

Section 1 of the ordinance adds definitions to Article 2, those definitions being, Golf Community, Multi-purpose Center, Private Open Space, Open Space System, Golf Course Owner, and Golf Course Operator.

Section 2 of the ordinance amends Article 10, Section 1001, Intended Purpose for the Mixed Use District.

Section 3 amends Article 10, Section 1004, by identifying two conditional uses in the Mixed Use District, those conditional uses being a Planned Residential Community and a Golf Community.

Section 4 amends Article 10, Section 1006 by changing Planned Community Development Standards to Planned Residential Community Standards. Any reference to Planned Community Development is changed to Planned Residential Community.

Section 5 amends Article 10, Section 1006B, Density Requirements, for the Mixed Use District to two units per acre based on the total gross acreage of the tract.

Section 6 amends Article 10, Section 1006C.4.b by identifying active recreation uses.

Section 7 amends Article 10, Subsection E of Section 1006 by listing certain requirements.

Section 8 adds to Article 10 a new Section 1007, Golf Community Standards. This section provides standards for a Golf Community in the Mixed Use District. These standards relate to general requirements, density requirements, open space requirements, golf course requirements, residential requirements, multi-purpose center requirements, and development in phases.

Section 9 amends Article 13, Section 1309.B by providing for a Planned Residential Community and a Golf Community.

Sections 10 and 11 provide for certain studies and assessments to be submitted with any conditional use and also provide for the ability of the Board to attach reasonable conditions to the conditional use.

Section 12, Article 15, Section 1504.A.6 provides that advertising signs are permitted only in the Commercial Corridor District, Industrial Light District, and Mixed Use District.

Section 13 amends Article 4, Section 402 by providing for an amendment to the Zoning Map. Specifically, certain parcels are rezoned from the Mixed Use District to the Residential Low District, those parcels being located at the southern end of Bullfrog Road. The parcels are identified on Adams County Tax Map E-18, as parcels 33A, 47, 48, 49, 50, 51, 52, 58, 59, 60, and 61.

ORDINANCE NO. 8.9.2000

An Ordinance of the Township of Freedom, Adams County, Pennsylvania, Amending the Freedom Township Zoning Ordinance.

WHEREAS, the Board of Supervisors of Freedom Township has determined that it is appropriate to amend the Freedom Township Zoning Ordinance to incorporate standards and criteria for the development of Golf Community uses and to make certain other revisions:

THEREFORE, it is hereby enacted and ordained by the Board of Supervisors of Freedom Township, Adams County, Pennsylvania as follows:

Section 1. Article 2 - Definitions, Section 202, is amended to add the following definitions:

Golf Community (GC). A planned recreational development which combines residential neighborhoods with a golf course(s) and nonresidential uses in a multi-purpose center area to serve the needs of the residential neighborhood and golf course users. The GC also provides ancillary recreation space and permanently preserves forty percent (40%) of the tract in an open space system.

Multi-purpose Center. A central place within a golf community that provides the services, facilities, and temporary housing needs for the golf course users and residents in accordance with the use, location and dimensional regulations provided herein.

The definition of Planned Community Development is deleted and Planned Residential Community (PRC) is substituted with the following definition: A form of development that permanently preserves forty percent (40%) of the tract in an open space system; requires the development of a town center; encourages provision for elder care facilities; and utilizes residential cluster design principles.

Private Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for private use or enjoyment of owners, occupants, and their guests. Private golf courses shall be considered private open space.

Open Space System. A system of private and common open space, as defined herein, which is permanently retained as open space through recorded deed restrictions and easements at the time of subdivision and land development.

Golf Course Owner. The person(s), corporation, or organization holding legal or equitable title to the golf course property.

Golf Course Operator. The person(s), corporation, or organization who operates, manages, and maintains the golf course. The golf course operator and the golf course owner may be the same person(s), corporation, or organization; however, should the golf course operator fail to maintain the golf course, the ultimate responsibility shall be the golf course owner.

Section 2. Article 10 - Mixed Use District (MU) Section 1001, Intended Purpose, is amended to read as follows:

- A. Provide opportunities for residents to reside in community settings that are designed to reflect development patterns typical of traditional small American villages and towns.
- B. Provide opportunities for residents to reside in community settings that are designed to reflect development patterns typical of recreation-oriented communities.
- C. Promote development patterns which encourage pedestrian activity within, and between different components, use areas, and neighborhoods comprising the community.
- D. Provide a mixture of compatible land uses including residential, limited commercial, recreational and institutional uses.
- E. Promote variety and affordability in housing types to provide opportunities for citizens of various ages and income groups to reside in Freedom Township.

Section 3. Article 10 - Section 1004. Conditional Use, is amended to read as follows:

- A. Planned Residential Community
- B. Golf Community

Section 4. Article 10 - Section 1006, Planned Community Development Standards (PCD) is amended and is now called Planned Residential Community Standards (PRC). Reference to Planned Community Development (PCD) shall be changed to Planned Residential Community (PRC) in subsections A.3., C.1., C.3., C.4., D.1., D.2., D.4., E.

Section 5. Section 1006.B. Density Requirements, is amended to read as follows:

B. Density Requirements.

1. The base residential density of this district shall be two (2) units per acre based on the total gross acreage of the tract.

Section 6. Section 1006.C.4.b. is amended to read as follows:

- b. Active recreation uses may include baseball, softball, or soccer fields, tennis, basketball, or volleyball courts, and other similar active recreation activities.

Section 7. Subsection E of Section 1006, is amended to change the first sentence immediately after Subsection E to read as follows: An applicant shall demonstrate that the proposed development meets the following requirements.

Section 8. There is added to Article 10 the following Section 1007, Golf Community Standards (GC):

A. General Requirements.

1. The applicant shall have at least 500 contiguous acres under their control.
2. Within a GC, a golf course, residential dwellings, and multipurpose center shall be developed.
3. Publicly or privately developed centralized water and wastewater systems, approved by the Pennsylvania Department of Environmental Protection, must be provided in accordance with the Subdivision and Land Development Ordinance of Freedom Township.
4. Any GC proposal shall be located within a Mixed Use/Village area delineated by the Freedom Township Comprehensive Plan, adopted in 1993.
5. Stormwater management shall be provided in accordance with the design criteria established in the Subdivision and Land Development Ordinance.

6. Access to the development shall be limited to an arterial roadway. Emergency access may be provided from a collector roadway but measures shall be taken to limit its use only in the case of an emergency event.
- B. Density Requirements: The base residential density of this district shall be two (2) units per acre based on the total gross acreage of the tract.
- C. Open Space Requirements.
1. An applicant shall maintain at least forty percent (40%) of a tract proposed for a Golf Community as a permanently preserved open space system. For all open space areas which are deemed appropriate by the Board of Supervisors, the applicant shall submit with the Adams County Recorder of Deeds a deed restriction prohibiting the subdivision and non-recreational development of the required open space.
 2. The applicant shall make arrangements for the permanent maintenance of the required open space system through the formation of a Golf Community Association for the golf course owner, residential neighborhoods and the multi-purpose center area. All common and private open space lands to be retained and maintained by the Association shall be clearly delineated.
 - a. An Association Agreement shall be prepared and recorded prior to the conveyance of any lot within the community. Such agreement shall establish the obligations of its members with regard to the maintenance, insurance, and taxes on all areas within the community, including but not limited to roads, pedestrian pathways, curbs, drainage systems, water distribution systems, sewerage systems, and lighting systems. The terms of the agreement shall stipulate that maintenance of the golf course portion of the open space system shall be the responsibility of the golf course operator.
 - b. An Association Agreement shall be subject to the approval of the Township and shall include a provision for the right of the Township to cite any violations in maintenance and repair of the open space system and other common improvements not dedicated to Freedom Township or other public authority and after notice, perform such necessary maintenance and repair and charge to the organization or any property owner the cost of such work and to record a lien against any property or properties within the Golf Community.
 - c. The open space system shall be transferred to the Association and the required deed restrictions shall be recorded, prior to the beginning of construction of the phase within which the private or common open space is located.

- d. Membership in the Association shall be mandatory for all owners of property within the GC and the membership shall run with the land.
 - e. A Condominium Association shall be provided for condominium owners in accordance with the Uniform Condominium Act.
3. The area of the golf course shall be calculated as part of the open space requirement and shall be delineated on the plan. If the golf course area ceases to be used for the operation of a golf course for any reason, the area shall be preserved as passive open space, and no other use shall be permitted thereon.
 4. The following additional recreational activities may be included in the open space system: active and passive parks, equestrian trails and hiker-biker trails.
 5. Nothing contained herein shall preclude the establishment, operation, maintenance, repair or replacement within the open space system of improvements compatible with the open character of the open space system, including but not limited to tees, fairways, greens, roughs and hazards; vegetated buffers; grass courts and playing fields; ponds, fountains and related structures; pathways, bridges and related structures; accessory golf course facilities as defined herein; irrigation facilities, stormwater management facilities; and underground utilities.
 6. Environmentally sensitive areas shall be incorporated into the open space system designed to be integrated with and supportive of the Golf Community. In addition, lands not considered environmentally sensitive, but which are necessary to provide visual buffers between surrounding roadway corridors and properties and the developed portion of the Golf Community, shall be included. The buffer shall also help to protect adjacent agricultural operations from potentially incompatible activities that may be developed in association with a supportive open space system for the Golf Community.
 7. A seventy-five (75) foot peripheral or circumferential open space buffer yard shall be established from the tract line. No buildings, structures, storage of materials or parking shall be permitted within the buffer area. Twenty-five (25) feet of the buffer area, measured from the tract line, shall provide a year-round visual screen where the tract abuts a residential district or property in accordance with Section 520 in the Freedom Township Subdivision and Land Development Ordinance and the following standards:
 - a. Where, in the opinion of the Freedom Township Board of Supervisors, the existing wooded areas bordering the developed tract boundary provide an adequate buffer, the existing healthy trees shall be preserved for a minimum of twenty-five (25) feet from the tract boundary, and the required buffer shall not be required.
 - b. Plantings shall be maintained and replaced by the-golf course operator. Dead plantings

shall be replaced within the next planting season.

8. All non-commercial recreation areas, either active or passive, shall be open to all residents of the Golf Community.
9. A trail and/or sidewalk network shall link components of the open space system, including all recreation areas. The network shall also link these recreation areas with residential neighborhoods and the multi-purpose center.
10. Any common open space system established by the creation of a residential neighborhood shall be incorporated into the open space system and may be included in meeting the percentage requirement of the tract.

D. Golf Course Requirements.

1. A golf course shall be required which shall contain a minimum of eighteen (18) golf holes and shall be a minimum of five thousand five hundred (5,500) yards in length, the sum of yards as measured from the center of the rear most tee to the center of the green of each hole.
2. The following accessory facilities related to the golf course shall be permitted adjacent to the golf course:
 - a. Half-way shelter facilities and comfort stations.
 - b. Maintenance and storage facilities.
 - c. Golf practice facilities, including driving range (operation during daylight hours only) and/or putting green.
 - d. Golf teaching facilities.
 - e. Golf cart facilities - caddy shack.
3. Other facilities related to the golf course shall be located in the Multipurpose Center, Section F, herein.
4. A minimum separation distance shall be maintained between the golf course and adjoining properties and/or residential neighborhood boundary line. The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line and/or the residential neighborhood boundary line.
 - a. Seventy-five (75) feet minimum distance from the centerline of the tee to the

- adjacent property line.
- b. One hundred-fifty (150) feet minimum distance from the centerline of the landing area to the adjacent property line.
 - c. One hundred (100) feet minimum distance from the centerline of the green to the adjacent property line.
 - d. The area between the edge of the course and the property line shall be utilized for Planting, as appropriate, to preserve and protect adjoining properties, residential neighborhoods, the multipurpose center and views from and off the golf course. Planting areas shall be delineated on the preliminary subdivision and land development plan. The planting scheme (size, type and location of landscaping) shall be shown on the Landscape Plan submitted with the final subdivision and land development plan for each phase and reviewed by a Township retained Registered Landscape Architect.
5. The golf course, club house, and accessory facilities shall be maintained under single ownership and where possible on a single parcel. Location of the open space area associated with the golf course shall be clearly delineated. Maintenance of this area shall be the responsibility of the golf course operator with ultimate responsibility being on the golf course owner.
 6. Where feasible, the stormwater management facilities for the GC shall be integrated with the water features of the golf course portion of the overall development.
 7. All golf cart paths crossing an arterial or collector road shall have either a tunnel or bridge to separate the path from at-grade crossings with public roadways. Where golf cart paths cross a minor street, whether a tunnel or bridge is required will be at the discretion of the Board of Supervisors based on the factual circumstances. The use of the golf cart paths as pedestrian connections to residential neighborhoods and the multi-purpose center shall be restricted to hours when the golf course is not in use.
 8. Off-street parking/access and loading/unloading. Off-street parking/access and loading/unloading shall be in accordance with Article 14 herein and the Freedom Township Subdivision and Land Development Ordinance, Section 404. Landscaping for the parking facilities shall meet the requirements set forth in Freedom Township Subdivision and Land Development, Section 520.

E. Residential Neighborhood Requirements.

1. Residential units shall be located within residential groupings called residential neighborhoods. Each neighborhood shall be defined by the neighborhood boundary,

which defines the outside edge of the neighborhood.

2. Permitted Uses.
 - a. Single family detached dwellings.
 - b. Single family semi-detached dwellings.
 - c. Single family attached dwellings.
 - d. Two-family detached dwellings.
 - e. Multi-family dwellings.
 - f. Parks.
 - g. Uses and buildings customarily accessory and incidental to any permitted use.
3. The maximum net density for any residential neighborhood shall be twelve (12) dwelling units per acre.
4. The Golf Community shall comply with the following dwelling unit combination to ensure a variety of housing types.
 - a. A minimum of ten percent (10%) of the total number of dwelling units shall be single family detached dwellings.
 - b. A minimum of ten percent (10%) of the total number of dwelling units shall be single family semi-detached or two family detached dwellings.
 - c. A minimum of ten percent (10%) of the total number of dwelling units shall be single family attached or multi-family dwellings.
 - d. The remainder of the housing stock shall be left to the discretion of the developer except that no dwelling unit type shall comprise more than sixty percent (60%) of the total number of housing units for the tract.
5. Dimensional Characteristics.
 - a. Lot size and width. The applicant shall provide a range of lot areas and lot widths to encourage a variety in building sizes and styles. In no case shall the minimum lot area and width be less than the following:

- (1) Single family detached-seven thousand (7,000) square feet with a minimum lot width of seventy (70) feet.
 - (2) Single family semi-detached-three thousand (3,000) square feet with a minimum lot width of thirty (30) feet.
 - (3) Single family attached-two thousand (2,000) square feet with a minimum lot width of twenty (20) feet.
 - (4) Two-family detached-seven thousand (7,000) square feet with a minimum lot width of seventy (70) feet.
 - (5) Multi-family area per unit-two thousand (2,000) square feet with no minimum lot width.
- b. Multi-family and single family attached shall meet the residential use standards set forth in Section 1306 herein.
- c. Side yard setbacks. The following minimum and aggregate side yard setbacks per lot and separation distances between buildings shall be required:
- (1) Single family detached and two-family detached. To maximize flexibility in lot layout and design, side yard setbacks shall be calculated based on maintaining minimum side yard setback of five (5) feet with the aggregate of both side yards per lot totaling twenty (20) feet.
 - (2) Single family semi-detached shall maintain a minimum ten (10) foot side yard setback.
 - (3) Single family attached and multi-family shall maintain a minimum twenty (20) foot side yard setback. The unobstructed distance between structures on a common lot shall be a minimum of thirty (30) feet.
- d. Front and rear yard setbacks. The minimum front and rear yard setbacks for residential structures shall be twenty (20) feet, with the exception of multifamily residential structures, in which case the minimum front and rear yard setback shall be thirty (30) feet. All buildings shall be setback a minimum of fifteen (15) feet from any interior access drive or parking facility.
- e. All buildings shall be setback a minimum of fifteen (15) feet from any interior access drive or parking facility.
- f. Height. The height of a principal structure shall not exceed thirty-five (35) feet.

The height of an accessory structure shall not exceed fifteen (15) feet.

6. Lot access. All lots and structures shall have access only to an interior street network designed in accordance with the Freedom Township Subdivision and Land Development Ordinance.
7. Off-street parking/access and loading/unloading. Off-street parking/access and loading/unloading shall be in accordance with Article 14 herein and the Freedom Township Subdivision and Land Development Ordinance, Section 404. Landscaping for the parking facilities shall meet the requirements set forth in the Freedom Township Subdivision and Land Development Ordinance, Section 520.

F. Multi-Purpose Center Requirements.

1. All nonresidential uses (other than recreation) and resort time-share units or short-term rental units shall be provided in the Multi-purpose Center.
2. The Multi-purpose Center shall not exceed ten percent (10%) of the total tract area and shall be located within one contiguous area of the tract accessible to all residential neighborhoods.
3. Permitted Uses.
 - a. Pro-shop
 - b. Hotel with meeting rooms or attached conference center. One hotel shall be permitted in the multipurpose center provided that the establishment includes no more than one hundred (100) rooms. Meeting rooms or attached conference center shall not exceed twenty percent (20%) of the gross floor area of the hotel.
 - c. Resort time-share units or short-term rental units are considered temporary lodging facilities such as a hotel room but are subject to requirements of the dwelling unit type. Time-share units or short-term rental units shall not exceed ten percent (10%) of the total dwelling units or one hundred (100) units, whichever is less. The resort timeshare units or short-term rental units shall be calculated as part of the total number of dwelling units for the GC.
 - d. Specialty retail and personal service shops, not to exceed five thousand (5,000) square feet of total retail area for the multi-purpose center, excluding adult businesses.
 - e. Restaurants, excluding drive-in or drive-through establishments.

- f. Banks, excluding drive-through establishments.
 - g. Semi-public and community facilities.
 - h. Indoor and outdoor recreation facilities, including swimming facilities, exercise and spa facilities, and racquet and court facilities. Lighting of outdoor facilities shall be placed to shield the lighting from adjacent residential units, properties or districts.
4. Dimensional Requirements for Nonresidential Buildings.
- a. Lot area and width. The minimum lot area shall be forty thousand (40,000) square feet The minimum lot width shall be one hundred (100) feet at the building setback line.
 - b. Side yard setbacks. Nonresidential lots shall maintain a minimum twenty (20) feet side yard setback.
 - c. Front and rear yard setbacks. The minimum front and rear yard setbacks for nonresidential structures shall be thirty (30) feet. All buildings shall be setback a minimum of fifteen (15) feet from any interior access drive or parking facility.
 - d. Separation between structures. For lots with more than one principal structure, a distance of thirty (30) feet shall be maintained between principal structures.
 - e. Height. The height of a principal structure shall not exceed thirty-five (35) feet. The height of an accessory structure shall not exceed fifteen (15) feet.
 - f. Impervious surface. The maximum impervious surface shall be seventy-five percent (75%).
 - g. Landscaping. At least twenty-five percent (25%) of the lot area shall be maintained with a vegetative cover with appropriate landscaping and shall not be used for any other purpose.
5. Lot access. All lots and structures shall have access only to an interior street network designed in accordance with the Freedom Township Subdivision and Land Development Ordinance.
6. Off-street parking/access and loading/unloading. Off-street parking/access and loading/unloading shall be in accordance with Article 14 herein and the Freedom Township Subdivision and Land Development Ordinance, Section 404. Landscaping for the parking facilities shall meet the requirements set forth in the Freedom Township

Subdivision and Land Development, Section 520.

7. Landscaped buffer. A twenty-five (25) foot landscaped buffer shall be provided at the periphery of the multi-purpose center where the center abuts a residential neighborhood. The buffer shall meet the standards set forth in Section 1007.C.7, herein.
8. Sidewalks. Sidewalks shall be provided to connect uses and parking lots in accordance with the Freedom Township Subdivision and Land Development Ordinance.
9. Outdoor refuse areas. Outdoor refuse areas shall be enclosed by walls of opaque fencing designed to be architecturally compatible with the principal building. Refuse areas shall not be located between buildings on a common lot. Wall or fencing shall be at least six (6) feet high.

G. Development in Phases.

1. The applicant shall provide a phasing plan during preliminary subdivision and land development plan submission showing the location and approximate time of construction for each phase. The plan shall be provided for the entire tract.
2. At no time during the construction shall the number of dwelling units per acre of developed land exceed the overall gross density per acre established by this ordinance.
3. The construction of at least eighteen (18) holes of the golf course and ten percent (10%) of the dwelling units shall be included in phase one, as well as landscaping, roads, and other infrastructure to accommodate that phase.
4. Other phasing requirements found in Section 1006.G.4 to 6, herein, shall be required.

Section 9. Article 13, Section 1309.B. is amended to read as follows:

B. Application Procedure for a PRC and GC.

1. An application for a conditional use shall be submitted by the landowner to the Freedom Township Secretary with the appropriate filing fee.

Section 10. Section 1309.B.2. is amended to change Subsection c and add Subsections j and k and will read as follows:

- c. The location and size of the open space system, including the location of peripheral buffer yards and screened planting areas, and the form of organization proposed to own and maintain the open system.
- j. A traffic impact study which provides an evaluation of potential impacts on all intersections, points of driveway access and various transportation modes, including vehicles associated with agriculture activities. The area of study is to be determined in consultation with the Township Engineer. All traffic generation calculations shall account for trips generated by the various uses proposed for the development and shall be based on current and projected traffic levels. Recommendations shall be provided for intersection improvements, roadway widening, traffic control devices, acceleration or deceleration lanes, traffic and lane markings and signs.
- k. An environmental assessment in accordance with Section 409 of the Freedom Township Subdivision and Land Development Ordinance.

Section 11. Section 1309.B.5, 6, and 7 are changed to read as follows:

- 5. The Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of and insure compliance with the Municipalities Planning Code and this Ordinance, which conditions may include plantings and buffers, harmonious designs of buildings and the elimination of noxious, offensive or hazardous elements. Furthermore, the Board of Supervisors may allow reasonable modification of any regulation upon findings that other factors preclude strict implementation of existing requirements and may jeopardize an otherwise well designed PRC or GC. In granting modification, the Board of Supervisors may impose such conditions as will secure the objectives and purpose of the underlying regulations.
- 6. Unless otherwise specified by the Board or by law, a conditional use for a PRC shall expire if the applicant fails to submit a preliminary plan for Phase 1 within one (1) year from the date of granting the conditional use.
- 7. All preliminary and final plan applications of the PRC conditional use for each phase are subject to the requirements of the conditional use approval, this Ordinance, and the Subdivision and Land Development Ordinance, as appropriate.

Section 12. Article 15, Section 1504.A.6. is amended to read as follows:

- 6. Advertising signs are only permitted in the Commercial Corridor District, Industrial Light District, and the Mixed Use District.

Section 13. Article 4, Designation of Districts, Section 402. The Zoning Map is amended in regard to certain parcels presently zoned as Mixed Use at the southern end of Bullfrog Road. The following parcels shall be re-zoned from the Mixed Use District to the Residential Low Density District:

Adams County Tax Map E-18, Parcels #33A, 47, 48, 49, 50, 51, 52, 58, 59, 60, and 61. A copy of the Tax Map showing the parcels to be re-zoned from MU to RL is attached hereto and made a part of this Ordinance.

Enacted and Ordained this 9th day of August, 2000.

Attest:

Freedom Township Supervisors:

Joyce Hunderlecker

[Signature]
Richard S. Cecil
Samuel A. Brewer