

Article XV – Buffer Strips

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Article XV – Buffer Strips

§ 21-1501 Applicability.

(a) **L-1 District.** All lots or parts of lots in the L-1 Light Industrial–Office Research District which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential district or existing residential or related uses shall be screened from such uses by a fifty-foot (50') landscaped buffer strip area in accordance with this Article.

(b) **Other Districts.** All lots or parts of lots in the C-1 Commercial District or any Residential District which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to property in a residential district or with existing residential or related uses shall be screened from such uses by either—

- (1) a five-foot (5') landscaped buffer strip area in accordance with this Article; or
- (2) a buffer yard at least two (2) feet in width, which is not located within three (3) feet of any vehicular driving or parking area, and which contains a solid fence at least six (6) feet in height. All such fences shall comply with all other applicable requirements of this Chapter.

[Ord. 415 10-29-2003]

§ 21-1502 Screening.

Within required buffer strip areas, a solid and continuous landscape screen shall be planted and maintained. Said landscaping shall consist of massed evergreen and/or deciduous trees and shrubs of at least three and one-half (3 1/2) feet in height and of such species as will produce, within three (3) growing seasons, a screen at least six (6) feet in height, so as to continually restrict a clear view beyond said buffer strip.

[Ord. 415 10-29-2003]

§ 21-1503 Height Measurement.

The required height of the buffer strip shall be measured in relation to the elevation of the edge of the adjacent area to be screened. In cases where the ground elevation of the location at which the screen is to be planted is less than the elevation of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to said difference in elevation. In the event that the ground elevation of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall prevail.

[Ord. 415 10-29-2003]

§ 21-1504 Grading and Planting.

The entire buffer strip area shall be graded and planted with grass seed or sod. It shall also be planted with shrubbery or trees to a minimum of eight (8) feet in width (or, if less, the entire width of the buffer strip area). The entire area shall be attractively maintained and kept clean of all debris and rubbish.

[Ord. 415 10-29-2003]

§ 21-1505 Requirements for Occupancy Permit; Performance Guaranty.

The zoning occupancy permit for a use on the premises shall not be issued until such time as either the landscaping requirements, buffer strips, and/or other approved dividers as required by this Chapter are actually installed in full compliance herewith or, in the event that the season is not appropriate, a performance guaranty of one hundred percent (100%) of the cost, as approved by the Borough, has been deposited with the Borough Manager. Such guaranty shall be in an acceptable form, and the depositor shall agree in making the deposit that if performance is

not completed within the time specified by the Zoning Officer on the receipt delivered to the depositor, the Borough may complete the requirements and charge the cost against the deposit; otherwise the deposit shall be returned in full after the satisfactory completion of the work.

[Ords. 415 10-29-2003, 526 01-28-2015]

§ 21-1506 Deferral or Waiver of Buffer-Type Improvements with Consent of the Property Owner to be Protected by the Improvements.

(a) In General.

(1) Notwithstanding any other provision of this Chapter to the contrary, a developer or property owner may defer the installation of a Buffer-Type Improvement if the owner of the Protected Property consents to the deferral in a notarized writing filed with the Borough. The consenting owner or his successors in title to the Protected Property may withdraw his consent at any time, and such withdrawal shall take effect one (1) year after the date the owner files a notarized writing with the Borough.

(2) Notwithstanding any other provision of this Chapter to the contrary, a Buffer-Type Improvement otherwise required by this Chapter need not be installed or maintained by a developer or property owner if the use of the property without the Buffer-Type Improvement is so approved by Council as a conditional use. A development or property qualifies for a conditional use under this paragraph (2) if—

(A) the owner of the Protected Property, for himself and his successors in title to the Protected Property, consents in perpetuity that the Buffer-Type Improvement otherwise required by this Chapter need not be installed or maintained, and agrees that he and they will not seek any variance based on a hardship that would not have existed if the Buffer-Type Improvement had been installed, or that would not have been sufficient to justify the variance sought if the Buffer-Type Improvement had been installed; **and**

(B) Council determines that, for the foreseeable future, the owners of the Protected Property will be able to make reasonable use of the Protected Property without obtaining any variance related to a hardship which would not have existed if the Buffer-Type Improvement had been installed, or that would not have been sufficient to justify the variance sought if the Buffer-Type Improvement had been installed.

(b) Recorded Plan or Document.

(1) If a developer or property owner elects to defer the installation of a Buffer-Type Improvement under subsection (a)(1), then:

(A) if a subdivision and/or land development plan is required in connection with the activity that requires the installation of the Buffer-Type Improvement, then the developer or property owner must show the Buffer-Type Improvement on the approved and recorded subdivision and/or land development plan, with a notation that installation of the Buffer-Type Improvement is deferred under this Section by consent of the owner of the Protected Property until one (1) year after that consent is withdrawn, at which time the Buffer-Type Improvement will be installed; **or**

(B) if no subdivision and/or land development plan is required in connection with the activity that requires the installation of the Buffer-Type Improvement, then the developer or property owner must record a plan in the office of the Recorder of Deeds of Lehigh County, Pennsylvania which satisfies the requirements of a record plan for a final plan under Chapter 22 (relating to Subdivision and Land Development) and which shows the Buffer-Type Improvement with a notation that installation of the Buffer-Type Improvement is deferred under this Section by consent of the owner of the Protected Property until one (1) year after that consent is withdrawn, at which time the Buffer-Type Improvement will be installed.

(2) If Council approves a conditional use under subsection (a)(2), then the developer or property owner shall record a document in the office of the Recorder of Deeds of Lehigh County, Pennsylvania, signed and acknowledged by the owner of the Protected Property, which describes the Protected Property, the Buffer-Type Improvement which is not to be installed or maintained, and the property on which the Buffer-Type Improvement would otherwise be required, and which includes the consent and agreement described in subsection (a)(2)(A). The conditional use approval shall be noted and described on any subdivision and/or land development plan which includes the property on which the Buffer-Type Improvement is not to be installed by virtue of the conditional use approval.

(c) Buffer-Type Improvement; Protected Property. For purposes of this Section, the term “Buffer-Type Improvement” means an improvement required under one of the following provisions of this Chapter, and the term “Protected Property” has the meaning set forth below:

(1) Section 21-802 (relating to Regulations for the L-1 Light Industrial-Office Research District—In General): the “Buffer-Type Improvement” is the fifty (50) foot buffer yard, and the “Protected Property” is the property(ies) which contains the proposed or existing residential, church, or related uses which are not light industrial, office, research, or commercial.

(2) Section 21-1305(e) (relating to Conditional Uses and Special Exceptions—Multifamily Dwellings and Single-family Attached Dwellings—Buffer Yards): the “Buffer-Type Improvement” is the fifty (50) foot buffer yard, and the “Protected Property” is the adjoining lot(s) that contains a nonresidential use.

(2.1) Section 21-1311(a) (relating to Conditional Uses and Special Exceptions—Nursery or Day-care Center—Screening of Outdoor Play Areas): the “Buffer-Type Improvement” is the required screening of outdoor play areas, and the “Protected Property” is an adjoining property.

(3) Section 21-1313(f) (relating to Conditional Uses and Special Exceptions—Planned Shopping Center—Buffer Yards): the “Buffer-Type Improvement” is the fifty (50) foot buffer yard, and the “Protected Property” is the property(ies) in the residential district which abut the lot line or street line which constitutes the residential district boundary line (or which abuts the portion of the street line on the opposite side of the street from the street line which constitutes the residential district boundary line).

(4) Section 21-1328(a) (relating to Conditional Uses and Special Exceptions—Multifamily Dwellings for the Elderly—Buffer Yards): the “Buffer-Type Improvement” is the twenty (20) foot buffer yard, and the “Protected Property” is the adjoining property(ies) which would be on the other side of the buffer yard.

(5) Section 21-1332(a) (relating to Conditional Uses and Special Exceptions—Public Storage Facilities—Minimum Yard Requirements and Buffer Yards): the “Buffer-Type Improvement” is the additional five (5) foot yard and the buffer strip to be installed in such yard, and the “Protected Property” is the abutting property(ies) with the residential use or in the residential district.

(6) Section 21-1410 (relating to Off-Street Parking and Loading—Walls or Bumper Guards): the “Buffer-Type Improvement” is the wall or bumper guard to prevent any vehicle from extending over any property line, and the “Protected Property” is the property(ies) which abut the property line segment over which vehicles from the parking area may extend.

(7) Section 21-1416(c) (relating to Off-Street Parking and Loading—Parking Area Design): the “Buffer-Type Improvement” is the fence, wall, or evergreen planting, and the “Protected Property” is the lot(s) in a residential district that abuts directly or across a street.

(8) Section 21-1501(a) (relating to Buffer Strips—Applicability—L-1 District): the “Buffer-Type Improvement” is the fifty (50) foot landscaped buffer strip area, and the “Protected Property” is the property(ies) adjacent to the side or rear lot lines which are in the residential district or which have existing residential or related uses.

(9) Section 21-1501(b) (relating to Buffer Strips—Applicability—Other Districts): the “Buffer-Type Improvement” is the five (5) foot landscaped buffer strip or two (2) foot buffer yard and six (6) foot fence, and the “Protected Property” is the property(ies) adjacent to the side or rear lot lines which are in the residential district or which have existing residential or related uses.

(10) Section 21-1701(l) (relating to Planned Neighborhood Convenience Centers—Authorization and Conditions—Buffer Strip): the “Buffer-Type Improvement” is the twenty-five (25) foot buffer strip, and the “Protected Property” is the abutting property(ies) along lot lines where the buffer strip is required or across the street along which the buffer strip is required.

[Ords. 415 10-29-2003, 465 12-26-2007, 474 08-13-2008]

§ 21-1507 Suggested Plant Materials for Buffer Areas.

Evergreen and Deciduous Trees

Botanical Name	Common Name
<i>Abies concolor</i>	White fir
<i>Acer ginnala</i>	Amur maple
<i>A. platanoides</i>	Norway maple
<i>A. pseudoplatanus</i>	Sycamore maple
<i>A. rubrum</i>	Red maple
<i>A. saccharum</i>	Sugar maple
<i>Carpinus betulus</i>	European hornbeam
<i>Cornus mas</i>	Cornelian cherry dogwood
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Eucalyptus</i> species	Eucalyptus

<i>Fagus species</i>	Beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica lanceolata</i>	Green ash
<i>Juniperus species</i>	Juniper
<i>Ligustrum lucidum</i>	Glossy privet
<i>Maclura pomifera</i>	Osage orange
<i>Malus baccata</i>	Siberian crab apple
<i>Picea abies</i>	Norway spruce
<i>P. glauca</i>	Colorado blue spruce
<i>P. omorika</i>	Serbian spruce
<i>Pinus nigra</i>	Austrian pine
<i>P. resinosa</i>	Red pine
<i>P. strobus</i>	White pine
<i>Populus alba</i>	White poplar
<i>P. berolinensis</i>	Berlin poplar
<i>P. nigra italica</i>	Lombardy poplar
<i>P. simoni</i>	Simon poplar
<i>P. tremuloides</i>	Quaking aspen
<i>Pseudotsuga taxifolia</i>	Douglas fir
<i>Quercus</i> (many species)	Oak
<i>Q. imbricaria</i>	Shingle oak
<i>Q. phellos</i>	Willow oak
<i>Rhamnus davurica</i>	Dahurian buckthorn
<i>Syringa amurensis japonica</i>	Japanese tree lilac
<i>Thuja species</i>	Arborvitae
<i>Tilia species</i>	Linden
<i>Tsuga caroliniana</i>	Carolina hemlock
<i>Ulmus americana</i>	American elm
<i>U. pumila</i>	Siberian elm
<i>Viburnum prunifolium</i>	Blackhaw viburnum

Shrubs

The best plants for screening are the evergreen trees like pines and hemlocks. Less expensive and faster growing screens can be made from the following shrubs, but to be effective, these plants must be placed fairly close together, often in a double row. Such deciduous screens can be used temporarily until slower growing evergreen trees have sufficient time to become serviceable, then deciduous plants can be removed.

Botanical Name	Common Name
<i>Acer ginnala</i>	Amur maple
<i>Buxus sempervirens</i>	Common box
<i>Caragana arborescens</i>	Siberian pea shrub
<i>Cornus mas</i>	Cornelian cherry dogwood
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Euonymus bungeana sempersistens</i>	Euonymus bungeana sempersistens
<i>E. europaea</i>	E. europaea
<i>E. yedoensis</i>	Yeddo Euonymus
<i>Hamamelis vernalis</i>	Vernal witch hazel
<i>Kolkwitzia amabilis</i>	Beauty bush
<i>Lagerstroemia indica</i>	Crepe myrtle
<i>Laurus nobilis</i>	Sweet bay
<i>Ligustrum</i> species	Privet
<i>Lonicera bela</i>	Bell honeysuckle
<i>L. maacki podocarpa</i>	Amur honeysuckle
<i>L. tatarica</i>	Tatarian honeysuckle
<i>Magnolia stellata</i>	Star magnolia
<i>Philadelphus coronarius</i>	Sweet mock orange
<i>P. grandiflorus</i>	Big scentless mock orange
<i>P. monstrosus</i>	Monstros mock orange
<i>P. Pubescens</i>	Hoary mock orange
<i>Photinia</i> species	Photinia
<i>Physocarpus opulifolius</i>	Eastern ninebark
<i>Prinsepia sinensis</i>	Cherry Prinsepia
<i>Prunus laurocerasus</i>	Portugal laurel
<i>Rhamnus frangula</i>	Alter buckthorn
<i>Spiraea veitchi</i>	Veitch spirea
<i>Symplocos paniculata</i>	Asiatic sweetleaf
<i>Syringa amurensis japonica</i>	Japanese tree lilac
<i>S. henryi</i>	Henry lilac
<i>S. josikaea</i>	Hungarian lilac
<i>S. prestoniae</i>	Preston lilac
<i>S. villosa</i>	Late lilac
<i>S. vulgaris</i>	Common lilac
<i>Thuja occidentalis</i>	American arborvitae
<i>T. orientalis</i>	Oriental arborvitae
<i>Vaccinium arboreum</i>	Farkleberry
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>V. lantana</i>	Wayfaring tree
<i>V. lentago</i>	Nannyberry
<i>V. prunifolium</i>	Black haw Viburnum

V. rufidulum

Southern black haw Viburnum

V. Sieboldi

Siebold Viburnum

[Ord. 415 10-29-2003]