

ARTICLE XIII

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1300 PURPOSE

The purpose of these Planned Residential Development (PRD) regulations is to permit residential development which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preserving the natural scenic qualities of open space.

SECTION 1301 APPLICABILITY AND RELATIONSHIP TO OTHER ORDINANCES

A Planned Residential Development shall be permitted in the R-4 District, subject to the standards, criteria, restrictions and procedures outlined in this Article.

The provisions of this Article for approval of a Planned Residential Development shall be a modification to and in lieu of procedures and criteria for approvals otherwise required in this Ordinance and the Township Subdivision and Land Development Ordinance. Failure to comply with the provisions of this Article with respect to a recorded Development Plan shall be deemed to constitute a violation of this Ordinance.

SECTION 1302 SITE AREA, OWNERSHIP, USE AND DENSITY REQUIREMENTS

1302.1 Site Area

In all cases, the minimum site required for a Planned Residential Development shall be thirty (30) contiguous acres. Public easements or rights-of-way and public or private streets shall not be construed as an interruption or division of a site proposed for a Planned Residential Development.

1302.2 Site Ownership

The site proposed for a Planned Residential Development shall be under single ownership and control. Prior to submitting an application for Tentative Approval, the applicant shall demonstrate that he is the landowner, as defined by this Ordinance. Legal, as well as equitable, ownership shall be demonstrated coincident with approval of the Final Development Plan.

1302.3 Dwelling Units Authorized

Any of the following dwelling units may be included in a Planned Residential Development:

- Single Family Dwelling
- Two Family Dwelling
- Triplex, Fourplex
- Townhouse
- Garden Apartment

The total number of single family dwellings and/or two family dwellings shall not exceed fifteen percent (15%) of the total number of dwelling units proposed in all phases of a Planned Residential Development.

1302.4 Recreational and Other Common Facilities for the Residents

In addition to the residential uses permitted in a Planned Residential Development, recreation facilities designed for the use of the residents of the Planned Residential Development shall be permitted, including, but not limited to, hiking, biking or exercise trails; tennis, paddle tennis, basketball, volleyball or other playing courts; swimming pool and related facilities; golf course or putting green; community building for meetings and social activities; picnic pavilions; other active and passive recreational uses deemed appropriate for the proposed residents of the Planned Residential Development by the Board of Supervisors.

1302.5 Maximum Dwelling Unit Density

Regardless of whether a Planned Residential Development is comprised of a mix of dwelling unit types or a single type of dwelling unit, the maximum dwelling unit density shall be ten (10) units per acre.

1302.6 Minimum Lot Area

In no case shall the minimum lot area otherwise required in the R-4 District for a single family dwelling or two family dwelling be reduced to less than the following minimum lot areas in a Planned Residential Development:

<u>Dwelling Type</u>	<u>Minimum Lot Area</u>
Single Family Dwelling	6,000 square feet
Two Family Dwelling	8,000 square feet

There shall be no minimum lot area required for triplex, fourplex, townhouse and garden apartment dwellings, provided all other applicable requirements of this Article are met.

1302.7 Minimum Building Setback on the Perimeter of the Planned Residential Development Site

No garden apartment, townhouse, triplex or fourplex shall be located closer to any boundary of the Planned Residential Development site than seventy-five (75) feet. All other structures shall be located at least fifty (50) feet from the boundary of the Planned Residential Development site. No accessory structure and no off-street parking shall be located in this required setback area.

1302.8 Minimum Lot Width and Yard Requirements

There shall be no minimum lot width, front yard, side yard or rear yard requirements in a Planned Residential Development, provided the perimeter setback, minimum lot area and dwelling unit density requirements of this Article are met. In approving an application for Tentative Approval of a Planned Residential Development, the Board of Supervisors may modify the otherwise applicable lot width and yard requirements of the R-4 Zoning District for the Planned Residential Development, provided the Board of Supervisors determines that the modifications requested in the application will contribute to a more beneficial use of the site and will make for a more efficient, attractive and harmonious Planned Residential Development and, further provided, that the approved plan for recording contains a notation regarding the approved requirements for each lot in the Planned Residential Development.

1302.9 Distance Between Buildings

Where two (2) or more principal buildings are proposed on one (1) lot, the minimum distance between the buildings shall be twenty (20) feet.

SECTION 1303 ACCESS AND AVAILABILITY OF PUBLIC SERVICES

1303.1 Access and Traffic Control

The site of a Planned Residential Development shall have frontage on and direct vehicular access to an arterial or collector street, as defined by this Ordinance. The projected traffic volumes associated with the proposed Planned Residential Development shall be capable of being accommodated by the adjacent street network. The developer shall demonstrate, by submission of a Traffic Study, as defined by this Ordinance, that the projected traffic from the Planned Residential Development shall not materially increase congestion and impair safety on adjacent public streets.

1303.2 Public Water and Sewer Service

All dwelling units in a Planned Residential Development shall be connected to a public water supply and public sanitary sewer service.

1303.3 Storm Drainage

The developer shall provide a storm drainage system within a Planned Residential Development which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water runoff within the Planned Residential Development and shall be so constructed to conform with the statutes, ordinances and regulations of the Commonwealth of Pennsylvania and the Township Stormwater Management Ordinance No. 2-1988, as amended.

SECTION 1304 COMMON OPEN SPACE

1304.1 Areas Required

Within a Planned Residential Development, common open space shall be provided in accordance with the following standards in locations that are consistent with probable usage. At least 1,000 square feet of common open space shall be provided for each dwelling unit and, of this area, at least 500 square feet per dwelling unit shall be developed and prepared for active recreational use. The remaining common open space shall be utilized for passive recreation or shall be maintained, in perpetuity, as common open space. In no case, however, shall the common open space be less than fifteen percent (15%) of the gross area of the Planned Residential Development site.

The common open space shall be conveyed to an organization representing the property owners of the Planned Residential Development. This organization shall covenant or obligate, in accordance with Section 705 of the Pennsylvania Municipalities Planning Code, to operate and maintain the land and facilities for their intended purposes. If the recreational area is distant from some or all of the dwelling units, additional parking spaces convenient to the recreational area shall be provided.

To the extent feasible, steep slopes, streams, lakes, ponds, woodlands and other environmentally sensitive areas shall be incorporated into the common open space.

1304.2 Protection of Common Open Space

Common open space in a Planned Residential Development shall be protected by adequate covenants running with the land or by conveyances or dedications. A Planned Residential Development shall be approved subject to the submission of a legal instrument or instruments setting forth a plan for the permanent care and maintenance of such common open space, recreational areas and other facilities owned in common. No such instrument shall be acceptable until approved by the Board of Supervisors as to legal form and effect. In cases where the Township will not be accepting dedications of streets, recreation areas or common open spaces, the developer shall provide for an organization or trust for ownership and maintenance of the common open space and common facilities.

1304.3 Common Open Space Maintenance

In the event that the organization established to own and maintain the common open space, or any successor thereto, shall at any time after establishment of the Final Development Plan fail to maintain the common open space, including all streets, driveways and recreational facilities, in reasonable order and condition in accordance with the Development Plan granted Final Approval, the Township may take remedial action to cause the common open space and common facilities to be properly maintained, as provided for in Section 705(f) of the Pennsylvania Municipalities Planning Code.

SECTION 1305 BUFFER AREAS

Buffer Area "A", as defined in §1502.1 of this Ordinance shall be provided along all property lines on the perimeter of a Planned Residential Development site adjoining an A-1, R-1, R-2 or R-3 District.

Buffer Area "B", as defined in §1502.1 of this Ordinance shall be provided along all other property lines on the perimeter of a Planned Residential Development

SECTION 1306 ADMINISTRATION AND PROCEDURE

The Planned Residential Development provisions of this Ordinance shall be administered by the Board of Supervisors. The Planning Commission shall review all applications on the basis of the standards specified in this Article and make a recommendation to the Board of Supervisors. The Board of Supervisors shall conduct the public hearings required by the Pennsylvania Municipalities Planning Code and shall have the final authority to approve, approve with conditions or disapprove a Planned Residential Development.

1306.1 Pre-Application Conference

Prior to filing an application for Tentative Approval, the applicant or his representative may meet with Township officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Zoning Officer at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Lawrence County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filing of any application for approval of a Planned Residential Development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the pre-application conference and the official date of filing of an application for Tentative Approval of a Planned Residential Development under the terms of this Ordinance.

1306.2 Application for Tentative Approval

At least thirty (30) calendar days prior to the regular meeting of the Planning Commission, five (5) copies of an Application for Tentative Approval shall be submitted. The application shall be in sufficient detail for the Planning Commission to determine compliance with the standards of this Article and shall contain, at a minimum, the following information:

- a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
- b. A written statement of planning objectives to be achieved by the Planned Residential Development through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development and its relationship to the immediate area in which it is to be located.
- c. A written statement setting forth the reasons why the proposed Planned Residential Development would be in the public interest and would be consistent with the Township's Comprehensive Plan.
- d. A written statement of the requested modifications to Township Zoning and Subdivision regulations otherwise applicable to the property, if any.

- e. A location map which clearly shows the location and area of the site proposed for development with relation to all lands, buildings and structures within two hundred (200) feet of its boundaries, the location and distance to existing streets and highways and the names of landowners of adjacent properties.
- f. A Development Plan prepared at a scale no smaller than one inch equals fifty feet (1"=50') showing the following information:
 - 1. Existing contours at intervals of five (5) feet; watercourses; floodplains; wetlands; woodlands; soils; steep slopes; and other natural features.
 - 2. Proposed lot lines and subdivision plat, if any.
 - 3. The location of all existing and proposed buildings, structures and other improvements, including maximum heights, types of dwelling units and dwelling unit density. Preliminary elevations and architectural renderings shall be provided.
 - 4. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - 5. The existing and proposed vehicular circulation system of local and collector streets, including off-street parking areas, service areas, loading areas and major points of access from the Planned Residential Development to public rights-of-way.
 - 6. The existing and proposed pedestrian circulation system, including its interrelationship with the vehicular circulation system and proposed treatment for any points of conflict between the two (2) systems.
 - 7. The existing and proposed utility systems, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.
 - 8. Subsurface conditions, including slope stability.
 - 9. A minimum of three (3) cross-sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, parking areas, walkways and existing woodlands.
 - 10. A general landscaping plan indicating the treatment and materials proposed to be used in buffer areas and common areas on the site.
 - 11. Evidence of compliance with the Environmental Performance Standards of §1501.1 of this Ordinance.

12. Information required by the Township Subdivision and Land Development Ordinance for a Preliminary Plan, including application filing and application review fees, and any other additional information required to determine compliance with the requirements of this Article.
- g. In the case of development plans which call for development over a period of years, a schedule for phasing the development shall be provided. This phasing schedule shall be reviewed annually with the Planning Commission on the anniversary of Tentative Approval or as each phase is completed, whichever occurs first.

1306.3 Review of Application

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall transmit a copy to the Lawrence County Planning Commission for review and comment and shall refer the application to the Township Planning Commission for review and recommendation.

If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates revisions to the application which are not the result of Planning Commission comments and which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.

The Planning Commission shall forward a written recommendation on the application for Tentative Approval to the Board of Supervisors in time for the Board of Supervisors public hearing required by §1306.4 of this Ordinance.

1306.4 Public Hearing

Within sixty (60) days following the official date of filing of an application for Tentative Approval of a Planned Residential Development which contains all of the required documentation, a public hearing pursuant to public notice shall be held by the Board of Supervisors. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

The public hearing shall be conducted in the manner prescribed in Article IX of the Pennsylvania Municipalities Planning Code and all references to the Zoning Hearing Board in Article IX shall apply to the Board of Supervisors. The public hearing may be continued, however, all hearings shall be concluded within sixty (60) days after the date of the first public hearing.

The Township may offer mediation as an aid in completing these proceedings, provided that, in exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 1909.

1306.5 Tentative Approval

Within sixty (60) days following the conclusion of the public hearings, the Board of Supervisors shall, by official written communication, either:

- a. Grant Tentative Approval of the Development Plan, as submitted;
- b. Grant Tentative Approval of the Development Plan, subject to specified conditions not included in the Development Plan as submitted; or
- c. Deny Tentative Approval.

Failure to 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 Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied Tentative Approval of the Development Plan. In the event that the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, Tentative Approval of the Development Plan, with all said conditions, shall stand as granted.

SECTION 1307 CRITERIA FOR TENTATIVE APPROVAL

The Board of Supervisors shall grant Tentative Approval if and only if all applicable requirements of this Article are met and all of the following criteria are met:

1307.1

The proposed application for Tentative Approval complies with all standards, restrictions, criteria, requirements, regulations and procedures of this Ordinance; preserves the Community Development Objectives of this Ordinance; and is found by the Board of Supervisors to be compatible with the public interest and consistent with the Township's Comprehensive Plan.

1307.2

Where the proposed application for Tentative Approval provides standards which vary from this Ordinance and the Township Subdivision and Land Development Ordinance otherwise applicable to the subject property, such departure shall promote protection of the environment, and public health, safety and welfare and shall be in the public interest.

1307.3

The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this Ordinance and the amount and extent of improvements within the common open space are appropriate with respect to the purpose, use and type of the residential development proposed.

1307.4

The physical design of the proposed Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

1307.5

The proposed Development Plan is beneficially related to the immediate area in which it is proposed to be located.

1307.6

The proposed Development Plan will afford adequate protection of natural watercourses, wetlands, topsoil, woodlands, steep slopes and other natural features and will prevent erosion, landslides, siltation and flooding.

1307.7

In the case of a Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the Final Development Plan.

SECTION 1308 APPLICATION FOR FINAL APPROVAL

After the Development Plan is granted Tentative Approval by the Board of Supervisors, the developer shall submit the application for Final Approval which shall consist of detailed plans for any phase or section of the Development Plan. No building permit shall be issued until Final Approval has been granted by the Board of Supervisors for the phase or section in which the proposed development is located. Final Approval for any phase or section shall expire if construction is not initiated for the phase or section within one (1) year of the date of Final Approval of the phase or section by the Board of Supervisors.

1308.1 Review of Application

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Township Planning Commission for review and recommendation.

Within thirty-five (35) days of receipt of a complete and properly filed application for Final Approval, the Planning Commission shall forward a written recommendation to the Board of Supervisors.

A public hearing on an application for Final Approval shall not be required, provided the development plan is in compliance with the development plan given Tentative Approval and with any specified conditions attached thereto.

1308.2

In the event that an application for Final Approval has been filed, together with all drawings, specifications and other documentation in support thereof, in accordance with the requirements of this Ordinance and the official written communication granting Tentative Approval, the Board of Supervisors shall, within forty-five (45) days of the official date of filing, grant Final Approval to the Development Plan.

1308.3

In the event that the development plan submitted contains variations from the development plan granted Tentative Approval, the Board of Supervisors may refuse to grant Final Approval and may, within forty-five (45) days of the Official Date of Filing of the application for Final Approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest. In the event of such refusal, the landowner may either:

1. Refile the Application for Final Approval without the variations objected; or
2. File a written request with the Board of Supervisors that it hold a public hearing on the Application for Final Approval.

If the landowner wishes to take either alternate action, he may do so at any time within which he shall be entitled to apply for Final Approval, or within thirty (30) additional days, if the time for applying for Final Approval shall have already passed at the time when the landowner was advised that the Development Plan was not in substantial compliance.

If the landowner fails to take either of these alternate actions within said time, he shall be deemed to have abandoned the Development Plan.

1308.4

Any public hearing held on an Application for Final Approval shall be held pursuant to public notice within thirty (30) days after the request for the hearing is made by the landowner and the hearing shall be conducted in the manner prescribed in §1306.4 for public hearings on an application for Tentative Approval. At least fourteen (14) days prior to the hearing, the Zoning Officer shall mail a copy of the notice by certified mail to each property owner within three hundred (300) feet of the entire perimeter of the property, including those located across a street right-of-way. The cost of mailing the certified notices shall be paid by the applicant.

Within thirty (30) days after the conclusion of the public hearing, the Board of Supervisors shall, by official written communication, either grant or deny Final Approval. The grant or denial of Final Approval of the Development Plan shall, in cases where a public hearing is required, be in the form and contain the findings required for an application for Tentative Approval.

1308.5

Changes in the location and siting of buildings and structures deemed minor by the Board of Supervisors may be authorized without additional public hearings, if required by engineering or other circumstances not foreseen at the time of Tentative Approval. However, dwelling unit density for the entire PRD site established at the time of Tentative Approval shall not be changed without a public hearing.

1308.6

The application for Final Approval shall comply with all applicable ordinance provisions and the Development Plan shall include, as a minimum, the following information:

- a. All data required by the Township Subdivision and Land Development Ordinance for a Final Plan, including application filing, application review and inspection fees.
- b. Accurately dimensioned locations for all proposed buildings, structures, parking areas and common open space.
- c. The number of families to be housed in each building or structure and the intended use of each building or structure.
- d. Building elevation drawings for all principal structures, other than single family dwellings.
- e. A lighting plan, showing the location, height and type of any exterior lighting fixtures proposed and a photometric plan showing the distribution of lighting on the site and at the site boundaries.
- f. A Landscaping Plan, as defined by this Ordinance, including the location and types of materials of sidewalks, trails and recreation facilities authorized by this Ordinance.
- g. Supplementary data, including any covenants, grants of easements or other restrictions to be imposed on the use of the land, building and structures and for the organization proposed to own, maintain and operate the common open space facilities.

- h. An engineering report which shall include the following data, wherever applicable:
 - 1. Profiles, cross-sections and specifications for proposed public and private streets.
 - 2. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers.
 - 3. Feasibility of the sanitary sewerage system in terms of capacity to serve the proposed development.
- i. A grading plan prepared in compliance with the requirements of the Township Grading Ordinance.
- j. An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation, including but not limited to, the following:
 - 1. The topographic features of the site;
 - 2. The types, depth, slope and extent of the soils by area;
 - 3. The proposed alterations to the site;
 - 4. The amount of runoff from the site area and the upstream watershed;
 - 5. The staging of earthmoving activities;
 - 6. Temporary control measures and facilities during earthmoving;
 - 7. Permanent control measures and facilities for long-term protection;
 - 8. A maintenance program for the control facilities, including disposal of materials removed from the control facilities or site area.
- k. A stormwater management plan prepared in compliance with the requirements of the Township Stormwater Management Ordinance.

1308.7

A Final Development Plan, or any part thereof, which has been granted Final Approval shall be so certified without delay by the Board of Supervisors and shall be filed of record in the Office of the Recorder of Deeds before any development shall take place in accordance therewith. Approval for recording shall be subject to posting of the financial security required by the Township Subdivision and Land Development Ordinance for public and private improvements in the Development Plan.

1308.8

In the event that a Development Plan, or section thereof, is given Final Approval and thereafter the landowner shall abandon such plan, or section thereof, that has been finally approved, and shall so notify the Board of Supervisors in writing; or, in the event that the landowner shall fail to commence and carry out the Planning Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code 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 reclassified by enactment of an amendment to the Township Zoning Ordinance.