

CHAPTER XXI

PLANNED RESIDENTIAL DEVELOPMENT

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Part 1

Title and Purpose

Section 101. Title. An Ordinance supplementing the Township of Spring's Zoning Ordinance (Chapter XXXII) and the Subdivision and Land Development Ordinance (Chapter XXVII) in order to implement in the Township the purposes and intent of Planned Residential Development as defined and authorized by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 93 of 1972) and establishing qualifications, procedures and standards for such development. (Ordinance No. 194, April 27, 1987, Section 101)

Section 102. Short Title. This Chapter shall be known, and may be cited as "The Township of Spring Planned Residential Development Ordinance of 1987." (Ordinance No. 194, April 27, 1987, Section 102)

Section 103. Purposes. The Township of Spring desires to take full advantage of modern design, construction, technology and planning methods and thus seeks to permit Planned Residential Development, under certain conditions meeting certain design standards of the Municipality. In order to ensure sound comprehensive planning for the potential use of the land within the piecemeal and unrelated development of large tracts of land within the Municipality, this Chapter is established. This Chapter is intended to achieve, among others, the following purposes and objectives:

(A) To provide an optional approach to community development with provisions to permit more efficient use of land and of public services on other than a lot by lot basis.

(B) To further the objectives of the Township's Comprehensive Plan approved by the Planning Commission and adopted by the Board of Supervisors.

(C) To encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.

(D) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may be for the benefit of those who need homes and housings.

(E) To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater,

wooded areas, steeply-sloped areas and areas of unusual beauty or importance to the natural ecosystem.

(F) And, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

(Ordinance No. 194, April 27, 1987, Section 103)

Part 2

Definitions

Section 201. Definitions. For the purpose of this Chapter, certain terms, phrases and words are defined as follows:

(A) Tense, Gender and Number - Words used in the present tense include the future; words in the masculine gender include the feminine and the neuter; the singular number includes the plural, and the plural the singular.

(B) General Terms - The word "shall" or "must" is always mandatory; the word "may" is permissive, the words "used for" includes "designed for," "arranged for," "intended for," "maintained for," or "occupied for." The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof."

(C) Terms, Phrases and Words Not Defined - When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

(Ordinance No. 194, April 27, 1987, Section 201)

Section 202. Specific Terms. Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

Accessory Buildings: A building (such as a private garage, garden shed, private toolhouse or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.

Accessory Structure: A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.

Accessory Use: A use subordinate and customarily incidental to the principal use on the same lot.

Advertising Signs: See Signs, Advertising.

Alley: A private way affording only secondary means of access to adjacent property.

Alteration: Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, or any enlargement thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another.

Applicant: A landowner or developer, as hereinafter defined, who has filled an application for development, including his heirs, successors and assigns.

Area: The extent of surface contained within the boundaries or extremities of land.

Area Designation Line: A line drawn on the plan of the proposed development designating the limit of various uses, as permitted by this Chapter, drawn for the purpose of area and density computations.

Attached Building: See Building, Attached.

Attic: That part of a building which is immediately below and wholly or partly within the roof framing.

Basement: A story partly below the finished grade but having at least one-half of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one story in determining the permissible number of stories.

Block: A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Municipality, or by any combination of the above.

Block or Lot Frontage: That portion of a block or lot which fronts on a single street.

Building: Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind. A multi-family building divided by unpierced masonry division walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for purpose of this Chapter.

Building Area: The maximum horizontal cross-sectional area.

Building, Attached: A building which has two (2) or more walls or portions thereof in common with an adjacent building.

Building, Coverage: The percentage which when multiplied by the lot area will determine the permitted building area of all roofed structures and buildings.

Building, Detached: A building which has no parts or walls in common with an adjacent building.

Building Length: The longest horizontal distance of any building wall, measured from exterior face to exterior face by walls.

Building Line or Building Setback Line: A line, established by the required front yard, defining the minimum distance between any building or structure or portion thereof to be erected or altered, and an adjacent right-of-way or street line. Such line shall be measured at right angles from the street right-of-way line and shall be parallel to said right-of-way line.

Building, Semi-Detached: A building which has one (1) wall, or portions thereof, in common with an adjacent building.

Bulk: A term used to describe the size, volume, area or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to lot lines, or to other buildings or structures.

Carport: A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.

Cartway (Roadway): The portion of a street right-of-way paved or unpaved, intended for vehicular use.

Cellar: A story partly below the finished grade, having more than one-half of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Certificate of Use and Occupancy: A statement, based on an inspection, signed by the Zoning Administrative Officer, setting forth that a building, structure, sign and/or land complies with this Chapter, and/or that a building, structure, sign and/or land may be lawfully employed for specific uses, or both, as set forth therein.

Clear Sight Triangle: An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of street center lines.

Common Open Space: A parcel or parcels of land or a combination of land and water within a planned residential development and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for recreational use by the residents. Center landscaped island turnarounds on cul-de-sac streets shall be considered common open space.

The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

Common Open Space includes:

- (a) Land area of the site not covered by buildings and parking structures, except recreational structures.
- (b) Land which is accessible and available to all occupants of the planned residential development.

Common Open Space does not include:

- (a) Existing or proposed street rights-of-way.
- (b) Parking areas or driveways.
- (c) School buildings or school ground.
- (d) Commercial areas, and the buildings, accessory buildings, parking and loading facilities for these commercial areas.
- (e) Required open space.

Comprehensive Plan: The Township of Spring's Comprehensive Plan.

County Planning Commission: The Berks County Planning Commission.

Crosswalk (Interior Walk): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density: Unless otherwise stipulated in this Chapter, the term density shall mean gross density which shall be determined by dividing the total number of dwelling units by the total amount of land in the tract to be developed minus all land within the future right-of-way of existing streets.

Detached Building: See Building, Detached.

District: A portion of the Municipality, within which certain uniform regulations and requirements or combinations thereof apply under the provisions of the Municipality's Zoning Ordinance (Chapter XXXII).

Developer: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to make a subdivision of land or a land development.

Development Plan: A proposal for the development of a planned residential development, prepared in accordance with this Chapter, including a plat of subdivision, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, driveways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Chapter shall mean both the written and graphic material.

Development in Stages: A development program extending over the period of development during which the annual number of housing units and mandatory improvements required by this Chapter are constructed.

Dwelling: A building designed or used as the living quarters for one (1) or more families. The term "dwelling" shall not be deemed to include rooming house, tourist home, hotel, motel, hospital, nursing home, dormitory, fraternity, sorority house or other group residence. For purposes of this Chapter, the following types of dwellings are defined:

(1) **Single Family Detached Dwelling:** A detached building arranged, designed and intended for occupancy exclusively by one family. The term "Single Family Detached Dwelling" shall be deemed to include a factory built "Modular Home" placed on a permanent perimeter foundation.

(a) **Modular Home Dwelling** (defined by the Pennsylvania Industrialized Housing Act / Act 70): Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on the building site; housing units defined as mobile homes are excluded from this definition.

(2) **Two-Family Semi-Detached Dwelling:** A building arranged, designed and intended for occupancy by two (2) families living independent of each other in separate dwelling units which are entirely separated by vertical walls and which are unpierced except for access to the outside or to a common cellar. This type of dwelling is commonly called a twin or duplex home.

(3) **Two-Family Detached Dwelling:** A building arranged, designed or intended for occupancy by two (2) families living independently of each other in separate dwelling units that are separated primarily by horizontal floors as opposed to vertical walls.

(4) **Multiple Family Building:** A building arranged, designed and intended for three (3) or more dwelling units and which include the following housing types:

(a) **Garden Apartment:** A multi-family building in which the individual dwelling units have entrances from common hallways. The building is on a lot which is held in single and separate ownership which have yards in common but which may also have other joint facilities and services.

(b) **Single Family Attached Dwelling:** A dwelling unit within a building which has no more than six (6) attached dwelling units (including the end unit). Each unit is arranged, designed, intended for and occupied exclusively by one (1) family. Each dwelling unit is separated by unpierced vertical fire walls and has at least one (1) separate entrance from the outside and where each structure has two (2) side yards except end units which have one

side yard. This includes most dwellings commonly referred to as "townhouses" or "rowhouses."

Dwelling Unit: One or more living or sleeping rooms together with separate cooking and sanitary facilities which are accessible from the outdoors, whether directly or through an entrance hall shared with other dwelling units and used or intended to be used by a family.

Easement: A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Endorsement: The application of the reviewing body's signature and the governing body's signatures and seal on the Record Plan.

Engineer: A licensed professional engineer registered in the Commonwealth of Pennsylvania.

Family: One (1) or more persons related by blood, marriage, foster relationship or adoption (or a group of not more than four (4) persons not related by blood, marriage or adoption) living together in a single dwelling and maintaining and functioning as a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, lodger nor persons residing in a group home.

Findings: The Governing Body shall, within thirty (30) days following the conclusion of the public hearing, notify the landowner in writing either granting tentative approval of the development plan, granting tentative approval subject to certain conditions, or denying tentative approval of the development plan.

Floor Area or Gross Floor Area: The total space of all floors, as measured to the outside surfaces of exterior walls (or from the centerline of party walls separating two buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies and terraces.

Garage, Private: An enclosed space for the storage of one or more private motor vehicles provided that not business, occupation or service is conducted nor space therein leased to a nonresident of the premises.

Governing Body: The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

Gross Residential Density: The number of dwelling units per acre in a planned residential development, computed by dividing the total number of dwelling units which the applicant proposes to construct by the total number of acres in the planned residential development. The total number of acres shall not include any area of the property within existing street rights-of-way or areas proposed for commercial development.

Gross Stage Residential Density: The number of dwelling units per acre permitted within a designated section or stage of a planned residential development.

Grade: Grade shall be the arithmetic mean of the maximum and minimum finished ground elevation adjoining the buildings.

Height of Buildings: The vertical distance from the grade at the front of the building or the average of the grades of the street fronts, if building faces more than one street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gables, hipped and pitched roofs.

Height of Signs or Other Structures: The vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

Home Occupation: An accessory use which:

- (1) is clearly incidental to the residential use of the dwelling unit and
- (2) is carried on only within the dwelling unit.

Improvements: Any type of structure, excavation or paved area, excluding driveways and walkways or curbs.

Land Development:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels or land for any purposes involving a) a group of two or more buildings, or b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

Landowner: The owner of a legal or equitable interest in land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a leasee (if he is authorized under the lease to exercise the right of the landowner) or other person having a proprietary interest in land.

Lot: A tract or parcel of land, regardless of size, held in single or joint ownership, not necessarily a lot or lots shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term lot shall also mean parcel, plot, site or any similar term.

Lot Area: The space contained within the lot lines, excluding space within all existing and future or ultimate street rights-of-way.

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of two (2) street lines.

Lot, Interior: A lot other than a corner lot, the sides of which, do not abut a street.

Lot, Through: An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Line: Any line dividing one (1) lot from another.

Lot Width: The horizontal distance between the side lot lines measured at the minimum front yard setback lines. In no case shall the minimum street frontage be less than one-half (1/2) of the required lot width.

Marker: A rust-proof metal pipe or pin of at least three-fourth inch (3/4") diameter and at least twenty-four inches (24") in length.

Monument: A stone or reinforced concrete monument complying with the size and shape specifications of the United States Coast and Geodetic Survey.

Municipality: The Township of Spring, Berks County, Pennsylvania.

Municipal Authority: An Authority created by the Governing Body responsible for, but not limited to the construction, operation and/ or

maintenance of water storage, and distribution and/or sewage collection and treatment facilities.

Municipal Engineer: A duly registered professional engineer employed by the Municipality or engaged as a consultant thereto.

Municipal Solicitor: An attorney at law appointed by the Governing Body or his duly authorized representative.

Municipal Zoning Officer: The agent or official designated by the Governing Body to administer and enforce the Municipal Zoning Ordinance (Chapter XXXII).

Net Residential Area: Those areas of the planned residential development not in common open space or within existing street rights-of-way. Net residential areas contain proposed dwelling units, streets, walkways and parking areas.

Net Residential Density: The number of dwelling units per net residential area in the planned residential development, computed by dividing the number of dwelling units which the applicant proposes to construct by the total number of acres within the net residential area.

Nonconforming Structure or Building: A structure or building, or part thereof, which does not conform to the applicable provisions or requirements of this Chapter, either at the time of enactment of this Chapter or as a result of subsequent amendments thereto, where such building or structure lawfully existed prior to the enactment of this Chapter or amendment. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use: A building, structure, sign or use of land which does not conform to the applicable regulations of this Chapter, either at the time of the enactment of this Chapter or as a result of subsequent amendments thereto, but which did not violate any applicable use regulations prior to the enactment of this Chapter or amendments. However, no existing use shall be deemed nonconforming solely because of the existence of less than the required off-street parking spaces.

Official Plans: The Comprehensive Development Plan and/or Official Map and/or Topographical and/or such other Plans, or portions thereof, as may have been adopted by the Municipality pursuant to statute for the area in which the planned residential development is located.

Parking Lot: An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

Parking Space: An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of ten feet (10') by twenty feet (20'), unless waived by the Municipal Planning Commission and the Municipal Planning Commission approves a smaller parking space exclusive of driveways, passageways and maneuvering space appurtenant thereto.

Plan, Sketch: An informal plan drawn to exact scale, indicating salient existing features of the tract and showing approximate street and lot layout as a basis for consideration, prior to preparation of a Tentative Plan.

Plan, Tentative: A preliminary planned residential development plan (and including all required supplementary data), in lesser detail than a Final Plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a Final Plan prepared by an Engineer.

Plan, Final: A complete and exact planned residential development plan (and including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed streets and other improvements prepared by an Engineer.

Plan, Record: The linen copy of the Final Plan which contains the original endorsements of the County Planning Commission and the Municipality(ies) and which is intended to be recorded with the County Recorder of Deeds and prepared by an Engineer.

Planned Residential Development: A contiguous area of land, controlled by a single landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provisions of a Municipal Zoning Ordinance (Chapter XXXII).

Planning Commission or Municipal Planning Commission: The Planning Commission of the Township of Spring, Berks County, Pennsylvania.

Plat: A map or plan of a planned residential development, whether tentative or final.

Public Grounds: Includes 1) parks, playgrounds and other public areas, and 2) sites for publically owned buildings and facilities.

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days nor less than fourteen (14) days from the date of the hearing.

Quadraplex: A detached structure containing four (4) dwelling units with each dwelling unit having separate entrances, two (2) exposures and two (2) walls in common with adjacent dwelling units.

Required Open Space: Front, side and rear yards as required by this Chapter and any other area required to satisfy the net residential density requirement.

Reserve Strip: A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.

Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semipublic purposes.

Roadway: See Cartway.

Rowhouse: See Townhouse.

Semi-Detached Building: See Building, Semi-Detached.

Sanitary Sewage Disposal, Off-Site: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Section: A geographical area or tract which is part of a proposed planned residential development which will be developed according to a timetable for development over a period of years included by the applicant in the development plan.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Within the sight distance measurement there shall be made from a point 0.5' above the centerline of the road surface to a point 4.5' above the centerline of road surface.

Sign: A visual display or image which is affixed to, painted or represented directly or indirectly upon a building, structure, land or any surface and which directs attention to an object, product, service, place, activity, person, institution, organization or business, regardless of whether such display or image is permanent or temporary, but excluding displays or images which are decorative only.

Sign, Advertising: A "sign" which directs attention to a business, service or profession, conducted, sold or offered for sale elsewhere than upon the premises upon where the sign is displayed.

Sign, Business: A "sign" which directs attention to a business, service or profession conducted on the premises or to products sold, upon the same premises upon which it is displayed. Signs offering premises for sale, rent or development, or advertising the services of professionals or building trades during construction or alteration shall be deemed a "business sign."

Stage: A section or sections of which an applicant proposes to develop at the same time, as part of a timetable for development of a planned residential development over a period of years.

Story (and Half-Story): That portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven feet (7') shall be considered a full story. Any such portion of a building having a vertical distance of less than seven feet (7') shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.

Street: A public or private thoroughfare which affords the principal means of access to abutting property and contains a right-of-way area (in addition to the cartway), including avenue, place, way, parkway, lane, boulevard, highway, road and any other thoroughfare except an alley, access drive or driveway. The Official Street Classification Map in this Chapter shall be used to define each street by its function.

(1) **Expressway:** A high-speed street with access available only using ramps at interchanges.

(2) Arterial Street: Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds, and generally should not provide access to land which would interfere with their primary traffic functions.

(3) Collector Street: Streets designed to carry a moderate volume of traffic between Local Streets and Arterials at moderate speeds and provide only limited vehicular access to the abutting properties.

(4) Local Street: Streets designed to provide direct access from abutting properties to Collector and Arterial Streets.

(5) Internal Street: A local street used for circulation and access within a development project involving Multi-residence or commercial use.

(6) Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

Structure: Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land . The term structure shall include: buildings, signs, fences, walls, towers, swimming pools, porches, garages and similar structures. "Structure" shall be interpreted as including the words "or part thereof."

Use: The specific purpose for which land, sign, structure or building is designed, arranged, intended or for which it may be occupied or maintained, or any activity, occupation, business or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

Yard: An open space on the same lot with a structure (or a group of structures) which lies between the structure (or a group of structures) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

(1) Yard, Front: A yard extending the full width of the lot between a structure and the front lot line or side street lot line. On lots abutting more than one (1) public street other than an alley, the front yard requirement shall apply fronting each public street.

(2) Yard, Rear: A yard extending the full width of the lot between a structure and a rear lot line.

(3) Yard, Side: A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.

Zoning Administrative Officer or Zoning Officer: See "Municipal Zoning Officer."

Zoning Map: The Township of Spring Zoning Map.

Zoning Ordinance: The Spring Township Zoning Ordinance (Chapter XXXII).

(Ordinance No. 194, April 27, 1987, Section 201.4)

Part 3

Submission and Review Procedures

Section 301. General. Hereafter all applications for a Planned Residential Development within the corporate limits of the Municipality shall be reviewed by the Municipal Planning Commission and other Municipal, State or County officials as deemed necessary and shall be approved or disapproved by the Governing Body in accordance with procedures specified in this Chapter.

The applicant shall have the right to the uses permitted in this Chapter and to uses permitted by right, by condition and by special exception in accordance with the design requirements and regulations prescribed for those uses in the zoning district within which the applicant is submitting an application for a PRD. (Ordinance No. 194, April 27, 1987, Section 3013)

Section 302. Pre-Application Conference. Before submitting an application for a planned residential development the applicant shall confer with the Governing Body to obtain information and guidance before entering into binding commitments or incurring substantial expense. At this conference, the following information will be provided by the Municipality:

(A) The Governing Body will apprise the potential applicant of all ordinances, rules, procedures and regulations pertaining to the development of a Planned Residential Development in the Municipality.

(B) The Governing Body will explain the following sequence of events: submittal of the Tentative Development Plan, the execution of a public hearing and the review of the Final Development Plan and either granting approval, modifying or disapproving the application for Planned Residential Development.

(Ordinance No. 194, April 27, 1987, Section 302)

Section 303. Submission of Plans and Pre-Application Information.

(A) Submission of Information to the Municipality. Copies of all information for the proposed Planned Residential Development and all required supporting data shall be submitted to the Municipal Secretary by the developer or his representative authorized in writing to submit the plan.

(B) Number of Copies. Four (4) legible black-line or blue-line paper prints of all plans and supporting data shall be required.

(C) Distribution of Information. The Municipal Secretary (or his representative) shall refer the plans and supporting data to the following:

- (1) One (1) copy to the Municipal Planning Commission.
- (2) One (1) copy to the Governing Body.
- (3) One (1) copy to the Municipal Engineer.
- (4) One (1) copy to the Municipal Sewer Authority.

(Ordinance No. 194, April 27, 1987, Section 303)

Section 304. Review of Plans and Information.

(A) The pre-application submission shall be considered as a submission for informal discussion between the developer and the Municipality. This submission shall not constitute official submission of a plan to the Municipality.

(B) Review by the Municipal Planning Commission.

(1) A pre-application shall be reviewed by the Municipal Planning Commission within sixty (60) days from the date the pre-application was forwarded to the Municipal Planning Commission. Written notification shall be given to the applicant as to the date of review.

(2) Within fourteen (14) calendar days after the meeting at which the pre-application is reviewed by the Municipal Planning Commission, the Planning Commission's Secretary shall send written notice of the Commission's recommendation including changes or modifications, if any, required or recommended that it deems necessary or advisable, to the following:

- (a) The Governing Body
- (b) The Developer or his Agent
- (c) The Municipal Engineer
- (d) The Municipal Solicitor

(Ordinance No. 194, April 27, 1987, Section 304)

Section 305. Application for Tentative Approval.

(A) Submission of Information to the Municipality. Copies of the Tentative Plan and all required supporting data shall be officially submitted to the Municipal Secretary by the developer or his representative authorized in writing to submit the plan.

(B) Number of Copies.

(1) Three (3) completed copies of an Application for Tentative Approval.

(2) Six (6) legible black-line or blue-line paper prints of the Preliminary Plan which shall fully comply with the requirements of this Chapter. Seven (7) copies of the plan shall be required if a State road abuts or traverses the Planned Residential Development. Whenever a planned residential development is located in or adjacent to another municipality, one (1) additional print shall be required.

(3) Six (6) copies of all other required information.

(C) Filing Fee. The Municipal Secretary (or his representative) shall collect a filing fee as established by the Governing Body for all planned residential developments. Fees shall be charged in order to cover the costs of examining plans and other incidental expenses. The developer shall pay the fee at the time of application for tentative approval.

(D) Distribution of Tentative Plan. The Municipal Secretary (or his representative) shall refer the Tentative Plan, after all required fees have been collected, to the following:

(1) One (1) copy to the Municipal Planning Commission, including one (1) copy of the application form.

(2) Two (2) copies of the plan to the County Planning Commission and one (1) copy of all required supporting documents.

(3) One (1) copy to the Governing Body including one (1) copy of the application form.

(4) One (1) copy to the Municipal Engineer.

- (5) One (1) copy to the Municipal Sewer Authority.

(Ordinance No. 194, April 27, 1987, Section 305)

Section 306. Review of Tentative Plan.

(A) Review by the Municipal Engineer. The Municipal Engineer shall review the Tentative Plan to determine its conformance with this Chapter. The Engineer may recommend changes, alterations or modifications, as he may deem necessary. The report of the Engineer shall be in writing and shall be submitted to the Municipal Planning Commission prior to the regularly scheduled or special meeting at which the Tentative Plan is to be considered by the Planning Commission.

(B) Review by the Pennsylvania Department of Transportation. If a proposed planned residential development abuts or it is traversed by a state road, the Municipal Secretary shall transmit one (1) copy of the Tentative Plan to the district office of the Pennsylvania Department of Transportation for its review and comments.

- (C) Review by the Municipal Planning Commission.

- (1) When a Tentative Plan has been officially submitted, such plan shall be reviewed by the Municipal Planning Commission at its next regularly scheduled meeting, or at the discretion of the Planning Commission, at a special meeting which may be held prior thereto.

- (2) During review of the Tentative Plan, the Municipal Planning Commission shall consider the written reports of the Municipal Engineer, County Planning Commission, Pennsylvania Department of Transportation, if applicable provided, however, that if these reports are not received within forty-five (45) days after transmittal to these agencies, the Planning Commission may officially act without having received and considered such reports.

- (3) If review by the Municipal Planning Commission is favorable, or unfavorable because the requirements of this Chapter have not been met, or the Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefore shall be given in written form by the Secretary of the Planning Commission no less than five (5) days before the public hearing at which the Tentative Plan is to be reviewed to the following:

- (a) The Governing Body
- (b) The County Planning Commission
- (c) The Developer or his Agent
- (d) The Municipal Engineer
- (d) The Municipal Solicitor

In addition, the Municipal Planning Commission shall forward to the Governing Body copies of all reports received from County Planning Commission, Department of Transportation and Municipal Engineer.

(Ordinance No. 194, April 27, 1987, Section 306)

Section 307. Public Hearings.

(A) Within sixty (60) days after the filing of a complete application for tentative approval of a Planned Residential Development pursuant to the requirements of this Chapter, a public hearing pursuant to public notice on said application shall be held by the Governing Body in a manner prescribed by law.

(B) The Governing Body may administer oaths and compel the attendance of witness. All testimony by witnesses at a hearing shall be subject to cross-examination. Notice of such hearing shall be given in writing not less than thirty (30) days prior to the hearing to any other municipality (or municipalities) wherein the subject Planned Residential Development is located, and to any other municipality adjoining the Planned Residential Development.

(C) General procedures and order of business shall be in the following sequence:

- (1) Identification of counsel and parties in interest and certification of compliance with all legal requirements of filing for hearings and adequacy of notice required.
- (2) Identification of counsel in support or opposition thereto.
- (3) Identification of others wishing to be heard and their status.

(4) The applicant shall present evidence as to the development's:

- (a) General character and substance.
- (b) Objectives and purposes to be served.
- (c) Adequacy and completeness of standards.
- (d) Satisfactory application of standards in specific details of design and organization of elements and plans.
- (e) Scale, scope and impact of the Planned Residential Development in the Municipality.
- (f) Economic feasibility.
- (g) Time factors and sequential development standards.
- (h) Conformity to Comprehensive Plans.

(5) The Municipal Planning Commission and County Planning Commission reviews and recommendations shall be read.

(6) After the presentation, the following information will be solicited:

- (a) Statements and relevant opinions, including documentation in opposition or modification in the same order.
- (b) Questions by the Governing Body.
- (c) Summation of statements and conclusions by opponents, supporters, interested parties and the developer.

(7) The foregoing may be modified by the Governing Body in the interests of obtaining all of the relevant material evidence in an orderly fashion.

(D) A verbatim record of the hearing shall be caused to be made by the Governing Body whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such record shall be borne by the party requesting it and the expense of copies of such record shall be borne

by those who wish to obtain such copies. All exhibits accepted in evidence shall be duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.

(E) The Governing Body may Continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

(Ordinance No. 194, April 27, 1987, Section 307)

Section 308. The Findings.

(A) The Governing Body within thirty (30) days following the conclusion of the public hearing provided for in this Chapter, shall, by official written communication to the landowner, either:

- (1) Grant tentative approval of the development plan as submitted;
- (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
- (3) Deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of the Governing Body, notify such agency of his refusal to accept all said conditions, in which case, the Governing Body shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Governing Body within said period, tentative approval of the development plan, with all said conditions, shall stand as granted.

(B) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including, but not limited to, findings of fact and conclusions on the following:

(1) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Municipality.

(2) The extent to which the development plan departs from zoning and subdivision requirements otherwise applicable to the subject property, including but not limited to, density, bulk and use and the reasons why such departures are or are not deemed to be in the public interest.

(3) The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space and other public services and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.

(4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and, further the amenities of light and air, recreation and visual enjoyment.

(5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.

(6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(7) The validity of information pertaining to the developer's statement of ownership, financial ability, experience and liens upon the proposed site will be appraised.

(8) The validity of the legal instrument or the developer's program for managing, maintaining and repairing public facilities and community services will be appraised.

(C) In the event a development plan is granted tentative approval, with or without conditions, the Governing Body may set forth in the official written communication the time within which an application for final approval of the

development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and on application for final approval shall not be less than three (3) months, nor more than eighteen (18) months. However, an extension of time may be granted by the Governing Body upon written request.

(Ordinance No. 194, April 27, 1987, Section 308)

Section 309. Status of Plan After Tentative Approval.

(A) The official written communication provided for in Section 308 of this Chapter shall be certified by the Secretary of the Municipality and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Zoning Map.

(B) Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development for recording nor authorize development or in the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Municipality pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, within the time periods specified in the official written communication granting tentative approval.

(C) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall not notify the Municipality in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times as the cases may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Secretary of the Municipality.

(Ordinance No. 194, April 27, 1987, Section 309)

Section 310. Application for Final Approval (Final Development Plan). An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Municipality and within the time or times specified by the official written communication granting tentative approval. If application for final approval is in accordance with the tentatively approved development plan, a public hearing need not be required.

The Final Plan shall conform in all important respects to the Tentative Plan as previously reviewed by the Municipal Planning Commission and the Governing Body and shall incorporate all modifications required by the Municipality in its review of the Tentative Plan.

(A) **Submission of Information to the Municipality.** Copies of the Final Plan and all required supporting data shall be officially submitted to the Municipal Secretary by the subdivider or his representative authorized in writing to submit the plan.

(B) **Number of Copies.**

(1) Three (3) completed copies of the Application for Final Approval.

(2) Six (6) legible black-line or blue-line paper prints of the Final Plan which shall fully comply with the requirements of this Chapter.

(3) Six (6) copies of all other required information.

(4) One (1) copy of approvals from Soil Conservation Service, Pennsylvania Department of Environmental Resources, Pennsylvania Department of Transportation, Municipal Authorities and local utilities.

(C) **Filing Fees.** The developer shall pay any additional fees, if required. There shall be no refund or credit of any portion of the fee should the developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the development for which tentative approval has been obtained.

(D) **Distribution of Final Plan.** The Final Plan shall be distributed in accordance with the requirements of Section 305(D) for Tentative Plan.

(Ordinance No. 194, April 27, 1987, Section 310)

Section 311. Review of Final Plan.

(A) Review by the Municipal Engineer. The Final Plan shall be reviewed and a written report submitted as required under Section 306(A) for Tentative Plans. The report shall include a review of the estimate of the cost of construction of all improvements required by this Chapter by stages of proposed developments as submitted by the developer.

(B) Review by the Municipal Planning Commission. The Final Plan shall be reviewed at the next regularly scheduled meeting of the Planning Commission, or at the discretion of the Planning Commission, at a special meeting which may be held prior thereto.

(C) Review by the Governing Body.

(1) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the Chapter and the official written communication of tentative approval, the Governing Body shall, within forty-five (45) days of such filing, grant such development plan final approval.

(2) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Governing Body may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

(a) Refile his application for final approval without the variations objected to, or;

(b) File a written request with the Governing Body that it hold a public hearing on his application for final approval. If the developer wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within forty-five (45) additional days if the time for applying for final approval shall have already passed at the time when the developer was advised that the development plan was not in substantial compliance. In the event the developer shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public

hearing shall be held pursuant to public notice within forty-five (45) days after request for the hearing is made by the developer, and the hearing shall be conducted in the manner prescribed in this Chapter for public hearings on applications for tentative approval. Within forty-five (45) days after the conclusion of the hearing, the Governing Body shall, by official written Communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this Section, be in the form and contain the findings required for an application for tentative approval set forth in this Chapter.

(3) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Governing Body and shall be filed of record forthwith in the office of the Recorder of Deeds of Berks County before any development shall take place in accordance therewith. Upon the filing of record of the development plan, zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said Planned Residential Development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the developer and the Governing Body.

(4) In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Governing Body in writing; or, in the event the developer shall fail to commence and carry out the Planned Residential Development within such reasonable period of time as may be fixed by this Chapter after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to the Zoning Ordinance (Chapter XXXII) and at such time, the provisions of the Municipality's Zoning Ordinance (Chapter XXXII) and Subdivision and Land Development Ordinance (Chapter XXVII) shall become enforceable upon said development.

(D) Distribution of Record Plans. After completion of Final Plan approval, the developer shall submit:

(1) One (1) paper print to the Recorder of Deeds

- (2) One (1) linen print to the Municipal Secretary
- (3) Two (2) paper prints to the County Planning Commission
- (4) One (1) microfilm aperture card to the Municipal Engineer

(Ordinance No. 194, April 27, 1987, Section 311)

Section 312. Development in Stages. A developer may construct a Planned Residential Development in stages if the following criteria are met:

(A) The application for tentative approval covers the entire Planned Residential Development and shows the location and approximate time of construction for each stage, in addition to other information required by this Chapter.

(B) The second and subsequent stages are completed and consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than twenty percent (20%) of the dwelling units receiving tentative approval.

(C) A schedule for residential, commercial and public facility construction will be submitted for approval by the Governing Body.

(D) The landscaping for each approved stage, as well as succeeding approved stages, will be eighty percent (80%) complete before proceeding to the next stage. No more than two (2) stages may be incomplete at any time.

(Ordinance No. 194, April 27, 1987, Section 312)

Section 313. Performance Guarantee. Prior to final approval of the Final Plan, the developer shall guarantee the installation of all required improvements.

(A) The developer must post a performance guarantee in the amount of one hundred twenty percent (120%) of the cost of all improvements required by this Chapter and as estimated by the Municipal Engineer for that portion of the development which the developer has submitted to the Municipality for Final Plan approval. The performance guarantee may be either a performance bond with corporate surety, or other security acceptable to the Governing Body. Performance guarantees shall be submitted in a form and with a surety approved by the Municipal Solicitor guaranteeing the construction and installation of all

improvements within a stated period which shall not be longer than three (3) years from the date of final approval.

Upon written application signed by both the obligor and surety of a performance guarantee, in a form approved by the Municipal Solicitor, the Governing Body may, at their discretion, extend said period by not more than three (3) additional years.

The amount of the performance guarantee may be reduced by the Governing Body, by resolution, as and when portions of the required improvements have been installed. In the event of default, the obligor and surety shall be liable thereon to the Municipality for the cost of the improvements or parts thereof not installed. Upon receipt of the proceeds thereof, the Municipality shall install the improvements. If cost of the improvements exceeds the amount of the performance guarantee, then the developer shall be liable for the amount in excess which the Municipality has actually expended for such improvements. In case the amount of the performance guarantee exceeds the actual cost of improvements made, the Municipality shall return the unused sum to the surety or the person who has paid or deposited the performance guarantee. Performance guarantees shall not be released except by written permission from the Governing Body, and in accordance with the procedures of Section 314.

(Ordinance No. 194, April 27, 1987, Section 313)

Section 314. Release of Performance Guarantee. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Municipal Engineer. The Governing Body shall, within ten (10) days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the Governing Body, and shall promptly mail a copy of the same to the developer by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Municipal Engineer of the aforesaid authorization from the Governing Body, said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

The Governing Body shall notify the developer, in writing, by certified or registered mail of their action.

If the Governing Body or the Municipal Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to his performance guaranty bond or other security agreement.

If any portion of the said improvements shall not be approved or shall be rejected by the Governing Body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed. (Ordinance No. 194, April 27, 1987, Section 314)

Section 315. Dedication and Maintenance Guarantee. All streets, parks or other improvements shown on the Final Plan, recorded or otherwise, shall be deemed to be private until such time as the same has been offered for dedication to the Municipality and accepted by resolution of Governing Body.

Before acceptance of any street, park or other improvements, the Governing Body shall require the developer to file a maintenance guarantee in an amount of not less than ten percent (10%) of the Municipal Engineer's estimate of the cost of all improvements required by this Chapter. Such maintenance guarantee shall be in a form and with a surety approved by the Municipal Solicitor, guaranteeing that the developer shall maintain all improvements in good condition for a period of two (2) years after completion of construction or installation of all improvements.

(Ordinance No. 194, April 27, 1987, Section 315)

Part 4

Plan Requirements

Section 401. Pre-Application.

(A) A Sketch Plan of the proposed Planned Residential Development shall be submitted, clearly and legibly drawn to a scale of one inch (1") equals one hundred feet (100') or less.

(B) Sketch Plan and all submitted prints thereof shall be made on sheets either:

- (1) Eighteen inches (18") by twenty-four inches (24"), or
- (2) Twenty-four inches (24") by thirty-six inches (36"), or
- (3) Thirty-six inches (36") by forty-eight inches (48").

(C) If the Sketch Plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.

(D) The Sketch Plan shall contain at least the following information, but not necessarily showing precise dimensions:

- (1) Tract boundaries accurately labeled.
- (2) Name of the municipalities in which the development is located.
- (3) North point, scale (written and graphic) and date.
- (4) Name of proposed development or other identifying title.
- (5) Significant topographical and physical features.
- (6) Proposed general street and lot layout.
- (7) A location map with sufficient information to enable the location of property.

(8) The approximate number and location of dwelling units and commercial establishments as well as the location of common open space and recreation facilities shall be submitted.

(E) The Sketch Plan shall be accompanied by the following supporting data:

(1) The developer shall submit written evidence that he has a proprietary interest in the site which shall consist of a fee simple title; or an option to acquire a fee simple title within a specified time period; or a leasehold interest in excess of forty (40) years; or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title; or a marketable title subject to certain restraints which will not subsequently restrict its development within a reasonable time.

(2) All mortgages, easements, restricting land use, liens and all judgments which may affect the site shall be identified. In addition, the developer shall submit proof of financial responsibility. The developer shall propose a method of notifying where necessary, all parties affected of his intentions to submit a Tentative Development Plan for a Planned Residential Development.

(3) The developer shall submit information pertaining to his personal experience in real estate development to include all corporations now or formally in existence in which the developer exercised substantial control. No developer shall be qualified to undertake a Planned Residential Development unless he has had past successful experience in real estate in projects involving housing construction comparable to that proposed or can prove an existing relationship through contract, partnership, joint venture or other form of real estate syndication with a person possessing such qualifications.

(4) The developer shall submit evidence of his present financial position to include existing or proposed credit sources for land acquisition and construction. No developers shall be approved unless it can be shown that he possesses or has the ability to acquire sufficient funds for the development of the site.

(Ordinance No. 194, April 27, 1987, Section 401)

Section 402. Tentative Plan.

(A) The intent of the Tentative Plan submission requirements is to provide the schematic design and planning information specifically required by Section 707(4) of Act 247, the Pennsylvania Municipalities Planning Code without mandating detailed site engineering, architecture or landscape architecture which shall be required in the Final Plan submission.

The tentative plan shall include all information as required under Section 401 in this Chapter and shall be drawn to a scale of one (P) inch equals fifty feet (50') and presented on the same sheet sizes as required for the sketch plan except for sites in excess of 100 acres which may be at a scale of 1"=100' and sites in excess of 400 acres which may be at a scale of 1"=200'.

(1) Date, including the month, day and year that the Tentative Plan was completed and the month, day and year that the Tentative Plan was revised, for each revision.

(2) Name of recorded owner and developer.

(3) Name, address, license number and seal of the registered engineer responsible for the plan.

(4) Names of all owners of all abutting unplatted land and the names of all abutting subdivisions, if any, with the book and page number where recorded.

(5) A key map for the purpose of locating the property being developed drawn at a scale not less than one inch (1") equals eight hundred feet (800') and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, watercourses and any areas subject to flooding, and recorded subdivision plans existing within one thousand feet (1,000') of any part of the property.

(6) Total tract boundaries of the property being developed showing bearings and distances and a statement of total acreage of the property.

(7) Zoning data including all of the following if applicable:

(a) Existing Municipal regulations, including district designations, requirements for lot sizes and front yards and any

zoning district boundary lines traversing the proposed development.

(b) Any changes in the existing PRD regulations to be requested by the developer.

(c) Any Municipal regulations other than PRD regulations.

(8) Contour lines at vertical intervals of at least two feet (2') for land with average natural slope of four percent (4%) or less, and at intervals of at least five feet (5') for land with average natural slope exceeding four percent (4%) prepared from actual field survey.

(9) Locations and elevation of the U.S.G.S. datum to which contour elevations refer. Where practicable, a known, established bench mark shall be used. Wherever other than U.S.G.S. datum is used, a conversion factor to U.S.G.S. shall be given.

(10) All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, culverts, bridges, railroads, quarries, strip mines, watercourses, floodplain areas, based on a 100-year storm frequency, unless otherwise specified by the Municipal Zoning Ordinance (Chapter XXXII), and other significant man-made or natural features within the proposed development and one hundred feet (100') beyond the boundaries of the proposed development.

(11) All existing buildings or other structures and the approximate location of all existing tree masses, and all other trees over four inches (4") in diameter, rock out-crops, watercourses within the proposed development or other significant features.

(12) All existing streets on the Official Plan or Plans of the Municipality (including unpaved streets), including streets of record (recorded but not constructed), easements and rights-of-way, including names, rights-of-way widths, cartway (pavement) widths and approximate grades within and adjoining the planned residential development.

(13) The full plan of proposed development, including the following schematic information:

(a) Location and width of all streets, easements and rights-of-way, with a statement of any conditions governing their use, and suggested types i.e. collector, major, minor, etc.

(b) Suggested street names and utility easement locations.

(c) Approximate lot lines.

(d) Lot numbers and statement of approximate number of lots and parcels.

(e) A statement of the intended use of all nonresidential lots and parcels.

(f) Water supply, sanitary and/or storm sewers (and other drainage facilities) and any proposed connections with existing facilities.

(g) Parks, playgrounds and other areas proposed to be dedicated or reserved for public use with any conditions governing such use.

(h) Net residential density of each land use within the planned residential development and the gross residential density of the planned residential development.

(i) The use and the approximate height, bulk and location of buildings and other structures, other uses of land and common open space.

(14) The distance of the site to fire stations, police stations, schools, shopping centers and major transportation routes shall be shown.

(B) The Tentative Plan shall be accompanied by the following supplementary data as applicable:

(1) Typical street cross-section drawing(s) for all proposed streets.

(2) A plan for the preliminary location of surface and subsurface drainage (swales, inlets, storm sewer systems) of the tract shall be shown.

(3) Preliminary locations of any bridges or culverts shall be shown.

(4) Where a Tentative Plan shows the proposed Planned Residential Development of only a part of the developer's total property, a sketch shall be required showing the prospective street system in the remainder of the property so that the street system in the submitted portion shall be considered in relation to future connections with the un-submitted portion. To prevent undue hardship in the case of extremely large properties, the Municipal Planning Commission may, based on existing natural or manmade features, delimit the area for which a prospective street system shall be sketched.

(5) A report indicating the function, size, ownership and manner of maintenance of the common open space.

(6) A draft of covenants, grants of easements or other restrictions to be imposed upon the use of land, building and structures, including proposed grants and/or easements for public utilities.

(7) A written statement by the developer setting forth the reasons why, in his opinion, the Planned Residential Development would be in the public interest and would be consistent with the Municipality's Comprehensive Plan.

(8) In the case of Planned Residential Development plans that call for development in stages, a schedule showing the time within which applications for final approval of all parts of the Planned Residential Development are intended to be filed, and this schedule shall be updated annually by the anniversary of final approval.

(9) A draft of a legal instrument that indicates the manner and extent that the developer intends to manage, maintain and repair the public facilities and community services as required in this Chapter.

(10) A draft of a legal instrument that indicates the manner in which the developer intends to locate and manage common open space and recreation facilities.

(11) A report that evaluates the effect of the Planned Residential Development on municipal services (such as police, fire, recreation) public facilities, utilities, budget, storm water drainage and transportation system. Additionally, the report will describe the impact on the local

school district budget and present any future school building requirements. A numerical comparison of the planned residential development and development under conventional zoning shall be included.

(12) A statement, insofar as possible, to indicate compliance with the provisions set forth in this Chapter governing the requirements for approval.

(13) A statement by the developer that building materials and the building regulations as promulgated in the Municipality's Building Code and other codes relating to construction will be the standards for the Planned Residential Development. Moreover, that all building and construction will meet the standards of the Pennsylvania Department of Labor and Industry and the Federal Housing Administration, if applicable.

(Ordinance No. 194, April 27, 1987, Section 402)

Section 403. Final Plan.

(A) The Final Plan shall be of a size drawn to scale, and show all information as required for Tentative Plans under Section 402 in this Chapter. Furthermore, anything submitted in final form for the Final Plan. The Final Plan shall show the following:

(1) Name of the recorded owner (and developer) of the tract, and the source(s) of title to the land being developed, as shown by the records of the County Recorder of Deeds.

(2) The total tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot (1') in ten-thousand feet (10,000'); provided, however, that the boundary (s) adjoining additional un-platted land (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being developed. In addition, the engineer shall certify, to the accuracy of the survey, the drawn plan, and the placement of the monuments.

(3) The name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property.

(4) The following data shall be shown for the cartway edges and rights-of-way lines and, if required, the ultimate right-of-way, for all existing, recorded, (except those to be vacated) and/or proposed streets within or abutting the property to be developed: the length and width (in feet to the nearest hundredth of a foot) of all straight lines and of the radii and of the arc (or chord) of all curved lines. The length of all arcs (in feet to the nearest hundredth of a foot) and the central angle in degrees, minutes and seconds.

(5) All straight lot lines shall be dimensioned (in feet, to the nearest hundredth of a foot) and all internal angles within lot lines shall be designated (in degrees, minutes and seconds). Curved lot lines shall show length of arc (in feet, to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds).

(6) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the development, and if covenants are recorded, including the book and page number.

(7) The proposed building reserve (setback) line for each lot, or the proposed placement of each building.

(8) The location (and elevation, if established) of all existing and proposed required street monuments.

(9) All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.

(10) Plan for water supply and distribution; fire hydrants; locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).

(11) If the development proposes a new street intersection with a State Legislative Route, a letter from the Pennsylvania Department of Transportation approving the proposed intersections shall be submitted with the final plan.

(12) A clear sight triangle shall be clearly shown for all street intersections.

(13) A Certification of Ownership, Acknowledgement of Plan and Offer of Dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner(s) of the property, and notarized.

(14) As required under Title 25, Chapter 102 Rules and Regulations, Pennsylvania Department of Environmental Resources, the proposed erosion and sediment plan shall be shown on the final plan or submitted as a separate plan. If a separate plan, three (3) copies will be required. The plan must be prepared by a professional engineer. Additional easements or land acquired for drainage systems extending to off-site watercourses will be shown.

(15) A plan for the final location of surface and subsurface drainage of the tract shall be shown. This plan shall include storm water runoff calculations for the entire property being developed (keyed to the plan submitted) as well as anticipated runoff from areas at a higher elevation in the same watershed and shall show the proposed method of accommodating the anticipated runoff and shall be subject to approval by the Municipal Engineer and the Department of Environmental Resources.

(16) The final designs of any bridges or culverts which may be required shall be shown. These designs shall meet all applicable requirements of the Water and Power Resources Board, Division of Dams and Encroachments or the Pennsylvania Department of Transportation. Calculations for water-way opening shall be included. All designs shall be subject to approval by the Municipality.

(17) A certificate for approval of the Plan by the Governing Body and by the Municipal Planning Commission shall be lettered on the plan.

(18) The total number of lots, dwelling units, square feet of non-residential uses, gross and net residential density, gross and net residential density in each section, total acres of common open space and number of off-street parking space provided.

(19) Building coverage information and location of all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest hundredth of a foot.

(20) Accurate dimensions of common open space areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where common open space areas are to be developed, the exact location of the structures in common open space areas will be illustrated

(21) Locations and dimensions of parking areas and pedestrian walkways.

(22) Location and dimensions of easements for utilities and any limitations on such easements.

(23) Certification with seal, by a registered engineer to the effect that the survey and plans are correct to the accuracy required by this Chapter.

(24) A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt of the Plan when it is presented.

(B) A copy of the approved erosion and sediment plan shall accompany Final Plan submission as required under Title 25, Chapter 102, Rules and Regulations, Pennsylvania Department of Environmental Resources. Permits shall be submitted with the Plan of Record.

(C) The Final Plan shall be accompanied by such applicable supplementary data as is required in Section 402(B) in addition to:

(1) Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:

(a) Existing (natural) profiles along the centerline of each street and if slope within cartway area exceeds five percent (5%), along both cartway edges.

(b) Profiles along the top of cartway (pavement) edge or along the top of curb for both sides of each proposed street shall be

shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:

i) One inch (1") equals ten feet (10') horizontal, and one inch (1") equals one foot (1') vertical.

ii) One inch (1") equals twenty feet (20') horizontal, and one inch (1") equals two feet (2') vertical.

iii) One inch (1") equals forty feet (40') horizontal, and one inch (1") equals four feet (4') vertical.

iv) One inch (1") equals fifty feet (50') horizontal, and one inch (1") equals five feet (5') vertical.

(c) Proposed finished grade of the centerline, and proposed finished grade at the top of both curbs, or proposed finished grade at both cartway pavement edges.

(d) The length of all vertical curves and the function of such curves.

(e) Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes and culverts and existing or proposed water mains and fire hydrants.

(2) All offers of dedication and covenants governing the reservation and maintenance of dedicated or undedicated common open space which shall bear the certificate of approval of the Municipal Solicitor as to their legal sufficiency.

(3) Such private deed restrictions, including building reserve lines as may be imposed upon the property as a condition of sale together with a statement of any restrictions previously imposed which may affect the title to the land being developed.

(4) Whenever a developer proposes to establish a street which is not offered for dedication to public use, the Municipal Planning Commission or Governing Body may require the developer to submit, and also to record with the plan, a copy of an agreement made with the Municipality on behalf of his heirs, successors and assigns and approved by the Municipal Solicitor and which shall establish the conditions under

which the street may later be offered for dedication and shall stipulate, among other things, the following:

- (a) The street shall conform to Municipal specifications.
 - (b) An offer to dedicate the street shall be made only for the street as a whole.
 - (c) The method of assessing repair costs be stipulated.
 - (d) Agreement by the owners of sixty percent (60%) of the front footage thereon shall be binding on the owners of the remaining lots.
- (5) Approval by the Pennsylvania Department of Environmental Resources for the water supply or sanitary sewage disposal system(s) for a proposed planned residential development, and the Municipal Planning Commission shall require that two (2) copies of such certification of approval shall be submitted with the Final Plan.
- (6) Architectural drawings illustrating exterior and interior designs of typical residential buildings of each type and nonresidential structures to be constructed and building plans at scales and details required for issuance of building permits under the Municipality's Building Code are required.
- (7) Statements and illustrations of the materials to be used in construction and their compatibility with the Municipality Building Code and other codes relating to construction are required.
- (8) A completed storm water drainage system, showing culverts, ditches and curbs and gutters are required; all inlets, manholes and pipes for storm drainage shall be shown; this shall be accompanied by computations prepared by a registered professional engineer, to the satisfaction of the Governing Body, that the storm water drainage system will be adequate for the planned residential development.
- (9) The final drafts of all documents required for tentative approval by this Chapter are required.
- (10) The developer shall comply with all other conditions of the written notice and communication concerning the approval of the tentative development plan.

(11) Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan shall be submitted.

(12) Such certificates of approval by authorities as have been required in this Chapter, including certificates approving the water supply system and the sanitary sewer system shall be submitted.

(13) In the case of a Planned Residential Development proposed to be developed over a period of years, Final Plan requirements as listed in this section will apply only to the section for which final approval is being sought. However, the Final Plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems and street systems presented for the entire development in the application for tentative approval.

(14) Whenever revisions to the Municipality's official sewage facilities plan, under Title 25, Chapter 71 Rules and Regulations, Department of Environmental Resources, is required, a copy of the Municipal resolution amending the official plan and a copy of PennDER's letter approving the plan revision shall accompany the Final Plan.

(Ordinance No. 194, April 27, 1987, Section 403)

Part 5

Development Standards

Section 501. Eligibility. No application for tentative approval of Planned Residential Development shall be considered or approved unless the following conditions are met:

(A) The Planned Residential Development shall consist of a minimum contiguous area within each of the following Zoning Districts:

Zoning District	Minimum Contiguous Area
RC	75 Acres
RS	50 Acres
LDS	40 Acres
MDS	40 Acres
SS	25 Acres
POB	100 Acres
PBR	50 Acres

The area shall not include any portion of the tract located within existing rights-of-way nor any area previously developed. A tract shall be considered contiguous even though divided by an existing street not exceeding sixty feet (60') in ultimate right-of-way width.

(B) The development will be served by public water supply and public sewage disposal systems.

(C) The proposed development is found to be generally consistent with the Comprehensive Plan for the Municipality.

(D) At least twenty-five percent (25%) of the gross area of the Planned Residential Development shall be in common open areas and recreation. This twenty-five percent (25%) shall include any requirements contained in the Township's Subdivision and Land Development Ordinance (Chapter XXVII). No less than one-half (1/2) of the common open space must be adequate for the development of active recreation facilities. These facilities may include, but are not limited to: playgrounds, swimming pools, tennis courts, ball diamonds, recreation centers and basketball courts. The number and dimensions of such facilities will be in accordance with the standards published by the American Recreation Association and approved by the Governing Body.

(Ordinance No. 194, April 27, 1987, Section 501)

Section 502. Permitted Uses.

- (A) Single-family detached dwellings;
- (B) Single-family semi-detached dwellings;
- (C) Two-family detached dwellings;
- (D) Single-family attached dwellings (townhouses);
- (E) Quadraplexes;
- (F) Garden apartments;
- (G) Retail stores, shops or service establishments for the conducting of any retail business or service serving only the planned residential development;
- (H) Professional or business offices;
- (I) Schools, nursery schools and day care centers, churches, community activity centers, nursing homes and retirement homes;
- (J) Banks, savings and loan associations.

NOTE: The inclusion and location of nonresidential uses shall require the approval of the Governing Body. No commercial development in excess of the amount demonstrated by a market analysis shall be permitted, but under no conditions will commercial uses exceed five (5%) percent of the gross area of the planned residential development. All commercial uses shall front on a collector street.

(Ordinance No. 194, April 27, 1987, Section 502)

Section 503. Permitted Accessory Uses.

- (A) Off-street parking pursuant to Section 610;
- (B) Signs pursuant to Section 614;
- (C) Rental office and temporary construction offices;

(D) Coin-operated washing and drying machines, vending machines for food, beverages, newspapers and cigarettes provided such are for tenant's use only;

(E) Storage facilities for landscape and building maintenance equipment;

(F) One sample dwelling unit for display purposes for each type of construction;

(G) Recreation facilities.

(Ordinance No. 194, April 27, 1987, Section 503)

Section 504. Permitted Density. The maximum allowable gross residential density shall be four (4) dwelling units per acre.

(A) In no event shall net residential density exceed, for designated areas, the following:

<u>Dwelling Type</u>	<u>Maximum Permitted Design Density</u>
Single-Family Detached or Semi-Detached	4 dwelling units per acre
Townhouse or Quadraplex	10 dwelling units per acre
Garden Apartments	16 dwelling units per acre

(B) Of the total number of units within the Planned Residential Development, the proportions for each dwelling type shall be as follows:

<u>Dwelling Type</u>	<u>% of Total Units</u>
Single-Family Detached or Semi-Detached*	minimum of 20%
Townhouse or Quadraplex**	maximum of 60%
Garden Apartments	maximum of 50%

*Of the total number of "single-family dwelling units," a maximum of twenty-five percent (25%) may be semi-detached dwellings.

****Of the total number of "townhouse dwelling units," a maximum of fifteen percent (15) may be quadraplex dwellings.**

Areas designated for specific use, as permitted by this Chapter shall not overlap nor shall they include required common open space and recreational uses. (Ordinance No. 194, April 27, 1987, Section 504)

Part 6

Design Standards

Section 601. Design, Bulk and Location Requirements.

(A) Site Design.

(1) All buildings and structures shall be designed with due regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account.

(2) All buildings and structures shall be sited so as to enhance privacy and insure natural light for all principal rooms.

(3) Variations in setbacks shall be provided when necessary to create a more pleasing layout.

(4) Buildings, structures and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas.

(5) Planting strip shall be provided along all property lines at the periphery of the development where necessary to protect the privacy of neighboring residents.

(6) The natural features of the Planned Residential Development site shall be a major factor in determining the siting of all buildings and structures and the results of the "Natural Features and Open Space Analysis" shall be considered.

(7) Conventional siting practices such as building setbacks from streets and minimum distances between buildings should be varied in order to produce attractive and interesting arrangement of buildings.

(8) Buildings and structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible.

(9) Buildings and structures shall be located and arranged so as to promote privacy for residents within the Planned Residential

Development and maintain privacy for residents adjacent to the Planned Residential Development. Higher buildings shall be so located within the development so as to have no adverse impact, (e.g., excluding natural light or invasion of privacy) on adjacent lower buildings.

(Ordinance No. 194, April 27, 1987, Section 601)

Section 602. Area and Bulk Regulations.

(A) The Municipal Planning Commission shall have the right to waive or modify the following area and bulk regulations when an applicant can show that such modifications will improve the overall design quality of the project and therefore is in the best interests of the community.

	<u>Garden Apartments</u>	<u>Commercial, Townhouses or Quadraplexes</u>	<u>Single-Family Detached or Semi-Detached</u>
Minimum lot area per dwelling unit	----	----	8,000 sq. ft.
Minimum lot width	----	22 feet	75 feet per dwelling unit
Minimum side yard	50 feet	30 feet*	20 feet
Minimum rear yard	75 feet	30 feet	30 feet
Minimum front yard	75 feet	30 feet	50 feet
Distance between buildings	See 602(B)(2)	See 602(B)(2)	See 602(B)(2)
Parking area set back from lot line or street ultimate right-of-way	30 feet	20 feet**	20 feet**
Maximum height	3 stories or 35 feet	3 stories or 35 feet	3 stories or 35 feet

NOTE: *Applies to end buildings only.

**Applies only to parking lots and joint parking areas, not to on-lot parking areas.

(C) Notwithstanding the provisions of the above requirements, the following shall also apply:

(1) The developer should vary architectural treatments within the development, individual apartments and between dwelling units. Variation may include those of exterior elevation, building setbacks,

provision of balconies, architectural details, pitch of roof, exterior materials or use of color.

Variety and flexibility in design layout and arrangement, of buildings, parking areas, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.

(2) The horizontal distance between groups of townhouses, quadraplexes or garden apartments shall be:

(a) Two (2) times the average height of the two groups of townhouses and garden apartments for front or rear walls facing front or rear walls;

(b) One and one-half (1-1/2) times the average height for front or rear walls facing side walls; and

(c) Equal to the height of the highest building for side walls facing side walls.

(3) Access and service shall be provided in the front of each dwelling. Parking may be provided on the lot, as carports, as an integral part of the dwelling or a joint parking facility for a group of dwellings with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs.

(4) Garden apartment buildings shall not exceed one hundred sixty feet (160') in length.

(5) The plan submitted shall indicate an area designation for each permitted use and all of the requirements of this Chapter for each area so designated shall be met.

(6) The minimum width of any side yard abutting a driveway or parking area shall be not less than thirty feet (30').

(7) Party walls and end walls on all townhouses may be continued past the rear wall of the building in the form of a "privacy fence" at a height not to exceed seven feet (7'), for a sufficient distance to provide for a private patio area for each dwelling unit. No more than

three (3) continuous townhouses shall have the same front setback and the variations on front setbacks will be at least four feet (4').

(8) No intensive recreational use (e.g., baseball, basketball, tennis, etc.) shall be permitted in common space within one hundred fifty feet (150') of any adjacent residential zoning district.

(9) The provision of appropriate sites for schools, playgrounds, parks, places of worship and similar public uses must be proportionate to the scale and character of the Planned Residential Development.

(Ordinance No. 194, April 27, 1987, Section 602)

Section 603. Tree Conservation and Erosion Control.

(A) Existing trees shall be preserved wherever possible. The preservation and the protection of trees of four-inch caliper or over shall be a factor in determining the location of open space, buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels.

(B) The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance and the destruction of natural amenities.

(C) Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes.

(D) Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catchment basins and planting temporary groundcover shall be instituted as necessary. An erosion control plan that will fulfill the requirements of the Pennsylvania Department of Environmental Resources is required.

(E) Where extensive natural tree cover and vegetation does not exist or cannot be preserved on the planned residential development site, landscaping shall be undertaken in order to enhance the appearance of the planned residential development and screen streets and parking areas and enhance privacy of private dwellings.

(Ordinance No. 194, April 27, 1987, Section 603)

Section 604. Streets.

(A) General Standards.

(1) The street system shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas.

(2) The street system shall create a separation for automobile and pedestrian traffic through the coordinated design of streets, building locations, common open space areas and pedestrian walkways.

(3) The street system shall create efficient and safe connections with the existing road system in order to insure proper ingress and egress to and from the Planned Residential Development.

(4) New local or internal streets shall be so designed as to discourage through traffic, but the developer shall give adequate consideration to provisions for the extension and continuation of arterial and collector streets into and from adjoining properties.

(5) Where a development abuts or contains an existing street of improper width or alignment, the Municipal Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.

(B) Street Widths. The following street rights-of-way and pavement widths shall be used as the strongly preferred street design standards. The Municipal Planning Commission shall have the right to waive or modify these standards when an applicant can show that such modifications will improve the overall design quality of the development and therefore is in the best interest of the community.

<u>Street Type</u>	<u>Required Widths (in feet)</u>
Local Street	
Right-of-way	53
Cartway	33
Collector Street	
Right-of-way	60(a)
Cartway	40(a)
Arterial Street	

Right-of-way	See Note (b)
Cartway	See Note (b)
Permanent Cul-de-Sac Street	
Right-of-way	See Paragraph 604(I)
Cartway	See Paragraph 604(I)
Marginal Access Street (a)	
Right-of-way	See Note (c)
Cartway	30
Service Street (a)	
Right-of-way	33
Cartway	22

- NOTES:
- (a) No on-street parking permitted.
 - (b) As specified in the "Official Plans," or as determined after consulting with the Township, the County Planning Commission and the Pennsylvania Department of Transportation.
 - (c) Variable, depending on the width of the adjacent right-of-way, but not less than thirty-six feet (36').

Additional right-of-way and pavement widths may be required by the Municipal Planning Commission or Governing Body for the purpose of promoting the public safety and convenience or to provide parking in commercial areas and in areas of high density residential development.

(C) Restriction of Access.

(1) Whenever a development abuts or contains an existing or proposed street with an ultimate right-of-way of sixty feet (60') or more, the Municipal Planning Commission or the Governing Body may require restriction of access to said street by:

- (a) Provision of reverse frontage lots.
- (b) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial streets.
- (c) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the Municipality under an agreement meeting the approval of the Municipality.

(2) Except as specified under Paragraph (c) above, reserve strips shall be prohibited.

(D) Street Grades.

(1) There shall be a minimum centerline grade of one-half percent (1/2%).

(2) Centerline grades shall not exceed the following:

(a) Local Street - ten percent (10%).

(b) Collector Street - six percent (6%).

(c) Arterial Street - five percent (5%).

(d) Street Intersection - five percent (5%).

(E) Horizontal Curves.

(1) Whenever street lines are deflected, connection shall be made by horizontal curves.

(2) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

(a) Local Streets - one hundred fifty feet (150').

(b) Collector Streets - three hundred feet (300').

(c) Arterial streets - five hundred feet (500').

(3) A tangent of at least one hundred feet (100') shall be introduced between all horizontal curves on collector and arterial streets.

(4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

(F) Vertical Curves. At all changes of street grades where the algebraic difference exceeds one percent (1%), the following vertical curves shall be provided:

(1) Local Streets - two hundred feet (200').

(2) Collector Streets - three hundred feet (300').

(3) Arterial Streets - four hundred feet (400').

(G) Intersections.

(1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty degrees (60°) or more than one hundred twenty degrees (120°).

(2) No more than two streets shall intersect at the same point.

(3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred fifty feet (150') between centerlines measured along the centerline of the street being intersected.

(4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5%) percent within fifty (50') feet of the intersection of the nearest right-of-way lines.

(5) Intersections with arterial and collector streets shall be located not less than one thousand feet (1,000') apart measured from centerline to centerline along the centerline of the arterial and collector street.

(6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:

(a) Twenty feet (20') for intersections involving only local streets.

(b) Thirty feet (30') for all intersections involving a collector street.

(c) Forty feet (40') for all intersections involving an arterial street.

(d) Ten feet (10') for all intersections involving only service stations.

(7) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

(8) Copy of State Highway Permit or letter of approval is required when proposed street intersects with a State Legislative route. Highway permit number shall be shown on the Final Plan.

(H) Sight Distances at Intersections.

(1) Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object other than utility poles, street lights, street signs or traffic signs shall be permitted which obscures vision above the height of two feet (2') and below ten feet (10') measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:

(a) Seventy-five feet (75') from the point of intersection of the centerlines, except that:

(b) Clear sight triangles of one hundred feet (100') shall be provided for all intersections with Collector Streets and one hundred and fifty feet (150') with Arterial Streets.

(2) Wherever a portion of the line of such, triangles occurs behind (i.e., from the street) the building reserve (setback) line, such portion shall be shown on the Final Plan of the subdivision and shall be considered a building setback (reserve) line.

(I) Cul-de-Sac Streets.

(1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

(2) Any temporarily dead ended street shall be provided with a temporary all-weather turnaround, within the subdivision and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

(3) Cul-de-sac streets, permanently designed as such, should typically not exceed five hundred feet (500') in length. If exceeded, the applicant must show that a longer cul-de-sac will improve the overall design quality of the development and therefore is in the best interest of the community.

(4) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

(5) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a center landscaped island turnaround. The minimum radius to the pavement edge or curb line shall be sixty feet (60') and the minimum radius of the right-of-way line shall be seventy feet (70'). Such landscaped island turnaround shall be considered "common open space" within the meaning of this Chapter, and the same shall be maintained in accordance with the provisions of Part 8 of this Chapter.

(6) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end it shall be conducted away in an underground storm sewer.

(7) The centerline grade on a cul-de-sac street shall not exceed ten percent (10%), and the grade of the diameter of the turnaround shall not exceed five percent (5%).

(J) Street Names.

(1) Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.

(2) In no case shall the name of a proposed street be the same as or similar to an existing street name in the Municipality and in the same postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

(K) Service Streets.

(1) Service streets may be permitted, provided that the developer produces evidence satisfactory to the Municipal Planning Commission or Governing Body of the need for such service streets.

(2) No part of any dwelling, garage or other structure shall be located within five feet (5') of the right-of-way of a service streets.

(3) Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of fifty feet (50').

(4) Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded as required in Section 604.7F. and deflections in alignment shall be made by horizontal curves.

(L) Driveway.

(1) Private driveways on corner lots shall be located at least forty feet (40') from the point of intersection of the nearest street right-of-way lines.

(2) In order to provide a safe convenient means of access, grades on private driveways shall not exceed ten percent (10%) between the street right-of-way and the buildings line. Entrances should be rounded at a minimum radius of five feet (5'), or should have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge (curb line).

(M) Crosswalks and Sidewalks.

(1) Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities.

(2) Such crosswalks shall have an easement of not less than ten feet (10') and a paved walk of not less than four feet (4').

(3) Arterial or collector streets shall not require sidewalks unless special conditions dictate. All other streets shall have sidewalks when deemed necessary.

(Ordinance No. 194, April 27, 1987, Section 604)

Section 605. Sanitary Sewage Disposal.

(A) Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Resources standards and Municipal standards. PennDER permits shall be submitted with the Final Plan.

(B) All buildings shall be connected to a public sewage disposal system in operation at the time construction of a principal building is started.

(C) The proposed method of sanitary sewage disposal shall be in accordance with the Municipality's officially adopted Act 537 Sewage Facilities Plan.

(D) When in accord with Title 25, Chapter 71, Section 71.16, Rules and Regulations of the Pennsylvania Department of Environmental Resources determines the necessity for an Act 537 Sewage Facilities Plan Revision or Supplement, the procedure set forth in Sections 71.15 - 71.17 of those Rules and Regulations shall be followed. The Developer shall cause to be made at his sole cost and expense any and all documents and shall further pay any and all fees pertaining to this material.

(Ordinance No. 194, April 27, 1987, Section 605)

Section 606. Water Supply.

(A) Whenever an existing public or approved community water system is geographically and economically accessible to a proposed development, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the Municipality. Approval of such system by the appropriate public service or utility company shall be submitted with the Final Plan. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

(B) Where such systems are not accessible, a community water supply system shall be required. A community water supply system shall be approved by the Pennsylvania Department of Environmental Resources, and appropriate measures shall be provided to insure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system.

(Ordinance No. 194, April 27, 1987, Section 606)

Section 607. Storm Drainage.

(A) A storm runoff and drainage system shall be installed by the developer in accordance with Municipal Resolution so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the

project site, and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted and shall be subject to approval by the Engineer in accordance with Municipal storm drainage regulations. Storm sewers, culverts and related installations shall be provided, as necessary, to:

(1) Permit unimpeded flow of natural watercourses.

(2) Insure adequate drainage of all low points along the line of streets.

(3) Intercept storm water runoff along streets at intervals related to the extent and grade of the area drained.

(B) Storm sewers and related installations shall be required only when, the runoff of storm water cannot be satisfactorily handled within the street cartway and shall be installed by the developer as required pursuant to the terms of Section 702(E) hereof.

(C) Where existing storm sewers are reasonably accessible, proposed developments shall be required, if necessary, to connect therewith.

(D) In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of storm water runoff onto adjacent developed or undeveloped properties.

(E) Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being developed, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.

(F) Where a development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage way, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, depending, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Department of Environmental Resources, Water & Power Resources Board, Division of Dams and Encroachments.

(G) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

(H) The slope of the crown on proposed streets shall be not less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot.

(I) Adequate facilities shall be provided at low points along streets and where necessary to intercept runoff.

(Ordinance No. 194, April 27, 1987, Section 607)

Section 608. Utility Easements.

(A) On July 8, 1970, the Pennsylvania Public Utility Commission issued an order requiring all electric distribution lines to be installed underground in residential developments of five (5) or more family units. In compliance with these regulations and with the cooperation of local utility companies, the following procedure will be followed:

(1) Upon filing of a Tentative Plan the developer will forward a copy of all plans to the appropriate utility company. This would apprise the utility company of the proposed project status and indicate that the developer would be contacting them in the near future.

(2) Upon receipt and review of tentative plans, the developer is directed to contact the appropriate utility company and secure an approval of plans for the underground electric system. Receipt of a letter from the appropriate utility company indicating receipt of plans will be required prior to Municipal endorsement of any plan for recording. The responsibility for securing this approval and coordinating the plan with the utility company shall be the developer's or his representatives.

(B) Easements with a minimum width of twenty feet (20') shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.

(C) Easements shall be centered on or adjacent to rear or side lot lines.

(D) There shall be a minimum distance of twenty-five feet (25'), measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or gas transmission right-of-way line which traverses the development.

(E) Developers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

(F) Petroleum products or gas transmission lines shall be located in a fifty foot (50') minimum right-of-way, such line to be installed in the center of the right-of-way. The developer shall provide fifty foot (50') right-of-way for all existing transmission lines within the development.

(Ordinance No. 194, April 27, 1987, Section 608)

Section 609. Erosion and Sediment Controls and Guidelines.

(A) Erosion and Sediment Control Measures where required under Title 25, Chapter 102 Rules and Regulations of the Pennsylvania Department of Environmental Resources, shall meet the standards and specifications of the County Conservation District.

(B) The following guidelines shall be applied as needed in establishing easements as part of erosion and sediment controls:

(1) Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area shall be kept as lawn.

(2) Where a Planned Residential Development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage but not less than twenty feet (20') or as may be required or directed by the Department of Environmental Resources. The developer shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Governing Body.

(3) Where storm water or surface water will be gathered within the development and discharged or drained in volume over lands within or beyond the boundaries of the development, the developer shall reserve or obtain easements over all lands affected thereby, which easements shall be adequate for such discharge of drainage and for the carrying off of such water and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The developer shall convey, free of charge, or cost, such easements to the Municipality upon demand.

(Ordinance No. 194, April 27, 1987, Section 609)

Section 610. Parking and Truck Loading Requirements.

(A) Off-Street Parking.

(1) Minimum Parking Requirements. Any building or other structure used (including any existing building or structure within the planned residential development) shall be provided with the following minimum off-street parking (either garage or on-lot) spaces, each of which shall measure ten feet (10') by twenty feet (20') exclusive of driveways, passageways and maneuvering areas unless the applicant can show that modifying the number and size of off-street parking spaces will improve the overall design quality of the development and is therefore in the best interest of the community, in which case the Municipal Planning Commission shall have the right to waive this section's requirements regarding the number and size of off-street parking spaces.

(a) Dwellings: Two (2) parking spaces for each dwelling unit.

(b) Eating Establishments: One (1) parking space for every four (4) seats, or for each fifty (50) square feet of gross floor area used by the eating establishment, whichever shall require more spaces.

(c) Retail Stores: One (1) parking space for each one hundred (100) square feet of gross retailing floor area.

(d) Church, Public Auditorium, Theaters: One (1) parking space for every five (5) seats provided.

(e) Offices: One (1) space for each four hundred (400) square feet of net rentable floor area.

(f) Other Uses Not Specified: The same requirement as for the most similar use listed.

(2) Share Parking. One or more parking lots may be designed to service a multiple number of commercial or recreational uses so long as

the total requirements shall be equal to the sum of the requirements of the component uses computed separately.

(3) Fractional Space. When required parking computations result in fractions, any fraction below 1/2 may be disregarded and any fraction over 1/2 shall be construed to require a full space.

(4) Location. Required parking shall be provided as follows:

(a) All access drives and parking lots shall be at least fifteen (15') feet from any building on the lot.

(b) Parking areas shall not be designed or located so as to require or encourage cars to back into a public or private street in order to leave the lot.

(c) Entrance and exit ways shall have a minimum width of twelve feet (12') for each lane of traffic entering or leaving the site but shall at no time exceed thirty feet (30') in width at the street line.

(d) All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

(e) Evergreen plantings shall be provided of sufficient height and density to screen off-street parking from public street view and from adjoining residential districts. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for approval.

(f) Entrance and exit ways and interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

(g) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.

(h) No more than sixty (60) parking space shall be accommodated in any single parking area.

(i) No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting Municipal street standards.

(j) In the case of townhouses, the required front yard shall not be permitted to be used for parking.

(5) Paving. All required parking areas and all access drives shall have a macadam or concrete surface.

(6) Parking Within Front Yard. Required parking shall be permitted within required front or side yards notwithstanding other requirements of this Chapter.

(7) Services. No repair to or maintenance of vehicles of any kind except emergency repairs, shall be permitted in any parking facility.

(B) Off-Street Truck Loading. The Municipal Planning Commission shall have the right to waive or modify the following off-street truck loading standards when an applicant can show that such modifications will improve the overall standard quality of the development and therefore is in the best interest of the community.

(1) Required Loading Spaces. Every building or structure used for commercial purposes shall provide one (1) off-street truck loading space for the first 10,000 square feet or less of gross floor area, plus a minimum of one (1) additional off-street truck loading area for each additional 40,000 square feet of gross floor area.

(2) Size of Truck Loading Space. An off-street truck loading space shall have a minimum of twelve feet (12') in width, a minimum of fifty feet (50') in length and a minimum clear height of fourteen feet (14').

(Ordinance No. 194, April 27, 1987, Section 610)

Section 611. Lighting. Lighting for buildings, accessways and parking areas shall be so arranged as not to be directed toward public streets or cause any annoyance to building occupants or surrounding property owners or residents. (Ordinance No. 194, April 27, 1987, Section 611)

Section 612. Storage of Trash and Rubbish. Exterior storage areas for trash and rubbish shall be in accordance with Municipal Standards and ordinances. (Ordinance No. 194, April 27, 1987, Section 612)

Section 613. Access and Traffic Controls. All means of ingress or egress from a Planned Residential Development to any public street or State highway shall be located at an intersection or at least one thousand feet (1,000') from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner, except where existing conditions make this requirement impractical and where the applicant can demonstrate that a deviation from this standard is safe. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes as may be required by the Pennsylvania Department of Transportation or by the Municipality. (Ordinance No. 194, April 27, 1987, Section 613)

Section 614. Sign Regulations.

(A) Area of Sign. The area of a sign shall be construed to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which is incidental to the display itself. Where the sign consists of individual letters or symbols attached to or painted on a surface, the area shall be considered to be the smallest rectangle which can be drawn to encompass all of the letters and symbols.

(B) Permitted Signs. The maximum permitted size of signs and type of signs shall be in accordance with the following regulations:

(1) Official traffic or directional signs and other official Federal, State, County or local government signs.

(2) Signs offering the sale or rental of the premises upon which the sign is erected, provided that the area of any such sign shall not exceed fifty (50) square feet and not more than one (1) such sign shall be placed on the development unless such lot fronts on more than one (1) street, in which case one (1) sign may be erected on each street frontage. No sign shall be erected so as to stand higher than one of the buildings it advertises. No sign shall advertise such real estate for sale or rent for more than twelve (12) months after building construction is completed. Thereafter signs offering the sale or rental of the premises shall be limited to six (6) square feet.

(3) Temporary signs of contractors, developers, architects, engineers, buildings and artisans, erected and maintained on the premises where the work is being performed, provided that the area of each such

sign shall not exceed twelve (12) square feet, and provided that such sign shall be removed upon completion of the work.

(4) Trespassing signs, signs indicating the private nature of a road, driveway or premises, signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed four (4) square feet.

(5) Sign, bulletin, announcement board or identification sign for schools, churches, clubs or other principal uses and buildings other than dwellings on the same lot therewith for the purpose of displaying the name of the institution and its activities or services, provided that the area of any such sign shall not exceed twelve (12) square feet and not more than one (1) such sign be erected on any one street frontage.

(6) Directional signs, not to exceed two (2) square feet each, erected within the development itself to direct persons to a rental office or sample apartment.

(7) Permanent identifying signs for the purpose of indicating the name of the development and for the purpose of identifying the individual buildings within the development. Not more than one (1) sign for each entrance to the project from a public street to identify the name of the project shall be permitted and no such sign shall exceed ten (10) square feet in size. Signs to identify the individual buildings within the project shall not exceed six (6) square feet in size.

(C) Supplemental Sign Regulations.

(1) Projection. No sign shall project more than twelve inches (12") from the building facade to which it is attached. No freestanding sign may project beyond the lot line or beyond a street right-of-way.

(2) Height. No sign that is a part of or is supported by a building shall be erected upon the roof of such building, nor shall such sign extend above the height of the building. Freestanding signs shall be subject to the height requirements of this Chapter.

(3) Clearance. No sign structure erected directly upon the ground shall have less than three feet (3') of clear space between such sign and the ground; however, necessary supports may extend through such open space.

(4) Illumination. Signs may be lighted with nonglaring lights, or may be illuminated by shielded floodlights provided, however, that no red, green or amber lights shall be permitted and provided that lighting is screened from adjacent properties. No lights of intermittent, flashing, animated or rotating types shall be permitted.

(5) Placement. No signs shall be permitted which are posted, stapled or otherwise permanently attached to public utility poles or trees within a street right-of-way. No portion of any freestanding sign shall be located within five feet (5) of any side lot line.

(6) Construction. All signs, except temporary signs, shall be constructed of durable material and kept in good condition and repair.

(Ordinance No. 194, April 27, 1987, Section 614)

Section 615. Natural Features and Open Space Analysis. In order to determine which specific areas of the total Planned Residential Development site are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site will be required. The following subject categories must be included in this analysis:

(A) Hydrology. Analysis of natural drainage patterns and water swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas and seasonal high water table areas throughout the site.

(B) Geology. Analysis of characteristics of rock formation underlying the site including defining aquifers (particularly those locally subject to pollution), shallow bedrock areas, areas in which rock formations are unstable and sinkholes.

(C) Soils. Analysis of types of soils present in the site area including delineation of aquifer recharge soil areas, unstable soils, soils most susceptible to erosion and soils unsuitable for urban development. The analysis of soils will be based on the County Soil Survey of the U.S. Soil Conservation Service and where necessary on-site exploration of the soils will be required.

(D) Topography. Analysis of terrain of site including mapping of elevation and delineation of slope areas over twenty percent (20%), between ten percent (10%) and twenty percent (20%), and under ten percent (10%).

(E) Micro-Climate. Analysis of seasonal temperatures, seasonal precipitation, seasonal prevailing winds and daily hours of sunlight in specific areas of the planned residential development site.

The location, shape, size and character of the common open space shall be provided in a manner consistent with the conservation of natural resources and the creative use of land to obtain a living environment of stable character, with natural feature constraints determined through the Natural Features Analysis outlined above.

The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its natural features, size, land use intensity, potential population and the number and types of dwelling units to be developed. Whenever possible, common open space shall be designed as a contiguous area interspersed with residential areas with pedestrian and visual access available to all residents of the Planned Residential Development.

Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings and scenic views shall be incorporated into common open space areas whenever possible. However, development of the Planned Residential Development must be planned so as to coordinate the establishment of common open space areas, active recreation facilities and the construction of buildings and structures.

(Ordinance No. 194, April 27, 1987, Section 615)

Section 616. Supplementary Regulations.

(A) Fences, Walls, Hedges and Trees. Except as required by other provisions of this Chapter, fences, walls and hedges may be permitted in any yard provided that no fence, wall or hedge within a required front yard shall be over thirty-six inches (36") in height, however, ornamental fences exceeding thirty-six inches (36") shall be permitted provided that said fence contains an open area of not less than seventy-five percent (75%).

(B) Exceptions to Height Regulations. The height limitations contained herein do not apply to spires, cupolas, antennas, water tanks, ventilators, chimneys, television or radio towers or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(C) Corner Lot Restriction. On-corner lots there shall be provided on each side thereof adjacent to a street a yard equal in depth to the required front yard.

(D) Projections Into Yards. The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverage.

(1) Terraces or Patios, provided that such terraces or patios are unroofed or otherwise enclosed and are not closer than five feet (5') to any adjacent lot line.

(2) Projecting Architectural Features. Bay windows, cornices, eaves, fireplaces, chimneys, window sills or other architectural features, provided that any single feature does not exceed five (5) square feet in external area.

(3) Uncovered stairs and landings, provided such stairs or landings do not exceed three feet six inches (3'-6") in height.

(4) Open balconies provided such balconies are not supported on the ground and do not project more than five feet (5') into any yard nor closer than three feet (3') to any adjacent lot line.

(5) Window or central air conditioning units, barbecue grills, fireplaces or unroofed recreational facilities.

(Ordinance No. 194, April 27, 1987, Section 617)

Part 7

Improvement Specifications

Section 701. General Requirements. Physical improvements to the property being developed shall be provided, constructed and installed as shown on the Final Plan in accordance with the requirements of this Chapter or other applicable Municipal ordinances or Regulations.

(A) As a condition to the review of a Final Plan by the Municipal Planning Commission and Governing Body, the developer shall agree with the Municipality as to the installation of all improvements required by this Chapter or other applicable Municipal Ordinances or Regulations. Before the Final Plan is endorsed by the Governing Body, the developer shall submit a completed original copy of the improvements Agreement.

(B) All improvements installed by the developer shall be constructed in accordance with the design specifications of the Municipality including any promulgated by a Municipal Authority. Where there are no applicable Municipal specifications, improvements shall be constructed in accordance with specifications furnished by the Municipal Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources, Pennsylvania Department of Forests and Waters or such other State agency as applicable. If there are no applicable Municipal or State regulations, the Governing Body may authorize that specifications be prepared by the Municipal Engineer or an Engineering Consultant.

(C) Supervision of the installation of the required improvements shall, in all cases, be the responsibility of the Municipality, Municipal Authority or of the appropriate state regulatory agency.

(Ordinance No. 194, April 27, 1987, Section 701)

Section 702. Required Improvements. The following improvements shall be provided by the developer:

(A) Street Grading. All streets shall be graded to the full right-of-way width.

(B) Cartway Paving. All streets shall be paved to full cartway width (as shown on the Final Plan) and as required by this Chapter, in accordance with Municipal specifications.

(C) Curbs. Curbs and curb cuts, where required by the Governing Body, shall be installed along both sides of all streets, except along service streets in accordance with Municipal Ordinances.

(D) Sidewalks.

(1) Where required by the Governing Body, sidewalks with a minimum width of four feet (4) shall be installed on both sides of all streets except that no sidewalks shall be required along service streets, and where required, sidewalks shall be installed on only one (1) side of marginal access streets.

(2) All sidewalks, curbs and gutters shall be installed in accordance with these regulations and with Municipal curb, gutter and sidewalk Ordinances or specifications.

(E) Sewers.

(1) Storm Sewers. Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in this Chapter and Municipal standards.

(2) Sanitary Sewage Disposal System(s).

(a) Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements of this Chapter.

(b) The developer shall provide a complete public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Municipal Engineer and/or the Municipal Authority.

(F) Water Supply.

(1) Water supply system(s) shall be installed consistent with design principles and requirements of this Chapter.

(2) The development shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the Municipal Engineer; the design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of

Environmental Resources and such system shall be further subject to satisfactory provision for the maintenance thereof.

(G) Fire Hydrants. Fire hydrants suitable for the coupling of equipment serving the Municipality shall be installed within six hundred feet (600') of all existing and proposed structures, measured along center line of streets. Locations of hydrants shall be approved by the Fire Company officials serving the Municipality and by the Engineer of the Municipality.

(H) Monuments.

(1) Monuments shall be accurately placed in accord with U.S.G.S. datum at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being developed. The developer, or his representative, shall notify the Municipal Engineer in order that he may inspect the placement of the monuments before they are covered.

(2) All monuments shall be placed by a registered professional Engineer or surveyor so that the scored (by an indented cross or drill hole of not more than one quarter inch (1/4") diameter in the top of the monument) point shall coincide exactly with point of intersection of the lines being monumented.

(3) Monuments shall be set with their top level with the finished grade of the surrounding ground.

(4) All streets shall be monumented at range line, within the right-of-way lines of the street and five feet (5') distant therefrom and at the following locations:

(a) At least one monument at each intersection.

(b) At changes in direction of street lines, excluding curb arcs at intersections.

(c) At each end of each curbed street line, excluding curb arcs at intersections.

(d) At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.

(e) At such other places along the line of streets as may be determined by the Municipal Engineer to be necessary so that any street may be readily defined in the future.

(5) A reference diagram shall be filed with the Township Engineer of all monuments with three (3) reference points per monument.

(I) Street Signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be by the Municipality, the cost of which shall be borne by the developer.

(J) Street Lights. In accordance with the conditions to be agreed upon by the developer, the Municipality and the appropriate public utility, street lights shall be installed. However, whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation upon consultation with the public service utility company involved.

(K) Shade Trees. Reasonable efforts should be made by the developer to preserve existing shade trees and, in addition, deciduous hardwood trees with a minimum caliper of four inches (4") shall be provided in accordance with conditions to be agreed upon by the Municipality, and if necessary, the appropriate public utility. Such trees should be planted between the street right-of-way and the building reserve (setback) line at least ten feet (10') from the public street right-of-way. No trees or shrubs shall be planted between the sidewalk and the right-of-way line.

(1) A landscaping plan shall be furnished for approval by the Municipality as to kind, size and location of trees and other plantings, both existing and proposed.

(Ordinance No. 194, April 27, 1987, Section 702)

Part 8

Standards for Location and Management of Common Open Space,
Recreation Facilities and Required Open Space

Section 801. Common Open Space and Recreation Facilities. The common open space, which includes the center landscaped island turnarounds on cul-de-sac streets, shall be located so as to be consistent with the objectives set forth in the application for Planned Residential Development. Where possible, the common open space, other than the aforementioned turnarounds, shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

(A) There shall be provisions which insure that the common open space land shall continue as such and be properly maintained. These provisions shall be in a form acceptable to the Municipality's Solicitor. The developer shall either (a) dedicate such land to public use of the Municipality; (b) retain ownership and responsibility for maintenance of such common open space land; or (c) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (c) above, each organization shall be a nonprofit homeowners association, unless the developer demonstrates that a community open space trust is a more appropriate form of organization. Upon failure or bankruptcy of the organization, common open space shall revert free and clear of all encumbrances to the Municipality for public open space, if acceptable to the Municipality.

(B) If a homeowners' association or open space trust is formed, it shall be governed according to the following regulations:

(1) The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the development.

(2) Membership in the organization is mandatory, including leaseholds and renters.

(3) The organization shall be responsible for maintenance, insurance, taxes and other assessments on common open space and recreation facilities.

(4) The members of the organization shall share equitably the costs of maintaining and developing common open space and recreation facilities, in accordance with procedures established by them.

(5) The organization shall have or hire adequate staff to administer recreation facilities and maintain the common open space.

(6) In the event that the organization established to own and maintain a common open space and recreation facilities or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Municipality may serve written notice under such organization or upon the residents and owners of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such a hearing, the Municipality may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Municipality, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said maintenance by the Municipality shall not constitute a taking of said common open space, nor vest in the public any rights to use the same. Before the expiration of said year, the Municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space call a public hearing upon notice to such organization, or to the residents and owners of the Planned Residential Development to be held by the Governing Body or its designated agency, at which hearing such organization or the residents and owners of the Planned Residential Development shall show cause why such maintenance by the Municipality shall not, at the option of the Municipality, continue for a succeeding year. If the Governing Body, or its designated agency, shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Municipality shall cease to maintain said common open space at the end of said year. If the Governing Body or its designated agency shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Municipality may, at its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in

each year thereafter. The decision of the Governing Body or its designated agency shall be subject to appeal to court in the same manner and subject to the same limitation, as is provided by zoning appeals by this act.

The cost of such maintenance by the Municipality shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Municipality at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary upon the properties affected by the lien within the Planned Residential Development.

(7) In accordance with Article IV of Act 247, as amended, the provisions of the development plan relating to (a) the use, bulk and location of buildings and structures, (b) the quantity and location of common open space, and (c) the intensity of use or the density of residential units, shall run in favor of the Municipality and shall be enforceable in law or in equity by the Municipality, without limitation on any powers of regulation otherwise granted the municipality by law. The development plan shall specify those of its provisions which shall run in favor of , and be enforceable by residents of the planned residential development, and in addition, the manner in which such residents may modify or release such rights.

(Ordinance No. 194, April 27, 1987, Section 801)

Section 802. Required Open Space. Required open space, as required by this Chapter to satisfy the net residential density and all yard requirements shall be maintained by one of the following:

(A) The individual owner in the case of singles, townhouses or quadraplexes when said open space is deeded to the owner as part of the lot.

(B) In all other cases the owner of the property. Such ownership may include condominiums, trusts, homeowner associations or any other form acceptable to the Municipality.

(Ordinance No. 194, April 27, 1987, Section 802)

Part 9

Management, Maintenance and Repair of Public Facilities
and Community Services

Section 901. Responsibility. The developer shall assume responsibility for the management, maintenance, repair and operation of the following facilities: roads, gutters, sidewalks, curbs, drainage system, water distribution system, sewerage system, public lighting system, public signs, recreation facility and any other public facility not listed, if not dedicated to the Municipality or a Municipal Authority.

The developer shall assume responsibility for the provision of the following community services: refuse collection, snow removal, leaf removal, street cleaning, tree trimming and the operation of community buildings.

The developer may divest himself of any or all management, repair and operational responsibility by dedicating of such facilities to the Municipality or a Municipal Authority, if acceptable to these bodies or by creating an organization acceptable to the Governing Body by:

(A) Increasing the scope of the common open space organization mandated in Part 8 to include the responsibilities required in this section.

(B) Creating of a separate homeowner's association to assume the responsibilities listed in this section.

(C) Creating a trust association or other legally appropriate arrangements which will also be eligible to assume the responsibilities required by this Part.

The Governing Body will require a legally acceptable instrument (organization) for the management, repair and maintenance of public facilities and community services of the Planned Residential Development before the submittal of a Tentative Development Plan. This legal instrument shall describe, to the satisfaction of the Governing Body and the Municipal Solicitor, how and in what manner the requirements of this section will be implemented. Additionally, the aforesaid legal instrument will describe the financial arrangements of administering the requirements described in this section.

If the requirements of this Section are not executed, the Governing Body will institute the proper proceedings (as promulgated in Section 705 of the Pennsylvania Municipalities Planning Code, as amended) to correct such deficiencies of maintenance,

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repair and management of public facilities and community services. (Ordinance No. 194, April 27, 1987, Section 901)

Part 10

Administration and Review

Section 1001. Permits.

(A) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Zoning officer as designated in the Municipality's Zoning Ordinance (Chapter XXXII).

(B) Upon application of the developer showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan or any section thereof.

(C) The provisions of the Administration Part of the Municipal Zoning Ordinance (Chapter XXXII) shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part and the conditions of final approval. The Zoning officer shall review the progress and status and construction of the plan and render reports thereon to the Governing Body in order to assure compliance with the provisions of this Part and the conditions of final approval.

(D) No building will be occupied unless a Certificate of Occupancy has been issued by the Zoning Officer.

(Ordinance No. 194, April 27, 1987, Section 1001)

Section 1002. Post Completion Regulations.

(A) The Governing Body shall issue a Certificate certifying the completion of the Planned Residential Development upon recommendation of the Zoning Officer, and the Planning Commission. The Secretary of the Municipality shall note the issuance of the certificate on the approved Development Plan.

(B) After the certificate of completion has been issued, the uses of land and construction, modification or alterations of any buildings or structure within the Planned Residential Development will be governed by the approved Development Plan.

(C) After the certificate of completion has been issued, no changes may be made in the approved development plan except upon application to the Governing Body under the procedure provided below:

(1) Any extensions, alterations or modifications of existing buildings or structures shall conform to requirements of Section 502 and Section 602 of this Chapter applicable at the time the Development Plan was approved.

(2) A building or structure that is totally or partially destroyed may be reconstructed only in compliance with the approved Development Plan unless an amendment to the approved Development Plan is approved.

(3) All other changes in the approved Development Plan must be approved by the Governing Body, under the procedure authorized by this Chapter for approval of a Final Development Plan. No changes may be made in the approved Development Plan unless they are required by changes in conditions that have occurred since the Final Plan was approved or by changes in the development policy of the Municipality.

(4) No changes in the approved Development Plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within development plan area, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

(Ordinance No. 194, April 27, 1987, Section 1002)

Section 1003. Revisions and Amendment. The Governing Body may, from time to time on their own motion, revise, modify or amend this Chapter in order to increase its effectiveness or to expedite the approval of plans.

Any revisions, modifications or amendments to this Chapter shall be made in accordance with the procedures established by law in accordance with the provision of Act 247, as amended.

(Ordinance No. 194, April 27, 1987, Section 1003)

Section 1004. Modifications. The provisions of this Chapter are intended as minimum standards for the protection of the public health, safety and welfare of the residents and inhabitants of the Municipality. The Municipality reserves the right, in

unusual situations, to modify or to extend them conditionally in individual cases as may be necessary in the public interest, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of this Chapter. The list of such modifications and the reasons for them shall be entered in the minutes of the Municipal Planning Commission or Governing Body, and a copy of this entry shall be transmitted to the Municipal Secretary. Modifications shall be clearly defined and entered on the Record Plan and signed by the Governing Body. (Ordinance No. 194, April 27, 1987, Section 1004)

Section 1005. Appeals and Challenges. All appeals and challenges shall conform to the requirements and procedures as outlined in the Pennsylvania Municipalities Planning Code, as amended. (Ordinance No. 194, April 27, 1987, Section 1005)

Section 1006. Fees.

(A) The Governing Body shall establish, by resolution, a collection procedure and Schedule of Fees to be paid by the developer at the time of filing a Tentative Plan.

(B) The Schedule of Fees shall be posted in the Municipal Office or in such other place as the Governing Body may designate, and be available upon request.

(C) In the event the developer is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the Municipal Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fee should the developer fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the development for which Tentative Approval has been obtained.

(Ordinance No. 194, April 27, 1987, Section 1006)

Section 1007. Keeping of Records. The Municipal Planning Commission and the Governing Body shall keep a record of their findings, decisions and recommendations relative to all planned residential development filed for review. Such records shall be made available to the public for review. (Ordinance No. 194, April 27, 1987, Section 1007)

Section 1008. Responsibility. The developer shall be responsible for observing the procedures established in this Chapter and for submitting all plans and documents as may be required. (Ordinance No. 194, April 27, 1987, Section 1008)

Section 1009. Severability. Should any part, section, subsection, paragraph, clause, phrase or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Chapter as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional. (Ordinance No. 194, April 27, 1987, Section 1009)

Part 11

Appendix

Section 1101. Certification of Accuracy. The following certification in the wording shown, must be labeled and completed on the Final Plan:

I hereby certify that the plan shown and described hereon, as well as all drawings bearing my seal, are true and correct to the accuracy required by the Planned Residential Development Chapter (Chapter XXI), and were prepared by me or under my direction and for which I accept full responsibility. The perimeter monuments have been accurately placed as required by this Chapter.

(2)

_____, 20____ (1)_____

(1) Signature of the Registered Engineer, Registered Surveyors, Registered Architect or Registered Landscape Architect responsible for the preparation of the plan.

(2) Apply seal of the registered engineer, surveyor, architect or landscape architect.

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(Ordinance No. 194, April 27, 1987, Appendices)

Section 1102. Certification of Ownership, Acknowledgement of Plan and Offer of Dedication. The following certification, in the wording shown, must be labeled and completed on the Final Plan:

Commonwealth of Pennsylvania :
SS:
County of _____ :

On this, the _____ day of _____, 20--, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the _____ (1) _____ of the property shown on this plan, that the planned residential development plan thereof was made at his/its direction, that he acknowledges the same to be his/its act and plan _____ (2) _____ and that all streets _____ (3) _____ shown and not heretofore dedicated are hereby dedicated to the public use _____ (4) _____.

_____ (5) _____ (6) _____

(7)

_____ (8) _____
My commission
Expires _____, 20__

(9)

- (1) Insert either: Owner
 Equitable owner
 President of the (name of corporation) which is the owner
- (2) Whenever applicable, insert: and desires the same to be recorded as such according to law
- (3) Whenever applicable, insert: and open spaces contained in lots number
- (4) If necessary, insert: except those labeled "not for dedication" (and any other restrictions or reservations)
- (5) Where necessary, signature of secretary of corporation
- (6) Signature of individual, of partners, or of president of corporation
- (7) If necessary, corporate seal
- (8) Signature
- (9) Seal of notary public or other officer

(Ordinance No. 194, April 27, 1987, Appendices)

Section 1103. Certificate of Municipal Approval. The approval of the Final Plan by the Governing Body and the Planning Commission must be indicated on the Final Plan in substantially the following form:

At a meeting held on _____, 20____, the _____(5)

_____ of the Township of Spring by _____(1)_____ duly enacted, approved the development plan of the property of _____(2)_____, as shown hereon.

_____(3)_____

_____ (4)

- (1) Insert either a Resolution, Ordinance #____, or Motion
- (2) Insert name of property owner
- (3) Signatures of Governing Body or Planning Commission
- (4) Municipal Seal
- (5) Planning Commission or Governing Body

(Ordinance No. 194, April 27, 1987, Appendices)