

## ARTICLE III: ZONING MAP AND ESTABLISHMENT OF DISTRICTS

### DIVISION 30: ZONING MAP

#### Sec. 030-010. Zoning Map.

Middle Smithfield Township is hereby divided into districts as shown on the zoning map, which shall be known as the "Middle Smithfield Township Zoning Map of 2010", commonly referred to as the Zoning Map, together with all explanatory matters thereon. A true and correct copy of the Official Zoning Map is attached hereto and made a part hereof as Appendix "1". The Zoning Map is hereby adopted by reference and declared to be part of this Ordinance, together with all future notations, references and amendments thereto.

#### Sec. 030-020. Identification of Zoning Map.

The Zoning Map shall be identified by the signature of the Board of Supervisors and attested by the Township Secretary, and shall bear the adoption date of this Chapter and the words "Middle Smithfield Township Zoning Map of 2010". The Zoning Map shall contain a block to identify all future changes to the map indicating the date thereof as well as the corresponding ordinance number. The Zoning Map shall be retained in the Township Building.

#### Sec. 030-030. Changing the Zoning Map.

- A. If, in accordance with the provisions of this Ordinance and the MPC, as amended, changes are made in district boundaries or other matters portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the Board of Supervisors by ordinance.
- B. No change of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.

#### Sec. 030-040. Location of Zoning Map.

The Zoning Map shall be located in the Township building and shall be the final authority as to the current zoning status of land and water areas in the Township, regardless of unofficial copies which may have been made or published from time to time.

#### Sec. 030-050. Replacement of Zoning Map.

- A. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of changes and additions, the Township Supervisors may, by resolution, adopt a new Zoning Map, which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Zoning Map shall be identified by the signatures of the Township Supervisors, attested by the Township Secretary and bearing the following words: "This is to certify that this Zoning Map supersedes and replaces the Zoning Map adopted on \_\_\_\_\_, as part of Ordinance No. \_\_\_\_\_, Middle Smithfield Township, Monroe County, Pennsylvania, as amended".

- B. Unless the prior Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

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**DIVISION 31: ESTABLISHMENT OF DISTRICTS**

**Sec. 031-010. Designation of Districts.**

For the purpose of this Chapter, Middle Smithfield Township is hereby divided into the following zoning districts, with the following abbreviations:

CON	Conservation District
RR	Rural Reserve District
R1	Residential District
R2	Residential District
R3	Residential District
PRD	Planned Residential Development District
C1	Commercial District
C2	Commercial District
I	Commercial Industrial District

**Sec. 031-020. Purpose of Districts.**

For the purposes of this Chapter, the zoning districts named in Sec. 031-010 hereinabove shall be of the number, size, shape and location as shown on the Zoning Map.

In addition to serving the overall purposes and objectives of this Chapter and the Comprehensive Plan, each zoning district is intended to serve the following purposes:

- A. CON – Conservation District. To provide for the preservation and maintenance of areas with significant important natural features, such as wetlands, flood-prone lands, and steep-sloped areas; to protect the water quality and habitats along the Delaware River, lakes, and creeks and promote groundwater recharge; to recognize that many of these areas have limited road access; to recognize that most of these areas are not near existing public water and sewage systems and to provide these areas as sending areas for the Transfer of Development Rights (TDR).
  
- B. RR – Rural Reserve District. To provide for development with a low average intensity in areas that include significant important natural features, such as wetlands, flood-prone lands and steep-sloped areas; to protect the water quality and habitats along creeks and around lakes and promote groundwater recharge; to provide for single-family detached dwellings; to provide incentives and a certain amount of flexibility in lot layout so that development can be clustered on the most suitable portions of a tract of land in order to preserve natural resources while still avoiding overly intense development through the Senior Active Adult Development Option and/or the Conservation Development Option; to recognize that most of these areas are not near existing public water and sewage systems; and, to provide these areas as sending areas for the Transfer of Development Rights (TDR).

- C. R1 – Residential District. To provide for low-density residential neighborhoods; to provide incentives and a certain amount of flexibility in lot layout so that development can be clustered on the most suitable portions of a tract of land in order to preserve natural resources while still avoiding overly intense development; to provide a mix of neighborhood scale services and to protect these areas from incompatible uses.
- D. R2 – Residential District. To provide for medium-density residential neighborhoods that provide a mix of housing types; to provide a mix of neighborhood scale services; to protect these areas from incompatible uses; to promote Traditional Neighborhood Developments (TND) and to serve as a secondary receiving area for the Transfer of Development Rights (TDR).
- E. R3 – Residential District. To provide for higher-density residential neighborhoods; to provide a mix of neighborhood scale services; to promote Traditional Neighborhood Developments (TND); to promote adaptive reuse and infill small-scale commercial development to enhance existing neighborhoods and to serve as a secondary receiving area for the Transfer of Development Rights (TDR).
- F. C1 – Commercial District. To provide a commercial area with easy pedestrian access and visual impact; to provide for a variety of commercial uses along major highways where a variety of commercial uses are already present; to provide for a wider range of commercial uses than the C2 Commercial District, including uses that are more auto-related (such as car washes and gas stations); to carefully locate commercial areas and commercial driveways to maximize traffic safety and minimize congestion problems along roads; and, to serve as a primary receiving area for the Transfer of Development Rights (TDR).
- G. C2 – Commercial District. To promote compact non-residential development; to provide for a variety of professional offices and commercial uses which are compatible with existing residential uses within the District and with surrounding residential and non-residential uses; to carefully locate commercial areas and commercial driveways to maximize traffic safety and minimize congestion problems along roads; and to serve as a primary receiving area for the Transfer of Development Rights (TDR).
- H. I – Commercial Industrial District. To provide for commercial development and certain types of industrial development in a manner that is compatible with nearby homes and the surrounding environment; to carefully control the types of industrial operations to avoid nuisances and environmental hazards; to encourage coordinated development, particularly with regard to traffic access; to recognize that Middle Smithfield is not suitable for large areas of industrial development due to the proximity of dwellings, lakes, streams, and creeks; and to advocate environmental sensitivity and reuse/reclamation of industrial land.
- I. PRD – Planned Residential Development District. The PRD District is intended to recognize ongoing developments that were approved under preexisting PRD provisions of prior Township Zoning Ordinances; namely, Water Gap Preserve, Country Club of the Poconos at Big Ridge, and Fairway Villas, all of which have plats recorded in the Monroe County Recorder of Deeds Office. PRDs are designed to provide opportunities for a mix of housing types with limited commercial development, and to require the permanent preservation of open space.

**Sec. 031-030. Overlay Districts.**

- A. Floodplain Overlay District. The floodplain overlay district is hereby created to be coterminous with the areas which are subject to the one hundred year flood, as identified in the most current *Flood Insurance Study*, the accompanying *FIRM – Flood Insurance Rate Map* issued for Middle Smithfield Township by the Federal Emergency Management Agency, as may be amended from time to time. The floodplain overlay district shall be governed by the regulations set forth herein.
- B. Resort Complex/Commercial Resort Overlay District. Under the Middle Smithfield Township Zoning Ordinance of 2004, the municipality issued a formal recognition under the former Resort District and Resort Commercial Districts, respectively, of the Ski Shawnee Resort Complex and the Fernwood Hotel and Resort Complex. A Resort Complex/Commercial Resort is intended to provide opportunities for a mix of commercial, resort, residential and other compatible uses; to promote unified and coordinated development with interior traffic access; to promote development that does not create conflicts with neighboring zoning districts; and to promote the preservation of unique environmental features of the land. The rules and regulations governing the existing and new Resort Complex/Commercial Resort Development options are set forth herein this Chapter.
- C. Traditional Neighborhood Development (“TND”) Option District. The rules and regulations governing TND options are set forth herein this Chapter.
- D. Senior Active Adult Development Option District. The rules and regulations governing Senior Active Adult Developments are set forth herein this Chapter.
- E. Conservation Development Option District. The rules and regulations governing Conservation Development Option Districts are set forth herein this Chapter.

**Sec. 031-040. Application of District Regulations.**

- A. The regulations set by this Chapter shall apply uniformly to each class or kind of structure or land except as provided for in this Chapter.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

**Sec. 031-050. Interpretation of District Boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this Chapter unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land, or where a district boundary divides a lot, shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.
- E. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall request the Zoning Hearing Board to render its determination with respect thereto.

**Sec. 031-060. Boundary Change or Annexation of District.**

Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as RR - Rural Reserve District of Middle Smithfield Township until said territory is classified otherwise as determined by the Board of Supervisors.

**Sec. 031-070. Setbacks Across Municipal Boundaries.**

This Chapter is intended to continue the objective of compatible land uses across municipal boundaries and, therefore, requires additional setbacks and buffer yards when certain uses would abut an existing dwelling or a residential zoning district whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality or within Middle Smithfield Township.

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