



MONROE COUNTY PLANNING COMMISSION

TO: Christine Meinhart-Fritz, Director

FROM: Eric Koopman, Lead Senior Planner

DATE: February 18, 2022

SUBJECT: Country Resorts
Zoning Ordinance Amendment
Tobyhanna Township
MCPC Review #14-22

The Township of Tobyhanna is proposing amendments to its Zoning Ordinance in regarding ‘Country Resorts’. The amendments propose a definition for this land use which is described as a “boutique resort with no more than 100 guest rooms.” This use is to be permitted by right in the Open Space/Resource Conservation (OS) zoning district and requires a minimum lot area of 100 acres. Associated parking standards are also being proposed.

The above mentioned zoning ordinance amendments have been reviewed on the basis of generally accepted planning principles and environmental concerns. The following technical comments concerning the proposed amendments are offered:

1. The proposed ordinance amendment is generally consistent with the PMPC, Act 247 of 1968, as amended, in terms of following required procedures.
2. It is unknown if the proposed land use would be consistent with the intent of the OS district. The purpose of the district is to “protect fragile environmental and unique natural areas from development. The OS District is a residential district.” Due to its nature, ‘Country Resorts’ may be better situated in a commercial district. It should be noted that ‘Resorts’ are currently permitted in the Commercial (C) district and ‘Commercial Resorts’ are permitted in the residential districts as a special exception. This should be discussed.
3. It is unclear how a ‘Country Resort’ is significantly different from a ‘Resort’ as currently defined in the Township’s ordinance. The necessity of a separate category land-use should be discussed. If the sole intent is to permit resorts in the OS district, additional conditions for permitting ‘Resorts’ in this district such as putting a maximum limit of 100 guest rooms would be an alternative to creating a new land-use category.
4. The proposed land use permits up to 100 ‘guest rooms’ and allows cottages as part of the overall resort. Cottage is not defined, nor is its maximum square footage, or their maximum percentage of the overall resort indicated. A single family dwelling in the OS district requires a 10 acre minimum, and the density of a country resort could be well above this with potentially 100 cottage units on 100 acres. While lot coverage is limited to 10%, this does not include non-building impervious coverage such as a road network or parking areas. Putting a limit on separate cottages should be addressed.

5. Proposed requirements for 'Country Resorts' include a minimum lot area of 100 acres, a maximum number of 100 guest rooms, and minimum parking standards. The Township should consider whether additional requirements to protect sensitive natural features or minimum open space requirements beyond what is required by existing ordinance standards would also be appropriate considering the intent of the OS district.
6. This proposed use is to be permitted by right in the OS district. The Township is encouraged to consider whether requiring conditional use or special exception approval would be more appropriate to mitigate the potential impacts of this use on a case by case basis, particularly given the amount of environmentally sensitive lands in this district.
7. According to the Coolbaugh, Tobyhanna, Tunkhannock Township, and Mount Pocono Borough Regional Comprehensive Plan, June 2005, the majority of the OS zoning district is within the Conservation category. This category is intended for the preservation of natural areas, and to provide open space and recreation areas for residents. While not entirely consistent with this intent, there are some aspects of 'Country Resorts' that are consistent with promoting recreation opportunities.
8. If any revisions are made to the proposed amendments, they must be re-submitted to the MCPC for review prior to adoption. This requirement was affirmed by the Pennsylvania Commonwealth Court in *Hanover Healthcare Plus, Inc. v. Zoning Hearing Board of Penn Township* 875 A.2d 1255 (Pa. Cmwlth 2005).

The Staff has reviewed the proposed amendments and recommends approval be subject to the above noted comments being satisfactorily addressed.

In an attempt to maintain a library of municipal ordinances, we request that any adopted ordinance amendments (Zoning, Zoning Map and SALDO) be sent to the MCPC within 30 days of enactment as specified in the PMPC.

This review is subject to the approval of the Monroe County Planning Commission at its next regularly scheduled meeting.

TOWNSHIP OF TOBYHANNA MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. ___

AN ORDINANCE OF THE TOWNSHIP OF TOBYHANNA, MONROE COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF THE ZONING ORDINANCE OF TOBYHANNA TOWNSHIP, AS CODIFIED AT CHAPTER 155 OF THE TOBYHANNA TOWNSHIP CODE, AMENDING SECTION 155-5 BY ADDING DEFINITION FOR COUNTRY RESORT; AND AMENDING SECTION 155-15(B) BY ADDING COUNTRY INN AS A PERMITTED USE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of the Township of Tobyhanna, Monroe County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

ARTICLE I.

Chapter 155, Article IV, Section 155-5 B, Definitions, of the Code of Township of Tobyhanna is hereby amended by adding the following definitions:

155-5 B. Definitions.

This Section shall be amended to add the following terms:

Country Resort

A boutique resort with no more than 100 guest rooms which includes guest cottages, an inn and/or hotel. The resort may also include single family and duplex residential units for management and employees as needed. Accessory uses may include conference centers, restaurants, bars, retail and gift shops, spa, indoor and outdoor recreation facilities, and event venues. Activities authorized on the resort may include, but are not limited to, hiking, biking, tennis, pickle ball, camping, hunting, fishing, equestrian activities, paddling, ice skating, cross-country skiing, religious ceremonies, farming, and those related to agri-tourism. Additional structures such as, but not limited to, gatehouses, barns, stables, helipads, photovoltaic arrays, and maintenance buildings are authorized to support permitted uses.

ARTICLE II.

Chapter 155, Article V, Section 155-15 (B), OS Open Space/Resources Conservation District, of the Code of Township of Tobyhanna is hereby amended to read as follows:

...

B. Permitted Uses. Permitted uses shall be amended to add the following:

(4) Country Resort subject to Article 10, minimum lot and yard requirements.

a. no more than 100 guest rooms which includes guest cottages, an inn and/or hotel. The resort may also include single family and duplex residential units for management and employees as needed. Amenities may include conference centers, restaurants, bars, retail and gift shops, spa, indoor and outdoor recreation facilities, and event venues. Activities authorized on the resort may include, but are not limited to, hiking, biking, tennis, pickle ball, camping, hunting, fishing, equestrian activities, paddling, ice skating, cross-country skiing, religious ceremonies, farming, and those related to agri-tourism. Additional structures such as, but not limited to, gatehouses, barns, stables, helipads, photovoltaic arrays, and maintenance buildings are authorized to support permitted uses.

b. off street parking as per Article 12, Special Regulations, Section 155-55 (Off Street Parking)

ARTICLE III

Chapter 155, Article VII, Off-street Parking, Section 155-55 (L) of the Code of Tobyhanna Township is hereby amended to add the following:

Minimum requirements for off-street parking. Minimum requirements shall be as follows:

Country resort	1 for each guest room and 1 for each 4 dining room seats above guest room capacity. 1 for each 4 persons at peak attendance of indoor/outdoor recreational uses. 1 for each 200 square feet of retail floor space and 1 for each employee. 2 for each single-family dwelling unit.
----------------	--

ARTICLE IV.

Zoning Schedule 155 Attachment 3 is amended as reflected in Exhibit "A" attached.

ARTICLE V.

Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE VI.

Effective Date. This Ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED this _____ day of _____, A.D., 2022.

**TOBYHANNA TOWNSHIP BOARD OF
SUPERVISORS**

John E. Kerrick, Chairperson

David Carbone, Member

Brendon J.E. Carroll, Member

Rachel Schickling, Member

Joseph Colyer, Member

Attest: _____
Crystal Butler, Township Secretary

ZONING

155 Attachment 3

Township of Tobyhanna
 Minimum Lot and Yard Requirements
 OS Open Space/Resource Conservation District
 [Amended 10-12-2004 by Ord. No. 453; 11-10-2008 by Ord. No. 473]

Use	Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage	Minimum Front Setback (feet)	Minimum Side Setback (feet)	Minimum Rear Setback (feet)	Minimum Habitable Floor Area (square feet)	Maximum Building Height (feet)	Miscellaneous Requirements
Permitted:										
Single-family detached dwellings	10 acres	400	500	1.0%	80	60	80	750	38	See § 155-15B
Municipal uses	—	400	700	3.0%	80	60	80	750	38	As deemed necessary by Supervisors
Hunting clubs and camps	50 acres	1,000	1,000	1.0%	300	150	150	750	38	See § 155-12B(5) and 155-15B(2)
Fishing clubs and camps	5 acres	250	350	1.0%	150	75	75	750	38	See § 155-12B(5) and 155-15B(2)
Farms	2 acres	150	250	2.5%	50	40	50	750	38	See § 155-12B(6)
Cemeteries	10 acres	250	250	—	80	60	80	—	38	—
Country resort	100 acres	500	500	10.0%	60	60	60	400	38	See § 155-5B and Section 155-15 b(4)
Special exception:										
Day-care center	10 acres	400	700	1.0%	80	60	80	750	38	See § 155-94
Lumbering	—	—	—	—	—	—	—	—	—	See § 155-12B(8)
Conditional:										
Preserves	43,560	100	150	15.0%	50	15	50	750	38	See § 155-103
Churches and similar places of worship	3 acres	250	350	7.5%	75	75	100	—	50	—