

TOWNSHIP OF MIDDLE SMITHFIELD  
MONROE COUNTY, PENNSYLVANIA

CERTIFICATION OF ENACTED ORDINANCE

I, MICHELE L. CLEWELL, BEING THE DULY APPOINTED TOWNSHIP SECRETARY OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, HEREBY CERTIFY THAT ATTACHED HERETO IS A TRUE AND CORRECT COPY ORDINANCE NO. 219, ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP AT A MEETING HELD ON MARCH 15, 2018, TITLED AS FOLLOWS:

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 320.53 ACRES, PLUS OR MINUS, IN SIZE, COMMONLY KNOWN AS 119 TOM X ROAD, TAX MAP PARCEL NO. 9/10/1/86, AND PARCEL IDENTIFIER NO. 09-7334-00-03-3428, A PORTION OF THE LAND CONTAINED WITHIN THE TENTATIVELY APPROVAL DEVELOPMENT PLAN FOR BIG RIDGE (LATER COUNTRY CLUB OF THE POCONOS) PLANNED RESIDENTIAL DEVELOPMENT, FROM PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO C-2 COMMERCIAL DISTRICT

Michele Y. Clewell  
TOWNSHIP SECRETARY,  
TOWNSHIP OF MIDDLE  
SMITHFIELD

03/16/18  
DATE

 TOWNSHIP SEAL

ORDINANCE NO. 219

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 320.53 ACRES, PLUS OR MINUS, IN SIZE, COMMONLY KNOWN AS 119 TOM X ROAD, TAX MAP PARCEL NO. 9/10/1/86, AND PARCEL IDENTIFIER NO. 09-7334-00-03-3428, A PORTION OF THE LAND CONTAINED WITHIN THE TENTATIVELY APPROVAL DEVELOPMENT PLAN FOR BIG RIDGE (LATER COUNTRY CLUB OF THE POCONOS) PLANNED RESIDENTIAL DEVELOPMENT, FROM PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO C-2 COMMERCIAL DISTRICT.

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield have 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 property 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;

WHEREAS, on June 9, 1988, the Board of Supervisors ("Board") of Middle Smithfield Township (the "Township") gave tentative approval to Mid-Monroe Development Corporation's development plan for the proposed planned residential development formally known as "Big Ridge" and commonly referred to as "Country Club of the Poconos" or "Country Club of the Poconos at Big Ridge" (hereinafter referred to as "CCP PRD"); and

WHEREAS, Mid-Monroe Development Corporation, and other subsequent landowners in the CCP PRD proceeded, in sections, with the filing of development plans for final approval for some, but not all, of the area of property contained within the CCP PRD tentatively approved Plan; and

WHEREAS, no application has been made for final approval of the CCP PRD development plan for a portion of the CCP PRD consisting of 320.53 acres, more or less, and commonly known as 119 Tom X Road, Tax Parcel No. 9/10/1/86, and Parcel Identifier No. 09-7334-00-03-3428 (the "Remaining Lands"); and

WHEREAS, the Township is the owner of the Remaining Lands, having received the property from Big Ridge Developers, L.P., a successor in interest to Mid-Monroe Development Corporation, by virtue of a deed dated February 12, 2010, and recorded in the recorder's office of Monroe County, Pennsylvania, on the same date; and

WHEREAS, the time for filing an application for final approval of a development plan as to the Remaining Lands under the CCP PRD tentative approval has now expired; and

WHEREAS, Sec. 710(c) of the Pennsylvania Municipalities Planning Code provides that "in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Municipal Secretary or Clerk of the Municipality"; 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 the Remaining Lands from PRD Planned Residential District to C-2 Commercial 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 property from PRD Planned Residential Development District to C-2 Commercial District:

PIN #: 09-7334-00-03-3428

TAX PARCEL #: 9/10/1/86

Being a portion of the property contained in the development plan tentatively approved and formally known as "Big Ridge" and commonly referred to as "Country Club of the Poconos" or "Country Club of the Poconos at Big Ridge" Planned Residential Development.

The rezoned land is shown as Tract 1 on a Plan titled "Lands to be Conveyed to Middle Smithfield Township, Country Club of the

Poconos, portion north of Tom X Road" prepared by R.K.R. Hess Associates, Inc., January 15, 2010, and a Plan titled "Tract 1 and Tract 2 Boundary Plan, Country Club of the Poconos, prepared by R.K.R. Hess Associates, Inc., January 2010."

OWNER: Township of Middle Smithfield

AREA: 320.53 Acres, +/-

CURRENT USE: Undeveloped, golf course

CURRENT ZONING: PRD Planned Residential Development District

TO BE REZONED AS: C-2 Commercial 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.

[Remainder of page intentionally left blank]

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania this 15<sup>TH</sup> day of March 2018.

TOWNSHIP OF MIDDLE SMITHFIELD  
BOARD OF SUPERVISORS

  
Chairperson

  
Vice Chairperson

  
Supervisor

  
Township Secretary

(TOWNSHIP SEAL)