

**PUBLIC NOTICE TO ENACT
ORDINANCE NO. 1396**

Please take notice that the Borough Council of the Borough of East Stroudsburg will hold a public hearing on Tuesday, **August 1, at 7:30 p.m.**, at the East Stroudsburg Borough Municipal Building, 24 Analomink Street, East Stroudsburg, PA 18301, for proposed Ordinance No. 1396 amending the East Stroudsburg Code of Ordinances, Zoning, Section 157-30 Definitions, Section 157-39 Table of Use Regulations, and Section 157-64 C of the Borough of East Stroudsburg as described below. The hearing will be convened during the regular meeting of Borough Council which starts at 7:15 p.m. After the hearing and during the continuance of the regular meeting, Borough Council will consider, if in order, the passage of Ordinance No. 1396 as well as other business coming before the Borough Council at that time. A summary of the proposed Ordinance No. 1396 is, as follows:

Ordinance 1396 amends Section 1, Chapter 157-30 (Zoning) by adding the following definitions for the following schools: colleges or university; elementary or secondary; hobby; non-public; nursery; and technical and trade.

Ordinance 1396 makes schools with occupants of 1 to 50 people as permitted uses. Schools with occupants of 51 or more occupants as conditional uses in certain zones as outlined below. Ordinance 1396 further amends Attachment 1, Table of Uses for Section 157-39, by adding two rows to the Table of Uses, one for public and semi-public uses and the other for hobby schools. Each row indicates which zoning district they are permitted to be in as either a permitted or conditional use. Further, the Table of Uses is amended to update the information concerning zoning district and use status for Technical and Trade Schools. Section 157-39 adds school uses to the OM-1 zoning district. Ordinance 1396 amends Section 157-100.11 by adding additional zoning requirements for Non-Public Elementary or Secondary Schools including requirement provisions for licensing; pedestrian plans; traffic plans for schools with more than 50 occupants; compliance with UCC Building Code; ADA Design; lighting requirements; buffering requirements; restriction on amplified music or voice transmissions; food preparation licenses; and floor space requirements per child. A further amendment is made to Section 157-64.C establishing parking requirements for various school uses. The Ordinance also includes provisions for severability, repealer, authority, and effective date.

The full, attested text of the proposed Ordinance can be viewed at the Monroe County Law Library, the *Pocono Record*, and the Borough of East Stroudsburg. Copies of the full text of the proposed Ordinance can be purchased at the Borough of East Stroudsburg, 24 Analomink St., East Stroudsburg, PA between 8:00 a.m. and 4:00 p.m. for the actual costs of reproduction. A copy of the Ordinance is also available on the Borough's Website: www.eaststroudsburgboro.org. 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, Ext. 101 to discuss how your needs may be accommodated.

John C. Prevoznik, Esquire
Solicitor for Borough of East Stroudsburg

P.R. July 23, 24, 2023



COMMONWEALTH OF PENNSYLVANIA
BOROUGH OF EAST STROUDSBURG
MONROE COUNTY

ORDINANCE NO. 1396

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 THE DEFINITIONS AND TABLE OF ALLOWED USES REGARDING VARIOUS TYPES OF SCHOOLS, AND ADDING ADDITIONAL STANDARDS REGARDING CERTAIN TYPES OF SCHOOLS.

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 Borough, through Borough Council, believes it is in the best interest of the Borough's residents and businesses to follow the Pennsylvania Municipalities Planning Code; and

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

SECTION 1. Definitions: The following definitions shall be added to Chapter 157 (Zoning), Section 157-30 of the East Stroudsburg Code and amended as follows:

"COLLEGE OR UNIVERSITY

A type of educational institution that is authorized by the Pennsylvania Department of Education to issue associate's, bachelor's, master's, doctorate, law and/or similar post-secondary professional degrees, and which may also include residence halls that primarily serve full-time students and which may include accessory recreation and support facilities.

SCHOOL, ELEMENTARY OR SECONDARY

A school that is operated by a public agency, a State-approved charter school organization under the Charter School Law, a bona fide religious organization or a private entity that meets State educational requirements for providing academic education to students in any grades between Kindergarten and 12th Grade, and that serves 5 or more students at a time. This term shall not include at-home education by a parent of their own children or step-children. A secondary school may also provide vocational-technical education primarily for secondary students. An elementary or secondary school may also include: a) child day care as an accessory use, b) adult education as an accessory use, and c) accessory recreation facilities that primarily serve students. An elementary or secondary school may also include accessory religious education. A private or religious elementary or secondary school shall also meet any applicable school licensing or school registration requirements of Pennsylvania Department of Education. This term shall not include customary part-time religious instruction as an accessory use to a place of worship.

SCHOOL, HOBBY

A school that is not primarily providing academic education under State requirements for students in grade kindergarten to 12th grade, but is providing dance, gymnastics, martial arts, physical training, riding, arts and crafts, cooking, and similar types of specialized instruction involving hobbies or special interests.

SCHOOL, NON-PUBLIC

A type of "Elementary or Secondary School" that is not operated by a school district, intermediate unit or similar public agency in conformance with Public School Code of 1949, PL 30, No. 14 as amended and is not operated by a non-profit organization as an approved Charter School under the Charter School Law.

SCHOOL, NURSERY

Any place designed and operated to provide regular instruction and daytime care for four or more children under the age of elementary school, and where tuition or other forms of compensation for the instruction and care of the children is charged. Such facility employs licensed personnel and is licensed by the Commonwealth of Pennsylvania.

SCHOOL, TECHNICAL AND TRADE

A school that is not primarily providing academic education under State requirements for students in grade kindergarten to 12th grade, but is providing instruction for a vocational skill for adults. This term may also include a use that provides tutoring and academic instruction that is supplemental to education provided within an Elementary or Secondary School."

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

Under "Public and Semi-Public Uses", add the following words after "Educational Uses": ", other than Primary and Secondary Schools".

Under "Public and Semi-Public Uses", add the following new rows:

"Primary and Secondary Schools:

- With 50 or less occupants – permitted by right in the C-1, C-2, OM-1, C-1A, C-1B and I-E districts.
- With 51 to 150 occupants – conditional use in the C-1, C-2, C-1A, C-1B, OM-1 and I-E districts.
- With 150 or more occupants – only allowed as a conditional use in the I-E district.

Revise the current row for "Technical and Trade Schools" to result in the following:

- With 50 or less occupants – permitted by right in the C-1, C-2, OM-1, C-1A, C-1B and I-E districts.
- With 51 to 150 occupants – conditional use in the C-1, C-1A, C-1B, C-2, OM-1 and I-E districts.
- With 150 or more occupants – only allowed as a conditional use in the I-E district.

Under Commercial Uses, add a new row for "Hobby Schools" to result in the following:

- With 50 or less occupants – permitted by right in the C-1, C-1A, C-1B, C-2 and I-E districts.
- With 51 to 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.
- With 150 or more occupants – only allowed as a conditional use in the C-2 district.

SECTION 3. Additional Requirements for Certain Schools. The following additional requirements shall be added to Chapter 157 (Zoning), Section 157-100.11 of the East Stroudsburg Code and amended as follows:

100.11. Additional Requirements for Non-Public Elementary or Secondary Schools.

- A. The operator must provide evidence to the Zoning Officer at the start of each academic year that the school has received any licensing or registration from the Pennsylvania Department of Education that is required by such Department. The operator shall also notify the Zoning Officer in writing if any such required State licensing or registration has expired or been suspended.
- B. The operator must furnish and comply with a Pedestrian Plan to accommodate any and all children coming to or leaving the school on foot. The Plan shall provide for the safe movement of children arriving by foot or disembarking from buses, parental transport or any other means of vehicular transport from the point of drop off to the entrance of the school building or any of its facilities. The Pedestrian Plan will also provide for the safe movement of children leaving the school or its facilities until they reach their transport or are safely across an abutting street on their way to their homes or final destination. The Pedestrian Plan shall also address the movement of students to and from any and all school facilities which may require children leaving the school site proper and crossing any street, highway, active driveway or parking lot not used exclusively by the school. As a condition of approval, the operator may be required to employ adult crossing guard(s) to assist students in crossing an abutting street or a street that separates the school from an outdoor activity area. Any person directing traffic shall comply with applicable State law regarding persons authorized to direct traffic. The crossing guard(s) shall be properly trained using a PennDOT crossing guard training course and equipped with a standard-issue stop sign and reflective vest or jacket. The name(s) of all trained crossing guard(s) shall be furnished for each school year to the Zoning Officer.
- C. If the School will have 50 or more occupants, the applicant must provide a Traffic Impact Study to meet the requirements of Section 157-100.5. In addition, the Traffic Impact Study shall include an evaluation of the student drop-off and pickup location, logistics, circulation and pedestrian movements, routes and safety. It shall include consideration for school buses, public transportation, private transportation and parental or guardian transport. The Traffic Impact Study shall consider and provide for the parking and standing of the types of transport listed above. No bus idling is permitted where exhaust will impact school buildings and surrounding buildings or properties. The Traffic Impact Study will include and compliment the Pedestrian Plan.
 - 1. If the overall intersection Level of Service (LOS) is determined to fall below a level D because of the increase in the site-generated traffic, the applicant is required to provide mitigation if the increase in the overall intersection delay is greater than 10

seconds.

2. Traffic signal warrant analysis shall be completed for any unsignalized intersection which is shown to have an approach operating at a LOS E or F. Measures of effectiveness such as volume/capacity ratios for individual movements and queue length shall be presented in addition to LOS.
 3. Any new signalized or unsignalized intersection established to serve as access to the development shall be designed to operate at a minimum LOS D.
- D. The facility must meet and maintain compliance with all applicable requirements of the UCC Building Code.
- E. The applicant shall provide evidence that the facility has been reviewed by the applicable agency for compliance with applicable Americans With Disability Act Universal Design requirements.
- F. If the school or its facilities are open, for at any time for any reason, before 7:00 am or after 4:30 pm, parking lots and embarking and disembarking transport loading areas shall be illuminated as per the requirements of the Code of Ordinances of the Borough of East Stroudsburg.
- G. Any outside activity areas for children 8th grade and below shall be fenced in. Fencing shall be 4 feet minimum height and furnished with at least one handicapped accessible gate.
- H. No amplified music or voice transmission, other than customary announcements, is permitted without a special event permit.
- I. A ten (10) foot wide landscaped screened buffer shall be provided along any school property line that abuts a Residential Zone. Landscape screening shall consist of evergreen plantings that form an effective hedge row at least five (5) feet in height.
- J. Any food preparation and service will require a Health License from the Borough of East Stroudsburg and must comply with any and all Commonwealth of Pennsylvania Regulations.
- K. There shall be minimum of 30 (thirty) square feet of floor space per child in the indoor classrooms for grades 1, 2 and 3. There shall be a minimum of 25 (twenty five) square feet of floor space per child indoor classrooms for grades 4 thru 8. Classrooms shall have a minimum ceiling height of 8 (eight) feet.

SECTION 4. Parking. In Section 1570-64.C., add the following additional rows in the table of parking requirements:

“Hobby Schools – 1 space per employee on-site at peak times, plus 1 space per 5 students

under age 18 on-site during peak times, plus 1 space per 1.5 students over age 18 on-site during peak times.

Technical and Trade Schools -- 1 space per employee on-site at peak times, plus 1 space per 1.5 students over age 18 on-site during peak times."

SECTION 5. Severability. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions 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, if it had advance knowledge that any part would be declared invalid.

SECTION 6. Repealer. Any specific provisions of the East Stroudsburg Borough Zoning Code that are in direct conflict within this Ordinance are hereby repealed.

SECTION 7. Authority. This Ordinance is enacted under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended.

SECTION 8. Effective date. This Ordinance shall be effective upon its approval as provided by law.

ORDAINED AND ENACTED into an Ordinance on this _____ day of _____, 2023.

BOROUGH OF EAST STROUDSBURG

By: _____
Borough Council President

ATTEST:

APPROVED BY:

Borough Secretary

Mayor

Date: _____