

ARTICLE 1700. Conservation Subdivision Design.

§ 212-1701. Purpose and Definitions.

- A. It is the intent and purpose of this Article to provide a means for logical and efficient development within the R-1 and R-2 zoning districts while maintaining their natural character. Use of the Conservation Subdivision Design approach in these districts implements the land use and conservation objectives of the adopted Comprehensive Plan. A Conservation Subdivision shall be designed with the following objectives to satisfy the intent of this Article and the required design provisions and procedures included in the Subdivision and Land Development Ordinance:
- (1) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
 - (2) To protect areas of the Borough with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
 - (3) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
 - (4) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
 - (5) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
 - (6) To implement adopted Borough policies to conserve a variety of irreplaceable and environmentally sensitive resource lands including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
 - (7) To permit clustering of houses and structures on less environmentally sensitive soils so as to reduce the amount of infrastructure,
 - (8) To implement adopted land use, transportation, and community policies, as identified in the Comprehensive Plan;
 - (9) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
 - (10) To provide for the conservation and maintenance of open land within the Borough to achieve the above-mentioned goals and for active or passive recreational use by residents;
 - (11) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
 - (12) To conserve scenic views and to minimize perceived density, by minimizing views of development from existing roads.
- B. In order to achieve these purposes, this Article provides for flexibility in designing new residential subdivisions by allowing two (2) forms of "by-right" development referred to as "options", as summarized below:
- (1) Option One: Cluster Properties, providing for residential uses at the permitted density as calculated in § 212-1704
 - (2) Option Two: Country Properties, providing for larger lots at low densities.
- C. When used in this Article, the following terms shall have the following meanings:
- (1) **Greenway Land** - That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features.

- (2) **Primary Conservation Areas** – shall consist of wetlands; streams and other watercourses; ponds and other water bodies; floodplains; and steep slopes greater than 25%.
- (3) **Secondary Conservation Areas** – shall consist of natural and/or cultural features on the development site, in addition to the Primary Conservation Areas, that are identified during the Four-Step Design Process under the Subdivision and Land Development Ordinance. They shall include, but not be limited to, mature woodlands; moderately steep slopes between 15% and 25%; natural heritage areas identified in the Allegheny County Natural Heritage Inventory; historic features such as old stone walls and foundations; prime agricultural soils, and areas providing scenic vistas. Secondary Conservation Areas should be prioritized and added to Primary Conservation Areas in order of priority so as to constitute the required Greenway Land.

§ 212-1702. Applicability.

- A. It is hereby established that Conservation Subdivision Design may be utilized for any Major Subdivision within the R-1 and R-2 zoning districts; provided, however, that the Cluster Option may only be used in areas that are served by public water and sewers.
- B. Conservation Subdivision Design shall be required when forty percent (40%) or more of a proposed tract for development in the R-1 and R-2 Zoning Districts contains slopes of fifteen percent (15%) or greater. In addition, Conservation Subdivision Design shall be required when forty percent (40%) or more of a proposed tract contains prime agricultural soils as classified by the U.S. Department of Agriculture.
- C. Exemptions: Minor Subdivisions of no more than three (3) lots and in which there are no new required streets shall be exempt from the provisions of this article.

§ 212-1703. Uses Permitted within Conservation Subdivisions.

- A. Principal Uses. Principal uses permitted-by-right in Conservation Subdivisions are identified in the table of uses under the R-1 and R-2 zoning districts in Article 400, except for residential uses as listed below:
 - (1) R-1 District
 - a. Single Family
 - (2) R-2 District
 - a. Single Family
 - b. Twin House, provided that no more than twenty-five percent (25%) of the total dwelling units in the Conservation Subdivision be Twin Houses, and the parcel of land in which the Conservation Subdivision is located shall be fifteen (15) acres or greater in size.
- B. Accessory Uses
Accessory uses in Conservation Subdivisions shall be the same as those permitted in the underlying districts. They shall be permitted on the same lot customarily incidental to any permitted use and not conducted as an independent principal use.

§ 212-1704. Density Determination, Minimum Lot Size, and Area and Bulk Requirements for Option 1: Cluster Option.

- A. For purposes of calculating density under the Cluster Option, the applicant shall calculate the number of lots that would be permitted if the site were developed as a conventional

subdivision in the underlying district after accounting for the terrain and land needed for roads, stormwater systems and other infrastructure. This calculation shall be performed using the following formula:

Number of Dwelling Units = (Gross Tract Acreage x .80)

Minimum Lot Size;

Where .80 approximates the buildable area of the development site.

The result shall be rounded to the next lowest number. If the applicant believes that the development site can reasonably accommodate a greater number of parcels than the number derived from the above formula, the applicant may prepare a yield plan in accordance with the provisions below.

- B. Yield plans shall meet the following requirements:
- (1) Yield plans shall be prepared as conceptual layout plans in accordance with the standards of the Borough's Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey.
 - (2) The yield plan must identify and demonstrate that wetlands, streams, floodplains, and steep slopes (in accordance with the Borough Subdivision and Land Development Ordinance) would be successfully absorbed in the development process without disturbance, by allocating these areas to proposed single-family dwelling lots.
- C. The number of dwelling units in the Conservation Subdivision, calculated under either of the methods discussed in subsections A. and B. above, shall be situated on that part of the site remaining after the required Greenway Land (determined under Section § 212-1707 below) has been determined and set aside.
- D. Minimum lot size. Fifty percent (50%) of the minimum lot size requirement for the underlying zoning district, as indicated in § 212-501 of this Article.
- E. Minimum front yard, side yard, rear yard, and lot width at building line. Fifty percent (50%) of yard and lot width requirements for the underlying zoning district, as indicated in § 212-501 of this Article.

§ 212-1705. Density Determination for Option 2: Country Properties Option.

- A. The maximum density shall be one (1) dwelling unit per two (2) acres, calculated on the gross tract acreage. The minimum lot size may be reduced to one (1) contiguous acre in subdivisions of two (2) or more principal dwelling units provided that all remaining land (a minimum of one (1) acre per principal dwelling) is permanently protected from future development through a conservation easement.

§ 212-1706. Design Standards.

- A. Lots shall be situated on the development site in accordance with the Four-Step Process set forth in the Subdivision and Land Development Ordinance. The layout of lots shall ensure that there will be no disturbance of Primary Conservation Areas.
- B. All new dwellings shall meet the following setback requirements from off-site features :
- (1) From all external road rights-of-way – one hundred (100) feet
 - (2) From all other tract boundaries – fifty (50) feet
 - (3) From cropland or pasture land – one hundred (100) feet

- (4) From active recreation areas such as courts or playing fields (not including tot-lots) – one hundred fifty (150) feet
- C. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping and buffering requirements of Article 2000 of this Chapter.
- D. House lots shall generally be accessed from interior public streets rather than from external roads bordering the tract.
- E. All interior streets within conservation subdivision shall be public streets.
- F. In subdivisions using Option 1, Cluster Option, at least three-quarters (3/4) of the lots shall directly abut Greenway Land or face it across a street.

§ 212-1707. Greenway Land Requirements for the Cluster Option.

- A. Adjusted Tract Area. In determining the amount of the development site that must be set aside as Greenway Land, the applicant shall first calculate the Adjusted Tract Area. The Adjusted Tract Area equals the Gross Tract Area minus the Constrained Land (as determined below):
 - (1) Constrained Land equals the sum of the following:
 - a. All land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing rights-of-way of utility lines: multiply by 1.0;
 - b. All land under existing private streets: multiply by 1.0;
 - c. Wetlands, lakes, ponds and other water bodies: multiply the acreage of designated wetlands by 1.0;
 - d. Floodway: multiply the acreage within the floodway by 1.0;
 - e. Floodplains: multiply the non-wetland portion of the one hundred (100)-year floodplain by five tenths (0.50);
 - f. Steep Slopes: multiply the acreage of land with natural ground slopes exceeding twenty-five percent (25%) by eight tenths (0.80);
 - g. Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between fifteen percent (15%) and twenty-five percent (25%) by five tenths (0.50).
 - (2) If a portion of the tract contains more than one (1) feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.

Minimum Land Requirement for Greenways

The minimum amount of land required for greenways within a Cluster Conservation Subdivision shall be the total acreage of Constrained Land plus 30% of the Adjusted Tract Area.

§ 212-1708. Greenway Land Requirements for Country Properties.

- A. Greenway Land in Country Property developments may be contained within the individual lots or up to fifty percent (50%) may be set aside as undivided land with common rights of usage among the subdivision residents.
- B. The minimum amount of Greenway Land within a Country Lots subdivision shall be fifty percent (50%) of the Gross Tract Area. All Primary Conservation Areas shall be included within Greenway Land and shall be permanently protected from development.

§ 212-1709. Applicability of Public Dedication of Land and Fee-in-Lieu Requirements to Conservation Subdivisions.

- A. The public dedication of land requirements under § 184-904 of the Subdivision and Land Development Ordinance shall apply to all Conservation Subdivisions; provided, however, that the amount of land to be dedicated as recreational use area or open space/green area shall be credited by the Borough toward meeting the minimum Greenway Land requirement of this Article.
- B. The applicant may request and the Borough Council may grant that the public dedication of land requirement be satisfied by payment of a fee in accordance with the terms of § 184-904 of the Subdivision and Land Development Ordinance. In such case, the applicant shall pay the fee and deduct the amount of land that otherwise would have been dedicated from the Greenway Land to be set aside. In no case shall such deduction exceed twenty percent (20%) of the minimum Greenway Land.

§ 212-1710. Uses Permitted within Greenway Areas.

- A. The following uses are permitted within Greenway Land:
 - A. Conservation of open land in its natural state (for example, woodland preserve, game preserve, wildlife sanctuary, fallow field, or managed meadow);
 - B. Agricultural and horticultural uses, including raising crops, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors;
 - C. Woodlots, arboreta, and other similar silvicultural uses;
 - D. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required Greenway Land.
 - E. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.
 - F. Neighborhood greenway uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses but specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Borough Council.
 - G. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required Greenway Land or five (5) acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be surfaced with porous material, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten (10) parking spaces.
 - H. Golf courses, including their parking areas and associated structures, may comprise up to half of the minimum required Greenway Land, but shall not include driving ranges or miniature golf.
 - I. Water supply systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the Greenway.
 - J. Easements for drainage, access, sewer or water lines, or other public purposes;

- K. Underground utility rights-of-way, above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required Greenway Land.

§ 212-1711. Greenway Design Standards.

- A. Greenway Land shall be laid out in accord with the Four-Step Process set forth in Article 600 of Chapter 184 Subdivision and Land Development Ordinance. Design of Greenway Land shall ensure that an interconnected network of greenways will be provided.
- B. The required Greenway Land shall consist of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas, which shall be added to meet the minimum amount calculated under section §212-1707 for Cluster subdivisions or required under section §212-1708 for Country Properties subdivisions. Examples of Secondary Conservation Areas to be included in Greenway Land are:
 - (1) Hydric soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
 - (2) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.
 - (3) Moderate slopes, particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 - (4) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 - (5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - (6) Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.
 - (7) Historic structures and sites.
 - (8) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
 - (9) Existing trails connecting the tract to other locations in the municipality.
- C. Buffers for Adjacent Public Parkland: Where the proposed development adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed. Clearing of trees shall not be conducted (except in accordance with an approved logging or grading permit under the Timber Harvesting and Logging requirements of this Chapter or as may be necessary for street or trail construction). Where this buffer is not wooded, the Borough may require vegetative screening to be planted.

§ 212-1712. Other Greenway Land Requirements.

- A. No portion of any building lot may be used for meeting the minimum required Greenway Land.
- B. Pedestrian and maintenance access shall be provided to commonly-held Greenway Land in accordance with the following requirements:
 - (1) Each neighborhood shall provide one (1) centrally located access point per 15 lots.

- (2) Access to Greenway Land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- (3) For Option 2, Country Properties, where Greenway Land is included within individual lots, pedestrian and maintenance access shall not be required, but may be provided at the discretion of the owner.
- C. All Greenway Land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of the Subdivision and Land Development Ordinance.

§ 212-1713. Ownership and Maintenance of Greenway Land and Common Facilities.

- A. Development Restrictions. All Greenway Land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the greenway at any time, except for those uses listed in Section §212-1710(B), above. This shall be a covenant running with the land.
- B. Ownership Options. The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the greenway ratio of the overall development. Ownership methods shall conform to the following:
 - (1) Homeowners' Association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - a. The applicant shall provide the Borough a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities;
 - b. The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units in the development;
 - c. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title;
 - d. The association shall be responsible for maintenance and insurance of common facilities;
 - e. The by-laws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted;
 - f. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Borough no less than thirty days prior to such event; and
 - g. The association shall have adequate staff to administer, maintain, and operate such common facilities.
 - (2) Condominium Association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as "common element."
 - (3) Private Conservation Organization. With permission of the Borough, an owner may transfer either fee simple title of the greenway or easements on the greenway to a private non-profit conservation organization provided that:
 - a. The conservation organization is acceptable to the Borough and is a bona fide conservation organization intended to exist indefinitely;
 - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions;

- c. The Greenway Land is permanently restricted from future development through a conservation easement and the Borough is given the ability to enforce these restrictions; and
 - d. A maintenance agreement acceptable to the Borough is established between the owner and the organization.
- (4) Dedication of Easements to the Borough. The Borough may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Borough. In addition, the following regulations shall apply:
- a. There shall be no cost of acquisition to the Borough;
 - b. Any such easements for public use shall be accessible to the residents of the Borough; and
 - c. A satisfactory maintenance agreement shall be reached between the owner and the Borough.
- (5) Fee Simple Dedication to the Borough. The Borough may, but shall not be required to, accept any portion of the common facilities in fee simple, provided that:
- a. There is no cost of acquisition to the Borough; and,
 - b. The Borough agrees to and has access to maintain such facilities.
- C. Maintenance.
- (1) Unless otherwise agreed to by the Borough, the cost and responsibility of maintaining common facilities and Greenway Land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.
- (2) The applicant shall, at the time of preliminary plan submission, provide a Plan for Maintenance of Greenway Land and Operation of Common Facilities in accordance with the following requirements.
- a. The Plan shall define ownership;
 - b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of greenway (i.e. lawns, playing fields, meadow, pasture, cropland, woodlands, etc.);
 - c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Greenway Land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;
 - d. The applicant shall be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one (1) year; and,
 - e. Any changes to the maintenance plan shall be approved by the Borough.
- (3) In the event that the organization established to maintain the Greenway Land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Borough may assume responsibility for maintenance, in which case it may place a lien on the property, any escrow funds may be forfeited and any permits may be revoked or suspended.
- (4) The Borough may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Borough in the office of the Prothonotary of Allegheny County. The Borough shall also have the right to enforce any default by an action in equity.

§ 212-1714. Subdivision and Land Development Ordinance.

All applications for a conservation subdivision shall be governed by standards and procedures stated within Article 600 of Chapter 184 Subdivision and Land Development Ordinance. In the event that there are conflicting requirements between the provisions of this Article and those stated within the Subdivision and Land Development Ordinance for major subdivisions, the stricter provisions of this Article shall prevail.