

**POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-01

**AN ORDINANCE OF THE TOWNSHIP OF POCONO, MONROE COUNTY,
PENNSYLVANIA, AMENDING THE CODE OF
ORDINANCES OF POCONO TOWNSHIP, CHAPTER 470, ZONING AND REPEALING
ALL ORDINANCES AND PARTS OF ORDINANCES INCONSISTENT HEREWITH.**

WHEREAS, the Board of Commissioners of Pocono Township, Monroe County, Pennsylvania, under the powers vested in them by the “First Class Township Code” of Pennsylvania, as well as the laws of the Commonwealth of Pennsylvania, do enact and hereby ordain the following amendment to the Code of Ordinances of Pocono Township.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Pocono, Monroe County, Pennsylvania, as follows:

SECTION 1. Chapter 470, Zoning, Article II, Terminology, Section 8, Definitions, of the Code of Ordinances of Pocono Township is hereby amended to add the following definitions:

“TRUCK TERMINAL/DISTRIBUTION: An area or structure where trucks load and unload goods, products, cargo, materials and/or freight and where the same may be broken down or aggregated into smaller or larger loads for transfer to other motor vehicles or modes of transportation or to other points or junctions. A truck terminal includes value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and the consolidation of several orders into one large order for distribution to several recipients and/or vice versa.

WAREHOUSE: A building or group of buildings primarily used for the unloading and indoor storage, transfer, and distribution of products and materials with a use of the processing of materials so as to sort out which finished goods are to be transported to different locations, and the loading and unloading of such goods. A warehouse shall not include value-added services between a supplier and its customers, such as breaking down of large orders from a single source into smaller orders, product mixing, packaging, cross-docking, order fulfillment, or order returns, and shall not include the consolidation of several orders into one large order for distribution to several recipients and/or vice versa, or any manufacturing or processing. A warehouse shall only consist of indoor storage of products and materials.”

SECTION 2. Chapter 470, Zoning, Article II, Terminology, Section 8, Definitions, of the Code of Ordinances of Pocono Township is hereby amended to remove Subsection F. Truck or motor freight terminal, from the definition of Regional Impact Development.

SECTION 3. Chapter 470, Zoning, Article III, Zoning Map and Zoning Districts, Section 14, List of Districts, of the Code of Ordinances of Pocono Township is hereby amended to add the following district:

“EP Enterprise Park Overlay District (See Attachment 4 ‘EP Overlay District Map’)”

SECTION 4. Chapter 470, Zoning, Article III, Zoning Map and Zoning Districts, of the Code of Ordinances of Pocono Township is hereby amended to add the “EP Enterprise Park Overlay District” to the Official Zoning Map.

SECTION 5. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 16, Applicability of district regulations, of the Code of Ordinances of Pocono Township is hereby amended to add Subsection F to read as follows:

“F. Interpretation and Uses Not Regulated

- (1) Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply.
- (2) Uses Not Specifically Regulated. This section addresses by special exception a proposed use which is neither specifically permitted nor specifically denied in any Zoning or Overlay district established under this Ordinance.
 - (a) Jurisdiction. An application shall be made to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
 - (b) Findings. The use may be permitted only if the Zoning Hearing Board makes all of the following findings; and, the burden on proof shall be upon the applicant.
 - i. The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Use Regulations.
 - ii. The use in no way conflicts with the intent of the zoning district or overlay district and the general purpose and intent of this Zoning Ordinance.
 - iii. The use is not permitted in any other zoning district in the Planning Area.
 - iv. The use where proposed would be consistent with the Pocono Township Comprehensive Plan.
- (3) Planning Commission. At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Township Planning Commission for review and recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until thirty (30) days have passed from the time the application was referred to the Township Planning Commission.

- (4) Conditions. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this Zoning Ordinance for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, morals and welfare and to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code.”

SECTION 6. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 17, R-1 Low Density Residential District, of the Code of Ordinances of Pocono Township is hereby amended to delete Subsection B.(2)(b) in its entirety.

SECTION 7. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 18, R-2 Medium Density Residential District, of the Code of Ordinances of Pocono Township is hereby amended to delete Subsection B.(3)(h) in its entirety.

SECTION 8. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 20, C Commercial District, Subsection B.(1)(q) of the Code of Ordinances of Pocono Township is hereby amended to read as follows:

“(q) Wholesale produce and meat markets, mechanical equipment repair establishments, dry-cleaning and dyeing plants, carpet and rug cleaning establishments, laundries, sign painting, blueprinting and graphic reproduction shops, printing and publishing establishments, radio and television studios.”

SECTION 9. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 20, C Commercial District, Subsection B.(3)(i) of the Code of Ordinances of Pocono Township is hereby amended to read as follows:

“(i) *RESERVED.*”

SECTION 10. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 20, C Commercial District, Subsection B.(3)(l) of the Code of Ordinances of Pocono Township is hereby amended to read as follows:

“(l) Warehouses.”

SECTION 11. Chapter 470, Zoning, Article IV, Basic District Regulations, Section 21, I Industrial District, of the Code of Ordinances of Pocono Township is hereby amended to delete Subsection B.(3)(g) in its entirety.

SECTION 12. Chapter 470, Zoning, Article IV, Basic District Regulations, of the Code of Ordinances of Pocono Township is hereby amended to add a new Section 22A, EP Enterprise Park Overlay District to read as follows:

“§ 470-22.A. EP Enterprise Park Overlay District.

- A. Intent. To provide for warehousing and distribution in a manner that is compatible with any nearby homes. To carefully control these type of operations to avoid nuisances (such as excessive noise) and hazards. To encourage coordinated development, particularly in regard to traffic access. (See Attachment 4 ‘EP Overlay District Map’)
- B. Uses and structures.
 - (1) Conditional Uses. The following uses are permitted subject to the issuance of a conditional use permit by the Board of Commissioners. (See § 470-38.):
 - (a) Truck Terminals/Distribution (See § 470-83)
 - (b) Warehouses (See § 470-87.5)
- C. Lot, yard, and height requirements.
 - (1) All lot, yard, and height requirements shall be the same as those within the underlying zoning district.
- D. Parking and loading requirements. Off-street parking and loading requirements shall be provided in accordance with § 470-34 of this Chapter.
- E. Signs. All proposed signs shall conform to the requirements of Article VII of this Chapter.

SECTION 13. Chapter 470, Zoning, Article V, Supplementary Regulations, Section 26, Exceptions to height regulations, Subsection C of the Code of Ordinances of Pocono Township is hereby amended to read as follows:

“C. *RESERVED.*”

SECTION 14. Chapter 470, Zoning, Article V, Supplementary Regulations, Section 83, Truck or motor freight terminal, of the Code of Ordinances of Pocono Township is hereby deleted and replaced with the following:

“§ 470-83. Truck Terminal/Distribution.

- (1) Minimum lot area: 10 acres.
- (2) Any entrance for trucks, loading/unloading area, principal structures, outdoor storage or truck parking area shall be a minimum of 150 feet from any residential lot line.

- (3) The use shall have its main access point(s) within two miles of at least one ramp of a limited access highway.
- (4) All tractor-trailer truck parking, principal structures, outdoor storage and/or loading/unloading areas that are visible from beyond the exterior lot lines of the use shall be screened by a 50 foot wide buffer yard. A 50 foot buffer is required along the frontage of all streets. This buffer yard shall meet the following conditions:
 - a. The buffer yard shall include a vegetated screening buffer. The screen buffer plantings are intended to form an impenetrable visual screen and shall include a variety of evergreen tree species to prevent monocultural planting. Trees used for screen buffers shall be comprised of 100% evergreen species.
 - b. Evergreen trees used in the screen planting shall be at least six feet high when planted and shall be of such species as will produce a dense visual screen at least ten feet high within four years. Where the screen buffer planting requires more than 50 trees, no more than 1/3 of those trees will be of a single variety. Deciduous canopy trees and/or flowering trees, and evergreen shrubs are encouraged to provide complete screening and visual appeal, in addition to the required evergreen trees. Shrubs shall have a minimum height of 36 inches when planted.
 - c. Plant materials shall be permanently maintained and any plant material which dies shall be replaced by the land owner.
 - d. Where such screening is required, it shall be assured by a performance guarantee posted with the governing body in an amount equal to the estimated cost of trees and shrubs and plantings. Such guarantee shall be released only after passage of the second growing season following planting.
 - e. The buffer yard may overlap the required side of rear yards, and in case of conflict, the larger yard requirements shall apply.
 - f. All plantings shall conform to the standards of the Township's list of acceptable plant species. (Subdivision and Land Development Ordinance Appendix A.)
- (5) Any tractor-trailer truck parking, outdoor storage and/or loading/unloading areas that are visible from and are within 150 feet of the exterior lot lines of the use shall be separated from such lot lines by an earthen berm. Such berm shall meet the following conditions:
 - a. Average a minimum of five feet in height above the adjacent average ground level (disregarding any drainage channel) on the outside of the berm.

- b. Not have a single continuous height, but instead shall vary in height by one foot or two feet in places.
 - c. The top of the berm shall not have a width less than five feet.
 - d. Have a maximum side slope of three horizontal to one vertical.
 - e. Be covered by a properly maintained all-season natural ground cover, such as an appropriate grass.
 - f. Shall be located behind any required buffer screening.
- (6) The maximum height for such use shall be 50 feet.
- (7) The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils or similar pollutants that may spill or leak.
- (8) All facilities with gated entrances shall provide for an on-site queuing area for the stacking of a minimum of two tractor-trailers.
- (9) No parking or loading/unloading shall be permitted on or along any public road.
- (10) Vehicular access shall be so arranged as to minimize danger and congestion along adjoining roads and to avoid the creation of nuisances to nearby properties.
- (11) External building materials shall be of colors that are low-reflective, subtle, or earth tone. Fluorescent and metallic colors shall be prohibited as exterior wall colors.
- (12) LEED Certification is strongly encouraged as well as roof-mounted accessory solar energy systems.
- (13) The applicant shall coordinate with the Monroe County Control Center to ensure there is adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the Monroe County Control Center Public Safety Radio Communications System at the exterior of the building, and shall install enhancement systems if needed to meet compliance.
- (14) The use shall provide related facilities and amenities to provide for the comfort, convenience and safety of those engaged in the trucking distribution industry. Suitable examples rest lounges and areas, locker rooms and shower facilities, and similar uses.
- (15) Mechanical scraper systems shall be installed at each truck exit drive for the purpose of removing snow, slush and ice from trailer and truck rooftops. During

winter months, all trucks must pass under these mechanical scrapers prior to exiting the warehouse facility.

- (16) A traffic study prepared by a professional traffic engineer, according to § 390-60. The traffic impact study shall also include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary. The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study, and shall identify any new proposed truck routes and necessary truck routing signage.
- (17) A community impact study, according to § 390-29.K.
- (18) An environmental impact assessment shall be performed. The Assessment shall be prepared by a professional environmental engineer, ecologist, environmental planner, or other qualified individual. An assessment shall include a description of the proposed use including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The assessment shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the assessment shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts. The assessment shall also include detailed examination of public resources most likely impacted by the development plan and include the following focus areas:
 - a. Air pollution impacts emissions from vehicle operations, including from truck engines during idle time. The applicant shall identify all stationary and mobile sources of fine particulate matter (PM_{2.5}), volatile organic compounds, and nitrogen oxides at the site. The applicant shall specify best management practices for preventing and reducing the concentration of air polluting emissions at the site. The owner or operator of the facility shall have anti-idling signs prominently posted in areas where 15 or more trucks may park or congregate.
 - b. The potential for public nuisance to local residents resulting from operations and truck traffic, including noise, glare, light, and visual obstacles.
 - c. A stormwater management plan.
 - d. Consistency with the municipal and county comprehensive plan. The applicant shall submit an assessment report of the impact of the proposed use on the goals of the respective plans. Where the proposed use conflicts with the comprehensive plan, the assessment report shall identify

mitigation measures which may be undertaken to offset any degradation, diminution, or depletion of public natural resources.

- e. Additional considerations. The following shall also be addressed:
 - (1) Alternatives analysis. A description of alternatives to the impacts.
 - (2) Adverse impacts. A statement of any adverse impacts which cannot be avoided.
 - (3) Impact minimization. Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction, including design considerations.
 - (4) Mitigation steps. Listing of steps structural controls proposed to minimize damage to site before and after construction.
 - f. Critical impact areas. In addition to the above, plans should include any area, condition, or feature which is environmentally sensitive or which if disturbed during construction would adversely affect the environment.
 - (1) Critical impact areas include, but are not limited to, floodplains, riparian buffers, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, hydric soils, hydrologic soil groups, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
 - (2) A statement of impact upon critical areas and of adverse impacts which cannot be avoided.
 - (3) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
- (19) Evaluation. The procedures for evaluating the assessment shall be as follows:
- a. Consultation. Upon receipt of the application the Township may forward the assessment to the Township Engineer.
 - b. Review and action. The Planning Commission shall evaluate the Environmental and Community Assessment(s) and make a recommendation to the Board.

SECTION 15. Chapter 470, Zoning, Article V, Supplementary Regulations, the title of Section 87, of the Code of Ordinances of Pocono Township is hereby amended to read as follows:

“§ 470-87. Lumberyards and coal yards; building material storage yards; contractors' equipment and storage yards.”

SECTION 16. Chapter 470, Zoning, Article V, Supplementary Regulations, of the Code of Ordinances of Pocono Township is hereby amended to add a new Section 87.5 to read as follows:

“§ 470-87.5. Warehouse.

- (1) See off-street loading requirements in § 470-34.A.
- (2) No storage of garbage (other than is routinely produced on site and awaiting regular collection) shall be permitted. The bulk storage of materials that are inflammable, explosive, hazardous, or commonly recognized as offensive shall not be permitted.
- (3) Uses that would involve the entrance to the use of an average of more than 50 tractor-trailer trip in any 24-hour period shall be required to meet the additional site development standards in § 470-83 for a Truck Terminal/Distribution. A trip shall be defined as one arrival at or one departure from the facility.
- (4) When permitted as a conditional use, the applicant shall provide a detailed description of the proposed use in each of the following topics:
 - 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, anticipated truck traffic, and an overall needed site size.
 - c. Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any 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 ordinance, including but not limited to those listed in Part 5 of this Chapter.
 - d. The applicant shall present credible evidence that the number of "oversized" off-street parking spaces provided for trucks will be adequate to accommodate the expected demand generated by the warehouse activities.

(5) Maximum building height for such use shall be 50 feet.

(6) A traffic study prepared by a professional traffic engineer, according to § 390-60.

SECTION 17. Chapter 470, Zoning, Article V, Supplementary Regulations, Section 34, Parking and truck loading requirements, Subsection A, of the Code of Ordinances of Pocono Township is hereby amended to delete “Warehousing (nonretail): 1 for each 1,000 square feet of gross floor area, plus 1 for each employee on the peak shift.” and replace it with the following:

“Warehouses, Distribution Centers, Fulfillment Centers, Truck Terminals, and Similar Uses: 1.1 per employee on the largest shift, plus one tractor-trailer space located at each loading dock/bay, plus additional “stacking/storage” spaces (minimum 14’ x ‘74’) for tractor-trailers in an amount greater or equal to 10% of the number of loading docks/bays (with a minimum of 10 spaces) for the stacking/storage of tractor-trailers, all directly accessible by adequate aisles or drives. The parking and stacking design shall provide adequate area/spaces for the parking and stacking of tractor-trailers that are awaiting entry to the loading/unloading area to prevent the backup of tractor-trailer and/or other vehicles onto a public street.”

SECTION 18. Chapter 470, Zoning, Attachment 1 – Use Schedule, of the Code of Ordinances of Pocono Township is hereby amended as follows:

	Industrial	Commercial	Enterprise Park
Truck and motor freight terminal (§ 470-83) Truck Terminal/Distribution (§ 470-83)	P	X	CU
Warehouses, except bulk storage of chemicals, petroleum products and other flammable explosives, or noxious materials (§ 470-87) Warehouse (§ 470-87.5)	P	CU	CU

SECTION 19. Chapter 470, Zoning, of the Code of Ordinances of Pocono Township is hereby amended to add Attachment 4 – Enterprise Park Overlay District Map, attached to this Ordinance as Exhibit “A”.

SECTION 20. REPEALER

Any existing ordinances or parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION 21. SEVERABILITY

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the Ordinance.

SECTION 22. ENACTMENT

This Ordinance shall be effective within five (5) days and shall remain in force until modified, amended or rescinded by Pocono Township, Monroe County, Pennsylvania.

ENACTED AND ADOPTED by the Board of Commissioners this ____ day of _____, 2023.

ATTEST:

**TOWNSHIP OF POCONO,
MONROE COUNTY**

TAYLOR MUNOZ
Township Manager

RICHARD WIELEBINSKI
President, Board of Commissioners

EXHIBIT "A"