

§ 110-70 **Planned golf community (PGC).**

[Added 5-17-2001 by Ord. No. 2001-2; amended 9-19-2002 by Ord. No. 2002-4; 1-27-2003 by Ord. No. 2003-1]

**A.** Intended purposes.

- (1) To provide for and permit residential and nonresidential development that results in an enhanced living and recreational environment through the preservation of open space; and
- (2) To provide opportunities for residents to reside in community settings that are designed to reflect development patterns typical of recreation-oriented communities; and
- (3) To promote development patterns which encourage pedestrian activity within and between different components, use areas, and neighborhoods comprising the community; and
- (4) To provide for a mixture of compatible land uses, including residential, commercial and recreational uses, by allowing more flexibility in the design process to facilitate community planning; and
- (5) To promote variety and affordability in housing types to provide opportunities for citizens of various ages and income groups to reside in Mount Joy Township, by encouraging ingenuity and originality in total subdivision and individual site design.

**B.** PGC definitions. When used in this section, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise (NOTE: unless otherwise specifically defined herein below, words, terms and phrases used throughout the present section shall have the same definitions as are set forth in Article II, § 110-20, of the Mount Joy Township Zoning Ordinance; provided, however, that, in the event of any inconsistency between the following definitions and the definitions set forth in Article II, § 110-20, the definitions shall prevail and apply relative to the development.):

**ACTIVE RECREATION AREA**

Land, or area(s) of water, or a combination of land and area(s) of water, within a PGC, which is designed, intended and/or suitable for golf course(s) and appurtenant structures and facilities, including driving range(s); rain shelter(s); golf instructional area(s); golf cart parking area(s); golf course equipment storage and maintenance building(s); underground utilities; pump house(s); and golf course hazard areas, vegetated buffers, ponds/lakes, fountains, pathways, bridges, irrigation facilities, stormwater management facilities, and underground utilities; baseball, softball and/or soccer field(s); tennis, basketball or volleyball court(s); swimming pool(s) [including accessory building(s) therefor]; walking trail(s); and other outdoor areas designed, intended and/or suitable for athletic, exercise or lecture presentation activities (not including, however, stadiums or spectator facilities such as grandstands). Active recreation areas shall, at the option of the owner of such active

recreation areas, as the case may be, be open to the public and/or residents of the PGC, on either a daily/seasonal fee or membership basis.

### **BED-AND-BREAKFAST**

The use of a maximum of 12 transient rental units within a single-family detached dwelling. This may include a use that is operated primarily by a permanent resident(s) of the dwelling or, alternatively, by manager(s) employed by the owner(s) of the facility. No person (other than the operator/manager and his/her family) shall occupy the use for more than 21 days in any sixty-day period.

### **CLUBHOUSE**

A structure appurtenant to and associated with the PGC's golf course or courses, within which dining area(s), kitchen facilities, bar(s) and lounge(s), locker rooms and restrooms, community room(s), the pro shop, and administrative and sales offices may be located.

### **COMMUNITY SEWER**

A privately owned central sewage treatment system that serves the PGC. For purposes of this § 110-70, such system shall not be interpreted to constitute "on-lot sewer service" as that phrase is defined in § 110-20 of this chapter.

### **COMMUNITY WATER**

A privately owned central water system that serves the PGC. For purposes of this § 110-70 such system shall not be interpreted to constitute "on-lot water service" as that phrase is defined in § 110-20 of this chapter.

### **CONDOMINIUM**

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for direct or indirect common ownership solely by the owners of those portions, pursuant to the Uniform Condominium Act, as amended, 68 Pa.C.S.A. § 3101 et seq.; the Uniform Planned Community Act, as amended, 68 Pa.C.S.A. § 5101 et seq.; or other similar regime of common ownership permitted by federal or state law and approved by the Board of Supervisors.

### **CONDOMINIUM UNIT**

A "unit" shall be defined as in the Uniform Condominium Act, as amended, 68 Pa.C.S.A. § 3101 et seq., the Uniform Planned Community Act, as amended, 68 Pa.C.S.A. § 5101 et seq., or other federal or state laws that permit similar regimes of common ownership (provided that the Board of Supervisors approves such similar regimes), whichever applies. A "condominium dwelling unit" shall be a condominium unit that constitutes a "dwelling unit" as that phrase is defined in § 110-20 of this chapter.

### **CONFERENCE CENTER**

A commercial structure or structures, contiguous to or constructed as a part of a hotel, designed and intended for use as a site for meetings, convocations, seminars and/or

conventions, which may include a restaurant or restaurants within the footprint of the conference center structure(s).

## **COURTYARD**

A common area (owned by a property owners' association), accessed by an access drive, and containing a landscaped central plaza area, around which clustered courtyard single-family residences (constructed on lots owned in fee simple by the homeowners) are located, and from which privately owned driveways to each clustered courtyard home radiate.

## **COURTYARD CLUSTER**

A cluster of single-family detached homes, not to exceed nine homes per courtyard, constructed in and upon lots (owned in fee simple by the homeowners) around and accessed from a courtyard (which shall also include the detached single-family homes fronting on the private street or access drive leading to a courtyard or courtyards, subject to the eighty-percent limitation set forth in Subsection **C(3)(g)[6]** hereinbelow.

## **DENSITY**

A term used to express the maximum number of residential dwelling units, regardless of the housing type, permitted, in the aggregate, to be constructed in, upon and within the PGC's project acreage. For purposes of the present definition of "density," each individual dwelling unit within a time-share unit or a condominium dwelling unit shall constitute one dwelling unit.

## **DWELLING, MULTIFAMILY**

A building comprised of three or more dwelling units. The term shall include townhouses and apartment units. Each individual family's living quarters within a multifamily dwelling shall constitute one dwelling unit for density calculation purposes.

## **DWELLING, ZERO LOT LINE (also known as "patio home")**

A single-family detached dwelling with the building positioned on a lot in such a manner that one of the building's exterior walls is situated directly on top of a lot line, or a one-family dwelling on a separate lot with open space setback requirements on three sides.

## **HOTEL or MOTEL**

A building or buildings, including rooms rented out to persons as clearly transient and temporary living quarters, as well as a restaurant or restaurants within the footprint of the hotel or motel structure(s). Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a boardinghouse and shall meet the requirements of that use. (See also bed-and-breakfast use, as defined hereinabove.)

## **LOT AREA or LOT SIZE**

For purposes of a PGC and a PGC only, the horizontal land area contained within the lot lines (the delineated, exterior boundary lines) of a lot (measured in acres or square feet), after deleting areas within future or existing public or private street/road rights-of-way, utility

rights-of-way, areas routinely covered by water and areas within or outside of a stormwater detention basin expected to be underwater during or immediately after a ten-year storm.

### **MASTER ASSOCIATION**

A property owners' association that includes within its membership all owners of dwelling units and/or real property in the PGC or their respective property owners' associations.

### **PASSIVE RECREATION AREA**

Land, or area(s) of water, or a combination of land and area(s) of water, within a PGC, which is devoid of any structures or improvements (other than walking trails), and which is designed, intended and/or suitable for preserved and maintained viewing areas and viewsheds, woods, forests, wetlands, open fields and nature preserves.

### **PRESERVED OPEN SPACE**

Land, or area(s) of water, or a combination of land and area(s) of water, within a PGC, which:

- (1) Is designed, intended and/or suitable for an active or passive recreation area by residents of the PGC and/or landowners within the PGC, and said residents' and landowners' guests, invitees and/or permissive users; and
- (2) Does not include any of the following: existing or future street/road or access drive rights-of-way; buildings (other than accessory buildings); parking lots for commercial uses; any area needed to meet a requirement for an individual lot; any area deeded over to an individual property owner for said owner's own use; or land within utility rights-of-way. No area covered by a building or parking area shall be considered preserved open space, except for a recreation building or parking area that clearly primarily serves recreational uses; and
- (3) Is covered by a system for preservation and maintenance, via appropriate, recorded deed covenants, conditions and restrictions.

### **PRIVATE STREET**

A thoroughfare that will be constructed, and initially owned and maintained, by the owner/applicant, and, potentially thereafter, by a property owners' association, that affords access to abutting, adjoining and/or adjacent properties within the PGC. A private street is designed and intended for general use of the PGC's residents and their invitees, as well as for the PGC's permissive users and entrants, i.e., those persons and vehicles visiting, servicing or utilizing the facilities within the PGC.

### **PROJECT ACREAGE**

The total gross contiguous acreage of land, under common ownership at the time of the application to the Township for PGC conditional use approval, which is proposed for inclusion within, and designation as, a PGC, no separately deeded parcel of which comprising the PGC's minimum required 300 acres shall be comprised of less than 100

acres; provided, however, that land within a public road right-of-way in existence at the time a PGC is proposed for conditional use approval shall not be included or includable in the calculation of the PGC's project acreage. Notwithstanding any other provision in this definition to the contrary, the common ownership and one-hundred-acre requirements of this definition shall not apply to any application for conditional use, subdivision and/or land development approval that pertains to a PGC (or any portion thereof) for which conditional use approval previously was granted and remains in effect; and an expansion of a PGC for which conditional use approval previously was granted and remains in effect, provided that all lands onto which the PGC is proposed to be expanded are commonly owned.

## **PROPERTY OWNERS' ASSOCIATION**

An association that is formed pursuant to the Uniform Condominium Act, as amended,<sup>[1]</sup> the Uniform Planned Community Act, as amended,<sup>[2]</sup> or other federal or state laws that permits similar regimes of common ownership approved by the Board of Supervisors, whichever applies and is comprised of some or all owners of property within the PGC.

## **PRO SHOP**

The area of the clubhouse in which the registration of golfers and the sale of golf equipment and clothing are conducted.

## **QUADRAPLEX UNIT**

A residential structure comprised of four contiguous, individually owned dwelling units (each individual owner holding title to just the footprint of said owner's dwelling unit) which share common walls, roofs, access drive(s) and other structural components.

## **TIME-SHARE**

A form of ownership or operation that satisfies the definition of "time share estate," set forth in 68 Pa.C.S.A. § 3403(a). A "time-share unit" shall be a unit of a time share. A "time-share dwelling unit" shall be a time-share unit that constitutes a "dwelling unit" as that phrase is defined in § 110-20 of this chapter.

[1] *Editor's Note: See 68 Pa. C.S.A. § 3101 et seq.*

[2] *Editor's Note: See 68 Pa. C.S.A. § 5101 et seq.*

- C.** Planned golf community standards. The following standards, requirements and limitations shall apply to the PGC's project acreage and shall be applicable both at the time of application for a conditional use approval and in perpetuity thereafter, unless subsequently, legally and properly modified by amendment of this chapter, the Board of Supervisors pursuant to Subsection **C(6)(g)** herein, state or federal statutory change(s), or final, unappealable order of a court of competent jurisdiction:

**(1)** General requirements.

- (a)** The minimum project acreage for a PGC shall be 300 acres, which project acreage shall have a minimum of 1,000 feet of state public road frontage; and

- (b) At least 55% of the PGC's project acreage shall be designated and preserved as preserved open space; and
- (c) Within a PGC, a golf course or courses, residential dwellings, active recreation areas and passive recreations areas shall be developed; and
- (d) The area of both the active and passive recreation areas shall be included in and calculated as parts of the required 55% preserved open space of the PGC. These areas shall be specifically delineated and legally described on the plan of a PGC. If the golf course(s) and/or active recreation area(s) cease, for any reason, to be operated and/or used for such uses, such areas thereof shall be used and operated as passive recreation areas and as no other use (with the exception of crop farming) unless and until such other use of such area(s) is approved by the Board of Supervisors and if required by the Board of Supervisors, any such areas that are approved by the Board of Supervisors for such other use is replaced with other active or passive recreation areas in the PGC in an acreage equal to the acreage of the areas for which the Board of Supervisors approved such other use. Notwithstanding the foregoing, if any golf course and/or other active recreation area has ceased to be used and/or operated for such use, the owner(s) of such area(s) may, without obtaining approval from the Board of Supervisors, resume use of such area as that use existed on the date on which such area ceased to be used and/or operated for such use; and
- (e) For all areas that meet the criteria for preserved open space, the applicant shall record a deed covenant (which shall be subject to the prior review and approval of the Township's Solicitor) with the Adams County Recorder of Deeds prohibiting the subdivision and nonrecreational development of the required open space; provided, however, that such deed covenant shall permit the applicant or owner to substitute any lands restricted by such deed covenant (the replaced lands) with other lands (the substituting lands) provided that the acreage of the substituting lands is equal to or greater than the acreage of the replaced lands and a deed covenant prohibiting the subdivision and nonrecreational development of such substituting lands is recorded.
  - [1] Such deed restriction shall include an acknowledgment that the Township shall have no responsibility, obligation or duty to maintain preserved open space or any other portion of the PGC that has not been dedicated to and accepted by the Township.
  - [2] Such deed covenant shall be binding upon, and shall inure to the benefit of, the applicant and the applicant's heirs, personal representatives, successors and assigns, as well as all of the PGC's property owners and their respective heirs, personal representatives, successors and assigns, and shall be specifically referenced in all deeds to and leases of such preserved open space issued by the original PGC owner/applicant.

[3] Documentation for all property owners' associations shall be submitted for the Supervisors' review and approval by the applicant together with the POC conditional use application, which documentation shall provide, inter alia, that any property owners' association formed as the potential owner of the PGC's preserved open space shall not be dissolved without the prior written consent of the Mount Joy Township Board of Supervisors; and

- (f) The project acreage multiplied by 0.8 shall represent the maximum number of dwelling units, in the aggregate, permitted to be constructed in, upon and within the PGC's project acreage (See the definition of "density" hereinabove.); provided, however, that such density of 0.8 dwelling unit per acre, in the aggregate, shall only be permissible if the project acreage is comprised of not more than 20% of undevelopable areas, i.e., floodplains and wetlands. In the event that the floodplains and/or wetlands portion of the project acreage exceeds such limitation of 20%, the acreage in excess of 20% shall be deducted from the project acreage when calculating the maximum number of dwelling units permitted. [NOTE: See also §§ **110-70C(6)(g)** and **(i)**.]
- (g) A mixture of residential uses, including single-family detached dwellings, single-family semidetached dwellings, duplex and quadraplex units, zero lot line dwellings (patio homes), townhouses, garden apartments, and time-share dwelling units and condominium dwelling units shall be permitted within the PGC. At least 25% of the total dwelling units in the PGC shall be single-family detached dwellings. Zero lot line dwellings (patio homes) may be characterized as single-family detached dwellings for purposes of fulfilling such 25% minimum requirement. No more than 75% of the total dwelling units in the PGC shall be any combination of single-family semidetached dwellings, quadraplex units, townhouses, garden apartments, or time-share dwelling units and condominium dwelling units; provided, however, that a maximum of 100 time-share units shall be permitted. Clustering of multifamily/multiple-owner residential structures is encouraged, in order to maximize the PGC's total preserved open space; and
- (h) All lots depicted in and upon the PGC plan which are proposed for fee-simple conveyance by the applicant/developer, regardless of the proposed form of ownership thereof, shall front on or have access to a public (or proposed public) road/street. All dwelling units constructed within a PGC shall front on or have access to an internal public or private street or access drive system. No new access drives (as defined in § **110-20** of this chapter) directly connected to state or Township roads in existence as of the effective date of this § **110-70** shall be permitted.<sup>[3]</sup> All new access drives shall connect to the proposed internal street system to be constructed within the PGC; and
- (i) The PGC shall be served with either public or community water and sewer services. No on-lot, private sewage or potable water supply facilities shall be permitted.

[3] *Editor's Note: This section became effective 5-22-2001.*

- [1]** The applicant shall include with the PGC conditional use application all documentation required by the Township and the Pennsylvania Department of Environmental Protection (DEP) as will permit the Township to confirm that:
- [a]** The PGC's proposed public or community water and sewer systems will be permitted (by DEP), owned, operated and maintained in accordance with all applicable Township ordinances and federal, state and DEP laws, rules and regulations; and
  - [b]** The PGC's proposed public or community water and sewer systems will not be or become financially burdensome to the Township.
- [2]** In the conditional use application, the applicant shall provide evidence that is acceptable to the Board of Supervisors that there will be a suitable plan and system established to ensure the proper long-term professional operation and maintenance of the PGC's community and/or public sewage disposal and drinking water systems. In the event that such plan and system provides for the future ownership, operation and maintenance of such systems by a local or regional municipal authority:
- [a]** Said authority shall be involved in reviewing the design of such systems as well as the construction thereof; and
  - [b]** Provided that the local or regional municipal authority grants to the applicant or developer (whichever applies) the rights set forth in this Subsection C(1)(i) [2][b], in both the conditional use application and the final subdivision and/or land development plan, the applicant shall certify and confirm the applicant's agreement, in response to the Board of Supervisors' written request, to dedicate, for the sum of \$1, the PGC's community and/or public sewage disposal and drinking water systems unto a local or regional municipal authority which evidences to the Township, in writing, said municipal authority's willingness and ability to own, operate and maintain such systems; although, subsequent to such dedication and acceptance of the PGC's community and/or public sewage disposal and drinking water systems, such municipal authority shall have the right to charge and collect all water and sewer user fees (which fees may include operations, maintenance and future capital costs components). The applicant shall have the right to reserve sewer and water capacity in such systems adequate for the full build-out of the POC, and, further, the applicant shall not be required to pay tapping or connection fees otherwise assessable under the Pennsylvania Municipality Authorities Act, as amended,<sup>[4]</sup> relative to the facilities as dedicated.
- [4]** *Editor's Note: See 53 Pa. C.S.A. § 5601 et seq.*

- [3]** At the land development plan approval application stage, the applicant shall be

required to demonstrate that the PGC's proposed community water and sewer systems will comply with the pertinent regulations of the Pennsylvania Department of Environmental Protection, including, but not limited to, the provisions of 25 Pa. C.S.A. § 71.72, as amended. In addition, at such stage, the Applicant's plans and specifications for the PGC's proposed community water and sewer systems shall be subject to the Township Engineer's review and approval, which review and approval shall be conducted by said Engineer in the context of the construction of municipal facilities. At such stage, the applicant shall also be required to demonstrate, to the reasonable satisfaction of the Township's Engineer, via the submission of a financial analysis, that the proposed water and sewer rate structures will be realistic and capable of supporting the systems' proper operation and maintenance in a fiscally sound manner; and

- (j) Any application for conditional use approval of a PGC shall be subject to the provisions of § **110-17**, Conditional use process, of the Township Zoning Ordinance in effect as of the date of this § **110-70**.
  - (k) A master association shall be mandatory for all owners of dwelling units and/or real property in the PGC. Each owner of a dwelling unit and/or real property in the PGC shall be either a member of such master association or a property owners' association that is a member of such master association. Such membership in the master association shall run with the land.
- (2) Density requirements and limitations. Overall project density shall be limited to the maximum set forth in Subsection **C(1)(f)** hereinabove. Each separate time-share dwelling unit and condominium dwelling unit shall constitute a separate dwelling unit and shall be included in the density calculation; provided, however, that each hotel, motel or bed-and-breakfast room shall not constitute a separate dwelling unit or be included in the density calculation. (Instead, the hotel or bed-and-breakfast units shall be subject to the nonresidential/commercial structures and project acreage percentages limitations set forth herein below.)
- (3) Uses, buildings and golf course requirements and limitations.
- (a) Time-share and other multifamily dwelling lots (except garden apartments and single-family attached/townhouse dwelling lots).
    - [1] Minimum lot size: 40,000 square feet.
    - [2] Minimum lot width: 100 feet.
    - [3] Maximum impervious surface coverage: 60% of the lot area as defined in Subsection **B** above.
    - [4] Minimum required building setbacks:

- [a] Front, arterial street: 50 feet.
- [b] Front, collector or minor street: 30 feet.
- [c] Sides: 35 feet.
- [d] Rear: 35 feet.
- [e] Minimum distance between the primary building walls of principal buildings within the tract:
  - [i] Front to front: 60 feet.
  - [ii] Front to side: 60 feet.
  - [iii] Front to rear: 60 feet.
  - [iv] Side to rear: 40 feet.
  - [v] Side to side: 20 feet.
  - [vi] Rear to rear: 50 feet.
  - [vii] Corner to corner: 20 feet.
- [5] Maximum building height: three stories, not to exceed 45 feet.
- [6] Maximum gross lot density: eight units per acre.
- [7] Parking shall be provided in accordance with Article **VIII** and the Table of **Off-Street Parking Requirements**<sup>[5]</sup> of Chapter **110** of the Township Code. Additionally, all off-street parking, except private driveways, shall be set back a minimum of 15 feet from the building to the nearest point of the parking space.

[5] *Editor's Note: The Table of Off-Street Parking Requirements is included at the end of this chapter.*
- [8] A buffer yard, as defined in § **110-20** of this chapter, shall be provided where a lot on which a time-share dwelling unit or condominium dwelling unit adjoins an existing or proposed public road and/or private street right-of-way or a single-family detached dwelling. The minimum width of said buffer yard shall be 60 feet. The buffer yard shall be landscaped in accordance with the specifications set forth in Subsection **C(5)(f)** herein below.
- [9] Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

(b) Commercial lots.

- [1] No more than 22 acres of the project acreage of a PGC may be devoted to commercial uses. The total area of the PGC's commercial uses shall be measured and calculated by utilizing each commercial use's lot line. Such lot line shall be delineated on the conditional use plan and shall include the area occupied by any commercial building, associated driveway(s), parking area(s) and any required buffer yards.
- [2] Permitted commercial uses.
  - [a] Bed-and-breakfast facility: one per PGC.
  - [b] Clubhouse and associated parking area(s).
  - [c] Convenience store, not exceeding 3,000 square feet in total floor area, and intended primarily for the use of the PGC neighborhood residents (relative to which gasoline pumps shall not be permitted).
  - [d] Accessory uses, buildings or structures that are customarily incidental to the commercial use shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory use, building or structure is located.
- [3] Uses permitted only by conditional use.
  - [a] Commercial uses permitted by separate additional conditional use approval (pursuant to § **110-17** of this chapter) only:
    - [i] Hotel or motel.
    - [ii] Conference center.
    - [iii] Other commercial uses that are listed as commercial uses in the Table of Permitted Uses by District<sup>[6]</sup> and deemed by the Board of Supervisors to be appropriate for inclusion within the PGC.
      - [6] *Editor's Note: The Table of Permitted Uses by District is included at the end of this chapter.*
  - [b] With regard to the Board of Supervisors' review of and decision upon the application for conditional use approval of a hotel or motel and/or conference center, said Board shall consider, inter alia:
    - [i] The standards set forth in § **110-17D** of this chapter;
    - [ii] The preservation and protection of the public health, safety and welfare

from hazardous conditions;

[iii] The appropriateness and impact of the proposed hotel or motel and/or conference center in relation to the other features and facilities of the PGC, as well as the character of the surrounding area, in order to ensure compatibility of the proposed hotel or motel and/or conference center with the same;

[iv] The hotel or motel shall not contain more than 300 lodging rooms, regardless of whether the ownership or occupancy of such rooms is structured on a traditional overnight or short-term rental basis or, alternatively, as a condominium unit or time-share unit; and

[v] The area of the meeting space within the conference center shall not exceed 45,000 square feet; included in such maximum square footage shall be all facilities and areas, such as hallways and restrooms, which are ancillary to and/or supportive of the meeting rooms.

[c] In addition to all other conditions and requirements, the Board of Supervisors shall have the right to require the applicant to submit, as a part of the original PGC conditional use application, a flowchart setting forth the timing of the proposed build-out of the PGC's residential uses in relation to the proposed construction of a hotel or motel and/or conference center, in order to ensure an appropriate balance and harmonious mixture of residential and commercial uses within the PGC.

[4] Minimum lot size: 80,000 square feet.

[5] Minimum lot width: 150 feet.

[6] Maximum impervious surface coverage: 65% of the lot area as defined in Subsection **B**.

[7] Minimum required building setbacks:

[a] Front: 50 feet.

[b] Sides: 20 feet.

[c] Rear: 35 feet.

[8] Maximum building height: three stories, not to exceed 45 feet.

[9] Parking shall be provided in accordance with Article **VIII** and the Table of **Off-Street Parking Requirements**<sup>[7]</sup> of Chapter **110** of the Township Code.

[7] *Editor's Note: The Table of Off-Street parking Requirements is included at the end of this chapter.*

**[10]** A buffer yard, as defined in § **110-20** of this chapter, shall be provided where a commercial lot or use adjoins an existing or proposed public road and/or private street right-of-way or any residential use, excepting lots on which a time-share dwelling unit, multifamily dwelling unit and/or condominium dwelling unit is located. The minimum width of said buffer yard shall be 60 feet. The buffer yard shall be landscaped in accordance with the specifications set forth in Subsection **C(5)(m)** herein below, including evergreen plantings adequate to visually mitigate the impact of commercial development upon nearby residential uses.

**(c)** Single-family detached residential lots.

**[1]** Minimum lot size: 15,000 square feet.

**[2]** Minimum lot width: 80 feet.

**[3]** Maximum impervious surface coverage: 35% of the lot area as defined in Subsection **B** above.

**[4]** Minimum required building setbacks:

**[a]** Front: 25 feet.

**[b]** Sides: 30 feet total, 10 feet minimum on each side; provided, however, that in no case shall a ten-foot setback abut a ten-foot setback on any adjoining lot.

**[c]** Rear: 25 feet.

**[5]** Maximum building height: three stories, not to exceed 45 feet.

**[6]** All single-family detached residential lots created in a PGC shall front on proposed public or private streets as defined hereinabove, for which design criteria are set forth in Chapter **86**, Subdivision and Land Development, and Subsection **C(5)(k)** herein below. (In the event of any conflict or inconsistency between such design criteria, the latter shall prevail relative to a PGC.)

**[7]** Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

**(d)** Single-family semidetached residential lots.

**[1]** Minimum lot size: 8,000 square feet per dwelling unit.

**[2]** Minimum lot width: 50 feet.

**[3]** Maximum impervious surface coverage: 60% of the lot area as defined in

Subsection **B** above.

[4] Minimum required building setbacks:

[a] Front: 25 feet.

[b] Sides: 15 feet.

[c] Rear: 25 feet.

[5] Maximum building height: three stories, not to exceed 45 feet.

[6] All single-family semidetached residential lots created in a PGC shall front on proposed public or private streets as defined hereinabove, for which design criteria are set forth in Chapter **86**, Subdivision and Land Development, and Subsection **C(5)(k)** herein below. (In the event of any conflict or inconsistency between such design criteria, the latter shall prevail relative to a PGC.)

[7] Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

(e) Garden apartment or single-family attached dwelling/townhouse lots.

[1] Minimum lot size: 2,500 square feet; provided, however, relative to townhouses, that, if the site plan depicts and establishes that the required lot dimensions would be met, each townhouse may be held in condominium ownership, or with the surrounding land owned and maintained by a property owners' association.

[2] Minimum dwelling width: 20 feet; provided, however, that a twenty-four-foot minimum dwelling width shall be required relative to townhouses which will have garage doors for two or more vehicles facing onto a street.

[3] Maximum impervious surface coverage: 65% of the lot area as defined in Subsection **B** above.

[4] Minimum required building setbacks.

[a] Front: 25 feet.

[b] Side (end units): 15 feet.

[c] Rear: 25 feet.

[5] Maximum building height: three stories, not to exceed 45 feet.

[6] All single-family attached residential lots created in a PGC shall front on proposed

public or private streets as defined hereinabove, for which design criteria are set forth in Chapter **86**, Subdivision and Land Development, and Subsection **C(5)(k)** herein below. (In the event of any conflict or inconsistency between such design criteria, the latter shall prevail relative to a PGC.)

- [7] Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

(f) Zero lot line dwellings (patio homes).

- [1] Minimum lot size: 8,000 square feet per dwelling unit.

- [2] Minimum lot width: 65 feet.

- [3] Maximum impervious surface coverage: 60% of lot area as defined in Subsection **B** above.

- [4] Minimum required building setbacks.

- [a] Front: 25 feet.

- [b] Sides: one side yard may be zero feet. The total width of the required side yard or yards shall not be less than 20 feet. There shall be a minimum separation between buildings on different lots of 20 feet.

- [c] Rear: 25 feet.

- [5] Maximum building height: three stories, not to exceed 45 feet.

- [6] Garages shall enter from the rear of the dwelling, thereby obscuring garage doors from the street. A rear access drive shall be provided for vehicular access to the rear of the property.

- [7] All single-family detached residential lots created in a PGC shall front on proposed public or private streets as defined hereinabove, for which design criteria are set forth in Chapter **86**, Subdivision and Land Development, and Subsection **C(5)(k)** herein below. (In the event of any conflict or inconsistency between such design criteria, the latter shall prevail relative to a PGC.)

- [8] Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

(g) Courtyard cluster homes. Notwithstanding any other provision of the present article to

the contrary, courtyard cluster single-family homes shall be permitted in a PGC, provided that the overall PGC density limitation set forth in Subsection **C(1)(f)** hereinabove is not exceeded, each courtyard cluster homes section of a PGC is specifically labeled and delineated as such in and upon the land development plan, and the following minimum standards are met:

**[1]** Minimum setbacks between buildings:

**[a]** Front to front: 40 feet.

**[b]** Front to side: 15 feet.

**[c]** Front to rear: 60 feet.

**[d]** Side to rear: 15 feet.

**[e]** Side to side: 10 feet.

**[f]** Rear to rear: 40 feet.

**[g]** Corner to corner: 10 feet.

**[2]** Maximum structural separation: A minimum of 90% of the homes located in a courtyard cluster homes section of the PGC shall have a thirty-foot-or-less separation distance from an adjacent home, and all of such homes shall have a fifty-foot-or-less separation distance from an adjacent home.

**[3]** Minimum structural setback from a lot line: five feet.

**[4]** Maximum building height: three stories, not to exceed 45 feet.

**[5]** Parking requirements:

**[a]** Parking (other than temporary parking for deliveries or by emergency vehicles) within a courtyard shall be prohibited; and

**[b]** At least one guest parking space within a clustered courtyard homes section of a PGC shall be provided for every two homes located therein. In this regard, each driveway leading to each courtyard cluster home's two-car garage shall be counted as two guest parking spaces. In addition, the number of available on-street parking spaces within a clustered courtyard homes section shall be credited toward the total number of required guest parking spaces; and

**[c]** Each clustered courtyard home shall, at a minimum, have a two-car garage.

**[6]** The design intent of clustered courtyard homes is to group single-family detached housing to preserve open spaces, creating courtyards and landscaped pocket

parks as a means to enhance the overall atmosphere of the housing development and community life, and to encourage neighborliness. At least 80% of the homes within a PGC's clustered courtyard homes section must be clustered around, and accessible from, a courtyard (recognizing that it is not physically possible, due to topographic and boundary and/or lot lines configurations, to cluster and locate each and every clustered courtyard home immediately around a courtyard).

[7] Within and relative to a PGC's clustered courtyard homes section(s), and only within and relative to such section(s), the PGC private streets provisions hereinbelow [Subsection **C(5)(k)**] shall be modified by the addition of the following, as follows:

[a] In order to accommodate innovative design and layout, and permit flexibility relative thereto, private streets (as defined in Subsection **B** of this section) or access drives (as defined in § **110-20** of this chapter) shall be permitted which terminate at a courtyard on one end and a public road or private street on the other end, without the necessity of a cul-de-sac; provided, however, that no more than 35 clustered, single-family detached homes shall be permitted in and along such a private street or access drive unless such private street or access drive is connected to a public road or another private street via an emergency access; in the event that more than such number of homes is proposed in and along such a private street or access drive, emergency access (with appropriate subbase and planted over in grass) to and from another public road or private street shall be provided, the location and design of which emergency access shall be subject to the approval of the Township's Engineer.

[8] Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

[9] Other types of dwellings (as that term is defined in § **110-20** of this chapter) shall be permitted according to lot area, lot width, setback, building height and impervious coverage requirements and limitations deemed appropriate by the Board of Supervisors for such dwellings. Swimming pools and other accessory structures that are customarily incidental to residential dwelling units shall be permitted by right, and the applicable setback requirements set forth in this § **110-70** shall apply instead of the setback requirements of the district in which the accessory structure is located.

(h) Golf course. The golf course component of the PGC shall meet the following standards [NOTE: For purposes of this § **110-70**, golf courses (but not including clubhouses) shall not be deemed to be commercial uses]:

- [1] The course shall be comprised of at least 18 holes.
- [2] Minimum length from median tee location to the center of the green for the 18 holes shall not be less than 6,000 yards.
- [3] Minimum area occupied, maintained and operated as the golf course shall not be less than 130 acres. The area of any golf course shall be delineated on the conditional use plan and shall include the area of all greens, all tees, all fairways, typical and/or delineated rough areas, and cart path alignments necessary to reasonably play the course. Easements over private property may be included to allow errant ball retrieval (which easements shall not be included in the area of the golf course) and cart path alignment connections.
- [4] The course shall be designed so that golf balls are highly unlikely to enter any public rights-of way and property not a part of the PGC.
- [5] A clubhouse, pro shop, pool, pool house, and tennis courts shall be permitted. These facilities shall be a minimum of 250 feet from any existing exterior perimeter property line of the proposed PGC.
- [6] Any outdoor lighting shall be designed in such a way that the lighting is not directed toward or easily visible from any existing residential dwellings or properties adjacent to the PGC. All required lighting shall be directed away from road rights-of-way.
- [7] Maximum building coverage: 5% of the area of the golf course as described in Subsection **C(3)(h)[3]** above.
- [8] Maximum impervious surface coverage: 10% of the area of the golf course as described in Subsection **C(3)(h)[3]** above.
- [9] The edges of fairways and greens shall be setback a minimum of 40 feet from any property or lot line, street right-of-way line and/or parking area.
- [10] The design of the golf course shall prohibit the driving or hitting of golf balls across any building, street or parking area, whether existing or proposed.
- [11] No outdoor storage of maintenance equipment shall be permitted.
- [12] Parking shall be provided in accordance with Article **VIII** and the Table of **Off-Street Parking Requirements<sup>[8]</sup>** of this Chapter **110** of the Township Code.  
[8] *Editor's Note: The Table of Off-Street Parking Requirements is included at the end of this chapter.*
- [13] No on-lot sewage disposal system(s) shall be permitted for use in conjunction with a PGC golf course.

**[14]** The applicant shall provide documentation, prepared by a professional engineer or geologist, that no well within the radius of influence, or, at a minimum, within 1/4 mile of any PGC water source, will be adversely impacted by the water usage for the PGC' s golf course(s).

**[15]** Golf course ponds and lakes shall be designed so as to ensure that they do not become breeding grounds for mosquitoes, and so as to minimize potential accumulation of algae.

**[16]** In general, the golf course(s) shall be designed so as to minimize the environmental impact thereof. The golf course(s) shall be designed to minimize stormwater runoff and to accommodate runoff from associated development areas (with specific reference to the then-current edition of the Best Management Practices for Developing Areas in Pennsylvania manual prepared under the direction of the Association of Pennsylvania County Conservation Districts). In addition, the golf course(s) shall be designed so as to minimize the need for fertilizers, minimize site grading, and utilize primarily native vegetation.

**[17]** Golf cart crossings.

**[a]** At-grade golf cart crossings at existing state and Township roads shall be prohibited; provided, however, that any golf course in existence prior to the effective date of this § **110-70** shall be exempt from such prohibition, but shall comply with the requirements of Subsection C(3)(h)[17][b] and [c] below.

**[b]** All golf cart crossings shall comply with PennDOT regulations and requirements pertaining to required minimum site distances for private driveways (Chapter 441, as amended); in addition, all golf cart crossings shall be equipped with appropriate warning signs and speed bumps at the approaches to all streets, roads and drives.

**[c]** In all instances in which an existing or proposed public road runs through a preexisting golf course, one grade-separated (i.e., tunnel or bridge) crossing shall be required, which shall be designed and constructed so as to accommodate both golf cart and pedestrian traffic; the required timing of the completion of such grade-separated crossing shall be determined by the Board of Supervisors during the conditional use application proceedings for the PGC.

**(4)** Additional open space requirements.

**(a)** The applicant shall provide for the preservation of the required preserved open space through either the formation of a property owners' association or the recording of the deed covenant required pursuant to Subsection **C(1)(e)**. All preserved open space lands to be retained and maintained by the applicant, other owner or, potentially, by a

property owners' association, shall be specifically delineated and legally described in and upon the PGC plan.

- (b) Property owners' association agreement(s) [including master association agreement(s)] shall be prepared and recorded prior to the conveyance of any lot within the PGC. Such agreement shall establish the present and potential future obligations of its members with regard to the ownership, maintenance, insurance, and taxes on all areas within the PGC, including, but not limited to, required preserved open space, roads, streets, access drives, pedestrian pathways, curbs, sidewalks, drainage and stormwater management systems, water source and distribution systems, sewage collection and treatment systems, and lighting systems.
- (c) The aforementioned association agreement shall be subject to the approval of the Township and shall acknowledge that the Township has no responsibility, obligation or duty to maintain any portions of the PGC that are not dedicated to and accepted by the Township.
- (d) A condominium association(s) shall be provided for condominium owners in accordance with Pennsylvania's Uniform Condominium Act, as amended,<sup>[9]</sup> or the Uniform Planned Community Act, as amended,<sup>[10]</sup> or other federal or state laws that permit similar regimes of common ownership (provided that such similar regimes are approved by the Board of Supervisors), whichever applies.

[9] *Editor's Note: See 68 Pa. C.S.A. § 3101 et seq.*

[10] *Editor's Note: See 68 Pa. C.S.A. § 5101 et seq.*

**(5) Landscaping and miscellaneous requirements.**

- (a) Environmentally sensitive areas (i.e., wetlands, floodplains, steep slopes, woodlands, specimen trees, and tree stands with eight-inch to twelve-inch caliper trees) shall be incorporated into the preserved open space system designed to be integrated with and supportive of the PGC. "Steep slopes," in the context of a PGC, shall mean slopes of 15% or greater; "specimen trees," in the context of a PGC, shall refer to a native tree having a trunk diameter at breast height of 30 inches or greater. In addition, lands not considered environmentally sensitive, but which are necessary to provide visual buffers between surrounding roadway corridors and properties and the developed portions of the PGC, shall be included. The buffer shall also help to protect adjacent agricultural operations from potentially incompatible activities and improvements that may be developed in association with a supportive preserved open space system for the PGC; and
- (b) A fifty-foot-wide peripheral or circumferential open space buffer shall be established from the outside perimeter boundary of the PGC. No buildings, structures, storage of materials or parking shall be permitted within the buffer area; however, the construction of public streets/roads and private access drives within this buffer area shall be

permitted to within 25 feet of a property line. Any and all landscape buffers required under this § **110-70** shall be required to have a relatively naturalistic appearance with a mixture of species, variety in the placement of plants, and avoidance of monotonous rows of the same species. Plant materials shall be placed at offsets where needed to allow room for future growth. The following plantings shall be required, at a minimum, within such buffer: Two major deciduous trees (i.e., a canopy tree with a mature height exceeding 25 feet and a minimum caliper at the time of planting of two inches), plus six shrubs (i.e., a low, multistemmed, woody plant with a mature height of between 18 inches and 10 feet) per 100 linear feet of outside perimeter boundary of the PGC; and

- (c) Where the Supervisors find that the existing wooded areas bordering the PGC provide an adequate buffer, the existing healthy trees shall be preserved for a minimum of 25 feet from the outside perimeter boundary of the PGC, and the otherwise required buffer in Subsection **C(5)(b)** above shall not be required; and
- (d) Landscaping in accordance with § **110-123** of this chapter shall be required for all parking areas associated with the clubhouse, restaurant, hotel, multifamily residential unit areas, time-share and condominium units (excluding time-share dwelling units and condominium dwelling units), and any other commercial components of the PGC that require larger parking areas. All required landscaped islands, as well as any areas deemed necessary by the Township's Engineer to appropriately define traffic patterns, shall be curbed, utilizing standard vertical curbing. Any area where pedestrians will routinely cross vehicular traffic areas, and/or where pedestrians will routinely walk adjacent to a parking area, must also be so curbed, in order to protect and define such pedestrian areas; and
- (e) A minimum fifty-foot-wide golf course(s) errant ball easement shall be preserved between the edge of the fairways, greens and tees and other in-play areas and the dwelling units created in the PGC. The purpose of this easement is to allow golfers to retrieve errant balls. This errant ball easement area shall be landscaped to reduce the possibility of golf balls adversely impacting property improvements. Landscaping installed in this area should be sufficiently dense to protect the improvements yet blend appropriately with the golf course architecture; and
- (f) All residential landscaping in the PGC, especially that installed on the single-family detached residential lots, shall be so planted as to cause the lot lines to disappear to the maximum extent possible. All underground utility transformer boxes, telephone pedestals, etc., shall be screened using mulched landscaped beds, including low shrubbery, flowering plants, etc.; and
- (g) All utilities, including mains and laterals within the PGC, shall be installed underground. Completely underground connections to water, sanitary sewer, electricity, telephone and cable TV shall be provided; and

- (h) Each single-family detached residential dwelling shall be required to have individual residential-style pole lighting, completely consistent and in continuity with the remainder of the community. This exterior residential pole lighting shall be used to illuminate driveways, walkways and entries and to subtly highlight landscaping features. Said lighting shall be designed at such an intensity that it will not adversely affect the nighttime environment of adjacent property owners; and
- (i) Mailboxes installed in the PGC shall be of a consistent design. As part of the restrictive covenants for the project, a mailbox type, style and color shall be indicated. The location of all mailboxes shall be in full accordance with U.S. Postal Service requirements; and
- (j) Existing trees and environmental components in the PGC shall be preserved to the maximum extent possible. The removal of existing trees is strongly discouraged. Homes built in the PGC should give the appearance that the house belongs in its setting. Careful and delicate transitions shall be made from the more formal or manicured landscaped areas of the PGC to those areas where natural existing vegetation has been preserved and/or reinforced with additional plantings of indigenous materials. Such transition shall be designed so as to also facilitate the disappearance of lot lines; and
- (k) The use of private streets within the PGC is encouraged. Private streets (as defined hereinabove) are those which will connect properties to other public streets, either those public streets that are existing or those designed and to be created in connection with the PGC approval. The design criteria, requirements and limitations for private streets within a PGC shall be as follows:
  - [1] No private street shall terminate in a dead end. All private streets must either connect to other private streets or public streets within the PGC unless they end with a cul-de-sac, having a minimum paved outside radius of at least 60 feet. An inner landscaped circle, with a radius of 30 feet, shall be required in all private street culs-de-sac. No on-street parking shall be permitted in the cul-de-sac area.
  - [2] The minimum right-of-way width for a private street, should one ever be necessitated, shall be 50 feet. This right-of-way shall be centered on the center of the proposed private street. In the case of a cul-de-sac with a landscaped center, the right-of-way radius shall be 10 feet greater than and parallel to the outside paved radius.
  - [3] Minimum cartway width for private streets shall be 24 feet curb to curb.
  - [4] All private streets bordering or adjacent to multifamily dwellings, townhouses, time-shares, condominiums and/or commercial uses may be defined by rolled curbs, the design of which shall be subject to the approval of the Township Engineer. Vertical curbs may also be used along private streets when constructed

in accordance with Pennsylvania Department of Transportation Specification Form 408 and Publication 72, Roadway Construction Standard Drawing No. 64.

- [5]** Private street grades shall not be less than 1% minimum, nor shall they be greater than 12% maximum.
- [6]** Vertical curves shall be used in changes of grade where the difference exceeds 1%.
- [7]** Private streets must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a private street shall not be less than 1/4 inch per foot and not more than 1/3 inch per foot. Adequate facilities must be provided at low points along the street and at other points necessary to intercept runoff.
- [8]** Where connecting street lines deflect from each other at any one point, the line must be connected with a true, circular curve. The minimum radius of the center for the curve shall not be less than 150 feet (in general accordance with Pennsylvania Department of Transportation Publication 70, relative to both urban and rural design criteria).
- [9]** Cul-de-sac streets so designed to be permanent shall have no maximum length criteria; however, no more than 25 dwelling units may be placed on a permanent cul-de-sac street.
- [10]** All private streets shall have a subbase course consisting of eight inches of compacted crushed stone placed according to the specifications set forth in § 350, Sub-base, Pennsylvania Department of Transportation Specifications Form 408, as amended.
- [11]** Private streets shall have a surface course complying with the specifications of § 421, Bituminous Binder Course ID-2, and § 420, Bituminous Wearing Course ID-2, of the Pennsylvania Department of Transportation Specifications Form 408, as amended. The binder course shall consist of 2 1/2 inches of ID-2, and the wearing course shall consist of 1 1/2 inches of ID-2, for a total depth of four inches.
- [12]** Private street design shall include speed-calming measures such as circles, vertical speed tables, accented pedestrian crosswalks, etc. Such speed-calming devices shall generally be placed at intervals of 300 feet to 600 feet, depending upon intersection spacing, alignment, and other physical characteristics, and as directed by the Township Engineer.
- [13]** The maximum length of any straight horizontal tangent for a private street within the PGC shall be 400 feet.
- [14]** Curvilinear design of streets within the PGC is, in general, encouraged, with the

accent being on the curved portion to create aesthetic appeal, reduce speeds by design, and alleviate a monotonous streetscape. The use of quarter and half cul-de-sac with landscaped islands is also encouraged to create additional locations for landscaping and accent plantings; and

- (l) Any required trees or plantings depicted on the PGC's landscape plan shall not be removed without being replaced by another planting of equal or larger size or quantity. Trees or plantings that die or become diseased or pest-ridden within 18 months or less of the date when the improvements are determined to be complete by the Township shall be replaced by, and at the expense of the developer/applicant. Thereafter, the owner(s) of property on which such required trees or plantings are located shall be responsible (pursuant to a deed covenant) for the ongoing maintenance and upkeep of all required plantings; provided, however, that the Township shall not be responsible for maintaining landscaping on privately owned lots; and
- (m) The required sixty-foot-wide buffer yard separating commercial or multifamily components of the PGC from a single-family detached dwelling shall be landscaped and, at a minimum, shall be comprised of the following planting units for each 100 feet of boundary between such types of components:
  - [1] Five evergreen trees (i.e., an evergreen plant with a mature height exceeding 25 feet and a height at the time of planting of between five and six feet); and
  - [2] Four major deciduous trees (i.e., a canopy tree with a mature height exceeding 50 feet and a minimum caliper at the time of planting of two inches); and
  - [3] Nine shrubs (i.e., a low, multistemmed woody plant with a mature height of between 18 inches and 10 feet); and
- (n) Site-lighting fixtures for the commercial and/or multifamily components, as well as parking areas, of the PGC shall not exceed 16 feet in height. All light shall be downcast and, where applicable, shall be reflected away from single-family residential areas. Lighting levels at the boundary of any commercial or multifamily lot shall not exceed 1/3 footcandle. Lighting for new private and public streets shall be of the same design as other site-lighting fixtures. Lighting for streets, alleys, and commercial/multifamily parking areas shall be in accordance with the latest standards and specifications found in AASHTO's An Informational Wide for Roadway Lighting. A photometric lighting plan shall be included in the land development plan submission. This plan shall demonstrate compliance with the minimum criteria set forth in the AASHTO publication, as well as the additional requirements set forth herein; and
- (o) Each residential dwelling unit proposed in the PGC shall be improved with at least two deciduous or coniferous trees, having a two-inch caliper diameter at time of planting if deciduous and having a minimum height of five feet to six feet if coniferous and five

low, multistemmed shrubs placed within close proximity of the dwelling unit for every 50 feet of building frontage or fraction thereof. The applicant shall either provide a landscape planting plan demonstrating compliance with this criteria or place a note on the land development plans requiring same; and

- (p) Adequate stormwater management facilities for each drainage area in the PGC shall be installed to reduce the postdevelopment peak flows for the two-, ten- and twenty-five-year storm events to the predevelopment peak flows from the equivalent storm event, unless watershed studies and analyses establish that the nondetention of runoff would be preferable, as confirmed by the Township Engineer. All stormwater management facilities shall be designed to pass the one-hundred-year storm event without undue public health and safety concerns. Where possible, stormwater shall be detained and reused in the irrigation of the PGC's golf course(s), or in the creation of water amenities in the open space areas. All stormwater conveyance systems shall be sized, at a minimum, for the ten-year-storm event. The modified rational methodology in general accordance with Pennsylvania Department of Transportation Design Manual, Part 2, shall be utilized in the design of all stormwater collection, conveyance and detention systems. In addition, the applicant shall describe, and shall utilize to the greatest extent possible (in light of the foregoing considerations), methods that will be used to protect groundwater quality and encourage the recharge of stormwater runoff into the ground (i.e., on the site of the PGC project acreage), with specific reference to the then-current edition of the Best Management Practices for Developing Areas in Pennsylvania Manual prepared under the direction of the Association of Pennsylvania County Conservation Districts; and
- (q) In addition to the fifty-foot-wide peripheral or circumferential open space buffer required under Subsection **C(5)(b)** hereinabove and all other minimum building setbacks specified in the present chapter, a two-hundred-foot minimum setback for all principal buildings, measured from the top of the primary creek or stream bank, shall be required, relative to all perennial streams or creeks (as defined in the pertinent regulations of the Pennsylvania Department of Environmental Protection) adjoining or running through the PGC project acreage, in order to preserve and protect the natural character of the waterway, protect water quality, and maintain natural vegetation that helps to filter out pollutants; and
- (r) A system of trails, in addition to and entirely independent of golf cart paths, shall be provided and constructed by the applicant (which shall be depicted in and upon the concept plan at the conditional use application stage and in and upon the final subdivision and/or land development plan), which trails system shall connect groups of homes with each other and provide connections to recreation facilities and any community center. At a minimum, these trails shall be open to all residents of the PGC and, at a minimum, shall permit walking. An applicant may decide to plan for additional uses of the trails, as well as permitted additional users thereof. Such trails located

within natural buffer areas shall be surfaced with natural materials such as tanbark (rather than paving or gravel). Such trails connecting groups of homes, recreation facilities and any community center shall be surfaced with gravel or paving; the trails system shall be maintained and repaired, pursuant to a deed covenant, by the owner of the property on which such trails are located or a property owners' association; and

- (s) The applicant shall provide, and a property owners' association or other owner shall thereafter maintain, at least one acre of open grass-free play and picnic area(s) within the PGC, which shall not be located within any environmentally sensitive areas. [mentioned in Subsection **C(5)(a)** hereinabove, but which may be located within the required fifty-foot-wide peripheral or circumferential open space buffer, mentioned in Subsection **C(5)(b)** hereinabove]; and
- (t) In the conditional use application, the applicant shall demonstrate that there will be sufficient water supply and pressure available for firefighting purposes, either in on-site storage facilities [in tank(s), pond(s) or lake(s)] or from a perennial stream(s) or creek(s) adjoining or running through the PGC. The applicant shall also provide its agreement to construct an on-site hydrant or hydrants, located so as to be reasonably accessible for emergency firefighting purposes, providing adequate water supply and pressure for emergency purposes from the PGC's tank(s), pond(s), lake(s) or perennial stream(s) or creek(s); and
- (u) In the conditional use application, the applicant shall state and confirm its agreement to obtain a special use permit from the Board of Supervisors prior to holding or permitting any event or gathering in and upon the PGC project acreage which is anticipated to involve 1,000 or more guests or spectators on any one day. An application for such a special use permit shall state the nature and date(s) of the proposed event or gathering and the anticipated number of guests or spectators who will be attending such special event or gathering and demonstrate that adequate arrangements will be made, throughout the duration of the proposed special event or gathering, for parking, traffic control, security, emergency services, sanitation, and temporary utilities services. Any such special event or gathering shall be subject to any special events or analogous ordinance which may hereafter be duly adopted by the Township; provided, however, that the provisions of this § **110-70** shall prevail in the event of any inconsistency with the terms and conditions of any such later-enacted ordinance; and
- (v) In general, the PGC's commercial uses and residential areas shall be screened, utilizing existing natural features, landscaping and berming, from views along existing state and Township roads, in order to mitigate the impact of the PGC development upon the viewshed from such public roads; provided, however, that such landscaping and berming shall not have the effect of obstructing or adversely affecting the overall open space and rural viewshed within and surrounding the PGC. Any such installed berming shall imitate and harmonize with the preexisting terrain and topography of the

project acreage and shall not exceed six feet in height. Any such landscaping shall comply with the minimum requirements of Subsection **C(5)(m)** hereinabove.

**(6)** Development and application procedures and requirements.

- (a)** In view of the fact that the Mount Joy Township Board of Supervisors has chosen, for both substantive and organizational purposes, to include all of the requirements, regulations and limitations which pertain to a PGC within this § **110-70** rather than placing certain of such requirements, regulations and limitations in the Township's Subdivision and Land Development Chapter, the burden of proof which must be sustained by the applicant for PGC conditional use approval, as well as the level of detail of the applicant's plans, designs, and documentation submitted with the conditional use application, shall be such as to demonstrate, to the satisfaction of the Mount Joy Township Board of Supervisors, likely compliance by the applicant's proposed PGC development, rather than full, actual compliance, which, if the conditional use application is granted, will have to be demonstrated and proven by the applicant at the land development and/or building permits application(s) stages. To the extent that the standards, requirements and/or procedures set forth in this § **110-70** are inconsistent with any other standard, requirement or procedure of this chapter, the standards, requirements and/or procedures of this § **110-70** shall prevail and apply; and
- (b)** The applicant shall provide a phasing plan during preliminary subdivision and/or land development submission, showing the location, contents and approximate time of construction for each phase. A sketch plan shall be provided for the entire project acreage of the PGC at the time of application for conditional use approval; and
- (c)** The construction of the golf course(s) and at least 10% of the PGC's dwelling units shall be included in Phase 1, as well as landscaping, roads, streets, utilities and other infrastructure (including sewage disposal and water supply facilities) to accommodate such first phase; and
- (d)** A traffic impact study complying with the provisions of § **110-153** of this chapter shall be required and shall be submitted at the same time as and as part of the conditional use application. The traffic impact study shall fully and comprehensively evaluate off-site impacts and shall provide recommendations regarding the measures necessary to mitigate off-site impacts in rural areas; and
- (e)** A landscape plan, prepared by a registered landscape architect, shall be provided at the time of submission of the preliminary subdivision and/or land development plan for the PGC (but not at the time of submission of the conditional use application), showing the location of and specifications for the plantings in the buffer areas, the areas separating the golf course(s) from the adjoining property lines and/or the residential neighborhood boundary lines of the PGC, and the PGC's proposed commercial areas;

and

- (f) In addition to any other items required under this § **110-70**, the following shall also be submitted with the conditional use application:
- [1] A water use plan, showing the approximate areas to be irrigated; estimates of water consumption by water source (i.e., potable water; treated effluent; pond/lake water; stream water, etc.); estimated seasonal volumes of storage, natural water bodies and wetlands; septic systems and drain fields; wells within the radius of influence and, at a minimum, within 1/4 mile of the water source, with a professional supporting study, which shall include a forty-eight-hour drawdown test, of any anticipated impacts the proposed use will have on these wells; and
  - [2] A conceptual grading plan; and
  - [3] An existing conditions/environmental features plan, showing steep slopes (as defined hereinabove); wetlands; floodplains; tree stands; woodland and specimen trees (as defined hereinabove); registered historic structures/districts; rock outcrops; and other existing natural features unique to the site, if any; and
  - [4] A survey plat showing property lines, existing rights-of-way, existing roads and existing accesses; and
  - [5] A narrative describing the proposed method of treating wastewater from the proposed development.
- (g) In connection with the grant of conditional use approval for a development, the Board of Supervisors may attach such reasonable conditions, requirements and safeguards as it may deem necessary to implement the purposes of and ensure compliance with the Pennsylvania Municipalities Code, as amended, as well as this § **110-70**, in order to preserve and protect the public health, safety and welfare from hazardous conditions, which conditions, requirements and safeguards may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements. Furthermore, with the exception of the requirements set forth in Subsection **C(1)(a)** through **(d)** hereinabove (which shall not be subject to permissive modification), when reviewing any conditional use application for the PGC or any portion thereof or any preliminary or final subdivision and/or land development plan for the PGC or any portion thereof, the Board of Supervisors may allow reasonable modification of any rule, regulation, requirement or limitation in this § **110-70** [including, without limitation, a request for an increase in density in accordance with the provisions of § **110-70C(6)(i)** hereinbelow] upon determining that strict implementation of such requirements, or existing requirements of other Township ordinances, are not necessary to protect the public health, safety and welfare or to uphold the intent described in Subsection **A**. In granting modifications, the Board of Supervisors may

impose such conditions as will secure the objectives and purposes of the underlying regulations; and

[Amended 5-19-2005 by Ord. No. 2005-6]

- (h) Unless otherwise specified by the Board of Supervisors or by law, a conditional use approval for a PGC shall expire if the applicant fails to submit a preliminary land development plan for Phase I within two years from the date of the granting of such conditional use application; and
- (i) All preliminary and final plan applications for each phase of the development of the PGC based upon the conditional use approval shall be subject to the requirements of the conditional use approval, this § **110-70**, and the Township's Subdivision and Land Development Chapter, as appropriate. Notwithstanding any other provision in this chapter or any requirement or condition of any conditional use approval for a PGC granted before January 27, 2003, if any preliminary and final subdivision and/or land development plan for the PGC differs from any plan that was approved as part of the conditional use approval for the PGC, conditional use approval for such preliminary or final subdivision and/or land development plan shall not be required, provided that the project acreage is not increased; such preliminary or final subdivision and/or land development plan complies with this § **110-70** [as may be modified by the Board of Supervisors pursuant to Subsection **C(6)(g)** hereinabove]; the density of the PGC as proposed under such preliminary or final subdivision and/or land development plan does not materially exceed the density that has been approved as part of the conditional use approval(s) for the PGC [which for purposes of this subsection shall be deemed to be any proposed increase in density less than 10% greater than that approved in the original or previous conditional use approval(s) for the PGC]; and commercial uses proposed in such preliminary or final subdivision and/or land development plan are the same types of commercial uses that previously were approved as part of the conditional use approval(s) for the PGC. Notwithstanding the foregoing or any other provision of this § **110-70** to the contrary, however, the Board of Supervisors may, in its discretion, grant a permissive modification of the density requirement, relative to a subsequent preliminary or final subdivision and/or land development plan that does propose to materially exceed the density that had been approved as part of the conditional use approval(s) for the PGC, in accordance with the following: Subject to the provisions of § **110-70C(6)(g)**, the applicant, if given approval for increased density, shall make a contribution to the Mount Joy Agricultural Land Preservation Program based upon each ten-percent increase in overall project density that is approved. The contribution amount for each ten-percent (or part thereof) increase shall be as established from time to time by resolution of the Board of Supervisors. For example, if the Board has, by resolution, established and required a \$25,000 contribution for each ten-percent increase in density, and in the event that the applicant's plan proposes a density increase from 0.8 dwelling units per acre to 1.3 dwelling units per acre (a seventy-percent increase), the applicant's total required

contribution would be \$175,000.

[Amended 5-19-2005 by Ord. No. 2005-6]