

SHOHOLA TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 56

AN ORDINANCE AMENDING THE SHOHOLA TOWNSHIP ZONING ORDINANCE OF 1999 TO:

L ITEM 1 - ADD DEFINITIONS 1
L ITEM 2 - REVISE UPPER DELAWARE OVERLAY DISTRICT 1

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

The Shohola Township Zoning Ordinance of April 12, 1990, as amended, is hereby amended as follows:

L ITEM 1 - ADD THE FOLLOWING DEFINITIONS TO ARTICLE III:

Conservation Easement: A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

Conservation Open Space: That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Country Property: A large (10-acre minimum), privately-owned lot which is permitted in lieu of conservation subdivision design. The purpose of the country property is to provide surrounding residents with visual access to open land, while maintaining the lot under private ownership and maintenance, without community access.

Public Viewing Point - Any point along: 1) the normal high water mark of the New York side of the Delaware River; 2) the centerline of NYS Route 97.

Reflective - Any surface which bends, casts or throws back light in such a manner as to cause glare.

Skyline - The line between the tops of the vegetation on the development site and the sky as seen from a public viewing point.

L ITEM 2 - REPLACE SECTION 535 WITH THE FOLLOWING:

535 Upper Delaware Overlay District

The Upper Delaware Overlay District is hereby created and it shall encompass all areas in Shohola Township which are included in the Upper Delaware Scenic and Recreational River (UDSRR) corridor as defined in the November 1986, *Upper Delaware Final River Management Plan (RMP)* prepared by the Conference of Upper Delaware Townships. In addition to all other applicable requirements, the special standards in this Section 535 shall apply to all uses and/or expansion of uses located in the Upper Delaware Overlay District or as otherwise having an impact on the Upper Delaware Overlay District.

535.1 Findings and Intent**A. Findings -**

1. The 1978 federal designation of the Upper Delaware River as a National Scenic and Recreational River recognized the unique natural and community character of the Delaware River Corridor.
2. The 1986 *Upper Delaware Final River Management Plan* identifies the need for local municipalities to regulate the use of land and water in the corridor to protect the unique natural and community character.
3. The unique character of the River Corridor is largely related to large expanses of forest, limited development immediately adjacent to the River, good water quality, and the lack of extensive visual intrusions of development.
4. The integrity of the River Corridor is critical to the local economy in terms of maintaining property values and attracting tourists and visitors to the area.
5. Development which is not controlled for its impacts on the natural environment and the visual effect on the River Corridor is detrimental to the integrity of the River Corridor.
6. Section 27 of the Pennsylvania Constitution states: *The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.*
7. The Commonwealth, pursuant to the Pennsylvania Municipalities Planning Code, has authorized its local municipalities to conserve and preserve public natural resources.
8. Section 604(1) of the Pennsylvania Municipalities Planning Code, provides that zoning ordinances shall be designed *to promote, protect and facilitate the preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.*
9. Section 605 of the Pennsylvania Municipalities Planning Code, provides that zoning ordinances may provide classifications within districts *for the regulation, restriction or prohibition of uses and structures at, along or near places having a special character or use affecting and affected by their surroundings.*

- B. **Intent** - The intent of this Section 535 is to provide development standards which will afford the required environmental and visual protection to the integrity of the River Corridor.

535.2 Prohibited Uses

The following uses and expansions of such uses shall be prohibited in the Upper Delaware Overlay District. The only other uses permitted shall be those uses permitted in accord with the underlying zoning districts.

- A. Two-family dwellings except as planned in a conservation design subdivision
 - B. Multi-family dwellings except townhouses as planned in a conservation design subdivision
 - C. Recreational vehicle parks
 - D. Campgrounds
 - E. Mobile home parks
 - F. Intensive livestock operations
 - G. Agricultural products processing
 - H. Natural resource uses except for the removal, collection, transport and sale of flag stone, landscaping stone and wall stone from existing stone walls or quarries which contain already quarried material as a conditional use in accord with Section 506 and Section 536.
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- I. Solid waste disposal facilities and related operations such as container and vehicle storage
- J. Junk yards
- K. Shooting ranges
- L. Intensive use recreational facilities
- M. Golf Courses
- N. Hotels
- O. Detention facilities as regulated by Section 531 of this Ordinance

535.3 Development of Existing Lots of Record

The intent of this section is to minimize the visual impacts associated with the development of individual lots existing at the time of enactment of this provision. The development shall be exempt from the building design and site clearing provisions of this Section 535.3 if the Zoning Officer determines that the visual impact analysis required by Section 535.3,D demonstrates that the view of any principal structures, accessory structures, parking, sewage disposal system, and any proposed clearing, except for the required access drive, are minimized from any public viewing point. (See Section 535.4 for conservation design subdivision requirements in the Upper Delaware Overlay District.)

- A. **Basic Standard** - The basic standard of this Section 535.3 is that buildings in the Upper Delaware Overlay District shall largely be screened from view from public viewing points.
 - B. **Site Plan** - The applicant shall provide a detailed site plan to the Zoning Officer including all information necessary to document compliance with this Ordinance. The site plan, at a minimum, shall include:
 - 1. Lot lines.
 - 2. Existing site conditions including contours at intervals necessary to provide slope details, existing vegetation (differentiating between deciduous trees, evergreen trees, brushy areas, and grassy areas), streams and water bodies, and significant natural features.
 - 3. Location of all proposed development and site clearing, principal structures, drives, parking and accessory structures (including sewage disposal systems).
 - 4. Location of all areas proposed for thinning of vegetation including identification of vegetation and trees to remain.
 - 5. Details of all landscaping and tree planting.
 - C. **Building and Structure Plans** - The applicant shall provide plans for all proposed buildings and structures including all information necessary to document compliance with this Ordinance. The plans, at a minimum, shall include:
 - 1. Building and structure footprint and elevations.
 - 2. All building and structure design details.
 - D. **Visual Impact Assessment** - The applicant shall provide a visual impact assessment at a level of detail to show how the view of the structure will be minimized from any public viewing point. The development shall be exempt from the building design and site clearing provisions of this Section 535.3 if the visual impact analysis documents that the view of the principal structures, accessory structures, parking, and any proposed clearing, except for the required access drive, is minimized from any public viewing point.
 - E. **Skyline Protection** - The skyline, which is the line between the tops of the vegetation on the site and the sky as seen from a public viewing point, shall not be penetrated by any structure when viewed from any public viewing point (excluding the road providing access to the development within 400 feet on either side of the driveway leading to the development). No vegetation clearing or thinning shall alter the skyline as seen from any public
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viewing point except as permitted by this Section 535.3.

F. Tree and Vegetation Clearing and Pruning; Preservation -

1. Clearing and Pruning - Tree and vegetation clearing and pruning shall be minimized and shall be limited to those areas of the lot approved for principal and accessory structures, parking, drives, the sewage disposal system, etc., and view corridors in accord with this Section 535. In any case, such clearing and pruning shall not disrupt the continuity of the skyline. The removal of entire trees shall only be permitted where selective pruning cannot accomplish the same objective. This shall not preclude forestry enterprises conducted in accord with Township requirements.
2. Protection from Mechanical Injury - The limit of approved clearing and soil disturbance shall be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
3. Protection from Grading Change - Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
4. Protection from Excavations - When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

G. Building Envelope - The building envelope permitted shall be a rectangle with an up-slope boundary forty (40) feet or less from the building, side boundaries forty (40) feet or less from each side of the building, and a down-slope boundary twenty-five (25) feet or less from the building. Accessory structures shall be built within the building envelope or in a clearing no greater than twenty (20) feet around the structure. Parking areas shall be built within the building envelope. Sewage disposal systems may be installed outside the building envelope.

H. Building and Structure Design - Buildings and structures shall, whenever possible, be designed and constructed to blend with the natural background. Reflective siding and roofing materials shall not be used, unless the materials are treated to eliminate reflection. This shall not apply to window glass.

I. Buffers - A buffer of not less than fifty (50) feet in width shall be maintained between the building envelope / yard area and all property lines. This buffer shall remain undisturbed except for the required drive, the required sewage disposal system, utility crossings, and the view corridor permitted by this Section 535. In the case of nonconforming lots, the buffer width may be reduced in the same proportion as the existing lot size to the minimum required lot size; but not to a width of less than twenty (20) feet.

J. View Corridors

1. Selective Cutting and Pruning - Selective cutting and pruning is allowed on the lot, including the buffer areas, to provide one (1) view corridor through and between trees, provided that the narrowest point of any view corridor is no more twenty-five (25) feet in width at the structure facade. A second view corridor shall be permitted provided the sum of the narrowest points of the two (2) view corridors does not exceed twenty-five (25) feet and the corridors do not overlap. (See following diagram.)
 2. Corridor Width - The corridor width may increase by up to 0.5 feet for every foot of distance away from the structure to a maximum of fifty (50) feet in width.
 3. Clear Cutting - Clear cutting of the entire view corridor shall not be permitted.
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4. Thinning Limitation - The basal area of trees in the view corridor shall not be reduced below fifty (50) percent of the basal area present before cutting or below sixty-five (65) square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at four and one-half (4.5) feet above the ground, normally measured by a calibrated prism or angle gauge.
- K. Lighting - Outdoor lighting for all development shall be downward shielded and screen to minimize reflective glare and transmission of light beyond the property lines. Outdoor lighting shall also comply with Section 512.6 and Section 532.
- L. Lack of Existing Vegetation; Conditional Use - In cases where the Zoning Officer determines that the visual impact assessment shows that existing trees and vegetation are not adequate to screen the development, the application shall be considered a conditional use. In addition to the other information required by this Section 535.3, the applicant shall provide a tree planting and landscaping plan to minimize the visual impact.
 1. The buildings shall be located on the site to minimize the visual impact.
 2. All trees planted shall be species indigenous to surrounding woodlands, and shrubs and other landscaping vegetation shall be of a type adapted to the climate of the Township. The minimum tree size shall be 4" caliper at 42 inches above ground level, and all trees and vegetation shall be maintained in good condition and shall replaced in-kind as necessary.
 3. The tree planting and landscaping shall achieve the proposed screening within five (5) years of permit approval.
- M. Applicant Request for Conditional Use - In cases where the applicant believes the requirements of this section should not be applied to the proposed development, the applicant may request that the application be considered a conditional use by the Board of Supervisors. The Board may then, as part of the conditional use process, modify the specific provisions of this Section 535.3 if it determines that the basic screening standard in Subsection A above is achieved by the applicant's proposal.

535.4 Conservation Subdivision Design in the Upper Delaware Overlay District

- A. Purposes - In order to address the findings and intent specified in Section 535.1 and to maintain the integrity of the River Corridor, thereby protecting the local economy and overall property values, and in conformance with the Pennsylvania Municipalities Planning Code, the purposes of this section, among others, are as follows:
 1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
 2. To conserve areas critical to the visual integrity of the River Corridor by setting them aside from development.
 3. To conserve scenic views and elements of the River Corridor's character, and to minimize perceived density, by minimizing views of new development from public viewing points.
 4. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
 5. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
 6. To provide for a diversity of lot sizes and housing choices at the underlying zoning district density to
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accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.

7. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *Shohola Township Comprehensive Plan* and the *Upper Delaware Final River Management Plan*.
 8. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
 9. To protect productive forest land in the Township for continued use by conserving blocks of land large enough to allow for efficient forest management operations.
 10. To enable the creation of residential communities with direct visual access to open land and amenities in the form of open space.
 11. To provide for the conservation and maintenance of open land within the River Corridor to achieve the above-mentioned goals and for active or passive recreational use by residents.
 12. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
 13. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
- B. By-Right Development Options - In order to achieve these purposes and enable flexibility in designing new residential subdivisions, the development options listed below are permitted.
1. Tracts of Less Than Ten (10) Acres - Tracts of less than ten (10) acres may be subdivided at the minimum lot size specified for the underlying zoning district and shall not be subject to the conservation design requirements of this Section 535.4. However, each lot shall comply with the dwelling siting requirements of Section 535.4.F.
 2. Tracts of Ten (10) Acres or More - On tracts of ten (10) acres or more, the following development options are permitted:
 - a. Option One - *Basic Density and Basic Conservation*, providing for residential uses with a density factor based on the minimum lot size of the underlying zoning district and with not less than forty (40) percent of the tract comprised of conservation open space.
 - b. Option Two - *Greater Density with Greater Conservation*, providing residential uses at a density factor reduction of ten (10) percent (which results in an increase in the number of units) and with not less than fifty (50) percent of the tract comprised of conservation open space.
 - c. Option Three - *Country Properties*, providing for very low densities (10-acre minimum lot size) appropriate to the Upper Delaware Overlay District, where a permanent conservation easement restricts the lots from further subdivision. (See also Section D,2 and Section G,2 below.)
- C. Combining the Design Options - The various options permitted by this Section 535.4 may be combined based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Section, as compared with applying a single option to the property.
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D. Use Regulations; Density/Lot Size

1. Option 1 and Option 2 - Option 1 and Option 2 subdivision may include single-family detached dwellings, two-family dwellings and townhouses at the dwelling unit densities specified in Section 535.4,G.
2. Option 3 - Option 3 subdivisions shall be limited to single-family detached dwellings on lots not less than ten (10) acres in size.
3. All Options - All options may include residential accessory uses permitted by the underlying zoning district, and conservation open space.

E. Primary Conservation Areas - The design shall strictly minimize the disturbance of the following primary conservation areas, and all such areas shall be included in the conservation open space (See Section 535.4,L,2.):

1. Wetlands
2. Floodway
3. Floodplain
4. Slopes in excess of twenty-five (25) percent
5. Rock outcrops and boulder fields more than one thousand (1,000) square feet in size
6. Any area visible from any public viewing point.

F. Dwelling and Community Building Envelopes; Design

1. All Subdivisions - All dwelling and community buildings sites in all subdivisions shall be designed and delineated in accord with the standards in Section 535.3, with a building envelope designated on each lot and for each community building or structure.
2. Option 3 and Less Than Ten-Acre Tracts - The building envelopes in Option 3 subdivisions and in subdivisions of tracts of less than ten (10) acres shall not encroach upon any primary conservation area listed in Section 535.4,E .
3. Lot Development and Structure Design - The development of individual lots and the construction of individual structures shall be governed by deed covenants and restrictions which, at a minimum, meet the standards in Section 535.3.

DENSITY AND OPEN SPACE TABLE				
Zoning District	Density Factor (required area per dwelling unit in square feet)		Minimum Required Percent of Adjusted Tract Acreage for Open Space*	
	OPTION 1	OPTION 2	OPTION 1	OPTION 2
R-1 & C-1	43,560	39,200	40	50
RF	87,120	78,400	40	50
OS	217,800	196,000	40	50

*plus all of the constrained land calculated in Section 535.4,I

G. Density Factor; Lot Size

1. Option 1 and Option 2 - The density factor for Option 1 and Option 2 subdivisions shall be one (1) dwelling unit per the required area for the district (density factor) as shown in the *Density and Open Space Table*. The

number of permitted dwelling units is determined by dividing the adjusted tract acreage by the applicable density factor. In Option 1 the density factor is equal to the lot size of a standard subdivision. In Option 2 the density factor is reduced by ten (10) percent from that of a standard subdivision, which when divided into the adjusted tract acreage yields a bonus number of units.

2. Option 3 - The minimum lot size for Option 3 subdivisions shall be ten (10) acres.

H. Minimum Required Conservation Open Space

1. Option 1 - Option 1 subdivisions shall include at least forty (40) percent of the adjusted tract acreage plus all of the constrained land calculated in Section 535.4,I as conservation open space. (See the *Density and Open Space Table*.)
2. Option 2 - Option 2 subdivisions shall include at least fifty (50) percent of the adjusted tract acreage plus all of the constrained land calculated in Section 535.4,I as conservation open space. (See the *Density and Open Space Table*.)
3. Option 3 - Conservation open space shall not be required for Option 3 subdivisions.

- I. Adjusted Tract Acreage - Determination of the maximum number of permitted dwelling units on any Option 1 or Option 2 development tract shall be based upon the adjusted tract acreage of the site. The adjusted tract acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land by the numerical *constraint factor* for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.

1. The following areas of constrained land shall be deducted from the gross (total) tract area:

Multiply the area of:	by this Constraint Factor:
rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
land under existing private streets	1.00
designated wetlands	0.95
floodway	1.00
100-year floodplain	1.00
natural ground slopes exceeding 25 percent	0.80
natural ground slopes of between 15 and 25 percent	0.60
rock outcrops and boulder-fields more than 1,000 square feet	0.90
ponds, lakes and streams	1.00

2. If a portion of the tract is underlain by more than one constrained area, that acreage shall be subject to the most restrictive deduction only.

J. Dimensional Standards for Individual Lots

1. Option 1 and Option 2 - The standards in the *Option 1 and Option 2 Single-Family and Two-Family Dwellings Dimensional Standards Table* shall apply to lots in Option 1 and Option 2 subdivisions used for such dwellings.

OPTION 1 AND OPTION 2 SINGLE-FAMILY AND TWO-FAMILY DWELLINGS DIMENSIONAL STANDARDS TABLE	
Minimum Individual Lot Area	7,500 sq ft
Minimum Lot Width at Building Line	70 feet
Minimum Street Frontage	20 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	30 feet; 20 feet where the rear yard adjoins conservation open space
– minimum side	- 30 feet separation of principal buildings - no side yard less than 5 feet
Maximum Impervious Coverage	35 percent per individual lot

2. Dimensional Standards for Townhouses - The standards in the *Townhouse Dwellings Dimensional Standards Table* shall apply to lots in Option 1 and Option 2 subdivisions used for such dwellings.

OPTION 1 AND OPTION 2 TOWNHOUSE DWELLINGS DIMENSIONAL STANDARDS TABLE	
Minimum Individual Lot Area	none
Maximum lot depth to width ratio	5 : 1
Minimum Lot Width at Building Line	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	20 feet
– minimum side	- 35 feet separation of principal buildings
Maximum Impervious Coverage	70 percent per individual lot

- 3. Dimensional Standards for Option 3 Lots - The standards in the *Option 3 Dimensional Standards Table* shall apply to lots in Option 3 subdivisions

OPTION 3 DIMENSIONAL STANDARDS TABLE	
Minimum Individual Lot Area	10 acres
Minimum Lot Width at Building Line	300 feet
Minimum Street Frontage	100 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	100 feet
– minimum rear	50 feet
– minimum side	50 feet
Maximum Impervious Coverage	5 percent per individual lot

- K. Development Tract Setbacks - All dwellings and accessory buildings, and all community buildings and accessory buildings shall meet the setback requirements in the *Development Tract Setback Table*.

DEVELOPMENT TRACT SETBACK TABLE			
Setback from:	Dwelling Type*		Community Buildings**
	Single-Family and Two-Family	Townhouses	
external road rights-of-way	100 feet	300 feet	200 feet
other tract boundaries	50 feet	200 feet	100 feet
crop land or pasture land	100 feet		
buildings or barnyards housing livestock	300 feet		
*and accessory buildings			
**and accessory buildings except entrance gate accessory buildings			

- L. Conservation Open Space Use and Design Standards - Conservation open space in all subdivisions shall meet the following standards:

- 1. Uses Permitted on Conservation Open Space - The following uses shall be permitted in conservation open space areas:
 - a. Conservation of open land in its natural state.
 - b. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences, that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are concentrated commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors

- c. Pasture land for horses used solely for recreational purposes in accord with all applicable zoning requirements. Equestrian facilities shall be permitted but shall not consume more than half of the minimum required conservation open space.
 - d. Silviculture in keeping with established standards for selective harvesting and sustained-yield forestry.
 - e. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township
 - f. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five (5) acres, whichever is less.
 - g. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a fifty (50) foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
 - h. Easements for drainage, access, sewer or water lines, or other public purposes.
 - i. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.
2. Primary Conservation Areas - The primary conservation areas listed in Section 535.4,E, shall be included in the conservation open space.
 3. Layout - The conservation open space shall be in the largest blocks possible and shall be laid out to ensure that an interconnected network of open space will be provided.
 4. Ownership - The conservation open space may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the Township, or by a private individual or entity. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.
 5. Use by Development Residents - In no case shall the amount of land available for the common use and enjoyment of the subdivision residents be less than thirty (30) percent of the total conservation open space. Not less than eighty-five (85) percent of the common conservation open space shall be free of wetlands, floodway, slopes in excess of twenty-five (25) percent, and rock outcrops and boulder fields more than one thousand (1,000) square feet in size.
 6. Buffers for Adjacent Public Park Land: Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least one-hundred-fifty (150) feet in width shall be provided within the development along its common boundary with such public land, within which no new structures or other improvements shall be constructed.
 7. Access - Pedestrian and maintenance access shall be provided to conservation open space reserved for subdivision residents so that each group of fifteen (15) dwelling units is provided with at least one (1) centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.
- M. Permanent Conservation Open Space - The required conservation open space shall be subject to permanent conservation easements prohibiting future development, prohibiting its use to meet open space requirements for
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any other development, and defining the range of permitted activities.

- N. Water and Sewer - All townhouses and any lots less than three-fourths (0.75) acres in size shall be served by a community water system and a community sewage disposal system.
- O. Visual Impact Assessment - The applicant shall provide a visual impact assessment at a level of detail to show how the subdivision (including all building sites and development improvements) will be viewed from any public viewing point and to document compliance with this Section 535.4

535.5 Timber Practices (See also Section 536.)

Timber harvesting shall be considered conditional uses in order to ensure that impacts to soil, water, vegetation and wildlife resources are minimized, and in addition to all other applicable regulations of this Ordinance the following standards shall apply:

- A. The applicant shall provide a timber harvesting plan prepared by a professional forester.
- B. A soil erosion and sedimentation control plan meeting the approval of the County Conservation District shall be implemented on the site.
- C. Timber harvesting in that area within one hundred (100) feet of the normal high water mark of the Delaware River or any stream, shall be of the selective cut method only and not less than fifty (50) percent of the overhead canopy shall be maintained.

SEVERABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any parts thereof.

REPEALER

All other Ordinances or sections of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

ADOPTION

This Ordinance is hereby adopted and enacted this ____ day of _____, 2005 by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania to become effective immediately.

George J. Fluhr, Chairman

Steven Dellert, Vice-Chairman

Henry Prigge, Supervisor

ATTEST:

Nelia Wall, Secretary

