

Ordinance No. 1 of 2022

AN AMENDMENT TO THE PENN FOREST TOWNSHIP ZONING ORDINANCE TEXT AND MAP TO ESTABLISH A NEW C-1A ZONING DISTRICT AND TO LOCATE THE DISTRICT SOUTH OF PA. ROUTE 903 IN THE VICINITY OF THE NORTHEAST EXTENSION OF THE PENNSYLVANIA TURNPIKE, AND TO ESTABLISH NEW REGULATIONS FOR WAREHOUSNG, STORAGE, DISTRIBUTION CENTER AND TRUCKING COMPANY TERMINAL USES.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania hereby adopts and enacts the following amendment to the Penn Forest Township Zoning Ordinance:

Part One. Zoning Map Amendment.

The existing Penn Forest Township Zoning Map is hereby amended to include a new C-1A Highway Commercial A Zoning District in the location indicated on the attached map, which is labeled "Exhibit A - Penn Forest Township Zoning Map Amendment - Draft July 29, 2022."

Part Two. Definitions.

The following new definition is added to Section 202:

"Distribution Center. A type of "Warehouse or Storage" use where the primary operation involves products being stored on-site temporarily for the purpose of delivery to another destination, such as a retailer, wholesaler, household or another distribution center. Such use may include refrigerated facilities, and shall include facilities to organize and retrieve products and for unloading from a truck for loading onto a truck. A distribution center primarily involves tractor-trailers bringing products to the facility, and tractor-trailer trucks bringing products from the facility.

The existing definition of "Warehouse" in Section 202 is replaced with the following:

"Warehouse or Storage. A building or group of buildings used for the indoor storage, transfer, sorting, and distribution of products and materials. A Distribution Center is a type of Warehousing or Storage use."

The existing definition of "Trucking Company Terminal" in Section 202 is replaced with the following:

"Trucking Company Terminal. A type of Distribution Center that also serves as a center of operations for a trucking company and for the storage of trucks and trailers."

Part Three. New C-1A Zoning District and Zoning District Regulations.

In Section 301.A., the following new zoning district is added to the list:

“C-1A Highway Commercial A District”

In Section 301.D. regarding Purposes, the following is added:

“7. C-1A Highway Commercial A District. To serve the same purposes as the C-1 district, and to also assist in meeting the Township’s legal obligations to allow for warehousing and distribution center uses.”

In Section 306.B.:

- Add the following text “The C-1A district shall meet all of the same regulations as the C-1 district, except for provisions of this Ordinance that specifically state otherwise.”
- In the table of allowed uses by zoning district, change the column for “C-1” district to “C-1 or C-1A”.
- Replace the provisions for “Trucking Company Terminal” and “Warehousing or Storage as a principal use” with the following revisions to the table of allowed uses:

“Warehousing, Storage, Distribution Center or Trucking Company Terminal as a principal use: (See Section 402.A.52)

- 100,000 or more square feet of total floor area per lot - only allowed by conditional use approval in the I Industrial district with a ‘C’ in the table for conditional use, and an ‘N’ in the columns for all other districts;
- 25,000 to 99,999 square feet of total floor area per lot - only allowed by conditional use in the C-1A and I districts with a ‘C’ in the table for conditional use in the I district column, a “*C in C-1A; N in C-1*” under the C-1 or C-1A district column, and with an ‘N’ in the columns for all other districts; and
- 24,999 square feet or less of total floor area per lot - only allowed in the C-1A and I districts, with a ‘P’ for permitted by right in the I district column, a “*P in C-1A; N in C-1*” under the C-1 or C-1A district column, and with an ‘N’ in the columns for all other districts.”

In the table of dimensional regulations in Section 307.A., in the row for the C-1 district, add “and C-1A” after “C-1”.

In the sign regulations in Article 7, add “and C-1A” after any reference to the C-1 district.

Part Four. Requirements for Specific Uses.

The existing provision for Trucking Company Terminal in Section 402.A.52 is replaced with the following:

- “52. Trucking Company Terminal, Warehousing, Storage or Distribution Center as a Principal Use of the Lot.
- (a) Where conditional use is required, then as a condition of conditional use approval, the

Board of Supervisors may require additional earth berming, setbacks, landscaping and lighting controls as they determine to be necessary to provide compatibility with nearby dwellings. These measures shall be designed to *minimize* glare, noise and other nuisances upon dwellings.

- (b) The subject property shall have vehicle access to a street that is improved to be able to handle the anticipated amounts and types of truck traffic, without using a Township-owned local street/road that existed at the time of enactment of this amendment. Where conditional use approval is required, a professional traffic study shall be submitted, and shall include proposed measures to address traffic safety, road alignment, and road construction matters, as well as proving that sufficient room is allowed on-site for truck movements and for emergency vehicles. Any traffic impact study shall consider the cumulative impact of all proposed development in the vicinity. A new road or driveway serving an approved industrial use may cross a commercial zoning district, if needed for access onto an arterial *street (such as PA. Route 903)*.
- (c) The facility shall provide sufficiently long on-site stacking lanes and on-site loading and unloading areas so that trucks waiting to be loaded and unloaded will not back up beyond the lot lines.
- (d) Any gates or other barriers shall be set back and arranged to prevent vehicle backups onto adjacent streets during peak arrival periods.
- (e) Major commercial truck repair and commercial truck fueling shall not be allowed unless the uses are separately approved and the requirements for each use are met. This provision shall not restrict: 1) repair and fueling of forklifts and similar off-road equipment, and 2) emergency repair of vehicles.
- (f) Any on-site vehicle fueling facilities shall be reviewed in advance by a Township Fire Official, and the applicant shall provide evidence of compliance with Federal and State environmental protection regulations for the facilities prior to receiving a Construction and/or Building Permit.
- (g) If the facility involves on-site refueling or outdoor area used for hazardous substances operations *it* shall include sufficient containment measures to contain an accidental spill, such as fuel facilities being located over an impervious surface that drains to a containment tank.
- (h) The outdoor storage of motor vehicles or trailers that do not display a current state license is prohibited. A trailer designed to be part of a tractor-trailer combination shall not be stored continuously on-site for more than 60 days.
- (i) Any outdoor loudspeaker system shall be designed and operated so that the noise is not heard at the lot line of a lot including an existing dwelling or residential district, except during an emergency.
- (j) The operator of the facility shall enforce State regulations on maximum idling time limit for trucks (See 35 P.S. Section 4601 et al), and shall post signs to make drivers *aware* of the time limit. Electrical hookups for trucks should be provided to reduce the need to idle truck engines.
- (k) If the building or truck parking or loading areas will be abutting or across a road/street from a lot including an existing dwelling or a residential district or will abut a public road or highway, then the following planting requirements shall apply in place of other Township landscaping requirements along that side of the property. The buffering shall achieve a minimum opacity of 80% in both the winter and the summer at a minimum height when planted of 8 feet. The plantings shall include staggered rows of plantings including evergreen trees with an average spacing of 10 feet apart on center and

deciduous trees with an average spacing of 25 feet apart on center. The deciduous trees shall be a species with a minimum mature height of 20 feet. A minimum of 75 percent of the required plantings shall be evergreens. Required landscaping shall be primarily comprised of species that are native to the Middle Atlantic states, and a mix of different species shall be used.

- (l) If truck parking, truck driveways or truck loading areas are located within 500 feet of an existing dwelling or a residential zoning district, then a 100 feet wide buffer yard shall be provided with a landscaped earth berm on the side of the lot that faces the dwelling or residential district. The berm shall have a minimum height of 6 feet, and shall have a maximum 3:1 side slope on the non-industrial side. The industrial side may be a retaining wall or a more steep slope provided the slope is stable. The residential side of the berm shall include a vegetative ground cover and evergreen trees that are spaced an average of 10 feet apart. The same evergreens may be used to meet subsections (k) and (l), provided both sets of requirements are met.
- (m) A truck parking area shall be provided that allows trucks to wait on the lot until they are directed to unload, and that allows truck drivers that are serving the facility to stop if they need a mandatory rest period. The drivers shall be provided access to a restroom, water and trash receptacles. This parking area shall be open during all hours during which there is a reasonable need for the parking, including being open 24 hours a day on days when the facility conducts loading and unloading operations during more than 12 hours per day.
- (n) If conditional use approval is required, and the truck parking, truck driveways or truck loading areas will be within 1,000 feet of an existing dwelling or a residential zoning district, then a professional acoustics study shall be provided by the applicant showing projected noise impacts upon the dwelling or district. The applicant shall provide sufficient setbacks, buffering, acoustic barriers, berming or other noise control measures to result in a maximum A-weighted noise level of 50 dB(A) between 9 PM and 7 AM and 58 dB(A) during other hours. The maximum noise level shall be based upon the LMax standard. The noise level shall be measured at the subject lot line.
- (o) If conditional use approval is required, the applicant shall provide a lighting study showing that the nighttime spillover illumination from the property does not exceed 0.5 footcandles, measured at the lot line of an existing dwelling or residential district."

Add the following cross-references to 402.A. in alphabetical order:

"Distribution Center. The provisions in this Section 402.A. for "Trucking Company Terminal, Warehousing, Storage or Distribution Center as a Principal Use of the Lot" shall apply."

"Warehouse or Storage. The provisions in this Section 402.A. for "Trucking Company Terminal, Warehousing, Storage or Distribution Center as a Principal Use of the Lot" shall apply."

Part Five. Repealer. All ordinances or parts thereof inconsistent with the provisions of this Ordinance Amendment are hereby repealed to the extent of the inconsistency.

Part Six. Severability. The provisions of this Ordinance Amendment are declared to be severable. If any provision of this Ordinance Amendment is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance Amendment or other sections of the Zoning Ordinance.

Effective Date. This Ordinance shall be effective in five calendar days after adoption.

This Ordinance is hereby **ENACTED** and **ORDAINED** this

17th date of November, 2022

ATTEST:

**BOARD OF SUPERVISORS OF
PENN FOREST TOWNSHIP**


Joanne Vitale
Township Secretary

Ray Z. Nulka
Chairperson

Exhibit A

Penn Forest Township, Zoning Map Amendment

Draft July 29, 2022

