

ARTICLE VIII
Commercial District

§ 155-16. C Commercial District.

- A. Intended purpose. The Commercial District is intended to provide areas for the erection of buildings and the use or occupancy of lots for retail, commercial and transient residential uses for the convenience, regular needs, major business and shopping functions of the Township residents and transient public.
- B. Permitted uses. Permitted uses shall be as follows:
- (1) Hotels, motels, efficiency hotels and bed-and-breakfast inns.
 - (2) Restaurants and other establishments serving food or beverages.
 - (3) Gift and antique shops, provided that the activity is conducted in a completely enclosed building.
 - (4) Retail stores, such as the following:
 - (a) Food markets.
 - (b) Drugstores.
 - (c) Bakeries.
 - (d) Hardware stores.
 - (e) Sporting goods stores.
 - (f) Medical marijuana dispensary. **[Added 3-13-2017 by Ord. No. 529]**
 - (5) Personal service shops, offices and establishments, such as the following:
 - (a) Barber- and beauty shops.
 - (b) Dry-cleaning and laundry pickup service.
 - (c) Self-service laundry.
 - (d) Real estate offices.
 - (e) Financial institutions, including banks.
 - (6) Business and professional offices and similar facilities.
 - (7) Other uses which are similar to the above.
 - (8) All business, servicing or processing, except off-street parking and loading, which shall be conducted completely within closed buildings.
 - (9) The outdoor display of goods, products or merchandise, which shall be subject to the same setback and yard requirements as the principal building.

- (10) Residential uses which are secondary to the commercial use, including attached single-family dwellings and apartments occupying the same building as the principal use.
 - (11) Municipal and other governmental uses as deemed necessary and as approved by the Board of Supervisors.
 - (12) Cemeteries.
 - (13) Off Track Wagering Facilities are permitted solely within the C Zoning District subject to the provisions of § 155-16J. **[Added 12-27-2005 by Ord. No. 458]**
 - (14) Gaming Hotels are permitted solely within the C Zoning District subject to the provisions of § 155-16J. **[Added 12-27-2005 by Ord. No. 458]**
 - (15) Gaming Resorts are permitted solely within the C Zoning District subject to the provisions of § 155-16J. **[Added 12-27-2005 by Ord. No. 458]**
 - (16) Resorts are permitted within the C Zoning District, subject to the provisions of § 155-16J, except that nothing in this section or in § 155-16J shall apply to Commercial Resorts as that term is defined in § 155-5B or used in Article VII in the sections permitting Commercial Resorts as special exception uses in the RR Zoning District pursuant to § 155-12D(4), the R-1 Zoning District pursuant to § 155-13D, and the R-2 Zoning District pursuant to § 155-14D. **[Added 12-27-2005 by Ord. No. 458]**
 - (17) Churches and similar places of worship. **[Added 11-14-2016 by Ord. No. 528]**
 - (18) 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) Motor vehicle service stations and garages. (See Article XIV, § 155-88.)
 - (2) Apartment buildings. (See Article XIV, § 155-91.) **[Amended 10-12-2004 by Ord. No. 453]**
 - (3) Truck terminals. (See Article XIV, § 155-92.)
 - (4) Public utilities. (See Article XIV, § 155-89.)
 - (5) Commercial surface mining. (See Article XIV, § 155-90.)
 - (6) Park-and-ride commuter lots.
 - (7) Flea market. (See Article XIV, § 155-96.1.) **[Added 3-10-2008 by Ord. No. 462]**

- D. Conditional uses. Upon issuance of a permit by the Zoning Officer as prescribed in Article XV, the following shall be conditional uses:
- (1) Indoor/outdoor commercial recreational uses, as provided in § 155-102.
 - (2) (Reserved)¹
 - (3) Home satellite dish and related home television antennas, as provided in § 155-104. **[Added 10-12-2004 by Ord. No. 448]**
 - (4) Bus shelters, as provided in § 155-105. **[Added 10-12-2004 by Ord. No. 448]**
- E. Accessory uses. Accessory uses and buildings customarily incidental to any principal use are permitted, and include:
- (1) Advertising signs, as provided in Article XI of this chapter.
 - (2) Required off-street parking, loading and unloading space, as provided in Article XII, § 155-55, of this chapter.
 - (3) Other customary accessory uses and buildings, provided that such uses are clearly incidental to the principal use.
- F. Height regulations. Except as otherwise provided below, no principal structure shall exceed 38 feet in height measured from the average finished grade of the ground immediately adjoining the building to the highest point of the roof. Height and setback regulations for accessory structures are as set forth in § 155-11L(1). The height limitation set forth in this section shall not apply to the structures set forth in § 155-10A or to principal structures or habitable accessory structures which are part of a Resort or Gaming Resort which may be erected to a maximum height calculated in accordance with the following formula: 38 feet plus one additional foot of building height for each foot a principal structure or a habitable accessory structure is set back from a line which is either 100 feet from the right-of-way line of an Interstate highway, State road, State highway, or Township Road, or the property line, whichever is greater, provided that: **[Amended 12-27-2005 by Ord. No. 458]**
- (1) Notwithstanding the foregoing, the maximum height of a principal structure shall not exceed the lesser of 300 feet in height or the maximum height allowed by the applicable requirements of Tobyhanna Township Ordinance 438 known as the Tobyhanna Township Airport Zoning Ordinance which regulates and restricts the height to which structures may be constructed in the vicinity of the Pocono Mountains Municipal Airport, and
 - (2) Any habitable structure exceeding 38 feet in height shall meet or exceed the applicable requirements of the Township building code and fire code.
- G. Lot and yard requirements. Minimum lot and yard requirements shall be as

1. Editor's Note: Former Subsection D(2), added 3-9-1998 by Ord. No. 396 and pertaining to gambling or off-track betting establishments, was repealed 12-27-2005 by Ord. No. 458.

specified in Article X of this chapter.

- (1) Nothing in this chapter shall be construed to prohibit the lease or sale of the land rights to a portion of any structure erected upon a commercial lot, provided that all lot and yard requirements and parking requirements for the whole and each portion thereof are met.
- H. Landscaping. All lots shall comply with the requirements as set forth in Chapter 135, Subdivision and Land Development.
- I. Commercial District planning.
- (1) All building permit 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 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 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 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. (See § 155-55.)
 - (e) Truck loading and unloading areas to 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.
 - (f) The location of all proposed and existing driveway entrances and exits.
 - (g) The present or proposed line-of-sight angles for traffic entering and

exiting the property.

- (h) 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 or exiting the property.
- (i) The location and complete details relating to buffer areas, where applicable.
- (j) All road frontage abutting the property, and also locating all intersecting streets, interior streets, other streets and entrances within 500 feet of the property.
- (k) Current commercial use of the property.
- (l) A complete detailed description of the proposed commercial use and the hours of operation.
- (m) The type, 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 the submission of Department of Environmental Protection permits, where applicable.
- (n) The location of a proposed or existing well.
- (o) Submission of Pennsylvania Department of Transportation (PennDOT) and/or Township encroachment or driveway permits, where applicable.
- (p) Proof of ownership and/or leasehold interest and written consent of the owner to alterations by the tenant, where applicable.
- (q) The location and full description of all proposed outdoor lighting.
- (r) The location of all utility lines crossing the property.
- (s) Complete details concerning the effect of the proposed commercial use relating to the health and safety upon the immediate area as to noise, fumes and emanating odors.
- (t) The number of current or prospective employees.
- (u) 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 I(1)(u), 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.
- (v) 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 I(1)(v); 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]**
- (w) The location and full description of all proposed landscaping. **[Added 5-8-2017 by Ord. No. 533]**
- (x) 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 lots shall comply with the requirements as set forth in Chapter 135, Subdivision and Land Development.
- (3) Required off-street parking. Loading and unloading space(s) shall be required as provided in Article XII, § 155-55, of this chapter.

J. Special Regulations Applicable to Gaming Establishments, Resorts, and Gaming Establishments. **[Added 12-27-2005 by Ord. No. 458]**

- (1) Gaming Establishments and Resorts shall:
- (a) Be served by a publicly or privately owned central sanitary sewage collection system;
 - (b) Be served by a publicly or privately owned central water distribution system;
 - (c) Have a two hundred (200') foot buffer strip between such establishment and any residential district or residential use on a lot not owned by the owner of the Resort or Gaming Establishment in question or an affiliate of such owner;
 - (d) Be located not more than one (1) mile from an Interstate highway exit and entrance ramp interchange;
 - (e) In the case of Gaming Establishments (but not Resorts) be separated from another Gaming Establishment by at least one thousand (1,000') feet;
 - (f) In the case of Gaming Establishments (but not Resorts) be located more than one thousand (1,000') feet from any parcel of land not owned by the owner of the Gaming Establishment in question or an affiliate of such owner which contains any of the following land uses:
 - [1] Church, synagogue, mosque, or other similar house of worship;
 - [2] A public or private school for grades Kindergarten through Grade 12, inclusive and/or an undergraduate college;
 - [3] A public library;
 - [4] A public museum;
 - [5] A public playground or park; or
 - [6] A preschool or day care center.
- (2) For purposes of this Ordinance, the calculation of the linear distance specified in: (a) Subsections J(1)(c), J(1)(d), and J(1)(f) shall be measured in a straight linear fashion without regard to intervening structures or land uses from the closest point of the building(s) housing the Gaming Establishment or, in the case of a Resort, the principal structure(s) to the building housing the protected use delineated above or, in the event of a protected use(s) which does not involve a building, to the property line of the parcel on which the protected use is maintained; and (b) Subsection J(1)(e) shall be measured in a straight linear fashion without regard to intervening structures or land uses from the closest point of each building housing each of the Gaming Establishments in question.
- (3) Structures and improvements that are part of a Resort or Gaming Resort may

encroach upon and/or crossover property lines of lots or parcels that form a Resort or Gaming Resort whether or not such structures or improvements are physically attached and in such instance(s) the applicable setback distance(s) shall be zero (0') feet where such improvement(s) is part of a development plan for the Resort or Gaming Resort in question.

- (4) Residential uses that are developed in conjunction with a Resort or Gaming Resort shall be governed by the following regulations:
- (a) Residential uses may be developed in a mixed use building with professional office, personal service establishments, commercial and/or retail facilities.
 - (b) The minimum lot area, minimum lot width, minimum lot depth, maximum lot coverage, and minimum habitable floor area(s) shall be identical to the bulk standards set forth on Attachment 5 to § 155 of the Zoning Ordinance. The minimum front, rear, and side setbacks shall be zero feet.
 - (c) Residential uses associated with a Resort or Gaming Resort may be developed as a Planned Residential Development in accordance with the standards set forth in Article XVI of the Zoning Ordinance with the following specific modifications limited solely to Planned Residential Developments constructed as part of a Resort or Gaming Resort:
 - [1] A proposed Planned Residential Development that is part of a Resort or a Gaming Resort shall consist of one or more contiguous tracts of land containing a minimum of ten acres. The bulk standards applicable to a Planned Residential Development that is part of a Resort or Gaming Resort shall be identical to the Planned Residential Development Standards applicable in the R-2 District except that the minimum front, side and rear setbacks shall be zero feet.
 - [2] Section 155-111C shall be revised for Planned Residential Developments in a Resort or Gaming Resort to include all commercial activities permitted in a Resort or Gaming Resort without any limitation or restriction on the area devoted to commercial uses.
 - [3] Common open space associated with a Planned Residential Development which is part of a Resort or Gaming Resort may include, but not be limited to, open areas and green spaces which are part of the Resort or Gaming Resort including water features and may be restricted in whole or in part to the use of the residents of the Planned Residential Development or may be open to the public on a commercial or noncommercial basis.
 - (d) The provisions of § 155-113E in its entirety shall not apply to Planned

Residential Developments developed as part of a Resort or Gaming Resort.

- (e) The minimum off street parking requirements set forth in § 155-115A shall be amended to provide that residential units that are owned in fractional ownership and/or time share ownership shall have a minimum of one and one-half parking spaces per unit.
 - (f) The provisions of § 155-115F shall not apply to Planned Residential Developments which are part of a Resort or Gaming Resort.
 - (g) Notwithstanding the provisions of § 155-112, the land use density of a Planned Residential Development which is part of a Resort or Gaming Resort shall be a maximum of 8 dwelling units for each one acre of land in the total Resort or Gaming Resort without reduction by the area of the Resort or Gaming Resort committed to commercial or other uses.
- (5) The calculation of maximum lot coverage for all property which is part of a Resort or Gaming Resort development plan shall be based upon the aggregate land area comprising the Resort or Gaming Resort and not based upon the coverage of any particular lot, piece or parcel of land comprising part of the Resort or Gaming Resort such that the coverage of one or more parcels may exceed 75% provided that the impervious coverage of all parcels comprising the Resort or Gaming Resort shall not exceed 75% which shall be calculated by dividing the total impervious area including ground floor area of all principal and accessory buildings, sidewalks, impervious parking areas and other impervious areas on the entire Resort or Gaming Resort property by the total area comprising the Resort or Gaming Resort.
- (g) Prepare and submit at the time of Preliminary Land Development Plan approval an impact statement addressing one or more of the following potential impacts of a Resort or Gaming Resort as reasonably determined by the Tobyhanna Township Board of Supervisors:
 - 1) Traffic Impact;
 - 2) Hydrogeologic;
 - 3) Wetlands;
 - 4) Environmental;
 - 5) Stormwater Management;
 - 6) Fire Protection;
 - 7) Police and security;
 - 8) Emergency Services (to include but not be limited to fire fighting response, emergency medical services and emergency management);
 - 9) Geotechnical Subsurface Exploration;
 - 10) Sewage and waste treatment and disposal;

- 11) Solid waste disposal;
- 12) Architectural and general aesthetics;
- 13) Landscaping and Buffering;
- 14) Social/Economic;
- 15) Light, Glare and heat control;
- 16) Noise control;
- 17) Historical;
- 18) Archaeological;
- 19) Flood;
- 20) Air quality;
- 21) Control of radioactivity, electrical emissions and electrical disturbances;
- 22) Airport/Airspace;
- 23) Public transportation

The developer of a proposed Resort or Gaming Resort shall prior to submission of a Preliminary Land Development Plan participate in a pre-submission conference with the Township Zoning Officer and Township Engineer to identify the scope of the impact statement, if any, to be submitted as part of the Preliminary Land Development Plan submission for the Resort or Gaming Resort in question. If an impact statement is required to be submitted, the developer shall reasonably mitigate the adverse impacts, if any, identified in the impact statement.

- K. Special Regulations Applicable to a Medical Marijuana Dispensary. A medical marijuana dispensary may not be within 1,000 feet of another medical marijuana dispensary property line and must be more than 1,000 feet from the property line of any public, private or parochial school, and day-care center or family day-care home. **[Added 3-13-2017 by Ord. No. 529]**
- L. Special regulations for sales of consumer fireworks. Sales of consumer fireworks shall comply with the following requirements: **[Added 7-17-2018 by Ord. No. 547]**
- (1) Such use shall not be located within 1,500 feet of any premises selling alcoholic liquors, alcohol, malt or brewed beverages for consumption on or off premises.
 - (2) Such use shall not be located within 1,500 feet of any local or state park, school or child day-care facility, recreational establishment, house of worship, dwelling, hospital, group home or nursing home.
 - (3) Any structure containing quantities of consumer fireworks as defined herein exceeding 50 pounds shall be no closer than 150 feet to any building, state highway, railway, local street or alley, waterway, or utility right-of-way

including, but not limited to, natural gas line.

- (4) Such use shall not be located within 1,500 feet of any premises selling firearms.
- (5) All land development plans for construction, use or renovation of an existing building for the purpose of selling fireworks shall be reviewed by the Code Enforcement Officer for compliance with all required fire safety codes, including, but not limited to, the International Fire Code, and the Code Enforcement Officer's comments and/or report shall be copied to the Township designated fire company(ies).
- (6) Sale of fireworks shall be subject to compliance with all of the provisions of Pennsylvania Act 43 of 2017 pertaining to the sale thereof. Hours of operation shall be confined to 9:00 a.m. to 5:00 p.m. Security and site management shall be provided 24 hours per day.
- (7) All sales of consumer fireworks as defined herein shall be conducted only from a facility exclusively dedicated to the storage and sale of fireworks.²

§ 155-16.1. Tourist Development Project ("TDP") Zoning District. [Added 2-20-2018 by Ord. No. 542; amended 4-23-2019 by Ord. No. 549; 10-15-2019 by Ord. No. 557]

- A. Intended purpose. The Tourist Development Project ("TDP") Zoning District is intended to provide areas for TDP development and a set of provisions within the area designated as being within the TDP Zoning District, as shown on Exhibit A and the Zoning Map, as amended,³ which area was previously zoned mixed use town center.
- B. Conflicts. Where there is any conflict or inconsistency between sections of the Zoning Ordinance and this § 155-16.1, the provisions of this § 155-16.1 shall control.
- C. Sections of the Zoning Ordinance not applicable. The following sections of the Zoning Ordinance shall not apply to TDP Zoning District:

§ 155.11L

§ 155.11Q

Article XI, §§ 155-19 through 155-53

Article XII, §§ 155-54 through 155-60, except § 155-55E (which shall apply)

§ 155-83

§ 155-84

2. Editor's Note: Former Subsection L(8), pertaining to the sale of fireworks from temporary structures, which immediately followed this subsection, was repealed 10-15-2019 by Ord. No. 556.

3. Editor's Note: Exhibit A and the Zoning Map are included as attachments to this chapter and are also available on file in the Township offices.

§ 155-88

§ 155-91

§ 155-92

§ 155-94

§ 155-95

§ 155-96

§ 155-102

§ 155-105

Article XVI, § 155-107 through § 155-128, except as expressly referred to herein

D. Permitted uses. Permitted uses shall be as follows:

- (1) Amusement parks and amusement games including but not limited to carnival rides and games, ferris wheel, arcade games, helium hot air balloon, indoor/outdoor go carts, and laser tag, virtual reality attractions and venues.
- (2) Aquariums and zoos.
- (3) Business and professional offices including but not limited to financial institutions, including, without limitation, banks, medical, real estate and management offices.
- (4) Campground/RV camping/parking, overnight treehouses.
- (5) Child-care services including but not limited to day care and kids camp.
- (6) Convention, conference, and meeting center.
- (7) Education venues.
- (8) Fitness facilities including but not limited to gyms, health clubs, specialty fitness facilities, martial arts, athletic and yoga studios, exercise facilities.
- (9) Gaming hotels, subject to provisions of § 155-16J.
- (10) Gaming resorts, subject to provisions of § 155-16J.
- (11) Hotels, motels, efficiency hotels, and B&B inns.
- (12) Indoor/outdoor entertainment facilities including but not limited to comedy clubs, concerts, dance halls, dueling piano bar, indoor theater, moment factory night/walk/light show/interactive art and entertainment show, music venue and sales, off-track wagering facilities, outdoor patio and rooftop venue, skywalk/lookout/observatory, studios-arts and crafts, art, dance or music.
- (13) Indoor/outdoor recreation including but not limited to archery, batting cages, bowling alleys, boating marine, golf courses and accessory structures, miniature golf, golf driving ranges, golf-related business and venues,

horseback riding, equestrian facilities and stables, indoor skydiving, fishing, passive recreation, pool hall/billiard parlors, rock climbing walls, ropes course/zip line, shooting range, ice/roller skating rinks, ski, snowboarding, tubing (water and snow), sports attractions and facilities, and trampoline park.

- (14) Motor vehicle service stations.
 - (15) Municipal and government uses.
 - (16) Museums and galleries.
 - (17) Personal service shops, offices and establishments including but not limited to barber and beauty shops and salons, car washes, dry-cleaning and laundry pickup uses, photography studios, self-service laundry.
 - (18) Public utilities, safety facilities including but not limited to satellite dishes and television internet antennas, water towers, water and sewage treatment plants, communication towers and equipment, waste transfer facility.
 - (19) Residential uses secondary to the commercial use: sale, rent, timeshares.
 - (20) Restaurant/bar including but not limited to: brewpubs, distilleries, microbreweries, taverns, lounges, tasting room, beer gardens, nightclubs, food hall, fast-food restaurants.
 - (21) Retail uses including but not limited to culinary store, florist and flower shops, food market, gift and antiques shop, jewelry sales and repair, liquor store, news and magazine stand, outdoor retail stores, pharmacies/drugstore, photography developing establishments, pop-up retail store, grocery store, bakeries, hardware store, sporting goods store, soft goods store, discount and outlet stores, fashion goods stores, electronic goods store, department store, specialty stores, outdoor/camping goods stores, and recreational vehicle sales and service. **[Amended 1-6-2020 by Ord. No. 560]**
 - (22) Transportation including but not limited to bus terminal, dropoff/pickup/valet areas, garage and parking structures, heliport, park-and-ride commuter lots, surface, structures and underground parking, train/shuttle transportation, tram, trolley, Uber/ride-sharing lounge.
 - (23) Truck and delivery distribution terminal.
 - (24) Visitor information reception center.
- E. Accessory uses. Accessory uses and buildings customarily incidental to any principal use are permitted within the TDP Zoning District and include, without limitation:
- (1) Accessory uses and structures including but not limited to:
 - (a) Agricultural, greenhouses and nurseries.
 - (b) Amusement concessions.

- (c) Animal attractions and exhibitions (including the display and temporary housing of animals).
 - (d) Arts and crafts shows.
 - (e) ATMs, freestanding.
 - (f) Concession services (indoor/outdoor).
 - (g) Event associated exhibits.
 - (h) Financial and administrative services.
 - (i) Fireworks display.
 - (j) Indoor/outdoor concessionaires both static and mobile.
 - (k) Interconnecting means of conveyance (boats, carts, trains) between theme park/amusement parks, adjacent venues and parking.
 - (l) Kiosks, pushcarts and RMUs.
 - (m) On-site containment of circus/performing troupes.
 - (n) Open-air fire pits.
 - (o) Outdoor display of exhibitions and sponsors' equipment.
 - (p) Outdoor vending and display.
 - (q) Water features and fountains.
- (2) Advertising, pylon, monument, electronic graphic (digital), directional and informational signs within the TDP Zoning District approved as part of a master signage plan submitted by the developer of a TDP as a part of the land development application. The TDP Master Signage Plan shall permit signage in accordance with the following criteria:
- (a) Off-premises signs shall be permitted by the Board of Supervisors within the TDP Zoning District, provided such off-premises signs shall relate to uses occurring on property located within the TDP District or uses occurring on property immediately adjacent to and abutting the TDP Zoning District, and further provided the Board of Supervisors approves the same as part of a Master Signage Plan. Off-premises signs within the TDP Zoning District shall be limited to a maximum number of signs as determined by the Board of Supervisors at the time of land development approval of a TDP.
 - (b) TDP shall be permitted the following signage within the TDP Zoning District, provided that all of the following signage and any exterior signage shall be set forth on a master signage plan subject to the review and approval of the Board of Supervisors at the time of land development

application, which shall depict all exterior signs within a TDP, including any off-premises sign pursuant to Subsection E(2)(a) above. The Master Signage Plan shall specify the area, dimensions, height, illumination and other features of the signage in the TDP. The Master Signage Plan shall be submitted by the developer of a TDP as part of the land development application and land development plan. The Master Signage Plan shall permit freestanding pylon and monument signs, wall signs, roof signs, directional signs, informational signs, and changeable electronic variable message (CEVM) signs. It is the intention of this section to afford discretion and flexibility to the Board of Supervisors in the approval of the Master Signage Plan submitted by the developer of a TDP as a part of the land development application and land development plan. The Board of Supervisors acknowledge at adoption of this section having received and reviewed sign design criteria employed by Alberta Development Partners, LLC, in a development known as "Southlands" ("Southlands Design Criteria"). The Southlands Design Criteria is incorporated by reference to this section as a tool to be used by the Board of Supervisors in the exercise of its discretion in approving the Master Signage Plan.

- (3) Other customary accessory uses, buildings and improvements, provided that such uses are clearly incidental to the principal use.

F. Off-street parking, loading and unloading spaces. Off-street parking, loading and unloading spaces shall be provided and permitted pursuant to a master parking plan subject to review and approval of the Board of Supervisors at the time of land development application, which shall depict off-street parking, loading and unloading spaces within the TDP. The Master Parking Plan shall be submitted by the developer of a TDP as part of the land development application and land development plan. It is the intention of this section to afford discretion and flexibility to the Board of Supervisors in the approval of the Master Parking Plan submitted by the developer of a TDP as a part of the land development application and land development plan. The Master Parking Plan shall be subject to the following standards:

- (1) Minimum parking ratios:

Permitted Uses	Minimum Required Parking Spaces (DU=dwelling unit; SF=square feet; fractional calculations shall be rounded up)
Commercial retail entertainment and dining uses	4 spaces per 1,000 SF of gross floor area
Hotels	1 space per room
Office space	3 spaces for each 1,000 SF of gross floor area

Permitted Uses	Minimum Required Parking Spaces (DU=dwelling unit; SF=square foot; fractional calculations shall be rounded up)
Residential	1 space for each dwelling unit

- (2) Shared parking. The developer may prepare a shared parking analysis based on the methodology and standards outlined by the Urban Land Institute or analysis/counts from similar projects in order to determine the parking demand, which shall permit the developer to deviate from the minimum parking requirements.
- (3) Parking dimensions.
 - (a) Access aisles and driveways to parking areas shall be not less than 10 feet in width for single-family residential uses and not less than 15 feet in width for all other uses when a one-way traffic pattern is established, or less than 20 feet in width when a two-way traffic pattern is established. Aisles and driveways within parking areas shall have a minimum width of:
 - [1] For ninety-degree-to-sixty-degree angle parking: 22 feet.
 - [2] For sixty-degree-to-forty-five-degree parking: 20 feet.
 - [3] For less than forty-five-degree parking: 18 feet.
 - [4] For parallel parking: 15 feet.
 - (b) All parking spaces shall have a minimum width of nine feet and a minimum length of 24 feet provided that:
 - [1] Non-valet parking spaces shall have a minimum width of nine feet and minimum length of 18 feet; and
 - [2] Valet parking spaces shall have a minimum width of eight feet nine inches and a minimum length of 16 feet six inches.
 - [3] All required parking spaces in off-street surface parking areas and multilevel parking garages, except those listed below, shall be permitted to be nine feet in width, 18 feet in length and have an aisle width of 24 feet.
 - [a] Parallel parking spaces shall be permitted to be nine feet in width and 22 feet in length.
 - [b] Compact parking spaces shall be permitted to be eight feet six inches in width and 16 feet in length and shall account for no

more than 5% of the total required parking spaces.

G. Height, lot and yard regulations.

- (1) The height, lot and yard setback limitations set forth in Article X, 155 Attachment 1⁴ shall not apply to buildings, structures or other habitable accessory structures which are part of the TDP Zoning District all of which shall be regulated as set forth below:

	I-380	PA 940	PA 314	Kalahari Blvd.	Adjacent Property	Internal Property Line	Max. Bldg. Height	Min. Lot Size within Tourist Development Project	Min. Lot Size within Tourist Development Project
Setback (feet)	25	50	50	50	25	0	100	25 acres	0.75 acre

- (2) Front yard setback, side yard setback and rear yard setback as expressed above shall only apply to exterior property lines of the TDP Zoning District and shall not apply to lots within the TDP. For purposes of determining the yard setback, an "adjacent property" means a lot located outside of the TDP Zoning District. The minimum lot size within the TDP development shall be 0.75 acre; provided that the minimum lot size for a TDP development shall be 25 acres. The maximum building height limit above shall not apply to rooftop equipment, protective netting, towers, balloon displays and other exterior displays, ferris wheels, advertisements, and other similar uses.

H. Special regulations applicable to TDP.

- (1) TDP shall:
 - (a) Be served by a publicly or privately owned central sanitary sewage collection system;
 - (b) Be served by a publicly or privately owned central water distribution system; and
 - (c) Be located not more than one mile from an interstate highway exit and entrance ramp interchange.
- (2) For purposes of this section, the calculation of the linear distance specified in Subsection H(1)(c) shall be measured in a straight linear fashion without regard to intervening structures or land uses from the closest point of the building housing the protected use delineated above or, in the event of a protected use(s) which does not involve a building, to the property line of the parcel on which the protected use is maintained.

4. Editor's Note: 155 Attachment 1, Minimum Lot and Yard Requirements, C Commercial District, is included as an attachment to this chapter.

- (3) Structures and improvements that are part of the TDP may encroach upon and/or crossover property lines of lots or parcels that form a TDP whether or not such structures or improvements are physically attached and in such instance(s) the applicable setback distance(s) shall be zero feet where such improvement(s) is part of a development plan for the TDP.
- (4) The calculation of maximum lot coverage for all property which is part of a TDP shall be based upon the aggregate land area comprising the TDP and not based upon the coverage of any particular lot, piece or parcel of land comprising part of the TDP such that the coverage of one or more parcels may exceed 75% provided that the impervious coverage of all parcels comprising the TDP shall not exceed 75% which shall be calculated by dividing the total impervious area including ground floor area of all principal and accessory buildings, sidewalks, impervious parking areas and other impervious areas on the entire TDP property by the total area comprising the TDP.
- (5) Following zoning approval and prior to submission of a preliminary land development plan, the developer of a proposed TDP shall participate in a presubmission conference with the Board of Supervisors to determine which of the following impact statements and/or studies are deemed necessary as a condition of preliminary land development submission:
 - (a) Traffic impact;
 - (b) Hydrogeologic;
 - (c) Wetlands;
 - (d) Environmental;
 - (e) Stormwater management (See § 155-16.1J);
 - (f) Fire protection;
 - (g) Police and security;
 - (h) Emergency services (to include but not be limited to fire-fighting response, emergency medical services and emergency management);
 - (i) Geotechnical subsurface exploration;
 - (j) Sewage and waste treatment and disposal;
 - (k) Solid waste disposal;
 - (l) Architectural and general aesthetics;
 - (m) Landscaping and buffering;
 - (n) Social/economic;
 - (o) Noise control;

- (p) Historical;
- (q) Archaeological;
- (r) Flood;
- (s) Air quality;
- (t) Control of radioactivity, electrical emissions and electrical disturbances;
- (u) Airport/airspace; and
- (v) Public transportation.