

Stroud Township Appalachian National Scenic Trail Overlay District

ORDINANCE NO. 2 – 2011

AN ORDINANCE OF STROUD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, AMENDING THE STROUD TOWNSHIP ZONING ORDINANCE NO. 5 OF 1998, AS HERETOFORE AMENDED, BY ADOPTING A NEW ARTICLE XII, ENTITLED “APPALACHIAN TRAIL OVERLAY DISTRICT,” DESIGNED TO (i) COMPLY WITH ACT 24 OF 2008 AND (ii) ADD ADDITIONAL PROTECTIONS TO THE PORTION OF THE APPALACHIAN NATIONAL SCENIC TRAIL WHICH TRAVERSES THE TOWNSHIP.

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 make and adopt ordinances necessary for the proper 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”, as amended; 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 as 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; and

WHEREAS, it is the desire of the Board of Supervisors to add certain provisions of the Zoning Ordinance so as to create and establish a Stroud Township Appalachian National Scenic Trail Overlay District.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

Section 1. Addition of New Article XII. Article XII, entitled “Appalachian Trail Overlay District” is hereby added to provide as follows:

12.100. General Purposes. The purposes of the ordinance are to:

- a. Meet the Act 24 requirements that Pennsylvania municipalities along the Appalachian National Scenic Trail take such action consistent with

applicable law, as at least an interim measure, to preserve the natural, scenic, historic, and aesthetic values of the Trail and to conserve and maintain it as a public natural resource.

- b. Protect important natural and historic resources by maintaining a natural resource buffer along the Appalachian Trail. This natural resource buffer is intended to provide a physical and visual screen from the impacts of new development along the Appalachian Trail.
- c. Preserve the scenic and topographic conditions along the Appalachian Trail that are vital to the Trail's natural and scenic quality by maintaining the existing tree canopy and protecting viewsheds.
- d. Prevent negative noise, light, or other environmental impacts associated with land uses near the Appalachian Trail.
- e. Promote connections with municipal trails and greenways and integration with a community's natural resource system.
- f. Provide benefits to communities along the Appalachian Trail often associated with greenways (e.g., improve community health, increase recreational opportunities such as biking and hiking, and increase property values, etc.).

12.200 Applicability. For any lot or property, or portion thereof, within the Appalachian Trail National Scenic Trail Overlay District, the regulations of the Overlay District shall supersede any regulations of the underlying district which are in conflict with those of the Overlay District. The boundary of the Overlay District is designated on the map titled "Stroud Township Appalachian National Scenic Trail Overlay District", dated October, 2010, attached hereto and incorporated herein by reference, as may be amended.

12.300 Primary Conservation Zone. A lot or property, or portion thereof, located within the Primary Conservation Zone as herein below delineated shall be used only in accordance with the following regulations.

- a. **Delineation.** A distance of five hundred (500 ft.) feet from the Appalachian Trail centerline as delineated on the map titled "Stroud Township Appalachian National Scenic Trail Overlay District", dated October, 2010, as may be amended.
- b. **Permitted Uses.**
 - i. Open space, passive recreational uses (e.g., public or private trail, parkland, nature preserves, forest preserves, fishing areas).

- ii. Timber Harvesting, in keeping with the purposes of this Overlay District, (without structures and in accordance with an Erosion and Sedimentation Control Plan approved by the County Conservation District) and reforestation, pursuant to the requirements of Ordinance 1 - 2001 of the Zoning Ordinance, as may be amended.
 - iii. Agriculture, in keeping with the purposes of this Overlay District (without structures).
- c. **Prohibited Activities.** The following activities are prohibited within the Primary Conservation Zone.
- i. Clearing of vegetation, other than required maintenance by the Appalachian Trail Conservancy (ATC), or other trail club (partnered with the ATC), and (ii) permissible timber harvesting as authorized in subsection 3b.ii above.
 - ii. Storage of hazardous, toxic and/or noxious materials.
 - iii. Use of motorized vehicle traffic, except in conjunction with permissible timber harvesting as authorized in subsection 3b.ii .
 - iv. Construction of parking lots, except for federal, state, or municipally-owned lots.
 - v. Construction of any type of permanent structure, except for federal, state, or municipally-owned structures.
 - vi. Installation of above-ground utilities and related structures and equipment including, but not limited to, cell and wind towers.

12.400 Secondary Conservation Zone. A lot or property, or portion thereof, located within the Secondary Conservation Zone as hereinbelow delineated shall be used only in accordance with the following regulations.

- a. **Delineation.** A distance of one thousand five hundred (1,500 ft.) feet from the edge of the Primary Conservation Zone as delineated on the map titled "Stroud Township Appalachian National Scenic Trail Overlay District", dated October, 2010, as may be amended.
- b. **Permitted Uses.**
 - i. Open space, passive recreational uses (e.g., public or private parkland, nature preserves, forest preserves, fishing areas), reforestation, and steep slope stabilization.
 - ii. Timber Harvesting, in accordance with an Erosion and Sedimentation Control Plan approved by the County Conservation District, pursuant to the requirements of Ordinance 1 - 2001 of the Zoning Ordinance, as may be amended.
 - iii. Agricultural uses conducted in compliance with best practices as prescribed by the Pennsylvania Department of Agriculture.

- iv. Residential Structures are permitted by conditional use, using the Conservation Subdivision Design process and standards according to Section 2.303.D of the Township Subdivision and Land Development Ordinance.

c. **Prohibited Activities.** The following activities are prohibited within the Secondary Conservation Zone.

- i. Clearing of vegetation, other than (i) maintenance by a federal, state or municipal agency, the Appalachian Trail Conservancy (ATC), or trail club (partnered with the ATC), and (ii) permissible timber harvesting as authorized in subsection 3b.ii above.
- ii. Storage of hazardous, toxic and/or noxious materials.
- iii. Construction of parking lots, except for federal, state, or municipally-owned lots.
- iv. Installation of above-ground utilities and related structures and equipment including, but not limited to, cell and wind towers.
- v. Construction of any structures in conjunction with a non-residential use.

12.500 Development Standards for the Primary and Secondary Conservation Zones. Any use or development of a lot or property, or portion thereof, within either the Primary or the Secondary Conservation Zone shall comply with the following development standards:

a. **Design Standards.**

- i. For any structure other than federal, state, or municipal structures constructed within the Secondary Conservation Zone, the minimum setbacks from the edge of the Primary Conservation Zone shall vary by the size of the footprint of the structure, as follows:
 - a. A structure 750 square feet or less shall have a minimum setback of 50 feet.
 - b. A structure more than 750 square feet and less than 1,500 square feet shall have a minimum setback of 75 feet.
 - c. A structure 1,500 square feet or greater shall have a minimum setback of 100 feet.
- ii. Structures shall be screened with landscaping (native species are required) and located on the site in such a way that best preserves viewsheds from the Appalachian Trail.
- iii. Any structure shall be sited in the least visually prominent location of a site.
- iv. Any structure shall not be located at the top of a ridgeline or silhouetted against the sky.

- v. Construction, development and/or permitted site alterations shall preserve existing trees twelve (12") inches and greater in caliper DBH (Diameter Breast Height) to the extent possible and shall comply with the requirements of Section 6.600 of the Zoning Ordinance.
- vi. Steep Slope Requirements:
 - a. No regrading or structures are permitted on slopes over 15%.
 - b. No clear cutting of vegetation on slopes over 15%.

b. Light and Noise Requirements.

- i. No direct or indirect glare or illumination is permitted to spillover onto another property or to measure more than 0.1 footcandles (fc) along a property line.
- ii. Any exterior light fixtures must be shielded and direct light downward at an angle to restrict illumination to the property in question. No light shall project at an angle up toward the sky.
- iii. Sound levels measured at the property line shall be limited to 55 dBA (decibels) from 7 a.m. to 9 p.m. and 50 dBA from 9 p.m. to 7 a.m. plus Saturdays, Sundays and holidays.

12.600 Definitions.

Act 24: Act 24 of 2008, House Bill 1281, signed by Governor of Pennsylvania on June 11, 2008, effective August 10, 2008, amending the Appalachian Trail Act of 1978.

Appalachian National Scenic Trail (or Appalachian Trail): a 2,178.3 mile long trail extending from Maine to Georgia owned by the National Parks Service. The Appalachian Trail is maintained by the Appalachian Trail Conservancy and volunteer trail management groups.

Appalachian Trail Conservancy: a volunteer-based organization dedicated to the preservation and management of the natural, scenic, historic, and cultural resources associated with the Appalachian National Scenic Trail.
<http://www.appalachiantrail.org>

Natural Resource Buffer: woodlands, tree cover, steep slopes, open space and fields, farmland, riparian resources, bodies of water, waterways, streams, wetlands, or any area having the essential character of nature, used to reduce the impact of one land use activity upon another land use activity.

Overlay District: a set of development standards and regulations applied to a delineated area over the area's underlying zoning district regulations. Overlay districts are used for many purposes. Examples include conservation of sensitive

environmental features (e.g., waterways) or to encourage mixed-use development (e.g., downtown overlay district).

Protected Corridor: permanently protected federal, state, or municipal land surrounding the Appalachian Trail. Pennsylvania's 229-mile segment of the Appalachian National Scenic Trail is within a protected corridor of varying dimensions that includes National Park Service (NPS) land and state public land (e.g., gamelands). The Appalachian Trail Communities Network website includes GIS data showing the boundaries of the Protected Corridor.
<http://www.apptrailpa.org/>

Section 2: Repealer. The provisions of any other existing ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

Section 3: Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Supervisors hereby declare that they would have passed this ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

Section 4: Effective Date. This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 15th day of February, 2011.

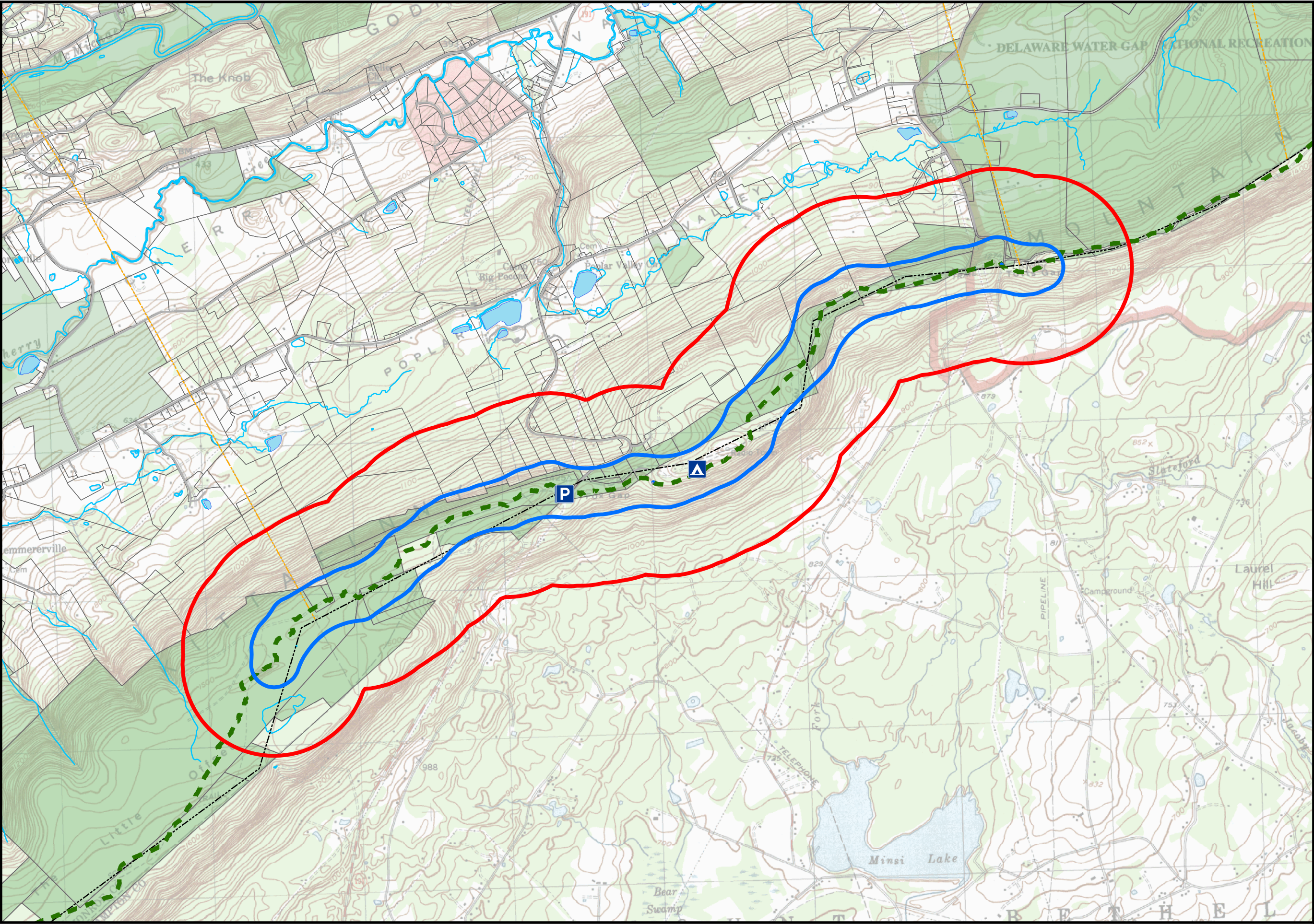
TOWNSHIP OF STROUD


EDWARD C. CRAMER, Chairman

(TOWNSHIP SEAL)


DARYL A. EPPLEY, Vice Chairman
and Secretary


JAMES L. DECKER, Roadmaster



STROUD TOWNSHIP
APPALACHIAN
NATIONAL SCENIC
TRAIL OVERLAY
DISTRICT
STROUD TOWNSHIP, MONROE COUNTY
PENNSYLVANIA

LEGEND

- Appalachian Trail
- Primary Conservation Zone
- Secondary Conservation Zone
- AT Shelters
- AT Parking
- Water Courses
- Roads
- County Boundary
- Municipal Boundary
- Parcel Lines
- Conserved Lands

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Feet

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The County of Monroe makes no express or implied warranties concerning the release of this information. The County of Monroe is unaware of the use or uses to be made of this data. Consequently, the County of Monroe does not warrant this data as fit for any particular purpose.



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PREPARED BY

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