

COMMONWEALTH OF PENNSYLVANIA
BOROUGH OF EAST STROUDSBURG
MONROE COUNTY

ORDINANCE NO. 1403

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF EAST STROUDSBURG, MONROE COUNTY, PENNSYLVANIA (“BOROUGH”), AMENDING CHAPTER 157, ZONING, OF THE CODIFIED ORDINANCES OF THE BOROUGH OF EAST STROUDSBURG, AMENDING ATTACHMENT 1, TABLE OF USE REGULATIONS, BASIC DISTRICT REGULATIONS, REGARDING AMENDMENT OF THE STATEMENT OF EXPLANATION OF SYMBOLS USED IN THE TABLE, AMENDMENT OF THE TABLE PER ORDINANCE NO. 1396, APPROVED AUGUST 1, 2023, WHICH AMENDED THE USES REGARDING PRIMARY AND SECONDARY SCHOOLS AND TECHNICAL AND TRADE SCHOOLS AND ADDED THE USE OF HOBBY SCHOOLS, ADDITION OF THE USE OF MOVING AND STORAGE CENTERS, AND AMENDMENT OF THE FOOTNOTES REGARDING WIRELESS COMMUNICATIONS FACILITIES ALLOWED BY SPECIAL EXCEPTION IN THE I-E DISTRICT BY ELIMINATING THE FOOTNOTES AND INCORPORATING THE USE INTO THE TABLE

WHEREAS, the Borough is a Municipal Corporation of the Commonwealth of Pennsylvania, organized and existing under the “Pennsylvania Borough Code,” as amended, 8 Pa.C.S. § 101, *et seq.*, (“Pennsylvania Borough Code”); and

WHEREAS, the East Stroudsburg Borough Council of the Borough of East Stroudsburg, pursuant to the Pennsylvania Borough Code, § 1202 (Specific powers), (5) make Regulations for Health, Welfare, and Safety if the Borough, (21) Utilizing Pennsylvania Municipalities Planning Code and other applicable laws by adopting Zoning, Subdivision and Land Use and Development Regulations; § 1203 (Reserved powers), authority to make and adopt Ordinances, Bylaws, Rules, and Regulations for proper management and control of the Borough and its finances; and

WHEREAS, an amendment of the explanation of symbols used in the Table of Use Regulations; amendments and addition approved by Ordinance No. 1396, approved August 1, 2023, concerning the amendment of the Table of Use Regulations regarding schools, including uses of Primary & Secondary Schools and Technical & Trade Schools, and the addition of the use of Hobby Schools; addition of use concerning Moving & Storage Centers permitted by Conditional Use in the OM-1 Zoning District; and, amendment of the footnotes regarding Wireless Telecommunications Facilities listed at the end of the Table of Use Regulations to remove the footnotes and add to the Table the use by Special Exception in the I-E District, where all require the Borough Council to amend the Borough of East Stroudsburg Zoning Ordinance, Attachment 1, Table of Use Regulations, Basic District Regulations, to amend the explanation of symbols used, to amend the use class of Primary and Secondary Schools and Technical and Trade Schools, to add a new use class for Hobby Schools, to add a new use class for Moving & Storage Centers, and to amend the footnotes regarding Wireless Communications Facilities by eliminating them and incorporating the special exception use in the I-E District into the Table of Use Regulations; and

WHEREAS, the proposed amendments have been the subject of special public meetings of the Borough of East Stroudsburg Planning Commission and the Borough Council of the Borough of East Stroudsburg at which information was gathered and members of the public were permitted to ask questions and make comments; and

WHEREAS, the proposed amendment has been reviewed by the Borough of East Stroudsburg Planning Commission which has commented to the proposed amendment; and

WHEREAS, the proposed amendment has been reviewed by the Monroe County Planning Commission, whose written comments have been received and considered by Borough Council; and

WHEREAS, Borough Council has conducted a public hearing on the proposed amendment on May 21, 2024 in accordance with the Pennsylvania Municipalities Planning Code, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of East Stroudsburg, Monroe County, Pennsylvania, that the following additions and amendments to Chapter 157, Zoning, of the Code of Ordinances of the Borough of East Stroudsburg, be adopted:

SECTION 1. Table of Use Regulations, Basic District Regulations, Permitted, Conditional, & Special Exception Uses: Attachment 1 – Table of Use Regulations, as referenced in Chapter 157 (Zoning), § 157-39 of the East Stroudsburg Code of Ordinances, and attached to this ordinance as “Exhibit A,” is hereby added to or amended as follows:

A. The statement regarding the explanation of symbols used in the Table of Use Regulations as per § 157-39, located on the first page of the Table of Use Regulations, after the list of prior approved ordinances and before the Table, has been amended as follows:

(1) Elimination of the following statement:

(a) “For an explanation of the symbols used in the Table of Use Regulations, see § 157-39.”

(2) Addition of the following statement:

(a) “Explanation of the symbols used in the Table of Use Regulations (§ 157-39) are as follows:

X = Uses Permitted by Right

S = Uses May Be Permitted by Special Exception in Accordance with § 157-20

C = Uses May Be Permitted by Approval of the Borough Council

No Symbol = Use Is Not Permitted”

B. The amendments and addition to the uses of schools, including Primary and Secondary Schools, Technical and Trade Schools, and Hobby Schools, as per Ordinance No. 1396, are as follows:

- (1) Primary and Secondary Schools remain under the heading “Public and Semi-Public Uses” in the Table of Use Regulations, with the following amendments:
 - (a) Elimination of the language “Primary (elementary) and secondary schools.”
 - (b) Elimination of the use of “Primary (elementary) and secondary schools” as a conditional use in the I-E District only.
 - (c) Addition of the language “Schools, Primary & Secondary,” with the following subcategories:
 - [1] “a) 50 or Less Occupants”
 - [2] “b) 51-150 Occupants”
 - [3] “c) 150 or More Occupants”
 - (d) Additions of the following uses for “Schools, Primary & Secondary” and its subcategories:
 - [1] 50 or Less Occupants – permitted by right in the C-1, C-2, C-1A, C-1B, OM-1, and I-E Districts.
 - [2] 51-150 Occupants – conditional use in the C-1, C-2, C-1A, C-1B, OM-1, and I-E Districts.
 - [3] 150 or More Occupants – conditional use in the I-E District.
- (2) Technical and Trade Schools are eliminated from under the heading “Customer Uses (Services)” and added under the heading “Public and Semi-Public Uses” in the Table of Use Regulations, with the following amendments:
 - (a) Elimination of the language “Technical and trade schools.”
 - (b) Elimination of the use of “Technical and trade schools” as permitted by right in the C-1, C-2, C-1A, and C-1B Districts, and as a special exception in the OM-1 District.
 - (c) Addition of the language “Schools, Technical & Trade,” with the following subcategories:
 - [1] “a) 50 or Less Occupants”
 - [2] “b) 51-150 Occupants”
 - [3] “c) 150 or More Occupants”
 - (d) Additions of the following uses for “Schools, Technical & Trade” and its subcategories:

[1] 50 or Less Occupants – permitted by right in the C-1, C-2, C-1A, C-1B, OM-1, and I-E Districts.

[2] 51-150 Occupants – conditional use in the C-1, C-2, C-1A, C-1B, OM-1, and I-E Districts.

[3] 150 or More Occupants – conditional use in the I-E District.

(3) Hobby Schools are added under the heading “Commercial Uses (Retail)” in the Table of Use Regulations, with the following language and uses:

(a) Addition of the language “Hobby Schools,” with the following subcategories:

[1] “a) 50 or Less Occupants”

[2] “b) 51-150 Occupants”

[3] “c) 150 or More Occupants”

(b) Additions of the following uses for “Hobby Schools” and its subcategories:

[1] 50 or Less Occupants – permitted by right in the C-1, C-2, C-1A, C-1B, and I-E Districts.

[2] 51-150 Occupants – conditional use in the C-1, C-1A, C-1B, and I-E Districts, and permitted by right in the C-2 District.

[3] 150 or More Occupants – conditional use in the C-2 District.

C. The addition of the use, Moving and Storage Center, is added under the heading “Commercial Uses (Retail)” with the following language and use:

(1) “Moving & Storage Center” – conditional use in the OM-1 Zoning District.

D. Footnotes listed at the end of the Table of Use Regulations indicating that Wireless Communications Facilities are allowed by special exception in the I-E District are eliminated and the use is incorporated into the Table, as per the following:

(1) Elimination of the four footnotes, stated as follows:

(a) Footnote 1 – “Tower-based wireless communications facilities (WCF) are permitted by special exception in the I-E Districts.”

(b) Footnote 2 – “Non-tower WCF are permitted by special exception in the I-E Districts.”

(c) Footnote 3 – “Small WCF – co-located are permitted by special exception in the I-E Districts.”

(d) Footnote 4 – “Small WCF – requiring installation of new wireless support structure are permitted by special exception in the I-E Districts.”

(2) The special exception use in the I-E District is added to the Table of Use Regulations under the existing “Wireless Communications Facilities” subcategories, which are, “Tower-Based,” “Non-Tower,” “Small, Co-Located,” and “Small, Requiring Installation of New Wireless Support Structures.”

SECTION 2. Severability. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Borough Council hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid or ineffective, if it had advance knowledge that any part would be declared invalid or ineffective.

SECTION 3. Repealer. Any specific provisions of the Borough of East Stroudsburg Zoning Code that are in direct conflict within this Ordinance are hereby repealed.

SECTION 4. Authority. This Ordinance is enacted under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended.

SECTION 5. Effective Date. This Ordinance shall be effective upon its approval as provided by law.

ORDAINED AND ENACTED into an Ordinance on this ____ day of _____, 2024.

BOROUGH OF EAST STROUDSBURG

By: _____
Borough Council President

ATTEST:

APPROVED BY:

Borough Secretary

Mayor

DATE: _____