

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

ORDINANCE NO. 255

AN ORDINANCE OF SMITHFIELD TOWNSHIP, COUNTY OF MONROE,
COMMONWEALTH OF PENNSYLVANIA, **UPDATING THE ZONING CODE
TO REFERENCE SPECIAL EXCEPTIONS IN CHAPTER 27, SECTION 705.**

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, Section 27-711 - Special Exception Uses, references §27-705, and the Township desires to provide references to special exception uses in that section to clarify that the Township Zoning Hearing Board oversees special exception use applications; 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.

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 27-705.1.A – Site Plan Requirements is amended to include references to special exceptions, reading as follows. Sections 27-705.1.A.1-16 shall remain in full force and effect:

- A. Site Plan Requirements. The following information shall be included on any site plan connected with land development and conditional use, or special exception use application, provided that the Township Board of Supervisors, or the Township Zoning Hearing Board respectively, may waive a particular requirement where the size or scope of a project would render the data inapplicable or unnecessary. The purpose of the site plan is to evaluate the ability of the project to meet the conditional or special exception use criteria contained herein and not necessarily to give final approval if further

submissions under the Township's Subdivision and Land Development Ordinance [Chapter 22] or other Township ordinances are required. The following information shall be included on the site plan:

SECTION 3: Section 27-705.1.A.3 is amended to include the following sentence at the end of the referenced section:

3. The Township Zoning Hearing Board may require the use of a registered landscape architect to prepare such plans for special exception use applications.

SECTION 4: Section 27-705.1.A.9 is repealed and replaced with the following language:

9. A description of any proposed use in sufficient detail with regard to traffic generation to permit the Commission to determine compliance with the performance and traffic impact requirements set forth in § 27-404. Traffic studies required hereunder and by the Pennsylvania Department of Transportation (PennDOT) shall also be submitted. All such studies, regardless of location on State or Township roads, shall meet PennDOT's requirements as well as the Township's, excepting that the requirements for projects accessing only Township roads may be modified by the Township Board of Supervisors in the case of conditional use permit applications or land development plans, or the Township Zoning Hearing Board in the case of special exceptions, on the recommendation of the Township Engineer. The Township may also require studies meeting the standards found in the Pennsylvania Municipalities Planning Code for purposes of establishing transportation impact fees applicable to the project.

SECTION 5: Section 27-705.1.B – Site Design Guidelines is amended to include references to special exceptions, reading as follows. Sections 27-705.1.B.1-12 shall remain in full force and effect:

- B. Site Design Guidelines. The Township Planning Commission and Board of Supervisors in reviewing the site plan in the case of conditional use permit applications or land development plans, or the Township Planning Commission and Township Zoning Hearing Board in the case of special exceptions, shall consider its conformity to the Smithfield Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Board of Supervisors or Township Zoning Hearing Board shall further consider the following specific factors:

SECTION 6: Section 27-705.1.C is amended to include references to special exceptions, reading as follows. Sections 27-705.1.C.1-5 shall remain in full force and effect:

C. The Board of Supervisors, in acting upon the site development plan and conditional use permit application, or the Zoning Hearing Board, in acting upon a special exception use permit application, shall take into consideration not only the criteria contained above, but also the following:

SECTION 7: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 8: 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 9: This Ordinance shall become effective five (5) days after enactment.

ADOPTED this 22nd day of April, 2025 by the Board of Supervisors of the Township of Smithfield, Monroe County, Pennsylvania, at a duly advertised public meeting.

**SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS**

Jacob A. Pride, Chair

Robert Lovenheim, Vice Chair

Michael Albert, Supervisor

Attest: _____
Julia Heilakka
Township Secretary