

NOTICE OF PUBLIC HEARING
INTENT TO ENACT ORDINANCE NO. 1407

TAKE NOTICE, that the East Stroudsburg Borough Council will hold a public hearing during the regular meeting of Borough Council to enact **Ordinance No. 1407, Event Centers, on the 6th day of August, 2024, at 7:15 PM in the Borough of East Stroudsburg Municipal Building, 24 Analomink Street, East Stroudsburg, PA.** After the hearing and during the continuance of the regular meeting, the Borough Council will, if in order, consider, and vote upon the Ordinance as well as conduct any other business which may come before the Borough Council at that time. The full, attested text of the proposed Ordinance can be reviewed at the Monroe County Law Library, the *Pocono Record*, the East Stroudsburg Municipal Building at 24 Analomink Street, East Stroudsburg, PA during normal business hours (8:00 AM to 5:00 PM, Monday through Friday, excluding holidays), and online at the East Stroudsburg Borough Website www.eaststroudsburgboro.org. Copies of the full text of the proposed Ordinance can be purchased at the East Stroudsburg Municipal Building for the actual cost of reproduction. If you are a person with a disability and require auxiliary aid, service, or other accommodation to participate in the proceedings, please contact the Borough at (570) 421-8300 to discuss how your needs may be accommodated.

In lieu of setting forth the full text of the proposed Ordinance, a summary is set forth herein:

In the Ordinance, a new use, Event Centers, Section 157-100.13, is added to the existing Section 157-100 of the Borough of East Stroudsburg Code of Ordinances, Chapter 157, Zoning, which outlines specific use standards for Event Centers. These standards include the following: minimum capacity to be designated an Event Center is 50 persons and maximum capacity is 300 persons; permitted uses include Entertainment as defined in this Section, event time limits, and Special Event Permit requirements; parking requirements and parking management plans; off-street loading; Traffic Impact Study requirement; required permits and licenses; and, other conditions including no sky lighting, events to be held inside the Event Center, no loud sounds from the event to be broadcasted outside, and Borough landscaping requirements. The Ordinance shall: 1) amend Section 157-30, Definitions, by adding definitions for “Event Center” and “Entertainment;” 2) and, amend Section 157-39, 157 Attachment 1, Table of Use Regulations, by adding Event Centers as permitted by Conditional Use in the C-1, C-2, C-1A, and C-1B Zoning Districts. The Ordinance authorizes the Officers of the East Stroudsburg Borough Council to take the appropriate steps to effectuate the intent of the Ordinance. The Ordinance makes severable any provision which is found invalid or illegal and, further, repeals all prior provisions of the East Stroudsburg Borough Zoning Code that are in direct conflict with this Ordinance. The Ordinance shall be effective upon its approval as provided by law.

Prepared by:
Peter Marshall, Interim Borough Manager
Borough of East Stroudsburg

COMMONWEALTH OF PENNSYLVANIA
BOROUGH OF EAST STROUDSBURG
MONROE COUNTY

ORDINANCE NO. 1407

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, ADDING AND AMENDING THE DEFINITIONS AND TABLE OF USE REGULATIONS REGARDING AN EVENT CENTER, AND AMENDING ARTICLE V, SUPPLEMENTAL REGULATIONS BY ADDING SECTION 157-100.13, EVENT CENTERS, INCLUDING CAPACITY, PERMITTED USES, PARKING, OFF-STREET LOADING, TRAFFIC IMPACT STUDY, PERMITS AND LICENSES, AND OTHER CONDITIONS.

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 of 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, the proposed amendment has 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 on 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 August 6th, 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. Definitions: The following definitions shall be added to Chapter 157, Zoning, § 157-30, of the East Stroudsburg Code of Ordinances and amended as follows:

EVENT CENTER

A privately owned premise that is used as a business for temporary public gatherings for Entertainment (as defined by this Ordinance) having a permitted Assembly capacity for at least 50 persons but not more than 300 persons, including all staff, entertainers, and support personnel.

If food is served at an Event Center, the following shall apply:

- (a) A health license shall be obtained for any onsite preparation.
- (b) For offsite catering support, any equipment utilized shall meet the requirements to obtain a health license.
- (c) All kitchen waste lines shall discharge through a grease trap.

An Event Center excludes Social Clubs and Lodges (as defined in this Ordinance). It also excludes any assembly facility at a public or private school or church. (All of which must have onsite parking to accommodate patrons or attendees and operate as not-for-profit.)

ENTERTAINMENT

Any single event, a series of events, or any ongoing activity or business, occurring alone or as part of another business, to which the public is invited or allowed to watch, listen, or participate, or is conducted for the purposes of holding the attention of, gaining the attention of, or diverting or amusing the public, including, but not limited to any of the following:

- (a) Dancing by the public to live or recorded music, or
- (b) The presentation of music played on sound equipment operated by an agent or contractor of the establishment, commonly known as a “Disc Jockey” or “DJ,” or
- (c) The presentation of live music whether amplified or unamplified, or
- (d) The presentation of music videos, music concerts, or other similar forms of musical entertainment from any source, or
- (e) The presentation of movies, sporting events, or performances, through any media, or
- (f) Any amusement such as a live performance of any type, or
- (g) Live sporting events or competitions, and
- (h) Religious/political themed gatherings presented by any guest proselytizer/speaker.
- (i) For the purposes of this Ordinance, in addition to the afore listing, “Entertainment” includes lectures, seminars, demonstrations, trade shows, expositions, pageants, educational instruction or business meetings, weddings, banquets, and parties.
- (j) “Entertainment” specifically excludes “Adult Entertainment,” which is addressed elsewhere in this Ordinance.

SECTION 2. Table of Use Regulations, Basic District Regulations, Regulations Governing the permitted uses only: Attachment 1 – Table of Use Regulations, as referenced in Chapter 157 (Zoning), § 157-39 of the East Stroudsburg Code of Ordinances, is hereby amended as follows:

Under “Other Uses,” add the following new row:

“Event Centers” – permitted by Conditional Use in the C-1, C-2, C-1A, and C-1B Zoning Districts.

SECTION 3. Event Centers. The following additional requirements shall be added to Chapter 157 (Zoning), § 157-100.13 of the East Stroudsburg Code of Ordinances and amended as follows:

§ 157-100.13 Event centers.

- A. Event Centers may be developed as a Conditional Use in the Zoning Districts indicated in the Amended Table of Use Regulations (Table 1) and are subject to the requirements of the Table of Bulk Use Regulations (Table 2).
- B. Event Centers shall comply with all applicable Borough, State, or Federal Codes.

§ 157-100.13.1 Capacity.

- A. An Event Center shall be classified as an Assembly Use. The maximum occupancy shall be determined by the Borough UCC Code Official and shall be based on either the most current UCC Code requirements or in default of a definition, the Pennsylvania Department of Labor and Industry Standards for an Assembly Use. If the building has an Assembly Occupancy Certificate for the same use previously issued by the Pennsylvania Department of Labor and Industry the occupancy listed in this Certificate may be used. The Applicant may choose to limit occupancy capacity to a lower number in order to comply with the requirements of this Ordinance. The allowable occupancy shall be posted in the Event Center.

- (1) The minimum occupancy capacity of a facility to be classified as an Event Center is 50 persons for Assembly Use.
- (2) The maximum occupancy capacity of an Event Center, including attendees, employees, contract personal, support personnel, and performers shall be 300 persons for an Assembly Use.

§ 157-100.13.2 Permitted uses.

- A. An Event Center shall be utilized for Entertainment as defined by this Ordinance. All functions at an Event Center shall occur inside the building. If an outdoor

event is proposed at the Event Center, the Applicant must demonstrate adequate parking is available for the event, obtain a Special Event Permit from Borough Council, and must meet the requirements of this Ordinance.

- B. No activity at an Event Center shall start before 9:00 AM or end after 12:00 AM, except for New Year's Eve, which must end at 2:00 AM on New Year's Day. A Special Event Permit shall be required for any event ending past 12:00 AM. Such Special Event Permit may be issued per the Borough Code of Ordinances.
- C. Any event at an event center that extends beyond a single day shall not exceed ten (10) consecutive days, and, if conducted more than once in a calendar year, the event shall not exceed fifteen (15) days in total. An event over fifteen (15) days in total must have the express written consent of the Borough Council and issuance of a Special Event Permit.

§ 157-100.13.3 Parking requirements.

- A. Required Parking: An Event Center shall provide parking per § 157-100.13.1 for the maximum occupancy of the Event Center. The number of required parking spaces shall be provided at a rate of occupancy capacity of the Event Center as one parking space per three and a half (3.5) persons.
 - (1) All required handicapped parking spaces shall be provided onsite.
 - (2) An Event Center may designate 20% of all required parking for compact cars. All compact car spaces can be located onsite.
 - (3) Provisions for the drop-off and pick-up of attendees must be provided onsite, both with or without the use of a Parking Management Plan, and must be provided in addition to the required number of parking spaces.
 - (a) No drop-off or pick-up, or queueing for such, may occur within the travel-way of any Pennsylvania Department of Transportation or Borough Street.
 - (b) The Event Center Operator is responsible for ensuring compliance and shall address the means and methods.
 - (c) If a Parking Management Plan is used, it shall be addressed in the Parking Management Plan.
 - (4) An Event Center shall maximize the availability of onsite parking based on the availability of onsite parking.
- B. Parking management plan for an Event Center.

- (1) The Borough recognizes that an Event Center will generate an economic benefit to the community and will require a large number of parking spaces. The Borough acknowledges that by the type and intermittent frequency of the uses of an Event Center, parking spaces will remain underutilized and vacant for much of the time.
- (2) The Borough will allow the use of a combination of parking spaces to reduce the amount of impervious area and to reduce the amount of land dedicated to underutilized parking spaces. An Event Center may count the following towards the required number of parking spaces:
 - (a) Onsite parking spaces, and
 - (b) Underutilized public parking spaces, if they exist (excluding public parking spaces in any residential zone), and
 - (c) Offsite existing private parking spaces.
- (3) To avail itself of the use of offsite public and private parking spaces to count towards the total required number of parking spaces, an Event Center shall prepare, submit, receive approval for, and update a Parking Management Plan. The Plan shall be prepared as required by § 157-65.H. In addition to the requirements of § 157-65.H, the Plan for an Event Center shall include the following (as appropriate):
 - (a) Private offsite parking spaces.

[1] The Applicant shall provide a lease or evidence of ownership for the private off-street parking spaces being used towards meeting the required number of spaces calculated for an Event Center. Leases shall be for a minimum of three (3) years and shall be recorded in the Monroe County Courthouse. The Event Center shall confirm annually the number of leased private off-street parking spaces. If any leased private off-street parking spaces are lost, the allowable maximum occupancy capacity of the Event Center shall be reduced in proportion to the number of spaces lost. The reduced occupancy capacity shall be calculated by the Borough Traffic Engineer. The maximum occupancy capacity will remain reduced until the required number of parking spaces are provided. The Owner shall provide the Borough with the necessary waiver to enter the Event Center during events to verify occupancy in compliance with the reduced maximum occupancy capacity. Any costs incurred by the Borough to calculate the reduced maximum

occupancy capacity and monitor the reduced maximum occupancy will be borne by the Event Center Applicant.

- [2] Private offsite parking spaces, within the Borough of East Stroudsburg, must conform to § 157-64 and § 157-65 of the Borough Zoning Ordinance. The Event Center owner/operator shall notify the Borough if any private off-street parking spaces are lost within 10 days of such loss. The Event Center will have ninety (90) days to replace the lost spaces. If the lost spaces are not replaced within ninety (90) days, the maximum occupancy of the Event Center will be proportionately reduced until the spaces are replaced. The owner of the Event Center grants permission for the Borough to access the Event Center during events to verify that the reduced maximum occupancy is not exceeded until the spaces are replaced.
- [3] The Parking Management Plan shall provide for the safe and orderly transport to and from any leased parking spaces more than 1,500 feet walking distance from the Event Center. The distance shall be measured from the parking space to the midpoint of the entrance door to the Event Center along the walking route. The Plan shall provide for the safe drop-off and pick-up of event attendees. If drop off and pickup is at the Event Center by the attendees' individual vehicles, The Parking Management Plan shall indicate the traffic control personnel to be supplied and detail the circulation and traffic control means and methods. Attendee pick-up or drop-off may not occur within any Pennsylvania Department of Transportation or Borough Street travel lane.
- [4] The Parking Management Plan shall identify the walking routes from any leased parking spaces not covered by the transport service. Any route which involves an uncontrolled crossing, or a crosswalk for a roadway, street or alley where the posted speed limit is greater than 25 mph shall have crossing guards furnished by the Event Center.
- [5] If private offsite parking spaces are leased from properties located within East Stroudsburg Borough, the property leasing the parking spaces to the Event Center shall not be considered to be a Land Development per Section 157-30, Definitions, Land Development, unless construction of any kind is necessary to prepare, improve, create or delineate the parking spaces being leased.

[6] The Parking Management Plan shall detail how the leased spaces can be utilized by the Event Center and the lessor's property simultaneously for any private off-street parking spaces leased within the Borough of East Stroudsburg.

(b) Public metered offsite parking.

[1] An Event Center may count underutilized public metered parking spaces located on an adjacent street or roadway to a walking distance of 1,500 feet (measured from the parking space to entrance of the Event Center) or to the next signalized intersection along the adjacent street, whichever is less. Public metered parking spaces on the opposite side of the street from the Event Center can be counted as long as the pedestrian walking route from such spaces has access to a crosswalk that is within 500 feet of the Event Center.

[2] The walking route from the public metered parking spaces counted towards meeting the required number of parking spaces for an Event Center shall be ADA compliant or transport must be provided for handicapped persons.

[3] Up to ninety (90) percent of the number of public metered parking spaces, as determined by the Borough Traffic Engineer in a Parking Study may be counted towards meeting the required number of parking spaces for the Event Center. The cost to conduct the initial Parking Study and any subsequent Parking Study shall be borne by the Event Center Applicant, only as it applies to the public metered parking spaces that would be available for its use. No unmetered public parking spaces may be counted towards an Event Center meeting its required number of parking spaces.

[4] The use of metered public parking spaces does not confer any rights to the Event Center to those spaces beyond that afforded to the general public. The Borough reserves the right to modify, add or reduce the number of public metered parking spaces at any time. If the number of public parking spaces are reduced so as to affect the total number of required parking spaces are replaced by the Event Center. The Event Center Owner grants the Borough the right to enter the Event Center during events to insure that reduced maximum occupancy is not exceeded until the reduced number of parking spaces are replaced.

- [5] The Parking Study will become a part of the Parking Management Plan and shall be updated by the Borough Traffic Engineer whenever the Parking Management Plan is updated. The Borough reserves the right, in its sole discretion, to increase, decrease, alter or completely eliminate any and all of the public metered parking spaces. The event center shall have 90 days from the date of notice by the Borough, to replace any parking spaces lost due to the Borough reducing or eliminating any public parking spaces which impact the Event Center.
- [6] If the Event Center does not replace all the lost public parking spaces within 90 days, its maximum occupancy capacity will be reduced proportionately according to the procedure detailed for any lost private leased parking spaces. The Parking Management Plan and Parking Study to utilize public metered parking spaces shall be updated initially 3 years after the Event Center is issued a Zoning Certificate of Occupancy. A second update shall be submitted 3 years later. Thereafter the Parking Management Plan shall be amended every 5 years thereafter as long as the event center utilizes off-site parking spaces to meet the number of parking spaces required by this Ordinance.
- [a] One or more pedestrians traveling to the event center are injured by a motor vehicle.
 - [b] Traffic and/or parking congestion beyond that predicted by the Traffic and Parking Study occurs.
- [7] If the availability of public metered parking spaces decreases as shown by an updated Parking Management Plan or Borough commissioned Parking Study; the Event Center shall make up any lost parking spaces. Until such time as lost parking spaces are replaced, the maximum occupancy capacity of the Event Center shall be reduced proportionately. The maximum occupancy capacity reduction shall be calculated by the Borough Traffic Engineer. The Event Center shall grant the Borough the right to enter the Event Center during events to verify compliance with the reduced maximum occupancy capacity. Any and all improvements whether on-site or off-site including to publicly owned facilities shall be the sole responsibility of the Event Center including ongoing maintenance.

§ 157-100.13.4 Off-street loading facilities.

An off-street onsite loading space meeting the criteria of § 157-65, Development of parking and loading spaces, shall be provided for delivery of supplies and goods utilized at the Event Center.

- A. The loading space shall accommodate vehicles making deliveries. If deliveries will not coincide with an Event, onsite parking spaces can be utilized for the loading space required as long as loading and unloading do not occur during the Event Center use.
- B. Vendor, Catering, Entertainer and other Event Center service vehicles, trucks, trailers or buses greater than 19 feet in length shall not park in public metered parking spaces.

§ 157-100.13.5 Traffic impact study.

An Event Center Application for a Conditional Use Permit shall include a Traffic Impact Study. The Traffic Impact Study shall be prepared by a Professional Engineer. Any and all recommendations of the Traffic Impact Study shall be implemented at the Event Center's sole cost. The Applicant shall furnish the areal extent and a list of study area intersections for the proposed Traffic Impact Study to the Borough Traffic Engineer for review and approval prior to commencement of the Study. The Traffic Impact Study shall be prepared utilizing the criteria specified in Section 157-100.5 of this Ordinance. In addition, the Study shall include the following:

- A. Identify the peak hour of the generator for the proposed facility and provide trip generation calculations for that time period. The time period(s) for analysis shall be confirmed with the Borough Traffic Engineer prior to commencement of the Study.
- B. Determine the Level of Service and 95th percentile queue lengths at the proposed site driveway and all study area intersections during the peak hour of the generator and any other relevant analysis period.
- C. Identify any necessary roadway improvements to mitigate any level of service degradation or increase in queue length.

§ 157-100.13.6 Permits and licenses.

Prior to issuance of a Zoning Certificate of Occupancy and/or Compliance, the Event Center shall obtain any and all Permits, Licenses, and Certifications required by any Governmental Body, Agency, or Department including, but not limited to, PennDOT (if access is from a PennDOT highway), Pennsylvania Liquor Control Board (if alcoholic beverages are served), Borough Health License (if food is served), and the Pennsylvania Department of Labor and Industry.

§ 157-100.13.7 Other conditions.

- A. Lighting – no sky lighting or other lighting projected vertically above the Event Center roof line is permitted.
- B. No music, loudspeaker or other sounds associated with the event being held inside the Event Center building can broadcast outside the Event Center building.
- C. An Event Center which utilizes a parking management plan to meet its required parking shall have all events within the primary building on the site. No outside events are permitted unless parking is provided to replace the onsite parking in a manner acceptable to the Borough.
 - (1) Noise levels from any Event Center shall not exceed 90 a-weighted decibels (dba) between 10:00 am and 10:00 pm and 55 dba between 10:00 pm and 10:00 am at the property line for more than 10 minutes. For purposes of this Ordinance abutting also means across the street but within 100 feet of the property line.
- D. An Event Center which utilizes a parking management plan to meet its parking requirements shall be required to have accumulated snow piled off internal parking spaces or removed from the site. No onsite parking can be lost due to snow accumulation.
- E. There shall be no outside broadcasting of any kind or tailgating parties permitted.
- F. Landscaping shall be provided in accordance with Borough requirements and to address any impacts specific to the project.

SECTION 4. 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 5. Repealer. Any specific provisions of the Borough of East Stroudsburg Zoning Code that are in direct conflict within this Ordinance are hereby repealed.

SECTION 6. Authority. This Ordinance is enacted under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended.

SECTION 7. 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(Vice) President

ATTEST:

APPROVED BY:

Borough (Assistant) Secretary

Mayor

DATE: _____