

ORDINANCE NO. 227

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD, AS HERETOFORE AMENDED, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 200 "ZONING", APPENDIX "A" "MIDDLE SMITHFIELD TOWNSHIP ZONING MAP OF 2010-A", TO CHANGE THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY, OF APPROXIMATELY 23.76 ACRES, PLUS OR MINUS, IN AREA, AND CONSTITUTING A PORTION OF THE PROPERTY COMMONLY KNOWN AS 119 TOM X ROAD, TAX MAP PARCEL NO. 9/10/1/86, AND PARCEL IDENTIFIER NO. 09-7334-00-03-3428, FROM C2 COMMERCIAL DISTRICT TO R3 RESIDENTIAL DISTRICT.

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield has heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield"; and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes the Board of Supervisors to take and adopt ordinances necessary for the proper management, care and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, Section 1516 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Land Use Regulations", authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968

(P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code; and

WHEREAS, pursuant to such authority, the Township has enacted the Middle Smithfield Township Zoning Ordinance of 2010-A, including Appendix A, "Middle Smithfield Township Zoning Map of 2010-A" ("Zoning Map"), which is codified in the Code of the Township of Middle Smithfield, as heretofore amended, as Part II, "General Legislation", Chapter 200 "Zoning" (the "Zoning Ordinance"); and

WHEREAS, Section 609 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted by the Act of December 21, 1988, P.L. 1329, No. 170, found at 53 P.S. 10609, entitled "Enactment of Zoning Ordinance Amendments", sets forth provisions for the enactment of amendments to zoning ordinances pursuant to certain procedural formalities; and

WHEREAS, the Board of Supervisors finds that it is in the best interests of the health, safety and welfare of Township residents to amend the Zoning Map so as to rezone a portion of the property commonly known as 119 Tom X Road, Tax Parcel No. 9/10/1/86, and Parcel Identifier No. 09-7334-00-03-3428 (the "Re-Zoned Area") from the C2 Commercial District to R3 Residential District; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: The Township Zoning Map (Appendix A, "Middle Smithfield Township Zoning Map of 2010-A"), is hereby amended to change the zoning district classification of the following area of land (i.e., the "Re-Zoned Area") from C2 Commercial District to the R3 Residential District:

A PORTION OF PIN #: 09-7334-00-03-3428

A PORTION OF TAX PARCEL #: 9/10/1/86

A metes and bounds description of the Re-Zoned Area, together with a Plan depicting the Re-Zoned Property, prepared by RKR Hess, a Division of UTRS, and dated July 5, 2019, is contained in Exhibit "A" hereto, and incorporated by reference.

OWNER: Township of Middle Smithfield

AREA: 23.76 Acres, +/-

CURRENT USE: Undeveloped, golf course

CURRENT ZONING: C2 Commercial District

TO BE REZONED AS: R3 Residential District

SECTION 2: An appropriate notation shall be made to the Zoning Map in accordance with Chapter 200, Zoning, Article III Zoning Map and Establishment of Districts, Division III, Zoning Map, and shall be identified by the signature of the Board of Supervisors and attested by the Township Secretary, with reference to this Ordinance amending the Zoning Map, and the date of its enactment.

SECTION 3: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. To the extent the provisions of this Ordinance are the same as any provisions of the Township Zoning Ordinance in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance.


SECTION 5: This ordinance shall take effect five (5) days after the date of its enactment.

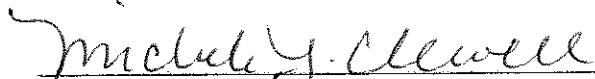
ORDAINED AND ENACTED into an Ordinance at a regular meeting of
the Board of Supervisors of Middle Smithfield Township, Monroe
County, Pennsylvania this 26th day of September, 2019.

TOWNSHIP OF MIDDLE SMITHFIELD
BOARD OF SUPERVISORS


Chairperson


Vice Chairperson


Supervisor


Township Secretary


(TOWNSHIP SEAL)

EXHIBIT "A"
to Zoning Ordinance Amendment

**METES AND BOUNDS
DESCRIPTION, AND PLAN OF RE-
ZONED PROPERTY**

[attached hereto]

Proposed R-3 Zone

All that certain piece or parcel of land situate in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania bounded and described as follows to wit:

BEGINNING at a Point on the southeasterly line of lands now or formerly of The Township of Middle Smithfield, said point also being on the northwesterly line of The Country Club of The Poconos Phase III, Sections 1, 2 & 3 as shown on plans prepared by RKR Hess Associates Inc., Dated July 10, 2002 and recorded in Monroe County Plat Book 75 Page 74;

THENCE through said lands now or formerly of The Township of Middle Smithfield the following courses and distances:

1. North 09°43'22" East a distance of 414.44 feet to a point;
2. North 66°00'30" East a distance of 512.36 feet to a point;
3. North 60°54'19" East a distance of 349.13 feet to a point;
4. North 57°13'17" East a distance of 1089.07 feet to a point;
5. North 33°06'51" East a distance of 363.93 feet to a point;
6. Along a curve to the left having a radius of 200.00 feet for an arc length of 65.94 feet the chord of which bears North 23°40'08" East for a chord length of 65.64 feet to a point;
7. North 14°13'25" East a distance of 233.59 feet to a point;

THENCE continuing through said lands now or formerly of The Township of Middle Smithfield and also along the northwesterly line of The Country Club of The Poconos Phase III, Sections 4 & 8 as shown on plans prepared by RKR Hess Associates Inc., Dated January 15, 2004 and recorded in Monroe County Plat Book 77 Page 189, along a curve to the right having a radius 110.00 feet for an arc length 330.35 feet the chord of which bears South 79°44'32" East and a Chord length of 219.47 feet to a point;

THENCE continuing along the said northwesterly line of The Country Club of The Poconos Phase III, Sections 4 & 8 the following courses and distances:

1. South 06°17'31" West a distance of 268.46 feet to a point;
2. Along a curve to the right having a radius of 200.00 feet for an arc length 111.48 feet the chord of which bears South 22°15'36" West for a chord length of 110.04 feet to a point;
3. South 38°13'41" West a distance of 1211.58 feet to a point;
4. Along a curve to the right having a radius of 75.00 feet for an arc length of 82.13 feet the chord of which bears South 69°35'57" West for a chord length of 78.09 feet to a point;
5. South 10°58'13" West a distance of 35.60 feet to a point;
6. South 59°19'11" West a distance of 145.65 feet to a point on the northeasterly right of way of Doral Court;

THENCE along the said northeasterly right of way of Doral Court North 32°46'43" West a distance of 10.01 feet to a point;

THENCE continuing along the said northwesterly line of The Country Club of The Poconos Subdivision Phase III, Sections 4 & 8 the following courses and distances:

1. North 59°19'11" East a distance of 141.53 feet to a point;
2. North 10°58'13" East a distance of 31.78 feet to a point;
3. Along a curve to the right having a radius of 75.00 feet for an arc length 136.77 feet the chord of which bears North 19°07'36" West for a chord length of 118.59 feet to a point;
4. North 33°06'51" East a distance of 445.54 feet to a point;
5. South 57°13'17" West a distance of 598.08 feet to a point;
6. South 56°41'06" West a distance of 50.00 feet to a point;
7. South 57°13'17" West a distance of 78.34 feet to a point;
8. South 35°36'58" West a distance of 97.55 feet to a point;
9. South 37°48'22" East a distance of 170.82 feet to a point;
10. Along a curve to the right having a radius of 800.00 feet for an arc length of 140.40 feet the chord of which bears South 32°46'43" East for a chord length of 140.22 feet to a point;
11. South 27°45'03" East a distance of 211.50 feet to a point;
12. Along a curve to the right having a radius of 250.00 feet for an arc length of 173.56 feet the chord of which bears South 07°51'43" East for a chord length of 170.10 feet to a point;
13. South 12°01'38" West a distance of 453.06 feet to a point;
14. Along a curve to the right having a radius of 125.00 feet for an arc length of 11.50 feet the chord of which bears South 14°39'49" West for a chord length of 11.50 feet to a point;
15. South 77°58'22" East a distance of 137.92 feet to a point on the northwesterly right of way of Big Ridge Drive;

THENCE along the said northwesterly right of way of Big Ridge Drive South 12°01'38" West a distance of 35.00 feet to a point;

THENCE continuing along the said northwesterly line of The Country Club of The Poconos Phase III, Sections 4 & 8 the following courses and distances:

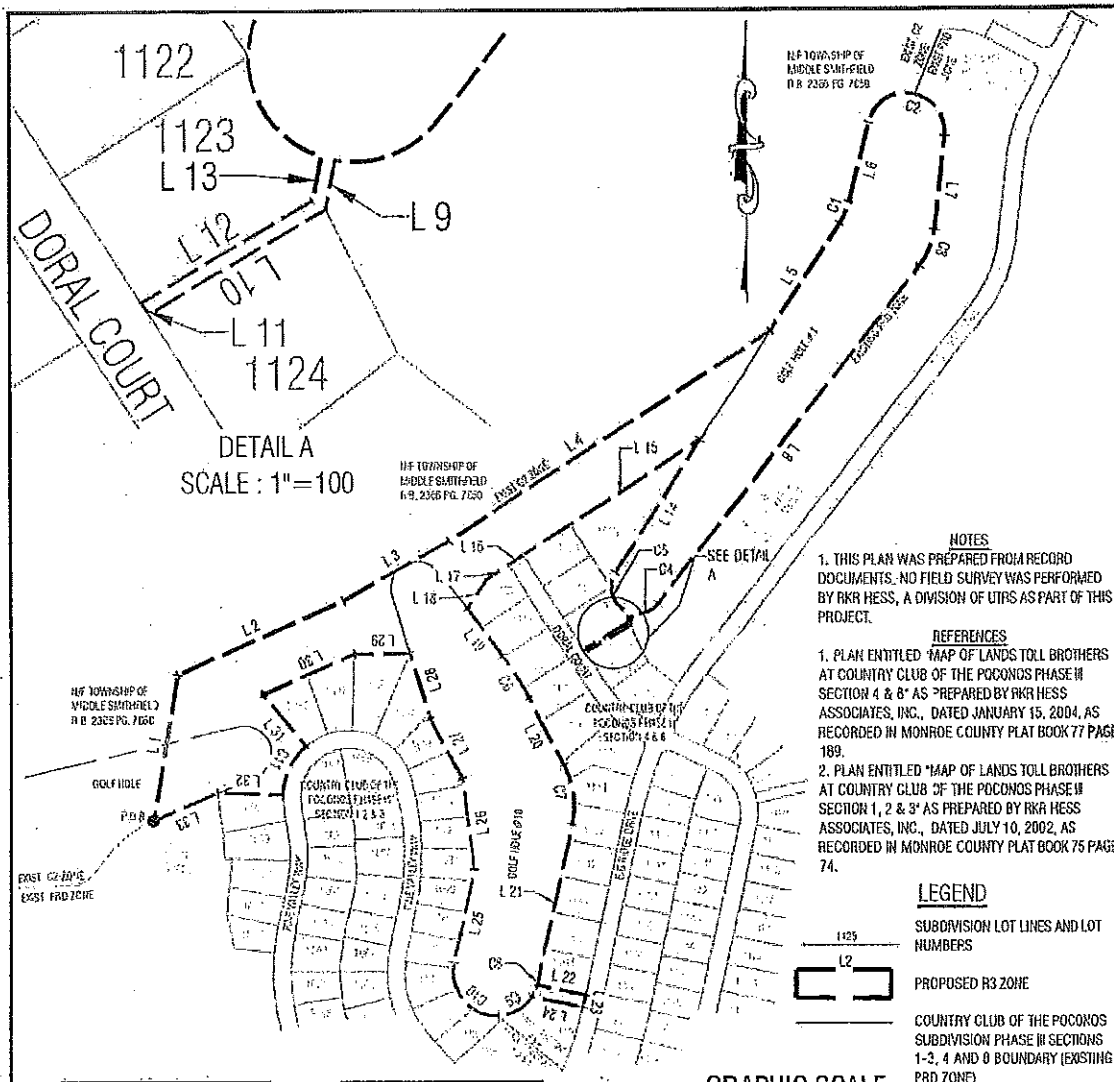
1. North 77°58'22" West a distance of 146.36 feet to a point;
2. Along a curve to the right having a radius of 121.92 feet for an arc length of 116.12 feet the chord of which bears South 59°36'35" West for a chord length of 111.78 feet to a point;

THENCE along the said northwesterly line of The Country Club of The Poconos Phase III, Sections 1, 2 & 3 the following courses and distances:

1. Along a curve to the right having a radius of 125.00 feet for an arc length of 229.38 feet the chord of which bears North 40°32'37" West for a chord length of 198.53 feet to a point;
2. North 12°01'38" East a distance of 270.92 feet to a point;
3. North 07°38'27" West a distance of 258.67 feet to a point;
4. North 27°45'03" West a distance of 190.77 feet to a point;
5. North 17°22'07" West a distance of 192.32 feet to a point;
6. South 89°21'00" West a distance of 159.66 feet to a point;
7. South 66°00'30" West a distance of 282.15 feet to a point;
8. South 40°02'21" East a distance of 187.02 feet to a point;
9. Along a curve to the left having a radius of 187.00 feet for an arc length of 157.37 feet the chord of which bears South 25°51'10" West for a chord length of 152.76 feet to a point;
10. North 88°15'20" West a distance of 182.00 feet to a point;
11. South 67°17'23" West a distance of 200.31 feet to THE POINT OR PLACE OF BEGINNING.

CONTAINING 23.76 Acres being the same more or less.

BEING all of the Proposed R3 Zone as shown on the drawing entitled "Proposed R3 Zoning District" as prepared by RKR Hess a Division of UTRS, dated July 5, 2019 and intended to be attached hereto.



DETAIL A
SCALE: 1"=100

NOTES

1. THIS PLAN WAS PREPARED FROM RECORD DOCUMENTS. NO FIELD SURVEY WAS PERFORMED BY RKR HESS, A DIVISION OF UTRS AS PART OF THIS PROJECT.

REFERENCES

1. PLAN ENTITLED "MAP OF LANDS TOLL BROTHERS AT COUNTRY CLUB OF THE POCONOS PHASE II SECTION 4 & 8" AS PREPARED BY RKR HESS ASSOCIATES, INC., DATED JANUARY 15, 2004, AS RECORDED IN MONROE COUNTY PLAT BOOK 77 PAGE 189.
2. PLAN ENTITLED "MAP OF LANDS TOLL BROTHERS AT COUNTRY CLUB OF THE POCONOS PHASE II SECTION 1, 2 & 3" AS PREPARED BY RKR HESS ASSOCIATES, INC., DATED JULY 10, 2002, AS RECORDED IN MONROE COUNTY PLAT BOOK 75 PAGE 74.

LEGEND

SUBDIVISION LOT LINES AND LOT NUMBERS

PROPOSED R3 ZONE

COUNTRY CLUB OF THE POCONOS SUBDIVISION PHASE II SECTIONS 1-3, 4 AND 8 BOUNDARY (EXISTING PRO ZONE)

GRAPHIC SCALE



LINE No.	DIRECTION	LENGTH
L1	N0° 43' 22" E	414.44'
L2	N56° 00' 30" E	512.36'
L3	N60° 04' 18" E	349.13'
L4	N57° 13' 17" E	1089.07'
L5	N53° 08' 51" E	363.93'
L6	N14° 13' 25" E	233.58'
L7	S6° 17' 31" W	269.46'
L8	S30° 13' 41" W	1211.58'
L9	S10° 50' 13" W	35.60'
L10	S59° 19' 11" W	145.65'
L11	N32° 48' 43" W	10.01'
L12	N59° 18' 11" E	141.63'
L13	N10° 58' 18" E	31.78'
L14	N33° 05' 51" E	445.54'
L15	S57° 13' 17" W	598.08'
L16	S56° 41' 08" W	50.00'
L17	S57° 13' 17" W	78.34'

LINE No.	DIRECTION	LENGTH
L18	S35° 38' 58" W	97.53'
L19	S37° 48' 22" E	170.82'
L20	S27° 45' 03" E	211.50'
L21	S12° 01' 38" W	453.05'
L22	S77° 56' 22" E	137.92'
L23	S12° 01' 38" W	35.06'
L24	N77° 56' 22" W	146.38'
L25	N12° 01' 38" E	270.92'
L26	N7° 38' 27" W	258.07'
L27	N27° 45' 03" W	190.77'
L28	N17° 22' 01" W	192.32'
L29	S89° 21' 06" W	159.66'
L30	S56° 00' 30" W	282.15'
L31	S40° 02' 21" E	187.02'
L32	N60° 15' 28" W	182.09'
L33	S67° 17' 23" W	200.31'

CURVE No.	RADIUS	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	200.00	65.94	N23° 40' 06" E	65.64
C2	110.00	330.35	S79° 44' 32" E	219.47
C3	200.00	111.49	S22° 15' 38" W	110.04
C4	75.00	82.13	S69° 35' 57" W	78.09
C5	75.00	136.77	N10° 07' 35" W	118.59
C6	800.00	140.40	S32° 45' 43" E	140.22
C7	250.00	173.56	S7° 51' 43" E	170.10
C8	125.00	11.50	S14° 39' 49" W	11.50
C9	121.92	116.12	S59° 56' 55" W	111.76
C10	125.00	229.38	N40° 32' 37" W	188.53
C11	187.00	157.37	S25° 51' 10" W	152.75

PROJECT APPROVED NSO	DESIGNED BY CPC/SG	PROPOSED R3 ZONING DISTRICT		AUTHORIZED USE
DATE 7-5-2019	CHECKED DATE	EXHIBIT "A"		RECORD PLAN
SCALE AS SHOWN	PROJECT NO. 10611.001	MIDDLE SMITHFIELD TOWNSHIP BOARD OF SUPERVISORS 147 MUNICIPAL DRIVE EAST STRAUSSBURG, PA 18302		
MIDDLE SMITHFIELD TOWNSHIP		MONROE COUNTY, PA		

A DIVISION OF UTRS
 Civil Engineers • Environmental Engineers • Surveyors
 112 North Coudersport Street, P.O. Box 268, East Stroudsburg, Pa. 18301
 Telephone (570) 421-1550, Fax (570) 421-6780
 Website: www.rkrhess.com Email: info@rkrhess.com ©2019

PA Planning Commission Middle Smithfield Twp. Authority Middle Smithfield Twp. 10611.001 Source: Engineering Drawings, MSST Zone Map, B12000.dwg
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