

**SMITHFIELD TOWNSHIP,  
MONROE COUNTY,  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 254**

AN ORDINANCE OF SMITHFIELD TOWNSHIP, COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA, PERMITTING SPECIAL EXCEPTION USES AND PROVIDING APPLICATION PROCEDURES FOR SPECIAL EXCEPTION USES IN THE SMITHFIELD TOWNSHIP CODE OF ORDINANCES.

**WHEREAS**, the Township of Smithfield (hereinafter "Township") is a Second Class Township located within the County of Monroe, Commonwealth of Pennsylvania, with an office address of 1155 Red Fox Road, East Stroudsburg, PA 18301; and,

**WHEREAS**, the PA Second Class Township Code (hereinafter referred to as "Code") provides that the Board may adopt zoning, subdivision and land development regulations (33 P.S. Section 66316); and,

**WHEREAS**, the Township has in effect a Township Zoning Ordinance as hereinafter described and designated in Chapter 27 of the Township Code of Ordinances; and,

**WHEREAS**, the Code defines but does not otherwise include special exception uses as a type of use; the Township desires to provide for special exception uses as a use and thereby establish specific procedures in the Code for the application of special exception uses; and,

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

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

**SECTION 1:** The above recitals are herein incorporated by reference and made apart hereof.

**SECTION 2:** Section 27-301 is amended to include a third use, reading as follows:

3. Special Exception Uses. Uses listed as special exception uses in all districts shall, prior to the issuance of a zoning permit by the Zoning Officer, be subject to review and recommendation by the Planning Commission and approval by the Zoning Hearing Board in accordance with §27-705 and §27-711 hereof.

**SECTION 3:** Section 27-711, Special Exception Uses, is hereby established as follows:

§ 27-711. Special Exception Uses.

1. Application Procedures for Special Exceptions. All applications for a public hearing involving a special exception use as designated by this Chapter shall be submitted to the Zoning Officer and shall be processed in accordance with the following:
  - A. Submission of an application for a public hearing on a special exception use shall be comprised of the following:
    - (1) One application for a public hearing complete and properly prepared. Forms furnished by the Township.
    - (2) Six (6) copies of a tentative site development plan of the special exception use.
    - (3) Six (6) copies of a statement of purpose and extent of the special exception use.
      - (a) This statement should outline in detail the special exception use, any future changes and present and future ownership.
    - (4) Six (6) copies of any other requests for variance or waivers that may be necessary, including the reasons therefore.
    - (5) Six (6) copies of any other information or data the applicant may deem necessary or desirable to be submitted.
    - (6) One (1) full digital copy of all submitted documents, which may be submitted to the Township via USB flash drive, CD, or email.
    - (7) Should a special exception use consist of or include any real property lying within a distance of 500 feet from the boundary of any adjoining Township or Borough, two additional copies of all documents and information shall be submitted.
    - (8) Submission copies shall be distributed in the following manner:
      - (a) Three (3) copies for the Zoning Hearing Board members.
      - (b) One (1) copy for the Zoning Hearing Board solicitor.
      - (c) One (1) copy for public review.
      - (d) One (1) copy for the permanent Township record.
  - B. The submission date of the special exception use application and transmittal of the submitted material by the Zoning Officer shall be as follows:
    - (1) The submission date of a special exception use application shall be when the Township Zoning Officer has determined that the application is complete and all required documents and information has been submitted and the required fee has been paid.
    - (2) A public hearing shall be held within sixty (60) days from the date of submission of the application unless the applicant has agreed in writing to an

extension of time.

2. **Special Exception Use Requirements.** In presenting an application for special exception use approval, the applicant shall (in addition to all requirements of the Zoning Ordinance, i.e., Chapter 27, §27-705) also establish:
  - A. The nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged materials. In addition, the applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with state and federal regulations.
  - B. The general scale of the operation, in terms of its market area, specific floor space requirements for each activity, the total number of employees on each shift, the number of shifts, the hours of operation, and overall site size.
  - C. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, radiation, wastewater, stormwater, solid waste — this list is merely illustrative and not exhaustive) shall have specific measures employed to mitigate or eliminate any such negative impacts. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances.
  - D. The applicant shall present credible evidence that the number of off-street parking spaces will be adequate to accommodate the expected demand generated by the proposed use and its related activities.
  - E. A traffic study, prepared by a professional traffic engineer, shall be required as per the existing Zoning Ordinance.
3. **Conditions.** In granting a special exception, the Zoning Hearing Board may require such reasonable conditions and safeguards (in addition to those expressed in this chapter) as it determines are necessary to implement the purposes of this chapter. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this chapter.

**SECTION 4:** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 5:** The provisions of this Ordinance shall be severable and if any provision thereto 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 the 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 6:** This Ordinance shall become effective five (5) days after enactment.

**ADOPTED** this 13<sup>th</sup> day of February, 2025 by the Board of Board of the Township of Smithfield, Monroe County, Pennsylvania, at a duly advertised public meeting.

**SMITHFIELD TOWNSHIP  
BOARD OF SUPERVISORS**

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Jacob A. Pride, Chair

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Robert Lovenheim, Vice Chair

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Michael Albert, Supervisor