

§ 27-401. District Regulations. [Ord. 187, 4/18/2008 ; as amended by Ord. 188, 5/27/2008 ; by Ord. 192, 11/20/2008 ; by Ord. 202, 12/13/2011 ; and by Ord. 237, 7/28/2020]

1. Minimum Regulation. The minimum regulations governing the size of lots, yards, height of buildings, minimum floor areas for human habitation in residential dwelling structures, and off-street parking areas within each zoning district are set forth in this Part. These minimum regulations are subject to the provisions contained in Part 5 of this Chapter.

A. Repealed.

B. Size of Dwellings. In order to promote the public health, safety and welfare of occupants residing in residential dwelling structures, the following minimum floor areas for human habitation shall be required in all dwelling units designed for permanent occupancy. No dwelling unit shall be less than 24 feet in width and 24 feet in length.

No. of Bedrooms	Minimum Floor Area (Square Feet)
Efficiency Unit	576
One Bedroom	646
Two Bedrooms	717
Three or More Bedrooms	817 plus 100 for each additional bedroom exceeding three

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.

2. Maximum Number of Dwelling Units. Except where conservation subdivisions, (if adopted and enacted by Smithfield Township) manufactured home parks, planned residential

development or multi-family dwellings are proposed under regulations specific to those forms of development, the maximum number of dwelling units permitted on any given property shall be limited to the adjusted tract acreage of the site divided by the minimum lot area(s) found on Schedule I for the land in question. The adjusted tract acreage shall be determined by subtracting environmentally constrained land as provided below.

- A. Deduct the following from the gross tract area:
 - (1) Ten percent of all moderately steep slopes (15% to 25%).
 - (2) Seventy-five percent of all very steep slopes (25% or greater).
 - (3) Seventy-five percent of all wetlands.
 - (4) One hundred percent of all floodways.
 - (5) Fifty percent of the non-floodway portion of all 100-year floodplain areas.
 - (6) One hundred percent of all lands within the rights-of-way of existing public streets or highways, under existing private streets and within utility easements.
- B. If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.

3. Natural Features Protection.

- A. Purpose. The purpose of this Section is to provide protection of steep slopes, wetlands, flood hazard areas and the Appalachian Trail. The Soil Conservation Service (now Natural Resource Conservation Service), United States Department of Agriculture, states that soils with a slope of 15% or greater involve severe limitations to development including, but not limited to, building and road construction and septic effluent disposal. The removal of vegetation, disturbance of the soil, and the construction of buildings and structures in steep slope areas may increase surface water runoff, soil erosion and siltation with the resultant pollution of streams. Wetlands are also ecologically and productive ecosystems. They provide wildlife habitat and are important in preserving water quality, providing flood protection and enhancing ground water recharge. Finally, construction within floodplains must be minimized to prevent the loss of property and life, the creation of health hazards, the disruption of services, and the unnecessary expenditure of public funds for flood relief.
- B. Basic Requirements. The design of any site plan, subdivision plan or land development plan within Smithfield Township shall minimize any adverse impact on flood hazard areas, lakes, ponds, freshwater wetlands and steep slopes. Site disturbance prior to submission of applications for zoning permits or the submission of plans for subdivision or land development shall be a violation of this Section. However, this Section shall not prohibit any land management practices that may be necessary for the ecological improvement of any stream, pond, lake or wetland, provided that all applicable permits have been obtained from the Pennsylvania Department of Environmental Protection.
- C. Floodplain Areas. No structure, filling, piping, diverting or stormwater detention basin

shall be permitted within floodplain areas, unless the use, activity or development occurring in the floodplain is in strict compliance with the Smithfield Township Floodplain Ordinance [Chapter 8].

D. Wetlands.

- (1) Wetlands Delineation. Where the National Wetlands Inventory Maps indicate wetlands on a site or where a site contains hydric soils or an area with a predominance of wetlands vegetation, an on-site investigation shall be conducted to determine if wetlands are present on the site. A landowner or applicant shall use one of the following methods to delineate wetlands:
 - (a) Wetlands boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. The study must be approved by the governing body.
 - (b) A wetlands delineation validated by the U.S. Army Corps of Engineers. Should a wetlands delineation validated by the U.S. Army Corps of Engineers vary from a wetlands boundary derived from Subsection 3D(1)(a) above, the Corps delineation shall govern.
- (2) No development, filling, piping or diverting shall be permitted within wetlands, except for road or utility crossings approved by the Township; where State and Federal permits have been obtained, the design represents the least possible disturbance and no other access is available. Wetlands may also be used as part of approved sewage treatment systems and for recreational uses such as trail and golf course development. No more than 40% of the wetlands margin area shall be developed, diverted or filled.

E. Steep Slopes.

- (1) Limited disturbance of moderately steep slopes and very steep slopes shall be permitted under the conditions described below:

Steep Slope Category	Percent	Maximum Area of Disturbance
Moderately steep slope	15% to 25%	60%
Very steep slope	25% or greater	10%

Disturbance refers to any development activity, including regrading and stripping of vegetation. The use of regraded slopes shall be minimized and is generally discouraged. The use of retaining walls for grade changes is encouraged.

- (2) All applications for land development approval in areas where very steep slopes are proposed to be disturbed or where 40% or more of the lot area exceeds 15% slope shall be considered and processed as conditional uses.
- (3) Contiguous areas of steep slope that are less than 3,000 square feet in size shall be

exempted from these standards and shall not be used in the calculation of the total square footage of steep slopes or the percentage of disturbance of steep slopes on a lot or development tract. Additionally, where the applicant demonstrates to the satisfaction of the Supervisors that such increased disturbance is necessary for the applicant to eliminate an existing nonconforming structure on the lot or development tract then the amount of the square footage which shall be exempt from these standards may be increased to 6,500 square feet of steep slope which shall not be used in the calculation of the total square footage of steep slopes or the percentage of disturbance of steep slopes on a lot or development tract.

- F. **Septic Field Location.** Except for existing nonconforming lots or where centralized sewage is required or proposed, it must be demonstrated to the satisfaction of the Code Enforcement Officer or Board of Supervisors, as the case may be, that a dwelling, well, and area for two septic drainfields may be located. One septic drainfield shall be designated the primary field and the second shall be an alternate in case of original septic field failure. The location and placement of well and septic fields shall conform to the requirements of this Chapter and State regulations.
- G. **Stream Setbacks.** Parking lots shall be set back a minimum of 10 feet from the high water mark of any U.S.G.S. named stream, water body or wetland.
- H. **Appalachian Trail Overlay District.** An Appalachian Trail Overlay District is hereby created to be defined by the area within 1,000 feet on each side of the center line of the Appalachian Trail (as that center line of the Trail is designated by the Appalachian Trail Conservancy Trail GIS and/or GPS data) and is identified herein as the "Trail Corridor." The intent of the District is to provide a buffer from incompatible uses and/or structures along the Trail while recognizing that the Trail crosses private lands where reasonable uses are permitted.
- (1) **Buffer.** Residential, commercial and industrial uses shall be prohibited within the Trail Corridor. Open space and passive recreation uses (such as fishing, hiking trails, nature preserve or forest preserve) shall be allowed.
 - (2) **Existing Vegetation.** Vegetation in the buffer shall not be disturbed except for maintenance purposes, the correction of dangerous or hazardous conditions, the removal of invasive species or as otherwise approved by the Township as part of a landscape or open space plan.
 - (3) **Tree Harvesting.** Trees may be harvested to the extent that the basal area of trees in either buffer area shall not be reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher. "Basal area" is defined to mean the area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge. There shall be no clear cutting of trees.
 - (4) **Conditional Use.** With the exception of open space or passive recreation uses noted in Subsection 3H(1) hereof, any use which is proposed to be located within the Trail Corridor shall be considered a conditional use. All such uses shall be considered in terms of the effects on the Trail; and, if granted, the Board of

Supervisors shall attach such conditions deemed reasonable and necessary as per the PA Municipalities Planning Code and the conditional use provisions of this Chapter.

- (5) Prohibited Uses. The following uses are prohibited:
- (a) Clearing of vegetation other than (1) maintenance by a Federal, State, or municipal agency, the Appalachian Trail Conservancy (ATC), or Trail Club (partnered with the ATC), and (2) permissible tree harvesting as authorized in Subsection 3H(3) above.
 - (b) Use or storage of hazardous, dangerous, explosive, chemical, radioactive, nuclear or noxious materials or materials that create any dust, odor, vapors or fumes.
 - (c) Use of motor or wheeled vehicle traffic except for agriculture or forestry uses.
 - (d) Construction of parking lots except for Federal, State, or municipally-owned lots.
 - (e) Construction of any type of structure except for Federal, State, or municipally-owned structures.
 - (f) Installation of above-ground utilities including, but not limited to, water, electrical, telephone, gas, nuclear, radio, cellular, wind towers and solar energy panels, solar farms.
 - (g) Dump or landfill.
 - (h) Water, gas or oil wells or drilling for such wells including test or exploratory wells for such deposits.
 - (i) Any activity that creates glare, noise, dust, odors, fumes, vibrations, electrical, electronic or digital interference, air or water pollution of any type.
- (6) Applicability. For any lot, parcel or piece of ground (or portion thereof) lying within the AT Overlay District, the regulations of the AT Overlay District shall apply along with all other regulations and standards of this Chapter that would otherwise apply to the property and zoning district in question. If there is any conflict between the AT Overlay District regulations and the other regulations of this Chapter, the more strict standard shall apply.