

ARTICLE IX
Commercial/Industrial District

§ 155-17. CI Commercial/Industrial District.

- A. Intended purpose. The Commercial/Industrial District is intended to provide an area within the Township for a mixed use of commercial activities and the development of small-scale administrative facilities, research institutions and specialized manufacturing organizations, all of a nonnuisance type.
- B. Permitted uses. Permitted uses shall be as follows: **[Amended 12-18-1995 by Ord. No. 379; 6-15-1998 by Ord. No. 397]**
- (1) Those uses which are permitted in the C District, which are subject to the restrictions set forth in Article VIII, except that secondary residential uses as set forth in § 155-16B(10) shall not be permitted in the CI Commercial/Industrial District. **[Amended 10-11-2005 by Ord. No. 457]**
 - (2) Administrative, executive and financial offices.
 - (3) Accessory uses and buildings customarily appurtenant to a permitted use.
 - (4) Municipal and other governmental uses, as deemed necessary and as approved by the Board of Supervisors.
 - (5) Indoor/outdoor commercial recreational uses, as provided in § 155-102.
 - (6) Warehousing and distribution.
 - (7) Manufacture of electric and electronic instruments and equipment.
 - (8) Any other research or light manufacturing use not inconsistent with the purpose of this district and which will not impair the use of adjacent properties.
 - (9) Academic clinical research center. **[Added 3-13-2017 by Ord. No. 529]**
 - (10) Sales of consumer fireworks. **[Added 7-17-2018 by Ord. No. 547]**
- C. Special exceptions. The following special exceptions are allowed upon issuance of a permit by the Zoning Hearing Board as provided in Article XIII, § 155-72, of this chapter:
- (1) All special exceptions set forth in § 155-12D except for boarding homes, and special exceptions set forth in § 155-16C, except that apartment buildings [see § 155-16C(2)] are not an allowable special exception use in the Commercial/Industrial Zone.¹ **[Amended 10-11-2005 by Ord. No. 457]**
- D. Conditional uses. Upon the satisfaction of all conditions and requirements set forth in Article XV of this chapter and the issuance of a permit by the Zoning Officer, as

1. Editor's Note: Original Subsection 900-3.2, regarding junkyards, which immediately followed this subsection, was rescinded 3-9-1998 by Ord. No. 395.

prescribed in said article, the following conditional uses are allowed: **[Amended 3-9-1998 by Ord. No. 394; 3-9-1998 by Ord. No. 395; 6-15-1998 by Ord. No. 397]**

- (1) Adult entertainment establishments, including adult bookstores, adult cabarets, adult movie theaters, adult massage parlors and adult video cassette rental and sales. Such establishments shall be located at least 1,000 feet from another such adult entertainment establishment or residential district or property lines of churches, schools, playgrounds and parks.
 - (2) Bulk fuel storage, including tanks of over 1,000 gallons, and related cylinder filling rooms, pumps, compressors and truck filling stations. See Article X for dimensional requirements. Storage tanks shall be located not less than 500 feet from any property line, lake, stream, creek or wetland. Related operations shall be located at least 50 feet from all property lines.
 - (3) Communications antennas, communications towers and communications equipment buildings, which shall strictly comply with all regulations set forth in Article XII, § 155-59.
 - (4) Junkyards and automobile wrecking yards, which shall strictly comply with all regulations set forth in Article XII, § 155-61. Junkyards and automobile wrecking yards are prohibited in all other zoning districts.
 - (5) Manufacture, assembly or packaging of products from previously prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious stones or metal, but not including metal smelting and manufacturing of chemical products from raw materials.
 - (6) Manufacture, processing, reprocessing, alteration, packaging or refinement of food products or any product ultimately intended for human consumption, including pharmaceuticals and the like, but not including the production of fish or meat products, sauerkraut, vinegar or the like, or the rendering of fats and oils.
 - (7) Home satellite dish and related television home antennas, as provided in § 155-104. **[Added 10-12-2004 by Ord. No. 448]**
 - (8) Bus shelters, which shall comply with all regulations set forth in Article XV, § 155-105. **[Added 10-12-2004 by Ord. No. 448]**
 - (9) Medical marijuana grower/processor. **[Added 3-13-2017 by Ord. No. 529]**
- E. Accessory uses. Accessory uses shall be as follows:
- (1) All accessory uses set forth in § 155-16E.
- F. Prohibited uses. Although it should be understood that any such use which is not specifically permitted in Subsection B of this section is thereby prohibited, the following uses and activities are specifically prohibited:

- (1) Any residential use except for transient residential use as permitted in the Commercial District, subject to the restrictions set forth in Article VIII, or such residential use as exists as a nonconforming use. **[Amended 10-11-2005 by Ord. No. 457]**
 - (2) Uses requiring the burning of materials in open fires.
 - (3) Uses unable to meet the performance requirements of Subsection G of this section.
 - (4) Solid waste disposal facilities. **[Added 6-15-1998 by Ord. No. 397]**
 - (5) Private airports. **[Added 6-15-1998 by Ord. No. 397]**
 - (6) Coke ovens or potash works. **[Added 6-15-1998 by Ord. No. 397]**
 - (7) Creosote treatment or manufacture or tar distillation. **[Added 6-15-1998 by Ord. No. 397]**
 - (8) Incineration, reduction, distillation, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal. **[Added 6-15-1998 by Ord. No. 397]**
 - (9) Crematoriums. **[Added 6-15-1998 by Ord. No. 397]**
 - (10) Meat packing, stockyards or slaughterhouses. **[Added 6-15-1998 by Ord. No. 397]**
 - (11) Paper (raw) or pulp mills. **[Added 6-15-1998 by Ord. No. 397]**
 - (12) The manufacture of the following materials or products from raw materials: **[Added 6-15-1998 by Ord. No. 397]**
 - Agricultural chemicals, fertilizers or pesticides
 - Cement
 - Chemicals in bulk, explosives, fireworks, ammunition or gunpowder
 - Leather and oil cloth manufacturing
 - Metal finishing, grinding, polishing, stamping or heat treating of products and metal products manufacturing (as opposed to fabrication)
 - Paints, varnishes or enamel
 - Petroleum or kerosene refining or distillation
 - Plastics, polymers, resins or vinyl
 - Rubber products (natural or synthetic) or tire retreading
- G. Performance requirements. Uses permitted under Subsection B shall conform with the performance requirements listed below:
- (1) Dissemination of smoke, dust, fumes, chemicals or other noxious gases shall be within the limits of the industrial tolerance standards of the Department of

Environmental Protection.

- (2) Liquid waste and effluent shall be discharged into a sewer treatment system designed, operated and maintained in strict accordance with the Sewage Facilities Act and Clean Streams Law.² The system must, at all times, be in compliance with the applicable state and local statutes and with the requirements of the Department of Environmental Protection.
 - (3) Precaution against fire hazards, radiation, explosion, improper handling and storage of materials, along with safeguards for the health of workers, shall comply with the requirements of the state.
 - (4) No vibrations, noise or glare (see § 155-11H) shall be evident beyond the boundaries of this district or more than 200 feet from the source of said vibration, noise or glare, whichever is the lesser. "Noise," as used herein, is defined in § 155-11Q.
 - (5) Except as provided by § 155-16B(9) for commercial establishments, goods or products shall not be stored out-of-doors unless in an area enclosed by landscaping or a fencing screen on three sides.
 - (6) Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods and products in other than a public street or required front yard area.
- H. Signs. Advertising signs shall be permitted as provided in Article XI of this chapter.
- I. Required off-street parking. Loading and unloading space(s) shall be required as provided in Article XII, § 155-55, of this chapter.
- J. Height regulations. No principal structure shall exceed 40 feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, except as provided in Article VI, § 155-10A, but provided that: **[Amended 12-18-1995 by Ord. No. 379]**
- (1) Public utility structures may be built to required heights.
 - (2) Grain-processing and -milling operations may be erected to a maximum height of 160 feet, provided that:
 - (a) The portion of the structure(s) that exceeds 40 feet in height shall be limited to that which is designed to house grain-processing and -milling operations, grain storage elevators, processes and/or operations which require special equipment and machinery that require unusual heights, railroad loading and unloading, receiving, shipping and storage facilities, and product loadout and distribution towers which are an integral part of the operation; and
 - (b) The portion of the structure(s) that exceeds 40 feet in height shall be of

2. Editor's Note: See 35 P.S. § 750.1 et seq. and 35 P.S. § 691.1 et seq., respectively.

the Type 1B construction as defined by the BOCA National Building Code or Type 1 F.R. as defined by the ICBO Uniform Building Code and shall be served with an approved sprinkler system. **[Amended 6-21-1999 by Ord. No. 411]**

- (3) Height and building setback regulations for accessory structures are set forth in § 155-11L(1).
- (4) A principal structure may exceed 40 feet, but not more than 60 feet in height, measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof, so long as each and every one of the following conditions is strictly met: **[Added 8-14-2000 by Ord. No. 416]**
 - (a) The structure to be built is in an industrial park designated as such under the zoning regulations of the Township, said park to be no less than seventy five acres in total area.
 - (b) The structure to be built is no more than 1/2 mile from an interstate highway interchange.
 - (c) The structure to be built contains a wet sprinkler system in every part of the structure, the design and construction of which shall comply with all Building Code requirements of the Township³ and the Commonwealth of Pennsylvania.
- K. Landscaping. All lots shall comply with the requirements as set forth in Chapter 135, Subdivision and Land Development.
- L. Screening. Where the CI District abuts any residential district, a landscaped screen of not less than 20 feet in width shall be planted and maintained with appropriate vegetative landscaping materials or fences at a height of five feet or more. The screen shall be part of a buffer strip of no less than 100 feet in width.
- M. Commercial/Industrial District Planning Commission and Board of Supervisors approval.
 - (1) All applications for site development plans, land development plans and subdivisions, whether the same be a major or minor subdivision, related to lands which are situated in a Commercial/Industrial District shall first be reviewed by the Tobyhanna Township Planning Commission, and thereafter by the Tobyhanna Township Board of Supervisors, except that land development waiver applications for permits for construction or development that have been reviewed by the Monroe County Planning Commission and have been granted a waiver of land development by the Tobyhanna Township Board of Supervisors pursuant to Chapter 135, Subdivision and Land Development, of the Code of the Township of Tobyhanna, Article III, Section 135-9D may be issued by the Zoning Officer and need not be reviewed by the

3. Editor's Note: See Ch. 60, Building Construction and Permits.

Tobyhanna Township Planning Commission; however, compliance with all other provisions of Township ordinances, including but not limited to obtaining approval for the proposed use, must be satisfied. The application shall be accompanied by a plan as required by Chapter 135, Subdivision and Land Development, and such plan shall contain the following minimum information and criteria: **[Amended 5-8-2017 by Ord. No. 533; 8-14-2017 by Ord. No. 535]**

- (a) The location of all side yard, front yard and rear yard setback lines.
- (b) The location of the proposed building or existing building or buildings and the location of all proposed or existing out-buildings or -structures.
- (c) The location of a proposed or existing sign or signs and the complete dimensions thereof.
- (d) The location of the proposed or existing parking areas and the number of vehicles currently accommodated or proposed to be accommodated, whether or not the parking area is to be blacktopped and, if not, the nature and type of surface to be utilized to accommodate the parking of vehicles.
- (e) The location of all existing or proposed driveway entrances and exits.
- (f) The present or proposed line-of-sight angles for traffic entering and exiting the property.
- (g) The location of all existing or proposed shrubs, trees, signs and structures that will inhibit or impede the clear lines of sight for traffic entering and exiting the property.
- (h) The location and complete details relating to buffer areas, where applicable.
- (i) All road frontages abutting the property, and also locating all intersecting streets, interior streets, other streets and entrances within 500 feet of the property.
- (j) Current commercial or commercial/industrial use of the property.
- (k) A complete detailed description of the proposed commercial or commercial/industrial use and the hours of operation.
- (l) The type and location and size of the existing sewage disposal system and/or the proposed sewage system, locating the size and type of sewage disposal system with planning modules to be submitted if the sewage disposal system is to be increased; and submission of Department of Environmental Protection permits, where applicable.
- (m) Location of an existing or proposed well.
- (n) Submission of PennDOT and/or Township encroachment or driveway

permits, where applicable.

- (o) Proof of ownership and/or leasehold interest and written consent of the owner to alterations by the tenant, if applicable.
- (p) The location and full description of all proposed outdoor lighting.
- (q) The location of all utility lines crossing the property.
- (r) Complete details concerning the effect of the proposed commercial or commercial/industrial use relating to the health and safety of the immediate area as to noise, fumes and odor emanating by reason of the proposed use.
- (s) The number of current or prospective employees.
- (t) Existing improvements. **[Added 9-3-2002 by Ord. No. 434]**

[1] For each improvement currently existing, a reference to:

[a] The issuance date and number of the permit issued by the Township which approved the improvement;

[b] The issuance date and number of the certificate of nonconforming use issued by the Township which granted the nonconforming status of the improvement; and

[c] The date the improvement was begun to be constructed or installed, and the completion date of the improvement, where it is alleged the improvement predates the effective date of Chapter 155, Zoning, or Chapter 135, Subdivision and Land Development, or any predecessor Subdivision or Zoning Ordinance.

[2] Notwithstanding any other provision of Chapter 155, Zoning, or Chapter 135, Subdivision and Land Development, in the event the applicant fails to include the information required by this Subsection M(1)(t), such failure shall alone be sufficient grounds to deny approval of the plan or permit.

[3] Notwithstanding any other provision of Chapter 155, Zoning, or Chapter 135, Subdivision and Land Development, in the event the applicant fails to remove a prohibited or nonpermitted or nonapproved improvement currently existing that required Township approval or a permit at the time of its construction, installation, or placement on the site in question; or fails to obtain such approval or a permit by the time the application or plan was filed with the Township, such failure shall alone be sufficient grounds to deny approval of the plan or permit.

- (u) A specific reference to the date and the contents, verbatim, of any

previous condition imposed upon any part of the property located within the site plan in either a conditional use decision previously rendered by the Board of Supervisors, or a special exception or variance decision previously rendered by the Zoning Hearing Board. Notwithstanding any other provision of Chapter 155, Zoning, or Chapter 135, Subdivision and Land Development, if the applicant fails to comply with this Subsection M(1)(u), or if the application or plan can be reasonably deemed to ignore, circumvent, extinguish or diminish any condition previously imposed by the Board of Supervisors and/or Zoning Hearing Board, as above set forth, then either of such events shall alone be sufficient grounds to deny approval of the plan or permit. **[Added 9-3-2002 by Ord. No. 434]**

- (v) The location and full description of all proposed landscaping. **[Added 5-8-2017 by Ord. No. 533]**
 - (w) The location and type of stormwater retention areas as well as the submission of stormwater calculations. **[Added 5-8-2017 by Ord. No. 533]**
 - (2) Access to all commercial/industrial lots shall comply with the requirements as set forth in Chapter 135, Subdivision and Land Development.
 - (3) Approval. Notwithstanding anything heretofore provided in this chapter or as provided by the Municipalities Planning Code,⁴ the final approval for all building permits relating to Commercial and Commercial/Industrial Districts shall rest absolutely with the Board of Supervisors of Tobyhanna Township. The Planning Commission's review shall be advisory only and shall not vest in the Planning Commission any authority relating to the issuance of building permits for any zoning district, nor shall the Planning Commission have any authority relating to the revocations of existing building permits in any zoning district.
- N. Special regulations for sales of consumer fireworks. Sales of consumer fireworks shall comply with all of the requirements set forth in § 155-16L, above. **[Added 7-17-2018 by Ord. No. 547]**

4. Editor's Note: See 53 P.S. § 10101 et seq.