

ARTICLE XVIII

PRD PLANNED RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT

SECTION 1801 PURPOSE

In addition to the general goals listed in the statements of Purpose (Section 103) and Community Development Objectives (Section 104), it is the purpose of the District to:

- A. Insure that the provisions of the West Vincent Township Zoning Ordinance which relate to the uniform treatment of dwelling type, bulk, density and greenway land for developments designed on a lot-by-lot basis within each zoning district provide options for cluster style and unified development;
- B. Encourage innovations in residential development so that the increased 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 greenway land ancillary to said dwellings;
- C. Provide greater opportunities for better housing and recreation for residents of the Township;
- D. Encourage a more efficient use of land and public services and to reflect changes in the technology of land development in order to provide more affordable housing.
- E. Encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, visual resources, and areas of scenic value 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 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.

SECTION 1802 ELIGIBILITY REQUIREMENTS

No application for a Planned Residential Development shall be considered or approved by the Board of Supervisors unless the following initial requirements are met:

- A. The proposed Planned Residential Development shall consist of one or more contiguous parcels of land under single ownership or control, or in the case of multiple ownership of the tract, it shall be developed according to a single plan with common authority and responsibility.

- B. The proposed Planned Residential Development site contains at least fifty (50) acres of land and is situated entirely within the Planned Residential Development District.
- C. Public water and community sewer systems are available to serve the proposed Planned Residential Development. The design, construction, and management of community sewage systems shall be in accordance with the West Vincent Township Wastewater Facilities Plan (Act 537). In the absence of a public water supply system, the developer may be permitted to provide a community water system to serve the entire development. In the absence of community sewage disposal systems, the developer may provide a public collection and disposal system designed to collect, centrally treat, and dispose of sewage from the entire development. Both the water and sewage systems shall be constructed at the time construction of the dwelling units in the Planned Residential Development begins. Construction shall be in accordance with Pennsylvania Department of Environmental Protection and Chester County Health Department regulations and obtain appropriate agency approvals and permits.
- D. The proposed development is found to be generally consistent with the Comprehensive Plan for West Vincent Township.
- E. Planned Residential Developments are permitted only as an overlay district as specifically designated and located on the West Vincent Township Zoning Map.

SECTION 1803 USE REGULATIONS

Uses permitted in a Planned Residential Development shall be limited to:

- A. Residential dwelling units including:
 - 1. Single-family detached dwellings;
 - 2. Single-family semi-detached dwellings;
 - 3. Two-family dwellings;
 - 4. Multiple-family dwellings.
- B. Greenway land for recreational uses including, but not limited to, parks, playfields, picnic areas, hiking and horseback riding trails, tennis courts, golf courses, swimming, boating and fishing or for agricultural uses.
- C. Non-residential uses including commercial, office, and institutional uses may be provided to the extent that they are designed and intended primarily to serve residents of the Planned Residential Development and are compatible and harmoniously incorporated into the unitary design of the Planned Residential Development.

The site design of a proposed Planned Residential Development must demonstrate to the satisfaction of the Board of Supervisors that both the opportunities provided and the constraints imposed by natural features and community facilities have been considered.

A. **Natural Features Analysis**

In order to determine which specific areas of the tract are suitable for development and which areas should be preserved in their natural state, an analysis of natural features shall be required. The following considerations must be included in the analysis and site planning responsive to these findings:

1. **Topography.** An analysis of the terrain of the site before and after construction including mapping of elevation and delineation of slope areas according to the following categories: 0-8%, 8-15%, 15-25%, and over 25% slope. The finished topography of the site shall adequately facilitate the proposed development without excessive earthmoving, tree clearance and destruction of natural amenities. The applicant shall demonstrate the means whereby soil erosion and sedimentation will be prevented during construction.
2. **Drainage.** An analysis of natural drainage patterns and water resources including streams, natural drainage swales, ponds or lakes, wetlands and marsh areas, floodplain areas, permanent and seasonal high water table areas shall be included. Natural drainage features such as lakes, ponds, wetlands, and streams shall be preserved and incorporated into final design of the development wherever possible and desirable. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system shall be required.
3. **Geology.** An analysis of the characteristics of rock formations underlying the site including the delineation of aquifers (particularly those locally subject to pollution and with low groundwater yields), shallow depth-to-bedrock areas, and areas in which rock formations are unstable.
4. **Soils.** An analysis of soil types present on the site including delineation of prime agricultural soils, aquifer recharge soils, unstable soils, soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on the County Soil Survey of the Soil Conservation Service.
5. **Vegetation.** An analysis of tree and plant cover on the site shall be required. Dominant tree species should be identified, with individual trees having a caliper of six inches or more preserved. The applicant shall identify the location of mature trees and tree masses, and the means whereby these trees shall be protected during construction. Vegetation removal should be held to a minimum so as to preserve the natural species of plant life existing on the tract. The location of trees and other plant cover should be considered when planning greenway land, location of buildings, underground services, walks and paths, paved areas and finished grade

levels.

6. **French Creek Scenic River.** An analysis and delineation of the French Creek Scenic River Corridor if located on the tract in accordance with Section 2206 of this Ordinance. Areas of the tract located within the designated corridor shall be incorporated into the required greenway land for the development. Adequate screening to minimize the visual and environmental impacts of new development shall be installed in compliance with the design standards contained in Section 2206C. shall be demonstrated.
7. **Visual Resources.** An analysis of the visual resources of the tract and methods to preserve these features in accordance with Section 2110 of this Ordinance.

B. **Community Impact Analysis**

An analysis of the potential affects and impacts of the Planned Residential Development upon the following community facilities will be required:

1. Police and fire protection;
2. Solid waste disposal;
3. Recreation;
4. Transportation and surrounding roadway systems;
5. School facilities and school district budget;
6. Water supply;
7. Sewage disposal;
8. Public utilities;
9. Township revenues and expenses.

Specific contents and procedures for preparing the required impact analyses shall be in accordance with the West Vincent Township Subdivision and Land Development Ordinance.

The required analyses shall be taken into consideration by the Board of Supervisors as part of their review for tentative approval. The analyses may, at the discretion of the Board of Supervisors, form the basis of required conditions for plan approval. The Board of Supervisors may require modifications to site design when it has not adequately addressed these natural features and community facilities considerations.

SECTION 1807 SITE DESIGN REQUIREMENTS

A. Residential Uses

1. All dwellings shall be designed with regard to topography, elevation, and other natural features of the tract per Section 1806A. The effects of wind patterns and solar orientation shall be considered when designing dwelling locations.
2. Building setbacks within structures and from streets and minimum distances between buildings may be varied in order to create interesting architecture in the layout and character of housing.
3. Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from the privacy of residents. Dwelling unit structures shall be located and sited so as to promote pedestrian and visual access to greenway land wherever possible.
4. All housing shall be sited so as to provide privacy and maximum natural light in principal rooms.
5. Dwellings shall be arranged in clusters so as to preserve natural features and to reduce the amount of improvements required to support residences, thereby minimizing development costs, and to provide immediate access to greenway land.
6. The maximum net density for each dwelling type shall not exceed the following:
 - a. Single-Family Detached 6 dwelling units/acre
 - b. Single-Family Semi-Detached 8 dwelling units/acre
 - c. Two-Family 8 dwelling units/acre
 - d. Multiple-Family 10 dwelling units/acre

The maximum net densities of this Section may be increased by the Board of Supervisors if the gross density of the tract is not increased and if the applicant can successfully demonstrate that the increase in net density will result in an overall improved design and layout, increased greenway land, preservation of natural and visual features, or more efficient traffic circulation.

7. All structures shall be located a minimum distance of one-hundred (100) feet from the perimeter property lines of the development. This minimum setback distance may be reduced by the Board of Supervisors if the applicant can successfully demonstrate and/or provide adequate vegetative screening, berms, or existing topographic features which preserve existing visual resources and create an improved design.

8. Dwelling units and other structures located along the perimeter of the tract shall be designed so as to be harmonious with adjacent areas.
9. No structure shall be located within fifty (50) feet of the right-of-way of arterial or collector streets.
10. The following additional requirements shall apply:
 - a. No structure shall be within twenty-five (25) feet of the street line or parking areas.
 - b. No structure shall be located within thirty (30) feet of any other structure.
 - c. There shall be a minimum of fifty (50) feet between any outside wall containing ten percent (10%) or more of window area and any other outside wall.
 - d. There shall be a minimum of seventy-five (75) feet between sections of different dwelling types and screened according to Section 2106B of this Ordinance.
 - e. For multiple family structures, no more than seven (7) dwelling units shall be in any one structure. The maximum length of multiple family structures shall be one-hundred-fifty (150) feet, unless unique design is incorporated using such features as varied setbacks and roof lines, interior courtyards, etc.

B. Non-Residential Uses

1. All non-residential uses shall be located in a single area of the Planned Residential Development site.
2. All non-residential uses shall be located with direct access to either a collector or arterial street.
3. Signs for non-residential uses are permitted, subject to the following restrictions:
 - a. A single sign for the non-residential center is permitted. Such signs shall be limited to a height of six (6) feet with a total area of thirty (30) square feet.
 - b. Signs for individual uses shall be permitted on the structure. Roof signs or free-standing signs for individual uses are prohibited. Such signs shall be limited to the store name and language descriptive of the merchandise or service offered, shall be no more than thirty (30) square feet in area, and shall be mounted flush on the structure.

- c. Signs may be illuminated by shielded floodlights provided such lighting is designed and located so as to direct light upon the sign and not at adjacent residences.
 - d. No sign shall have a flashing, moving, rotating, oscillating, shuttered or similar device.
4. All non-residential uses shall have architectural compatibility with residential structures.
 5. Parking facilities shall be designed solely for the intended use and physically separated from other parking areas in the development.
 6. Residential dwelling units as an accessory use in second and third floor locations, subject to the following:
 - a. Adequate parking facilities are provided for both non-residential and residential use, with consideration of shared and overlapping use.
 - b. Buildings housing both non-residential and residential uses shall comply with applicable building code requirements for mixed uses.

C. **Greenway land**

Required greenway land shall be designed in accordance with the standards contained in Article XIX of this Ordinance.

D. **Other Design Standards**

Design standards including, but not limited to, those for parking, access, interior circulation, sewer and water systems, erosion and sedimentation control, stormwater management, landscaping and screening, storage, utilities, and lighting shall comply with the applicable provisions of the West Vincent Township Zoning Ordinance and West Vincent Township Subdivision and Land Development Ordinance. Included among these standards are the village design standards contained in Section 2109 of this Ordinance.

SECTION 1808 OWNERSHIP AND MAINTENANCE OF GREENWAY LAND AND PROPERTY

A. **Ownership**

The applicant for a Planned Residential Development shall prepare at the time of application, for tentative approval by the Board of Supervisors, documents identifying the disposition of ownership of greenway land and other common elements of the development by either, or a combination, of the methods described in Section 1905 of this Ordinance.

B. Maintenance

In the event that the organization established to own and maintain greenway land or common facilities, or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the greenway land or common facilities in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the greenway land or common facilities 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 hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the greenway land or common facilities from becoming a public nuisance, may enter upon said greenway land or common facilities and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said greenway land or common facilities, nor vest in the public any rights to use the greenway land or common facilities except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the greenway land or common facilities call a public hearing upon notice to such organization, or to the residents of the Planned Residential Development, to be held by the Township, at which hearing such organization or the residents of the Planned Residential Development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said greenway land or common facilities in a reasonable condition, the Township shall cease to maintain greenway land or common facilities at the end of said year. If the Township shall determine that such organization is not ready and able to maintain said greenway land or common facilities in a reasonable condition, the Township may, in its discretion, continue to maintain said greenway land or common facilities during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this Ordinance. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment or use of the greenway land or common facilities and shall become a tax lien on said properties. The Township, at the time of entering upon said greenway land or common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of the County, upon the properties affected by such lien within the Planned Residential Development.

SECTION 1809 DEVELOPMENT IN STAGES

A Planned Residential Development may be developed in stages if the following standards are met:

- A. The application for tentative approval covers the entire Planned Residential Development.
- B. The location and approximate time of construction of each stage is clearly marked on the Development Plan, including a schedule for the phased construction of all improvements.
- C. At least fifteen percent (15%) of the dwelling units in the Development Plan are included in each stage.
- D. To encourage flexibility of housing density, design, and type in accord with the purposes of this Ordinance, gross residential density may be varied from stage to stage. A gross residential density in one stage which exceeds the permitted gross residential density for the entire Planned Residential Development must be off-set by a gross residential density less than the permitted gross residential density for the entire development in any completed prior stage, or there must be an appropriate reservation of greenway land on the remaining land by a grant of easement or covenant in favor of the Township which specifies the amount and, if necessary, the location of the greenway land.
- E. A restrictive covenant is placed in the deed to the entire parcel of land providing that in the event the Planned Residential Development is abandoned as to less than all the stages, the density of the entire parcel, including that portion still under the Planned Residential Development, shall not exceed the density permitted by the Zoning Ordinance of West Vincent Township.
- F. Performance and maintenance guarantees are posted in order to guarantee the completion and maintenance of improvements for each stage and applicable to complete shared improvements and common facilities as set forth in Section 1807 herein and in the Township Subdivision and Land Development Ordinance, and in accordance with Sections 509 through 511 of Act 247.

SECTION 1810 APPLICATION FOR TENTATIVE APPROVAL

A. Pre-Application

An applicant proposing a Planned Residential Development is strongly encouraged to submit an informal sketch plan to the Planning Commission for informal discussion prior to the official submittal of a tentative plan. Such sketch plan shall include a site analysis plan per Section 403D of the Township Subdivision and Land Development Ordinance.

B. Procedures for Application for Tentative Approval

1. The application for tentative approval of the development for a Planned Residential Development shall be filed by or on behalf of the landowner with the Township Secretary. A non-refundable fee, to be established by Township resolution, shall be paid upon filing of the application. A minimum deposit and additional deposits shall be made from time to time as requested by the Township to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the Township.
2. The application for tentative approval shall include documentation illustrating compliance with all of the standards for Planned Residential Development set forth in this Article.
3. The application for tentative approval shall include, but not necessarily be limited to, the following documents. Additional information may be required by the Township when deemed important to properly review the site and proposed development.
 - a. A statement indicating the nature of the landowners interest in the Planned Residential Development.
 - b. A location map drawn at a scale of one (1) inch equals eight hundred (800) feet showing the location and size of the property in relationship to adjoining properties and streets. The location map shall include the names of abutting property owners.
 - c. Plans at a scale of one (1) inch equals one hundred (100) feet showing existing natural and man-made features of the site, including topography, geology, soils, hydrology, and vegetation as explained in Section 1806A of this Ordinance and Section 403D of the Township Subdivision and Land Development Ordinance.

The following specific information shall be included in such plans:

- (1) Total tract boundaries of the property being developed showing bearings and distances and a statement of total acreage of the property.
- (2) Contour lines at intervals of no greater than two (2) feet and showing location and elevation of the closest established bench-mark(s) from which the contour elevations are derived.
- (3) Slope categories delineating all slopes less than eight (8) percent, between eight (8) and fifteen (15) percent, between fifteen (15) and twenty-five (25) percent, and in excess of twenty-five (25) percent.
- (4) Location of all existing tree masses and other trees in excess of six

- (6) inches in caliper, rock outcroppings, watercourses, floodplain areas, wetlands, and other significant natural features.
 - (5) Delineation of existing drainage patterns on the property.
 - (6) Existing soil classifications.
 - (7) Any existing sewer lines, water lines, electric and telephone utility lines, pipelines, culverts, bridges, roads, easements and other significant man-made features.
 - (8) Location wells and septic systems on all adjacent properties.
 - (9) Location of any historic structures as defined by the Township Historic Site Survey or sites included in the Pennsylvania Natural Diversity Inventory.
- d. A site plan at a scale of one inch equals one hundred (100) feet showing proposed use areas, greenway land, and location of buildings and improvements to be installed. The following specific information shall be shown on the site plan:
- (1) The total acreage of the tract.
 - (2) The proposed land use areas within the Planned Residential Development distinguishing between types of residential, non-residential, and greenway land uses.
 - (3) The total number of residential units proposed, with sub-totals for each residential housing type.
 - (4) The land use density within the Planned Residential Development, including the gross residential density for the entire development and net densities for each residential housing type.
 - (5) The use and the approximate height, bulk and location of proposed buildings and other structures.
 - (6) The location, size, and function of the greenway land, and the form of organization proposed to own and maintain the greenway land.
 - (7) The provisions for parking of vehicles, including the location and capacity of parking areas, and the location of rights-of-way, and cartway widths of proposed streets, walks, paths, and public ways.
 - (8) The proposed location of water supply, sanitary sewer, and storm

water systems.

- (9) The proposed location of all underground structures, utilities, and storage tanks.
- e. In the case of development plans which call for development over a period of years, a plan at one (1) inch equals one hundred (100) feet showing the proposed times within which applications for final approval of each stage of the Planned Residential Development are intended to be filed and the approximate number of dwelling units, types of dwelling units, gross residential density for each stage, and the net density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of tentative approval until the development is completed.
- f. Studies indicating the feasibility of proposals for water supply, traffic circulation, and the disposition of sanitary waste and stormwater per Section 403I of the Township Subdivision and Land Development Ordinance.
- g. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements and grants for greenway land, drainage and public utilities, and the legal form of provision thereof. Developments proposing greenway land or other facilities to be used or owned in common shall provide community association documents in accordance with Section 404I of the Township Subdivision and Land Development Ordinance.
- h. A statement indicating the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
- i. A written statement by the landowner setting forth the reasons why, in their opinion, the Planned Residential Development would be in the public interest and would be consistent with the Township Comprehensive Plan.

C. **Agency Reviews**

1. The applicant shall submit at least twelve (12) copies of all required plans and information to the Township Secretary; the Township Secretary shall thereafter distribute copies of the plans to all appropriate agencies including, but not limited to, the Township Planning Commission, the Township Environmental Advisory Council, the County Planning Commission, the County Health Department, the Township Engineer, and the County Conservation District.
2. All pertinent reviews, including those of the County Planning Commission and the Township Engineer, shall be forwarded to the Township within thirty (30) days of referral. The Township Planning Commission shall forward to the Board of Supervisors copies of reports received from the County Planning Commission,

Township Engineer, Township Environmental Advisory Council, and all other reviewing agencies, together with its own review and recommendations within forty-five (45) days of referral or at least five (5) days prior to the public hearing to be held by the Board of Supervisors on the tentative approval application, whichever shall first occur. Copies of such reports shall also be furnished to the landowner not less than five (5) days prior to the public hearing to be held by the Board of Supervisors.

D. **Public Hearings**

1. Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors in the manner prescribed in Article XXIX for the enactment of an amendment to a zoning ordinance. The chairman, or in his absence, the acting chairman, of the Board of Supervisors may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
2. A verbatim record of the hearing shall be caused to be made by the Board of Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a 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 identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record.
3. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Township Planning Commission for a report, provided, 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.

E. **Findings**

1. The Board of Supervisors, within sixty (60) days following the conclusion of the public hearing provided for in this Article, shall, by official written communication to the landowner, either:
 - a. Grant tentative approval to the development plan as submitted;
 - b. Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - c. 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 Board of Supervisors, notify such Board of Supervisors of their 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 the landowner does not, within said period, notify the Board of their refusal to accept all said conditions, tentative approval of the development, with all said conditions, shall stand as granted.

2. 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:
 - a. In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township;
 - b. The extent to which the development plan departs from zoning and subdivision regulations 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;
 - c. The purpose, location and amount of the greenway land in the Planned Residential Development, the reliability of the proposals for maintenance and conservation of the greenway land, and the adequacy or inadequacy of the amount and purpose of the greenway land as related to the proposed density and type of residential development;
 - d. 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;
 - e. The relationship, beneficial or adverse, of the proposed Planned Residential Development to the neighborhood in which it is proposed to be established; and
 - f. 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.
3. In the event a Development Plan is granted tentative approval with or without

conditions, the Board of Supervisors 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 an application for final approval shall not be less than three (3) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

F. Status of Plan After Tentative Approval

1. The official written communication provided for in this Article shall be certified by the Township Secretary 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 Township Zoning Map.
2. Tentative approval of a Development Plan shall not qualify a part of the Planned Residential Development for recording nor authorize development or 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, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

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 so notify the Board of Supervisors 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 case may be, the tentative approval shall be deemed to be revoked and all the portion of the area included in the development plan for which final approval has not been given shall be subject to those Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township Zoning Map and in the records of the Township Secretary.

SECTION 1811 APPLICATION FOR FINAL APPROVAL

- A. An application for final approval may be for all the land included in a Development Plan

or, to the extent set forth and permitted in the tentative approval, a section thereof. Such application shall be made to the Township Secretary and within the time or times specified in the decision granting tentative approval. If the application for final approval is in compliance with the tentatively approved Development Plan, a public hearing need not be held in connection therewith.

B. The application for final approval shall include a final plan at scale of fifty (50) feet to the inch. If the final plan is drawn in two or more sheets, a key map showing the location of the several sections shall be placed on each sheet. The final plan shall show the following:

1. Name of the Planned Residential Development.
2. Name and address of the Developer.
3. North point, graphic scale, and date.
4. Source of title to the land of the development as shown by the records in the Recorder of Deeds Office.
5. The total tract boundary lines of the area being developed with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute. Boundaries shall be determined by an accurate field survey.
6. Total number of lots, lot lines, and lot numbers, where applicable, within the development with distances accurate to the nearest hundredth of a foot.
7. Total acreage of development, land uses in each area, total number of buildings and dwelling units, number of each type of dwelling units, residential density, and net residential density in each section.
8. Building coverage lines accurately locating all types of dwelling units and non-residential buildings and structures, giving dimensions of the buildings and structures, distances between buildings and structures, distances to street right-of-way lines and parking areas with distances accurate to the nearest hundredth of a foot.
9. Accurate dimensions of greenway land areas specifically indicating those areas to be preserved in their natural state and those areas to be developed for active recreation. Where greenway land areas are to be developed, the exact location of structures in greenway land areas shall be illustrated.
10. Names, locations, cartways, rights-of-way, and other dimensions of existing and proposed streets, including centerline courses, curve data, and clear sight distances for all street intersections.
11. Locations and dimensions of parking areas and pedestrian walkways.

12. Locations and material of all permanent monuments and lot markers.
 13. Location and dimensions of easement for utilities and any limitations on such easements.
 14. The following certificates:
 - a. Certification, with seal, by a registered engineer or land surveyor to the effect that the survey and plan are correct.
 - b. Certificate for approval by the Board of Supervisors.
 - c. Certificate of dedication of streets, public facility sites, or greenway land when such dedication is proposed.
- C. The final plan shall also be accompanied by the following materials:
1. Final drawings for the installation of all improvements based on Section 1807 of this Ordinance and the provisions of the Township Subdivision Ordinance. Final profiles and cross-sections for street, sanitary sewer, water supply, and storm drainage system improvements shall be presented. Each system shall be illustrated on one or more separate sheets.
 2. Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and non-residential structures or buildings to be constructed.
 3. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated greenway land. These shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency.
 4. Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan in the form and substance satisfactory to the Township Solicitor.
 5. Such certificates of approval by authorities as have been required in this Ordinance, including certificates approving the water supply system and the sanitary sewer system.
- D. In the case of a Planned Residential Development proposed to be developed over a period of years, final plan requirements listed in subsections 1810B and C above shall apply only to the section for which final approval is being sought. Provided, however, that 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 greenway land, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.

E. Final approval shall not be granted for any proposed Planned Residential Development unless the Developer submits satisfactory proof to the Board of Supervisors that arrangements have been made, and binding commitments have been obtained, to adequately finance the development and construction of the Planned Residential Development.

F. **Performance and Maintenance Guarantees**

In order to guarantee the completion and maintenance of improvements as set forth in Section 1807 and in the Township Subdivision and Land Development Ordinance, to the extent which said regulations apply, no development plan shall be finally approved until Sections 509 through 511 of the Pennsylvania Municipalities Planning Code are complied with.

G. **Review Procedures for Final Approval**

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 this Article and the official written communication of tentative approval, the Township shall, within forty-five (45) days from the date of the next regular meeting of the Township Planning Commission following the date the application is filed, grant such Development Plan final approval. Provided, however, that should the next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed.
2. If the Development Plan as submitted contains variations from the Development Plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within forty-five (45) days from the date of the next regular meeting of the Township Planning Commission following the date of the filing of the application for final approval, inform the Developer, in writing, of such refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the Developer may either:
 - a. Refile their application for final approval without the objectionable variations;
 - b. File a written request with the Board of Supervisors that it hold public hearing on their application for final approval. If the Developer wishes to take either such alternate action they may do so at any time within which they 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 Developer was advised that the Development Plan was not in substantial compliance. In the event the Developer fails to take either of these alternate actions within the time required, they shall be deemed to have abandoned the Development Plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the Developer, and the hearing shall be conducted in the same manner and to the same extent as is prescribed in this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors 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 arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in the Article. Failure of the Board of Supervisors to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this Section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- c. A Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record by the Developer within ninety (90) days after final approval has been granted in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion within a period of five (5) years 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.
- d. 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, the Developer shall so notify the Board of Supervisors in writing; or, in the event the Developer shall fail to commence and carry out the Planned Residential Development or of that part thereof, within a period of five (5) years after final approval has been granted, no development or further development shall take place on the property included in the Development Plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this Ordinance in the manner prescribed for in such amendments in Section 2902.

SECTION 1812 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN

To further the mutual interest of the residents of the Planned Residential Development and of the public in the preservation of the integrity of the Development Plan, as finally approved, and to insure that modifications, if any, in the Development Plan shall not impair the reasonable reliance of the said residents upon the provisions of the Development Plan, as approved, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the Development Plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions:

- A. The provisions of the Development Plan relating to:
 - 1. The use, bulk and location of buildings and structures;
 - 2. The quantity and location of greenway land, except as otherwise provided in this Ordinance; and
 - 3. The intensity of use or the density of residential units;

shall run in favor of the Township and shall be enforceable in law or in equity by the Township, without limitation on any powers of regulation otherwise granted the Township by law.

- B. All provisions of the Development Plan shall run in favor of the residents of the Planned Residential Development but only to the extent expressly provided in the Development Plan and in accordance with the terms of the Development Plan, and to the extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents acting individually, jointly, or through an organization designated in the Development Plan to act on their behalf; provided, however, that no provisions of the Development Plan shall be implied to exist in favor of residents of the Planned Residential Development except as to those portions of the Development Plan which have been finally approved and have been recorded.

- C. All those provisions of the Development Plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

- 1. No such modification, removal or release of the provisions of the Development Plan by the Township shall affect the rights of the residents of the Planned Residential Development to maintain and enforce those provisions, at law or equity, as provided in this section;
- 2. No modification, removal or release of the provisions of the Development Plan by the Township shall be permitted except upon a finding by the Board of Supervisors,

following a public hearing hereon pursuant to public notice called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire Planned Residential Development, does not adversely affect either the enjoyment of land abutting upon or across the street from the Planned Residential Development or the public interest, and is not granted solely to confer a special benefit upon any person.

- D. Residents of the Planned Residential Development may, to the extent and in the manner expressly authorized by the provisions of the Development Plan, modify, remove or release their rights to enforce the provisions of the Development Plan, but no such action shall affect the right of the Township to enforce the provisions of the Development Plan in accordance with provisions of this section.

SECTION 1813 ADMINISTRATION

The provisions of Article XXVII of this Ordinance governing the issuance of building permits, certificates of use and occupancy, and fees shall be fully applicable to Planned Residential Developments insofar as the provisions thereof are consistent with the provisions of this Article and the conditions of final approval.