

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 997**

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON
COUNTY, PENNSYLVANIA, AMENDING SECTIONS OF THE BANGOR
BOROUGH ZONING ORDINANCE #984, SPECIFICALLY SECTION 500-8 IC
INDUSTRIAL/COMMERCIAL DISTRICT AND SECTION 900
ADMINISTRATION AND ENFORCEMENT, AND PRESCRIBING PENALTIES
FOR VIOLATION THEREOF, REPEALING ALL INCONSISTENT
ORDINANCES AND ESTABLISHING AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1. Amending Bangor Borough Zoning Ordinance #984 Section 500-8 (IC Industrial/Commercial District) and Section 900 (Administration and Enforcement):

Section 500-8. IC Industrial/Commercial District

§ 500.69. Purpose.

The purposes of the Industrial/Commercial District are to provide areas which are suitable for light industrial, heavy commercial, offices, and planned residential/mixed use development, so as to prevent conflicts between these uses and other land uses, to protect the environment by limiting the types of industries in the Borough to those which are compatible with it, and to promote local jobs and a strong local tax base.

§ 500.70. Permitted Uses.

- A. Each of the following principal uses and their accessory uses are permitted by right in the Industrial/Commercial District; provided, that the use type, dimensional and all other applicable requirements of this Part are satisfied. All development or change in use must comply with the Bangor Borough Subdivision and Land Development Ordinance.
1. Any manufacturing, compounding, processing, packaging and/or treatment of products such as apparel, bakery goods, candy, confections, dairy products, cosmetics, musical instruments, toys and novelties, clocks, jewelry, optical products, electronic devices, and scientific and precision instruments.
 2. Bottling industry
 3. Food processing and packaging
 4. Medical laboratory
 5. Motor freight terminal
 6. Office

7. Printing/publishing
8. Research, engineering, or testing laboratories
9. Warehouse
10. Mini warehouse
11. Wholesale trade
12. Woodworking, cabinetmaking, furniture making
13. Auto repair garage
14. Auto service station
15. Retail store
16. Retail center
17. Solid waste-to-energy facility as a municipal use
18. Professional office
19. Personal services
20. Medical Marijuana - Academic Clinical Research Centers, Grower/Processor Facility, Transport Vehicle Services (in compliance with standards set forth in Section 680)
21. Communication Antennae
22. Library
23. Community center
24. Bangor Borough owned and maintained park
25. No-impact home-based business
26. Municipal use
27. Recreational Facility

B. Conditional Uses. Each of the following principal uses and their accessory uses may be permitted in the Industrial/Commercial District by Borough Council in accordance with the standards contained in Section 900 of this Ordinance:

1. Planned development
2. Mobile Home Park
3. Communication Tower
4. Overnight Truck Parking only when accessory to a Permitted Use
5. Auction House
6. Kennel
7. Hospital
8. Public utility building, substation
9. Solid waste-to-energy facility as a nonmunicipal use
10. Solid waste transfer station

11. Single-family semidetached dwellings
12. Duplexes
13. Multifamily dwellings, including low-rise multiple-family dwellings, townhomes, and low-rise apartment buildings
14. Mining, quarrying, mine/quarry reclamation, and associated activities (including grading, excavating, and/or earth disturbance activities)
15. Farms and farming activities
16. Bulk recycling center (including processing, cleaning and/or separation of dirt, stone, building materials, and similar substances)
17. Recycling collection center
18. Concrete and asphalt plants
19. Solar energy farm

§ 500.71. Accessory Uses.

- A. Each accessory use in the Industrial/Commercial District shall comply with the minimum yard requirements in § 500.73, except as specifically provided for in this Ordinance.
- B. Each of the following accessory uses shall be permitted in the Industrial/Commercial District only if such use complies with the relevant standards contained in § 500.75:
 1. Dish antenna
 2. Outdoor storage or display
 3. Solar energy system
 4. Temporary structure or use
 5. Windmill

§ 500.72. Lot Area, Width, Building Coverage and Height Regulations.

Each of the following dimensional requirements shall apply to each principal use in the Industrial/Commercial District, except as specifically provided for in this Ordinance:

Maximum Land Coverage

Principal Use	Min. Lot Area	Min. Lot Width	By Buildings	By Total Impervious Cover	Max. Building Height
Solid waste-to-energy facility	225,000 sq. ft.	1,800 ft.		50%	60 ft.
Solid waste transfer facility	110,000 sq. ft.	1,200 ft.		50%	60 ft.
Bulk recycling center	110,000 sq. ft.	1,200 ft.		50%	60 ft.
Mobile Home Park	87,000 sq. ft tract size,	50 ft.		50% of mobile home lot area	35 ft.

	5,000 sq. ft per individual lot				
Mining, quarrying, mine/quarry reclamation, and associated activities	450,000 sq. ft.	2,000 ft.	30%	50%	60 ft.
Any other permitted use	10,000	75 ft.	80%	90%	45 ft.
Conditional Uses	As established and required by Conditional Use approval, following and generally consistent with, the dimensional requirements of this Section.				

§ 500.73. Minimum Yard Requirements.

Minimum Yard Requirements. Each of the following minimum yard requirements shall apply to each use in the Industrial/Commercial District, except as specifically provided for in this Ordinance:

Side Yard

Principal Use	Front Yard (feet)	One (feet)	Both (feet)	Rear Yard (feet)
Recycling collection center	300	300	600	300
Solid waste-to-energy facility	900	900	1,800	900
Solid waste transfer facility	600	600	1,200	600
Bulk recycling center	600	600	1,200	600
Mobile Home Park	25	10	20	20
Mining, quarrying, mine/quarry reclamation, and associated activities	500	500	1,000	500
Any other permitted use	25	12	25	30
Conditional Uses	As established and required by Conditional Use approval, following and generally consistent with, the yard requirements of this Section.			

§ 500.74. General requirements.

- A. All development in the Industrial/Commercial District shall be served by public sewer and public water facilities.
- B. Off-street parking shall be provided in accordance with Section 730, Off-Street Parking and Loading Standards.
- C. Signs shall meet the requirements of Section 740, Signs. Signage located on buildings shall be consistent in size, location and materials throughout a specific development and should be consistent with the character of signage of structures in the surrounding area.
- D. Site landscaping and buffers shall be provided and comply with provisions of the Subdivision and Land Development Ordinance.

- E. Applicants proposing any use or project with 60,000 square feet or more of cumulative gross building floor area shall be required to prepare a traffic impact study, the scope of which shall be determined by the applicant in concert with the Borough administration.
- F. All mobile home park development shall comply with the standards set forth in Article Five of the Subdivision and Land Development Ordinance.

§ 500.75. Design standards.

- A. Building design standards. All buildings shall meet the following standards:
 - (1) Rear and side facades shall be of finished quality and shall be of color and materials that are similar to the front facade and blend with structures within the development as well as with structures in the surrounding area. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
 - (2) Building facades must be interrupted at least once within every 100 horizontal feet, with offsets of four feet or more in depth along any building facade facing a public street or public parking. Offsets shall be continuous from grade to the roofline.
 - (3) Building facades of 200 feet or more which face public streets or public parking shall, in addition to offsets, include other design elements to break up the facade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables and planted trellises.
 - (4) Principal buildings shall have clearly defined, highly visible customer and/or resident entrances with features such as canopies, porticoes, arches and integral planters that incorporate landscaped areas and/or areas for sitting.
 - (5) Rooflines shall be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
- B. Parking and driveway design standards. Parking lots shall be landscaped according to the following regulations and when applicable the regulations set forth in the Borough Subdivision and Land Development Ordinance:
 - (1) The ends of all parking rows shall be divided from drives by planting islands.
 - (2) There shall be no more than 15 contiguous parking stalls in a row without a planting island.
 - (3) Planting islands shall be a minimum of 10 feet by 20 feet in area, underlain by soil (not base course material) and shall be protected by curbing, wheel stops or bollards. Each planting island shall contain at least one shade tree plus low-growing shrubs and/or ground cover to cover the entire area at maturity.
 - (4) A perimeter planting area at least 10 feet in width shall be provided along all property lines and street ultimate rights-of-way lines.
 - (5) Properties with frontages of 600 feet or less on any individual street are permitted only one driveway intersection per street. Properties with frontages greater than 600 feet may be permitted a maximum of two driveways per street frontage, provided that such driveways are at least 300 feet apart. Regardless of frontage, a development may be restricted to a single driveway, depending on usage and interior and exterior traffic patterns.

- (6) Parking areas containing 50 or more cars shall have a minimum driveway length of 50 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection. Parking areas containing less than 50 cars shall have a minimum driveway length of 20 feet provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection.

C. Lighting standards.

- (1) Lighting shall be shielded to meet the following requirements:
 - (a) No light shall shine directly into the windows of a building on abutting property.
 - (b) No light shall shine directly from a light source onto the ground or improvements of an abutting property, although incidental light may be permitted to fall on abutting property.
 - (c) No light shall shine directly onto public roads.
- (2) Where the abutting property is residentially zoned or used, nonresidential uses shall direct light fixtures toward the proposed development and shield the residential properties from direct lighting or glare. The light source itself must not be visible from the abutting residential property.
- (3) No parking lot lighting standard or building fixture shall exceed 25 feet in height from grade level, and no pedestrian lighting standard shall exceed 16 feet in height from grade level.
- (4) Light fixtures located closer to a side or rear lot line than the side or rear yard setback, shall be no more than 10 feet high, and shall direct the light source away from the property line.
- (5) Light fixtures located along a residential property line shall be set back a minimum of 20 feet from the property line.
- (6) No streamers or festoon lighting, comprising a group of incandescent light bulbs, shall be hung or strung on a building or any other structure.

D. Noise control.

- (1) No person shall cause, suffer, allow or permit the operation of any sound source on a commercial property or public space or right-of-way in such a manner as to create a sound level that creates a public nuisance.
- (2) No delivery, loading, trash removal or compaction or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions below a nuisance level.

E. Other requirements.

- (1) Loading docks, utility meters, HVAC equipment, trash dumpsters and other service functions shall be incorporated into the overall design theme of the building so that the architectural design is continuous and uninterrupted by ladders, towers, fences and equipment. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (2) Outdoor sales and storage areas shall conform to the following requirements:

- (a) Outdoor sales and storage areas shall not be located within 20 feet of any public street or public sidewalk.
- (b) These areas shall be screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- (c) Outdoor areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls or fences. Materials, colors and design of screening walls or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors of the building.
- (d) Outdoor storage areas shall not exceed 10% of the gross building floor area of any uses.

§ 500.76. Design review process.

- A. Applicability. The designated reviewer, (hereafter, the "reviewer"), shall be the Zoning Officer, unless a different person or body is established by the Borough Council, shall have authority to review all applications submitted to the Borough for the following, subject to the design standards set forth in § 500.61:
 - (1) Construction of new buildings.
 - (2) Additions and alterations which increase or decrease the size of the building by at least 20% of the building's footprint.
 - (3) Modification of the exterior design features of an existing building which involves a change in the exterior materials in existence on such building. "Modification of the exterior design features," as used herein, includes but is not limited to: the addition, deletion or modification of surface materials (masonry, wood, brick, stucco), windows, doors, porches, porticos, chimneys, cornices, etc., that result in a change to the actual structure of the building. The replacement of elements that are currently part of the building's architecture for reasons of age, condition, etc., shall not require review.
 - (4) Design review is not required for repainting of surfaces or the repair, restoration or reconstruction of exterior design features where such work matches the original construction in material and detail and such work maintains the outer dimensions and surface relationships of the existing structure. Design review is not required for the replacement of doors, windows or other transparent surfaces that currently exist, provided windows and transparent surfaces are not replaced with nontransparent materials and the surface area of the replacement door, window or other transparent surface does not exceed the dimensions of the existing feature by more than 10%.
- B. Application and approval process. The application process and approval process shall be the same as those described in § 500.7B, Application Process, in Section 500, TR Traditional Residential Infill Overlay District, except to the extent that reference is made in those sections to residential dwellings, such that, the reference to residential dwellings shall include both residential and non-residential uses for purposes of this paragraph.
- C. In the case of swimming pools, they must have a drainage connection, not to a sanitary sewer, unless such connection is approved by Borough Council.
- D. Swimming pools must have an approved type filtration system which will keep the water clean and sanitary at all times.

- E. All swimming pools, hot tubs, or decorative ponds must be enclosed with at least a four-foot fence with self-locking gate that satisfies the minimum requirements as set forth in the Pennsylvania Uniform Construction Codes.

§ 500.77. Additional Standards for Mining, Quarrying, Mine/Quarry Reclamation, and Associated Activities.

For purposes of this Section 500.77 Mining, Quarrying, Mine/Quarry Reclamation, and associated activities shall also be referred to as mining, and use of mining in this Section 500.77, shall include by reference Mining, Quarrying, Mine/Quarry Reclamation, and associated activities.

- A. Application for Conditional Use shall include all required approvals or permits from Federal, State and County agencies regulating proposed activities. Should approvals not already be placed from these agencies, a letter detailing the non-Borough related approvals, must accompany the application.
- B. A grading permit must be obtained as per Borough Grading Ordinance #996.
- C. If mining operations are to be in close proximity of one thousand five hundred (1,500) feet to residentially zoned properties, mining operations shall only take place between the hours of 7AM and 5PM.
- D. All mining operations and activities shall maintain, at a minimum, a six hundred and fifty (650) foot distance from all residential structures and/or areas.
- E. Use of local roads, streets access.
 - (1) Mining vehicles are prohibited from using Borough streets at night.
 - (2) Use of locally maintained municipal roadways by mining vehicles that exceed the posted weight limits, or posted no truck traffic signage, of said municipal roadways is strictly prohibited.
 - (3) All mining vehicles utilizing roadways within the Borough shall utilize a route as to minimize danger to the public and avoid nuisance to residential properties, the route shall be approved by the Borough.
 - (4) Any utilization of Borough roadways by mining vehicles shall be accompanied by a bond, issued by the mining operator or property owner, covering all the projected costs involved in repairing and/or replacing damaged roadways caused by use of said mining vehicles. The Borough Engineer shall be responsible for evaluating the projected costs involved in repairing and/or replacing the damaged roadways and the bond shall be issued in an amount greater than or equal to the Borough Engineer's cost statement.
 - (5) All vehicle access to any mining operation shall be so arranged as to minimize danger to traffic and nuisance to neighboring properties. Access drives shall conform to the specifications set forth in the Borough Subdivision and Land Development Ordinance #966 and shall be approved by the Borough.
- F. Groundwater supply.
 - (1) Measurements of ground water quality and availability shall be taken and recorded with the Borough before any mining operations or activities may be permitted to commence.
 - (2) Ongoing monthly testing shall be required for the duration of any mining operations or activities. Testing shall be in accordance with standards established by the Borough

Engineer. Any decrease in groundwater availability or any pollution of groundwater, as detected in monthly testing, will be cause for mining operator to cease operations upon notification by the Borough, until such time as the source of pollution or decrease in groundwater availability is determined and remedied by the mining operator and/or property owner.

G. Screening and Fencing.

- (1) A fence of six feet in height shall surround the area of actual mining to prevent unauthorized persons from entering the area to their potential endangerment.
- (2) Where mining operations are adjacent to a residential or a public street right of way or where a mining operation will substantially impair the beauty and character of the surrounding area, trees and shrubs shall be planted and/or attractive earthen barriers erected to screen the operation, as far as practical, from normal view.

H. Any mining operations shall reimburse the Borough of Bangor fifty (50) cents a ton impact fee for all materials (soil, slate, coal, building materials, clean/regulated fill or similar) removed from or brought to the mining operation property.

I. The owner or operator of any mining operations must permit the Borough Zoning Officer, Borough Police Officers, and Borough Engineer, reasonable free access to the property during all working hours to observe operations and/or to collect samples.

J. The Zoning Hearing Board and Borough Council may impose such other reasonable conditions and safeguards as may be necessary to protect the public health, safety, and welfare in accordance with the spirit and purpose of this Ordinance and any other Borough Ordinances.

Section 900. Administration and Enforcement

§ 900.1. Permit requirements.

In addition to building permits as required by the Building Code of the Borough of Bangor, a zoning permit, which may be a part of the building permit, shall be required prior to the erection, structural alteration or use and occupancy, of any building, structure, deck, patio, driveway or parking pad, increase in impervious coverage, swimming pool, antenna, tower, monopole, sign, fence, alteration or use, or portion thereof, prior to the initial use or change in use of a building or land, prior to the change or extension of a nonconforming structure or portion thereof, prior to the initial use or change or extension of a nonconforming use and prior to the change in occupancy of any commercial use or other nonresidential use. A zoning permit shall be required for all provisions of this Ordinance, non-exclusive of the permit requirements set forth beforehand in this paragraph, and such permit shall be valid for a period not to exceed twelve months. Following completion of approved work occurring within the twelve-month permit period, no permit shall be considered complete and closed out until the Building Official or Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this Ordinance, the valid issued permit and all other applicable ordinances. Following completion and close out of the permit, approval shall be permanently effective until such time as the permitted improvement is removed or altered in a manner requiring a new zoning permit.

A. It shall be the duty of the Zoning Officer, and he/she is hereby given the power and authority, to enforce the provisions of this Ordinance.

- B. The Zoning Officer shall require that the application for a building permit and a zoning permit, together with the accompanying plot plan, contain all the information necessary to enable him/her to ascertain whether the proposed work complies with the provisions of this Ordinance.
- C. Applications for a building permit and zoning permit shall be signed by the owner of the property involved or the legal representative of such owner.
- D. No building permit or zoning permit shall be issued until the Zoning Officer has certified that the proposed building, structure, deck, patio, swimming pool, antenna, communications tower, sign, fence, alteration or use complies with all the provisions of this Ordinance and other applicable ordinances.
- E. It shall be unlawful for any person to commence work for the erection or alteration of any proposed building, structure, deck, patio, swimming pool, antenna, communications tower, sign, fence, alteration or use, until a building permit and a zoning permit have been duly issued therefor or to occupy such use until an occupancy permit has been approved.
- F. No building permit or zoning permit for the erection or conversion of a commercial building shall be issued until the Zoning Officer and Building Code Official have certified that the proposed building, alteration or use complies with all the provisions of this Ordinance and other applicable ordinances.
- G. Hours of operation.
 - (1) Contractors and builders, including but not limited to construction contractors, plumbers, electricians, mechanical contractors, mason contractors and like trades shall be permitted to operate within the Borough of Bangor only between the following hours: Monday through Friday, 7:00 a.m. to 7:00 p.m.; Saturday, 8:00 a.m. to 5:00 p.m.; and Sunday 9:00 a.m. to 5:00 p.m.
 - (2) The provisions of Subsection G (1) shall apply to all zoning districts within the Borough.
 - (3) Any violation of this Subsection G shall be subject to the penalties as set forth in Section 900.10, Violations and Penalties, of this Ordinance.

§ 900.2. Applications to Zoning Hearing Board.

An appeal or an application for a special exception or variance from the terms of this Ordinance may be filed with the Secretary of the Zoning Hearing Board and shall set forth the following facts:

- A. Name and address of the applicant.
- B. Name and address of the owner of the real estate to be affected by the proposed exception or variance.
- C. A brief description and location of the real estate to be affected by such proposed change.
- D. Present zoning classification of the real estate in question, the improvements thereon and its present use.
- E. Section of this Ordinance under which the variance or exception requested may be allowed and reasons for which it should be granted.
- F. A reasonably accurate description of the improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof and, in addition thereto, attach a plot plan of the real estate to be affected, indicating the location and size of the lot and the size of the improvements now erected and proposed to be erected thereon.

- G. A deposit/fee to cover the cost of advertising and notification shall accompany the application.
- H. In order to completely satisfy and enable the Zoning Hearing Board to judge the full effectiveness of the design and the complete character of the entire application, full information and sufficient data in all instances shall be included with the application, as follows:
- (1) For any conversion of existing properties, designation of the existing structure shall be clearly shown on the plan, and any new construction shall be clearly shown by heavier or crosshatched lines and designated "new construction." New partitions, doors, entrances, stairways and windows, giving sizes, shall be clearly designated.
 - (2) Floor plans and elevations, drawn to scale showing the entire room layout, dimensions of all rooms, window location and sizes, width of all halls and stairways, exits, type of materials to be used, interior and exterior, and floor material.
 - (3) Plot plan, drawn to scale, giving the total area of the lot, total building area proposed on the lot and the location of the building, giving dimensions to all property lines and street lines. Where buildings exist on adjoining lots, setbacks of these adjoining properties shall be shown and distance to any buildings on adjoining lots.
 - (4) Off-street parking plan, drawn to scale showing all parking spaces in accordance with Section 730, Off-Street Parking and Loading Standards, showing the traffic pattern with adequate driveways connecting the parking spaces with a street or right-of-way. There shall be no more than one entrance and one exit per street from each lot opening into a street or highway. No parking space shall utilize pedestrian sidewalks or block areas devoted to pedestrian use. No parking space shall be within five feet of any street line and shall be designated a grass and planting area. Areas for loading and unloading off street for delivery trucks, refuse, fuel and other service vehicles shall be provided and shall be so arranged that they may be used without blockage with the use of access ways, exits or parking facilities.
 - (5) Each off-street parking space shall consist of not less than 200 square feet, exclusive of driveways, entrances and exits. Any entrance or exit to a basement or underground garage shall not have a gradient steeper than one in seven or 14%, and any columns supporting the building shall not obstruct the usable parking area for each parking space.

§ 900.3. Conditional uses.

The conditional use process is designed to allow a careful review of uses that have some potential for conflicts with adjacent uses or areas.

§ 900.4. Conditional use procedure.

- A. The Zoning Officer shall not grant a permit under this Ordinance for a proposed conditional use until written approval of the Borough Council is obtained.
- B. A written application for a conditional use shall be submitted by the applicant to the Zoning Officer or the Zoning Officer's authorized agent, explaining in detail the proposal of the applicant; photographs of the existing site or building and drawings or other plans showing the proposed conditional use may be required by the Zoning Officer.
- C. Site plan, pursuant to Article Three of the Subdivision and Land Development Ordinance, as amended, to determine whether a detailed site plan is required.

- D. The Zoning Officer should, prior to the next Borough Council meeting where the application will be discussed, review the plan to determine compliance with this Ordinance and submit a report to the Borough Council.
- E. The Planning Commission may, at its option, review a proposed conditional use application and submit an advisory recommendation to the Borough Council. The intent of this provision is to allow an additional review for proposed uses that would have wide-ranging effects.
- F. The Borough Council shall review any reports received from the Zoning Officer and Planning Commission.
- G. The Borough Council shall decide a request for a conditional use in accordance with the procedure set forth herein, including payment of an application fee by the applicant.

§ 900.5. Approval of conditional uses.

- A. The Borough Council shall approve any proposed conditional use if it finds adequate evidence that any proposed use will meet:
 - (1) All of the standards listed in this section.
 - (2) All of the specific standards for the proposed use listed in the relevant section.
 - (3) All other applicable requirements of this Ordinance.
- B. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance.

§ 900.6. Conditional use standards.

Each conditional use shall comply with all of the following standards:

- A. Other laws. It shall not be in serious conflict with other Borough ordinances or state or federal laws or regulations that the Borough Council has clear knowledge of.
- B. Master plan. It shall be generally consistent with the adopted Comprehensive Plan.
- C. Traffic. It shall not result in or significantly add to a serious traffic hazard or serious traffic congestion.
- D. Safety. It shall not create a significant public safety hazard, including fire, toxic or explosive hazards.
- E. Design. It will involve adequate site design methods, including evergreen screening, setbacks, berming and traffic control, to avoid serious negative influences on adjacent uses.
- F. Lot Size and Yard Requirements. It shall be on a lot of adequate size to comply with this Ordinance, all other Borough Ordinances, State and Federal regulations, and provide for reasonable setbacks from adjoining properties to protect the health, safety and welfare of adjoining property owners and/or their occupants.
- G. Zoning Ordinance. It shall comply with all provisions and requirements of this Ordinance.

§ 900.7. Failure to comply with conditions imposed.

Conditions imposed by the Borough Council shall automatically become conditions of any building or other permit issued in connection with the use, and any failure to comply with said conditions shall be a violation of this Ordinance as well as of any other ordinance relating to such permit.

§ 900.8. Failure to secure permits or certificates.

Failure to secure a zoning permit or Zoning Hearing Board certificate, when required, previous to the erection, construction, extension or addition to a building or structure, shall be a violation of this Ordinance.

§ 900.9. Notice of violation.

When written notice of violation of any of the provisions of this Ordinance has been served by the Building Inspector, Zoning Officer, or other representative from the Borough, on the owner, agent or occupant, contractor or builder, such violation shall be discontinued immediately.

§ 900.10. Violations and penalties.

For any and every violation of the provisions of this Ordinance, the owner, general agent or contractor of building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any person who knowingly commits, takes part or assists in any such violation, or who maintains any building or premises in which any such violation shall exist shall be liable on conviction thereof to a fine not exceeding \$500 for each and every offense or imprisonment in Northampton County Prison for a period not exceeding 60 days, and whenever such person shall have been notified by the Building Inspector, Zoning Officer or other representative from the Borough, or by service of warrant in a prosecution or in any other way that he is committing such violation of this Ordinance, each day that he shall continue such violation shall constitute a separate offense punishable by a like fine or imprisonment.

§ 900.11. Remedies.

In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Borough Council or, with the approval of Borough Council, an officer of the Borough designated, in addition to other remedies, may institute in the name of the Borough any 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.

§ 900.12. Fees.

A. Application for a change of zoning (revision to Zoning Map, curative amendment or challenges):

- (1) The filing fees and the deposit for a change of zoning shall be fixed from time to time by a resolution of the Borough Council.
- (2) The deposit shall be applied to the payment of all costs incurred by the Borough incidental to the application, including but not limited to advertising, stenographic services, engineering services, legal services, administrative services, etc. Any portion of the deposit not used to cover such expenses shall be refunded to the applicant as soon as a formal decision is made by Borough Council and all the bills or expenses incidental to the application have been received and paid.
- (3) Costs incurred by the Borough in excess of the filing fee and the deposit shall be billed to the applicant. Upon failure of the applicant to forthwith pay the bill so rendered, the

Borough Secretary shall commence appropriate proceedings to recover the same from all persons obligated to pay the same.

B. Application for a hearing before the Zoning Hearing Board (requesting a variance or special exception; appealing a decision of the Zoning Officer):

- (1) The filing fee and the deposit for a hearing before the Zoning Hearing Board shall be fixed from time to time by a resolution of the Borough Council.
- (2) The deposit shall be applied to the payment of all costs incurred by the Borough incidental to the application, including but not limited to advertising, stenographic services, engineering services, legal services, administrative services, etc. Any portion of the deposit not used to cover such expenses shall be refunded to the applicant as soon as all of the bills or expenses incidental to the application have been received and paid, but not sooner than 60 days after the Zoning Hearing Board's written decision, if not appealed; or if appealed, no sooner than 60 days after a court order on the appeal.
- (3) If any proceeding before the Zoning Hearing Board cannot be completed on one hearing date, the Borough Secretary shall be authorized to collect in advance from the applicant additional deposits in an amount equal to the deposit required for the first hearing for each and every continued hearing date. In every case, the applicant shall be obligated to pay all costs incurred by the Borough incidental to the application.
- (4) Costs incurred by the Borough in excess of the filing fee and the deposit(s) shall be billed to the applicant. Upon failure of the applicant to forthwith pay the bill so rendered, the Borough Secretary shall commence appropriate proceedings to recover the same from all persons obligated to pay the same.

C. Other zoning items. The Borough Council shall by resolution fix from time to time fees for other zoning items, including but not limited to use and occupancy permits and zoning applications.

§ 900.13. Amendment procedures.

Borough Council may from time to time supplement, change, modify or repeal this Ordinance, including the Zoning Map, by amending the Ordinance in accordance with the provisions of the Pennsylvania Municipalities Planning Code and this section.

- A. By resolution adopted at a regular or special meeting, Borough Council shall fix the time and place of a public hearing on the proposed amendment and shall publish a notice thereof once in a newspaper of general circulation in the Borough, provided that the publication shall be not more than 30 nor less than 14 days from the date of the hearing.
- B. Borough Council shall submit each proposed zoning amendment, other than one prepared by the Borough Planning Commission, to the Planning Commission for review and recommendation. Such amendment, which may include any amendment requested by a landowner in accordance with the Planning Code, shall be submitted to the Planning Commission at least 30 days prior to any hearing which is to be held on the proposed amendment in order to provide the Commission with an opportunity to submit its recommendations prior to final action. Whenever Council has adopted a Comprehensive Plan or any part thereof, the recommendations of the Planning Commission shall include a specific statement as to whether or not the proposed action on any zoning amendment is in accordance with the intent of the formally adopted portion of said Comprehensive Plan.

- C. A copy of any proposed zoning amendment also shall be submitted to the County Planning Commission at least 30 days prior to any hearing to be held on the proposed amendment in order to provide the Commission with an opportunity to submit its recommendations prior to final action.

§ 900.14. Citizen petition.

Whenever the owners of more than 50% of the frontage in any district or part thereof shall present to Borough Council a petition duly signed and acknowledged requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for or of the Zoning Map including such district, it shall be the duty of Borough Council to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed in § 900.13, Amendment procedures. The petition shall set forth the following facts:

- A. Signature and address of each owner/petitioner, together with the number of feet frontage in any district or part thereof.
- B. The petition, if pertaining to the Zoning Map, shall have attached thereto a plot plan of the real estate to be affected.

§ 900.15. Uses not specifically provided for.

If a use is clearly not provided for in this Ordinance, whether as a permitted use as of right or by conditional use or as a use by special exception within any zoning district within the municipality, then the Zoning Officer may make a determination as to whether the use not specifically provided for is similar to a use permitted by conditional use or similar to a use permitted by special exception. Once this determination is made by the Zoning Officer, the applicant must satisfy certain conditions to the appropriate board as set forth herein.

- A. Similar to a use permitted by special exception. If the Zoning Officer determines that a use not specifically provided for is similar to another use permitted by special exception under this Ordinance, then the proposed use may also be permitted by special exception if the applicant proves to the satisfaction of the Zoning Hearing Board that the following conditions can and shall be met:
 - (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted by right or by special exception within the district;
 - (2) The proposed use would be closely similar in impact and character to uses permitted by right or by special exception within that district; and
 - (3) The proposed use would meet all of the standards that would apply to the use to which the proposed use is most similar.
- B. Similar to a use permitted as a conditional use. If the Zoning Officer determines that a use not specifically provided for is similar to another use permitted as a conditional use under this Ordinance, then the proposed use may also be permitted as a conditional use if the applicant proves to the satisfaction of the governing body that the following conditions can and shall be met:

- (1) The proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted by conditional use within the district;
- (2) The proposed use would be closely similar in impact and character to uses permitted by conditional use within the district; and
- (3) The proposed use would meet all of the standards that would apply to the conditional use to which the proposed use is most similar.

Section 2. Repealer.

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

Section 3. Severability.

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 4. Effective Date.

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 14th day of June, 2021.

Borough Council of the Borough of Bangor

BY: James W Kresge
James Kresge, President

ATTEST: Tracy Palmer

Tracy Palmer, Secretary

APPROVED by the Mayor this 28th day of June, 2021.

BY: 

Brooke Kerzner, Mayor