

TOWNSHIP OF SOUTH ANNVILLE

Lebanon County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF SOUTH ANNVILLE, LEBANON COUNTY, PENNSYLVANIA, TO REVISE REGULATIONS GOVERNING SUBDIVISIONS WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT AND MEDIUM DENSITY RESIDENTIAL DISTRICT; TO ADD DEFINITIONS OF TERMS USED IN THE ZONING ORDINANCE; TO PROVIDE REGULATIONS FOR CONDITIONAL USE APPROVAL; AND TO DELETE THE EXISTING PART 12, PLANNED RESIDENTIAL DEVELOPMENT.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Board of Supervisors of the Township of South Annville, Lebanon County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 1, Definitions, §102, Specific Terms Defined, shall be amended by adding the following terms in alphabetical order:

COMMONS – A spatially defined element of open space distributed strategically within a Neighborhood Greenway Development such that it provides a focal point for residences as well as a gathering place for residents and an assembly area for community functions. Permanent structures directly related to the intended function of the commons may be included in this space in addition to landscaping and lighting elements.

COMPREHENSIVE PLAN – The comprehensive plan for the Township adopted by the Board of Supervisors in accordance with Article III of the MPC.

GREENS – A spatially defined element of open space designed to serve a variety of outdoor leisure and assembly needs. Landscaping, lighting, and accessory structures integral to the function of the greens may be included.

NEIGHBORHOOD CENTER – A facility designed to provide space for one or more neighborhood facilities. A neighborhood center may also include small retail or personal

service establishments which are designed to serve a pedestrian-oriented clientele from a Neighborhood Greenway Development.

NEIGHBORHOOD GREENWAY DEVELOPMENT – The dwelling units, residential accessory uses, neighborhood center, open spaces, and nonresidential structures installed or to be installed upon a Neighborhood Greenway Development Tract in accordance with the provisions of Section 1425 of this Ordinance.

NEIGHBORHOOD GREENWAY DEVELOPMENT TRACT – The land, which may be comprised of one or more lots, which is proposed to be developed as a single, unified Neighborhood Greenway Development in accordance with the provisions of Section 1425 of this Ordinance.

NEIGHBORHOOD FACILITY – Meeting rooms, multi-purpose spaces, and similar spaces available for the use of residents of the Neighborhood Greenway Development; library; adult education classroom; and satellite offices for municipal agencies (including but not limited to a community police station), social service agencies, and non-profit organizations.

OPEN SPACE – Land that has been restricted from development so as to achieve one or more of the objectives as specified in Section 1425.6.A of this Ordinance. Such area is intended for the common use and enjoyment of residents of a Neighborhood Greenway Development and may include such complementary structures and improvements as are necessary and appropriate, including but not limited to walking trails, fitness stations, educational signage or other recreational improvements and amenities. Open space shall not include any of the following: residential or neighborhood center lots or portions of lots, streets, parking areas (other than parking areas serving facilities within with open space), above ground utilities, or other infrastructure. Floodplains, wetlands, historic resources and recreational facilities may be incorporated within any area designated as open space except as provided in Section 1425.6.C of this Ordinance.

OPEN SPACE AND GREENWAYS PLAN – the Plan of South Annville Township which generally prescribes the standards for and identifies the location of residential development in the Township which incorporates designated open space in ways to protect and preserve natural, historical and cultural resources and scenic views, provide useable recreation area and public space, and interconnect with existing or planned open space, recreation or pedestrian facilities.

SUBDIVISION ORDINANCE – The Lebanon County Subdivision and Land Development Ordinance, as amended and as it may be amended or reenacted, or any ordinance enacted by the Board of Supervisors in the future which governs subdivision and land development within the Township.

Section 2. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 6, R-1 Low Density Residential District, §602, Permitted Uses, shall be amended as follows:

1. One single family detached dwelling on any lot existing as of the effective date of this Subsection and any subdivision or land development of land which initially or cumulatively creates five or fewer residential lots or dwelling units from any lot existing as of the effective date of this Subsection (June 19, 2006).

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10. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:
 - A. Neighborhood Greenway Development (See Section 1425).
 - B. Any land development or subdivision of land proposing more than five dwelling units or lots initially or cumulatively other than Neighborhood Greenway Development (See Section 1426).

Section 3. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, part 6, R-1 Low Density Residential District, shall be amended by adding a new Section 605 which shall provide as follows:

§605. Greenway Requirement

Any use proposed for lands which are located in the area(s) of the Township identified as part of the Open Space and Greenways Plan shall provide designated Open Space as part of its subdivision and/or land development plan in accordance with the Open Space and Greenways Plan and this Ordinance.

Section 4. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 7, R-2 Medium Density Residential District, §702, Permitted Uses, shall be amended as follows:

1. One single family detached dwelling on any lot existing as of the effective date of this Subsection and any subdivision of land or land development which initially or cumulatively creates five or fewer residential lots or dwelling units from any lot existing as of the effective date of this Subsection (June 19, 2006).

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6. The following conditional uses when authorized by the Board of Supervisors as provided in Part 12 of this Chapter:
 - A. Neighborhood Greenway Development (See Section 1425).
 - B. Any land development or subdivision of land proposing more than five dwelling units or lots initially or cumulatively other than Neighborhood Greenway Development (See Section 1426).

Section 5. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 7, R-2 Medium Density Residential District, shall be amended by adding a new Section 705 which shall provide as follows:

§705. Greenway Requirement

Any use proposed for lands which are located in the area(s) of the Township identified as part of the Open Space and Greenways Plan shall provide designated Open Space as part of its subdivision and/or land development plan in accordance with the Open Space and Greenways Plan and this Ordinance.

Section 6. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 14, Supplementary District Regulations, shall be amended by adding new Sections 1425 and 1426 which shall provide as follows:

§1425. Neighborhood Greenway Development.

1. Purpose and Goals. It is the intent of the Board of Supervisors to encourage innovation and to promote flexibility, economy, and ingenuity in development consistent with the provisions of Article VI of the MPC, the Comprehensive Plan, and the Open Space and Greenways Master Plan. The application of alternative design standards and/or increases in the permissible density of development is dependent on the extent to which a project achieves the following design objectives and goals:
 - A. Encouraging growth in the most appropriate locations.
 - B. Encouraging appropriate residential densities and land use intensities.
 - C. Preserving and enhancing natural and historic or scenic beauty.
 - D. Creating a distinct physical settlement connected by protected greenway land to adjoining Annville Township, nearby schools and other amenities.
 - E. Developing a settlement of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips.
 - F. Promoting design that results in residentially scaled buildings fronting on, and aligned with, streets.
2. Eligibility. Within the R-1 and R-2 Districts, Neighborhood Greenway Development is permitted by conditional use for subdivisions which create six (6) or more lots either singularly or cumulatively after the effective date of this Section (June 19, 2006), subject to compliance with the criteria in this Section 1425.
3. Minimum Requirements for Development under the Neighborhood Greenway Development. Each Neighborhood Greenway Development shall meet all of the following minimum requirements:

- A. The Neighborhood Greenway Development Tract shall not be less than ten (10) acres in gross lot area.
 - B. The Neighborhood Greenway Development Tract shall be developed according to a single plan that depicts complete build-out of the Neighborhood Greenway Development Tract with common authority and responsibility. If more than one person has an interest in all or a portion of the Neighborhood Greenway Development Tract, all persons with interests in any portion of the Neighborhood Greenway Development Tract shall join as applicants and shall present an agreement, in a form acceptable to the Township Solicitor, guaranteeing that the Neighborhood Greenway Development Tract as a whole shall be developed in accordance with any approval granted under this Section 1425 as a single Neighborhood Greenway Development with common authority and governing documents.
 - C. All dwelling units and nonresidential structures shall be provided with public water service and public sewer service.
 - D. The Neighborhood Greenway Development shall be provided with open space in accordance with this Section 1425.
 - E. The Neighborhood Greenway Development may be provided with a neighborhood center.
 - F. No more that fifty (50%) percent of the Neighborhood Greenway Development Tract may be covered with impervious surface unless a greater impervious surface coverage is permitted through the use of design incentives set forth in Section 1425.19 below.
 - G. Conditional use approval is required before preliminary plan submission.
4. Applicability of Standards. It is the intention of the Board of Supervisors in accordance with Section 605(3) of the MPC to encourage innovation and to promote flexibility, economy, and ingenuity in development. To that end, the Board of Supervisors may by conditional use approval authorize development of a Neighborhood Greenway Development under the standards set forth in this Section 1425 if the applicant demonstrates to the satisfaction of the Board that the proposed Neighborhood Greenway Development is in accordance with, and substantially advances all of the goals and design objectives in Section 1425.1 above. If the Board determines that the proposed Neighborhood Greenway Development does not meet the goals and design objectives of Section 1425.1 above, the applicant shall be required to comply with all applicable requirements of this Ordinance and the Subdivision and Land Development Ordinance in the design and installation of the facility which is part of the Neighborhood Greenway Development. If there is any dispute as to whether the Neighborhood Greenway Development or any portion thereof meets the design objectives of this Section 1425, the applicant shall be required to comply with all requirements of this Ordinance and the Subdivision and Land Development Ordinance.

5. Application Procedure. An applicant who desires to develop a Neighborhood Greenway Development shall submit an application for conditional use approval which shall include all of the following:

- A. Site Plan meeting all requirements of Section 1425.20 below.
- B. Open Space Plan identifying all features required by Section 1425.6 below. The Open Space Plan shall also include a written statement describing the applicant's proposal for future ownership and maintenance of the open space.
- C. Landscaping Plan providing a complete proposal for the landscaping and planting of the Neighborhood Greenway Development Tract and identifying all features required by Section 1425.6.G below.
- D. Street Lighting Plan providing a complete proposal for the installation of street lighting to serve the Neighborhood Greenway Development Tract.
- E. Traffic impact study meeting all requirements of Section 1419.1 of this Ordinance.
- F. Architectural guidelines for the Neighborhood Greenway Development which shall include styles, proportions, massing, and detailing.
- G. Statement identifying all design incentives under Section 1425.19 below which have been incorporated, and written support for each design incentive. This statement must identify the specific design incentive provided, must identify the reduction of the standard taken, and must support the applicant's claim that the Neighborhood Greenway Development as proposed provides the identified design incentive.
- H. Statement identifying all modifications of standards of this Section 1425, under Section 1425.21 below and written support for each modification. This statement must identify the specific modification requested and provide support that the modification meets all requirements of Section 1425.1.A through 1425.1.F.
- I. Required application fee.

No application shall be considered complete without all of the above-listed items. The Township shall not accept incomplete applications for conditional use approval to use the Neighborhood Greenway Development.

6. Open Space. A minimum of thirty-five (35%) percent of the Neighborhood Greenway Development Tract shall be devoted to common open space. Through the use of incentives offered in Section 1425.19 below, the amount of open space may be reduced. However, every Neighborhood Greenway Development shall be designed to provide a minimum of thirty (30%) percent of the Neighborhood Greenway Development Tract as open space.

- A. It is the express intent that this requirement for Open Space be used to protect those valuable resources that are identified by the Comprehensive Plan and Open Space

and Greenway Master Plan and further addressed by the regulations contained within the Subdivision and Land Development Ordinance regarding preservation of natural features, etc. Open Space shall be designed and arranged to achieve as many of the following objectives as possible:

- (1) Protection of important natural, historic, and cultural resources.
- (2) Preservation of scenic views from public roads and neighboring residential properties.
- (3) Provision of new and/or connection with existing trails, greenways, linear parks, or open space on adjoining parcels.
- (4) Provision of useable play or recreation areas, or equipment, that are conveniently accessible to residents throughout the Neighborhood Greenway Development.
- (5) Provision of public space as the focal point of the Neighborhood Greenway Development when coordinated with greens and public commons which are dispersed throughout the Neighborhood Greenway Development.
- (6) Interconnection of areas of proposed open space within the Neighborhood Greenway Development and interconnection of open space within the proposed Neighborhood Greenway Development with existing or planned open space or recreational facilities on lands adjoining the Neighborhood Greenway Development Tract.

B. The applicant shall demonstrate the specific measures employed to achieve the objectives in Section 1425.6.A above through the provision of an Open Space Plan depicting all proposed elements of the common open space. Each Open Space Plan shall identify:

- (1) The location and size of proposed commons and/or greens.
- (2) Connections among proposed areas of open space on the Neighborhood Greenway Development Tract and connections of proposed areas of open space on the Neighborhood Greenway Development Tract with elements of open space on adjoining tracts if such exists or is proposed.
- (3) Location and size of trails, greenways or other pedestrian linkages, including the surface proposed.

C. In all Neighborhood Greenway Developments, regardless of the total amount of open space provided and regardless of the design incentives utilized, the applicant shall provide open space in the amount of at least thirty (30%) percent of the area of the Neighborhood Greenway Development Tract. Not less than fifty (50%) percent of the required open space shall meet all of the criteria set forth in Section 1425.6.C(1)

through (3) below. The remaining portion of the required open space may contain floodplains, wetlands, steep slopes, and similar features.

- (1) The land shall not contain floodplains, wetlands, steep slopes or other natural features which would render the land unbuildable under applicable ordinances and regulations. For the purposes of this Paragraph, unbuildable land is land upon which walking trails, fitness stations, or other recreational improvements and amenities cannot be constructed.
- (2) The land shall not contain storm water management facilities.
- (3) The land shall be configured to serve residents adequately and conveniently. Strips of land running around the perimeter of the Neighborhood Greenway Development Tract or separating proposed lots within the Neighborhood Greenway Development less than twenty-five (25) feet in any dimension shall not be counted as open space to meet the required minimum unless such land is improved with walking trails, fitness stations, or other recreational improvements and amenities acceptable to the Board of Supervisors or unless such land is, in the opinion of the Board of Supervisors, integrated and integral to the overall open space design.

- D. Each Neighborhood Greenway Development containing fifty (50) or more dwelling units shall be provided with at least one green containing not less than 10,000 square feet. Other greens and commons of not less than 1,000 square feet in area shall be dispersed throughout the Neighborhood Greenway Development. A green or common which meets the requirements of Section 1425.6.C(1) through (3) above may be included within the required minimum open space.
- E. The design of a hard (paved) or soft (mulched) surfaced pedestrian and bicycle network system linking development within the Neighborhood Greenway Development shall be provided to connect various commons and greens depicted on the Open Space Plan. Access to all such areas shall be provided from public streets. Where necessary, easements shall be provided to accommodate pedestrian access as well as access for maintenance equipment and bicycles.
- F. Landscaping. A vital component of the required Open Space Plan shall be the design and provision of appropriate landscaping which shall include a combination of types of shrubs, trees (both evergreen and deciduous), and groundcovers, with emphasis on native plant species and low maintenance varieties. To ensure the proper placement of suitable materials, the applicant shall provide a Landscaping Plan, prepared by a registered landscape architect, which specifies the type and size of proposed vegetation, as well as identifying the location of existing vegetation to be retained. The Landscaping Plan shall include all portions of the proposed open space and shall identify all lighting proposed for all portions of the open space, including but not limited to common area and pathways. The Landscaping Plan shall also include all areas outside of the open space which are required to be landscaped (such

as parking areas, dumpster locations, etc.), the location of proposed street plantings and tree lawns, and the type and location of street trees to be provided.

- (1) The applicant shall provide a maintenance guarantee to ensure the health and vitality of all plant material for a period of eighteen (18) months from planting. Any of the landscaping which dies or is removed within this time frame shall be replaced with vegetation of the same size and species. The applicant shall also be responsible to assure the proper care and maintenance of all plant material within the open space for the duration of this eighteen (18) months and until such time as the open space is transferred a property owners' association or other entity as authorized by this Section.

G. The applicant shall arrange for the ownership, administration, and maintenance of open space in accordance with one or more of the following:

- (1) The Township may in its sole discretion accept dedication of open spaces or any interest therein for public use and maintenance with no consideration to be paid by the Township. Unless waived by the Board of Supervisors at time of approval, the Township shall have the option to accept all or any portion of the open space at any time within ten (10) years of the recording of the final subdivision and/or land development plan for the development. The final plan shall contain a note, in language acceptable to the Township Solicitor, that the common open space is irrevocably dedicated to the Township for a period of ten (10) years from the date of the recording of the final plan. Said note shall also state that the Township shall have no duty to maintain or improve the dedicated open space unless and until it has been accepted by formal action of the Board of Supervisors.
- (2) The applicant may establish an automatic-membership property owners' association made up of the owners of property in the Neighborhood Greenway Development as a nonprofit corporation for the purpose of owning, administering, and maintaining open space; provided however, the association shall not be dissolved nor shall it dispose of the open space by sale or otherwise (except to an organization conceived and established to own, administer, and maintain common open space approved by the Board of Supervisors) without first offering the open space for dedication to the Township. The property owners' association shall be empowered to levy and collect assessments from the property owners of the Neighborhood Greenway Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.
- (3) The applicant may establish a deed or deeds of trust, approved by the Board of Supervisors, for the purpose of owning, administering, and maintaining open space, with the Trustee empowered to levy and collect assessments from the property owners of the Neighborhood Greenway Development to cover replacements, working capital, operating expenses, insurance against casualty and liability, and contingencies.

- (4) With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the applicant may transfer the fee simple title in the open space or a portion thereof to a private, nonprofit organization among whose purposes is the conservation of open space land and/or natural resources, provided that:
 - (a) The organization is acceptable to the Township and is a bona fide conservation organization with a perpetual existence.
 - (b) The conveyance contains appropriate provisions for proper retransfer or reverter in the event that the organization becomes unable to continue to carry out its functions.
 - (c) A maintenance agreement acceptable to the Township is entered into by the applicant, organization, and Township.

- H. If the Township does not accept dedication of the open space, the applicant shall grant to the Township, in a form acceptable to the Township Solicitor, all of the rights to maintain common open space described in Article VII of the MPC.

- 7. Street Lighting. The applicant shall provide street lights within the Neighborhood Greenway Development in a manner consistent with the architectural guidelines and acceptable to the Township and the applicable energy provider. Lighting shall be used to increase the safety of pedestrians as well as vehicles while contributing to the character of the overall Neighborhood Greenway Development.

- 8. Permitted Uses. The following uses are permitted within a Neighborhood Greenway Development in accordance with types of uses, density and dimensional criteria set forth in this Section and §1425.9 below:
 - A. Single-family dwellings in the R-1, Low Density Residential District and the R-2, Medium Density Residential District.
 - B. Two-family residential structures, multiple family and conversion apartment dwellings in the R-2, Medium Density Residential District.
 - C. Neighborhood facilities within a Neighborhood Center.
 - D. Within a Neighborhood Center, retail sales and personal service establishments including but not limited to news stand, coffee shop, apothecary, restaurant, hair and/or nail salons, gift shop, bakery, specialty food store, drycleaner (drop-off only), bike sales/rental, copy center, barber shop or another use which the Board of Supervisors determines during the conditional use approval process is substantially similar to the listed uses. Such retail sales and personal services shall not exceed fifty (50%) of the area of the Neighborhood Center.

- E. Public Uses including Greenways, trails, commons, greens and municipal and essential community uses.
- F. Lot Size Requirements.

Use	Minimum	Maximum
Permitted Residential Dwellings	N/A	N/A
Neighborhood Center	N/A	25,000 sq. ft. lot
Public Use Buildings/Structures	N/A	20,000 sq. ft. lot

- 9. Requirements for Residential Development. The maximum density for dwelling units within a Neighborhood Greenway Development shall be based upon the gross lot area of the Neighborhood Greenway Development Tract. The maximum density without the use of design incentives is three (3.0) dwelling units per acre, while and the maximum density if the applicant uses one or more design incentives is 3.5 dwelling units per acre.
 - A. All dwelling units shall be situated so as to retain a view of some portion of the open space and shall be located within 800 feet of a commons, green, or trail.
 - B. All lots shall maintain minimum front, rear, and side yard setbacks of six (6) feet.
 - C. No dwelling units within a Neighborhood Greenway Development shall have direct access to existing Township or state streets surrounding the Neighborhood Greenway Development Tract. All access shall be from an internal street system designed to service the Neighborhood Greenway Development.
- 10. Neighborhood Centers. Each Neighborhood Greenway Development may include one neighborhood center. Each neighborhood center shall comply with the following:
 - A. Uses are limited to those that residents are likely to need on a daily or regular basis and shall not include any fuel dispensing or drive-through facilities.
 - B. The overall size and type of each use within the neighborhood center is restricted to prevent the establishment of intensive commercial-type facilities that exceed the local orientation.
 - C. Each use other than a Neighborhood Facility within a neighborhood center shall be designed to provide basic convenience commercial goods and services to existing and future nearby residences.
 - D. All neighborhood centers shall be provided with convenient pedestrian access. Any necessary parking facilities shall be located to the side or rear of any structure.
 - E. Where a neighborhood center adjoins residentially zoned lands or existing residential use, the center's side and rear yards shall, regardless of the other uses in those yards,

contain landscaping that adequately buffers and screens the adjoining residential properties. The type of landscaping shall be consistent with that in the Open Space component of the overall development and be arranged so as to block the ground level view between grade and a height of six (6) feet. Such landscape screens must achieve this visual blockage within two (2) years of installation.

F. The adaptive use of historical structures on the Neighborhood Greenway Development Tract is a preferred option for the siting of a neighborhood center. However, when new construction must be undertaken, the design of such structure(s) shall not detract from the community character of the Neighborhood Greenway Development and the surrounding area.

G. The applicant may initially use the neighborhood center as a sales office. If the applicant uses the neighborhood center as a sales office, the applicant shall insure that not less than fifty (50%) percent of the floor area of the neighborhood center shall be converted to neighborhood facilities and/or retail sales and personal service establishments authorized in Section 1425.8 above upon the sale of thirty (30%) percent of the dwelling units. The applicant shall further insure that not less than seventy-five (75%) percent of the floor area of the neighborhood center shall be converted to neighborhood facilities and/or retail sales and personal service establishments authorized upon the sale of seventy-five (75%) percent of the dwelling units in the Neighborhood Greenway Development.

11. Required Parking. All uses within the Neighborhood Greenway Development shall be provided parking in accordance with Section 1425.11.

A. On-street parking spaces along the front property line shall count toward the minimum number of parking spaces required for the use on that lot (except where there are driveway curb cuts).

B. The amount of off-street parking required for all dwelling units and public uses shall be in accordance with Part 15 of this Ordinance.

C. The amount of parking for all retail sales and personal service establishments in neighborhood centers shall be one parking space for each three hundred (300) square feet of gross floor area. The parking shall be provided either on the neighborhood center lot or in designated on-street parking areas within five hundred (500) feet of the neighborhood center buildings or by a combination thereof.

D. All nonresidential uses shall adequately accommodate both handicap parking and bicycle parking.

12. Architectural Guidelines. It is not the intent of the Board of Supervisors to dictate architectural styles. However, a set of standards shall be chosen by the applicant and adhered to consistently throughout the development. Standards selected shall enhance the design objectives and goals as specified by Section 1425.1. Architectural guidelines shall be established and approved as a condition of the conditional use approval. The applicant shall

submit a set of guidelines which shall include styles, proportions, massing, and detailing. To the extent necessary on each site, these features shall be compatible with the design of historical resources on and adjacent to the Neighborhood Greenway Development Tract. The architectural guidelines shall be recorded with or be part of documentation imposing covenants and conditions upon the Neighborhood Greenway Development.

13. Overall Development Form. In meeting the design objectives and goals specified by Section 1425.1, new construction shall, to the greatest extent possible, be sited so as to preserve natural vistas and existing resources of the Neighborhood Greenway Development Tract as delineated by the required Site Plan. Components of the Neighborhood Greenway Development shall be designed in a pattern of blocks and interconnecting streets, defined by buildings, street furniture, landscaping, sidewalks, on-street parking, and public space.

14. Streets. Streets within the Neighborhood Greenway Development shall provide safe and convenient access and circulation patterns and shall meet the design standards of this Section 1425.14.

A. Streets shall be designed to establish a hierarchy which shall:

- (1) Avoid alteration of cultural or historical resources as identified by the Comprehensive Plan and Open Space and Greenway Master Plan.
- (2) Minimize alteration of natural resources as identified by the Comprehensive Plan and Open Space and Greenway Master Plan.
- (3) Provide a view to prominent natural vistas.
- (4) Promote pedestrian movement and calm traffic speeds as necessary.
- (5) Provide for on-street parking where applicable.
- (6) Be provided with sidewalks on both sides.
- (7) Accommodate nonmotorized traffic.

B. Street patterns shall form a network, with variations as needed for topographic, environmental, and other design considerations. Proposed streets within the Neighborhood Greenway Development designed as collector streets shall have a minimum centerline turning radius of one hundred fifty (150) feet. All other streets within the Neighborhood Greenway Development shall be designed with a minimum centerline turning radius of eighty (80) feet. All intersections of streets and all intersections of access drives with streets shall maintain a clear sight triangle. The minimum clear sight triangle side length shall be seventy-five (75) feet. All intersections of streets with existing arterial streets shall have a minimum clear sight triangle side length of one hundred (100) feet.

C. Street width and design standards shall be as set forth in the table below:

Street Type	# Travel Lanes	Parking	Sidewalks	Cartway Width	R-O-W Width	Curb
Collector*	2	No	Yes	28 ft.	50 ft.	Yes
N	2	No	Yes	20 ft.	50 ft.	Yes
N-1	2	1-side	Yes	28 ft.	50 ft.	Yes
N-2	2	2-sides	Yes	32 ft.	50 ft.	Yes

N: Neighborhood Street with neither homes or parking on either side of the street

N-1: Neighborhood Street with homes and parking on just one side of the street; the parking must be on the same side of the street as the homes

N-2: Neighborhood Street with homes and parking on both sides of the street

*For purposes of this Section, the following streets are considered Collectors:

Bachman Road from Royal Road to the northern Township boundary

Louser Road from South White Oak Street (State Route 934) to Mount Pleasant Road

Mount Pleasant Road from Louser Road to the northern Township boundary

South White Oak Street (State Route 934) from Royal Road to the northern Township boundary

Spruce Street from Royal Road to the northern Township boundary

15. Driveways/Garages for Residential Uses.

A. Setbacks. Driveways shall not be located within five (5) feet of a fire hydrant and shall be setback at least two (2) feet from any side lot line, unless a common or joint driveway location is proposed. Driveways shall not connect with a public street within twenty (20) feet from the right-of-way lines of any intersection street. Garages shall be set back a minimum of twenty four (24) feet from the property-side edge of the sidewalk.

B. Length. A minimum driveway length of twenty-four (24) feet from the sidewalk edge to garage door shall apply to driveways which provide access to the front of dwelling units from streets where sidewalks exist or are proposed.

16. Sidewalks. Sidewalks are to be provided on both sides of all streets within the Neighborhood Greenway Development as well as along existing streets connecting the Neighborhood Greenway Development to existing or future development adjacent to the Neighborhood Greenway Development Tract.

A. Sidewalks shall be no less than four (4) feet wide in residential areas and no less than five (5) feet wide in areas providing access to neighborhood facilities within the Neighborhood Greenway Development or commercial areas adjacent to the Neighborhood Greenway Development Tract.

B. Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than three (3) feet wide.

17. Transit Facilities. If the Neighborhood Greenway Development Tract is located on an existing or proposed collector street which is on an existing or proposed County of Lebanon Transit Authority (COLT) bus route, a transit shelter and bench shall be provided. A bus pullout lane shall also be provided to accommodate the safe boarding of passengers and smooth transition of traffic. Where the Neighborhood Greenway Development has been designed to provide one or more through street connections, the provision of multiple transit sites may be warranted. If COLT notifies the Township that it will provide service within the Neighborhood Greenway Development Tract prior to approval of a final subdivision or land development plan, the applicant shall provide a transit site to serve the neighborhood center or, if more than one neighborhood center building is constructed, to serve the Neighborhood Greenway Development center building selected by COLT or the Board of Supervisors.

18. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required Landscaping Plan. At a minimum, they shall be located along each side of all existing or proposed public or private streets.
 - A. New street trees shall be deciduous shade trees with a caliper of 2.5 to 3 inches measured at chest height.
 - B. Street trees shall be spaced at intervals no greater than 40 feet along both sides of each street, including arterial roads, excluding rear access lanes and alleys.
 - C. Selected species shall:
 - (1) Cast moderate to dense shade in summer.
 - (2) Have a typical life span of more than 60 years.
 - (3) Mature to a height of at least 50 feet.
 - (4) Be tolerant of pollution and direct or reflected heat.
 - (5) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.
 - (6) Be able to survive two years with no irrigation after establishment.
 - (7) Be of native origin, provided they meet the above criteria.
 - D. Existing healthy and mature street trees may be counted toward the street tree planting requirement.
 - E. Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons.

The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space.

19. Design Incentives. Designs which incorporate one or more of the following elements shall qualify for reductions in the percentage of open space required, or an increase in the permitted density of a Neighborhood Greenway Development, or other modification of the design standards as specified herein. In no event shall density exceed the maximum density with design incentives set forth in Section 1425.9.

- A. Provision of improvements to active recreational areas such as equipment, fields, spectator facilities, or jogging/stretching/fitness stations. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one (1%) percent, with the total reduction of open space not to exceed five (5%) percent; or, an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (0.5) an additional dwelling unit per acre. To qualify for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township.
- B. Provision of improvements to passive recreational areas such as fountains, benches, trail surfacing, or educational signage related to the presence of unique species of plants or animals or the background of historical resources on the Neighborhood Greenway Development Tract. Each type of such amenity provided shall qualify for consideration of a decrease in the required open space by one (1%) percent, with the total reduction of open space not to exceed five (5%) percent or an increase in the maximum density of one-tenth (0.1) additional dwelling unit per acre, with a total increase in the maximum density not to exceed one-half (0.5) an additional dwelling unit per acre. for the open space reduction or increase in maximum density, but not both per type of amenity, the location and extent of each type of amenity shall be acceptable to the Township.. To qualify for the reduction, the location and extent of each type of amenity shall be acceptable to the Township.
- C. Provision of rear access to properties with the use of alleys. Subdivisions served in whole or in part with alleys shall qualify for consideration of a decrease in the required open space or an increase in the maximum density as follows:

<u>Portion of total number of lots in subdivision served</u>	<u>Open Space decrease</u>	<u>Density increase</u>
at least one-quarter	1 %	one-tenth additional dwelling unit per acre
at least one-half	2 ½ %	one-quarter additional dwelling unit per acre
at least three-quarters	5 %	one-half additional

20. Site Plan Requirements and Effect of Site Plan Approval.

- A. Each applicant under this Section 1425 shall present a Site Plan of the Neighborhood Greenway Development with the application for a conditional use. The Site Plan shall at a minimum contain:
- (1) The project name or identifying title.
 - (2) The name and address of the landowner of the tract, the applicant, and the firm that prepared the plan.
 - (3) The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions.
 - (4) A north arrow, a graphic scale, and a written scale.
 - (5) The entire tract boundary with bearings and distances, and identification of all corner markers.
 - (6) A location map, for the purpose of locating the site to be subdivided or developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries, and streams existing within one thousand (1,000) feet of any part of the property proposed to be developed.
 - (7) The plotting of all existing adjacent land uses and lot lines within two hundred (200) feet of the proposed development including the location of all public and private streets, drives or lanes, railroads, historic sites, and other significant natural or man-made features.
 - (8) The names of all immediately adjacent landowners and the names and plan book numbers of all previously recorded plans for adjacent projects.
 - (9) Contours at vertical intervals of two (2) feet for land with average natural slope of twelve (12%) percent or less, and at vertical intervals of five (5) feet for more steeply sloping land; location of bench mark and datum used.
 - (10) The delineation of all those areas which have been identified as being subject to the one hundred (100) year flood in accordance with Part 11 of this Ordinance.
 - (11) The delineation of all soil types as indicated by the most recent U.S.D.A.-N.R.C.S. Soil Survey of Lebanon County.

- (12) The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights-of-way, sanitary sewers, water mains, storm drainage structures, and water-courses.
- (13) A list of site data including but not limited to the following:
 - (a) Total acreage of the tract.
 - (b) Zoning district.
 - (c) Proposed use of the land.
 - (d) Proposed gross area of the development.
 - (e) Proposed gross residential density.
 - (f) Proposed number of dwelling units.
 - (g) Proposed number of lots.
 - (h) Acreage of all street rights-of-way proposed for dedication.
 - (I) Acreage and percentage of common open space.
 - (j) Acreage to be sold to individual owners.
 - (k) Acreage to be retained by landowner.
 - (l) Acreage of any commercial, public or semi-public use areas.
 - (m) Proposed number of parking spaces.
 - (n) Any proposed design incentive, including the provision under which the incentive is authorized, the improvement proposed to qualify for the incentive, the increase in density, the change in the mix of dwelling types, the decrease in open space, the increase in impervious coverage or the decrease in landscaping claimed.
- (14) The proposed location and dimensions of all streets, access drives, parking compounds, sidewalks, bikeways, and curbing.
- (15) The proposed location of all lot lines with approximate dimensions.
- (16) The approximate size of all lots in square feet or acreage.
- (17) The proposed location and configuration of all buildings.
- (18) The proposed location, size, and use of all common open space areas, structures, and recreation facilities.
- (19) Proposed landscaping, buffering, screening, walls, and fences.
- (20) A proposed phasing plan of the development.
- (21) A descriptive narrative of the proposal's impact on each of the following resources, and the specific measures undertaken or which will be undertaken to incorporate and protect such features in accordance with the objectives and goals identified by Section 1425.1. The applicant shall take appropriate steps to conserve these resources and shall identify what efforts have been made

to mitigate necessary impacts to these resources. Features depicted on the plan shall include, but shall not be limited to the following:

- (a) existing vegetation and woodlands.
 - (b) natural habitats.
 - (c) slopes in excess of fifteen (15%) percent.
 - (d) ponds, lakes, streams, and rivers.
 - (e) wetlands.
 - (f) ridgelines.
 - (g) All areas identified as being subject to the one hundred (100) year flood in accordance with Part 11 of this Ordinance.
 - (h) surface drainage characteristics.
 - (I) all cultural, historical, and natural features on and adjacent to the Neighborhood Greenway Development Tract.
- B. The Board of Supervisors in approving conditional use applications shall make compliance with the site plan and any revisions thereto required by the Board of Supervisors a part of the approval. The applicant shall develop the Neighborhood Greenway Development Tract in the manner set forth on the site plan and any required revisions thereto unless a change to the site plan is authorized in accordance with Paragraphs C or D below. This procedure for revisions to the site plan shall supersede the provisions for changes to the site plan set forth in Section 1104.4 of this Ordinance.
- C. An applicant may make minor revisions to the site plan as may be necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by the Pennsylvania Department of Transportation as part of a highway occupancy permit. The Board of Supervisors during the subdivision and land development process shall determine whether the applicant's proposed changes to the approved site plan constitute minor revisions necessary to accommodate fully engineered storm water management facilities, public sewer facilities, public water facilities, floodplains, and changes to street design as may be required by the Pennsylvania Department of Transportation as part of a highway occupancy permit.
- D. An applicant who desires to make a change to an approved site plan which the Board of Supervisors determines does not constitute a minor revision authorized by Paragraph C above shall apply for and obtain an additional conditional use approval.
- (1) Any applicant who proposes a change to an approved site plan which shall not alter any of the items set forth in Subparagraph (2) below shall demonstrate during the additional conditional use approval process that the site plan for the proposed Neighborhood Greenway Development as revised by the applicant continues to meet all requirements of this Section 1425.
 - (2) Any applicant who proposes a change to an approved site plan which shall alter any of the following items shall demonstrate during the additional

conditional use process that the site plan for the proposed Neighborhood Greenway Development continues as revised by the applicant to meet all requirements of this Section and shall also demonstrate that the proposed modification to the approved site plan meets the requirements of Subparagraph 3 below:

- (a) Increase in the number of dwelling units or decrease in the number of dwelling units in excess of 10%.
 - (b) Change in the amount of nonresidential building area or land area to be devoted to nonresidential uses.
 - (c) Change in the amount or location of open space areas.
 - (d) Change in the minimum lot sizes for the residential dwellings.
 - (e) Change in any improvement proposed to qualify for a design incentive authorized by Section 1425.19.
- (3) An applicant who desires to make a revision to a site plan which affects any of the criteria in section 1425.20.D(2) above shall demonstrate to the satisfaction of the Board of Supervisors during the additional conditional use approval process that such change will:
- (a) Generally enhance the development plan, or in any case not have an adverse impact on its physical, visual or spatial characteristics.
 - (b) Generally enhance the streetscape and neighborhood, or in any case not have an adverse impact on the streetscape and neighborhood.
 - (c) Not result in configurations of lots or street systems which shall be impractical or detract from the appearance of the proposed Neighborhood Greenway Development.
 - (d) Not result in any danger to the public health, safety or welfare by making access to the dwellings by emergency vehicles more difficult, by depriving adjoining properties of adequate light and air or by violating the other purposes for which zoning ordinances are to be enacted under Section 604(1) of the MPC.
 - (e) Allow for equal or better results than the originally approved site plan and represent the minimum modification necessary.

21. Modification of Standards. The Board of Supervisors may, by conditional use approval, permit the modification of the design standards of this Section in order to encourage the use of innovative design. An applicant desiring to obtain such conditional use approval shall, when making application for conditional use approval for a Neighborhood Greenway Development using the neighborhood design option, also make application for conditional use approval under this Section 1425.21. The Board of Supervisors shall consider both conditional use approval requests simultaneously. Any conditional use to permit a modification of the design standards shall be subject to the following standards:

- A. Such modifications of design standards better serve the intended purposes and goals of the neighborhood greenway development option as expressed in Section 1425.1.

- B. Such modifications of design standards would not result in adverse impact to adjoining properties, nor future inhabitants within the Neighborhood Greenway Development.
- C. Such modifications will not result in an increase in residential densities permitted for the Neighborhood Greenway Development Tract.
- D. Such modifications will not result in a decrease in open space below that required in Section 1425.6 for the Neighborhood Greenway Development Tract.
- E. The extent of modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this Section 1425.

§1426. Residential Subdivisions and Land Developments of Six or More Lots or Dwelling Units.

1. Approval Required. Any person desiring to subdivide a lot in existence on the effective date of this Section (June 19, 2006), either initially or cumulatively into six or more residential lots or who desires to initially or cumulatively create six or more dwelling units shall obtain conditional use approval under this §1426.
2. Application Requirements. Any application for a conditional use under this §1426 shall submit documentation and plans meeting all requirements of §1425.20.A and shall also submit a Landscaping Plan providing a complete proposal for the landscaping and planting of the development and identifying all features required by Section 1425.6.F above and a Street Lighting Plan.
3. Greenways. Greenways are to be provided as identified on the South Annville Township Open Space and Greenways Master Plan, in accordance with the criteria set forth in Section 1425.6.C(1) through (3) above, and to insure connection with Greenway elements on adjoining tracts where they exist or are planned.
4. Sidewalks. Sidewalks are to be provided on both sides of all streets within the development as well as along existing streets connecting the development to existing or future development adjacent to the development site.
 - A. Sidewalks shall be no less than four (4) feet wide in residential areas and no less than five (5) feet wide in areas providing access to neighborhood facilities within the development or commercial areas adjacent to the development.
 - B. Sidewalks shall be separated from street curbs by a planting strip or tree lawns not less than three (3) feet wide.
5. Transit Facilities. If the development site is located on an existing or proposed collector street which is on an existing or proposed County of Lebanon Transit Authority (COLT) bus route, a transit shelter and bench shall be provided. A bus pullout lane shall also be provided to accommodate the safe boarding of passengers and smooth transition of traffic. Where the

development has been designed to provide one or more through street connections, the provision of multiple transit sites may be warranted. If COLT notifies the Township that it will provide service within the development prior to approval of a final subdivision or land development plan, the applicant shall provide a transit site to serve the neighborhood center.

6. Shade Trees and Street Plantings. Shade trees shall be provided and installed in accordance with the required Landscaping Plan. At a minimum, they shall be located along each side of all existing or proposed public or private streets.
 - A. New street trees shall be deciduous shade trees with a caliper of 2.5 to 3 inches measured at chest height.
 - B. Street trees shall be spaced at intervals no greater than 40 feet along both sides of each street, including arterial roads, excluding rear access lanes and alleys.
 - C. Selected species shall:
 - (1) Cast moderate to dense shade in summer.
 - (2) Have a typical life span of more than 60 years.
 - (3) Mature to a height of at least 50 feet.
 - (4) Be tolerant of pollution and direct or reflected heat.
 - (5) Require little maintenance by being mechanically strong (not brittle) and insect and disease resistant.
 - (6) Be able to survive two years with no irrigation after establishment.
 - (7) Be of native origin, provided they meet the above criteria.
 - D. Existing healthy and mature street trees may be counted toward the street tree planting requirement.
 - E. Street plantings may be used to complement the street tree and landscaping requirements within public areas not included within the open space. If permanent containers are used to accommodate such plantings, they shall contain vegetation which is hardy in all seasons or shall be replanted according to the change in seasons. The perpetual care and maintenance of such plantings shall be the responsibility of the entity responsible for the open space..

Section 7. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, shall be amended by deleting in its entirety the existing Part 12, Planned Residential Development, and inserting in its place a new Part 12, Conditional Use Procedures, which shall provide as follows:

Part 12
Conditional Use Procedures

§1201. Conditional Use Applications. Any person desiring to obtain approval of a conditional use from the Board of Supervisors shall submit an application to the Board of Supervisors which shall contain all of the information required for an application for a special exception set forth in Section 1904 of this Chapter and shall submit a plan meeting all requirements of Section 1904.1. No conditional use application is complete without payment of the required fee.

§1202. General Criteria. When conditional uses are provided for in this Ordinance, the Board of Supervisors shall hear and decide requests for such conditional uses in accordance with the stated standards and criteria. The Board of Supervisors may grant approval of a conditional use provided that the applicant complies with all of the specific standards and criteria for the particular use and all of the following general standards for conditional uses. The burden of proof shall rest with the applicant.

1. The applicant shall establish by credible evidence compliance with all conditions, requirements, standards, criteria and performance standards for the conditional use enumerated in the Section which gives the applicant the right to seek the conditional use and any other Section of this Ordinance which relates to the proposed use.
2. The applicant shall establish by credible evidence that the proposed conditional use shall be properly serviced by all existing public service systems. The peak traffic generated by the subject of the application shall be accommodated in a safe and efficient manner or all improvements shall be made in order to effect the same. Similar responsibilities shall be assumed with respect to other public service systems including but not limited to police protection, fire protection, utilities, parks and recreation.
3. The applicant shall establish by credible evidence that the proposed conditional use shall be in and of itself properly designed with regard to internal vehicle and pedestrian circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance and any other governing law or regulation.
4. The applicant shall provide the Board of Supervisors as part of the application for the conditional use with sufficient plans, studies or other data to demonstrate compliance with all applicable regulations.
5. The proposed conditional use shall not substantially injure or detract from the use of neighboring properties or from the character of the neighborhood, and the use of property adjacent to the area included in the conditional use application shall be adequately safeguarded.

§1203. Conditions. The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with

such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

§1204. Notice and Hearing for Conditional Use Application. The Board of Supervisors shall provide notice of the hearing on an application for a conditional use in accordance with MPC requirements. The Board of Supervisors shall conduct the hearing on an application for a conditional use in accordance with all MPC requirements.

§1205. Site Plan. Any site plan presented in support of the conditional use shall become an official part of the record for said conditional use. Approval of any conditional use will also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the applicant shall revise the site plan prior to the issuance of a zoning permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

§1206. Expiration of Conditional Use Approval. If the conditional use is granted, the applicant shall file an application for and shall gain approval of a preliminary subdivision and/or land development within eighteen (18) months of the date of the decision of the Board of Supervisors. The applicant shall obtain approval of a final subdivision or land development plan within thirty (30) months from the date of the decision of the Board of Supervisors. Applications for preliminary subdivision and/or land development and final subdivision and/or land development shall contain all relevant information from the conditional use process. The applicant shall complete the construction authorized by a decision of the Board of Supervisors granting conditional use approval within five (5) years from the date of the decision. However, upon written request by the applicant and for good cause, the Board may extend either the time within which to obtain approval of a preliminary subdivision plan and/or to obtain approval of a final subdivision plan and/or to complete construction. If the applicant fails to meet such time periods, the conditional use approval shall expire.

§1207. Number of applications which may be pending. No more than one application for the same property shall be pending before the Board of Supervisors at any time. If an applicant files a second or subsequent application with the Board of Supervisors while an application for the same property is pending, the Board of Supervisors shall schedule a hearing for the second or subsequent application as required by the MPC and may deny the second or subsequent application for violation of this Section unless that applicant has, in writing, withdrawn the application for the property which was pending on the date the second or subsequent application was filed.

Section 8. All other sections, parts and provisions of the Code of Ordinances of the Township of South Annville shall remain in full force and effect as previously enacted and amended.

Section 9. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 10. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of South Annville as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 2006, by the Board of Supervisors of the Township of South Annville, Lebanon County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SOUTH ANNVILLE
Lebanon County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]