

**ORDINANCE NO. 60**

**SHOHOLA TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE SHOHOLA TOWNSHIP ZONING ORDINANCE OF APRIL 12, 1990, TO:

ITEM 1 - ADD AND AMEND DEFINITIONS ..... 1  
 ITEM 2 - CREATE THE CONSERVATION DESIGN DEVELOPMENT OVERLAY DISTRICT ..... 2  
 ITEM 3 - CHANGE THE SCHEDULE OF DISTRICT REGULATIONS ..... 2  
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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:**

**ITEM 1 - Delete, add and amend the following definitions in Article III:**

**Delete entirely –**  
Cluster Development  
Open Space

**Add –**  
Building Envelope: An area on a lot which has been designated as the area in which development may occur. Building envelopes are identified by building setbacks, conservation areas, site conditions and other factors, and are specifically designated on the development plan and established by deed covenants and restrictions.

Conservation Area, Primary: Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted. (See Section 510.2,F.)

Conservation Area, Secondary: Those areas, as specified by the Subdivision and Land Development Ordinance, of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

Conservation Design Development: A development or subdivision designed at the dwelling unit density specified in the Zoning Ordinance for the Zoning District in which the development or subdivision is located where individual lots are reduced in size, important natural resources are conserved, and the resultant open space is preserved in perpetuity.

Conservation Open Space: That part of a particular conservation design development set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Township Subdivision and Land Development Ordinance. Conservation open space may be accessible to the residents of the development and/or



**ITEM 4 - Change the Schedule of Development Standards to read as follows:**

SHOHOLA TOWNSHIP SCHEDULE OF DEVELOPMENT STANDARDS							
District	Minimum Lot Area (sq. ft.)	Minimum Lot Width / Depth (feet)	Minimum Setbacks (feet)			Maximum Building Height (feet)	Maximum Lot Coverage (%)
			Front	Rear	Side		
Residential (R-1)	43,560	150/200	40	30	20	35	25
Residential Forest (RF) allowed residential uses	Governed by Section 510						
Residential Forest (RF) allowed nonresidential uses	87,120	200/200	40	30	20	35	25
Neighborhood Commercial (NC)	43,560	150/200	25	25	25	35*	40
General Commercial (C-1)	43,560	150/200	25	25	25	35*	40
Open Space District (OS)	See Note 3						
Flood Plain Overlay District (FP)	See Note 4						
Upper Delaware Overlay District (UD)	See Note 5						
* Residential structures shall not exceed a height of thirty (30) feet.							

Notes:

- Two-family dwellings shall conform to the development standards for each dwelling unit and the total parcel size shall be fifty percent (50%) larger than that required for a single-family dwelling.
- A single-family dwelling constructed prior to January 1, 2007 may be converted to a two-family dwelling provided the lot on which the dwelling is situated is outside of the Upper Delaware Overlay District and is at least 65,340 square feet (1.5 acres) in Residential (R-1) and Neighborhood Commercial (NC) Districts, and 130,680 square feet (3 acres) in Residential Forest (RF) District. All local and state sewage requirements must be complied with.
- Open Space District - Includes only State Forest Land and State Game Lands, therefore, minimum lot sizes do not apply. However, commercial district setbacks and building height requirements shall apply. Should any area of the OS District revert to private ownership, all RF standards shall apply.
- Flood Plain Overlay District - Includes all flood plain areas as shown on the most recent Flood Hazard Boundary Maps. See Section 527.2.
- Upper Delaware Overlay District - Includes all areas in the Upper Delaware River Scenic and Recreational River corridor. See Section 510 and Section 535.
- See Section 501.1 for non-conforming lots of record.
- Supplementary regulations in Article V shall apply in cases where said regulations are more restrictive.
- See Section 511 for multi-family dwellings.
- See Section 502.2 for corner lot requirements and/or structures.
- If two or more principal structures are proposed for a single parcel, the area of said parcel shall be increased in proportion to the number of proposed uses. For example, if three principal structures are proposed, the lot area shall be three times that required in the Schedule.
- Any building or use, or combination of buildings and uses, in the Upper Delaware Overlay District proposing a lot coverage area of greater than ten (10%) percent shall be considered a conditional use. See also Section 527.3.
- Residential uses in Commercial Districts shall comply with R-1 standards.

**ITEM 5 - Replace the current Section 510 (Residential Cluster Development) with the following Section 510:**

**510 Conservation Design Development**

In the RF District Conservation Design Development is required. In all other Zoning Districts, Conservation Design Development may be used at the developer's option. Conservation Design Development shall comply with this Section 510.

(Note: A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual lots sold can vary in size, provided the total number of lots does not exceed the density which is based on the underlying minimum lot size. In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved.)

**510.1 Purposes and Development Options**

- A. **Purposes** - 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.
  2. To conserve areas critical to the visual integrity of the landscape by setting them aside from development, particularly in the Upper Delaware River Corridor.
  3. To conserve scenic views and elements of the landscape, 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 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 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 and sensitive lands such as streams, water bodies, wetlands, flood plain, and steep slopes, and minimize the 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, this Section 510 provides for flexibility in designing new residential subdivisions by allowing the following forms of *by-right* development referred to as *options*, as summarized below:
1. Option One - Basic Density and Basic Conservation providing for residential lots/units at the density permitted by the Density Standards Table in Section 510.4 with not less than forty (40) percent of the tract comprised of conservation open space.
  2. Option Two - Increased Density with Increased Conservation providing residential lots/units at the density permitted by the Density Standards Table in Section 510.4 with not less than fifty (50) percent of the tract comprised of conservation open space.
  3. Option Three - Country Properties in RF Districts providing lots of four (4) acres or more in size in accord with the standards in Section 510.7 and other applicable standards without providing open space.
- C. Densities and Required Open Space Percentages - See Section 510.4.

#### 510.2 General Regulations

The design of all new developments in the Conservation Design Overlay District shall be governed by the following minimum standards:

- A. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
- B. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan*, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
- C. Combining the Design Options - The various layout and density options described in this section may be combined at the discretion of the Board, 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.
- D. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.
- E. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources/Site Analysis Plan*.

F. Primary Conservation Areas - The design shall strictly minimize the disturbance of the following primary conservation areas which are environmentally sensitive. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.

1. Wetlands
2. Floodway
3. Floodplain
4. Slopes in excess of twenty-five (25) percent
5. The area within the 50-foot buffer zone required by Section 508.2 for water bodies and streams

### 510.3 Parcel Sizes and Use Regulations

#### A. Parcel Size

1. RF District - In the RF District all tracts of ten (10) acres or more shall be subject to Conservation Design Development in accord with this Section 510 and separately deeded tracts of less than ten (10) acres in the RF District validly existing as of the effective date of this Section 510 may be developed as a Conservation Design Development or a standard subdivision with a minimum lot size of two (2) acres in accord with the normal requirements of this Zoning Ordinance and the Township Subdivision and Land Development Ordinance.
2. Other Districts - In all other Districts where Conservation Design Development is permitted, tracts of five (5) acres or more may be developed in accord with this Section 510 at the developers option.
3. Act 319 Lands in RF Districts - On lands enrolled in the Pennsylvania Act 319 (Clean and Green) Program, the subdivision of one (1) lot per year meeting the minimum requirements of the Act 319 Program shall be exempt from the requirements of this Section 510.
4. Existing Conservation Easements - Conservation easements which provide for the subdivision of lots shall be exempt from the requirements of this Section 510 provided such easement preexisted the effective date of this Section 510 and the lot size stipulated in the easement for the lots to be subdivided complied with the requirements of the zoning ordinance provisions in effect at the time the conservation easement was recorded.

B. Permitted Uses - The following uses shall be permitted in Conservation Design Developments:

1. Single-Family Detached Dwellings - Single-family detached dwellings in developments using Option1 - Basic Density and Basic Conservation or Option 2 - Increased Density and Increased Conservation in all zoning districts, and Option 3 - Country Properties in the RF District.
2. Two-Family Dwelling Units or Townhouses - Two-family dwelling units or townhouses in developments using Option1 - Basic Density and Basic Conservation or Option 2 - Increased Density and Increased Conservation at the same density as single-family dwellings, unless the units are otherwise permitted in the District where proposed, in which case the normal standards shall apply.
3. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of Section 510.5.
4. Other Nonresidential Uses - The following other non-residential uses:
  - a. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.

- b. Wood lots, arboreta, and other similar silvicultural uses.
  - c. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
  - d. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
5. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.
6. Upper Delaware Overlay District - All dwellings and community buildings sites in all subdivisions in the Upper Delaware Overlay District shall be designed and delineated in accord with the standards in Section 535, with a building envelope designated on each lot and for each community building or structure. The building envelopes shall not encroach upon any primary conservation area listed in Section 510.2,F. Should there be any conflict between the provisions of this Section 510 and Section 535 the more restrictive shall apply.

510.4 Option 1 and Option 2 Density Determination and Dimensional Standards

A. Density Standards and Minimum Required Conservation Open Space

<b>DENSITY STANDARDS</b>		
<b>Zoning District</b>	<b>Density Factor - required area per dwelling unit</b>	
	<b>OPTION 1 (40% open space)</b>	<b>OPTION 2 (50% open space)</b>
<b>Density Requirements for Single-Family and Two-Family Dwellings</b>		
RF	87,120 square feet	74,000 square feet
R-1, NC, C-1	43,560 square feet	37,000 square feet
<b>Density Requirements for Townhouses</b>		
R-1	43,560 square feet	37,000 square feet
RF, C-1	governed by Section 511	
In cases where the calculation yields a fractional number of units, the number shall be rounded up to the next higher whole number when the fraction is 0.5 or more, and to the next lower whole number if the fraction is less than 0.5.		

1. Density Factor - The density factor for Option 1 and Option 2 Developments shall be one (1) dwelling unit per the required area for the Zoning District density factor as shown in the Density Standards 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 the same as that of a standard subdivision. In Option 2 the density factor has been reduced by fifteen (15) percent from that of Option 1. The reduced density factor, when divided into the adjusted tract acreage, yields a bonus number of units.
2. Minimum Required Conservation Open Space

- a. Option 1 developments shall include at least forty (40) percent of the adjusted tract acreage plus fifty (50) percent of the constrained land calculated in Section 510.4,D, as conservation open space. The balance of the constrained land may be included in individual lots. (See Section 510.4,A,3 below for the required building envelope.
- b. Option 2 developments shall include at least fifty (50) percent of the adjusted tract acreage plus fifty (50) percent of the constrained land calculated in Section 510.4,D, as conservation open space. The balance of the constrained land may be included in individual lots. (See Section 510.4,A,3 below for the required building envelope.

**3. Building Envelope Required**

- a. Each individual building lot for a single-family dwelling shall contain a consolidated building envelope of not less than ten thousand (10,000) square feet in area which does not encroach upon any primary conservation area listed in Section 510.2,F.
- b. The building envelope shall contain the principal structure and all parking areas. Accessory structures shall be built within the building envelope or in a clearing no greater than twenty (20) feet around the accessory structure. Sewage disposal systems and wells may be installed outside the building envelope.

**B. Dimensional Standards for Single-Family and Two-Family Dwellings** - The dimensional standards in the Option 1 and Option 2 Dimensional Standards for Single-Family Detached and Two-Family Dwellings Table shall apply.

<b>OPTION 1 AND OPTION 2</b>			
<b>Dimensional Standards for Single-Family Detached and Two-Family Dwellings</b>			
<b>Water supply / sewage disposal !</b>	<b>off-site water and off-site sewage</b>	<b>off-site water and on-site sewage</b>	<b>on-site water &amp; on-site sewage</b>
Minimum Individual Lot Area	10,000 square feet	32,670 square feet	43,560 square feet
Minimum Building Envelope Area	10,000 square feet of land which is not wetlands, floodway, floodplain, sloped in excess of 15%, or within the 50-foot buffer zone required by Section 508.2 for water bodies and streams		
Minimum Street Frontage	40 feet	40 feet	40 feet
Setback Regulations - the principal building position and orientation shall be varied.			
– minimum front	20 feet		
– minimum rear	30 feet 20 feet where the rear setback adjoins conservation open space		
– minimum side	- 30 feet separation of principal buildings - no side setback less than 5 feet	20 feet	
Maximum Lot Coverage	40% per individual lot	35% per individual lot	
<b>Dimensional Standards for Townhouses - see Section 510.4,C</b>			

- C. Dimensional Standards for Townhouses in Option 1 - Basic Density and Basic Conservation and Option 2 - Increased Density with Increased Conservation Subdivisions - The standards in the following Table, shall apply:

<b>OPTION 1 AND OPTION 2 Dimensional Standards for Townhouses</b>	
Minimum Individual Lot Area	none
Maximum Height Regulations	35 feet
Separation of Principal Buildings	35 feet
If individual lots are provided: Minimum Lot Width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)

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

<b>Multiply the area of:</b>	<b>by this Constraint Factor:</b>
rights-of-way of existing or proposed public or private streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way	1.00
designated wetlands	0.50
floodway	1.00
100-year floodplain	0.50
natural ground slopes exceeding 25 percent	0.50
ponds, lakes and streams	1.00
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.	

510.5 Design Standards for Option 1 - Basic Conservation, and Option 2 - Increased Conservation

- A. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Township Subdivision and Land Development Ordinance.
- B. Setbacks - All new dwelling lots shall meet the setback requirements in following Dwelling Lot Setbacks Table:

<b>DWELLING LOT SETBACKS</b>	<b>DWELLING TYPE</b>	
SETBACK FROM:	Single-Family and Two-Family	Townhouses
external Township or State road rights-of-way	75 feet	150 feet*
other perimeter boundaries of the development tract	50 feet	100 feet*

\*governed by Section 511 in RF and C-1 Districts

- C. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the this Ordinance and the Township Subdivision and Land Development Ordinance.
- D. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

510.6 Conservation Open Space Use and Design Standards

Protected conservation open space in all subdivisions shall meet the following standards:

- A. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
  - 1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
  - 2. 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 commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
  - 3. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
  - 4. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
  - 5. 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.
  - 6. 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.
  - 7. 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 50-foot buffer around such facilities shall not be included within the minimum conservation open space requirement.
  - 8. Easements for drainage, access, sewer or water lines, or other public purposes.
  - 9. 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.
- B. Primary Conservation Areas - Not less than fifty (50) percent of the primary conservation areas listed in Section 510.2,F shall be included in the conservation open space.
- C. 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.
- D. Ownership - The conservation open space may be owned and maintained in accord with Section 506 of the

Township Subdivision and Land Development Ordinance.

- E. 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 fifteen (15) percent of the conservation open space shall be free of wetlands, floodway, and slopes over fifteen (15) percent; and, this minimum percentage shall be included in the conservation open space set aside for the common use and enjoyment of the subdivision residents.
- F. 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.
- G. 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 a minimum of thirty-five (35) feet in width per fifteen (15) lots.
- H. 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 any other development, and defining the range of permitted activities.

510.7 Standards for Option 3 - Country Properties in RF Districts

In the RF District, subdivisions which are comprised of lots of four (4) acres or more in size may be developed in accord with the standards in this Section 510.7 and other applicable standards without providing open space.

- A. Dimensional Standards The following dimensional standards shall apply:

<b>OPTION 3</b>	
<b>Dimensional Standards for Single-Family Detached Dwellings</b>	
Minimum Individual Lot Area	4 acres
Minimum Lot Width at Building Line	200 feet
Minimum Street Frontage	200 feet
Maximum Lot Depth to Width Ratio	4:1
Setback Regulations - the principal building position and orientation should be varied.	
– external Township or State road rights-of-way	150 feet
– minimum front from right-of-way of internal subdivision roads	50 feet
– minimum rear	50 feet
– minimum side	50 feet
Maximum Lot Coverage	20 percent per individual lot

- B. Lot Area - Each four-acre lot shall contain a minimum of one (1) acre of unconstrained land as calculated in accord with the definition of *lot area* in Article III.

**ITEM 6 - Replace Section 511 with the following revised section 511:**

**511 Multi-Family Dwellings**

Multi-family dwelling projects are permitted in certain districts in accord with the Schedule of Uses in order to provide the opportunity for the development of a variety of housing types in the Township.

511.1 Project Design Process and Procedure

- A. Subdivision and Land Development - Multi-family projects shall be considered major subdivisions and/or land developments also subject to the Township Subdivision and Land Development Ordinance. This *major subdivision* classification shall apply to all subdivision of property in connection with the multi-family project, regardless of whether or not the same are connected with building development, and the approvals required for a multi-family project shall be requested and acted upon concurrently as one subdivision.
- B. Design Process and Procedure - All multi-family projects shall be designed and processed in accord with the Adjusted Tract Acreage Approach requirements for Conservation Design Developments contained in Section 510.4,D,1 of this Ordinance and the *Four-Step Design Process* in the Township Subdivision and Land Development Ordinance.
- C. Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- D. Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the Township or a property owners' association, for the purpose of preserving the open space in the same manner as required for Conservation Design Developments in Section 510 of this Ordinance. In no case shall the minimum open space be less than thirty (30) percent of the project parcel.

511.2 Bulk and Density Standards; Parcel Configuration

The bulk and density factors listed on the following Table shall apply to multi-family dwellings and projects without the application of any density bonuses. All land proposed for a particular multi-family dwelling project shall be part of the same parcel and contiguous.

<b>MULTI-FAMILY DWELLING STANDARDS</b>			
<b>PROJECT STANDARDS</b>	<b>Townhouses</b>	<b>Garden Apartments</b>	<b>Apartment Buildings</b>
Minimum size for project parcel (acres)	5	5	3
Density – Number of dwelling units per acre of useable land area (See Section 510.4,D,1 for adjusted tract acreage)	1.5	1.5	2.0
Maximum number of dwelling units per building	6	8	12
Maximum building height (feet)	35	35	35
Maximum lot coverage (percent)	see §511.1,D		

MULTI-FAMILY DWELLING STANDARDS			
PROJECT STANDARDS	Townhouses	Garden Apartments	Apartment Buildings
ADDITIONAL TOWNHOUSE STANDARDS			
Minimum Individual Lot Area	none		
Maximum Height Regulations	35 feet		
Separation of Principal Buildings	35 feet		
If individual lots are provided: Minimum Lot Width	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)		

511.3 Design Criteria

The following design criteria shall apply to multi-family projects:

A. Setbacks

1. Exterior Property Lines and Public Road Setbacks - All multi-family dwelling structures, access roads (except as required for entry to the property), driveways and parking areas shall comply with the following setbacks:

Minimum Setback From	
<b>Project Parcel Exterior Property Lines</b>	<b>Road Right-of-Way</b>
50 feet	50 feet

2. Interior Setbacks - No structure in a multi-family dwelling project shall be constructed within twenty (20) feet of the edge of the shoulder of any access drive (without a designated right-of-way) to or through the development or within ten (10) feet of any parking area. Setbacks of multi-family project buildings from access roads through the project shall meet these minimums, however, setbacks of adjacent buildings shall be varied so that adjacent buildings have a setback variation of not less than five (5) feet.

- B. Road Standards - Access roads through the development shall comply with the street requirements of the Township Subdivision Ordinance for minor roads. Access drives serving twelve (12) units or less shall be considered driveways and need not meet minor road standards. Direct access of individual parking spaces to a minor road shall not be permitted, and any such access drive shall remain private.

- C. Building Separation - All principal multi-family structures shall be separated by a distance of not less than fifty (50) feet.

- D. Landscaped Buffers - Buffers, not less than fifteen (15) feet in width shall be provided in accord with Section 512.1 of this Ordinance where multi-family structures adjoin existing single-family dwellings, two-family dwellings or any District where such dwellings are not permitted. In all cases, a landscaping plan shall be prepared and submitted by the developer for approval by the Township.

- E. Pedestrian Access - Walkways of such design and construction as approved by the Township shall be provided from all buildings and/or units to their respective parking area and shall meet the requirements for sidewalks as

set forth in the Township Subdivision Ordinance.

- F. Trash Storage - Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash shall at all times be kept in an orderly and sanitary fashion.
- G. Architectural Renderings - Preliminary architectural renderings, models or photos for multi-family dwelling projects of more than ten (10) dwelling units shall be provided at the time of submission of the conditional use application. The exterior appearance of the building(s) shall be unified in type, design, and exterior wall treatment, and so constructed and maintained, in order to retain the residential character of the neighborhood. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- H. Townhouses: Facade Changes - A minimum of two (2) changes in the front wall plane with a minimum offset of four (4) feet shall be provided for every attached grouping of townhouses in one (1) building. This can be met by varying setbacks among different dwellings or varying setbacks along the front of a dwelling, or dwellings set back farther than attached private garages.
- I. Parking - Parking for multi-family dwelling projects shall comply with Section 505 of this Ordinance. In addition, for every two (2) units intended for rental or other transient occupancy, one (1) additional space to accommodate parking needs during sales and other peak visitation periods shall be provided.

#### 511.4 Non-Residential Use

Non-residential uses and home occupations which employ persons other than unit residents shall not be permitted in a multi-family dwelling. Such ancillary facilities as laundry areas, service buildings, recreational facilities and the like for the use of the residents of the project shall be permitted. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregated.

#### 511.5 Conversions of Existing Structures

Conversions of existing structures to a multi-family dwelling use, regardless of whether such conversions involve structural alterations, shall be considered land developments and, moreover, be subject to the provisions of this Section 511 and subject to the provisions of the Township Subdivision and Land Development Ordinance. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing structure is structurally sound and that the proposed conversion will not impair structural soundness.

#### 511.6 Common Property Ownership and Maintenance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township in accord with Section 506 of the Subdivision and Land Development Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

#### 511.7 Water Supply and Sewage Disposal

All multi-family developments shall be served with off-site sewage facilities and off-site water supplies. Effluent disposal areas and any sewage treatment facilities shall not be placed upon individual dwelling lots and shall be a minimum of one hundred (100) feet from any public road right-of-way or exterior development property line. A reserve area suitable for a replacement disposal area equal in size to the required area shall be provided and so identified on the plan.

**ITEM 7 - Replace the entire Section 535.4 with the following:**

**535.4 Conservation Design Development in the Upper Delaware Overlay District**

Residential subdivisions in the Upper Delaware River Overlay District shall comply with Section 510 - Conservation Design Development .

**ITEM 8 - Add §538 as follows:**

**538 OPTIONAL TRANSFERABLE DEVELOPMENT RIGHTS (TDR)**

**538.1 Purpose**

The primary purpose of establishing the transferable development rights (TDR) program is to permanently preserve open land, sensitive natural areas, and rural community character that would be lost if the land were developed. In addition, this section is intended to enable landowners who desire to preserve their land the opportunity to sell on the free market their right to develop to other areas of Shohola Township deemed appropriate for higher density development based on the availability of community facilities and infrastructure.

**538.2 Basic Concept and Authorization**

- A. Sending Properties and Receiving Properties - The provisions of this Zoning Ordinance which permit transferable development rights allow owners of parcels in Shohola Township proposed for conservation, called *sending properties*, to sell the right to develop all or a portion of their land to the owners of qualifying parcels in Shohola Township proposed for additional development, called *receiving properties*.
- B. Pennsylvania Municipalities Planning Code - The transferable development rights provisions set forth in this section are specifically authorized under §603(c)(2.2) and §619.1 of the Pennsylvania Municipalities Planning Code, under the terms of which development rights are acknowledged to be severable and separately conveyable from a *sending property* to a *receiving property*.
- C. Development Rights - When landowners sell their right to develop all or a portion of their land, they must restrict that portion of land from which development rights are sold against any future development as provided in this Ordinance, although the land may still be used for purposes that do not involve development, such as agriculture or forestry. When the owner of a *receiving property* buys the development rights from the owner of a *sending property*, they receive the right to build more dwelling units on their land than they would have been allowed had they not purchased development rights.
- D. Voluntary Agreement - The owners of the *sending property* and *receiving property* shall voluntarily commit to participate in the transfer of development rights. Once the required conservation easement is established, it shall be binding upon all current and future owners of the *sending property*. The applicant for the *receiving property* is responsible to negotiate with, and pay compensation to, the owner of the *sending property* for the conservation easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the *sending property*.
- E. Conservation Easement
  - 1. Land Sale and Development - The conservation easement imposed on the *sending property* will not prohibit the landowner's sale of the land after the development rights have been severed, although such land cannot thereafter be used for development purposes.
  - 2. Easement Holders - The easement shall be held by the Township and a, bonafide nonprofit conservation organization (a nonprofit organization created in accord with U.S. Code Title 26, Subtitle A, Chapter 1,

Subchapter F, Part I, §501(c)(3) which is devoted to the conservation of open space) acceptable to the Township.

3. Conservation Organization Terms - It shall be responsibility of the *sending property* owners to meet all of the terms of acceptance of the easement by the conservation organization, including, but not limited to, baseline documentation, monitoring endowment, and legal fees.
- F. Disposition of Development Rights - The owner of the *sending property* from which the development rights are severed or any subsequent purchaser or purchasers of the development rights may declare the development rights for sale, may hold the development rights, or may resell the development rights. The only use which may be made of the development rights is the ultimate transfer to a developer with a *receiving property*. The Township shall have no obligation to purchase the development rights which have been severed from a *sending property*.
- G. Donations or Intermediaries - The development rights from a *sending property* may be purchased by or may be donated to the Township, the County or a bona fide conservation organization acceptable to the Township. A permanent conservation easement shall be established on the *sending property* at the time of such purchase or donation.
- H. Permanent Severance - Once severed from a *sending property*, development rights shall remain a separate estate in land and shall not be joined with the antecedent estate.
- I. Term of Development Rights - The development rights severed from a *sending property* shall have no term regardless of the number of intermediate owners unless such rights are legally extinguished.

### 538.3 *Sending Property Qualifications, Calculations and Requirements*

Owners of qualifying tracts may sell their development rights in accord with the following:

- A. *Sending Property Qualifications* - The *sending property* shall not be otherwise restricted from development and:
  1. The *sending property* shall be located in any R-1 or RF Zoning District and shall be a minimum of ten (10) acres in size.
  2. At least eighty (80) percent of the *sending property* shall be restricted from future development by a conservation easement in accord with this §538.
  3. The restricted acreage shall be contiguous and shall not be less than seventy-five (75) feet in the narrowest dimension at any point except for such lands specifically serving as trail links.
  4. The portion of the parcel which will not be restricted shall be useable under the use, area, dimensional, performance and other standards of this and other Township Ordinances.
- B. *Declaration of Transferable Development Rights and Certification by Township* - Any owner of a qualified *sending property* may elect to declare the severance of development rights, and may request a written certification from the Township of the number of rights that may be severed, which certification shall not be unreasonably withheld. Such request shall be made to the Zoning Officer on the form provided by the Township.
- C. *Calculation of Transferable Development Rights; Conditional Use* - The calculation of transferrable development rights shall be considered a conditional use based on application made by the *sending property* owner.
  1. *Determination of Number of Development Rights* - The Township shall determine the total number of development rights available from a *sending property* by dividing the adjusted tract acreage as calculated for the property in accord with §510.4,D of this Ordinance by the density factor (# of acres of adjusted tract

acreage per dwelling unit) in the Calculation of Transferable Development Rights Table. .

<b>CALCULATION OF                      TRANSFERABLE DEVELOPMENT RIGHTS</b> (See §538.3,C,2 below for parcels subdivided after the effective date of this §538)	
<b>Sending Property                      Location</b>	<b>Density Factor                      (# of acres of adjusted tract acreage                      per dwelling unit)</b>
R-1	0.75
RF	1.50

2. Subdivision Prior to Transfer - The density factors in §538.3,C,1 shall not apply where the transfer of rights is proposed from any parcel to any other parcel created by a common subdivision approved after the effective date of this §538. Density in such case shall be determined using the density factors in §510 applicable to conservation design subdivisions.
3. Plan Requirement - The applicant shall provide a plan prepared by a professional consultant as defined by the Pennsylvania Municipalities Planning Code to document to the satisfaction of the Township the determination of Adjusted Tract Acreage. At a minimum, the plan shall show the site features enumerated in §510.4,D of this Ordinance.
4. Partial Severance - If the severance of development rights would entail less than an entire parcel, the portion of the parcel from which the development rights are severed shall be clearly identified on a survey of the entire parcel made and sealed by a surveyor licensed in Pennsylvania.
5. Preserved Land - Land previously restricted against development by covenant, easement or deed restriction shall not be eligible for transferable development rights unless and until such time as said covenant, restriction or easement is dissolved or rescinded with agreement of all beneficiaries of such covenant, restriction or easement.

D. Severance of Transferable Development Rights.

1. Severance - Transferable development rights which have been severed shall be conveyed by a Deed of Transferable Development Rights duly recorded in the Office of the Pike County Recorder of Deeds. The Deed of Transferable Development Rights shall specify the tract of land to which the rights shall be permanently attached or that the rights shall be transferred to the Township, retained by the owner of the *sending property*, or another person in gross.
2. Conservation Easement - The Deed of Transferable Development Rights which severs the development rights from the *sending property* shall be accompanied by a conservation easement which shall permanently restrict development of the sending property as provided below and which shall be recorded in the Office of the Recorder of Deeds at the same time as or prior to the Deed of Transferable Development Rights.
3. Township Approval of Easement - All Deeds of Transferable Development Rights and conservation easements shall be endorsed by the Township prior to recording, which endorsement shall not be unreasonably withheld.
  - a. Deeds submitted to the Township for endorsement shall be accompanied by a title search of the *sending property* and a legal opinion of title affirming that the development rights being transferred by the Deed

have not been previously severed from or prohibited upon the *sending property* and that the *sending property* is not Preserved Land as described in Section 538.3,C,5 above.

- b. A title report shall be prepared not less than ten (10) days prior to submission of the Deed, and the legal opinion of title must meet the reasonable approval of the Township Solicitor.
4. Partial Sale of Severed Rights - If an agreement of sale of development rights would entail less than the entire number of development rights represented by a recorded Deed of Transferable Development Rights, the applicant shall indicate in the Deed the disposition of the remaining development rights.
- E. Sending Property Conservation Easement - Any *sending property* from which development rights have been severed must be permanently restricted from future development by a conservation easement provided to the Township which meets the following minimum requirements:
  1. Development Restricted - Except where any development rights are retained, the restrictive covenant shall permanently restrict the land from future development for any purpose other than agricultural uses, public park land, conservation areas and similar uses.
  2. Township Approval - The conservation easement shall be approved by the Board of Supervisors of Shohola Township, in consultation with the Township Solicitor.
  3. Enforcement Rights - The conservation easement shall designate Shohola Township, and a bona fide conservation organization acceptable to the Township, as the beneficiary/grantee, but shall also designate the following parties as having separate and independent enforcement rights with respect to the easement:
    - a. All future owners of any portion of the *sending property*, and
    - b. All future owners of any portion of any parcel to which the transferable development rights are permanently attached.
  4. Specification of Rights Sold and Retained - The conservation easement shall specify the number of development rights to be severed as well as any to be retained.
  5. Lot Area and Yard Prohibition - No portion of the tract area used to calculate the number of development rights to be severed shall be used to satisfy minimum yard setbacks or lot area requirements for any development rights which are to be retained or for any other development.
  6. Other Provisions - The conservation easement shall include all other necessary provisions to address the specific circumstances of the subject property in terms of meeting the requirements of this Section.
  7. Legal Interest Owners - All owners of all legal and beneficial interest in the tract from which development rights are severed shall execute the conservation easement. All lien holders of the tract from which development rights are severed shall execute a joinder and/or consent to the conservation easement.
  8. Development Approval - Final approval for any subdivision or land development plan using transferred development rights shall not be granted prior to the recording of the required conservation easement and other applicable documents at the Pike County Recorder of Deeds.

#### **538.4 Receiving Property Qualifications, Calculations and Requirements**

Owners of tracts which meet the following requirements may use development rights that are purchased from *sending property* owners.

- A. Receiving Property Prohibition - Development rights shall not be transferred to any property in any NC, C-1 or OS District except in accord with Section 538.4, F, below for increases in lot coverage in C-1 and NC Districts.
- B. Residential; Off-Site Sewage and Off-Site Water; Other Receiving Property Qualifications - Residential density of permitted residential types on a *receiving property* may be increased through the use of TDR's in accord with the provisions of this §538 when the *receiving property* is located in an R-1 or RF District and is served by off-site sewage disposal and off-site water supply.
- C. Conservation Design Required - All *receiving properties* shall be governed by the Conservation Design Development standards in §510.
- D. Receiving Property Base Residential Density - The base residential density of the *receiving property* shall be determined by dividing the adjusted tract acreage as calculated for the property in accord with §510.4,D of this Ordinance by the applicable zoning district minimum lot size requirement for lots served by off-site sewage disposal and off-site water supply.
- E. Receiving Property Increase in Permitted Residential Density - The number of dwelling units on a *receiving property* may be increased above the *receiving property* base density only to the extent that all applicable standards, including, but not limited to, the minimum required open space are satisfied.
- F. C-1 and NC Lot Coverage Increase - Development rights from sending properties may be used to increase lot coverage in C-1 and NC Districts at the rate of ten thousand (10,000) square feet for each development right. However, in no case shall lot coverage be increased to more than eighty(80) percent.
- G. Modification of Area and Bulk Standards via Conditional Use - For any development where at least twenty (20) transferable development rights are received, applicable area and bulk requirements may be modified up to fifty (50) percent subject to conditional use approval by the Board of Supervisors. Any conditional use approval to permit such modification(s) shall be subject to the following criteria:
  - 1. Ordinance Consistency - The design and modifications shall be consistent with the purposes and the design standards contained in this Ordinance.
  - 2. Street System - The design and modifications shall not produce lots or street systems that would be impractical in terms of layout or circulation, or detract from the appearance of the development or surrounding community, and shall not adversely affect emergency vehicle access.
  - 3. Quality of Design - The applicant shall demonstrate to the Board of Supervisors that the proposed modification(s) will produce equal or better development design and open space conservation results than could be achieved without the requested modification.
  - 4. Burden; Conditions - If the Board of Supervisors determines that the applicant has met the burden of proof, it may grant a conditional use for the modification of the requirements. The Board of Supervisors may impose such conditions as will, in its judgment, secure the objectives and purposes of this Ordinance.

### 538.5 Plan Submission Process

- A. Plans Required - All applicants for use of transferable development rights shall submit subdivision or land development plans in accord with the Shohola Township Subdivision and Land Development Ordinance for the development to which the transferable development rights will be added. A conditional use application shall be submitted where applicable. Such plans shall, in addition to meeting all other applicable provisions, include the following:

1. Proof of Available Development Rights - A Deed of Transferable Development Rights or an agreement of sale for all development rights proposed to be purchased from the *sending property*.
  2. Dwelling Unit Numbers - A note on the plan showing the total number of dwelling units proposed on the *receiving property*, the total number that could be built not using TDR's, and the incremental difference between the two.
  3. Plan - The Adjusted Tract Acreage plan of the *sending property* required by §538.3,C,3 for the site(s) from which the applicant proposes to purchase development rights. If the applicant is purchasing development rights from a portion of a *sending property*, the plan show the areas of severed rights. If the development rights have previously been severed from a *sending property*, a copy of the recorded Deed of Transferable Development Rights shall be submitted.
  4. Title Search - A title search of the *sending property* sufficient to determine all owners of the tract and all lien holders. If the development rights have previously been severed from the *sending property*, a title search of the rights set forth in the Deed of Transferable Development Rights sufficient to determine all of the owners of the development rights and all lien holders shall be provided to the Township.
- B. Final Approval; Conservation Easement - In order to receive final plan approval, the Applicant must provide documentation that the required conservation easement has been recorded for all *sending property* lands whose development rights are being used by the applicant. These restrictive covenants must meet the requirements stipulated herein. The restrictive covenant on the *sending property* shall be recorded first, followed by a Deed of Transfer, in accord with the provisions of the Pennsylvania Municipal Planning Code, which transfers the development rights from the *sending property* landowner to the *receiving property* landowner.
- C. Public Acquisition - Shohola Township may purchase development rights and may accept ownership of development rights through transfer by gift. All such development rights may be resold or retired by the Township. Any such purchase or gift shall be accompanied by the conservation easement required by §538.3,E.

#### **538.6 Amendment and/or Extinguishment**

- A. Amendment - The Township reserves the right to amend this Ordinance in the future, and expressly reserves the right to change the manner in which the number of development rights shall be calculated for a *sending property* and the manner in which development rights can be conveyed.
- B. Termination - The Township further expressly reserves the right to terminate its transferable development rights program at any time.
- C. Claims - No owner of the land or owner of development rights shall have any claim against the Township for damages resulting from a change in this Ordinance relating to the regulations governing the calculation, transfer and use of development rights or the abolition of the transferable development rights program.
- D. Vested Rights - If the transferable development rights program is abolished by the Township, only those rights which were severed prior to the effective date of the ordinance abolishing the transferable development rights program may be attached to any *receiving property*. This shall also apply in the case where an application for severance in conformity with the provisions of this §538 was filed prior to the effective date of such ordinance, and the application thereafter is continuously processed to approval.

**SEVERABILITY**

Should any section, subsection, clause, provision or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Supervisors having adopted this Ordinance as if such invalid portions had not been included therein.

**EFFECTIVE DATE**

This Ordinance shall become effective immediately upon adoption.

**ADOPTION**

BE IT HEREBY ENACTED AND ORDAINED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2006 by the Board of Supervisors of Shohola Township, Pike County, Pennsylvania.

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ATTEST:

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