

BOROUGH OF FREEMANSBURG
NORTHAMPTON COUNTY, PENNSYLVANIA

Ordinance #2020- 006

(Duly Adopted October 6, 2020)

AN ORDINANCE OF THE BOROUGH OF FREEMANSBURG, NORTHAMPTON COUNTY, PENNSYLVANIA AMENDING THE FREEMANSBURG BOROUGH ZONING ORDINANCE OF 1970 AND ITS ZONING MAP BY AMDENDING SECTION 300 DEFINITIONS; ADDING SECTION 570 MAIN STREET OVERLAY SOUTH ZONING DISTRICT; ADDING SECTION 670 MAIN STREET OVERLAY NORTH ZONING DISTRICT; AMENDING SECTION 720 REGULATIONS APPLYING TO CERTAIN USES AND DISTRICTS; AMENDING SECTION 730 OFF-STREET PARKING AND LOADING; AMENDING SECTION 740 SIGNS; AMENDING THE ZONING MAP TO SHOW THE BOUNDARIES OF THE MAIN STREET OVERLAY SOUTH ZONING DISTRICT AND MAIN STREET OVERLAY NORTH ZONING DISTRICT; AMENDING THE ZONING MAP TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR NORTHAMPTON COUNTY PARCEL IDENTIFICATION NUMBER N7SW3B-1-1-0212 FROM A GI - GENERAL INDUSTRIAL ZONING DISTRICT TO A GC - GENERAL COMMERCIAL ZONING DISTRICT; SEVERABILITY; REPEALER; AND EFFECTIVE DATE.

This ordinance approved and adopted by the Council of the Borough of Freemansburg, Northampton County, Pennsylvania on the date hereinafter set forth.

WHEREAS, the Borough of Freemansburg of Northampton County, Pennsylvania, a duly organized body politic maintaining offices at 600 Monroe Street, Freemansburg, Pennsylvania 18017, has previously adopted a Zoning Ordinance; and

WHEREAS, under the authority of the Pennsylvania Municipalities Planning Code, as amended, Council of the Borough of Freemansburg, Northampton County, Pennsylvania has the ability to amend the Zoning Ordinance; and

WHEREAS, the Borough Planning Commission recommended that Council amend the Borough's Zoning Ordinance by amending Section 300 Definitions, adding Section 750 Main Street Overlay South, adding Section 670 Main Street Overlay North, amending Section 720 Regulations Applying to Certain Uses and Districts, amending Section 730 Off-Street Parking and Loading, amending Section 740 Signs of the Zoning Ordinance and amending the Zoning Map for the Borough's Zoning Ordinance to show the boundaries of the Main Street Overlay South Zoning District and Main Street Overlay North Zoning District all as set forth hereunder;

WHEREAS, Northampton County Parcel Identification Number N7SW3B-1-1-0212 is located along Washington Street in the Borough and presently located in a GI - General Industrial zoning district as shown on the Official Zoning District Map of the Borough dated September 30, 2003;

WHEREAS, Northampton County Assessment Records shown that Northampton County Parcel Identification Number N7SW3B-1-1-0212 is presently owned by CRR of New Jersey Terminal with an address of c/o Norfolk Southern Corp. Tax Dept. 3, Commercial Place Box 209, Norfolk, VA 23510;

WHEREAS, the Borough Planning Commission recommended that Council amend the Borough's Zoning Map to change the zoning District classification for Northampton County Parcel Identification Number N7SW3B-1-1-0212 from a GI - General Industrial zoning District to a GC - General Commercial zoning District as set forth hereunder; and

WHEREAS, Council desires to amend the Borough's Zoning Ordinance by amending Section 300 Definitions, adding Section 750 Main Street Overlay South, adding Section 670 Main Street Overlay North, amending Section 720 Regulations Applying to Certain Uses and Districts, amending Section 730 Off-Street Parking and Loading, amending Section 740 Signs of the Zoning Ordinance, amending the Zoning Map for the Borough's Zoning Ordinance to show the boundaries of the Main Street Overlay South Zoning District and Main Street Overlay North Zoning District, and amending the Borough's Zoning Map to change the zoning district classification for Northampton County Parcel Identification Number N7SW3B-1-1-0212 from a GI - General Industrial zoning district to a GC - General Commercial zoning district all as set forth hereunder.

NOW, THEREOFRE, BE IT ORDAINED AND ENACTED by Council of the Borough of Freemansburg, Northampton County, Pennsylvania, that Council hereby amends the Borough's Zoning Ordinance and Zoning Map as follows:

Section 300 Definitions

- *Add the following definitions to Section 300 DEFINITIONS*

Artisan/Craft Product Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery, and other ceramics, as well as small glass and metal art and craft products.

Artisan Shop. A retail store selling art glass, ceramics, clothing, jewelry, paintings, sculpture, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

Commercial Vehicle. Any motor vehicle or trailer typically used for business, industrial, office or institutional purposes or having painted thereon or affixed thereto a sign identifying a business, industry, office, institution or a principal product or service of such.

Coworking Space. A facilitated environment which contains desks or other workspaces and facilities and is used by a recognized membership who share the site in order to interact and collaborate with each other as part of a community. Rules for membership and participation in the coworking space are explicit, transparent and are available to the public. Coworking

spaces may host classes or networking events which are open either to the public or to current and prospective members. Fabrication tools are limited to those which do not generate noise or pollutants in excess of what is customary within a typical office environment.

Health/Fitness Facility. (Shall not include adult entertainment businesses.) A fitness center which may include general fitness equipment, personal training, and group fitness classes.

Live Work Unit. A type of Home Occupation that involves a dwelling unit which also includes working space for a resident of the dwelling. However, such use shall not involve more than 6 patrons present at the same time for instruction.

Maker Space. A coworking space which allows members access to fabrication tools similar to those in machine shops or other industrial sites.

Outdoor Café. An area in the front yard, side yard or rear yard directly abutting and adjacent to and upon the same lot or adjacent lot as a restaurant or other permitted use for the purpose of furnishing food and beverages to the public to be consumed on the premises. Outdoor Café shall not be located on a public sidewalk. Outdoor entertainment is prohibited.

Sign, Projecting. Any sign mounted to a wall or other vertical building surface other than a wall sign. A projecting sign is generally perpendicular to a wall.

Sign, Sidewalk or Sandwich Board. A freestanding, movable sign, not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels which form both the structure and sign face, and which is intended to be placed in a sidewalk or pedestrian way.

Studio – Art, Dance, Martial Arts, Music, etc. A small-scale facility, typically accommodating one group of students at a time, in no more than one instructional space. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; and gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Section 410 CLASSES OF DISTRICTS

- *Section 410 is amended and replaced in its entirety and shall henceforth read:*

410 CLASSES OF DISTRICTS

For the purposes of this Ordinance, the Borough is hereby divided into the following classes of Districts:

Residential Districts

R-8.7 Low Density Residential
R-4.4 Medium Density Residential
R-2.2 High Density Residential

Nonresidential Districts

GC General Commercial
GI General Industrial
SC Special Conservation District

Overlay Districts

MSOS Main Street Overlay South
MSON Main Street Overlay North

Section 421 Zoning Map

- *Section 421 is amended and replaced in its entirety and shall henceforth read:*

421 Zoning Map

The boundaries of each District or zone are established as shown on the Official Borough of Freemansburg Zoning Map revised May 20, 2020, which accompanies this Ordinance and is declared to be a part of the Freemansburg Borough Zoning Ordinance of 1970, as amended.

Section 500 Residential District Regulations

- Add the following New Subsection 570 MSOS District – Main Street Overlay South:

570 DISTRICT – MAIN STREET OVERLAY SOUTH

571 Purpose

- 571.01 To provide for mixed-use development and to allow for blended low-impact, small-scale, neighborhood-serving retail and service uses in storefront buildings open to the general public along Main Street.
- 571.02 To promote a strong pedestrian orientation to Main Street and the canal.
- 571.03 To revitalize and enhance properties along Main Street, while maintaining the neighborhood character.
- 571.04 To establish, enhance and promote a culturally and socially diverse residential and commercial environment along Main Street.
- 571.05 To encourage streetscapes with complementary residential and office uses located above and adjacent to ground floor retail, office, and service commercial uses.
- 571.06 To promote a range and diversity of housing types, shops, and workplaces.
- 571.07 To encourage a core of new local businesses within the Borough and support existing local businesses within the Borough.
- 571.08 To provide for adaptive reuse of older architecture.
- 571.09 To allow for flexible, common sense zoning standards.

572 Permitted Uses

- 572.01 All uses permitted by right in the underlying zoning district.
- 572.02 Retail store or shop.
- 572.03 Personal service store or shop. Self-service laundry shall not be permitted.
- 572.04 Nail salon shall only be permitted as an accessory use to a hair salon.
- 572.05 Business office, studio, or agency such as insurance or real estate office.
- 572.06 Professional offices, medical and dental clinics.

- 572.07 Bed and breakfast.
- 572.08 Artisan/craft product manufacturing.
- 572.09 Artisan shop.
- 572.10 Health/fitness facility.
- 572.11 Studio.
- 572.12 Live work unit.
- 573 Special Exception Uses
 - 573.01 All uses permitted by special exception in the underlying zoning district.
- 574 Conditional Uses
 - 574.01 General servicing or repair shop.
 - 574.02 Restaurant, café, tavern, or other place serving food or beverage.
 - 574.03 Automobile parking lots.
- 575 Accessory Uses
 - 575.01 Permitted accessory uses in the underlying zoning district.
 - 575.02 Outdoor café.
 - 575.03 Indoor entertainment, including music, speakers, entertainers (i.e., comedians). Adult live entertainment facility shall not be permitted.
 - 575.04 Storage of commercial materials in an enclosed building as an accessory to a permitted use.
- 576 Lot Area, Width, Building Coverage, Height, and Yard Requirements

Minimum Lot Area

The minimum lot area shall be no less than the existing lot size on the date this section is effective.

Minimum Lot Width

The minimum lot width shall be the lot width of the existing lot on the date this section is effective or 45 feet, whichever is less.

Maximum Lot Width

The maximum lot width shall be the lot width of the existing lot on the date this section is effective or 150 feet, whichever is more.

Maximum Building Coverage of Lot

60%

Maximum Building Height

35 feet

Front Yard

25 feet or less if the Zoning Officer determines that the proposed front yard is aligned with the front yard of any abutting properties and the majority of the properties within the same block.

Each Side Yard

10 feet

Side Abutting Street

25 feet

Rear Yard

10 feet

577 Site plan approval

577.01 Site plan approval is required according to the underlying zoning district site plan approval requirements.

578 Additional Requirements

578.01 Maximum of two principal uses shall be permitted within the allowable permitted uses.

578.02 Co-working spaces are permitted if the use shall be permitted.

Section 600 Nonresidential District Regulations

- Add the following New Subsection 670 MSON District – Main Street Overlay North:

670 DISTRICT – MAIN STREET OVERLAY NORTH

671 Purpose

- 671.01 To provide for mixed-use development and to allow for blended low-impact, small-scale, neighborhood-serving retail and service uses in storefront buildings open to the general public along Main Street.
- 671.02 To promote a strong pedestrian orientation to Main Street and the canal.
- 671.03 To establish, enhance and promote a culturally and socially diverse residential and commercial environment along Main Street.
- 671.04 To encourage streetscapes with complementary residential and office uses located above and adjacent to ground floor retail, office, and service commercial uses.
- 671.05 To promote a range and diversity of housing types, shops, and workplaces.
- 671.06 To encourage a core of new local businesses within the Borough and support existing local businesses within the Borough.
- 671.07 To provide for adaptive reuse of older architecture.
- 671.08 To allow for flexible, common sense zoning standards.
- 671.09 To allow for residential uses.

672 Uses

- 672.01 All uses permitted by right in the underlying zoning district.
- 672.02 Single family detached dwelling.
- 672.03 Two family dwelling.
- 672.04 Multiple family dwelling.
- 672.05 Bed and breakfast.
- 672.06 Artisan/craft product manufacturing.

672.07 Artisan shop.

672.08 Health/fitness facility.

672.09 Studio.

672.10 Live work unit.

673 Conditional Uses

673.01 Automobile parking lots.

674 Accessory Uses

674.01 Permitted accessory uses in the underlying zoning district.

674.02 Outdoor café.

674.03 Indoor entertainment, including music, speakers, entertainers (i.e., comedians). Adult live entertainment facility shall not be permitted.

675 Lot Area, Width, Building Coverage, Height, and Yard Requirements

Minimum Lot Area

The minimum lot area shall be no less than the existing lot size on the date this section is effective.

Minimum Lot Width

The minimum lot width shall be the lot width of the existing lot on the date this section is effective or 45 feet, whichever is less.

Maximum Lot Width

The maximum lot width shall be the lot width of the existing lot on the date this section is effective or 150 feet, whichever is more.

Maximum Building Coverage of Lot

60%

Maximum Building Height

35 feet

Front Yard

25 feet or less if the Zoning Officer determines that the proposed front yard is aligned with the front yard of any abutting properties and the majority of the properties within the same block.

Each Side Yard
10 feet

Side Abutting Street
25 feet

Rear Yard
10 feet

676 Site Plan Approval

676.01 Site plan approval is required according to the underlying zoning district site plan approval requirements.

677 Additional Requirements

677.01 Maximum of two principal uses shall be permitted within the allowable permitted uses.

677.02 Co-working spaces are permitted if the use shall be permitted.

Section 720 REGULATIONS APPLYING TO CERTAIN USES AND DISTRICTS

- *Add the following New Subsection 726.40 Automobile Parking Lots:*

726.40 Automobile Parking Lots.

- a. The use shall comply with Section 730 Off-Street Parking and Loading.
- b. The use shall comply with Section 760 Buffer Yards and Landscaping.
- c. The minimum number of parking spaces shall be eight (8).
- d. The use shall be for daily public use between the hours of 7:00 AM and 10:00 PM. Parking fees shall be permitted.
- e. Parking between the hours of 10:00 PM and 7:00 AM is prohibited.
- f. Overnight parking is strictly prohibited.
- g. Parking of commercial vehicles in more than 10% of the available permitted parking spaces is prohibited.
- h. The applicant shall supply a parking study that define the existing or future needs for the number of proposed parking spaces. Use shall only be approved if an existing or future need is substantiated by a parking study.

- *Add the following New Subsection 727.14 Outdoor Café:*

- 727.14 Outdoor Café. Outdoor cafes, as defined in Section 300, may be provided as an accessory use to a restaurant. The following shall apply:
- a. It shall be unlawful for any person to erect, construct or maintain an outdoor café without first applying for and securing a permit as hereinafter provided.
 - b. Outdoor café outdoor areas shall stop seating customers on or before 8:00 PM, and clear all tables of food, beverages, and customers by 9:00 PM.
 - c. Outdoor cafes shall not be located on a public sidewalk.
 - d. Outdoor furniture shall be removed by 9:30 PM every business day.
 - e. Outdoor cafes shall only be permitted to operate between the months of May 1 and September 30 during any calendar year.
 - f. If the applicant holds a Pennsylvania Liquor Control Board license to serve alcohol in the restaurant premises, the applicant must provide waiter service.
 - g. Outdoor Cafés shall be kept clean and clear of any trash or refuse. No loud or unnecessary noises are permitted from the café, including musical instruments or sound reproduction devices within the café.
 - h. Outdoor Cafés shall cease operations and be removed within 30 days after written notice if the Borough Zoning Officer determines that the Outdoor Café is detrimental to the health, safety and general welfare of the Borough or its citizens due to:
 1. Outdoor Café operating on a public sidewalk;
 2. Restaurant outdoor seating is no longer being used as such;
 3. Restaurant outdoor seating has been temporarily or permanently closed for violation of any Borough, state, or federal law and/or regulation; or
 4. Borough Zoning Officer receives a complaint or complaints from residents on Main Street or the surrounding area that the operation of the Outdoor Café is detrimental to the health, safety or general welfare of the complaining resident and the Zoning Officer determines such complaint or complaint is valid.

- *Add the words "and Live Work Units" to the title in 727.07 Home Occupations:*

727.07 Home Occupations and Live Work Units.

- *Change 727.07.a. to as follows:*

- 727.07.a. All home occupations shall meet the following requirements, provided that these provisions are modified by Subsection 727.07.a.20) for a Live Work Unit.

- *Add the following New Subsection 727.a.20):*

727.07.a.20)

20) Live Work Units. A Live Work Unit shall be allowed in the Main Street Overlay North and South. A Live Work Unit shall meet all of the same regulations as a Home Occupation, except that the following standards are modified:

- (i) The use shall meet the definition of a “Live Work Unit” in Section 300.
- (ii) A Live Work Unit shall be allowed to have an area equal to 50 percent of the habitable floor area of the dwelling unit used for the home occupation.
- (iii) A Live Work Unit may have a four (4) square foot wall sign, which shall not be illuminated, and which shall have a maximum height of six (6) feet if it is freestanding.
- (iv) A Live Work Unit may involve occasional on-site retail sales of art that was primarily produced on the premises.
- (v) A Live Work Unit may include occasional exhibitions of the art provided that requirements of the Construction Codes are met, including the numbers of persons who may be accommodated in the Unit.
- (vi) A ceramic kiln shall be electrically powered, as opposed to directly burning its own supply of fuel.
- (vii) A maximum of two (2) persons who do not reside within the dwelling may be employed on the premises.

Section 730 OFF-STREET PARKING AND LOADING

- *Add the following New Subsection 731.01.e.:*

731.01.e. All new and expanded commercial uses in the District – Main Street Overlay South shall not require off-street parking for non-employees beyond that which exists the date this section is effective. Off-street parking for employees shall be required per the Off-Street Parking Requirements Table found in this Section.

- *Add the following New Subsection 735 Parking of Commercial Vehicles in Residential Zoning Districts:*

735 Parking of Commercial Vehicles in Residential Zoning Districts

- 735.01 Prohibition of vehicles over a specified size. The parking and storage of a commercial vehicle exceeding seven (7) feet in height or twenty (20) feet in length is prohibited in all residential districts. For purposes of this section the phrase "commercial vehicle" shall include self-propelled vehicles, vehicles that are not self-propelled such as utility trailers and other types of trailer designed or used to store or haul equipment and materials and the combination of self-propelled vehicles and vehicles that are not self-propelled.
- 735.02 Limitation on smaller commercial vehicles. Commercial vehicles less than seven (7) feet tall or (twenty) 20 feet long may be parked in residential districts subject to the following conditions:
- a. The commercial vehicle must be parked in an enclosed garage, accessory building or rear yard if any sign graphic, either attached or painted on the vehicle, exceeds ten (10) square feet in area or if the commercial vehicle is not self-propelled.
 - b. Only one such commercial vehicle, except commercial vehicles that are not self-propelled, may be parked on or in front of any residential lot and must be used by a resident of such lot.

Section 740 SIGNS

- *Add the words underlined below to Section 744.01:*

- 744.01 The following signs are permitted within the specified zoning districts, in compliance within the following regulations. In addition, "Exempt Signs" and "Temporary Signs" are permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 751. Except as specifically provided in Section 753.01, proposed signs in the Main Street Overlay North District and Main Street Overlay South District shall comply with all applicable requirements for the underlying zoning district; not the overlay district.

- *Add Section 753 Sidewalk Signs:*

753 Sidewalk Signs.

- 753.01 A-frames and folding sandwich board signs on the sidewalk next to the business being advertised are permitted in the Main Street Overlay North and South if the signs meet the following criteria:
- a. The sidewalk measures at least 12 feet wide from the building to the curb.
 - b. The sign does not extend beyond three feet from the building and is not immediately next to the curb or in the center of a sidewalk.
 - c. The sign is under five feet tall.
 - d. The sign is removed each day by 8:00 PM.
 - e. The sign is removed if the Zoning Officer determines that it is a hazard.

- *Add Section 754 Projecting Signs:*

754 Projecting Signs.

- 754.01 One projecting sign shall be permitted per business establishment, which shall have a maximum size of eight (8) square feet in the Residential Districts and Conservation District and a maximum size of 12 square feet in all Districts Other than Residential or Special Conservation Districts. Projecting signs shall not project more than three and one half (3 1/2) feet from the wall or surface to which they are mounted nor in any way shall they interfere with normal pedestrian or vehicular traffic. No portion shall be less than eight (8) feet above the basic grade. A projecting sign shall not project above the eave of a structure.

ZONING DISTRICT CHANGE FOR NORTHAMPTON COUNTY PARCEL IDENTIFICATION NUMBER N7SW3B-1-1-0212. The zoning District classification for Northampton County Parcel Identification Number N7SW3B-1-1-0212 is hereby changed from a GI - General Industrial District to a GC - General Commercial District as shown on the Official Borough of Freemansburg Zoning Map revised May 20, 2020, which accompanies this Ordinance and is declared to be a part of the Freemansburg Borough Zoning Ordinance of 1970, as amended.

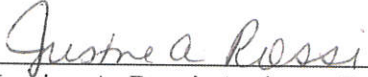
SEVERABILITY. If any provision, paragraph, section or subsection of this Ordinance in invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsections shall not be affected and shall remain in full force and effect.

REPEALER. All ordinances and parts thereof inconsistent herewith are hereby repealed.

EFFECTIVE DATE. This ordinance is effective immediately.

DULY ORDAINED and **ENACTED** this 6th day of OCTOBER, 2020

ATTEST: The Borough of Freemansburg

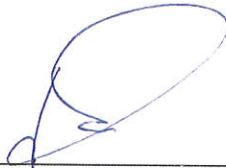


Justine A. Rossi, Assistant Borough
Secretary



Homer G. Lorrach, Council President

(Municipality Seal)



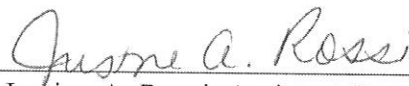
Donald Lasso, Mayor

CERTIFICATE

I, the undersigned, Assistant Secretary of the Borough of Freemansburg, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of an Ordinance of the Borough which was duly enacted by affirmative vote of the majority of the members of Borough Council at a meeting duly held on September 1, 2020, and that said Ordinance remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that Borough Council met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 600 Monroe Street, Freemansburg, Pennsylvania 18017, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 6th day of October, 2020.



Justine A. Rossi, Assistant Secretary