



# Economic Development Zone Amendment Discussion Documents

Smithfield Township Municipal Center  
1155 Red Fox Rd  
East Stroudsburg, PA 18301

August 24, 2021 – 4 p.m.



Current Economic Development Zone Ordinance

**TOWNSHIP OF SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 237  
(Duly Adopted July 28, 2020)**

**AN ORDINANCE OF THE TOWNSHIP OF SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ENTITLED “SMITHFIELD TOWNSHIP ZONING ORDINANCE” TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT BY REPLACING EXISTING COMMERCIAL ZONING DISTRICTS WITH A NEW ECONOMIC DEVELOPMENT DISTRICT AND A NEW INCENTIVIZED DEVELOPMENT OPTION; AND BY REPEALING, RESTATING AND ADDING DEFINITIONS AND TERMS RELATED TO THE ECONOMIC DEVELOPMENT DISTRICT AND THE INCENTIVIZED DEVELOPMENT OPTION.**

**WHEREAS**, Smithfield Township (the “Township”) is a political subdivision of the County of Monroe, Commonwealth of Pennsylvania and is a Second Class Township with offices located at 1155 Red Fox Road, East Stroudsburg, Pennsylvania, 18301; and

**WHEREAS**, the Township Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words) contains definitions for terms referenced in the Ordinance; and

**WHEREAS**, the Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Part 3 – District Use Regulations) establishes uses that are permitted and/or prohibited in certain zoning districts; and

**WHEREAS**, the Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Part 5 – Supplementary Regulations) provide additional specific regulations and requirements for uses; and

**WHEREAS**, the Zoning Ordinance (Chapter 27 of the Township Code of Ordinances, Section 401 – District Regulations) contains area and dimensional regulations for zoning districts; and

**WHEREAS**, the Township is of the opinion that a new commercial district intended to encourage a diverse number of compatible, non-residential uses along high volume traffic corridors while promoting flexible design options to encourage well-designed non-residential land uses in conformance with the goals of the Smithfield Township Comprehensive Plan is required; and

**WHEREAS**, pursuant to Section 609 of the Pennsylvania Municipalities Planning Code Act of

1968, P.L. 805, No. 247 as reenacted and amended, the Township is authorized and empowered to enact amendments to the Smithfield Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

**WHEREAS** and pursuant to the Pennsylvania Municipalities Planning Code, both the Township Planning Commission and the Monroe County Planning Commission have reviewed the proposed amendments; and

**WHEREAS**, the Smithfield Township Board of Supervisors has conducted a public hearing pursuant to public notice concerning the following amendments to the Smithfield Township Zoning Ordinance; and

**WHEREAS**, after holding a public hearing the Smithfield Township Board of Supervisors desires to ordain and enact the amendments to the Smithfield Township Zoning Ordinance as set forth hereinafter;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Smithfield Township Board of Supervisors as follows:

SECTION I: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Table of Contents, Part 3 – District Use Regulations, Section 304 – Prohibited Uses in C-1, M-1, B-1 and B-2 is repealed and restated in its entirety as follows:

**§304 – Prohibited Uses in ED and M-1**

SECTION II: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Table of Contents, Part 3 – District Use Regulations, is hereby amended to add the following:

**§306 – Incentivized Development Option**

SECTION III: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 201 – Names of Districts is repealed and restated in its entirety as follows:

**§201. Name of Districts.**

Smithfield Township is hereby divided into the following districts:

R-1 Low Density Residential District.

R-2 Medium Density Residential District.

R-C Residential Conservation District.

RE Resort District.

ED Economic Development District.

M-1 Industrial District.

SECTION IV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 202 – Zoning Map is repealed and restated in its entirety as follows:

**§202. Zoning Map.**

The boundaries of the said districts are hereby established as shown on the “Official Zoning Map” of Smithfield Township, prepared by the Monroe County Planning Commission, dated August 28, 2005, as subsequently amended thereafter, incorporated herein by reference, and which are hereby made a part of this Chapter. The original of said map and said further amendments are on file in the Office of the Township Secretary. The said Zoning Map, as subsequently amended, is hereby made a part of this Chapter, together with this amendment, and all notations, references, and designations shown thereon shall be as much a part of this Chapter as if the same were all fully described and set forth therein. A copy of said map, indicating the latest amendments, shall be kept up to date, and displayed in the Township municipal building for the use and benefit of the public.

SECTION V: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 304 – Prohibited Uses in C-1, M-1, B-1 and B-2 is repealed and restated in its entirety as follows:

**§304. Prohibited Uses in ED and M-1**

Residential uses of any type are prohibited in the ED and M-1 Districts, unless said residential uses are part of a Mixed Use Development or as a nonconforming use. “Medical and Health and Care Uses” as defined in Section 1002 shall not be deemed a residential use prohibited by the foregoing provision even if such uses include facilities where medical, health or continuing care patients reside within units located in an ED District.

SECTION VI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, Subsection 1 is hereby amended to replace “C-1 Commercial District” with “ED Economic Development District”.

SECTION VII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, Subsection 2.B is hereby amended to replace “C-1 Commercial District” with “ED Economic Development District”.

SECTION VIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, Subsection 3 is hereby amended to replace “C-1 Commercial District” with “ED Economic Development District”.

SECTION IX: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, Subsection 3.C(2) is hereby amended to replace “C-1 Commercial District” with “ED Economic Development District”.

SECTION X: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, Subsection 4 is hereby amended to replace “C-1 Commercial District” with “ED Economic Development District”.

SECTION XI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, Subsection 4.E is hereby amended to replace “C-1 Commercial District” with “ED Economic Development District”.

SECTION XII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Part 3 – District Use Regulations is hereby amended to add Section 306 – Incentivized Development Option which reads as follows:

**§306 – Incentivized Development Option**

1. *Purposes.* The Incentivized Development option is intended to allow greater flexibility of development alternatives and encourage development of underutilized properties within the Township. More specifically, the intent of the Incentivized Development option is to accomplish the following objectives:
  - A. Encourage a balance of uses that will transform Smithfield Township into a hub for working, living, shopping and entertainment;
  - B. Encourage infill development, adaptive reuse of older buildings and mixed use development by incentivizing businesses to open and/or relocate to Smithfield Township;
  - C. Expand business and job opportunities;
  - D. Establish design standards which enhances Smithfield Township’s unique identity and promotes increased walkability; and
  - E. Provide options to streamline the project approval process.
2. *Applicability.*
  - A. The project site must be located in the Economic Development (ED) District.
  - B. The project must consist, without limitation, of a minimum of two uses (multiple uses). Uses proposed as part of the project must be permitted within the underlying district.
3. *Design Standards.*
  - A. Yard setbacks shall comply with the requirements of the underlying zoning district.
  - B. Maximum permitted impervious coverage is sixty-five (65) percent. No maximum building coverage.
  - C. Parking shall not be permitted within the required minimum front yard setback. All parking shall be provided to the side and rear of the principal building(s) / structure(s). A ten (10) percent decrease in the required front yard setback shall be permitted for projects which locate parking to the side and rear of the principal building(s)/structure(s).

- D.* Building height. The minimum height for the first floor shall be fifteen (15) feet. Refer to §511.20.C for maximum building height regulations.
- E.* Site design. The design principles set forth in this section shall be used to review site plans, building plans and use permits for all multiple use projects proposed on land utilizing the Incentivized Development option. The following guidelines are intended to promote visual interest from the street. This transitional space between the street and the building is defined by the site design, architecture, and streetscape elements.
- (1) Building orientation: buildings and major pedestrian entrances should be oriented towards centers of activity, such as the primary street frontage or public spaces.
  - (2) Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The use of alternating dormers, stepped roofs, gables, or other roof elements can be used to add visual relief and articulation to the overall building form.
  - (3) All buildings proposed within the Incentivized Development shall be constructed of building materials and colors approved as part of the development application.
  - (4) Long expanses of blank walls shall be avoided through the use of wall articulation. Breaking the continuous plane of the wall can be done by recessing vertical segments of the wall at several intervals. Also, a course of brick or other masonry material can be applied to the exterior walls to add visual interest at certain junctures in the wall. Changes in the material colors are also encouraged to break up wall surfaces. The maximum permitted width of an uninterrupted wall plane shall be fifty (50) feet.
  - (5) Pedestrian and vehicular circulation patterns shall be designed to minimize potential conflicts between vehicles and pedestrians and to provide enhanced separation. Lots with multiple buildings shall include pedestrian connections between adjacent uses, structures and parking areas.
  - (6) Sidewalks. Sidewalks shall have a minimum width of 5 feet. Sidewalks shall be constructed to provide access from all principal

building entrances to the sidewalk system and parking areas.

(7) Shared entrances and exits shall be provided where determined appropriate and feasible by the governing body. If a shared entrance and exit is impractical, the provision for cross access among adjacent properties shall be required to internalize traffic and reduce turning movements directly onto adjacent roads. New construction or improvements shall plan for, accommodate, and/or reserve land for future connections with adjacent properties to facilitate cross access.

(8) The use of awnings, canopies, recessed entries and other design elements is encouraged to define the 1st floor and provide shelter to entryways.

F. Trash enclosures. The storage and/or staging of refuse shall take place in the rear yard and shall be buffered or screened from street-level view of parking facilities, adjacent properties and all streets. Buffering or screening of trash enclosures may include, but are not limited to, architectural masonry walls, changes in grade, mostly solid decorative fences with a solid gate, and/or landscaping with a minimum height of five (5) feet.

G. Landscaping. Site landscaping shall be required for all developments and shall be limited to native species.

(1) Deciduous shade trees shall be planted adjacent to public streets, unless existing trees will be preserved within the same area. An average of one deciduous shade tree shall be required for each sixty (60) feet of lot-line length along the right-of-way. Such trees may be planted with trunks immediately outside of the public right-of-way, or at another proposed location that is approved by the Township.

(2) Landscaped islands shall be provided within parking lots in conformance with §502.7.B(1). No more than fifteen (15) abutting spaces shall be placed in a row, unless the spaces are separated by a landscaped island with a shade tree.

(3) A minimum average of one (1) deciduous shade tree shall be planted for every five (5) required off-street parking spaces, such as trees placed within and around parking areas.

(4) Landscaped buffers shall be required along property boundaries which are adjacent to residential uses and/or residential districts. Plant material shall be at least six (6)



feet in height when planted and shall include a mix of evergreens, shade trees, ornamental flowering trees, and shrubs.

Plantings shall be maintained permanently, and any plant material which does not live shall be replaced within six months. Quantities shall comply with the requirements of §502.7.C(7).

H. Lighting. Site lighting shall improve the safety and visibility of parking areas and pedestrian zones.

(1) Lighting shall be designed such that poles, fixtures, ornamentation and materials are of a pedestrian scale and height and provide for a safe pedestrian experience.

(2) Fixture heights shall be between 8 and 20 feet in height, with shorter poles along sidewalks and pedestrian zones, and taller poles within parking areas.

(3) Light trespass into adjacent non-commercial areas shall not exceed 0.1 foot candles in intensity.

(4) Building-mounted lighting shall be permitted at building entrances and other pedestrian areas. Building-mounted lighting shall be of a style complementary to the architectural character of the building and surroundings, and shall not be mounted higher than fifteen (15) feet above grade.

I. Review process. An applicant may submit land development plans for Preliminary and Final approval conditioned upon compliance with all requirements of the Incentivized Development option outlined in this Section.

SECTION XIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations is hereby amended to repeal the following in its entirety:

C-1 Commercial District and all associated uses and development standards

B-1 Planned Boulevard District and all associated uses and development standards

B-2 Business and Professional Office/Medical District and all associated uses and development standards

SECTION XIV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, R-1 Accessory Uses is hereby amended to replace "Minimum Impact Home Occupations" with "No-Impact Home-Based Business".

SECTION XV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, R-2 Accessory Uses is hereby amended to replace "Minimum Impact Home Occupations" with "No-Impact Home-Based Business".

SECTION XVI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, R-C Accessory Uses is hereby amended to replace “Minimum Impact Home Occupations” with “No-Impact Home-Based Business”.

SECTION XVII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, is hereby amended to add ED Economic Development District as follows:

Smithfield Township Zoning Ordinance – Schedule of District Regulations								
District Intent	Principal Permitted Uses	Conditional Uses	Accessory Uses	Development Standards				
ED Economic Development District:  This District is intended to encourage a diverse number of compatible, nonresidential uses along high volume traffic corridors. The District promotes flexible design options to encourage well-	Retail stores. Convenience stores, with or without fuel pumps. Personal services. Business or professional offices and/or services. Medical offices. Studio for dance, art, music, photography, or exercise. Commercial indoor recreation and entertainment.	Automotive services. Automotive and vehicular sales and rentals. Moving vehicle rental and supply establishments.	Accessory use on the same lot with and customarily incidental to the use permitted and utilized. Accessory uses shall meet all requirements for permitted uses.	Minimums:	A	B	C	D
				Lot area:	30,000 sf	30,000 sf	30,000 sf	30,000 sf
				Lot width:	100 ft	100 ft	100 ft	100 ft
				Lot depth:	150 ft	150 ft	150 ft	150 ft
				Front yard:	50/65 ft*	50/65 ft*	50/65 ft*	50/65 ft*
				Side yard:	20 ft**	20 ft**	20 ft**	20 ft**
				Rear yard:	30 ft**	30 ft**	30 ft**	30 ft**
				Maximums:				
				Building coverage:***	35%	35%	35%	35%
				Building height:***	40 ft	40 ft	40 ft	40 ft

designed nonresidential land uses in conformance with the goals of the Smithfield Township Comprehensive Plan, and the following objectives:	Bank or financial institution. Restaurant. Bar or tavern. Emergency service facilities. Municipal uses. Open space and low intensity outdoor recreational uses. Post office.	Signs as provided hereunder.				
			* Principal structures measuring up to 5,000 square feet (gross floor area) require a minimum front yard of 50 feet. Principal structures in excess of 5,000 square feet (gross floor area) require a minimum front yard of 65 feet.			
			** Add 20-foot buffer yard where abutting a residential district.			
			*** See §511.24 for additional regulations			

<p>A. Provide the broadest range of non-residential uses in the Township.</p> <p>B. Encourage the retention of the existing community character of Smithfield Township by preserving the existing buildings and landscaped spaces to the greatest extent possible.</p> <p>C. Discourage strip-style commercial development which requires incongruous architectural styles, excessive paved areas, and numerous curb cuts.</p> <p>D. Encourage consolidation of driveways, parking, and curb cuts to provide more efficient and economical access and parking.</p> <p>E. Encourage a coordinated</p>	<p>Adult and/or child day care facilities.          Technical schools and training centers.          Funeral home or mortuary. Mixed use building.          Motel/hotel or inn.          Commercial indoor recreation and entertainment.          Veterinarian offices / animal hospital or commercial kennel.          Shopping center.          Forestry and forest reserves, wildlife refuges. Tool and equipment rental.          Outdoor recreation and entertainment facilities.          Assisted living facilities, continuing care facilities, nursing homes.          Retirement housing community.          Place of worship.          Building supply center, lumber yard and contractor's business. Nursery, garden center, or greenhouse.          Telecommunication facilities.          Public utility.</p>			<p>A = on-site sewage and water          B = Central water only          C = Central Sewage Only          D = Central sewage and water</p>
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<p>pedestrian path system to provide efficient and convenient pedestrian access from parking areas to and among the various permitted uses.</p> <p>F. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.</p> <p>G. Provide regulations that minimize congestion and hazardous traffic conditions.</p> <p>H. Allow existing non-residential properties to be appropriately redeveloped.</p> <p>I. Improve the Township's economic and budgetary sustainability by expanding the tax base and job creation through appropriate nonresidential development and redevelopment.</p>	<p>Public transportation facilities.                  Campgrounds.                  Resorts.                  Schools, colleges and education facilities.                  Stables.                  Communications centers/towers. Data centers and disaster recovery facilities.                  Short stay medical center. Light manufacturing, wholesale and warehouses.                  Planned unit developments.                  Rehabilitation facility.                  Hospital or medical center.                  Mixed Use Development.                  Incentivized Development.                  Indoor flea markets.                  Repair services, other than automotive. Club or fraternal organization.</p>			
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SECTION XVIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, M-1 Principal Permitted Uses is repealed and restated in its entirety as follows:

All uses permitted in the ED District as a Principal Permitted Use.

SECTION XIX: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, M-1 Conditional Uses is repealed and restated in its entirety as follows:

- All uses permitted in the ED District as a Conditional Use.
- Airports.
- Distribution plants.
- Federal, State and County buildings and uses.
- Laboratories.
- Outdoor shooting ranges.
- Outdoor storage facilities (see §511(18))
- Paper mills.
- Quarries and other extractive industries.
- Railroad yards and freight stations.
- Truck terminals.
- Other similar uses.
- Lawful uses not otherwise permitted.

SECTION XX: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 401 – District Regulations, Subsection 1.A including the Illustrative Standards Tables for the B-1 and C-1 Districts is repealed in its entirety.

SECTION XXI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 401 – District Regulations, Subsection C is repealed and restated in its entirety as follows:

- C. *Impervious Surface Coverage.* Impervious surface shall include any material that reduces or prevents absorption of stormwater into previously undeveloped land. The calculation for impervious surface coverage is the amount of impervious surface as a percentage of total lot area. The maximum amount of impervious surface coverage permitted on any given lot in connection with building, land development and zoning applications shall be limited as follows:

Zoning District	Maximum Impervious Surface Coverage		
	Group A	Group B	Group C
R-1 Low Density Residential	25%	25%	30%
R-2 Medium Density Residential	30%	35%	40%
ED Economic Development	60%	60%	60%
M-1 Industrial	70%	70%	70%

Note: Group A – No centralized water or centralized sewage.

Group B – Either centralized water or centralized sewage.  
 Group C – Both centralized water and centralized sewage

SECTION XXII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 403 – Off-Street Parking and Loading Design Standards, Parking Setback Schedule is repealed and restated in its entirety as follows:

<b>Parking Setback Schedule</b>	
<b>Zoning District</b>	<b>Minimum parking area distance from front lot line</b>
R-1	35'
R-2	25'
R-C	25'
ED	50'
M-1	50'
RE	50'

SECTION XXIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 502 – Supplementary Lot, Yard and Height Regulations, Subsection 6.C is repealed and restated in its entirety as follows:

- C. When lot lines of an ED zone or a M-1 zone lie within thirty-five (35) feet of a residential zoning district boundary or any lot in residential use, any illumination or floodlighting shall be arranged so there will be no glare of lights toward such lot or residential district boundary line.

SECTION XXIV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 504 – Sign Regulations, Subsection K.4(a) is repealed in its entirety.

SECTION XXV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 504 – Sign Regulations, Subsection K.5 is amended to replace “C-1 Zoning Districts” with “ED Zoning District”.

SECTION XXVI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 504 – Sign Regulations, Subsection M is amended to replace “Commercial (C-1)” with “Economic Development (ED)”.

SECTION XXVII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 507 – Stables and Kennels, Subsection 4.B is repealed and restated as follows:

- B. The keeping of any such animal on a parcel of less than ten (10) acres shall be considered a conditional use and the Township may require additional setbacks and/or buffers in accord with the conditional use standards of this Chapter. Such activities shall only be permitted in R-1 and RC Districts.

SECTION XXVIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 509 – Planned Unit Developments, Subsection 2 is amended to replace “B-1” with “ED”.

SECTION XXIX: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 509 – Planned Unit Developments, Subsection 3 is amended to replace “B-1 Planned Boulevard District” with “ED Economic Development District”.

SECTION XXX: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 510 – Minimal or Minor Impact Uses, is repealed in its entirety.

SECTION XXXI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.A is amended to replace “B-2 Business and Professional Office/Medical District” with “ED Economic Development District”.

SECTION XXXII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.E is amended to read as follows:

- E. No building, activity or recreation facility shall be erected within fifty (50) feet of a road line or within one hundred (100) feet of a lot line.

SECTION XXXIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.1.D is amended to read as follows:

- D. Senior housing within the ED Economic Development District shall be permitted only as a part of the development of a continuing care facility or a retirement housing community.

SECTION XXXIV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.2.E is repealed in its entirety.

SECTION XXXV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, is amended to add Subsection 3.5 which reads as follows:

- 3.5 Retirement Housing Community. A retirement housing community, where permitted, shall meet the following requirements:
  - A. A retirement housing community shall be designed to serve persons aged fifty-five (55) and over. In the case where a unit is shared at least one person residing in the unit must be 55 years of age or older.
  - B. A retirement housing community shall consist of at least two of the following uses: senior housing, nursing home or skilled nursing facility, assisted living facility, and/or customary accessory uses.
  - C. The minimum lot area for such use shall be five (5) acres.

- D. All permitted uses as part of the retirement housing community shall be connected to a central water system and central sewer collection system.
- E. The site shall front on or have access to a collector or arterial road.
- F. In addition to the requirements stipulated in this §511.3.5, the requirements for each specific permitted use proposed as part of the retirement housing community shall apply.

SECTION XXXVI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 7.A is hereby amended to replace “C-1 District” with “ED District”.

SECTION XXXVII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 11.D is amended to read as follows:

- D. Such construction field sites shall be limited to ED and M-1 Districts.

SECTION XXXVIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 17.R is amended to read as follows:

- R. Telecommunications facilities shall be permitted by-right in the ED Economic Development District and on public (Township, School, County, State or Federal government) property in any zoning district.

SECTION XXXIX: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 20 is repealed and restated to read as follows:

- 20. *ED District Uses.* Uses within the ED District shall be subject to the following additional standards:
  - A. Nonresidential development is limited to the maximum building coverage indicated in the Schedule of District Regulations. The Board of Supervisors may increase the maximum building coverage up to an additional 15 percent, for a total maximum building coverage of 50 percent if, during site plan review, it is found that the development meets the following standards:
    - (1) The development maintains the privacy of adjacent residential lots or residentially zoned properties through techniques such as decreased height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.
    - (2) Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows along appropriate corridors (local roads and collector roads).



- (3) The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design must minimize potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.
- (4) The applicant provides the municipality with off-site infrastructure improvements equal to \$XX per gross square foot of building area. Contributions to infrastructure improvement may take the form of either the actual construction of identified improvements, or a payment to the municipality's infrastructure improvement fund or transportation improvement fund. Infrastructure improvements provided in exchange for bonus density are in addition to any required on-site transportation improvements and off-site transportation improvements required.
- B. Applicants proposing any use which is expected to generate 500 or more trip-ends per day, in accordance with the most recent edition of the Trip Generation manual by the Institute of Transportation Engineers, shall be required to prepare a traffic impact study in compliance with §404 of this ordinance.
- C. Building height is limited to 40 feet, provided however, the Board of Supervisors may permit the increase of the building height by ten feet for each additional ten feet of front yard provided, not to exceed a maximum building height of 60 feet. Refer to §305 of this ordinance for building height restrictions in a Mixed Use Development. Refer to §306 of this ordinance for building height restrictions in a Incentivized Development.
- (1) Any increase in building height, above thirty- five (35) feet, shall be permitted only if plans have been reviewed and approved by the Fire Chief and the emergency services providers to ensure all roads, driveways and access aisles will be of sufficient width and design to accommodate ready access by emergency services vehicles, apparatus and personnel.
- (2) Any building or structure exceeding thirty- five (35) feet in height shall be fully sprinklered in accordance with NFPA standards and provided with a Class III standpipe system on all floors and each wing. State building code requirements shall also apply.
- (3) Any building or structure exceeding thirty- five (35) feet in height shall have an addressable fire alarm system.
- (4) Any building or structure exceeding thirty- five (35) feet in height shall have appropriate signage and emergency lighting in all stair towers. (5) All fire hydrants shall be equipped with Storts fittings.

- (6) Knox box (key repository for use of emergency personnel) shall be installed at each entrance to any building or structure greater than thirty-five (35) feet in height.
- D. Parking standards for joint use. Where a parking area is intended for the joint use of 2 or more distinct land use activities, the total parking area required shall be the same as required for those uses computed separately, minus 10% of the total number of spaces required. Refer to §305 of this Chapter for parking standards in a Mixed Use Development. Refer to §306 of this Chapter for parking standards in a Incentivized Development.
- E. 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. 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.
- F. Only one (1) principal use is permitted on a lot by-right within the ED District unless part of a Mixed Use Development or an Incentivized Development. In the event of a conflict between the provisions of a Mixed Use Development or an Incentivized Development and the provisions of the underlying district, the provisions of the Mixed Use Development or the Incentivized Development shall prevail, depending upon the development option chosen.. If the standards in the Mixed Use Development option and the Incentivized Development option are silent in relation to any development standard, the development standard identified in the underlying district shall prevail.
- G. In order to expedite the review and approval process, any adaptive reuse project within the ED District may submit land development plans for Preliminary and Final approval.

SECTION XL: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 21 is amended to replace “C-1 Commercial District, the B-1 Planned Boulevard District” with “ED Economic Development District”.

SECTION XLI: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 23 is repealed and restated to read as follows:

23. *Lawful use not otherwise permitted.* This section is intended to provide, by conditional use, for any lawful use that is required to be permitted by the Pennsylvania Municipalities Planning Code and which is not otherwise permitted in any other use categories described in this section. A lawful use not otherwise permitted shall be subject to the following requirements in addition to the regulations found in §704:

- A. The use must comply with the open space, impervious surface, area, lot area, and dimensional requirements of the district in which the use is proposed.
- B. The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection or any other commonwealth or federal government agency which regulates such use.
- C. A buffer area shall be established in accordance with the conditions imposed upon the granting of conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be of sufficient width to protect the surrounding area from the objectionable effects of the proposed use, including, but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.
- D. In addition, conditional use approval will only be granted by the Board of Supervisors after it has determined that the granting of such will not result in additional threats to public safety or extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.

SECTION XLII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 703 – Permit Application Procedures for Permitted Uses, Subsection 2.G is amended to replace “B-1, B-2, C-1” with “ED”.

SECTION XLIII: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 705 – Site Development Plan Review, Subsection 1.A(17) is repealed in its entirety.

SECTION XLIV: Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words, is amended to add the following terms:

**ADAPTIVE REUSE** – Rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).

**ANIMAL HOSPITAL** – A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be incidental to such hospital use.

**AUTOMOTIVE SERVICES** - A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

**BUILDING SUPPLY CENTER** – The retail sale of a diverse range of hardware and related materials generally used in the, maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies.

**CONVENIENCE STORE** – A retail store with a floor area of less than 2,500 square feet that sells groceries, convenience goods such as prepackaged food items, tobacco, periodicals, and other household goods, and may also sell gasoline; does not include automotive service stations.

**DWELLING UNIT** - Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

**EMERGENCY SERVICE FACILITIES** – Facilities operated by public agencies for public safety and emergency services, including police and/or fire protection, emergency medical and ambulance service, and related administrative facilities.

**FLEA MARKET** - An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers.

**FORESTRY** – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FRATERNAL ORGANIZATION** - A group of people formally organized for a common interest with regular meetings and formal written membership requirements.

**GREENHOUSE** - A horticultural use or operation occurring within a partially or totally enclosed structure, including but not limited to the sale of products produced in such structure.

**LABORATORY** - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**LUMBERYARD** – A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planning, cutting, and other customizing processes.

**MANUFACTURING** - The mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**MANUFACTURING, LIGHT** - The manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products.

**MIXED USE BUILDING** – A building designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, institutional, civic, office, commercial, or retail use.

**NO-IMPACT HOME-BASED BUSINESS** - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the primary use as a residential dwelling unit and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

- (2) The business shall employ no employees other than family members residing in the dwelling unit.
- (3) There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the dwelling unit and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

**NURSERY** – An operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site and related accessory sales and uses.

**PAPER MILL** - The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products.

**PERSONAL SERVICES** – A use which provides an individual service generally related to personal needs such as beauty and barber shops, laundromats or dry cleaners, tanning salons, tattoo parlors, travel agencies, and similar type uses. Such use does not include medically related services.

**PUBLIC UTILITY FACILITY** - A building or structure and its equipment used for the transmission and exchange of telephone, radio, gas, power, sewer and water facilities.

**QUARRY** - Any natural or excavated opening in the ground from which clay, gravel, slate, limestone, sandstone or other rocks or minerals or material are obtained by stripping, digging, blasting or other means, except for anthracite or bituminous coal stripping. "Blasting" shall mean the explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives as defined in the Regulation for Pits and Quarries, 1959 Edition, issued by the Commonwealth of Pennsylvania through the Department of Labor and Industry, as amended.

**REPAIR SERVICES** - Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

**RESIDENTIAL CONVERSION** - The transformation of a single-family unit into apartments without disturbing the architectural character of the house.

**RETAIL** – The selling of goods, wares, or merchandise directly to the consumer or persons without a resale license.

**RETIREMENT HOUSING COMMUNITY** – A facility which has a primary purpose of providing housing and care for persons 55 years of age and older or, where a unit has shared occupancy, at least one person is at least 55 years of age, and includes a combination of at least two of the following uses: senior housing, nursing home or skilled nursing facility, assisted living facility, and/or customary accessory uses.

**SHOOTING RANGE** - The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, or temporary competitions.

**SHOPPING CENTER** – A group of retail and other commercial establishments that is planned, owned, and managed as a single property.

**STABLE** - A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

**TECHNICAL SCHOOL** – A specialized instructional establishment owned and operated privately for profit.

**WILDLIFE REFUGE** – An area maintained in a natural state for the preservation of both animal and plant life.

**SECTION XLV:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words, is amended to repeal and restate the following terms:

**HOME OCCUPATION** - An occupation, profession, activity, or use that is clearly a customary, secondary, and incidental use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood.

**REHABILITATION FACILITY** – A licensed establishment, with 24-hour supervision whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, physical therapy, occupational therapy, speech pathology services, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

**SECTION XLVI:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words, is amended to repeal the following terms in their entirety:

**MINIMAL IMPACT HOME OCCUPATIONS**

**MINIMAL OR MINOR IMPACT USE**

**SECTION XLVII:** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION XLVIII:** The provisions of this Ordinance shall be severable and if any provisions thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

SECTION XLIX: This Ordinance shall become effective five (5) days after enactment.

**ENACTED** this 28<sup>th</sup> day of July, 2020 by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania.

**TOWNSHIP OF SMITHFIELD  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
**Brian E. Barrett, Chairman**

\_\_\_\_\_  
**Robert Lovenheim, Vice Chairman**

\_\_\_\_\_  
**Jacob A. Pride, Supervisor**

**ATTEST:**

\_\_\_\_\_  
Secretary



Correspondence from Attorney Schneider  
Re: ED Zone Clarifications Needed



**LAW OFFICE OF  
JOHN J. SCHNEIDER, Esquire  
P.O. Box 112  
Milford, PA 18337**

**John J. Schneider  
Attorney  
Cell 570-228-1222**

**Debbie Beck  
Legal Assistant  
570-228-0668**

August 25, 2020

Julia Heilakka, Office Manager  
Smithfield Township  
1155 Red Fox Road  
East Stroudsburg, PA 18301

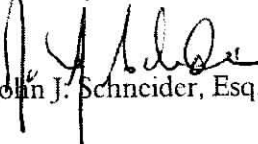
Re: Nancy Coss, Trustee  
11 Acre Parcel

Dear Julia,

As a follow up to my letter to you of July 29, 2020, pursuant to my subsequent conversation with the Supervisor Robert Lovenheim I am enclosing a report from Tom Shepstone, planner, which addresses the issue I raised.

Please distribute this to all concerned. It is respectfully submitted recognizing all the excellent work that has already been done.

Sincerely,

  
John J. Schneider, Esq.

cc: Nancy Coss  
Lori Cerato, Esq.

**SHEPSTONE MANAGEMENT COMPANY, Inc.**

100 Fourth Street, Suite 32, Honesdale, PA 18431

(570) 251-9550

FAX 251-9551

Planning and Research Consultants

mail@shepstone.net

[www.shepstone.net](http://www.shepstone.net)

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**Thomas J. Shepstone**

August 19, 2020

John "Duke" Schneider  
Attorney-at-Law  
Schneider & Dodsworth  
115 Steele Lane, Suite 1,  
Milford, PA 18337

Re: Smithfield Township Zoning Amendments

Dear Duke,

As you know, I previously reviewed the proposed Smithfield Township Zoning Ordinance amendments with a view toward the impact on properties in the new ED Economic Development District. I am thoroughly familiar with the Township having assisted with previous zoning updates some years ago and I find this set to be very much an improvement insofar as accommodating balanced growth. I do have a concern with one particular aspect but it would seem it could easily be corrected.

The concern I have is that there are two terms used with respect to mixed uses; there are Mixed Use Buildings and Mixed Use Development. The former is defined in the new amendments and is very simple and clear, but the latter is defined in the existing ordinance provisions that preceded the amendments and is confusing. Indeed, it says (emphasis added):

***MIXED USE DEVELOPMENT - An adjacent development tract that meets the requirements of this Chapter for a mixed use development at the time of the initial submittal of a subdivision or land development plan for the property, and which may include the subdivision of new lots, provided that each new lot continues to comply with the mixed use development requirements, unless specifically approved otherwise by the Board of Supervisors.***

What the bolded section means by "an adjacent development tract" is anything but clear. Unfortunately, though, Section 304 of the new amendments says:

***Residential uses of any type are prohibited in the ED and M-1 Districts, unless said residential uses are part of a Mixed Use Development or as a nonconforming use.***

While Mixed Use Buildings are allowed in the ED District, it would seem even they would have to be part of a Mixed Use Development for which there is only a confusing definition. I recommend this issue be addressed by correcting the definition of Mixed Use Development to eliminate the word "Adjacent" and to revise the first sentence of Section 304 to read as follows:

*Residential uses of any type are prohibited in the ED and M-1 Districts, unless said residential uses are part of a **Mixed Use Building**, Mixed Use Development or as a nonconforming use.*

Likewise, the first sentence of Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 20.F, should be revised as follows:

*Only one (1) principal use is permitted on a lot by-right within the ED District unless part of a **Mixed Use Building**, Mixed Use Development or an Incentivized Development.*

These minor changes would improve an otherwise excellent set of zoning amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Shepstone". The signature is fluid and cursive, with the first name "Thomas" and last name "Shepstone" clearly legible.

THOMAS J. SHEPSTONE

LAW OFFICE OF  
JOHN J. SCHNEIDER, Esquire  
P.O. Box 112  
Milford, PA 18337

John J. Schneider  
Attorney  
Cell 570-228-1222

Debbie Beck  
Legal Assistant  
570-228-0668

July 29, 2020

Julia Heilakka, Office Manager  
Smithfield Township  
1155 Red Fox Road  
East Stroudsburg, PA 18301

Re: Zoning Ordinance Adopted

Dear Julia,

Thank you to you and Board of Supervisors for getting me information on the above, prior to the public hearing. As I testified at the public hearing, I represent Nancy Coss, Trustee of the Lorraine Coss Trust, which owns the 11 acre parcel on Rt 209 Bypass now leased to Kramer Sheds.

I compliment the planners and supervisors on their foresight after 3 years of work to pass this "forward thinking" ordinance. My client's property meets the purpose of the Incentivized Development Option §306 B: "Encourage infill development, adaptive reuse of older buildings and mixed use development by incentivizing businesses to open and/or relocate to Smithfield Township."

I raised a concern in my testimony that §306 2B Applicability would be a limiting factor as it reads since it requires a minimum of two uses. That section states: "The project must consist, without limitation, of a minimum of two uses (multiple uses). Uses proposed as part of the project must be permitted in the underlying district".

In the discussion that followed it appeared to me that many present believed such a requirement should be a goal and not mandatory. In order to enhance the marketability of my client's property and hopefully give the Township the benefits it seeks in this ordinance, I would ask that you revisit this issue as you move forward.

Thank you for your consideration of this issue. I would appreciate it if you could circulate this letter to the Supervisors, Planning Commission and Professionals.

Sincerely,

  
John J. Schneider, Esq.



Memo from Solicitor Karasek  
Re: Changes Between Original Ordinance & Draft  
Updates

## MEMO

TO: FILE  
DT: 04-22-2021  
SUBJECT: Additional Amendments to the Economic Development (ED) Zone

- Repeal of the existing Section 305-Mixed Use Development and replace it with Section 306
- Change the word in Section 306 from "Incentivized" to "Mixed Use"
- Remove the 25 acre minimum lot size for mixed use developments
- Mixed Use Development cannot contain more than seventy five (75%) percent-either by number or volume by whichever calculation is more restrictive-of residential housing units of any type
- Eliminated some design standards such as rooflines offsets, building material and colors
- Added an additional seven (7) parcels to the ED Zone
- Added as permitted uses: Movies Theatres, Motels/Hotels only with an Indoor Lobby, Outdoor/Indoor Farmers' Market, Outdoor Specialty Market, Transient Retail Business, Flower Shop, Bakery, Concentrated Commercial Mall and Small Wireless Communications Facilities
- Added (as conditional uses): Indoor Shooting Range, Adventure Lodging, Motel/Hotel without an Indoor Lobby, Tower-based or Non-Tower-based Wireless Communications Facilities
- Added a section (Section 39) for Indoor Shooting Range
- Added a section (Section 42) for a Scenic Corridor where certain permitted uses are not allowed in the corridor
- Added a Adventure Lodging Definition
- Added a Bed and Breakfast (with a revised definition to eliminate the existing language of "owner-occupied" and "no more than six (6) rooms" and "where no public restaurant is maintained" and "roomers" should be called "guests")
- Added a Concentrated Commercial Mall definition
- Added a revised Dwelling Unit definition
- Added a Farmer's Market Definition
- Added a Firearms definition
- Added an Indoor Shooting Range definition
- Added a Manufacturing definition
- Added a Light Manufacturing definition
- Revised the Mixed Use Building definition
- Added an Outdoor Specialty Market definition
- Added a Scenic Corridor definition
- Revised the Shooting Range definition
- Added a Small Wireless Communications Facility definition
- Added a Transient Retail Business definition
- Added a Wireless Communications Facility definition
- Distinguished between motels/hotels/inns with an interior lobby (permitted, by right) and without an interior lobby (conditional use)
- Added a Commercial Indoor Recreation and Entertainment definition



Draft Economic Development Zone Ordinance

**TOWNSHIP OF SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**(Duly Adopted \_\_\_\_\_)**

**AN ORDINANCE OF THE TOWNSHIP OF SMITHFIELD,  
MONROE COUNTY, PENNSYLVANIA, REPEALING AND  
RESTATING TOWNSHIP ORDINANCE NO. 237 (WHICH  
ORDINANCE AMENDED CHAPTER 27 OF THE TOWNSHIP  
CODE OF ORDINANCES TO ADOPT AN ECONOMIC  
DEVELOPMENT [ED] ZONING DISTRICT) AND ADOPTING  
FURTHER AMENDMENTS TO THAT ED ZONING DISTRICT  
AND REPEALING TOWNSHIP ORDINANCE NO. 221-MIXED  
USE DEVELOPMENT OPTION IN THE C-1 (COMMERCIAL)  
ZONING DISTRICT**

**WHEREAS**, Smithfield Township (the "Township") is a political subdivision of the County of Monroe, Commonwealth of Pennsylvania and is a Second Class Township with offices located at 1155 Red Fox Road, East Stroudsburg, Pennsylvania, 18301; and

**WHEREAS**, the Township adopted Ordinance No. 221-Mixed Use Development and made it part of the Township Zoning Ordinance-Chapter 27 of the Township Code of Ordinances- as Section 305-Mixed Use Development Option as an alternative set of provisions to allow for a mixture of residential and commercial for development on larger tracts of properties in the C-1 (Commercial) Zoning District; and,

**WHEREAS**, the Township was of the opinion that a new commercial district-to be known as the ED (Economic Development) Zoning District- was to be adopted and was intended to encourage a diverse number of compatible, non-residential uses along high volume traffic corridors while promoting flexible design options to encourage well-designed non-residential land uses in conformance with the goals of the Smithfield Township Comprehensive Plan is required; and

**WHEREAS**, adoption of the ED Zoning District would no longer require the existence of the Mixed Use Development in the C-1 (Commercial) Zoning District as the ED District would address mixed use buildings/developments; and,

**WHEREAS**, after holding a public hearing the Smithfield Township Board of Supervisors did ordain and enact on July 28, 2020, the zoning amendments to the Smithfield Township Zoning Ordinance to include an Economic Development (ED) Zoning District as Township Ordinance No. 237;

**WHEREAS**, the Supervisors have now determined that additional amendments should be made to the ED Zoning District; and, for ease of future reference, the ED Zoning District shall be repealed and reinstated in its entirety with the additional zoning amendments included therein.



**WHEREAS**, pursuant to Section 609 of the Pennsylvania Municipalities Planning Code Act of 1968, P.L. 805, No. 247 as reenacted and amended, the Township is authorized and empowered to enact amendments to the Smithfield Township Zoning Ordinance after public hearing thereon pursuant to public notice; and

**WHEREAS** and pursuant to the Pennsylvania Municipalities Planning Code, both the Township Planning Commission and the Monroe County Planning Commission have reviewed the proposed amendments; and

**WHEREAS**, the Smithfield Township Board of Supervisors has conducted a public hearing pursuant to public notice concerning the following amendments to the Smithfield Township Zoning Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Smithfield Township Board of Supervisors as follows:

Township Ordinance No. 237 is repealed and immediately restated with the following amendments made a part and parcel of the restated ordinance as follows:

**SECTION 1:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Table of Contents, Part 3 – District Use Regulations, Section 304 – Prohibited Uses in C-1, M-1, B-1 and B-2 is repealed and restated in its entirety as follows:

**§304 – Prohibited Uses in ED and M-1**

**SECTION 2:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Table of Contents, Part 3 – District Use Regulations, is hereby amended to add the following:

**§306 – Revised Mixed Use Development Option**

**SECTION 3:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 201 – Names of Districts is repealed and restated in its entirety as follows:

**§201. Name of Districts.**

Smithfield Township is hereby divided into the following districts:  
R-1 Low Density Residential District.  
R-2 Medium Density Residential District.  
R-C Residential Conservation District.  
RE Resort District.  
ED Economic Development District.  
M-1 Industrial District.

**SECTION 4:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 202 – Zoning Map is repealed and restated in its entirety as follows:

**§202. Zoning Map.**

The boundaries of the said districts are hereby established as shown on the “Official Zoning Map” of Smithfield Township, prepared by the Monroe County Planning Commission, dated August 28, 2005, as subsequently amended thereafter, incorporated herein by reference, and which are hereby made a part of this Chapter. The original of said map and said further amendments are on file in the Office of the Township Secretary. The said Zoning Map, as subsequently amended, is hereby made a part of this Chapter, together with this amendment, and all notations, references, and designations shown thereon shall be as much a part of this Chapter as if the same were all fully described and set forth therein. A copy of said map, indicating the latest amendments, shall be kept up to date, and displayed in the Township municipal building for the use and benefit of the public.

Additional parcels have been added to the revised Zoning Map to include the following:

-Six additional parcels as per Exhibit “A” attached hereto and made apart hereof. These parcels adjoin an existing parcels already situate in the ED Zoning District and are along Independence Road (SR 447) and located between Independence Road and Ashburn Drive.

**SECTION 5:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 304 – Prohibited Uses in C-1, M-1, B-1 and B-2 is repealed and restated in its entirety as follows:

**§304. Prohibited Uses in ED and M-1**

Residential uses (including but not limited to single family residential dwellings) of any type are prohibited in the ED and M-1 Districts, unless said residential uses are part of a Mixed use Building, Mixed Use Development or as a nonconforming use. “Medical and Health and Care Uses” as defined in Section 1002 shall not be deemed a residential use prohibited by the foregoing provision even if such uses includes facilities where medical, health or continuing care patients reside within units located in an ED District.

**SECTION 6:** Smithfield Township Zoning Ordinance No. 221 as found in Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option (Township Ordinance No. 221) is hereby repealed in its entirety.

**SECTION 7:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, is now repealed and replaced with a new Section 305 known as the “ED Economic Development District”.

**SECTION 8:** As per Section Fourteen (14) hereof, the Economic Development (ED) Zoning District shall be considered a new and a completely restated Section 305 of Chapter 27- Zoning of the Township Code of Ordinances.

**SECTION 9:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Part 3 – District Use Regulations is hereby amended to add Section 306 – Mixed Use Development Option which reads as follows:

**§306 – Mixed Use Development Option**

1. *Purposes.* The Mixed Use Development option is intended to allow greater flexibility of development alternatives and encourage development of underutilized properties within the Township. More specifically, the intent of the Mixed Use Development option is to accomplish the following objectives:
  - A. Encourage a balance of uses that will transform Smithfield Township into a hub for working, living, shopping and entertainment;
  - B. Encourage infill development, adaptive reuse of older buildings and mixed use development by incentivizing businesses to open and/or relocate to Smithfield Township;
  - C. Expand business and job opportunities;
  - D. Establish design standards which enhances Smithfield Township's unique identity and promotes increased walkability; and
  - E. Provide options to streamline the project approval process.
2. *Applicability.*
  - A. The Project site must be located in the Economic Development (ED) District and must meet the minimum development standards as outlined in Section 14 hereof.
  - B. The Project must consist, without limitation, of a minimum of two uses (multiple uses). Uses proposed as part of the project must be permitted within the underlying district.
  - C. Any Project utilizing this Mixed Use Development Option cannot contain more than seventy five (75%) percent-by either number or volume of overall dwelling units and by whichever calculation is more restrictive -of residential housing of any type.
3. *Design Standards.*
  - A. Yard setbacks shall comply with the requirements of the underlying zoning district.
  - B. Maximum permitted impervious coverage is sixty-five (65) percent. No maximum building coverage.
  - C. Parking shall not be permitted within the required minimum front yard setback. All parking shall be provided to the side and rear of the principal building(s) / structure(s). A ten (10) percent decrease in the required front yard setback shall be permitted for projects which locate parking to the side and rear of the principal building(s)/structure(s).
  - D. Building height. The minimum height for the first floor shall be fifteen (15) feet.
  - E. Site design. The design principles set forth in this section shall be used to review site plans, building plans and use permits for all multiple use projects proposed on land. The following guidelines are intended to promote visual interest from the street. This transitional space between the street and the building is defined by the site design, architecture, and streetscape elements.
    - (1) Building orientation: buildings and major pedestrian entrances should be oriented towards centers of activity, such as the primary street frontage or public spaces.
    - (2) Long expanses of blank walls shall be avoided through the use of wall articulation. Breaking the continuous plane of the wall can be done by recessing vertical segments of the wall at several intervals. Also, a

course of brick or other masonry material can be applied to the exterior walls to add visual interest at certain junctures in the wall. Changes in the material colors are also encouraged to break up wall surfaces. The maximum permitted width of an uninterrupted wall plane shall be fifty (50) feet.

(3) Pedestrian and vehicular circulation patterns shall be designed to minimize potential conflicts between vehicles and pedestrians and to provide enhanced separation. Lots with multiple buildings shall include pedestrian connections between adjacent uses, structures and parking areas.

(4) Sidewalks. Sidewalks shall have a minimum width of 5 feet. Sidewalks shall be constructed to provide access from all principal building entrances to the sidewalk system and parking areas.

(5) Shared entrances and exits are encouraged but not required. If provided, there shall be a written agreement between the property owners as to the maintenance, repair and/or replacement of the shared driveway or exit.

F. Trash enclosures. The storage and/or staging of refuse shall take place in the rear yard and shall be buffered or screened from street-level view of parking facilities, adjacent properties and all streets. Buffering or screening of trash enclosures may include, but are not limited to, architectural masonry walls, changes in grade, mostly solid decorative fences with a solid gate, and/or landscaping with a minimum height of five (5) feet.

G. Landscaping. Site landscaping shall be required for all developments and shall be limited to native species. Invasive species are prohibited.

(1) Deciduous shade trees shall be planted adjacent to public streets, unless existing trees will be preserved within the same area. An average of one deciduous shade tree shall be required for each sixty (60) feet of lot-line length along the right-of-way. Such trees may be planted with trunks immediately outside of the public right-of-way, or at another proposed location that is approved by the Township. Refer to Chapter 22 §1101.1.C.(3).(a) for a recommended list of street trees for use in Smithfield Township.

(2) Landscaped islands shall be provided within parking lots in conformance with §502.7.B(1). No more than fifteen (15) abutting spaces shall be placed in a row, unless the spaces are separated by a landscaped island with a shade tree.

(3) A minimum average of one (1) deciduous shade tree shall be planted for every five (5) required off-street parking spaces, such as trees placed within and around parking areas.

(4) Landscaped buffers shall be required along property boundaries which are adjacent to residential uses and/or residential districts. Plant material shall be at least six (6) feet in height when planted and shall include a mix of evergreens, shade trees, ornamental flowering trees, and shrubs. Plantings shall be maintained permanently, and any plant material which does not live shall be replaced within six months. Quantities shall comply with the requirements of §502.7.C(7).

H. Lighting. Site lighting shall improve the safety and visibility of parking

areas and pedestrian zones.

(1) Lighting shall be designed such that poles, fixtures, ornamentation and materials are of a pedestrian scale and height and provide for a safe pedestrian experience.

(2) Fixture heights shall be between 8 and 20 feet in height, with shorter poles along sidewalks and pedestrian zones, and taller poles within parking areas.

(3) Light trespass into adjacent non-commercial areas shall not exceed 0.1 foot candles in intensity.

(4) Building-mounted lighting shall be permitted at building entrances and other pedestrian areas. Building-mounted lighting shall be of a style complementary to the architectural character of the building and surroundings, and shall not be mounted higher than fifteen (15) feet above grade.

- I. Review process. An applicant may submit land development plans for Preliminary and Final approval conditioned upon compliance with all requirements of the Mixed Use Development option outlined in this Section.

**SECTION 10:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations is hereby amended to repeal the following in its entirety:

C-1 Commercial District and all associated uses and development standards

B-1 Planned Boulevard District and all associated uses and development standards

B-2 Business and Professional Office/Medical District and all associated uses and development standards

**SECTION 11:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, R-1 Accessory Uses is hereby amended to replace "Minimum Impact Home Occupations" with "No-Impact Home-Based Business".

**SECTION 12:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, R-2 Accessory Uses is hereby amended to replace "Minimum Impact Home Occupations" with "No-Impact Home-Based Business".

**SECTION 13:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, R-C Accessory Uses is hereby amended to replace "Minimum Impact Home Occupations" with "No-Impact Home-Based Business".

**SECTION 14:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, is hereby amended to add ED Economic Development District as follows:

A-Intent, Types of Uses and Development Standards:

Smithfield Township Zoning Ordinance – Schedule of District Regulations				
District Intent	Principal Permitted Uses	Conditional Uses	Accessory Uses	Development Standards

<p>ED Economic Development District:</p> <p>This District is intended to encourage a diverse number of compatible, non-residential uses along high volume traffic corridors. The District promotes flexible design options to encourage well-designed non-residential land uses in conformance with the goals of the Smithfield Township Comprehensive Plan, and the following objectives:</p> <p>A. Provide the broadest range of non-residential uses in the Township.</p> <p>B. Encourage the retention of the existing community character of Smithfield Township by preserving the existing buildings and landscaped spaces to the greatest extent possible.</p> <p>C. Discourage strip-style commercial development which requires</p>	<p>Retail stores. Convenience stores, with or without fuel pumps. Personal services. Business or professional offices and/or services. Medical offices. Studio for dance, art, music, photography, or exercise. Commercial indoor recreation and entertainment including movie theatres. Bank or financial institution. Restaurant. Bar or tavern. Emergency service facilities. Municipal uses. Open space and low intensity outdoor recreational uses. Post office. Adult and/or child day care facilities. Technical schools and training centers. Funeral home or mortuary. Mixed use building. Motel/hotel or inn with an indoor lobby. Commercial indoor recreation and entertainment. Veterinarian offices / animal hospital or commercial kennel. Shopping center. Forestry and forest reserves, wildlife refuges. Tool and equipment rental. Outdoor recreation and entertainment facilities.</p>	<p>Automotive services. Automotive and vehicular sales and rentals. Moving vehicle rental and supply establishments. Indoor shooting range. [§511.24] Adventure Lodging. Motel/hotel or inn without an indoor lobby (an office does not qualify as in indoor lobby). A tower-based or a non-tower based Wireless Communications Facility (WCF).</p>	<p>Accessory use on the same lot with and customarily incidental to the use permitted and utilized. Accessory uses shall meet all requirements for permitted uses. Signs as provided hereunder.</p>	Minimums:	A	B	C	D
				Lot area:	21,780sf	21,780sf	21,780sf	21,780sf
				Lot width:	100 ft	100 ft	100 ft	100 ft
				Lot depth:	150 ft	150 ft	150 ft	150 ft
				Front yard:	50/65 ft*	50/65 ft*	50/65 ft*	50/65 ft*
				Side yard:	20 ft**	20 ft**	20 ft**	20 ft**
				Rear yard:	30 ft**	30 ft**	30 ft**	30 ft**
				Maximums:				
				Building coverage:***	35%	35%	35%	35%
				Building height:***	40 ft	40 ft	40 ft	40 ft
				<p>* Principal structures measuring up to 5,000 square feet (gross floor area) require a minimum front yard of 50 feet. Principal structures in excess of 5,000 square feet (gross floor area) require a minimum front yard of 65 feet.</p>				
				<p>** Add 20-foot buffer yard where abutting a residential district.</p>				
				<p>*** See §401.C for additional regulations.</p>				
				<p>A = on-site sewage and water  B = Central water only  C = Central Sewage Only  D = Central sewage and water</p>				

<p>incongruous architectural styles, excessive paved areas, and numerous curb cuts.</p> <p>D. Encourage consolidation of driveways, parking, and curb cuts to provide more efficient and economical access and parking.</p> <p>E. Encourage a coordinated pedestrian path system to provide efficient and convenient pedestrian access from parking areas to and among the various permitted uses.</p> <p>F. Assure suitable design to protect the character and property values of adjacent and nearby neighborhoods.</p> <p>G. Provide regulations that minimize congestion and hazardous traffic conditions.</p> <p>H. Allow existing non-residential properties to be appropriately redeveloped.</p> <p>I. Improve the</p>	<p>Assisted living facilities, continuing care facilities, nursing homes.</p> <p>Retirement housing community.</p> <p>Place of worship.</p> <p>Building supply center, lumber yard and contractor's business.</p> <p>Nursery, garden center, or greenhouse.</p> <p>Telecommunication facilities.</p> <p>Public utility.</p> <p>Public transportation facilities.</p> <p>Campgrounds.</p> <p>Resorts.</p> <p>Schools, colleges and education facilities.</p> <p>Stables.</p> <p>Communications centers/towers.</p> <p>Data centers and disaster recovery facilities.</p> <p>Short stay medical center.</p> <p>Light manufacturing, wholesale and warehouses.</p> <p>Planned Unit Developments.</p> <p>Rehabilitation facility.</p> <p>Hospital or medical center.</p> <p>Mixed Use Development.</p> <p>Indoor flea markets.</p> <p>Repair services, other than automotive.</p> <p>Club or fraternal organization.</p> <p>Outdoor/Indoor Farmer's Market.</p> <p>Outdoor Specialty Market.</p> <p>Transient Retail</p>			
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Township's economic and budgetary sustainability by expanding the tax base and job creation through appropriate non-residential development and redevelopment.	Business. Flower Shop. Bakery. Concentrated Commercial Mall. Small Wireless Communications Facilities (SWCF).			
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**B.** Any project within the ED Zoning District cannot contain more than seventy five (75%) percent-by either number or volume of overall dwelling units and by whichever calculation is more restrictive -of residential housing of any type.

**SECTION 15:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, M-1 Principal Permitted Uses is repealed and restated in its entirety as follows:

All uses permitted in the ED District as a Principal Permitted Use.

**SECTION 16:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Schedule of District Regulations, M-1 Conditional Uses is repealed and restated in its entirety as follows:

All uses permitted in the ED District as a Conditional Use.

- Airports.
- Distribution plants.
- Federal, State and County buildings and uses.
- Laboratories.
- Outdoor storage facilities (see §511.18)
- Paper mills.
- Quarries and other extractive industries.
- Railroad yards and freight stations.
- Truck terminals.
- Other similar uses.
- Lawful uses not otherwise permitted.

**SECTION 17:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 401 – District Regulations, Subsection 1.A including the Illustrative Standards Tables for the B-1 and C-1 Districts is repealed in its entirety.

**SECTION 18:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 401 – District Regulations, Subsection C is repealed and restated in its entirety as follows:

**C.** *Impervious Surface Coverage.* Impervious surface shall include any material that reduces or prevents absorption of stormwater into previously undeveloped land. The calculation



for impervious surface coverage is the amount of impervious surface as a percentage of total lot area. The maximum amount of impervious surface coverage permitted on any given lot in connection with building, land development and zoning applications shall be limited as follows:

Zoning District	Maximum Impervious Surface Coverage		
	Group A	Group B	Group C
R-1 Low Density Residential	25%	25%	30%
R-2 Medium Density Residential	30%	35%	40%
ED Economic Development	60%	60%	60%
M-1 Industrial	70%	70%	70%

Note: Group A – No centralized water or centralized sewage.  
 Group B – Either centralized water or centralized sewage.  
 Group C – Both centralized water and centralized sewage

**SECTION 19:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 403 – Off-Street Parking and Loading Design Standards, Parking Setback Schedule is repealed and restated in its entirety as follows:

Zoning District	Parking Setback Schedule	
	Minimum parking area	distance from front lot line
R-1		35'
R-2		25'
R-C		25'
ED		50'
M-1		50'
RE		50'

**SECTION 20:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 502 – Supplementary Lot, Yard and Height Regulations, Subsection 6.C is repealed and restated in its entirety as follows:

- C. When lot lines of an ED zone or an M-1 zone lie within thirty-five (35) feet of a residential zoning district boundary or any lot in residential use, any illumination or floodlighting shall be arranged so there will be no glare of lights toward such lot or residential district boundary line.

**SECTION 21:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 504 – Sign Regulations, Subsection K.4(a) is repealed in its entirety.

**SECTION 22:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 504 – Sign Regulations, Subsection K.5 is amended to replace “C-1 Zoning Districts” with “ED Zoning District”.

**SECTION 23:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 504 – Sign Regulations, Subsection M is amended to replace

“Commercial (C-1)” with “Economic Development (ED)”.

**SECTION 24:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 507 – Stables and Kennels, Subsection 4.B is repealed and restated as follows:

B. The keeping of any such animal on a parcel of less than ten (10) acres shall be considered a conditional use and the Township may require additional setbacks and/or buffers in accord with the conditional use standards of this Chapter. Such activities shall only be permitted in R-1 and RC Districts.

**SECTION 25:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 509 – Planned Unit Developments, Subsection 2 is amended to replace “B-1” with “ED”.

**SECTION 26:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 509 – Planned Unit Developments, Subsection 3 is amended to replace “B-1 Planned Boulevard District” with “ED Economic Development District”.

**SECTION 27:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 510 – Minimal or Minor Impact Uses, is repealed in its entirety.

**SECTION 28:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.A is amended to replace “B-2 Business and Professional Office/Medical District” with “ED Economic Development District”.

**SECTION 29:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.E is amended to read as follows:

E. No building, activity or recreation facility shall be erected within fifty (50) feet of a road line or within one hundred (100) feet of a lot line.

**SECTION 30:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.1.D is amended to read as follows:

D. Senior housing within the ED Economic Development District shall be permitted only as a part of the development of a continuing care facility or a retirement housing community.

**SECTION 31:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 3.2.E is repealed in its entirety.

**SECTION 32:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, is amended to add Subsection 3.5 which reads as follows:

3.5 Retirement Housing Community. A retirement housing community, where permitted, shall meet the following requirements:

A. A retirement housing community shall be designed to serve persons aged fifty-five (55) and over. In the case where a unit is shared at least one person residing in the unit must be 55 years of age or older.

B. A retirement housing community shall consist of at least two of the following uses: senior housing, nursing home or skilled nursing facility, assisted living facility, and/or customary accessory uses.

C. The minimum lot area for such use shall be five (5) acres.

D. All permitted uses as part of the retirement housing community shall be connected to a central water system and central sewer collection system.

E. The site shall front on or have access to a collector or arterial road.

F. In addition to the requirements stipulated in this §511.3.5, the requirements for each specific permitted use proposed as part of the retirement housing community shall apply.

**SECTION 33:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 7.A is hereby amended to replace “C-1 District” with “ED District”.

**SECTION 34:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 11.D is amended to read as follows:

D. Such construction field sites shall be limited to ED and M-1 Districts.

**SECTION 35:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 17.R is amended to read as follows:

R. Telecommunications facilities shall be permitted by-right in the ED Economic Development District and on public (Township, School, County, State or Federal government) property in any zoning district.

**SECTION 36:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 20 is repealed and restated to read as follows:

20. *ED District Uses.* Uses within the ED District shall be subject to the following additional standards:

A. Nonresidential development is limited to the maximum building coverage indicated in the Schedule of District Regulations. The Board of Supervisors may increase the maximum building coverage up to an additional 15 percent, for a total maximum building coverage of 50 percent if, during site plan review, it is found that the development meets the following standards:

(1) The development maintains the privacy of adjacent residential lots or residentially zoned properties through techniques such as decreased

height, additional landscape and screening measures, building massing and design to mitigate adverse impacts of noise and lighting, and increased setbacks above those required from adjacent residential lots.

(2) Building design elements incorporate pedestrian-scale features, such as awnings and storefront windows along appropriate corridors (local roads and collector roads).

(3) The design of the site's circulation system provides adequate and safe access for both motor vehicles and alternate modes of transportation, including pedestrians and bicyclists. The design must minimize potentially dangerous traffic movements and points of conflict between vehicles and pedestrians or bicyclists.

(4) The applicant provides the municipality with off-site infrastructure improvements equal to a specified fee per gross square foot of building area. The specified fee shall be in accordance with a fee schedule set by resolution of the Board of Supervisors. Contributions to infrastructure improvement may take the form of either the actual construction of identified improvements, or a payment to the municipality's infrastructure improvement fund or transportation improvement fund. Infrastructure improvements provided in exchange for bonus density are in addition to any required on-site transportation improvements and off-site transportation improvements required.

B. Applicants proposing any use which is expected to generate 500 or more trip-ends per day, in accordance with the most recent edition of the Trip Generation manual by the Institute of Transportation Engineers, shall be required to prepare a traffic impact study in compliance with §404 of this ordinance.

C. Building height is limited to 40 feet, provided however, the Board of Supervisors may permit the increase of the building height by ten feet for each additional ten feet of front yard provided, not to exceed a maximum building height of 60 feet. Refer to this ordinance for building height restrictions in a Mixed Use Development.

(1) Any increase in building height, above thirty-five (35) feet, shall be permitted only if plans have been reviewed and approved by the Fire Chief and the emergency services providers to ensure all roads, driveways and access aisles will be of sufficient width and design to accommodate ready access by emergency services vehicles, apparatus and personnel.

(2) Any building or structure exceeding thirty-five (35) feet in height shall be fully sprinklered in accordance with NFPA standards and provided with a Class III standpipe system on all floors and each wing. State Building Code requirements shall also apply.

(3) Any building or structure exceeding thirty-five (35) feet in height shall have an addressable fire alarm system.

(4) Any building or structure exceeding thirty-five (35) feet in height shall have appropriate signage and emergency lighting in all stair towers.

(5) All fire hydrants shall be equipped with Storts fittings.

(6) Knox box (key repository for use of emergency personnel) shall be installed at each entrance to any building or structure greater than thirty-five (35) feet in height.

- D. Parking standards for joint use. Where a parking area is intended for the joint use of 2 or more distinct land use activities, the total parking area required shall be the same as required for those uses computed separately, minus 10% of the total number of spaces required. Refer to this Ordinance for parking standards in a Mixed Use Development.
- E. 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. 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.
- F. Only one (1) principal use is permitted on a lot by-right within the ED District unless part of a Mixed Use Development or Mixed Use Building. In the event of a conflict between the provisions of a Mixed Use Building or a Mixed Use Development and other applicable provisions of the Zoning Ordinance, the provisions of the Mixed Use Building or the Mixed Use Development shall prevail. If the standards in the Mixed Use Building or the Mixed Use Development option are silent in relation to any development standard, the development standard identified in the underlying zoning ordinance shall prevail.
- G. In order to expedite the review and approval process, any adaptive reuse project within the ED District may submit land development plans for Preliminary and Final approval.

**SECTION 37:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 21 is amended to replace “C-1 Commercial District, the B-1 Planned Boulevard District” with “ED Economic Development District”.

**SECTION 38:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 – Supplementary Regulations Applicable to Other Uses, Subsection 23 is repealed and restated to read as follows:

23. *Lawful use not otherwise permitted.* This section is intended to provide, by conditional use, for any lawful use that is required to be permitted by the Pennsylvania Municipalities Planning Code and which is not otherwise permitted in any other use categories described in this section. A lawful use not otherwise permitted shall be subject to the following requirements in addition to the regulations found in §704:

- A. The use must comply with the open space, impervious surface, area, lot area, and dimensional requirements of the district in which the use is proposed.
- B. The applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection or any other commonwealth or federal government agency which regulates such use.
- C. A buffer area shall be established in accordance with the conditions imposed upon the granting of conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be of sufficient width to protect the

surrounding area from the objectionable effects of the proposed use, including, but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.

- D. In addition, conditional use approval will only be granted by the Board of Supervisors after it has determined that the granting of such will not result in additional threats to public safety or extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with local laws or ordinances.

**SECTION 39:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 511 - Supplementary Regulations Applicable to Other Uses, is amended to add the following:

- 24. *Indoor Shooting Range.* Indoor shooting ranges shall be subject to the following additional standards:
  - A. All activities associated with the indoor shooting range shall take place within an enclosed building. no such activities shall take place outdoors.
  - B. Sound abatement shields, sound scrubbers or equivalent barriers shall be installed on shooting ranges so as to keep all noise, sounds, concussions and vibrations within the boundary lines of the property in question, unless significant natural barriers exist that provide the same level of protection, noise abatement and control. The applicant shall present credible evidence that the sounds of shooting in the residential district does not exceed a level to create a nuisance to neighboring properties and/or owners.
  - C. All indoor activities, including the shooting of projectiles and storage of projectiles, shall comply with the most current published standards and guidelines of the National Rifle Association and Field Archery Association, as applicable.
  - D. The storage of ammunition shall be limited to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access.
  - E. The number of active shooters shall be limited to the number of firing points or stations identified on the development plan.
  - G. Illegal substances, drugs and alcoholic beverages are prohibited.

**SECTION 40:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 703 - Permit Application Procedures for Permitted Uses, Subsection 2.G is amended to replace "B-1, B-2, and C-1" with "ED".

**SECTION 41:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 705 - Site Development Plan Review, Subsection 1.A(17) is repealed in its entirety.

**SECTION 42: SCENIC CORRIDOR:** The Scenic Corridor shall consist of the properties along Seven Bridges Road and SR 209 and north of the Township border with Middle Smithfield Township and as reflected on the revised or supplemental Monroe County Planning

Commission Map that is attached hereto and marked Exhibit "B" and is hereby made apart hereof) and which properties are subject to the following condition: certain uses permitted of right in the ED Zoning District shall not be allowed in the Scenic Corridor; namely, funeral home or mortuary, shopping center, building supply center, lumber yard, contractor's business, communication centers, wireless communication towers in excess of seventy five (75) feet (any other wireless communication tower shall be permitted by conditional use only), light manufacturing, wholesale businesses, warehouses, convenience store with fuel service, drive through restaurant, tool and equipment rental, repair services (other than auto repair), movie theatres, indoor shooting ranges and concentrated commercial malls.

**SECTION 43:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words, is amended to add the following terms:

**ADAPTIVE REUSE** – Rehabilitation or renovation of existing building(s) or structures for any use(s) other than the present use(s).

**ADVENTURE LODGING** – similar to a bed and breakfast but instead of a dwelling the lodging is provided by tents (whether on platforms or not), yurts, rustic log cabins and similar experimental lodging facilities and where shower and bathroom facilities are provided.

**ANIMAL HOSPITAL** – A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be incidental to such hospital use.

**ARTISANAL**- crafts that are made regionally and that are acquired for sale from craft makers or their representatives but are not wholesale or jobber goods.

**AUTOMOTIVE SERVICES** - A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

**BED and BREAKFAST** –One or two adjacent properties located in the ED Zoning District with a single family residential dwelling located thereon and where guests are present and where breakfast must be provided and where the property owner or authorized owner representative is/are physically present on the property while guests are present. This definition compliments (but does not supersede) the definition of "BED AND BREAKFAST" as per Township Ordinance No. 133 as that definition continues to apply in the non-ED Zoning Districts.

**BUILDING SUPPLY CENTER** – The retail sale of a diverse range of hardware and related materials generally used in the, maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies.

**CONCENTRATED COMMERCIAL MALL**-a one or two story building (or group of buildings) containing a collection of several adjacent retail stores, service establishments or office located on only one (or two) parcels of land and are sometimes referred to as "strip malls"and where long expanses of blank walls shall be avoided through the use of

wall articulation. Breaking the continuous plane of the wall can be accomplished by recessing vertical segments of the wall at several intervals or a course of brick (or similar masonry material) can be applied to the exterior walls at certain junctures in the wall; and, changes in the material colors are also encouraged to break up the wall surfaces.

**CONVENIENCE STORE** – A retail store with a floor area of less than 2,500 square feet that sells groceries, convenience goods such as prepackaged food items, tobacco, periodicals, and other household goods, and may also sell gasoline; does not include automotive service stations.

**DWELLING UNIT**-any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

**EMERGENCY SERVICE FACILITIES**-facilities operated by public agencies or non-profit organizations for public safety and emergency services, including police and/or fire protection, emergency medical and ambulance services and related administrative facilities.

**FARMER'S MARKET**- A collection of small quantity regional farm products generally covered under the PA "Back-of-the-Truck" law as well as prepared gourmet foods and artisanal crafts that are recognized as regional and unique.

**FIREARMS**- shall include any gun (including a semi-automatic, automatic or bump stock), shotgun, rifle, handgun, pistol, pellet gun, BB gun, spring gun, crossbow, bow and arrow, slingshot or any other device-including a paint-ball gun-that propels an object through the air through the use of force and is capable of creating any type of injury, destruction or damage however slight.

**FLEA MARKET** - An occasional or periodic market held in a structure where a variety of new and used general goods and merchandise are offered for sale to the general public by individual sellers.

**FORESTRY** – The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

**FRATERNAL ORGANIZATION** - A group of people formally organized for a common interest with regular meetings and formal written membership requirements.

**GREENHOUSE** - A horticultural use or operation occurring within a partially or totally enclosed structure, including but not limited to the sale of products produced in such structure.

**INDOOR SHOOTING RANGE**-where the discharging of firearms occurs.

**LABORATORY** - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the



manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**LUMBERYARD** – A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold. Lumberyards may also process lumber by performing millwork, planning, cutting, and other customizing processes.

**MANUFACTURING** - The mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**MANUFACTURING, LIGHT** - Any manufacturing use with no or low environmental impacts carried on in a completely enclosed building such as, but not limited to, commercial kitchens, the production and/or assembly of photographic equipment, precision instruments, ceramic products, electrical or electronic equipment, components and accessories, electronic or mechanical measuring instruments and control devices, optical equipment, communication equipment, computers, instruments, accessories and supplies used in medical diagnosis or treatment. Light Manufacturing shall not include what are commonly known as “CAFOs” i.e. Concentrated Animal Feed Operations” such as chicken farms, turkey farms and pig farms and similar animal farms and feeding operations.

**MIXED USE BUILDING** – A building designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential housing or dwellings, institutional, civic, office, commercial, or retail use and where long expanses of blank walls shall be avoided through the use of wall articulation. Breaking the continuous plane of the wall can be accomplished by recessing vertical segments of the wall at several intervals or a course of brick (or similar masonry material) can be applied to the exterior walls at certain junctures in the wall; and, changes in the material colors are also encouraged to break up the wall surfaces.

**NO-IMPACT HOME-BASED BUSINESS** - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the primary use as a residential dwelling and which involves no customer, client or patient traffic whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling unit.
- (3) There shall be no display or sale of retail goods and no stock piling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including

Comment [D01]:

interference with radio or television reception, which is detectable in the neighborhood.

(6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.

(7) The business activity shall be conducted only within the dwelling unit and may not occupy more than 25% of the habitable floor area.

(8) The business may not involve any illegal activity.

**NURSERY** – An operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site and related accessory sales and uses.

**OUTDOOR SPECIALTY MARKET**-an outdoor retail market dedicated to a single or group of specialty items such as genuine antiques, flowers, artisanal flower vases and arrangements, artisanal soaps and soap gift assortments, artisanal throw carpets and wall hangings and similar products.

**PAPER MILL** - The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products.

**PERSONAL SERVICES** – A use which provides an individual service generally related to personal needs such as beauty and barber shops, laundromats or dry cleaners, tanning salons, tattoo parlors, travel agencies, and similar type uses. Such use does not include medically related services.

**PUBLIC UTILITY FACILITY** - A building or structure and its equipment used for the transmission and exchange of telephone, radio, gas, power, sewer and water facilities.

**QUARRY** - Any natural or excavated opening in the ground from which clay, gravel, slate, limestone, sandstone or other rocks or minerals or material are obtained by stripping, digging, blasting or other means, except for anthracite or bituminous coal stripping. "Blasting" shall mean the explosion of dynamite, black powder, fuse, blasting cap, detonators, electric squibs or other explosives as defined in the Regulation for Pits and Quarries, 1959 Edition, issued by the Commonwealth of Pennsylvania through the Department of Labor and Industry, as amended.

**REPAIR SERVICES** - Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

**RESIDENTIAL CONVERSION** - The transformation of a single-family unit into apartments without disturbing the architectural character of the house.

**RETAIL** – The selling of goods, wares, or merchandise directly to the consumer or persons without a resale license.

**RETIREMENT HOUSING COMMUNITY** – A facility which has a primary purpose of providing housing and care for persons 55 years of age and older or, where a unit has shared occupancy, at least one person is at least 55 years of age, and includes a

combination of at least two of the following uses: senior housing, nursing home or skilled nursing facility, assisted living facility, and/or customary accessory uses.

**SCENIC CORRIDOR**-A scenic byway to promote and protect roadway routes and adjacent properties that the Township Supervisors have recognized as having special attributes such as natural settings and views of historical or cultural significance. New and re-modeled construction shall follow the classic elements of the existing and surrounding buildings.

**SHOOTING RANGE** - An enclosed structure dedicated to target shooting of firearms and weapons of all types, size and design such as a pistol or rifle range.

**SHOPPING CENTER** – A group of retail and other commercial establishments that is planned, owned, and managed as a single property.

**STABLE** - A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

**SMALL WIRELESS COMMUNICATIONS FACILITY (SWCF)**- a facility that consist of pole mounted antenna(ac) and a distributed antenna system (DAS) boxes with a pole height not to exceed fifty (50) feet for the transmission of 5G wireless communication signals.

**TECHNICAL SCHOOL** – A specialized instructional establishment owned and operated privately for profit.

**TRANSIENT RETAIL BUSINESS**-Notwithstanding the definition of this use in the Township Code of Ordinances, Chapter 13-Part Two-Transient Retail Business, for purposes of this ordinance these businesses are characterized as “pop-up” stores (such as christmas tree and flower tents, holiday ornaments, seasonal clothing and wares) and food trucks. Neither toilet facilities nor off-street parking are required beyond a best estimate of expected customer usage and which facilities or parking will not block or otherwise obstruct adjacent rights-of-ways, alleys, roads or streets. These businesses can operate for no longer than thirty (30) consecutive days with a thirty (30) day period in between with no operations. In other words, these businesses may operate within the township for no more than six (6) months out of the year.

**WILDLIFE REFUGE** – An area maintained in a natural state for the preservation of both animal and plant life.

**WIRELESS COMMUNICATIONS FACILITY (WCF)**- a facility that contains either a telecommunications signal site or a telecommunications equipment building or a communications tower or a combination and can be either tower-based or non-tower based.

**SECTION 44:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words, is amended to repeal and restate the following terms:

**COMMERCIAL INDOOR RECREATION AND ENTERTAINMENT – Facilities**

intended for banquets, conventions, public events, performances, indoor leisure time activities including, but not limited to, bowling alleys, indoor skating rinks, indoor swimming pools and similar facilities, but excluding indoor shooting ranges.

**HOME OCCUPATION** - An occupation, profession, activity, or use that is clearly a customary, secondary, and incidental use of a residential dwelling unit which does not alter the exterior of the property or affect the residential character of the neighborhood.

**REHABILITATION FACILITY** – A licensed establishment, with 24-hour supervision whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, physical therapy, occupational therapy, speech pathology services, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

**SECTION 45:** Smithfield Township Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 1002 – Other Words, is amended to repeal the following terms in their entirety:

MINIMAL IMPACT HOME OCCUPATIONS

MINIMAL OR MINOR IMPACT USE

**SECTION 46:** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 47:** The provisions of this Ordinance shall be severable and if any provisions thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision(s) not been included herein.

**SECTION 48:** This Ordinance shall become effective five (5) days after enactment.

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2021, by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania.

**TOWNSHIP OF SMITHFIELD  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Jacob Pride Chairperson

**ATTEST:**

\_\_\_\_\_  
Secretary

# EXHIBIT A

Independence Rd Map Numbers:

16731101372977 Eilenberger 132

16731101373818 no number

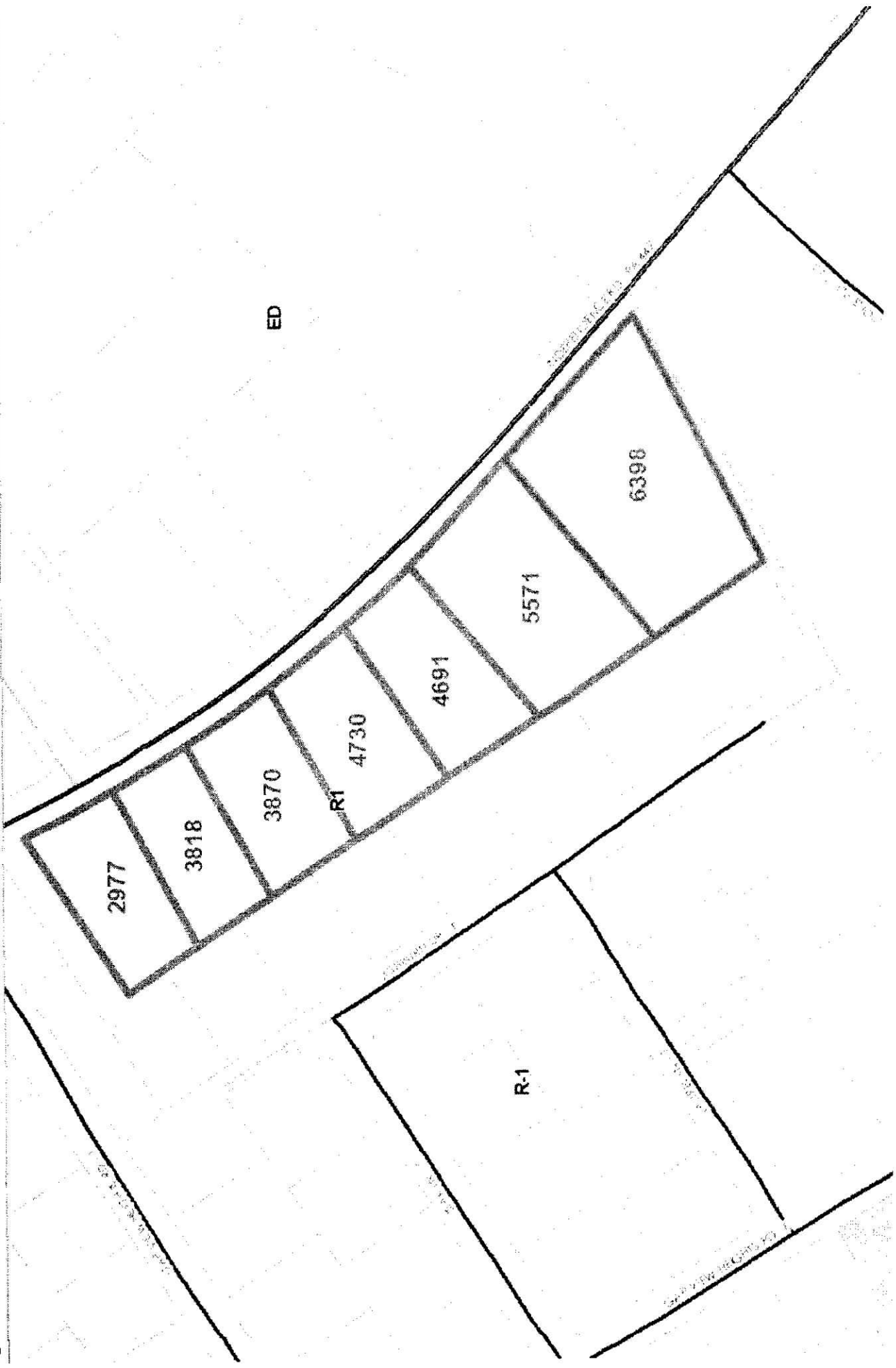
16731101373870 no number

16731101374730 Decon Developers -Des Conboy 154

16731101374691 Haddon 158

16731101375571 Haddon 162

16731101376398 Apiem 168



**EXHIBIT B**



