



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. 236

(Duly Adopted 06.30.2020)

AN ORDINANCE OF THE TOWNSHIP OF SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ENTITLED "SMITHFIELD TOWNSHIP ZONING ORDINANCE" TO REVISE PORTIONS OF THE MIXED USE DEVELOPMENT OPTION (§305).

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 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, 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Zoning Ordinance, Chapter 27 of the Township Code of Ordinances, Section 305 – Mixed Use Development Option, is repealed and restated to read as follows:

§305.

Mixed Use Development Option.

1. *Purposes.* The Mixed Use Development option provides an alternative set of provisions for development of certain larger properties in the C-1 Commercial and/or ED Economic Development District. These provisions are intended to allow for compatible mixtures of commercial and residential development on larger tracts. This type of development is intended to allow people to shop, work, reside, have meals, and enjoy recreation within the same area, without needing to travel onto major highways. The intent is to encourage development where residents can walk or bicycle or take a short drive using internal roads to reach places of employment and commercial businesses. Another goal is to promote transitional development, with a transition from commercial uses to new residential uses to existing residential uses.

2. *Applicability and Overall Requirements for a Mixed Use Development.*

A. *Compliance with Other Provisions.* A Mixed Use Development shall be required to meet all requirements of all Township ordinances, except for zoning ordinance provisions that are specifically modified by this Section to be more restrictive or more permissive.

(1) For example, the allowed uses and dimensional and coverage requirements in the underlying zoning district shall remain in effect, except where this Section includes a differing standard regarding the same matter, such as where it is stated in this Section that a use is prohibited or permitted by right within a Mixed Use Development. The existing parking, signs, environmental protection, slope, floodplain, supplementary regulations, administrative, definitions and all other provisions of this Chapter shall remain in full effect, except where this Section includes a differing standard regarding the same matter.

B. *Tract Requirements.* The Mixed Use Development option provisions shall only be able to be used on a tract of land that meets all of the following conditions: (1) the tract includes a minimum total of twenty-five (25) acres of contiguous land within the C-1 Commercial and/or ED Economic Development District, and (2) the tract is adjacent to one (1) or more State roads. A "tract" shall mean one (1) or more adjacent lots that are under common control at the time of approval of the first land development plan for the property. Various parcels may be in separate legal ownership for the purposes of financing, and lots may subsequently be subdivided and

sold consistent with Township ordinances. If any lot is subdivided from the Mixed Use Development, it shall continue to be bound by the Mixed Use Development regulations, unless specifically approved otherwise by the Board of Supervisors. Such specific approval by the Supervisors shall only occur after a written application is submitted in accordance with Township ordinances in effect at that time. If any lot is subdivided from the Mixed Use Development, it shall still be considered to be part of the same Mixed Use Development and shall not be considered to be a separate Mixed Use Development. Reasonable conditions may be placed by the Board of Supervisors on a subdivision or land development plan approval to ensure compliance with these Mixed Use Development requirements over time.

(1) If land is proposed to be subdivided, the final subdivision or land development plan shall clearly specify the landowner or entity that will be responsible to complete, own and maintain any required improvements over time.

(2) Land in common ownership that is separated by a Public Street, as defined in Chapter 22 (Subdivision and Land Development) of the Township's Code of Ordinances (SALDO), shall be considered to be contiguous for the purposes of creating a "Mixed Use Development".

C. *Residential Uses.* Within a Mixed Use Development, residential uses shall be allowed, but only on a tract of fifty (50) or more acres, and where there is compliance with subsection (3)(C) below. Construction shall actively begin on a phase of at least ten (10) acres of commercial development before final subdivision or land development plans shall be approved by the Township for any phase including residential development.

D. *Additional Submittal Required.* Before any land development is approved or a zoning permit is issued (whichever occurs first) that utilizes this Mixed Use Development option, the applicant shall submit a Feasibility and Compatibility Plan. This Plan shall show contours, steep slopes, one hundred (100) year floodplains, natural waterways, lakes, ponds, major internal roads, proposed points of external traffic access, tentative phasing, proposed land areas for various types of land uses, land areas proposed to be provided for recreation use by residents, perimeter buffers and perimeter setbacks. Such Plan shall also include the same information listed in §504 of the SALDO for a "sketch plan."

(1) This Feasibility and Compatibility Plan is intended to be reviewed by the Township Engineer, Planning Commission, and the Board of Supervisors. Such Plan shall not by itself provide any vested rights to a developer. Such Plan should be submitted to the Township

prior to the submittal of a land development plan. If substantial changes are proposed in a phase that differs from the previously reviewed Feasibility and Compatibility Plan, then a revised Feasibility and Compatibility Plan shall be submitted to the Township.

(2) The Feasibility and Compatibility Plan shall show how each phase of the Mixed Use Development will be able to properly function if later phases of the development are not built or are delayed. This provision applies in addition to the phasing requirements under the SALDO.

(3) During this review, Township officials may make suggestions and recommendations regarding the Feasibility and Compatibility Plan, but such comments shall not be binding upon the Township.

E. *Connecting Road.* Where a Mixed Use Development parcel is adjacent to two (2) State roads, one new road that meets Public Street standards shall be required to be constructed as part of the Mixed Use Development to connect the two (2) State roads.

F. *Traffic Access from Existing Uses.* A Mixed Use Development may be designed to provide rear or side vehicular access to an adjacent existing lot or use, provided there is mutual consent of the adjacent landowners. A Mixed Use Development may also be designed to provide a road connection that offers an alternative route for residents living along an adjacent street, provided there is consent of the Board of Supervisors for the connection at the time of subdivision and/or land development approval.

3. *Uses.* The permitted by right, special exception and conditional principal and accessory uses allowed in a Mixed Use Development shall be the same as is provided in the C-1 Commercial and/or ED Economic Development District, except for the following specific use modifications:

A. *Allowed Uses.* The following uses shall be allowed as permitted by right uses in a Mixed Use Development:

- (1) Movie theaters.
 - (2) Restaurants with or without drive-in service.
 - (3) Drive-in uses including retail sales and financial institutions with drive-through lanes.
 - (4) Athletic facility or health club.
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- (5) Car dealership that includes new vehicle sales and with accessory automotive service in compliance with §§511.8 and 511.12 of this Chapter, which may include overnight parking of vehicles, but which shall not include storage of junked or totaled vehicles.
- (6) Auto services in compliance with §511.8 of this Chapter, but not including uses involving the following: storage of junked or totaled vehicles, overnight outdoor storage of vehicles, or heavy duty vehicular repairs (such as engine or transmission replacement, body shop work, or parting out vehicles).
- (7) Day care, child, or adult.
- (8) Facilities meeting the State licensing requirements for Assisted living residences, Personal care homes, or Nursing homes.
- (9) Hotel, motel, and inns (which are each required to have internal lobbies and corridors).
- (10) Offices (which may include business, medical or governmental offices).
- (11) Commercial indoor entertainment uses (such as bowling alleys and indoor archery) or outdoor areas for special community events.
- (12) Community center or private recreational facilities for residents of the Mixed Use Development and their occasional invited guests.

B. *Specifically Prohibited Uses.* The following uses are specifically prohibited in an approved Mixed Use Development: adult businesses and entertainment, gambling uses, commercial kennels, trucking terminals, flea markets, commercial stables, funeral homes, and crematoriums. Also, a use that involves applying permanent tattoos to persons shall not be allowed in a Mixed Use Development.

C. *Residential Uses.*

- (1) Semi-detached two family, multi-family, and attached single family dwellings shall be permitted by right in a Mixed Use Development, provided all the additional requirements are met:
 - (a) Multi-family dwellings shall follow the provisions of §506 of this Chapter, except that the multi-family dwellings shall not need conditional use approval, and except as revised by subsection (4) below.
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(b) There shall be compliance with the fifty (50) acre minimum tract size requirement as provided in subsection (2)(C) above.

(c) The Mixed Use Development tract shall be adjacent to two (2) or more State roads.

(d) A condominium or closely similar form of ownership shall be allowed provided there is compliance with the Pennsylvania Uniform Planned Community Act and/or the Pennsylvania Uniform Condominium Act, both as amended.

(2) Semi-detached two family, multi-family and attached single family dwellings shall be allowed to have the same accessory uses as are allowed within the R-2 District. The prohibition of residential uses in §304 of this Chapter in the C-1 Commercial and/or ED Economic Development District shall not apply to dwellings that are allowed within a Mixed Use Development.

(3) Semi-detached two family, multi-family and attached single family dwellings in a Mixed Use Development shall not be leased for periods of less than thirty (30) days. If a Homeowner or Condominium Association is proposed for dwellings, then such leasing limitation shall also be required to be regulated through Homeowner or Condominium Association documents.

(4) Buildings that are exclusively for residential use shall have a minimum front yard of twenty (20) feet and a minimum separation from a principal building of thirty (30) feet.

(5) An unenclosed porch or deck for each dwelling may extend a maximum of ten (10) feet into the thirty (30) feet separation distance provided above.

D. *Pedestrian Pathways.* See subsection (4)(H) below.

E. *Uses Per Building.* A building or lot may include more than one (1) allowed type of use.

4. *Dimensional and Supplementary Requirements.* The same zoning dimensional requirements that apply to the C-1 Commercial and/or ED Economic Development District shall also apply in a Mixed Use Development, except for the following specific modifications:

A. *Impervious Coverage.* Certain lots within a Mixed Use Development shall be allowed to have a maximum impervious coverage of eighty (80%) percent, provided that other lots within the Mixed Use Development include a deed restriction, conservation easement or other Township-approved enforcement method that establish a maximum impervious coverage of less

than sixty-five (65%) percent. These approved percentages shall guarantee that the total impervious coverage for all lots in the mixed use development does not exceed sixty-five (65%) percent.

(1) For example, if a ten (10) acre lot has an eight (80%) percent impervious coverage, then another ten (10) acre lot must have a maximum fifty (50%) percent impervious coverage, so that the twenty (20) acres together maintain a sixty-five (65%) percent impervious coverage. Impervious coverage shall be calculated for each lot after the subdivision for roads.

(2) Each submittal to the Township that involves new impervious coverage shall show mathematical compliance with the impervious coverage limit. Each subdivision or land development plan shall state which lots (if any) are proposed to use this averaging provision and the specific maximum impervious coverage that will apply to each lot. The variation in impervious coverage shall be approved at the time of subdivision approval. One (1) lot shall not be allowed to have an impervious coverage that is higher than sixty-five (65%) percent, unless another lot(s) is restricted at the same time to have the required lower impervious coverage.

B. *Front Yards of Commercial Lots; Maximum Setbacks; and Front Yard Parking.*

(1) New vehicle parking spaces shall not be located within twenty-five (25) feet from the legal right-of-way of a State road. Such setback area shall be maintained in vegetative ground cover, except for approved driveway crossings and pedestrian facilities. For a lot along a State road, a maximum of twenty (20%) percent of the required off-street parking spaces for each lot may be located in the land area between a State road right-of-way and the nearest principal building.

(2) The minimum front yard for a new commercial building from the right-of-way of a State road (after subdivision approval) shall be twenty (20) feet. This reduced front yard setback shall only be allowed if a minimum of thirty (30) feet of public right-of-way will be available from the adjacent centerline of the State road.

(3) For every two (2) new principal commercial buildings that are proposed adjacent to a State road in a Mixed Use Development, one of those buildings shall have a maximum building setback of sixty (60) feet from the right-of-way of that State road, for at least a portion of that building.

(4) Where motor vehicles will be parked adjacent to a State road and will be visible from a State road, a screening wall shall be installed. This wall shall have an appearance from the State road of brick or decorative stone. Such wall shall have a height of between thirty (30) and forty-two (42) inches (unless a taller height is incorporated into a retaining wall), and shall not be required to be installed where the wall would obstruct safe clear sight distances or views of signs mounted towards the tops of commercial buildings. If a landscaped earth berm is integrated into the landscape, such berm may be used in place of the wall, if the berm is able to serve the same purpose of filtering views of parked cars from the State road.

(5) An area used for occasional short-term loading and unloading of trucks may be placed along any side of a commercial building if it will allow the minimization of parking spaces between the building and a State road. However, a tractor-trailer truck loading dock (such as for a supermarket) shall be screened from view from a Public Street by walls, decorative fencing, landscaping, grading, or similar features.

(6) A minimum building setback of twenty-five (25) feet shall be required for a front yard of a building from a new interior Public Street.

(7) A reduced rear or side yard building setback of ten (10) feet and a reduced parking area setback of five (5) feet shall be required when abutting the lot line of an existing principal commercial use in a commercial district.

(8) A minimum lot area of one-half (0.50) acre shall apply to any lot that includes a principal commercial use. A new internal lot line may be created within the Mixed Use Development that passes through a common wall, provided there is a shared maintenance agreement for the common wall.

C. *Perimeter.* A new building shall maintain an eighty (80) foot minimum building setback from the boundary of a R-1 or R-2 Zoning District. A landscaped buffer yard with a minimum width of fifty (50) feet shall be provided where new commercial or residential development is proposed adjacent to or directly across the street from a R-1 or R-2 District.

(1) The number and types of plants within this required buffer shall meet the standards listed in §502(7)(C)(7) of this Chapter, except as modified by this Section. A minimum of fifty (50%) percent of the required buffer plantings shall be evergreen plants. The number of deciduous shade trees within this required buffer shall be increased to an average of one tree per forty (40) feet of buffer yard length.

(2) Buffer yard screening under §502(7) of this Chapter shall not be required along a State road where commercial uses are adjacent to that State road. There may be breaks in the buffer yard where necessary for Township-approved vehicle or pedestrian access crossings, stormwater crossings, utility rights-of-way, or to provide adequate sight distance at an intersection.

(3) The following minimum sizes shall apply for required buffer yard plantings at the time of planting: evergreen trees shall be a minimum of eight (8) feet in height and deciduous trees shall have a minimum caliper of two and one-half (2.5) inches, measured at a height of four and one-half (4.5) feet above the adjacent ground level.

(4) Portions of the buffer shall include a landscaped berm. The berm shall vary in height to provide a more naturalistic appearance and shall not include finished grades of more than three (3) to one (1). Required plantings shall be placed on the residential zoning district side of any berm.

(5) A maximum of fifty (50%) percent of required buffer plantings shall be of one (1) species.

(6) If fencing or a wall is provided within the buffer yard, the fencing or wall shall be placed on the Mixed Use Development side of required buffer yard.

(7) A detailed planting plan shall be submitted with each final land development plan.

(8) A maintenance agreement lasting eighteen (18) months after planting of the buffer shall be established for the buffer plantings. This agreement with the Township shall require maintenance and replacement as needed of the plantings by the developer. If any required plantings die at any time after the conclusion of the maintenance agreement, those plantings shall be replaced by the current landowner within six (6) months.

D. Height.

(1) The maximum building height for buildings within a Mixed Use Development shall be sixty (60) feet, excluding: decorative peaked roofs and mechanical areas that are not occupied by persons, except as provided in subsection (2) below. In addition, the height exceptions in §501(2)(E) of this Chapter shall apply.

(2) The maximum building height for attached single family and Semi-detached two family dwellings within a Mixed Use Development shall be forty (40) feet, excluding: decorative

peaked roofs, mechanical areas that are not occupied by persons and a parking level that may be placed under the first occupied floor level. In addition, the height exceptions in §501(2)(E) of this Chapter shall apply.

(3) Exterior accessibility of buildings by emergency equipment shall be reviewed by local fire officials. The then-current version of the Pennsylvania Uniform Construction Code (UCC) shall apply, including sprinkler standards. Appendix D of the then-current version of the International Fire Code (IFC) of 2015, shall apply, regarding accessibility for emergency equipment.

E. *Dwellings.* Multi-family dwellings shall meet the submission requirements in §506(A) of this Chapter. All dwellings shall meet the dimensional provisions of this Section instead of the requirements of the C-1 Commercial and/or ED Economic Development District. Under §506(B) of this Chapter, the maximum average density of all dwellings within the Mixed Use Development shall be five (5) units per acre, exclusive of: (i) the areas of existing and proposed Public Street rights-of-way; (ii) land areas with non-man-made slopes of twenty-five (25%) percent or greater (as defined in §403(3)(E)(3)) of this Chapter; and (iii) areas within the one hundred (100) year floodplain. A Mixed Use Development shall not include more than five hundred (500) total dwelling units, provided that the applicable density requirement must also be met. A building containing multi-family dwelling units shall not include more than sixty-eight (68) dwelling units and shall not include more than four (4) habitable residential stories.

(1) *Floor Area.* The minimum indoor building floor area for each dwelling unit in a Mixed Use Development shall be seven hundred thirty-five (735) square feet for a one (1) bedroom unit, and nine hundred seventy (970) square feet for a unit with two (2) or more bedrooms. Every dwelling unit shall include at least one (1) bedroom.

(2) *Amenities.* Each phase with a residential use shall include a community center of at least five thousand (5,000) square feet of building floor area and also one (1) of the following additional amenities: a fitness center; a swimming pool; or similar aquatics area. Such facilities shall be available for recreational use by the residents and their occasional invited guests. Each phase with a residential use may also include a leasing/management office, outdoor barbeque area, a meeting room and similar facilities for residents and their occasional invited guests. The community center building, any other indoor recreation facilities, and any improved outdoor recreation facilities (such as a picnic/barbeque area) shall total a minimum of one (1) acre for each residential phase.

(3) *Age Restrictions; Limits on Bedrooms* A minimum of forty percent (40%) of the total number of dwelling units in the Mixed Use Development shall comply with the applicable age-restricted requirements of the U.S. Housing for Older Persons Act of 1995, as amended. For dwelling units that are not within an age-restricted development phase, a minimum of fifty percent (50%) shall have a maximum of one (1) bedroom per unit, and the remaining dwelling units shall have a maximum of two (2) bedrooms per unit. An age-restricted development phase is not intended to be defined as "Senior Housing" as outlined in §511.3 and/or §511.3.1 and "Retirement Housing Community" as outlined in §511.3.5 of this Chapter.

F. *Design and Amenities.*

(1) A set of "Architectural and Design Standards" for the entire Mixed Use Development shall be submitted by the applicant at the time of the first land development plan submission within the development. These standards shall become binding upon the development of the lots, as a condition of land development approval, as a recorded deed restriction or declaration of covenants and restrictions, through a developer's agreement, or through another method acceptable to the Township. These standards shall become binding prior to any lot being sold to a different entity.

(a) The Architectural and Design Standards shall address the following matters, at a minimum: prohibited exterior building materials, requirements for variations and architectural features in building facades; consistency in the design of parking lot lighting poles and any street lighting poles, consistency in commercial signs, and provision of site furnishings. A master sign plan shall also be submitted at the same time to describe typical locations, designs and materials of signs.

(b) After the architectural and design standards are legally established under this Section, any later changes or modifications shall require approval by resolution of the Board of Supervisors or through another Township-approval process acceptable to the Township.

(2) An architectural elevation of each proposed new principal building shall be provided to the Township for review at least forty-five (45) days prior to the intended date of issuance of a construction permit for the building.

(3) Major customer and resident pedestrian entrances to buildings shall include a roof overhang, awning, canopy, inverted entrance, or roof extension to provide protection from inclement weather.

(4) Rooftop heating and air conditioning equipment shall be screened from street-level view from Public Streets by parapet walls or architectural screens with materials and colors consistent with the materials of the building, rooflines, landscaping, grading, or similar features.

(5) *Nonresidential Development Standards.*

(a) *Front Facades.* A minimum of thirty (30%) percent of the portion of a front facade of a commercial building that is below a height of twelve (12) feet above the ground shall be comprised of glass or similar transparent materials, except this measurement shall be ten (10%) percent for a tenant space of more than twenty thousand (20,000) square feet. Mirrored glass shall not be used.

(b) Benches, planters and conveniently located decorative trash receptacles shall be provided along the front facade of a multi-tenant retail building. The design of these features shall be consistent with the overall architectural design.

(c) The front facade of any building that is more than sixty (60) feet in length shall include architectural features such as decorative cornices, a clock tower, turret, the appearance of varying roof-lines as viewed from the front, variation in colors or building materials, offsets, projections, variations in relief, awnings, canopies, variations in setbacks, decorative light fixtures that extend from the building, and/or similar architectural details that provide variations in the design.

(d) Exterior building materials may include the following and other materials that meet the requirements of the Architectural and Design Standards: masonry brick; stone; shot-blast or ground-face masonry units; glass block; cultured stone; exterior insulated finishing systems; architectural precast concrete for sills and heads in masonry features; synthetic wood trim and panel materials, cementitious siding, fiber cement siding and/or panels (similar to James Hardie Products), architectural metal finishes, trim and panel materials; and materials with a closely similar appearance to the listed materials.

(e) Prohibited exterior building materials for building sides that are visible from a road, front facade or lot-line shall include the following: T-111 siding; painted concrete

masonry units that are not shot-blast or ground-face; corrugated metal panels; or aluminum siding. Vinyl siding may be used on portions of a building that are not visible from a Public Street and on up to thirty percent (30%) of exterior sides of a building that are visible from a Public Street.

(f) Where appropriate, faux second story windows may be used to present a harmonious design.

(g) Where flat roofs are used, the front facade shall include a decorative cornice, include material accents, include a parapet wall, or have the appearance of a pitched roof as viewed from the front. Where pitched roofs are used, they shall have a roof overhang on the front facade of at least nine (9) inches and should have a minimum pitch of 5:12 (rise over run) or two (2) or more slope planes.

(h) The front of a multi-tenant retail building shall include a pedestrian walkway with a minimum width of six (6) feet. The main public pedestrian entrance shall be visible from the front of a building. In addition, pedestrian crosswalks shall be marked at an interval averaging every two hundred (200) feet where there are major pedestrian crossings of the main driveway through a multi-tenant retail lot. Such crosswalks shall also include a marked or raised refuge area for pedestrians to stand while waiting to cross.

(i) The use of earth tone colors is encouraged, while the use of florescent colors is discouraged.

(6) *Residential Development Standards.*

(a) Each attached single family and semi-detached two family dwelling shall include a pitched or peaked roof.

(b) Trash receptacles shall be provided in any outdoor common areas of multi-family dwellings, with a design consistent with the architectural design of buildings.

(c) Exterior residential building materials may include the following and other materials that meet the requirements of the Architectural and Design Standards: masonry brick; stone; shot-blast or ground-face masonry units; cultured stone; architectural precast concrete for sills and heads in masonry features; synthetic wood trim and panel materials, cementitious siding, fiber cement siding and/or panel (similar to James Hardie Products), trim and panel materials; and materials with a closely similar appearance to the listed materials.

(d) Prohibited exterior residential building materials shall include the following: T-111 siding; painted concrete masonry units (except on surfaces such as the inside of trash enclosures that are not visible from a street or lot line), or vinyl or aluminum siding. Vinyl siding may be used on portions of a building that are not visible from a Public Street and on up to thirty percent (30%) of exterior sides of a building that are visible from a Public Street. Vinyl siding may be used on portions of an attached single family building that are not visible from a Public Street and on up to seventy percent (70%) of exterior sides of a building that are visible from a Public Street.

(e) Benches, planters, and bicycle racks shall be provided within a multi-family residential development phase. The design of these features shall be consistent with the overall architectural design and a pedestrian orientation.

(f) Buildings shall have consistent architectural detailing on all sides that are typically visible to public view. Roofs, parapets, and eaves will be integrated to form harmonious banding, as well as providing varied complimentary shapes.

(7) Newly installed electric service and telecommunications lines within the tract shall be installed underground.

(8) See the outdoor lighting requirements in §1020 of the SALDO, including the maximum lighting spillover requirement. The maximum mounting height of an exterior lighting fixture shall be twenty (20) feet; except a height of thirty (30) feet shall be allowed in portions of a commercial development that are more than two hundred (200) feet from a residential zoning district.

G. *Transit and Bicycles.*

(1) If public transit service will be provided to the Mixed Use Development, then the applicant shall include a transit shelter with mostly transparent sides and with benches for transit riders, at a location selected in consultation with the transit provider. If the transit provider is the Monroe County Transportation Authority (MCTA), then the transit shelter shall comply with the then-current MCTA standards and requirements.

(2) A bicycle rack shall be provided in front of any store of more than twenty-five thousand (25,000) square feet of floor area and in front of each multi-family building containing more than twelve (12) units, unless provisions are made for indoor or enclosed shelter of bicycles for such buildings. A minimum of two (2) bicycle racks shall be provided on a lot that includes five (5) or more retail establishments.

H. *Pedestrian Access.*

(1) Textured and colored pedestrian crosswalks with a durable finish shall be installed by the developer at major pedestrian crossings within the Mixed Use Development.

(2) In a parking lot of more than two hundred (200) spaces, a pedestrian pathway with a minimum six (6) feet width shall be installed across the parking lot to reach a building. This pedestrian pathway shall include no more than two (2) crossings per lot by vehicle traffic and shall be landscaped.

(3) A pedestrian pathway system shall be installed as part of a Mixed Use Development. The pathway system shall include compacted crushed stone, concrete, bituminous or closely similar surfaces with a minimum width of five (5) feet that connects together areas of proposed residential development to various areas of new business development, and that also connects to a boundary of the Mixed Use Development and to any traffic signal that is directly abutting the Mixed Use Development. Such pathway system shall also be provided approximately parallel to pre-existing public roads. Such pathway system is not required to be placed within a street right-of-way if a pedestrian easement is established.

(a) This pathway system may be used in place of sidewalks where the pathway will provide the same connections between destinations.

(b) In addition, a nature trail shall also be provided for residents, particularly where the topography makes it difficult to provide pathways.

(c) The pathway shall be properly maintained by the owner of the lot on which the pathway is located, unless the Township specifically approves an alternative responsible party.

(4) If a pedestrian pathway exists or has been approved on an adjacent property, the Board of Supervisors may require that the pathway system in the Mixed Use Development connect to it.

I. *Dumpster Screening.* Trash dumpsters shall be screened from view of Public Streets by architectural masonry walls, changes in grades, mostly solid decorative fences with a solid gate, and/or landscaping with a minimum height of five (5) feet.

J. *Landscaping.*

(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. The species shall be subject to approval by the Township.

(2) Landscaped islands shall be provided within parking lots in conformance with §502(7)(B) of this Chapter. 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 of two (2) landscaped areas shall be provided within a Mixed Use Development that serve as rain gardens to filter pollutants from runoff and to promote groundwater recharge. Additional rain gardens may be required to meet requirements of the Township Stormwater Ordinance [Chapter 26, Part 2].

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

K. *Slope Disturbance*. Within a Mixed Use Development, the following text shall apply in place of §401(3)(E)(2) of this Chapter and §1002(G)(5) of the SALDO:

(1) Section 401(3)(E)(1) of this Chapter shall not apply to slopes that were man-made less than fifty (50) years prior to the enactment of the Mixed Use Development provisions in this Section. Section 401(3)(E)(1) shall not apply to disturbance of slopes that occurs in order to grade and construct a new Public Street that is required by this Section to connect two (2) State roads.

(2) The maximum percentage disturbance of steep slopes in §401(3)(E)(1) shall not apply to disturbance of steep slopes for commercial lots or lots with mixed commercial-residential uses within a Mixed Use Development where each contiguous steep slope area consists of fifty (50) feet or less of vertical elevation change. However, §401(3)(E)(1) with regard to non-man-made slopes shall continue to apply to development where the contiguous steep slope area involves more than fifty (50) feet of elevation change.

(3) In Section 401.3.E.(1) of the Zoning Ordinance and Section 1002.7.E. of Chapter 22, the maximum disturbance of a "moderately steep slope" shall be increased from 60 percent to 80 percent for a Mixed Use Development.

L. *Institutional Uses.* State-licensed Assisted living residences, Personal care homes or Nursing homes shall be considered institutional uses. Such uses may comprise a maximum of 10% of the total land area of the tract, and shall meet the same lot area, setback, and coverage requirements as commercial uses, but shall have a maximum total building height of 35 feet.

5. *Signs.* If a Mixed Use Development is approved to include a total of more than one hundred fifty thousand (150,000) square feet of commercial building floor area, then the sign provisions in §504 of this Chapter for a "Regional Shopping Center" shall be allowed to be used for the Mixed Use Development, except for the following specific modifications:

A. A single allowed center identification pylon sign shall have a maximum total height of twenty-five (25) feet, may identify up to eight (8) tenant names, and shall have a maximum total sign area of one hundred sixty (160) square feet on each of two (2) sides. Most of this pylon sign structure (other than the actual sign area) shall have the appearance of masonry stone, and the top of the sign shall include a cornice or similar decorative feature to compliment the architecture of the Mixed Use Development. Such decorative stone and cornice areas and structural elements that do not include a message shall not be considered part of the sign area. one such sign shall be allowed on each side of the State road if commercial uses are proposed on each side of the State road within a Mixed Use Development.

(1) The allowed center monument signs may identify up to eight (8) tenant names.

B. For each lot or condominium parcel occupied by one (1) or two (2) business uses along a Public Street, a pylon sign with a maximum sign area of fifty (50) square feet per side and a maximum total height of eighteen (18) feet shall be allowed. An additional thirty (30) square feet per side of changeable message sign area shall be allowed for a commercial use that sells gasoline. However, such pylon signs shall be separated from each other by a minimum distance of three hundred (300) feet. Two (2) lots may share a single pylon sign, provided that the maximum sign area of that shared sign shall be the total of the sign area that would have been allowed for the two (2) signs.

C. Except for signs where a taller height is specifically allowed by this Section, for signs that are not attached to a building, the maximum total height above the ground level shall be ten (10) feet.

D. Building identification signs attached to a wall of a business building shall have a maximum total sign area of one (1) square feet for each foot of building length upon which the signs are attached.

E. A sign attached to a building wall shall not be constructed using a rectangular metal box with a plastic face. However, this provision shall not prohibit internally lit signs that only display company logos.

F. Flashing signs, signs with moving images, and signs with scrolling words are prohibited. The provisions of §504(M) of this Chapter regarding prohibited signs shall continue to apply.

6. *Parking.*

A. *Size.* All parking spaces may have a minimum size of nine (9) by eighteen (18) feet, without causing a reduction in the maximum impervious coverage regulation. However, larger spaces are required to serve persons with disabilities in compliance with State regulations.

B. *Number of Parking Spaces.*

(1) One (1) or more commercial uses within a Mixed Use Development shall provide off-street parking at a minimum rate of one (1) space per two hundred (200) square feet of building floor area, provided however that the following shall apply:

(a) A movie theater or a stand-alone restaurant on its own lot shall provide a minimum of one (1) parking space for every three (3) customer seats.

(2) For multi-family dwellings, the minimum parking space requirements shall be one (1) space for each one (1) bedroom unit and one and eight-tenths (1.8) spaces for each unit of two (2) or more bedrooms. For attached single family and single-family semi-detached dwellings, the minimum parking space requirement shall be two (2) parking spaces per dwelling unit, plus an average of one-tenth (0.1) parking space per dwelling unit within that phase for visitor parking.

(3) The required number of parking spaces for other uses (such as a hotel or motel) shall be as provided in §402 and the accompanying Schedule II of this Chapter.

C. *Shared Parking.* The Board of Supervisors shall have the authority as a conditional use to approve a reduction of off-street parking space requirements if the applicant provides written evidence that proves to the satisfaction of the Supervisors that the uses will have different peak periods of parking demand that reduces the total need for parking.

(1) If such a reduction is approved, the Board shall have the authority to place reasonable conditions on any such approval, such as tying the reduction to the current mixture of uses and/or requiring a legal agreement among uses that commits them to share parking spaces during the life of the development.

7. *Recreation Land.* A minimum of twenty-five (25%) percent of the total lot area of the total residential lot area shall be made available for recreation use of residents of the development. Land area occupied by a community center or pool that is not open to the public may not count towards this requirement. This requirement shall apply in place of Common Open Space and Greenway land requirements in the SALDO and §506(C)(4) and (5) of this Chapter.

8. *Common Property Ownership and Maintenance.* In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. This shall specifically include, but not be limited to, provisions dealing with the ownership and maintenance of open space, improvements, and utilities. Said arrangement shall indemnify the Township of any responsibility associated with same; and shall be prepared in accord with the Township SALDO. The developer shall also submit evidence of compliance with the Pennsylvania Condominium Law or an attorney's opinion that said law does not apply to Mixed Use Development.

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

DWELLING - A building, or portion thereof, designed for and occupied exclusively for residential purposes, excluding hotel, rooming house, tourist home, institutional home, guesthouse, residential club, motel, motor court and the like, but including the following:

ONE-FAMILY DETACHED DWELLING - A building designed for and occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building.

SEMI-DETACHED TWO-FAMILY DWELLING - A building designed for and occupied exclusively as a residence for two families living independently of each other.

MULTI-FAMILY DWELLING – A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

ATTACHED SINGLE-FAMILY DWELLING (TOWNHOUSE) -- A type of multi-family dwelling that involves one dwelling unit that is attached to two (2) or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by vertical common walls.

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.

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

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

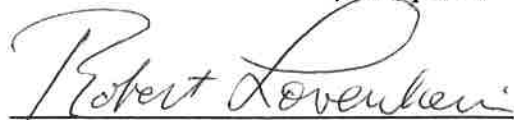
ENACTED this 30th day of June, 2020, by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania.

TOWNSHIP OF SMITHFIELD

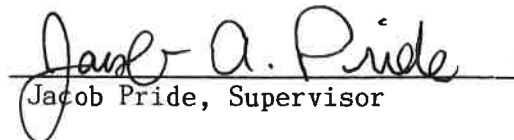
BOARD OF SUPERVISORS



Brian E. Barrett, Chairperson

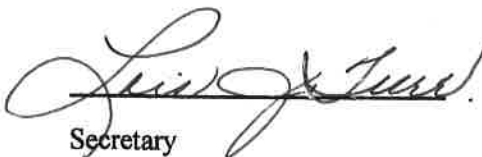


Robert Lovenheim, Supervisor



Jacob Pride, Supervisor

ATTEST:


Secretary

**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:

Parking Setback Schedule	
Zoning District	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 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 28th 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

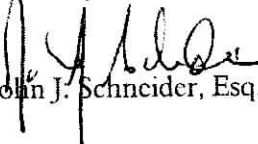
Re: Nancy Coss, Trustee
11 Acre Parcel

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

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Planning and Research Consultants

mail@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

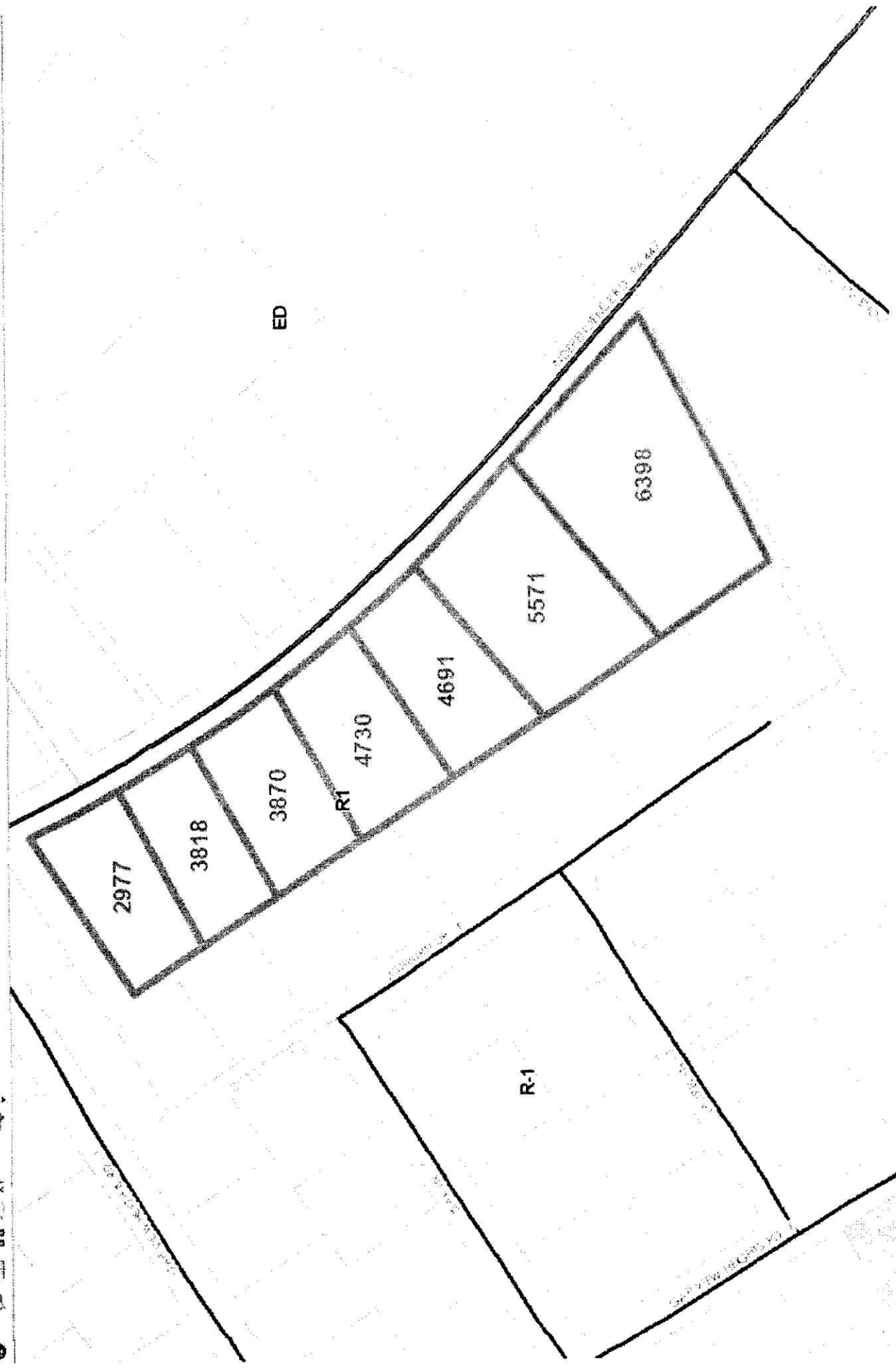


EXHIBIT B

