

**BARRETT TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 173

AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, SETTING FORTH AN AMENDMENT TO THE BARRETT TOWNSHIP ZONING ORDINANCE, AS HERETOFORE AMENDED, ADDING AN HISTORIC RESORT RESOURCE OVERLAY DISTRICT IN A NEW ARTICLE XI, AND AMENDING AND ADDING CERTAIN DEFINITIONS IN ARTICLE IX.

WHEREAS, the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania desire to amend the Township Zoning Ordinance; and

WHEREAS, the Barrett Township Planning Commission, the Monroe County Planning Commission, and the Board of Supervisors (the "Supervisors") have reviewed the proposed amendments; and

WHEREAS, the Supervisors have duly provided public notice of the public hearing and notice of intent to adopt the proposed amendments to the Zoning Ordinance; and

WHEREAS, the Supervisors held a public hearing pursuant to public notice on the proposed amendments on December 14, 2011 as required by the Pennsylvania Municipalities Planning Code ("MPC"); and

WHEREAS, the Supervisors have determined that the proposed amendments are in the best interests of Barrett Township and its citizens, and are consistent with the overall community objectives of the Comprehensive Plan adopted by Barrett Township.

NOW, THEREFORE, in consideration of the foregoing, be it ordained and enacted and it is hereby ordained and enacted by the authority of the Board of Supervisors of Barrett Township:

SECTION 1. General Provisions. The Zoning Ordinance of Barrett Township is hereby amended as set forth below, such amendment being adopted and incorporated in the official ordinance books by reference with the same force and effect as if duly recorded therein.

SECTION 2. Repealer. All ordinances, code sections, or parts thereof in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION 3. Severability. Should any sentence, section, clause, part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part not declared to be invalid. The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be 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 that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon its passage.

SECTION 5. The Amendments. The Barrett Township Zoning Ordinance is amended in the following manner:

1. **AMENDMENT OF ARTICLE IX TO ADD ADDITIONAL DEFINITIONS.** Amend Article IX to add the following definitions:

Apartment Hotel. A facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom where the typical guest rents rooms or suites for longer periods than a typical hotel stay.

Apartment Unit. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing two (2) or more dwelling units.

Condominium. A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Condominium Association. The community association that administers and maintains the common property and common elements of a condominium.

Condominium Hotel. An existing building which is converted or reconstructed and thereafter maintained, and operated and managed as a hotel in which each room is individually owned and in which some or all of the rooms are available to transients for rent and where the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, that is co terminus. Contiguous for purposes of this Ordinance shall also mean property separated by the right-of-way of a public or private street, road or highway where the common boundary line of the adjacent properties or parcels is to the centerline of the said right-of-way of a public or private street, road or highway.

Dwelling. A structure or portion thereof that is used exclusively for human habitation.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, High-Rise. A building of six or more stories.

Dwelling, Mid-Rise. A building containing from three to six stories.

Dwelling, Single-Family Attached. A group of two (2) nor more than four (4) closely placed, interrelated single family dwelling units which are generally joined to one another by a common party wall, a common floor-ceiling or garage and/or connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the façade from one dwelling unit to another, whether or not such a group is located on a single parcel or on adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards.

Dwelling, Single-Family Detached. A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards. *See* Dwelling, Detached.

Dwelling, Townhouse. A one-family dwelling either: (i) in a row of at least two (2) nor more than four (4) such units in which each unit has its own front and rear access to the outside; or (ii) a one-family dwelling unit located over another one-family dwelling unit and where, in any event, each Single-Family Dwelling unit is separated from each other dwelling unit by one or more vertical or horizontal common fire-resistant walls or floors.

Dwelling Unit. One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Existing. A structure or use in existence on October 1, 2011.

Exterior Street. An existing or new street on the periphery of or outside of a development parcel which is intended primarily for through traffic from one area of the Township to another.

High-Rise Building. *See* Dwelling, High-Rise.

Homeowners Association. A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Hotel. An existing building or facility currently offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meetings, entertainment, and recreational facilities or an existing structure converted to such use. A Hotel may include, but shall not be limited to,

all suites hotels or facilities that offer kitchen facilities, sitting rooms, and additional guest amenities. A Hotel may include an Apartment Hotel.

Interior Street. An existing or new street which primarily provides vehicular access to an existing developed area or to a new proposed development area and which is not designed or intended to primarily provide through traffic from one area of the Township to another.

Mid-Rise Building. See Dwelling, Mid-Rise.

Neighborhood Green. A green space central to a neighborhood and designed for open space or general active or passive recreation for the residents of the neighborhood.

Resort. A Resort for purposes of Article XI of this Ordinance is defined to be an existing facility either currently used as a Hotel or an existing structure converted or reconstructed to be a facility constituting a Hotel as defined herein but with additional recreational features or activities and amenities which serve as one of the primary attractions to such facility.

Unit. A Unit as used in this Ordinance shall have the same meaning and definition as set forth in the Pennsylvania Uniform Condominium Act, the Act of July 2, 1980, P.L. 286 No. 82 §1, et seq., 68 Pa. C.S.A. §3101, et seq. (the “Condominium Act”) or as utilized in the Pennsylvania Uniform Planned Community Act, the Act of December 19, 1996, P.L. 1336, No. 180, §1, et seq., 68 Pa. C.S.A. §5101, et seq. (the “Planned Community Act”).

2. **ADDITION OF NEW ARTICLE XI.** Add a new Article XI entitled “Historic Resorts Resource Overlay”, as follows:

ARTICLE XI HISTORIC RESORT RESOURCE OVERLAY

Goal number 2 of the Barrett Township Comprehensive Plan, adopted in 2008 states: To create and maintain an attractive community emphasizing historic charm and local architectural character by conserving the unique identity and character by protecting significant historic resources.

Due to the financial difficulty of maintaining the Township’s historic inns, hotels and resorts, an overlay district is to be created in order to revitalize these former economic engines for the Township. Through allowing for denser residential communities complemented by common open space, limited commercial uses, and the conversion of existing hotels, resorts, mid-rise and high rise buildings into residential structures, this overlay will enhance the tax base and preserve the unique historic character of Barrett Township.

Section 11.00 Intent:

- a. To create a distinct physical and historical settlement surrounded by protected greenway lands used for agricultural, recreation and environmental protection purposes.
- b. To develop a settlement with historical significance and character of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips.
- c. To provide for a diversity of lot sizes, building density and housing choices to accommodate a variety of age and income groups and residential preferences.
- d. To promote the use of neighborhood greens, landscaped streets, and historic structures in order to provide a neighborhood identity and space for social activity, parks and visual enjoyment.

Section 11.100 Applicability and Locational Criteria:

The Historic Resort Resource Overlay District is an overlay in all zoning districts within Barrett Township. The property, as depicted in green on the attached map entitled “Historic Resort Resource Overlay District Map, Barrett, Township, Monroe County, Pennsylvania” prepared by the Monroe County Planning Commission, dated November, 2011 (the “Historic Resort Resource Overlay District Map”) is the area that constitutes the Historic Resort Resource Overlay District. The Historic Resort Resource Overlay District Map is incorporated herein and made part hereof by this reference.

Section 11.200 General Regulations:

- a. The tract proposed for development may be held in single ownership or in multiple ownerships, however, where a development tract is held in multiple ownerships, it shall be represented by a single application and presented and approved under a common plan with a single entity and common authority and common responsibility.
- b. Condominium ownership for the types of buildings and uses permitted in Historic Resort Resource Overlay District shall be permitted pursuant to the Condominium Act. Ownership of a Unit under the Planned Community Act.
- c. Historic Resort Resource Overlay District projects shall comply with the applicable provisions of all applicable Barrett Township Ordinances subject, however, to any waivers or modifications that may be granted to any such project pursuant to the terms of any such Ordinance(s). Whenever any such waiver(s) and/or modifications is/are granted pursuant to the provisions of the applicable Barrett Township Ordinances the applicant shall not be required to seek relief from the Barrett

Township Zoning Hearing Board for the relief granted in any such waiver or modification.

- d. Residential uses in the Historic Resort Resource Overlay District shall be accessed from Interior Streets, rather than from Exterior Streets bordering the tract.

Section 11.300 Uses

Land in the Historic Resort Resource Overlay District may be used for the following purposes.

11.310 Residential Uses.

The following types of residential uses shall be permitted in the Historic Resort Resource Overlay District provided that Residential uses delineated in this Section shall comply with the applicable density factor and minimum required greenway land specified in Section 11.410 and 11.420:

- a. Single Family Detached Dwellings and Townhouse Dwellings.
- b. The conversion to residential use of: (i) existing Mid-Rise buildings; (ii) existing High Rise buildings; (iii) existing Hotels; and (iv) existing Resorts shall be types of residential uses permitted in Historic Resort resource subdivisions. Such existing buildings when converted to residential use may include conversions to Apartment Hotels and Condominium Hotels.
- c. Hotels
- d. Condominium Hotels
- e. Apartment Hotels
- f. Apartments
- g. Resorts
- h. High Rise Dwellings
- i. Mid Rise Dwellings

11.320 Non Residential Uses:

The following types of non-residential uses shall be permitted in the Historic Resort Resource Overlay District

- a. Municipal or public uses, public park or recreation area owned and

operated by a public or private nonprofit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, or private or municipal sanitary landfills.

- b. Existing Mid-Rise, existing High-Rise, existing Hotel, and/or existing Resort buildings that are converted to residential use or maintained and operated as Hotels, Condominium Hotels, Apartment Hotels, Apartments, High Rise Dwellings, Mid Rise Dwellings, and Resorts may include as accessory uses offices for sales, marketing, and management of such facilities as well as various non-residential amenities for the residents and guests of such facilities such as, but not limited to, community rooms, exercise facilities, restaurants, convenience stores, and similar commercial facilities intended to serve the needs of the residents and such facility in question as well as the general community.

11.330 Uses Permitted in the Historic Resort Resource Overlay District Greenway Area.

The following uses are permitted by right:

- a. Conservation of open land in its natural or managed state (for example, woodland, fallow field, or meadow).
- b. Equestrian uses, horse shows with or without seating for spectators, agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- c. Pastureland for horses and other grazing livestock used solely for private or commercial recreational purposes. Equestrian facilities, including commercial facilities, shall be permitted but may not consume more than half of the minimum required Greenway Land. Indoor and/or outdoor riding arenas are permitted, with or without seating areas and facilities for spectators. Rodeo facilities are specifically excluded.
- d. Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required Greenway Land or ten acres, whichever is less. Parking facilities for the same shall also be permitted, provided they shall not be included in the required Greenway Land.
- e. Water supply facilities, sewage disposal systems, land discharge and surface water discharge sewage treatment and disposal systems, storm water management

facilities including storm water detention and retention basins, infiltration areas for stormwater management facilities, and Conservation District approved erosion and sedimentation control facilities, provided, however, that the foregoing facilities, systems, and areas shall not occupy more than 25 percent of the required Greenway Land. Mounded septic systems are not permitted in the Greenway Lands.

- f. Easements for drainage, access, sewer or water lines, or other public purposes.
- g. Underground utility rights-of-way.
- h. Above-ground utility and street rights-of-way may traverse, but shall not count toward the minimum required area of Greenway Land. Neighborhood Greenway Land uses such as neighborhood greens, common areas, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the governing body.
- i. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.

Section 11.400 Dimensional Standards

Bulk standards insofar as they relate to setback distances for the entire tract constituting the Historic Resort Resource Overlay District shall be calculated from exterior tract lines and not from interior phase or property lines where a Historic Resort Resource Overlay District consists of an assemblage of lots or parcels. Under all circumstances where a Historic Resort Resource Overlay is subdivided into separate lots, the bulk standards shall be calculated from the exterior lot line of the separate individual lot.

The following density, greenway land, and bulk dimensional standards shall apply to the Historic Resort Resource Overlay District.

11.410 Density Factor: One dwelling unit per 49,000 square feet (1.125 acres) in the R-1 District and R-2 District, and one dwelling unit per 65,340 square feet (1.5) acres) in the T-1, S-1,B-1,and M-1 Districts as determined through the Adjusted Tract Area Method or yield plan for Option 2 Subdivisions described in Section 10.430. Each residential unit, apartment, and each separately rented room or suite in a Hotel or Resort shall be the equivalent of one dwelling unit for purposes of calculating density

11.420 Minimum Required Greenway Land: The minimum required greenway area shall be equivalent to 60 percent of the Adjusted

Tract Area plus the constrained land area calculated in accordance with Section 10.430. Greenway land shall not be used for residential lots.

11.430 Central Wastewater Collection Systems: Community or public sewer and water systems including land discharge and/or surface water discharge, sewage treatment system are required. All central wastewater collection and disposal systems shall be designed and constructed in accordance with the regulations of the Pennsylvania Department of Environmental Protection, and shall be subject to the review and recommendation of the Township Engineer and Sewage Enforcement Officer.”

11.440 Dimensional Standards

<u>Single Family Detached Residential Bulk and Dimensional Requirements</u>	
	Community/Public Sewer and Water
Minimum Lot Size (s.f.)	15,000
Minimum Lot Width (feet) at building setback line	75
Minimum Street Frontage (feet) at ultimate right-of-way line	20
Minimum Front Yard (feet)	20
Minimum Rear Yard (feet)	35
Minimum Side Yard (feet)	10
Maximum Impervious Surface Coverage (percent)	30
Maximum Building Height (feet)	35
<u>Single Family Attached Dwelling Bulk and Dimensional Requirements</u>	
Minimum lot area (per dwelling unit):	1,250 sq. ft.
Minimum lot width at setback line (per dwelling unit):	20 ft.
Minimum building spacing	1.5 x Bldg. Height or the applicable NFPA separation standard, whichever is less
Minimum building setbacks	
Front:	20 ft.
Rear:	30 ft.
Maximum building height:	35 ft.
Minimum required living area per dwelling unit:	1,000 sq. ft.
Maximum Building Length	240 ft.

<u>Converted Existing Mid-Rise or High-Rise Buildings, Converted Existing Hotels and Converted Existing Resort Buildings Area and Dimensional Requirements</u>	
Minimum street frontage along an existing street:	200 ft.
Minimum building setbacks	
Front:	50 ft.
Side:	15 ft.
Rear:	25 ft.
Minimum Building Spacing:	1.5 x Bldg. Height or the applicable NFPA separation standard, whichever is less
Minimum Building Spacing:	1.5 x Bldg. Height or the applicable NFPA separation standard, whichever is less
Minimum # of units per building:	3 dwelling units
Maximum # of units per building:	100 dwelling units
Maximum building height:	6 stories or 100 ft. for existing structures 35 ft. for new structures
Minimum required living area per dwelling unit:	600 sq. ft.

Section 11.450

All new residential dwellings shall meet the following additional setback requirements, if applicable:

Feature	Required Setback
Measured from the Ultimate Right-of-Way of Exterior Street:	
(a) Where adjoining property is residentially zoned or used for residential use	50 feet
(b) Where adjoining property is in a non-residential district or is a non-residential use	100 feet
(c) All Other Exterior Tract Boundaries	50 feet
Cropland or Pasture Land	100 feet
Building or Barnyard Housing Livestock	100 feet
Active Recreation Area Such As Court or Playing Field (Not Including Tot Lots)	100 feet

11.460 Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this Article are contained in Sections 10.700 through 10.900 of this Ordinance

Section 11.500 Greenway Land Dimensional Standards.

1. Neighborhood Greens, Common Areas, and Open Space.

- a. Active recreation facilities located in neighborhood greens, common areas, or open space shall be set back a minimum of 100 feet from adjoining residential lot lines, provided, however, the 100 foot setback shall not apply to playgrounds or other active or passive recreational facilities.
- b. Each Historic Neighborhood Area comprising an aggregate of approximately 25 to 30 residential units shall provide a neighborhood green containing a minimum of two thousand (2,000) square feet of contiguous land area designed for active or passive recreational uses, as a gathering place for residents, or as common area open space.
- c. Neighborhood greens shall be spatially defined by building fronts, trees or significant historical or topographic features on at least two sides.
- d. All neighborhood greens shall be planted with shade trees along their edges, at intervals not greater than 40 feet.


2. Greenway Land


- a. Shall be planned and integrated but may be noncontiguous to the residential portion of a Historic Resort Resource Overlay development if:
 - i. the non-contiguity is created either by: (1) a public or private road the right-of-way of which does not exceed fifty feet (50') in width and the non-contiguous Greenway Land (either owned by the applicant or previously dedicated as Greenway Land by a separate applicant) is contiguous for a minimum of fifty (50) feet notwithstanding the public or private road right-of-way; and/or (2) Greenway Land either owned by the applicant or previously dedicated as Greenway Land by a separate applicant; and
 - ii. The non-contiguous Greenway Land is linked to the residential section of said project by a system of trails accessible to the residential unit owners within the Historic Resort Resource development in a safe manner. In the event the non-contiguity results from land previously dedicated as Greenway Land by a separate applicant, the project residential unit owners shall have the right to use the previously dedicated Greenway Land for the purposes set forth in Section 11.500.2.c of this Ordinance.

- b. Greenway land shall generally remain undivided and may be owned or controlled and maintained by a homeowners' association, land trust, another conservation organization recognized by the Township. These ownership options may be combined so that different parts of the greenway land may be owned by different entities. Greenway land shall be subject to a permanent easement or an irrevocable license agreement. If any greenway land which is the subject of a permanent easement or an irrevocable license agreement is proposed to be included as all or part of the greenway land for a Historic Resort Resource project the permanent easement or irrevocable license agreement shall be in form reasonably satisfactory to the Board of Supervisors.
- c. Greenway Land may be designed for either active or passive uses such as, but not limited to, recreational, equestrian, trails, natural areas, woodlands, waterways, and similar types of open space."

ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 27th day of December, 2011.

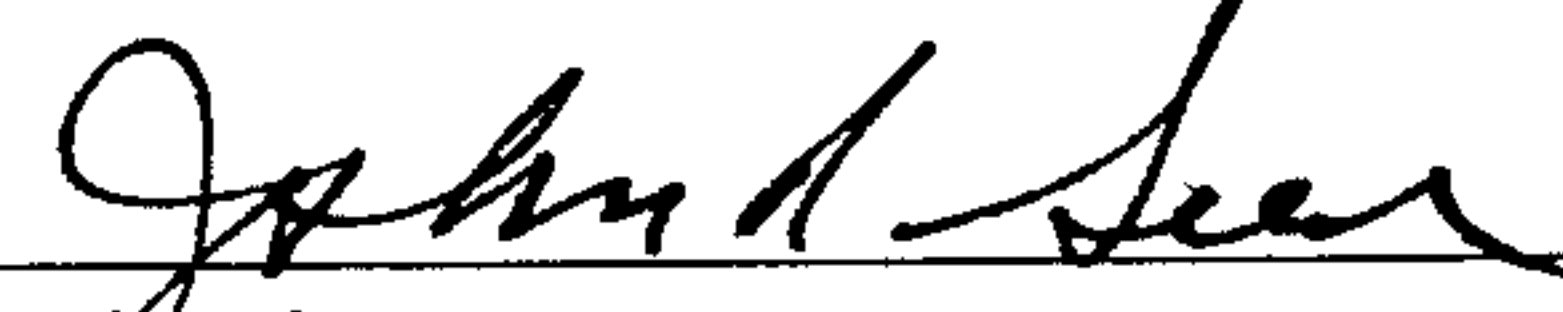
**BOARD OF SUPERVISORS OF
BARRETT TOWNSHIP**


James A. Siglia, Chairman

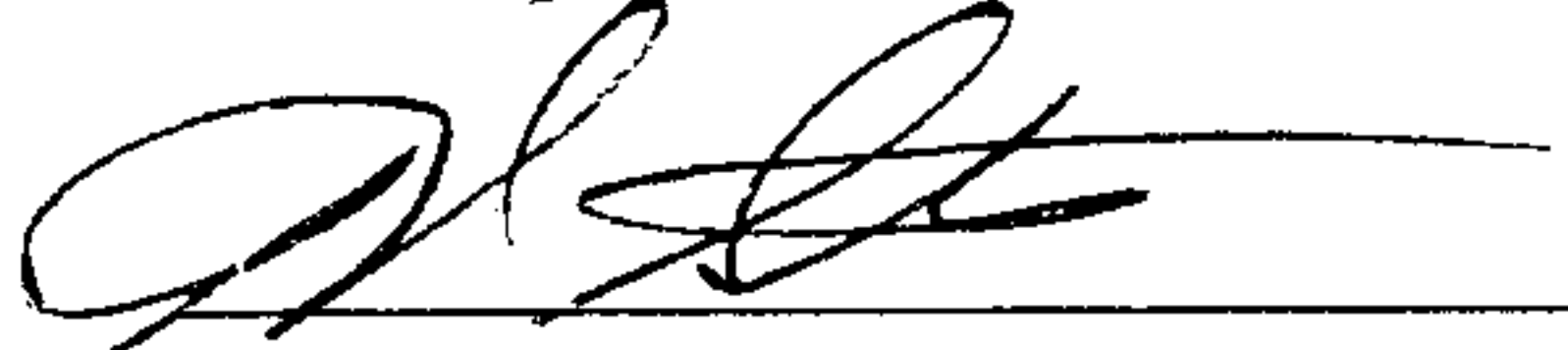

Ralph G. Megliola, Vice Chairman


Paul Stotsenburg, Secretary

Michael J. Stirr


John Seese

ATTEST:

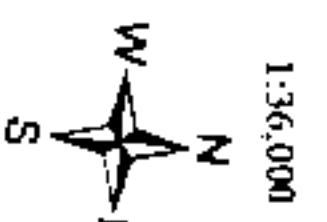

Paul Stotsenburg, Secretary

[TOWNSHIP SEAL]



**HISTORIC RESORT
RESOURCE OVERLAY
DISTRICT MAP**
BARLETT TOWNSHIP, MONROE COUNTY,
PENNSYLVANIA

- Legend**
- County Boundary
 - Municipal Boundary
 - Arterial Roadways
 - Roads
 - Lakes and Ponds
 - Historic Overlay
 - Parcels



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PREPARED BY

**Monroe County
Planning Commission**

1 Quaker Plaza, Room 106
Stroudsburg, PA 18360
(570) 517-3100
mcpcc@co.monroe.pa.us

November 2011