Ordinance No. 4-10-19

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF SOUTH ANNVILLE, LEBANON COUNTY, PENNSYLVANIA, TO REVISE REGULATIONS GOVERNING USES AND USE LIMITATIONS IN THE I – INDUSTRIAL DISTRICT.

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

Section 1. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 10, I – Industrial District, §1002.C, Permitted Uses, shall be amended to read as follows:

C. Light manufacturing, fabricating, processing, packaging, compounding, or assembling activities conducted within a completely enclosed building and screened in accordance the requirements of Section 1004.4.A.

Section 2. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 10, I – Industrial District, §1002.D, Permitted Uses, shall be amended to read as follows:

D. Wholesale, warehousing distribution centers and contractors' supply centers conducted within a completely enclosed building and screened in accordance the requirements of Section 1004.4.A.

Section 3. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 10, I – Industrial District, §1003.A, Special Exception Uses, shall be amended to provide as follows:

A. Reserved for Future Use.

Section 4. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 10, I – Industrial District, §1004.4, Landscaping and Screening, shall be amended by adding new Paragraphs A and B which shall provide as follows:

A. Where required by Section 1002, a landscaped berm and screen shall be provided within the required front yard along all existing public streets within and adjoining the I-Industrial District subject to the following:

(1) The landscaped berm and screen shall include the following:

a. An earthen berm meeting the following minimum design standards:

i. The earthen berm shall be a minimum of six (6) feet in height.

ii. The earthen berm shall have a minimum eight (8) feet top width for plantings.

iii. An earthen berm having slopes of 3 to 1 or less can be landscaped in grass or other vegetative ground cover.

iv. All earthen berms having slopes of greater than 3 to 1 shall be constructed, landscaped and stabilized utilizing site specific soil-stabilizing practices.

v. No earthen berm shall have a slope greater than 2 to 1.

vi. All earthen berm slopes shall have a continuous bed of vegetative ground cover over at least 95 percent of the berm within two (2) years.

b. A mix of shade tolerant evergreen trees and shade tolerant evergreen and semi-evergreen broadleaf shrubs shall be provided on top of the berm which, at maturity, shall provide full opacity from the ground to a minimum height of thirty (30) feet.

c. Screening material shall meet the following American Standard for Nursery Stock standards as published by the American Horticulture Industry Association d/b/a AmericanHort, latest edition:

i. Type 4 Conifers (evergreen) trees
   (a) Natural or semi-sheared
   (b) Minimum planted height of eight (8) feet

i. Type 4 and Type 5 broadleaf evergreens
   (a) Natural or semi-sheared
   (b) Minimum planted height of eighteen (18) inches
   (c) Minimum planted spread of twelve (12) to fifteen (15) inches
   (d) Container stock #3, #5 or #7

(2) The landscape berm and screen shall not be located within any portion of any existing or proposed street right-of-way.

(3) Access drives, streets, site signage, pedestrian sidewalks and trails, and underground and overhead utilities are permitted within the landscaped berm and screen. Access drives, streets and utilities shall cross the landscape berm and screen perpendicular to the adjoining street.

(4) No outside storage or display area, off-street parking, or parking aisle shall be within the landscaped berm and screen. No outside storage or display area or off-street parking shall be located between the berm and the street right-of-way.

(5) The landscape berm width may be reduced to a minimum of four (4) feet in width to accommodate stormwater management conveyance facilities, provided the screening requirements of §1004.A.1.b (above) are met. Stormwater storage and/or infiltration facilities shall not be located in a manner to reduce the minimum eight (8) feet width of the landscaped berm.

(6) The landscaped berm and screen shall be designed, constructed and maintained to avoid encroachment into:

a. Any utility easement existing on the effective date of this ordinance

b. Any existing or proposed required minimum safe stopping sight distance or clear sight triangle

c. Any existing or proposed stormwater management facility

d. Any existing or proposed pedestrian facilities.

B. All other applicable Screening and Landscaping Requirements as required in §1418 shall apply.

(1) Where the requirements of this §1004.4 conflict with the requirements of §1418, the requirements of this §1004.4 shall apply.

Section 5. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 10, I – Industrial District, §1007.2, Building Height Regulations, shall be amended to read as follows:

2. The height of a principal building may be increased to a maximum height of one hundred twenty (120) feet provided the structure is set back a horizontal distance at least equal to its height from all right-of-way and property lines.

Section 6. The Code of Ordinances of the Township of South Annville, Chapter 27 thereof, Zoning, Part 10, I – Industrial District, §1005, Lot Area, Lot Width, and Coverage Requirements, shall be amended by adding a new Subsection 4 which shall provide as follows:

4. Improvements to a tract existing on the effective date of this section proposed through one or more subdivision and/or land development plans that cumulatively propose 500,000 square feet or more of impervious coverage shall with each application for approval of a subdivision and/or land development plan and zoning permit application:

(a) Calculate the existing loading of stormwater pollutants within the boundaries of the total tract area of the proposed development in pounds/year. For the purposes of this provision, the total tract area shall include all land within the Industrial District held in single and separate ownership on March __, 2019, whether acquired by one or more deeds or acquired at different times or separated by a public street. This calculation can be used for each application for development of a portion of such total tract. Calculate the minimum required reduction in loading, in pounds/year for the portion of the total tract area being developed and select the Best Management Practice (BMP) to reduce the loading rates; and demonstrate the selected BMP will achieve the minimum reductions. The pollutants of concern and associated required reductions for the Chesapeake Bay in South Annville Township are set forth in the NPDES Permit for the Township Municipal Separate Storm Sewer System in effect on the date an application for development is filed. As of January 1, 2019, the pollutants of concern and associated required reductions are sediment (ten percent), phosphorus (five percent), and nitrogen (three percent).

(b) The Township follows the Pennsylvania Department of Environmental Protection's (PA DEP) presumptive approach in which it is assumed that a ten percent reduction in sediment will accomplish a five percent reduction in phosphorus and a three percent reduction in nitrogen.

(c) The BMPs implemented to achieve the required pollutant reduction shall not be counted towards satisfying the Subdivision and Land Development Ordinance requirements for stormwater management for development of the site.

(d) Off-Street Parking BMP Requirements – The implementation of BMP's for water quality improvement, in addition to the required stormwater management facilities, shall be applied to the employee and customer designated parking areas not subject to heavy duty pavement. Heavy duty pavement cannot be used in employee and customer designated parking areas. A minimum five percent of the required parking spaces shall be designed as a pervious surface.

Section 7. All other sections, parts and provisions of the Code of Ordinances of the Township of South Annville shall remain in full force and effect as previously enacted and amended.

Section 8. In the event any provision, section, sentence, clause, or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 9. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of South Annville as provided by law.

DULY ORDAINED AND ENACTED this day of , 2019, by the Board of Supervisors of the Township of South Annville, Lebanon County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF SOUTH ANNVILLE
Lebanon County, Pennsylvania

Attest: Donald H. Umberger
~~(Assistant)~~ Secretary

By: Dale L. Hoover
(~~Vice~~) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

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CERTIFICATE

I, the undersigned, (~~Assistant~~) Secretary of the Township of South Annville, Lebanon County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of South Annville at a meeting duly held on the 10 day of April, 2019; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate. April 10 2019 4-10-19

I further certify that the Board of Supervisors of the Township of South Annville met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S.§701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of South Annville or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of South Annville, this 10 day of April, 2019.

Donald H. Umbreger
(~~Assistant~~) Secretary

[TOWNSHIP SEAL]