pedestrian walkways shall be provided from all parking areas and tied into external walkways in a manner which will provide safe ingress and egress for pedestrian traffic.

C. Landscape requirements.

(1) Street frontage landscaped planting strips.

(a) A planting strip will be provided along all property lines where street rights-of-way abut the parking area. Landscaped planting strips may include earth berms, planter boxes, fences, walls or hedges in combination with canopy trees and plantings and must be provided within the property boundaries. Fences, walls and hedges need not be solid.

(b) The minimum width of the landscaped planted strip, regardless of the required setback for structures, is 15 feet between the right-of-way and the parking area.

(c) For every 35 linear feet of right-of-way frontage (of parking area) or part thereof, at least one shade, ornamental or canopy tree will be planted within the yard setback. Existing trees may be counted towards this, and spacing of trees may be varied; however, the spacing between trees or groupings of trees shall not exceed 40 linear feet.

(2) Perimeter boundary landscaping or screening.

(a) All parking areas will have a visual screen on each perimeter property line abutting a residential zone district or use. All edges of parking areas, not coinciding with a property line, which are adjacent to residential buildings, shall have a landscaped strip at least 10 feet wide, planted, bermed and/or fenced in such a manner as to protect ground and/or below ground level windows from headlight glare and the direct emission of vehicle exhaust. A "visual screen" means a fence or wall, an earth berm and plantings, plantings of trees and shrubs or any combination of the above.

(b) Fences or walls must be accompanied by at least one tree per 35 linear feet of fence or wall. These trees may be grouped and existing trees counted towards satisfying this requirement.

(3) Internal parking area landscaping.

(a) Parking areas with 100 or fewer spaces.

[1] At least 5% of the square footage of the surface area of parking stalls in the double loaded rows (exclusive of circulation) must be landscaped, including at least one shade or canopy tree for every 50 linear feet of double loading.

[2] Planting must be within or immediately adjacent to the double loaded spaces and may be:
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[a] In a strip along the center between rows and vehicles; and/or

[b] In one or more islands at the end or in the middle of the rows; and/or

[c] In pockets interspersed between rows and vehicles.

(b) Parking areas with more than 100 spaces.

[1] At least 5% of the parking area, as calculated in Subsection C(3)(b)(2) below, must be landscaped.

[2] The average width multiplied by the average length of the parking area shall be used to compute the size of the parking area. All measurements will be made between the edges of the parking area surfacing adjoining a planting strip or perimeter landscaping and will not include structures.

[3] Up to 33% of the internal planting area may be transferred and planted along the front or perimeter edges of the parking area. This planting is in addition to the requirements for frontage and perimeter landscaping above.

[4] For every 200 square feet or part thereof of internal landscaping as required under Subsection C(3), Internal parking area landscaping, at least one shade or canopy tree and eight shrubs must be planted. Every planting area shall be covered by ground cover (exclusive of trees and shrubs).

[5] Landscaped islands must be provided at maximum intervals of every 20 contiguous parking spaces.

D. Standards.

(1) Plant material standards.

(a) No artificial trees, shrubs, turf or plants may be used to fulfill the landscaping requirements.

(b) Planting areas must be covered by ground covers, stone, mulch or low growing shrubs.

(c) Nonlive ground covers may include gravel, stone, mulch, tree bark, decorative rock or bricks, interlocking block or other decorative pavement but may not include plain asphalt paving or plain concrete. Where live ground covers are used exclusive of nonlive ground covers, herbaceous ground covers must be planted no more than three feet on center and shrubs no more than five feet on center. Live ground cover includes grass and pachysandra.

(d) All material must be designed and planted in accordance with industry standards.
(e) Conditions.

[1] All materials planted under these provisions must meet the following conditions:

[a] Deciduous trees are at least two-inch caliper measured four inches above the ground.

[b] Ornamental and flowering trees are at least one-and-one-half-inch caliper measured four inches above the ground.

[c] Evergreen trees are at least five feet tall.

[d] Evergreen spreaders and broadleaf evergreens are five-gallon size, with spreads no less than 18 to 24 inches.

[e] Shrubs are five-gallon size, with heights no less than two to three feet.

[f] Vines are one gallon in size.

[2] In addition to the above requirements, all plant materials must meet the current standards of the American Association of Nurserymen.

(f) Development plans shall show the location of all existing trees of a caliper size of four inches or greater.

(g) Planting strips or areas, walkways, fences, walls or hedges must be protected from vehicles and maintenance equipment by curbs, bollards, wheel stops, headers or other means.

(2) Recommended plant materials.

(a) All planting in the public right-of-way along state highways will be done in accordance with the applicable rules and regulations of the Pennsylvania Department of Transportation and will be part of the review process for any required PADOT permit.

(b) Plant materials specified must be suited to the East Stroudsburg climate and suitable for the conditions of the area.

(c) A "shade or canopy tree" means a deciduous tree with branches high enough to not obstruct vehicle movement.

(3) Fences, planter boxes and walls. Fences, planter boxes and walls must be of wood, brick, masonry or textured or aggregate concrete, but not including corrugated or sheet metal, tires, car doors or other discarded materials. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create a screen.

(4) Heights. Except as otherwise provided in Chapter 157, Zoning, the following heights will be applied to plantings (exclusive of trees and three years after installation), fences, planter boxes, walls, hedges and earth berms:
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(a) At least three feet in height but not to exceed four feet along all lot lines abutting street rights-of-way (exclusive of alleys).

(b) At least three feet in height but not to exceed six feet along lot lines not abutting street rights-of-way.

(c) At least three feet in height but not to exceed three feet six inches (42 inches) within the triangle measured from the point of intersection of the lot lines abutting intersecting streets, a distance of 25 feet along each front lot line, unless otherwise specified by the Zoning Officer.

(d) Solid fences, hedges or walls along lot lines abutting street rights-of-way must not exceed three feet in height.

(5) Visual screens and front planting strips. Visual screens and front planting strips must be of a design and density to screen adjacent residences and rights-of-way from headlight glare and movement of traffic generated by vehicles using the parking area.

(6) Walkways. Walkways must have a minimum effective (i.e., exclusive of vehicle overhang) width of five feet.

(7) Maintenance.

(a) The owner of the property, his successors, heirs and assignees are responsible for the proper maintenance of the landscaped area and parking lot subject to the approved landscape plan.

(b) Landscaping must be continuously maintained, including necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement of dead or diseased plant material shall be of the same type of plant material as set forth in the approved landscape plan. Replacement shall occur in the next planting season, but in any event, replacement time must not exceed one year.

(8) Lighting. Lighting shall be in accordance with § 157-88.1.


The purpose of this section is to permit places of worship in the R-2 or R-3 Districts as a conditional use subject to the following standards and criteria.

A. Bulk regulations.

(1) Minimum lot area: 37,000 square feet (3/4 acre).

B. Design requirements.

(1) Parking shall be provided in accordance with §§ 157-64 and 157-65. Traffic control and flow shall be an inherent part of any parking plan.
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C. Landscape requirements.

(1) When a property used for a place of worship abuts a residential property, a buffer area shall be provided. This buffer shall consist of a landscaping screen. The buffer area shall be composed of plants and trees arranged to form both a low-level and high-level screen. The high level screen shall consist of trees planted with specimens of at least four feet in height, and planted at intervals which will provide an overlapping foliage screen at maturity with a minimum mature height of 15 feet. The low level screen shall be placed in alternating rows to produce a more effective barrier. All plants not surviving two growing seasons after planting shall be replaced. Any buffer area shall be a minimum of 10 feet wide. All planting and screening shall be on the applicant’s property.

(2) The Zoning Code requirements of a ten-foot landscaped buffer along public streets shall apply.

(3) Pavement shall be a least 10 feet away from any residential property.


The purpose of this section is to regulate gambling or off-track betting establishments in the C-2 District as a conditional use, subject to the following standards and criteria:

A. Such establishment shall not abut any residential district or any property whose use is principally residential.

B. Such establishment shall not be located within 600 feet of any parcel of land which contains any one or more of the following specified land uses:

(1) Amusement park or any public recreational use.

(2) Child-care facility, including medical offices, (pediatricians) and day-care centers.

(3) Church, synagogue or mosque or other similar religious facility.

(4) Community centers.

(5) Libraries.

(6) Parks.

(7) Playgrounds.

(8) Schools or educational facilities.

C. The distance between any such gambling or off-track betting establishment and any of the protected land uses specified at Subsections A and B(1) through (8) above shall be measured in a straight line, without regard to intervening structures, from the closest point of the property or lot line on which such establishment is located to the closest point on the property line of such protected land use.
D. Off-street parking shall be provided at the rate of five spaces per each 100 square feet of
floor area open to customers of such gambling or off-track betting establishment. The
Zoning Code requirement for off-street parking for such accessory uses associated with
such establishment, such as theaters and restaurants, shall meet the requirements as
contained in §§ 157-64 and 157-65.

E. The proposed establishment will not be detrimental to the use of adjoining properties due
to hours of operation, light and/or litter.

F. The proposed establishment will not constitute a nuisance due to noise or to loitering
outside the building.

G. A working plan for the cleanup of litter shall be furnished and implemented by the
applicant.

H. A traffic analysis of the impact of the proposed facility, compiled by an engineer whose
major activity is traffic analysis, shall be submitted. Traffic shall have no adverse impact
on existing residential, industrial or commercial uses.

I. The application shall be accompanied by a plan containing substantially the same
information and meeting the same standards as that required for a land development plan
under Chapter 140, Subdivision of Land.

J. All gambling and off-track betting establishments shall comply with all laws, rules and
regulations of the United States of America, the Commonwealth of Pennsylvania and
their respective agencies and instrumentalities and of the Borough pertaining thereto.

§ 157-100.5. Traffic impact study. [Added 9-3-2002 by Ord. No. 1129, approved
9-3-2002]

A. The purpose of a traffic impact study is to evaluate the proposed development’s impact
on the level of service (LOS). The LOS shall not be lowered, and it is the applicant’s
responsibility to achieve this goal through on-site improvements and other improvements
to publicly owned property such as traffic lights and other traffic control devices. LOS
ranges from “A” (free flow of traffic with minimum intersection delay) to “F” (forced
flow, jammed intersections, long delays).

B. A traffic impact study is required for any new land development or commercial addition
greater than 1,000 square feet or occupancy based on the Borough’s Building Code of 50
or more people.

(1) A traffic study shall be prepared by a qualified individual or firm that has
professional experience in preparing traffic impact studies.

(2) The Borough may, at the applicant’s expense, hire a qualified individual or firm to
review the submitted study.

(3) The study shall show:
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(a) The proposed development, type and size of the use.

(b) The primary traffic impact hours for the use.

(c) The study area in which traffic analysis was conducted.

(d) The proposed access locations.

(e) The road network in the study area.

(f) The nearby intersections and types of traffic controls.

(g) The adjacent streets describing widths and parking characteristics.

(h) The peak hour and day traffic volumes, including information on trucks or school buses, before and after, development of the site.

(i) The gap or queue length studies, estimating time to get in and out of the site during peak days and hours.

(j) The internal site features, such as driveways, stacking space for drive-in uses, site distances, parking layouts and adequacy of supply, internal traffic circulation and loading facilities.

(k) The plans or programs to mitigate potential traffic problems in order to keep the same LOS or to provide the best LOS as possible.

(l) The summary of the impact of the proposed development on existing traffic levels and traffic safety and any recommended change in the proposed development to reduce or offset negative traffic impacts in order to keep at least the same or better LOS.

§ 157-100.6. Primary or secondary schools. [Added 9-3-2002 by Ord. No. 1129, approved 9-3-2002]

The purpose of this section is to regulate primary and secondary schools in the I-E District as a conditional use, subject to the following standards and criteria:

A. Bulk regulations. Bulk regulations shall be as follows:

(1) Minimum lot area: 20 acres.

(2) Lot dimensions: minimum width, 1,000 feet, minimum depth, 1,000 feet.

(3) Minimum yards: front, 25 feet; rear, 25 feet, and each side, 10 feet. (NOTE: Where any yard abuts a residential zone, the minimum yard shall be equal to the highest building elevation at the closest location to the residential district plus the required yard.)

(4) Maximum building coverage: 40%.

(5) Maximum building height for the principal structure: 80 feet.
B. Design requirements.

(1) A traffic study is required. Such study shall be done by individuals qualified in the field of traffic engineering and shall address all functions of vehicle ingress and egress as well as internal flow of vehicles.

(2) All points of ingress and egress (two minimum) shall be fully curbed and channelized.

(3) Interior drives shall be a minimum of 25 feet in width and shall have curbs, where required by an internal traffic study.

(4) All requirements of the East Stroudsburg Land Development and Zoning Codes shall be met. In addition, the following specific requirements shall be met.

C. Parking requirements.

(1) Parking shall be provided at a ratio of:

(a) Secondary schools: one per four students, plus one per employee.

(b) Primary schools: one for every 3.5 seats, but not less than one per teacher and employee.

(2) Overflow parking.

(a) Overflow parking lots may be permitted at any use that requires more than 100 parking spaces. Overflow parking lots may not be used more than five times during the calendar year. Overflow parking lots shall only be used for passenger vehicles. Overflow parking lots shall not be available for use by tractor-trailers, recreational vehicles or recreational trailers. No overflow parking shall be used until all permanent parking is filled.

(b) Applicants for overflow parking shall show that each overflow parking lot can accommodate at least 50 vehicles in conformance with the standards of the off-street parking requirements of this section. Applicants shall show on the space designated for overflow parking the aisles and parking stalls delineated in agreement with the size standards for a parking lot.

(c) An overflow parking lot may be paved and used for school activities other than parking.

(d) For every 50 cars permitted in the overflow parking lot, two attendants shall be provided to direct traffic in and through the site ensuring that all vehicles are parked in a stall and that aisles are maintained. Attendants shall be required to work at the overflow parking lot prior to the starting time of an event and shall continue to work until the parking lot is cleared or there are no patrons of the event remaining in the parking lot area.

(e) All overflow parking that will be used after dark shall be provided with lighting maintaining a light level of at least 0.3 footcandles.
(f) In addition to all permits required by this section, use of an overflow parking lot shall require submission of an application for a permit to use the overflow parking lot. The application for use of an overflow parking lot shall be submitted to the Borough Zoning Office and will be on a form as prescribed by the Borough of East Stroudsburg with a fee in conformance with the Borough’s fee schedule. The application for a permit to use the overflow parking shall be submitted at least 30 calendar days prior to the use of the overflow parking lot.

D. Buffering and landscape requirements.

(1) Landscaping for parking areas shall be in accordance with § 157-100.2C through 157-100.2D(7) of this chapter.

(2) Function and materials. Buffering shall provide a year round visual screen in order to minimize adverse impacts from site on an adjacent property or from adjacent areas. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, architectural walls or combinations thereof to achieve the stated objectives.

(3) Buffering shall be required when topographical or other batters do not provide reasonable screening and when the Planning Commission determines that there is a need to shield the site from adjacent properties and to minimize adverse impacts such as incompatible land uses, noise, glaring light and traffic.

(4) Where required, buffers shall be measured from the side and rear property lines, excluding access driveways.

(5) Where more intense land uses abut less intensive uses, a buffer strip 10 feet, but not to exceed 10% of the lot area, in width shall be required.

(6) Parking areas, garbage collection and utility areas and loading and unloading areas should be screened around their perimeter by a buffer strip a minimum of five feet wide.

(7) Design. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the minimum top width shall be four feet, and the maximum side slope shall be 2:1.

(8) Planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be installed according to accepted horticultural standards.

(9) Maintenance. Plantings shall be watered regularly and in a manner appropriate for the specific plant species through the first growing season, and dead or dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
E. Change of character of school.

(1) Whenever a secondary school is changed to a primary school or a primary to a secondary, a conditional use hearing is required to determine the adequacy of the level of service for traffic. A traffic study is required with particular emphasis on the ability of the student dropoff area to handle the anticipated levels of service. Additional queue areas or traffic holding areas or other on-site changes may be required to enable the level of service to be the best it can be.

ARTICLE VI
Aquifer Protection Overlay Zone


The Borough of East Stroudsburg finds that:

A. The groundwater underlying the Borough is a major source of its existing and future water supply, including drinking water.

B. The groundwater aquifers are integrally connected with and flow into the surface waters, lakes and streams which constitute a major source of drinking water for East Stroudsburg.

C. Accidental spills and discharges of toxic and hazardous materials may threaten the quality of such groundwater supplies and related water resources in the Borough, posing potential public health and safety hazards.

D. Unless preventive measures are adopted to control the discharge and storage of toxic and hazardous materials within the Borough, spills and discharges of such materials will predictably occur, and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial development, population and vehicular traffic in the Borough.
§ 157-102. Purpose.

The purpose of this article is to protect the public health, safety and welfare through the preservation of the Borough's major groundwater resources to ensure a future supply of safe and healthful drinking water for the Borough of East Stroudsburg, local residents and employees and the general public. The designation of Aquifer Protection Zones (Wellhead Zone, Zone 1 and Zone 2) and careful regulation of development activities within these zones can reduce the potential for groundwater contamination. The purpose of this article is to protect areas having a high potential for use as a water supply and thereby to maintain the existing quality and improve the future quality of the groundwater of the Borough of East Stroudsburg.

§ 157-103. Applicability.

A. These regulations shall apply to all land uses encompassed within the Aquifer Protection Zones as designated on a map entitled "Aquifer Protection Map, Borough of East Stroudsburg, Monroe County, Pennsylvania," dated April 11, 1990, which is held by the Borough Zoning Officer. The Aquifer Protection Areas are also shown on the Zoning Map.28

B. These regulations shall be in addition to other requirements for the zoning districts designated on the Zoning Map of the Borough of East Stroudsburg and shall apply irrespective of other sections of this Code.

§ 157-104. Use regulations.

A. Permitted principal and accessory uses. All uses which are permitted under the existing zoning regulations are permitted in the Aquifer Protection Zones unless otherwise identified in Subsection B below. Additional zone-specific restrictions are identified under Subsections D, E and F below.

B. Prohibited uses. The following uses are prohibited within the Aquifer Protection Zones:

(1) The disposal of hazardous materials or solid waste.

(2) The treatment of hazardous materials, but not including rehabilitation programs authorized by a government agency for treating existing hazardous materials.

(3) The storage of hazardous materials, except in sealed or unopened containers for resale or in containers normal for household use.

(4) The creation of hazardous materials.

(5) The storage of hydrocarbon products, except for heating oil and vehicle fuel stored in vehicle tanks.

(6) Oil, gasoline or hazardous material pipelines.

28. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.
(7) Disposal of septic sludge.

(8) Uses otherwise allowed in the zone which may discharge hazardous materials into the groundwater.

(9) Automotive service stations and public garages.

C. All sewage and wastewater disposal systems must be connected to the public sewer system.

D. Wellhead Zones: W1, W2 and W3.

(1) Land use of any type and storage or use of herbicides and pesticides is prohibited within a two-hundred-foot radius of a supply well, with the exception of construction of a well house and access road.

E. Zone 1, Restrictive Zone.

(1) On-site storage of hazardous materials in above- or below-ground tanks is prohibited.

(2) The handling and storage of road salt and deicing materials is prohibited.

(3) Groundwater heat pumps are prohibited.

(4) The following facilities are prohibited:

   (a) Dry-cleaning and dyeing establishments and laundries that utilize cleaning solvents.

   (b) Printing and photo-processing establishments.

   (c) Furniture and finish-stripping establishments.

(5) Special permit uses. Such permits will not be considered.

F. Zone 2, Protective Zone.

(1) On-site storage of heating oil in tanks of less than 1,100 gallons installed below ground B permitted, provided that such tanks are designed and constructed in accordance with the standards of the Pennsylvania State Department of Environmental Resources rules and regulations for bulk storage. Replacement tanks must meet the requirements of this section.

(2) Special permit uses.

   (a) Within Zone 2, each use below requires the issuance of a special permit by the Borough Council:

      [1] The handling and storage of road salt and deicing materials, provided that structural and nonstructural measures are implemented to prevent leachate contamination. Such measures may include but are not limited to building enclosures, impervious pads and pavements, self-contained
drainage systems, detention basins, filters, separators or other devices and other management practices.

[2] Ground water heat pumps supplying heating and cooling for other than a one-family detached dwelling unit, provided that such systems are designed to treat, if necessary, and return discharged water to the groundwater.

(b) The Borough Council may attach such conditions and safeguards to any special permit as are, in its opinion, necessary to ensure initial and continued conformance to all applicable standards and requirements. Such conditions may include but are not limited to monitoring wells and the requirement of additional setbacks from sewage disposal systems to downgradient property lines.

(3) Nonconforming uses or structures. Any lawful use of a structure or of land existing as of the effective date of this section shall be deemed nonconforming and may be continued.


All applications for a special use permit pursuant to § 157-104F(2) shall include an aquifer impact assessment. The purpose of this assessment shall be to demonstrate that no activities will be conducted upon the property that will result in groundwater infiltration into a designated aquifer such that, at a confidence level of 90%, the Pennsylvania State Drinking Water Standards will not be violated at the property line. Said assessment shall be prepared by a qualified hydrogeologist at the expense of the applicant. The cost to the Borough of hydrogeologic review of such assessment shall be paid by the applicant. The aquifer impact assessment shall include, insofar as it is pertinent to the application:

A. Aquifer flow characteristics, including a delineation of the primary recharge area, distribution of transmissivity and details of the hydrologic budget, including natural and man-induced sources of recharge and withdrawal. Existing data from Borough studies on the aquifer areas may be used in the aquifer impact assessment.

B. Details of the proposed aquifer usage, including static conditions of the potentiometric surface, range of withdrawals anticipated and the potentiometric surface at critical points in that range. An estimate of the quantity of induced surface flows at each critical point in the range shall also be detailed.

C. Potential impacts resulting from the planned discharges or withdrawals, including impacts to other users of the aquifer (wells, surface expressions of groundwater, etc.), in terms of levels, quantity of water available and induced quality changes. The impacts resulting from induced infiltration, including quantity implication to both the groundwater and surface water systems, shall be addressed.

D. Proposed measures to mitigate any adverse impacts, the system for monitoring quantity, quality or any other aspect deemed important, including monitoring wells, and a reporting schedule shall be specified.
§ 157-106. Short title and description.

This Article shall be known and may be cited as the "Borough of East Stroudsburg Airport Zoning Overlay District." It is an Article regulating and restricting the height to which structures may be erected or objects of natural growth and otherwise regulating the use of property in the vicinity of the Birchwood-Pocono Airpark by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Birchwood-Pocono Airpark Height Limitation and Zoning District Map, which is incorporated in and made part of this chapter; providing for enforcement; establishing a Zoning Hearing Board; and imposing penalties.


A. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Birchwood-Pocono Airpark and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Birchwood-Pocono Airpark; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Birchwood-Pocono Airpark and the public investment therein. Accordingly, it is declared:

(1) That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Birchwood-Pocono Airpark.

(2) That it is necessary in the interest of the public health, safety, morals and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.

(3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

B. It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.


The following words and phrases, when used in this article, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

AIRCRAFT — Any convenience, except an unpowered hang glider or parachute, used for manned ascent into or flight through the air.
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AIRPORT — Birchwood-Pocono Airpark; any area of land or water which is used or intended to be used for the landing and takeoff of aircraft and any appurtenant areas which are used or intended to be used for airport buildings or air-navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. As used herein, the term "airport" includes public airports but excludes private airports and heliports. Public and private airports are defined separately in this section.

AIRPORT ELEVATION — One thousand two hundred seventy; the highest point of an airport’s unusable landing area, measured in feet above sea level.

AIRPORT HAZARD — Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this chapter and Act 164 of 1984 (Pennsylvania laws relating to aviation). 29

APPROACH SURFACE — A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach surface zone height limitation slope set forth in § 157-110 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach surface zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACE ZONES — These zones are set forth in § 157-110 of this chapter.

CONICAL SURFACE — A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

DEPARTMENT — The Pennsylvania Department of Transportation.

FAA — The Federal Aviation Administration of the United States Department of Transportation.

HEIGHT — For the purpose of determining the height limits in all zones set forth in this article and shown on the Zoning Map, 30 the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE — A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal surface zone.

LARGER-THAN-UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds’ maximum gross weight and jet-powered aircraft.

NONCONFORMING USE — Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this article or an amendment thereto.

NON-PRECISION-INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing air-navigation facilities with only horizontal guidance, or area

29. Editor’s Note: See 74 Pa.C.S.A. § 5101 et seq.

30. Editor’s Note: The Zoning Map is included in a pocket at the end of this volume.
type navigation equipment, for which a straight-in nonprecision-instrument approach procedure has been approved or planned.

OBSTRUCTION — Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in § 157-110 of this chapter.

PERSON — An individual, firm, partnership, corporation, company, association, joint-stock association or governmental entity; includes a trustee, a receiver, an assignee or a similar representative of any of them.

PRECISION-INSTRUMENT RUNWAY — A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE — A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. For military runways or when the runway has no specifically prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in § 157-109 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRIVATE AIRPORT — An airport which is privately owned and which is not open or intended to be open to the public as defined in 74 Pa.C.S.A. § 5102.

PUBLIC AIRPORT — An airport which is either publicly or privately owned and which is open to the public as defined in 74 Pa.C.S.A. § 5102.

RUNWAY — A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE — An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.

TRANSITIONAL SURFACES — These surfaces extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet, measured horizontally, from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

TREE — Any object of natural growth.

UTILITY RUNWAY — A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds’ maximum gross weight or less.

VISUAL RUNWAY — A runway intended solely for the operation of aircraft using visual approach procedures.
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ZONING HEARING BOARD — A Board appointed by the authority adopting these regulations. The number of members, powers, governing rules, etc., of the Board are set forth in Article I of this chapter.


In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Birchwood-Pocono Airpark. Such zones are shown on the East Stroudsburg Zoning District Map. The Airport Overlay District boundary was taken from the Height Limitation Map prepared by the Pennsylvania Department of Transportation, Bureau of Aviation, and dated Spring 1989, which is attached to this chapter and made a part thereof. An area located in more than one of the following zones is considered to be only in the zone with the more-restrictive height limitation. The following two zones are those applicable to the Borough of East Stroudsburg. They are hereby established and defined as follows:

A. Horizontal Surface Zone: established beneath the horizontal surface, 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet in radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Surface Zone does not include the Approach Surface and Transitional Surface Zones.

B. Conical Surface Zone: established beneath the conical surface. This zone commences at the periphery of the horizontal surface and extends outward therefrom a horizontal distance of 4,000 feet.

§ 157-110. Surface zone height limitations.

Except as otherwise provided in this chapter, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Horizontal Surface Zone: established at 150 feet above the established airport elevation or at a height of 1,420 feet above mean sea level. The allowable height formula shall be as follows:

Allowable Height = (1,270 established airport elevation) + (150 feet) — (ground elevation)

B. Conical Surface Zone: slopes 20 feet outward for each foot upward beginning at the periphery or the horizontal surface and at 150 feet above the established airport elevation and extending to a height of 350 feet above the established airport elevation or at a

31. Editor's Note: The Zoning Map is included in a pocket at the end of this volume.
height of 1,620 feet above mean sea level. The allowable height formula shall be as follows:

\[ \text{Allowable Height} = (1,270 \text{ established airport elevation}) + (150 \text{ feet}) + (\text{distance from horizontal surface boundary} + 20) - (\text{ground elevation}) \]

C. Excepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 35 feet above the surface of the land.

§ 157-111. Airport zoning requirements.

A. Reasonableness. All airport zoning regulations adopted under this article shall be reasonable; none shall impose any requirement or restriction unless it is reasonably necessary to effectuate the purpose of this article. In determining what regulations it may adopt, each municipality and Joint Airport Zoning Board shall consider, among other factors, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

B. Use restrictions. Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this article in such manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

C. Nonconforming uses.

(1) Regulations not retroactive.

(a) The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this chapter or to otherwise interfere with the continuance of any nonconforming use, except as provided in § 157-112 (relating to permits and variances).

(b) Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter and which is diligently executed.

(2) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon or nearby of such markers and lights as shall be deemed necessary by the Borough of East Stroudsburg to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport
obstruction. Such markers and lights shall be installed, operated and maintained at the expense of Borough of East Stroudsburg.

§ 157-112. Permits and variances.

A. Future uses.

(1) Except as specifically provided in Subsection A, B or C hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with Article I.

(2) In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(3) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any structure or growth of any tree in excess of any of the height limits established by this chapter, except that no permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

B. Existing uses. Before any nonconforming structure may be replaced, substantially altered or rebuilt or tree allowed to grow higher or replanted, a permit must be secured from the municipality authorizing the replacement or change. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

C. Nonconforming uses abandoned or destroyed. Whenever the Borough of East Stroudsburg determines that a nonconforming tree or structure has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this chapter.

D. Variances.

(1) Any person desiring to erect any structure or increase the height of any structure or permit the growth of any object of natural growth or otherwise use his property in
violation of airport zoning regulations may apply to the Board of Adjustment for a variance from the zoning regulations in question. A variance shall only be granted after the requirements of § 157-113 are satisfied. A variance may be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and would be in accordance with the spirit of the regulations and conditions that the Zoning Hearing Board may deem necessary to effectuate the purpose of this article.

(2) The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air-navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this article may be considered by the Zoning Hearing Board unless a copy of the application as been furnished to the Airport Manager (or person of equivalent description) for advice as to the aeronautical effects of the variance. If the Airport Manager (or person of equivalent description) does not respond to the application within 15 days after receipt, the Zoning Hearing Board may act without such input to grant or deny said application.

E. Hazard marking and lighting. In granting any permit or variance under this section, the Board shall, if it deems the action advisable to effectuate the purpose of this article and reasonable under the circumstances, so condition the permit or variance as to require the owner of the structure or object of natural growth in question to permit the municipality, at its own expense, or require the person or persons requesting the permit or variance to install, operate and maintain, thereon such markers and lights as may be required by guidelines or regulations adopted by the FAA.

§ 157-113. Acquisition of air rights.

In any case in which it is desired to remove, lower or otherwise terminate a nonconforming structure or use, or the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations, or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the municipality within which the property or nonconforming use is located or the municipality or municipal authority owning the airport or served by it may acquire, by purchase, grant or condemnation, in the manner provided by the law under which municipalities are authorized to acquire real property for public purposes, such air right, aviation easement or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purpose of this article. In this case of the purchase of any property or any easement or estate or interest therein or the acquisition thereof by the power of eminent domain, the municipality making the purchase or exercising the power shall, in addition to the damages for the taking, injury or destruction of property, also pay the cost of the removal and relocation of any structure or any public utility which is required to be moved to a new location.
§ 157-114. Conflict with other provisions.

In the event of conflict between any airport zoning regulations adopted under this article and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees and the use of land or any other matter and whether the other regulations were adopted by the municipality which adopted the airport zoning regulations or by some other municipality or otherwise, the more stringent limitation or requirement shall govern and prevail.
**ZONING**

**TABLE OF USE REGULATIONS**
**BASIC DISTRICT REGULATIONS**
Borough of East Stroudsburg

*For an explanation of the symbols used in the Table of Use Regulations, see § 157-39.*

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<td>Clothing</td>
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## EAST STROUDSBURG CODE

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<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>M-1</th>
<th>S-1</th>
<th>I-M</th>
<th>I-U</th>
<th>I-UA</th>
<th>C-1A</th>
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<td>Newspapers, books, stationary and office supplies</td>
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<td>Restaurants, including cafes</td>
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<td>Variety goods</td>
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<tr>
<td>Retail furniture showroom [Added 8-3-1999 by Ord. No. 1087, approved 8-3-1999]</td>
<td>X</td>
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</tbody>
</table>

### C. Commercial uses (services)

| Art, music and dance studios/centers [Amended 3-7-2000 by Ord. No. 1100, approved 3-7-2000] | X   | X   | X   |     |     |     |     |     |     |      |      |
| Auto service stations (minor)                  | X   | X   | X   |     |     |     |     |     |     |      |      |
| Auto service stations (major repair; body shops) | X   | X   |     |     |     |     |     |     |     |      |      |
| Banks and financial institutions               | X   | X   | X   |     |     |     |     |     |     |      |      |
| Mechanical tellers                             | X   | X   | X   | X   | X   |     |     |     |     |      |      |
| Barber- and beauty shops/schools               | X   | X   |     |     |     |     |     |     |     |      |      |
| Bowling alleys, skating rinks and billiard parlors | X   | X   |     |     |     |     |     |     |     |      |      |
| Cemeteries                                     | X   | X   |     |     |     |     |     |     |     |      |      |
| Day-care centers                               | X   | X   | X   |     |     |     |     |     |     |      |      |
| Funeral homes                                  | X   | X   |     |     |     |     |     |     |     |      |      |
| Gambling or off-track establishments [Added 5-19-1998 by Ord. No. 1072, approved 5-19-1998] |     |     |     |     |     |     |     |     |     |      |      |

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### ZONING

<table>
<thead>
<tr>
<th>Permitted, Conditional and Special Exception Uses</th>
<th>Zoning Districts</th>
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<tbody>
<tr>
<td></td>
<td>R-1</td>
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<tr>
<td>Gymnastums, athletic fields and health centers</td>
<td>X</td>
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<tr>
<td>Hospitals</td>
<td></td>
</tr>
<tr>
<td>Laundries and laundromats</td>
<td>X</td>
</tr>
<tr>
<td>Motels/hotels, tourist homes and bed-and-breakfasts</td>
<td>X</td>
</tr>
<tr>
<td>Nursing and convalescent homes</td>
<td>X</td>
</tr>
<tr>
<td>Office buildings</td>
<td>X</td>
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<tr>
<td>Offices, professional and business</td>
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</tr>
<tr>
<td>Photographic studios</td>
<td>X</td>
</tr>
<tr>
<td>Printing and publishing, including blueprinting</td>
<td>X</td>
</tr>
<tr>
<td>Radio and television studios</td>
<td>X</td>
</tr>
<tr>
<td>Railway and bus stations</td>
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<tr>
<td>Bars and restaurants accessory to a motel/hotel</td>
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<tr>
<td>Social halls, clubs and lodges</td>
<td>X</td>
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<tr>
<td>Technical and trade schools</td>
<td>X</td>
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<tr>
<td>Theaters and nightclubs</td>
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<tr>
<td>Wholesale offices and showrooms</td>
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<tr>
<td>Pedestrian skywalks (See § 157-55)</td>
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<td>Parking structures (See § 157-56.)</td>
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<td><strong>D. Heavy commercial uses</strong></td>
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<td>Auto car washes</td>
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<tr>
<td>Automobile sales</td>
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<td>Dry-cleaning and dyeing plants</td>
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<tr>
<td>Mechanical and vehicular repair and rental</td>
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<tr>
<td>Sign painting</td>
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<tr>
<td><strong>E. Industrial uses</strong></td>
<td></td>
</tr>
<tr>
<td>Clothing mills</td>
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<tr>
<td>Construction machinery and maintenance</td>
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</tr>
<tr>
<td>Farm equipment sales and maintenance</td>
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</tr>
<tr>
<td>Heavy industrial uses not requiring complete enclosure in a building</td>
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</tr>
<tr>
<td>Heavy industrial uses, including railroad yards and repair shops, and the manufacturing of products from raw materials, including the processing of iron ore, coal and chemicals, the brewing and distillation of liquids and the manufacture of gas</td>
<td></td>
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<td>Jails</td>
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### East Stroudsburg Code

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<th>R-3</th>
<th>C-1</th>
<th>C-2</th>
<th>M-1</th>
<th>S-1</th>
<th>I-M</th>
<th>I-U</th>
<th>I-UA</th>
<th>C-1A</th>
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<tbody>
<tr>
<td>Junkyards/wrecking yards</td>
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<tr>
<td>Lumber and building supplies</td>
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<tr>
<td>Nurseries and greenhouses</td>
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</tr>
<tr>
<td>Storage and warehousing</td>
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<tr>
<td>Truck and freight terminals</td>
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<td>Vehicle and trailer sales and storage</td>
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<tr>
<td>Wholesale businesses with outside storage of manufactured products</td>
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</table>

F. Land developments of 5 or more acres [Added 8-1-2000 by Ord. No. 1104, approved 8-1-2000]  

| C | C | C | C | C | C | C | C | C | C | C |

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ZONING

TABLE OF BULK REGULATIONS
REGULATIONS GOVERNING THE SIZE OF LOTS, YARDS
AND BUILDINGS FOR PERMITTED USES ONLY

Borough of East Stroudsburg
[Amended 5-17-1994 by Ord. No. 1013,
approved 5-17-1994]

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<th>Zoning District</th>
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<td></td>
<td>R-1</td>
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<tr>
<td>Minimum lot size</td>
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<tr>
<td>Area (square feet)</td>
<td>12,500</td>
</tr>
<tr>
<td>Minimum lot dimensions</td>
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</tr>
<tr>
<td>Width (feet)</td>
<td>100</td>
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<tr>
<td>Depth (feet)</td>
<td>125</td>
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<tr>
<td>Minimum yards (feet)</td>
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<td>Front</td>
<td>25</td>
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<tr>
<td>Rear</td>
<td>30</td>
</tr>
<tr>
<td>Each side yard</td>
<td>15</td>
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<tr>
<td>Usable open space per dwelling unit (square feet)</td>
<td>500</td>
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<td>Maximum building height for the principal building</td>
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<tr>
<td>Number of stories</td>
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<tr>
<td>Height (feet)</td>
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<tr>
<td>Maximum building coverage (percent)</td>
<td>30%</td>
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</table>

NOTES:
1. See Article V for other supplementary regulations governing various uses, including special exceptions.
2. See § 157-72 for regulations concerning multifamily residential development.
3. Where any yard abuts a residential zone, the minimum yard shall be at a ratio of one foot per every one foot of building height. In no case shall any yard be less than 25 feet, including off-street parking areas. These requirements apply to principal and accessory uses.

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ZONING

Borough of East Stroudsburg

TABLE OF ZONING MAP AMENDMENTS

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<thead>
<tr>
<th>Ord. No.</th>
<th>Date</th>
<th>From</th>
<th>To</th>
<th>Description</th>
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<tr>
<td>1129</td>
<td>9-3-2000</td>
<td>R-1 and C-1</td>
<td>I-E</td>
<td>Containing 71.66 acres known as “East Stroudsburg South High School” property and the “James Walker” property</td>
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</table>