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October 28, 2009

VIA E-MAIL

Paul Vranesic, Vice President  
Cornwall Borough  
36 Burd Coleman Road  
P.O. Box 667  
Cornwall, PA 17016

Re: Proposed Ordinance to Amend Zoning Ordinance  
Our File No. 45810

Dear Paul:

As discussed at the Ad Hoc Committee meeting on October 27, 2009, attached please find a revised draft of the proposed ordinance to amend the Zoning Ordinance to create the Coordinated Mixed Use Development Overlay. This draft may be distinguished from the prior draft by the draft date in the upper left-hand corner of the first page. I have attached Exhibit "A", the legal description of the lands to be rezoned, so that the Planning and Zoning Commission will have a complete copy of the proposed ordinance for its regular meeting on Monday, November 2.

In accordance with the e-mail which I received today, I revised Section 1759.C. I made some changes from the proposed language for clarification. Section 1759.C now states:

Residential density shall generally decrease from the center of the CMU Development Tract towards the periphery of the CMU Development Tract. There shall be a setback of not less than seventy-five (75) feet between buildings not on the CMU Development Tract existing on the effective date of this section and buildings within the CMU Development Tract. The portion of such setback within the CMU Development Tract shall contain existing vegetation, new landscaping and/or a berm, or a combination of any of these features to provide a visual barrier. The setback may contain roads, driveways, utilities, drainage facilities, and other site improvements so long as the visual barrier is provided.

As discussed at the meeting of the Ad Hoc Committee, Steve Dellinger will provide a copy of the proposed ordinance to the Lebanon County Planning Department on an informal

basis. The County Planning Department may then informally commence its review.

Council meets on Monday, November 9. At that meeting, Council may authorize transmission of the proposed ordinance to the County Planning Department for the formal review and recommendation required by the Pennsylvania Municipalities Planning Code ("MPC"). Council may, if it desires, schedule a date for a public hearing on the proposed ordinance. There is no date within which Council must act on the proposed ordinance. Instead, the MPC establishes items which must be completed before Council may act. Council should consider the following MPC requirements in establishing the date for the public hearing:

1. The Borough must allow the Planning and Zoning Commission and the Lebanon County Planning Department at least 30 days to review the proposed ordinance. MPC §§609(c), 609(e). However, Council cannot hold the public without a formal recommendation from each body until 45 days has elapsed. MPC §§303(a), 304(a). What this means in essence is that if the County Planning Department and the Planning and Zoning Commission both act and provide written recommendations on day 32 after formal submission, Council could conduct a public hearing at that time. However, Council must have assurances that it will receive the County Planning Department and Planning and Zoning Commission comments by a date certain if Council wishes to schedule the public hearing before the expiration of the 45 day period because of the advertising and notice requirements discussed below.

2. The Borough must send written notice of the date and time of the public hearing to any owner of land to be rezoned at least 30 days before the date of the public hearing. MPC §609(b)(2)(i). Therefore, if Council establishes a date of a public hearing on November 9, it should be at least 32 days later to allow time for the preparation and mailing of this letter. It is best to set the hearing date at least 46 or 47 days after submission of a proposed ordinance in case the Borough does not receive comments from the County Planning Department within the 45 day period.

3. The Borough must publish public notice of the public hearing. This must be published twice, a week apart, with the last advertisement at least one week prior to the date of the public hearing. MPC §§609(b)(1), 107(a).

4. The properties to be rezoned must be posted at least one week prior to the date of the public hearing. MPC §609(b)(1).

If Council establishes a date for the public hearing and you desire for me to prepare the necessary notices, please let me know as soon as possible. Please also let me know if Council

Paul Vranesic, Vice President  
October 28, 2009  
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desires for me to attend the public hearing. If you have any questions, please contact me. However, I will be on vacation beginning on October 29 and will not return to the office until November 9.

Very truly yours,

Josele Cleary

JC:sle  
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Attachment

cc: Ad Hoc Committee (via e-mail; w/attachment)  
R. Steven Dellinger, AICP (via e-mail; w/attachment)  
Paul J. Callahan, Special Projects Coordinator (via e-mail; w/attachment)

**BOROUGH OF CORNWALL**

Lebanon County, Pennsylvania

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**ORDINANCE NO.** \_\_\_\_\_

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AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CORNWALL BOROUGH TO ADD AND REVISE DEFINITIONS OF TERMS; TO REVISE REGULATIONS IN ARTICLE 17 GOVERNING SUBMISSION OF PLANS; AND TO ADD A NEW ARTICLE 17A, COORDINATED MIXED USE OVERLAY; TO PROVIDE REGULATIONS GOVERNING DEVELOPMENT WITHIN THE COORDINATED MIXED USE OVERLAY; AND TO ESTABLISH THE COORDINATED MIXED USE OVERLAY ON THE OFFICIAL ZONING MAP.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Cornwall, Lebanon County, Pennsylvania, as follows:

Section 1. The Zoning Ordinance of Cornwall Borough, Article 2, Definitions, Section 202, Terms Defined, shall be amended by adding or revising the following definitions in alphabetical order:

CMU DEVELOPMENT – The dwelling units, residential accessory uses, recreational uses, commercial uses, and associated structures installed or to be installed upon a CMU Development Tract in accordance with the provisions of Article 17A of this Ordinance.

CMU DEVELOPMENT TRACT – The land, which may be comprised of one or more lots and which contains not less than 500 acres, which is proposed to be developed as a single, unified CMU Development in accordance with the provisions of Article 17A of this Ordinance.

HEALTH CARE CAMPUS – a building or group of buildings containing medical and dental offices and clinics, outpatient health services including, but not limited to, laboratories, radiological and diagnostic imaging services, blood banks, outpatient surgery centers, rehabilitation centers, and outpatient clinics and patient care facilities together with associated retail uses such as pharmacies and medical supply stores.

LEED CERTIFIED – Attaining a certified or higher rating under the Leadership in Energy

and Environmental Design (LEED) Green Building Rating System, Version 3 or higher, as adopted by the United States Green Building Council.

Section 2. The Zoning Ordinance of Cornwall Borough, Article 17, Planned Development District, Section 1702, Planned Development Guidelines, Subsection D, Planned Development Approval Procedure, Paragraph 2, Application Procedure for Tentative Approval, shall be amended as follows:

\* \* \*

- d. The Borough shall schedule, provide notice of, and conduct hearings as required by Article VII of the MPC.
- e. Borough Council shall render a decision on an application for tentative approval in accordance with the requirements of Article VII of the MPC.
- f. Borough Council shall issue a written decision on an application for tentative approval in accordance with the requirements of Article VII of the MPC.

\* \* \*

Section 3. The Zoning Ordinance of Cornwall Borough, Article 17, Planned Development District, Section 1702, Planned Development Guidelines, Subsection D, Planned Development Approval Procedure, Paragraph 3, Application for Final Approval, shall be amended as follows:

\* \* \*

- e. Borough Council shall render a decision on an application for final approval in accordance with the requirements of Article VII of the MPC.
- f. Borough Council may, in its sole discretion, conduct a public hearing on an application for final approval.

\* \* \*

- i. If Borough Council elects to conduct a public hearing, it shall provide notice and conduct the hearing in accordance with the requirements of Article VII of the MPC.
- j. Borough Council shall issue a written decision on an application for final approval in accordance with the requirements of Article VII of the MPC.
- k. The form of a written decision on an application for final approval shall be in accordance

with the requirements of Article VII of the MPC.

Section 4. The Zoning Ordinance of Cornwall Borough, Article 17, Planned Development District, Section 1702, Planned Development Guidelines, Subsection D, Planned Development Approval Procedure, Paragraph 5, Construction, Dedication and Maintenance of Improvements, Subparagraph d, shall be amended by adding the following at the end of the existing language: “The Borough shall have no obligation to accept dedication of any improvements. If the Borough elects in its sole discretion to accept dedication of any improvement, the developer shall provide clear title to the improvements being dedicated to the Borough and shall reimburse the Borough for all costs associated with the acceptance of dedication of such improvement.”

Section 5. The Zoning Ordinance of Cornwall Borough, Article 17, Planned Development District, Section 1702, Planned Development Guidelines, Subsection D, Planned Development Approval Procedure, Paragraph 5, Construction, Dedication and Maintenance of Improvements, shall be amended by adding a new Subparagraph e which shall provide as follows:

- e. As-built plans of all street improvements, storm water management facilities, public water supply facilities, public sewage disposal facilities and other public improvements shall be filed at the completion of construction and before any dedication for public use. One set of as-built plans shall be on reproducible matte drafting film and one set of as-built plans shall be in an electronic format acceptable to the Borough Engineer. The as-built plan sets shall be filed with the Borough Secretary. Such plans shall be filed prior to release of the guaranty and issuance of the completion certificate by the Borough Engineer.

Section 6. The Zoning Ordinance of Cornwall Borough, Article 17, Planned Development District, Section 1702, Planned Development Guidelines, Subsection F, Requirements for Application for Tentative Approval, Paragraph 2, Site Plans, shall be amended as follows:

2. Site Plans. Each map, plan and drawing shall be prepared by a professional engineer, surveyor, landscape architect or architect registered in the Commonwealth of Pennsylvania, who shall place his seal and signature on all applicable plans, maps and drawings.

Site plans shall be drawn on sheets having a sheet size of twenty-four (24) inches by thirty-six (36) inches or larger and shall be at a scale of ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, sixty (60) feet or one hundred (100) feet to the inch. Master site plans may be drawn at any legible scale or sheet size. The landowner should utilize the scale and plan format that presents the most readable plans. Site plans may consist of multiple sheets a key map showing the relationship of each sheet to the overall site plan is placed on all of the multiple sheets. The applicant, in addition to the required paper copies of the site plans, shall provide an electronic copy of the site plans in a form acceptable to the Borough Engineer. Site plans shall show:

\* \* \*

- n. The location of all existing vegetation, including all agricultural fields, lawn areas, shrubs and wooded areas. Dominant trees of eight (8) inch diameter or larger and non-invasive plant species (except for noxious weeds) should be identified. For woodland areas as defined in other sections of this Ordinance, perimeter boundary of woodlands may be shown with an estimation of the number of non-invasive dominant trees within that area as prepared by a forester or environmental specialist.

\* \* \*

- r. The approximate radius and arc dimensions for all street line curves.

\* \* \*

Section 7. The Zoning Ordinance of Cornwall Borough, shall be amended by adding a new Article 17A, Coordinated Mixed Use Overlay, which shall provide as follows:

ARTICLE 17A  
COORDINATED MIXED USE OVERLAY

SECTION 1751. PURPOSE

The regulations of the Coordinated Mixed Use Overlay district are designed to provide for a controlled development opportunity for land located in the southern portion of the Borough where the land does not consist of prime agricultural soils; public water and sewer service, access to major traffic routes, and accessibility to existing lake for recreational purposes are available; and prior mining land uses had disturbed the majority of the land within the Coordinated Mixed Use Overlay. The types of land uses that could be located within the Coordinated Mixed Use Overlay range from various densities of residential development to a mixed use residential/commercial/recreational-commercial master planned community. Design standards have been imposed to moderate any objectionable impacts associated with different land uses.

SECTION 1752. PERMITTED USES

A CMU Development on a CMU Development Tract containing not less than five hundred (500) gross acres comprising a mixture of residential, recreational, and commercial uses shall be the only permitted use if a landowner elects to proceed under this Article. All lands located within the Coordinated Mixed Use Overlay may be developed in accordance with the base zoning district provided, however, that any land included in an approved tentative plan for a CMU Development may be developed only in accordance with the approved tentative plan.

SECTION 1753. COORDINATED MIXED USE OVERLAY GUIDELINES AND PROCEDURES

A. Applicability

The provisions of this Article are a furtherance of the land use and development controls of land in the Borough. It is the intent of this Article to utilize Article VII, Planned Residential Development, of the MPC to address the unique planning and development issues of large tracts of land.

B. Basis for Consideration

Approval of a CMU Development by Borough Council shall not be construed under the provisions of this Ordinance to mean that the developer of a CMU Development can by right merely meet the standards set herein. These standards and requirements are minimums only and may be modified, or more stringent standards may be applied by the Borough Council to protect the health safety and welfare of the citizens of the Borough. Applicants under this Article are encouraged to propose innovative and flexible development plans that contribute to the quality of life in the community through a variety of well-planned land uses and amenities.

C. Jurisdiction of Borough Council

The administration of the procedures concerning the application for and approval of the CMU Development tentative plan and final plan shall be vested solely in the Borough Council.

D. Application Procedure

An applicant for approval of a CMU Development shall follow all procedures set forth in Sections 1702.D through 1702.G of this Ordinance. In interpreting Sections 1702.D through 1702.G for this purpose, the phrase "Planned Development" shall be replaced with the phrase "CMU Development".

SECTION 1754. USES IN A COORDINATED MIXED USE DEVELOPMENT

The following uses are permitted in a CMU Development, subject to all the applicable development standards and requirements. A CMU Development shall contain a mix of residential, recreational, and commercial uses and may additionally contain public and semi-public uses. Not less than 40% of the gross area of the CMU Development Tract shall be devoted to open space; not less than 40% of the gross area of the CMU Development Tract shall be devoted to residential development; not less than 5% of the gross area of the CMU Development Tract shall be devoted to recreational and/or commercial uses.



A. Residential uses:

1. Single family detached dwellings.
2. Single family semidetached dwellings.
3. Duplex dwellings.
4. Townhouse dwellings.
5. Apartment dwellings.

B. Public and semipublic uses and structures:

1. Community clubs.
2. Community facilities such as police and fire protection facilities, museums, libraries, etc.
3. Day care facilities.
4. Churches and related uses.
5. Municipal buildings.

C. Recreation and recreational-commercial uses and structures:

1. Parks.
2. Swimming, health/fitness and/or tennis clubs, spas, wellness centers.
3. Hotels/motels with capacity not exceeding three hundred (300) rooms, with associated food service, meeting rooms, conference centers, entertainment, and related recreational amenities.
4. Indoor water parks not exceeding 60,000 square feet of floor area.
5. Guest cottages affiliated with the hotel/motel and/or indoor waterpark, which are situated in close proximity to those uses, and which are intended to be operated as rental units as a segment of the hotel/motel operation or as a condominium association which will share the common amenities of the hotel/motel and indoor water park and which are intended to primarily serve a transient population.
6. Marinas for boats and watercraft; public and private boats docks; boat storage

buildings and associated equipment and facilities.

7. Water related recreational uses of existing ponds and lakes.
8. Jogging, walking, bicycle and golf cart pathways, storage buildings, and rental facilities.
9. Ice skating facilities.

D. Commercial uses:

1. Banks and other financial institutions, including drive-through banking facilities.
2. Business and professional offices.
3. Personal services shops including barbershops, beauty parlors, tailors, shoe repair, dry cleaning (excluding dry cleaning plants), florists, etc. Each individual building may contain a single or multiple uses with ground floor area in the range of 6,000 square feet to 15,000 square feet.
4. Commercial/retail villages comprised of multiple buildings in a coordinated village type setting, each with ground floor areas in the range of 6,000 square feet to 15,000 square feet.
5. Sit down restaurants, tearooms, cafes, and other places serving food and drink, but not including drive-in, drive through or fast food restaurants.
6. Convenience stores excluding automotive fuel sales which shall not exceed 7,500 square feet of floor area.
7. Bed and breakfast establishments (guest homes).
8. Employee/executive retreats and training centers.
9. Indoor, live theaters – limited to a seating capacity of 1,000 or less.
10. Indoor, single-screen movie theaters – limited to a seating capacity of 1,000 or less.
11. Bowling alleys.
12. Medical and dental clinics and health campuses.
13. Specialty shops for custom work and articles to be sold at retail on the premises, such as baking, confectionary, dressmaking, printing and similar shops and services,

provided, however, that no such use shall exceed 15,000 square feet of floor area.

14. Food store, which shall not exceed 25,000 square feet of floor area.

E. Industrial uses:

1. Crushing of existing rock on site specifically for temporary, non-commercial use for construction of roadways, parking lots and site improvements which are an integral part of the CMU Development. This use shall cease at the time when construction of the site work for the CMU Development is completed.

A. All rock crushing shall comply with the Comprehensive Settlement Agreement among the Borough, Sheridan Corporation and Haines and Kibblehouse, Inc., dated as of April 12, 1999. Rock crushing on Parcel # 1, Tract # 2 of Deed Book 2123, Page 4620 of Tax Map Parcel # 2348414-340411, shall cease before any development, including construction of an access road to Route 322, can take place on this site.

B. All rock crushing shall be specifically limited to the purpose of producing material to be used for construction of roadways, parking lots and other on-site improvements within the CMU Development Tract.

C. Crushing of existing rock for non-commercial use for construction of roadways, parking lots and site improvements associated with the construction of the CMU Development is permitted on other parcels within the CMU Development Tract. Such rock crushing operations shall comply with the dust and noise provisions of the Comprehensive Settlement Agreement identified in Paragraph A.

D. All crushing of existing rock on the parcels within the CMU Development Tract shall be situated at least five hundred (500) feet from any residential dwelling existing on the effective date of this Section.

2. Non-commercial fabrication and manufacture of building components to be used in the construction of the buildings which are an integral part of the CMU Development, such as but not limited roof trusses, cabinetry, or building wall panels. This shall cease at the time when construction of buildings in the CMU Development is completed.

F. Accessory uses:

1. Home occupations and home businesses in accordance with the standards set forth in Section 2611 of this Ordinance.

2. Accessory uses, buildings or structures for all other nonresidential uses as approved by the Borough Council.
3. All CMU Development accessory uses shall comply with the accessory uses regulations of Section 1602 of this Ordinance.

G. Prohibited Uses in a CMU Development:

1. Drive-in, drive through or fast food restaurants.
2. Taxi and bus passenger stations, and transfer trucking facilities.
3. Mortuary and undertaking establishments.
4. Amusement enterprises such as megaplex movie theaters, arenas, racetracks, off-track betting facilities, and other similar recreation or entertainment establishments.
5. Nurseries and commercial greenhouses.
6. Shops for contractors, plumbers, heating, air conditioning/cooling, painting and upholstering specialists.
7. Automobile dealers and automobile washes.
8. Gasoline stations and repair garages.
9. Automobile body shops.
10. Communication facilities requiring transmission antennas, radio or television stations.
11. Manufacturing or storage uses which, because of their shipping, storage and other requirements, should not be located in close proximity to residential areas.
12. Adult Oriented Businesses.
13. Fossil fuel motorized boats, except for life saving and maintenance vessels which will be utilized on infrequent basis.
14. Big box commercial or retail buildings larger than 25,000 square feet of floor area.
15. More than one commercial or retail buildings larger than 15,000 but less than 25,000 square feet of floor area.

16. Uses similar to the above listed uses.

SECTION 1755. COORDINATED MIXED USE DEVELOPMENT DESIGN REQUIREMENTS

Except as specifically superseded in this Article 17A, the provisions of Article 5 (Design Standards) and Article 6 (Construction of Required Improvements and Dedication) of the Cornwall Borough Subdivision and Land Development Ordinance shall apply to the design and construction of all CMU Developments.

SECTION 1756. COMMON OPEN SPACE REQUIREMENTS FOR COORDINATED MIXED USE DEVELOPMENT

- A. Forty percent (40%) of the gross area of the CMU Development Tract shall be allocated to and shall remain common open space. Common open space within the Flood Plain District shall be included within the required common open space; however, the provisions of that district shall apply. Common open space shall be deed restricted to prohibit future subdivision or development, except for agricultural and recreational uses that may be permitted with the approval of Borough Council. The common open space shall be provided in the form of internal open space and peripheral open space.
- B. Internal open spaces shall contain a minimum area of five hundred (500) square feet and shall be of a distinct geometric shape (generally rectilinear or square) appropriate for use as a public space. Internal open spaces shall function as traditional urban public space i.e.: park, monumental, public gathering or visual. Internal open spaces shall in general be the focus or be spatially enclosed by the buildings that front on the area or front upon the streets bounding the area.
- C. Common open space, particularly peripheral open space areas, containing existing attractive or unique natural features, such as streams, creeks, ponds, floodplains, wetlands, woodlands, specimen trees and other areas of matures vegetation worthy of preservation may be left unimproved and in a natural state. As a general principle, the use and disturbance of natural features shall comply with the regulations established in Article 20, Environmental Overlay District. To the greatest extent possible, common open space shall include all environmentally sensitive areas, including areas with non man-made slopes greater than fifteen percent (15%), 100-year floodplains, wetlands, areas of seasonally high water, and other such critical areas. Existing man-made features may be preserved through incorporation in common open space.
- D. Peripheral open space areas may be used for public and semipublic recreation purposes with the approval of the Borough Council.
- E. Recreational facilities shall be required to serve the anticipated needs of the residents of the CMU Development, taking into account the anticipated characteristics and demographic

profile of the CMU Development's population, the recreational facilities available in neighboring developments, and the relevant provisions regarding recreational facilities contained in the Comprehensive Plan.

- F. The buildings, structures and improvements permitted in the common open space shall be appropriate to the authorized uses and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- G. The phasing plan of the CMU Development shall coordinate the improvement of the common open space with the construction of dwellings. At no time in the development of various phases of the CMU Development may the total area of common open space in the phases developed be less than twenty-five percent (25%) of the gross area of the developed lands unless additional areas to produce the required percentage are permanently reserved as common open space on the remaining land of the total development. The location or size of this reserved common open space on remaining land may be altered or changed upon the approval and recording of the final plan of an additional phase of the CMU Development.
- H. The ownership, administration and maintenance of common open space shall be in accordance with the requirements of Section 1702.J.7 through 1702.J.9. In interpreting Sections 1702.J.7 through 1702.J.9 for this purpose, the phrases "Planned Development" and "PD" shall be replaced with the phrase "CMU Development".

#### SECTION 1757. BLOCKS WITHIN A COORDINATED MIXED USE DEVELOPMENT

- A. To the greatest extent possible, blocks shall be designed to have a maximum length of one thousand two hundred (1,200) feet. Alleys shall be permitted to bisect blocks.
- B. Each block shall be designated with a building setback line, which shall establish the front yard setback for the lots on the block. The actual building location shall fall between the minimum and maximum front yard setbacks for the proposed uses. Building locations, lot areas and lot widths shall vary at random to the greatest extent possible, in order to create variation and appropriate human scale in the street scape. A maximum of five percent (5%) of all lots for single-family detached dwellings may be flag lots.

#### SECTION 1758. STREETS WITHIN AND ACCESS TO A COORDINATED MIXED USE DEVELOPMENT

- A. The street layout shall be adapted to the topography, unique natural features and environmental constraints of the CMU Development Tract. The street layout shall take into consideration the location of the community focus, other internal open space areas and vistas. A minimum of two (2) interconnections with the existing public street system shall be provided unless the developer proves to the satisfaction of Borough Council that two street intersections are not physically possible or will cause significant detrimental effects to the existing street network. In such case one interconnection may be an emergency access.

Linkages to adjacent developments and neighborhoods with pedestrian and bicycle paths are recommended where possible.

- B. The street layout shall form an interconnected system of streets primarily in a rectilinear grid pattern, however, modified to avoid a monotonous repetition of the basic street/block pattern.
- C. As part of the initial phase of the CMU Development, the developer shall provide a full access interconnection to Route 322.
- D. The applicant shall address the provision of safe and convenient access from the existing road network to the CMU Development. The applicant shall demonstrate that the road network included in the traffic impact study area providing access to the CMU Development can accommodate the volume of traffic reasonably expected to be generated by the proposed CMU Development in a safe and convenient manner. If improvements required to provide safe and convenient access to the CMU Development Tract are not programmed to be completed by the Borough or by the Commonwealth on an approved capital improvements plan, the applicant shall identify whether the applicant will make any improvements necessary to the road network to provide for safe and convenient access to the site and/or whether steps can be taken to provide safe and efficient access including, but not limited to, reduction of the intensity of the proposed development, changes in speed or traffic limitations.

SECTION 1759. RESIDENTIAL DEVELOPMENT STANDARDS WITHIN A COORDINATED MIXED USE DEVELOPMENT

- A. The maximum allowable residential density of the CMU Development shall not exceed 1.05 dwelling units per gross acre of the CMU Development Tract.
- B. A range of dwelling types shall be provided in the CMU Development.
  - 1. The number of single-family detached dwellings, including both large lot and small lot types, shall range from a minimum of fifty percent (50%) to a maximum of ninety percent (90%).
  - 2. Of the dwellings other than single-family detached dwellings, no more than sixty-five percent (65%) shall be the same type of dwelling unit (e.g. semi-attached, duplexes, townhouses, or apartments).
  - 3. Not less than sixty-five (65%) percent of the dwelling units shall meet all of the following criteria:
    - a. The dwelling units be part of a homeowners' or unit owners' association.
    - b. Each dwelling unit shall be designed to allow two story living (i.e. with a

master suite on the first floor in at least fifty (50%) percent of the dwelling units), shall have no more than three bedrooms, and shall not exceed 3,000 square feet of floor area.

- c. Lots containing such dwelling units shall not exceed one-third acre .
- d. The declaration of the homeowners' or unit owners' association shall prohibit swing sets, sand boxes, shed, accessory building and swimming pools on individual lots and shall prohibit the conversion of garages to living space.
- e. The declaration of the homeowners' or unit owners' association shall provide for a clubhouse and/or fitness center or similar recreation facility for the use of all residents subject to the homeowners' or unit owners' declaration. The declaration may also provide for outdoor recreation facilities for the use of all residents, but such recreational facilities shall not include tot lots, playgrounds or similar facilities.

- C. Residential density shall generally decrease from the center of the CMU Development Tract towards the periphery of the CMU Development Tract. There shall be a setback of not less than seventy-five (75) feet between buildings not on the CMU Development Tract existing on the effective date of this section and buildings within the CMU Development Tract. The portion of such setback within the CMU Development Tract shall contain existing vegetation, new landscaping and/or a berm, or a combination of any of these features to provide a visual barrier. The setback may contain roads, driveways, utilities, drainage facilities, and other site improvements so long as the visual barrier is provided.
- D. A mix of dwelling unit types shall be distributed throughout the development. The integration of different dwelling unit types is encouraged, and different types of dwelling units may be mixed in any distribution within any single block if desired.
- E. Buildings containing dwelling units shall be designed to vary in appearance. Building designs shall vary in terms of footprint, architectural elevations, fenestration, type of roof, height, front entrance and porch locations. Architectural guidelines shall be established to insure high quality design and compatibility throughout the neighborhoods. These guidelines will address issues such as color, materials and architectural details, and others as deemed appropriate.
- F. Non-garage kept vehicle parking for all dwellings shall be permitted in front yard set-backs where adequately landscaped and where special paving materials are utilized, subject to approval by the Borough.



SECTION 1760. COMMERCIAL DEVELOPMENT WITHIN A COORDINATED MIXED USE DEVELOPMENT

- A. The density of commercial development shall not exceed 320 square feet of floor area per gross acre of the CMU Development Tract.
- B. The commercial component shall consist of a minimum of commercial uses primarily oriented to serve both the residents of the CMU Development and residents of the immediately surrounding community. The remaining commercial uses may consist of any permitted commercial uses, including other types of retail and service uses.
- C. Commercial uses may be contained in multistory, mixed-use structures with commercial uses on the ground level and apartment dwellings on the upper levels. Such buildings contained within any neighborhood shall vary in terms of footprint and architectural elevations. Storefront commercial buildings shall be designed to coordinate with the scale and character of the street scape upon which it fronts. Contemporary commercial structures shall be detached and visually separated from the village street scape.
- D. Restaurant uses shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way, and in courtyards, provided pedestrian circulation or access to store entrances shall not be impaired. The following standards and guidelines are applicable:
  - 1. To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment shall be maintained free of tables or other encumbrances.
  - 2. Planters, posts with ropes or other removable enclosures are encouraged and shall be used as a way of defining the area occupied by the café.
  - 3. Extended awnings, canopies or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
  - 4. Outdoor cafes shall be required to provide additional outdoor trash receptacles.
  - 5. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
- E. All commercial uses shall provide off-street parking at the ratio of one space per 250 square feet of gross floor area subject to approval by the Borough. For storefront commercial and commercial-village uses, on street parking shall be provided as a supplement to off-street parking facilities to serve customers of those uses. The minimum requirement for on-street parking shall be one (1) curbside space for each 2,000 square feet of gross floor area of

storefront commercial uses. Where the minimum on-street parking requirement cannot be completely complied with, the deficient number of spaces shall be provided in off-street parking lots. Commercial on-street parking shall be provided as curbside parallel or angle parking located along both sides of the streets on all blocks upon which commercial uses front.

- F. Parking Lot Landscaping, Buffering and Screening.
  - 1. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, glare onto adjacent properties.
  - 2. The interior of all parking lots shall be landscaped to provide shade and visual relief. Parking lots with ten (10) spaces or less may not require interior landscaping if the applicant demonstrates to Borough Council that there is adequate perimeter landscaping.
  - 3. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate.
  - 4. Parking lot layout, landscaping, buffering and screening shall comply with Article 23 of this Ordinance (Environmental Improvements and Energy Conservation) or as approved as part of the tentative plan approval process.

SECTION 1761. RECREATIONAL AND COMMERCIAL-RECREATIONAL DEVELOPMENT WITHIN A COORDINATED MIXED USE DEVELOPMENT

- A. The recreational and recreational-commercial density shall not exceed 800 square feet of floor area per gross acre of the CMU Development Tract. No more than 15% of the maximum allowable gross floor area shall be allocated to guest cottages.
- B. The recreational-commercial component of a CMU Development may consist of recreational-commercial uses oriented to serve both the residents of the CMU Development, residents of the immediately surrounding community, and tourists on a regional level.
- C. Restaurant uses within the hotel/motel recreational-commercial operation shall be counted towards the allowed floor area established in this Section.
- D. Recreational-commercial uses shall provide off-street parking and loading in accordance with the off-street parking provisions of Article 24 of this Ordinance, with the following exceptions: a hotel/motel (including restaurant and common areas) and guest cottages shall provide one parking space per each room plus one space per each employee on the largest shift, and an indoor water park shall provide one additional parking space per four hundred (400) square feet of floor area.

E. Parking Lot Landscaping, Buffering and Screening.

1. Parking lot layout, landscaping, buffering and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid spillover light, and glare onto adjacent properties.
2. The interior of all parking lots shall be landscaped to provide shade and visual relief. Parking lots with ten (10) spaces or less may not require interior landscaping if the applicant demonstrates to Borough Council that there is adequate perimeter landscaping.
3. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate.
4. Parking lot layout, landscaping, buffering and screening shall comply with Article 23 of this Ordinance (Environmental Improvements and Energy Conservation) or as approved as part of the tentative plan approval process.

SECTION 1762. AREA AND BULK GUIDELINES FOR A COORDINATED MIXED USE DEVELOPMENT

The following area and bulk guidelines are intended to establish a basis for evaluation and approval of site-specific standards as proposed by the applicant. The applicant shall provide an equally complete set of guidelines that relate to the proposed CMU Development. When approved by Borough Council, these dimensions will become the applicable standards for the CMU Development.

Use	Min. Lot Max. Bldg. Area (SF)	Min. Lot		Min. Lot Front Yd (FT)	Min. Height (FT)
		Width (FT)	Depth (FT)		
SINGLE FAMILY DETACHED DWELLING	4,000	40	80	35	35
SINGLE FAMILY SEMI-DETACHED DWELLING	1,800	18	80	35	35
TWO-FAMILY DWELLING	1,800	18	80	35	35

Use	Min. Lot Max. Bldg. Area (SF)	Min. Lot		Min. Lot	Min.
		Width (FT)	Depth (FT)	Front Yd (FT)	Height (FT)
SINGLE FAMILY ATTACHED DWELLING	1,800	18	80	35	35
APARTMENT DWELLING	None Req'd	None Req'd	None Req'd	None Req'd	60; See Notes 1 & 2
COMMERCIAL USES AND MIXED USE BUILDINGS	None Req'd	None Req'd	None Req'd	None Req'd	60; See Notes 1 & 2
COMMERCIAL- REC- REATIONAL	None Req'd	None Req'd	None Req'd	None Req'd	65; See Notes 1 & 2

- NOTES:
1. Where buildings are aligned front-to-front, rear-to-rear or obliquely whether or not separated by property lines, the applicant shall propose, for approval by the Council, standards that are consistent with the intended character of the neighborhood and demonstrate adequate provision for maintenance and the health safety and welfare of the Borough and occupants of the community.
  2. Sixty (60) foot building height shall only be allowed where a fire hydrant with a minimum pressure of 50 psi at 750 gpm is located within 100 feet of the building.

#### SECTION 1763. REQUIRED LOADING AND SERVICE AREAS

- A. When required, loading docks, solid waste facilities, recycling facilities and other service areas shall be adequately separated and/or screened from the public right-of-way and adjacent properties.
- B. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also prevent spillover glare or noise. Screening and buffering shall be achieved through walls, fences and landscaping and shall be visually impervious. Recesses in the building, architectural design or depressed access ramps may also be used.
- C. All loading and service areas shall conform to the screening and landscaping requirements of Article 23, Environmental Improvements and Energy Conservation, and the loading and unloading space requirements of Article 24, Off-Street Parking and Loading Requirements.

SECTION 1764. FLOOD PLAIN CONTROL

All flood plain areas shall comply with the requirements of Article 18, General Flood Plain District. Flood plain areas may be utilized in meeting open space requirements and for the computation of maximum allowed density based on gross acreage of the CMU Development Tract.

SECTION 1765. SIGNS

All signs located within a CMU Development shall comply with Article 25 of this Ordinance, Signs and Advertising Structures. The applicant may submit comprehensive signage standards for review and approval for the CMU Development with the tentative plan approval application which, if approved by the Borough, shall supercede the provisions of Article 25.

SECTION 1766. LANDSCAPING AND STREET TREES

- A. Landscaping shall be required in accordance with a master landscape plan submitted with the tentative plan approval application. All areas of a site not occupied by buildings, parking lots, other improvements or textured paving shall be planted with trees, shrubs, hedges, ground covers and/or grasses, unless such area consists of existing vegetation to be retained.
- B. All landscaping plans shall be prepared by a registered landscape architect.
- C. Landscaping shall comply with Article 23 of this Ordinance, Environmental Improvements and Energy Conservation, or as approved as part of the tentative plan approval process.
- D. Shade trees shall be provided along streets, public or private, in accordance with the master landscape plan.

SECTION 1767. LIGHTING

Streets and sites shall provide adequate lighting, while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and the public right-of-way. All lighting shall meet all applicable Borough Ordinances including, but not limited to, Ordinance No. 2009-9, as amended.

SECTION 1768. STREET FURNITURE

Elements of street furniture, such as benches, waste containers, planters, phone booths, bus shelters, bicycle racks and bollards should be carefully selected to ensure compatibility with the architecture of surrounding buildings, the character of the area and with other elements of street furniture. Selection and location of the various elements of street furniture shall be indicated on the master landscape plan.

SECTION 1769. ARCHITECTURAL DESIGN STANDARDS AND GUIDELINES

Buildings shall generally relate in scale and design features to indigenous regional architecture. An applicant for tentative approval shall prepare an architectural design guide that will describe the key elements of style and design that will be employed as parameters for subsequent design of structures and architectural features throughout the life of the project. The architectural design standards shall become a condition of tentative plan approval. Applicant shall prepare and record documents in a form acceptable to the Borough Solicitor to require compliance with the architectural design standards. Applicant shall present proof that such documents have been recorded prior to the release of any final plan for recording.

SECTION 1770. INDUSTRIAL PERFORMANCE STANDARDS

All industrial uses proposed as part of a CMU Development shall conform to the requirements of Section 1503, Performance Standards, of this Ordinance, as may be modified as part of the tentative plan approval process.

SECTION 1771. UTILITIES

Unless specified otherwise in this Ordinance, every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for dwelling, commercial or recreational business, or industrial purpose shall be supplied with public water and sewer facilities. All telephone, cable and electrical lines shall be installed underground. An applicant shall provide executed agreements with public sewer and public water service priors demonstrating that applicant has reserved sufficient capacity for all uses within the CMU Development prior to unconditional approval of the tentative plan.

SECTION 1772. SUPPLEMENTARY DISTRICT REGULATIONS

The Supplementary District Regulations in Article 22 shall apply, where applicable, as additional requirements for any CMU Development.

SECTION 1773. ENVIRONMENTAL IMPROVEMENTS AND ENERGY CONSERVATION REQUIREMENTS

The environmental and energy requirements in Article 23 shall apply, where applicable, as additional requirements for a CMU Development, with the following exceptions:

- A. Article 2303.B.4.a is amended for the Coordinated Mixed Use Overlay as follows: "Parking lots of ten (10) or more spaces shall be a minimum of ten (10) feet away from at least 50% of the building lines of any principal building or structure. The ten (10) foot setback shall contain appropriate screen plantings."
- B. For buildings with panoramic views of existing ponds or lakes, the requirements of Article

2303.B.4.b may be waived if the applicant demonstrates that the building will be constructed in a manner so the building will be LEED Certified.

- C. Section 2303.A.2 shall not apply to areas within the CMU Development which have been approved for disturbance and mining operations by PaDEP. Applicant shall present copies of the PaDEP permits and sufficient evidence to demonstrate that the area at issue is covered by the PaDEP mining permit presented.

Section 8. The Zoning Ordinance of Cornwall Borough, shall be amended by adding the classification of Coordinated Mixed Use Overlay and establishing a commercial mixed use overlay on the land as described in Exhibit "A" attached hereto and incorporated herein. The land described in Exhibit "A" shall continue to have a base zoning district as presently shown on the Official Zoning Map and shall additionally be a part of and able to be developed in accordance with the optional Coordinated Mixed Use Overlay regulations.

Section 9. The Borough Secretary is directed to update the Official Zoning Map as set forth in Section 8 and to certify the Official Zoning Map after making such changes.

Section 10. All other sections, parts and provisions of the Zoning Ordinance of Cornwall Borough shall remain in full force and effect as previously enacted and amended.

Section 11. 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 Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 12. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Borough Council of the Borough of Cornwall, Lebanon County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF CORNWALL  
Lebanon County, Pennsylvania

Attest: \_\_\_\_\_  
(Assistant) Secretary

By: \_\_\_\_\_  
(Vice) President  
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor



# EXHIBIT A

## LEGAL DESCRIPTION

All that certain area being the "Planned Development Overlay District (PDO)" in the Borough of Cornwall, Lebanon County, PA, also being the current entire land holdings either in fee simple or in equity of "The Haines and Kibblehouse Group" being more particularly bounded and described as follows to wit;

Beginning at a point on the northern right-of-way line of Route 322 on the common boundary line between the Commonwealth of PA and Haines & Kibblehouse, Inc.; thence going along the perimeter of the said PDO District the 184 following courses and distances;

- 1) thence N 01°58'01" W a distance of 1987.27';
- 2) thence N 07°25'17" W a distance of 171.58';
- 3) thence N 63°45'45" W a distance of 834.80';
- 4) thence S 52°06'08" W a distance of 817.09';
- 5) thence N 87°37'33" W a distance of 328.90';
- 6) thence N 54°42'33" W a distance of 324.20';
- 7) thence S 32°38'57" W a distance of 204.00';
- 8) thence N 87°37'33" W a distance of 185.00';
- 9) thence S 86°12'17" W a distance of 1953.91';
- 10) thence S 86°16'04" W a distance of 1759.24';
- 11) thence N 58°28'51" W a distance of 1166.92';
- 12) thence N 31°29'10" E a distance of 309.52';
- 13) thence N 35°00'10" E a distance of 536.90';
- 14) thence N 19°04'42" E a distance of 121.31';
- 15) thence N 05°20'31" E a distance of 78.89';
- 16) thence N 05°20'31" E a distance of 48.38';
- 17) thence S 86°30'41" E a distance of 20.13';
- 18) thence S 81°42'26" E a distance of 214.00';
- 19) thence N 03°05'26" W a distance of 341.74';
- 20) thence S 86°54'34" W a distance of 64.79';
- 21) thence N 03°05'26" W a distance of 904.66';
- 22) thence N 83°38'44" E a distance of 10.02';
- 23) thence N 03°05'26" W a distance of 20.03';
- 24) thence S 83°38'44" W a distance of 155.25';
- 25) thence N 03°05'26" W a distance of 71.74';
- 26) thence N 51°51'34" E a distance of 120.71';
- 27) thence N 38°08'26" W a distance of 75.33';
- 28) thence N 73°04'04" E a distance of 158.67';
- 29) thence N 03°05'26" W a distance of 41.18';

- 30) thence S 73°04'04" W a distance of 215.70';
- 31) thence S 50°12'37" W a distance of 25.37';
- 32) thence N 03°05'26" W a distance of 66.46';
- 33) thence with a curve turning to the right with an arc length of 243.18', with a radius of 348.33', with a chord bearing of N 16°54'34" E, with a chord length of 238.27';
- 34) thence with a curve turning to the right with an arc length of 424.82', with a radius of 685.00', with a chord bearing of N 54°40'33" E, with a chord length of 418.04';
- 35) thence N 72°26'34" E a distance of 569.32';
- 36) thence N 72°14'49" E a distance of 82.16';
- 37) thence S 14°38'35" E a distance of 134.88';
- 38) thence with a curve turning to the right with an arc length of 185.73', with a radius of 1401.76', with a chord bearing of S 81°10'58" E, with a chord length of 85.59';
- 39) thence S 62°39'10" E a distance of 164.65';
- 40) thence S 45°26'56" E a distance of 349.47';
- 41) thence N 44°33'04" E a distance of 223.00';
- 42) thence S 45°26'56" E a distance of 50.00';
- 43) thence S 44°33'04" W a distance of 243.00';
- 44) thence S 45°26'56" E a distance of 111.33';
- 45) thence N 87°01'41" E a distance of 63.94';
- 46) thence N 39°04'47" E a distance of 26.93';
- 47) thence N 87°01'41" E a distance of 263.28';
- 48) thence N 44°33'04" E a distance of 113.06';
- 49) thence S 62°04'51" E a distance of 140.00';
- 50) thence S 66°46'51" E a distance of 100.00';
- 51) thence S 71°07'51" E a distance of 41.84';
- 52) thence S 04°18'46" W a distance of 118.16';
- 53) thence S 63°00'57" E a distance of 494.36';
- 54) thence S 64°19'07" E a distance of 123.66';
- 55) thence S 52°40'39" E a distance of 185.38';
- 56) thence S 81°26'41" E a distance of 130.16';
- 57) thence S 83°42'04" E a distance of 113.95';
- 58) thence S 72°11'08" E a distance of 69.99';
- 59) thence N 34°05'30" E a distance of 203.79';
- 60) thence N 45°46'41" W a distance of 18.12';
- 61) thence with a curve turning to the right with an arc length of 311.16', with a radius of 410.28', with a chord bearing of N 25°04'08" W, with a chord length of 303.76';
- 62) thence N 02°36'21" W a distance of 76.91';
- 63) thence N 69°11'48" E a distance of 866.05';
- 64) thence N 06°11'32" E a distance of 549.05';
- 65) thence N 25°10'06" W a distance of 30.21';
- 66) thence N 82°46'27" E a distance of 131.14';
- 67) thence N 82°46'26" E a distance of 721.50';
- 68) thence N 09°25'27" W a distance of 225.15';
- 69) thence N 80°34'33" E a distance of 50.00';
- 70) thence S 09°25'27" E a distance of 227.07';

- 71) thence with a curve turning to the left with an arc length of 545.89', with a radius of 1451.62', with a chord bearing of N 71°46'08" E, with a chord length of 542.68';;
- 72) thence S 26°32'31" E a distance of 234.93';
- 73) thence N 83°49'38" E a distance of 195.86';
- 74) thence S 16°10'38" E a distance of 123.93';
- 75) thence S 25°09'52" W a distance of 151.57';
- 76) thence S 69°05'08" E a distance of 106.95';
- 77) thence S 51°50'33" E a distance of 143.51';
- 78) thence N 50°19'52" E a distance of 110.24';
- 79) thence N 18°25'51" E a distance of 472.33';
- 80) thence N 01°11'29" E a distance of 246.09';
- 81) thence N 04°53'56" W a distance of 401.88';
- 82) thence N 29°35'35" W a distance of 105.87';
- 83) thence N 09°21'29" W a distance of 52.80';
- 84) thence N 48°13'14" E a distance of 139.32';
- 85) thence S 20°04'28" E a distance of 104.75';
- 86) thence N 69°58'36" E a distance of 90.25';
- 87) thence S 20°01'24" E a distance of 79.00';
- 88) thence N 69°58'36" E a distance of 72.20';
- 89) thence N 20°01'24" W a distance of 79.00';
- 90) thence N 69°58'36" E a distance of 123.16';
- 91) thence S 30°26'39" E a distance of 87.86';
- 92) thence with a curve turning to the right with an arc length of 196.08', with a radius of 333.17', with a chord bearing of S 08°06'50" W, with a chord length of 193.26';;
- 93) thence S 24°55'26" W a distance of 126.63';
- 94) thence with a curve turning to the left with an arc length of 339.78', with a radius of 687.60', with a chord bearing of S 10°49'03" W, with a chord length of 336.33';;
- 95) thence S 03°20'18" E a distance of 81.62';
- 96) thence with a curve turning to the left with an arc length of 162.74', with a radius of 572.98', with a chord bearing of S 11°28'31" E, with a chord length of 162.20';;
- 97) thence S 19°36'43" E a distance of 79.65';
- 98) thence with a curve turning to the left with an arc length of 90.63', with a radius of 156.60', with a chord bearing of S 36°11'29" E, with a chord length of 89.37';;
- 99) thence S 52°46'13" E a distance of 60.37';
- 100) thence with a curve turning to the left with an arc length of 191.49', with a radius of 491.10', with a chord bearing of S 63°56'21" E, with a chord length of 190.28';;
- 101) thence S 75°06'33" E a distance of 211.17';
- 102) thence N 02°20'38" W a distance of 52.35';
- 103) thence N 79°54'04" E a distance of 137.91';
- 104) thence with a curve turning to the right with an arc length of 62.97', with a radius of 775.00', with a chord bearing of N 82°13'44" E, with a chord length of 62.96';;

- 105) thence S 06°24'08" W a distance of 178.27';
- 106) thence S 59°57'44" W a distance of 80.00';
- 107) thence S 30°03'26" E a distance of 120.00';
- 108) thence S 59°56'34" W a distance of 420.00';
- 109) thence S 59°56'38" W a distance of 550.00';
- 110) thence S 07°20'49" W a distance of 82.39';
- 111) thence S 86°16'37" W a distance of 362.96';
- 112) thence S 86°21'01" W a distance of 250.00';
- 113) thence S 03°38'59" E a distance of 174.24';
- 114) thence N 86°21'04" E a distance of 250.00';
- 115) thence S 03°38'56" E a distance of 312.11';
- 116) thence S 05°49'23" W a distance of 326.37';
- 117) thence N 87°40'57" W a distance of 705.71';
- 118) thence N 02°04'10" E a distance of 67.43';
- 119) thence N 75°12'26" W a distance of 108.45';
- 120) thence S 02°05'02" W a distance of 90.86';
- 121) thence N 87°40'58" W a distance of 643.51';
- 122) thence N 02°19'02" E a distance of 35.00';
- 123) thence N 87°45'17" W a distance of 296.48';
- 124) thence S 15°05'02" W a distance of 151.78';
- 125) thence S 60°45'16" E a distance of 57.71';
- 126) thence S 00°44'24" W a distance of 73.21';
- 127) thence N 87°40'14" W a distance of 80.00';
- 128) thence S 08°58'45" E a distance of 101.98';
- 129) thence S 87°40'14" E a distance of 60.00';
- 130) thence S 02°19'46" W a distance of 60.29';
- 131) thence S 87°40'58" E a distance of 258.34';
- 132) thence S 02°19'02" W a distance of 133.89';
- 133) thence N 75°36'58" W a distance of 38.00';
- 134) thence S 13°26'17" W a distance of 50.70';
- 135) thence S 75°36'58" E a distance of 68.45';
- 136) thence N 89°40'12" E a distance of 495.53';
- 137) thence N 02°19'02" E a distance of 167.12';
- 138) thence S 87°40'58" E a distance of 73.31';
- 139) thence S 70°02'58" E a distance of 151.08';
- 140) thence S 83°58'28" E a distance of 36.65';
- 141) thence S 01°18'32" W a distance of 32.95';
- 142) thence S 88°41'28" E a distance of 30.00';
- 143) thence N 01°18'32" E a distance of 30.48';
- 144) thence S 83°58'28" E a distance of 140.44';
- 145) thence S 02°01'32" W a distance of 39.13';
- 146) thence S 88°08'28" E a distance of 262.49';
- 147) thence S 68°06'48" E a distance of 84.27';
- 148) thence S 13°55'26" W a distance of 10.46';
- 149) thence S 72°58'31" E a distance of 45.64';
- 150) thence S 08°08'05" W a distance of 294.46';

- 151) thence N 81°51'55" W a distance of 30.00';
- 152) thence S 08°08'05" W a distance of 160.00';
- 153) thence S 81°51'56" E a distance of 20.00';
- 154) thence S 08°08'05" W a distance of 25.84';
- 155) thence with a curve turning to the left with an arc length of 128.92', with a radius of 253.50', with a chord bearing of S 06°26'03" E, with a chord length of 127.53';;
- 156) thence S 80°16'25" E a distance of 321.19';
- 157) thence with a curve turning to the right with an arc length of 308.20', with a radius of 1845.10', with a chord bearing of S 75°29'18" E, with a chord length of 307.84';;
- 158) thence S 07°21'06" E a distance of 36.85';
- 159) thence N 80°45'28" W a distance of 611.64';
- 160) thence S 18°31'53" W a distance of 19.30';
- 161) thence S 62°31'50" E a distance of 724.55';
- 162) thence S 62°31'50" E a distance of 331.33';
- 163) thence with a curve turning to the left with an arc length of 257.53', with a radius of 1550.00', with a chord bearing of S 67°17'25" E, with a chord length of 257.23';;
- 164) thence S 17°57'00" W a distance of 50.00';
- 165) thence with a curve turning to the left with an arc length of 535.05', with a radius of 1600.00', with a chord bearing of S 81°37'48" E, with a chord length of 532.56';;
- 166) thence with a curve turning to the right with an arc length of 270.17', with a radius of 700.00', with a chord bearing of S 80°09'12" E, with a chord length of 268.49';;
- 167) thence N 20°54'13" E a distance of 60.00';
- 168) thence S 69°05'47" E a distance of 384.21';
- 169) thence with a curve turning to the left with an arc length of 449.83', with a radius of 746.00', with a chord bearing of S 86°22'15" E, with a chord length of 443.05';;
- 170) thence N 76°03'19" E a distance of 83.02';
- 171) thence with a curve turning to the right with an arc length of 151.46', with a radius of 249.61', with a chord bearing of S 86°33'42" E, with a chord length of 149.15';;
- 172) thence with a curve turning to the right with an arc length of 154.09', with a radius of 534.47', with a chord bearing of S 60°55'09" E, with a chord length of 153.56';;
- 173) thence S 52°40'04" E a distance of 922.21';
- 174) thence with a curve turning to the right with an arc length of 363.70', with a radius of 1860.00', with a chord bearing of S 47°03'58" E, with a chord length of 363.12';;
- 175) thence S 41°27'52" E a distance of 212.85';
- 176) thence with a curve turning to the left with an arc length of 166.23', with a radius of 1240.00', with a chord bearing of S 45°18'18" E, with a chord length of 166.11';;

- 177) thence S  $49^{\circ}08'43''$  E a distance of 121.58';
- 178) thence S  $41^{\circ}49'07''$  W a distance of 3.69';
- 179) thence with a curve turning to the right with an arc length of 85.59', with a radius of 1990.16', with a chord bearing of S  $28^{\circ}37'47''$  E, with a chord length of 85.58';;
- 180) thence with a curve turning to the left with an arc length of 167.48', with a radius of 4671.75', with a chord bearing of N  $79^{\circ}52'30''$  W, with a chord length of 167.48';;
- 181) thence with a curve turning to the left with an arc length of 110.17', with a radius of 1860.10', with a chord bearing of N  $31^{\circ}49'07''$  W, with a chord length of 110.16';;
- 182) thence S  $64^{\circ}00'26''$  W a distance of 151.99';
- 183) thence with a curve turning to the left with an arc length of 2036.91', with a radius of 4671.75', with a chord bearing of S  $84^{\circ}11'48''$  W, with a chord length of 2020.81';;
- 184) thence S  $71^{\circ}42'22''$  W a distance of 1458.21'; to the point of beginning.