

**TOWNSHIP OF PENN
COUNTY OF BUTLER, PENNSYLVANIA**

ORDINANCE NO. 173

**AN AMENDMENT TO ORDINANCE NO. 166 KNOWN AS THE "PENN TOWNSHIP ZONING ORDINANCE"
TO ADD SEVERAL DEFINITIONS IN THE APPENDIX WHICH ARE RELATED TO THE PLANNED RESIDENTIAL
DEVELOPMENT (PRD) REQUIREMENTS AND TO REPEAL CHAPTER 12 TRADITIONAL NEIGHBORHOOD
DEVELOPMENT (TND) OVERLAY DISTRICT AND REPLACE IT WITH A NEW CHAPTER 12 PLANNED
RESIDENTIAL DEVELOPMENT (PRD) THAT PROVIDES STANDARDS AND REGULATIONS FOR PRDS.**

WHEREAS, as authorized by the Pennsylvania Municipalities Code (MPC), the Board of Supervisors of the Township of Penn regulates land use and zoning within the Township through its comprehensive Zoning Ordinance, currently Ordinance No. 166 of the Township, as amended;

WHEREAS, upon the recommendation of its Land Use Administrator and Planning Commission, the Township Board of Supervisors wishes to repeal the TND Overlay District and associated recommendations and replace it with PRD regulations and standards and add associated definitions related to the PRD regulations.

WHEREAS, the Township has, in accordance with the requirements of the MPC, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at a duly noticed public meeting;

WHEREAS, on March 8, 2022, the Township Board of Supervisors held a duly noticed, advertised, and posted public hearing to take public comment on the proposed zoning ordinance text amendments; and

WHEREAS, the Township Board of Supervisors, having received such public comment as may have been given at the public hearing, and having received the recommendations of the Township's Planning Commission and Land Use Administrator, finds that enactment of this proposed zoning ordinance amendment will be beneficial to the health, safety, and welfare of the Township and consistent with the PA MPC.

NOW, THEREFORE, be it Ordained and Enacted by the Township of Penn Board of Supervisors, and it is hereby Ordained and Enacted by authority of same, as follows:

SECTION 1: AMENDMENT TO REPEAL THE EXISTING CHAPTER 12 OF ORDINANCE NO. 166

That the Township Zoning Ordinance, Ordinance No. 166, as amended, is hereby further amended as follows:

- a. Repeal Chapter 12 Traditional Neighborhood Development Overlay District from the Zoning Ordinance and replace with PRD regulations as outlined in Section 2 of this amendment.

SECTION 2: AMENDMENT TO ADD PRD REGULATIONS TO CHAPTER 12 OF ORDINANCE NO. 166

That the Township Zoning Ordinance, Ordinance No. 166, as amended, is hereby further amended as follows:

- a. Replace Chapter 12 with the following PRD regulations and standards.

Chapter 12: Planned Residential Development

Section 12.00: Purpose

- A. Purpose: It is the purpose of this Chapter to establish regulations and controls for the use of land and structures, areas of lots, bulk of buildings, amount and kind of open space, the provision of off-street parking, and other similar accessory regulations in a Planned Residential Development (PRD) in accordance with guidelines set forth in the MPC, 53 P.S. §10701 et seq., as amended. PRD is designed to provide for developments incorporating a single type or variety of residential and related land uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Further, PRD is intended to:
 - 1. Provide for a more varied, innovative, and efficient development pattern consistent with traditional patterns and scale of development, a mix of uses, and designs that occurred prior to newer suburban development patterns.
 - 2. Preserve the existing topography and wooded slopes by encouraging clustered development and limiting hillside development beyond a reasonable gradient.
 - 3. Promote a mix of diverse but compatible types of neighborhood development.
 - 4. Encourage a blend of housing at a low to moderate density to serve various age groups and types of housing.
 - 5. Provide for safe and convenient pedestrian, bicycle, and vehicle circulation.
 - 6. Provide walkable development patterns and shift the focus from motor vehicles to pedestrians and bicycles.
 - 7. Encourage the creation of a sense of place and a community spirit that promotes social interaction.
 - 8. Conserve open space and encourage a more efficient use of land, resulting in smaller networks of utilities and streets and lower housing and infrastructure maintenance costs.

Section 12.01: Application for Tentative Approval

- A. Overview.
 - 1. Pre-application conference (optional). Before submission of an application for tentative approval, the applicant is strongly encouraged to meet with Township staff including the Land Use Administrator, Zoning Officer, Township Engineer, and other personnel as may be necessary to determine the feasibility, suitability, aesthetics, and timing of the application.

2. A PRD shall be a permitted use as described in Addendum A, Table 1 of this Chapter. Tentative approval of the development plan shall authorize the development of the lot(s) in accordance with the approved development plan, provided an application for final approval is submitted which complies with the application granted tentative approval. Failure to apply for final approval within twelve (12) months or to develop the development plan as indicated in this Section shall cause the abandonment of the development plan.

B. Filing.

1. A landowner and/or developer shall submit an application for tentative approval of the development plan delivering five (5) copies of the formal application and project narrative, five (5) sets of all required plans in a 11" x 17" format, two (2) copies of the plans in a 24" x 36" format, two (2) copies of all required reports, and one (1) digital copy of all submitted materials in a PDF format to the Township at least 21 days prior to the regular meeting of the Township Planning Commission. The Land Use Administrator shall determine the completeness of the application and either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice which cites the specific requirements of this Chapter that have not been met shall be sent to the applicant.
2. The date of the Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the 60-day period for Planning Commission review and public hearing by the Board of Supervisors.

C. Fees. The application for tentative approval shall be accompanied by a filing fee in accordance with the schedule affixed from time to time by resolution of the Board of Supervisors.

D. Information Required. The application shall contain in the form specified by the Planning Commission, the following information and such additional information as may be required by the Planning Commission to perform its duties:

1. All data required for a preliminary plat, as specified in the SALDO.
2. The location, size, existing topography, proposed topography, and the nature of the PRD proposed to be developed.
3. The density of land use to be allocated to parts of the site to be developed.
4. The location and size of the common open space and the form of the organization proposed to own and maintain the common open space.
5. The use and the approximate height, bulk, and location of buildings and other structures.
6. The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater.
7. The substance of covenants, grants of easements/ROW, or other restrictions proposed to be imposed upon the use of the land, buildings, and structures including proposed easements or grants for public utilities.
8. The provisions for parking of vehicles and the location and width of proposed streets.
9. The location and design of all screening, buffer yards, and landscaping indicating the type, location, and height of all plantings.

10. Any conflicts with the Township land use regulations otherwise applicable.
11. The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
 - a. Promoting energy conservation through the use of renewable and nonrenewable natural resources:
 - i. As used in this paragraph, "renewable resource" means a resource that occurs in a continuous flow and continues regardless of whether or not it is used. Renewable resources include, but are not limited to, precipitation, water in streams and lakes, sunlight, wind, tides, and climate.
 - ii. The use of renewable energy resources for utilities shall be in addition to any of the minimum requirements outlined for such utilities, i.e., HVAC, electric, etc., as required by the Township's Building Code.
 - iii. As used in this Subsection, "nonrenewable resource" means a resource, the total supply of which is fixed. Nonrenewable resources include, but are not limited to, metals, mineral fuels, coal, stone, gravel, sand, and peat soils.
 - iv. Density under this paragraph may be increased in the following manner: The total number of units containing heating or air conditioning systems based wholly or in part on renewable resources divided by the total number of units permitted in the district in which the PRD is located.
 - v. Inspected and approved plans for the heating and air conditioning systems which are based on renewable resources to determine their potential of operation prior shall include the following:
 - 1) Approval of the development plan by the Board of Supervisors;
 - 2) Issuance of a building permit by the Zoning Officer; and
 - 3) Issuance of a certificate of occupancy.
12. In the case of development plans which call for development over a period of years, a description of each section and a schedule showing the proposed times within which applications for final approval of all sections of the PRD shall be filed, and this schedule must be updated annually, by the anniversary of its previous approval, until the development is completed and accepted.
13. Statement of Public Interest. A written statement by the landowner and/or developer setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan.
14. True and correct copies of the complete text of all covenants, easements, rights of way, and other restrictions applicable to the common open space; private roads, walkways, and/or private parking facilities; recreational facilities; and all other land and/or facilities included in the development plan to be held in common by an appropriate organization or dedicated for public use.
15. Provide a pattern book that will identify building types and architectural style, setbacks for principal and accessory structures, garage placement and type of garage entry, parklet designs and amenities provided within, and pedestrian features, including sidewalks and trails.

- E. Application for Tentative Approval. Of the copies of the application submitted to the Township, one (1) copy of the application shall be submitted to the County Planning Agency, one (1) copy shall be submitted to the Township Engineer and one (1) copy shall be submitted to each member of the Planning Commission. The Planning Commission shall review the application at a public meeting and shall forward written recommendations to the Board of Supervisors prior to the public hearing conducted by the Board of Supervisors on the application. One (1) copy of the application for tentative approval shall be forwarded by the Planning Commission to the Board of Supervisors with their recommendations.
- F. Public Hearings.
 - 1. Within 60 days of the official date of filing of an application for tentative approval of a PRD, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors.
 - 2. 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.
 - 3. All procedures governing the conduct of the public hearing shall be in accordance with the procedures specified by Article IX of the MPC, 53 P.S. §10901 et seq., for ZHB hearings, and all references to the ZHB in that Article shall be to the Board of Supervisors for the purposes of interpreting this Section.
 - 4. The Board of Supervisors may continue the hearing from time to time, and may refer the matter back to the Planning Commission for a report. However, in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
- G. Grant or Denial of Approval.
 - 1. Action by the Board of Supervisors. The Board of Supervisors, within 60 days following the conclusion of the public hearing provided for in this Chapter, by official written communication to the applicant shall either:
 - a. Grant tentative approval of the development plan as submitted.
 - b. Grant tentative approval subject to the specified conditions not included in the development plan as submitted.
 - c. Deny tentative approval to the development plan.
 - 2. Failure to Act. Failure to so act within 60 days shall constitute tentative approval of the development plan as submitted.
 - 3. Approval with Conditions. If tentative approval is granted subject to conditions, the applicant may refuse to accept the conditions, in which case the Board of Supervisors shall be deemed to have denied the approval of the development plan. The applicant shall reject these conditions by written notification to the Board of Supervisors of his decision within 30 days after receiving a copy of the decision of the Board of Supervisors. If the applicant does not, within the prescribed period, notify the Board of Supervisors of his refusal to accept all the conditions, tentative approval of the development plan, with all attached conditions, shall stand as granted.
- H. Criteria for Approval. A development plan may be tentatively approved only if it is found to meet the following criteria:

1. The proposed development plan shall preserve the objectives of this Chapter and shall be consistent with the Comprehensive Plan and the Active Transportation Plan.
 2. It shall be fully served by public utilities without reducing the level of service to the remainder of the Township.
 3. It shall organize vehicular ingress, egress, and parking to minimize traffic congestion in the neighborhood.
 4. It shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds within the development and to the buildings and grounds of adjacent owners, and to the fullest extent possible, shall preserve the scenic, aesthetic, and historic features of the landscape.
 5. It shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other lot or persons.
- I. Findings of Fact. The decision granting or denying tentative approval shall be accompanied by or include a detailed analysis containing findings of fact and relating to the following criteria:
1. A detailed itemization of aspects in which the proposed PRD is consistent with the Comprehensive Plan and the aspects in which it is not so consistent.
 2. Any aspects in which the proposed PRD departs from zoning requirements for similar development in other districts and SALDO otherwise applicable to the subject lot, 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 proposed PRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the purpose, density, and type of residential development.
 4. The physical design of the proposed PRD and the aspects in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further amenities of light and air, recreation, and visual enjoyment.
 5. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established.
 6. The sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the PRD and the integrity of the development plan.
- J. Timing. If a proposed PRD is granted tentative approval, with or without conditions, the Board of Supervisors shall set forth in the decision the time within which an application for final approval shall be filed. In the case of a development plan that provides for development over a period of years, the periods of time in which applications for final approval of each part thereof shall be filed may also be established in the official written communication. Only with the consent of the applicant may the time between grant of tentative approval and application for final approval be less than three (3) months, and in the case of development over a period of years, the time between applications for final approval of each part of a plan shall not be less than twelve (12) months.
- K. Certification of Decision. The decision shall be in writing on Township letterhead, signed by the Chairman of the Board of Supervisors, attested by its Secretary, and filed in the office of the Secretary and a certified copy shall be mailed to the applicant.
- L. Status of Plan after Tentative Approval.

1. Consent to Revoke. Tentative approval of a development plan shall not qualify a plat of the PRD for recording, authorize development, or authorize the issuance of any building permits. A development plan that has been given tentative approval as submitted or with conditions accepted by the applicant shall not be modified or revoked, by action of the Township pending an application or applications for final approval. If the application for final approval is filed within the periods of time specified in the decision granting tentative approval, the Township shall act to modify or revoke the tentative approval only for one (1) or the other of the following reasons:
 - a. Default or violation by the applicant of any of the conditions of tentative approval.
 - b. Consent by the applicant to the modification or revocation.
2. Revocation of Tentative Approval. The tentative approval of the development plan may be revoked for either of the following reasons:
 - a. The applicant notifies the Board of Supervisors in writing of the intention to abandon the plans.
 - b. The applicant fails to file an application for final approval within the required time period.
3. When tentative approval is revoked, all areas included in the development plan not granted final approval shall be subject to all Township Ordinances as though no application had been filed.
4. Plan after Tentative Approval: A development plan granted tentative approval should be considered the overall site plan of the development. This plan may not be altered without the consent of the applicant and the Board of Supervisors. The filing of an application for final approval of the entire development or an approved phase shall be consistent with the plan granted tentative approval.

Section 12.02: Application for PRD Final Approval

A. Filing.

1. A landowner and/or developer shall submit an application for final approval of the development plan by delivering five (5) copies of the formal application and project narrative, five (5) sets of all required plans in a 11" x 17" format, two (2) copies of the plans in a 24" x 36" format, two (2) copies of all required reports, and one (1) digital copy of all submitted materials in a PDF format to the Township at least 21 days prior to the regular meeting of the Township Planning Commission. The Planning Commission shall either accept the application as complete and properly filed or return the application to the applicant for resubmission if the application is incomplete and improperly filed. If the application is returned as incomplete, a written notice that cites the specific requirements of this Chapter that have not been met shall be sent to the applicant.
2. The date of the Planning Commission meeting at which the application is accepted as complete and properly filed shall be the official date of filing and shall represent the beginning of the 45-day period for review by the Planning Commission and action by the Board of Supervisors.

- B. Content of Application for Final Approval. The application for final approval shall include a development plan, all required supplementary data as specified herein, and a certificate of completion of improvements or a completion bond, as required by the SALDO
1. The development plan shall include:
 - a. All data required for a final plat, as specified in the SALDO.
 - b. Accurately dimensioned locations of all proposed structures, parking areas, recreation areas, and common open spaces.
 - c. The use and number of families to be housed in each structure.
 - d. The landscaping plan, including the location of sidewalks, trails, and buffer yards.
 2. Supplementary data shall include:
 - a. In a form suitable for recording with the plat, any covenants, grants of easements, rights of way, or other restrictions to be imposed on the use of the land and structures.
 - b. Provisions for the maintenance, ownership, and operation of common open spaces, common recreation facilities, and other improvements.
 - c. A pattern book that will identify building types and architectural style, setbacks for principal and accessory structures, garage placement and type of garage entry, parklet designs, amenities provided within, and pedestrian features, including sidewalks and trails.
- C. Final Approval. If the application for final approval has been filed with all drawings, specifications, and other required documents in accordance with this Chapter, and the official written communication of tentative approval, the Planning Commission shall recommend approval of the said application to the Board of Supervisors. The Board of Supervisors shall, within 45 days of the filing of the application with the Planning Commission, grant such development plan final approval.
- D. Denial of Approval. 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. It shall, however, within 45 days from the filing of the application for final approval, advise the applicant of the refusal, setting forth in the notice why one (1) or more of the variations are not in the public interest. In the event of such refusal, the applicant may take action as provided for in the MPC, 53 P.S. §10101 et seq.
- E. Recording. A development plan, or any part thereof, which has been given final approval shall be certified by the Board of Supervisors and recorded in the Department of Real Estate before any development shall take place. Said plan shall be recorded within 90 days of the date final approval is granted by the Board of Supervisors or final approval shall automatically be rescinded.
- F. Judicial Review. Any decision of the Board of Supervisors granting or denying tentative or final approval of a proposed PRD shall be subject to appeal by the same procedures and with the same limitations as provided for zoning appeals by the MPC, 53 P.S. §10101 et seq.
- G. In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved: or, in the event the applicant shall fail to commence and carry out the PRD in accordance with the time provisions of §508 of the MPC, 53 P.S. §10508, after final approval has been granted, or in

the event that the applicant shall substantially fail to develop in accordance with the development plan given final approval, no development or further development shall take place on the lot included in the development plan until after the said lot is reclassified by the enactment of an amendment to this Chapter in the manner prescribed for such amendments in the MPC, 53 P.S.

H. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the PRD provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the 5th day following the date of the determination of a violation by the magisterial district judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
2. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

I. Homeowners' Association (HOA).

1. An HOA is mandatory of a PRD and it shall be governed according to the following regulations:
 - a. The landowner or developer shall provide the Township with the legal framework for the HOA indicating its bylaws and methods for maintaining open space, which shall be acceptable to the Township.
 - b. The HOA is to be organized by the landowner or developers and operating before the sale of any lots within the development.
 - c. Membership in the HOA is mandatory for all purchasers of dwelling units therein and their successors.
 - d. The members of the HOA shall share equitably the costs of maintaining the open spaces. If a member fails to pay his pro rata share, then a lien against an individual property may be made in accordance with the provisions for the same in the bylaws of the organization.
 - e. The HOA shall be responsible for maintenance of insurance and taxes on open space.

- f. The HOA shall have or hire adequate staff to administer common facilities and maintain the open space to the satisfaction of the Township.
- g. The HOA shall have the authority and ability to promptly correct hazardous conditions in the open space.
- h. The HOA shall provide annual updates to the Township on changes in the composition or membership of its Board and changes to any of its maintenance agreements, contracts, or ability to maintain said development, its grounds, and any open space.

Section 12.03: Design Standards

- A. All design standards and improvements of the development plan for a proposed PRD shall also meet the requirements set forth in the SALDO, except as expressly stated in this Chapter. If the provisions of this Section are inconsistent with other provisions of this Chapter, the provisions of this Section shall apply.
 - 1. Development Site.
 - a. The minimum number of acres that may be developed as PRD is twenty-five (25) acres in the RE District and twenty-five (25) acres in the R-1 District.
 - b. The site shall be serviced by public water and public sanitary sewers approved by the PA DEP.
 - 2. Permitted Density.
 - a. The maximum permitted density of the entire PRD site shall depend upon the mix of units provided. See Addendum A, Table 1 in this Section.
 - b. When calculating gross site density, a fractional unit of one-half (0.5) or more shall be considered an entire unit, while a fractional less than one-half (0.5) shall be disregarded.
 - 3. Minimum Lot Sizes.
 - a. The minimum lot areas required for residential uses in a PRD shall comply with the standards outlined in Addendum A, Table 1 of this Section.
 - 4. In the R-1 District, a landowner and/or developer may propose to have more than one (1) residential land use type and subsequently a variety of lot sizes as part of a PRD so long as the minimum lot sizes specified in this Chapter are maintained.
 - 5. Other Area and Bulk Regulations. Development on a lot shall conform to the lot requirements outlined in this Ordinance.
 - 6. Group or Cluster Mailboxes. If individual mailboxes are not approved by the United States Postal Service (USPS) and group or cluster mailboxes must be provided within a PRD, the group or cluster mailboxes shall meet the following requirements:
 - a. The design, size, location, number of mailboxes, and other general site conditions of the group mailboxes shall meet all applicable USPS requirements.
 - b. The group or cluster mailboxes shall also meet all applicable requirements of the Americans with Disabilities Act.
 - c. Group or cluster mailboxes shall be designed to have a safe and efficient pullover area for vehicles that stop to retrieve mail. The pullover area shall not be part of the road ROW.

- d. The location of group or cluster mailboxes shall not negatively impact the sight distance along the public ROW or at any nearby intersections.
 - e. Group or cluster mailboxes shall be adequately lighted and landscaped so as to blend in with the existing neighborhood and houses. However, any lighting shall be shielded away from neighboring parcels.
7. Natural Features. Existing natural features which add value to the PRD and the Township, such as trees, woodlands, steep slopes, watercourses, wetlands, historic assets, and similar amenities shall be preserved as required by standards for protection contained elsewhere in this Chapter. In addition:
- a. Where appropriate and dense enough, any existing woodlands and vegetation shall be preserved to the highest extent possible.
 - b. The PRD shall be subject to the open space, landscaping, and buffer yard requirements of this Chapter.
 - c. No cutting or filling is permissible within 50 feet of the edge of any flowing stream or wetland except as may be expressly permitted by the action of the Board of Supervisors and with the approval and any necessary permits required by the PA DEP.
8. Preservation of Large or Unique Trees.
- a. All healthy trees with trunks equal to or exceeding 24 inches Diameter at Breast Height (DBH), or any tree which may be noteworthy because of its species, age, uniqueness, rarity, or status as a landmark due to historical or other cultural associations, and which is located in within the area of disturbance shall be preserved unless removal is deemed necessary. Criteria for evaluating the necessity for removal shall include the following:
 - i. The health of the tree, whether it is dead or diseased beyond remedy, or whether it is likely to endanger the public or adjoining property.
 - ii. Other constraints of the site, where the applicant demonstrates to the satisfaction of the Township that no reasonable alternative exists, and the removal of a tree is necessary for the construction of building foundations, roads, utilities, or other essential improvements.
 - b. Trees to be preserved shall be protected during construction. The critical root zone determined by an arborist, landscape architect, or other professional shall be protected by securely staked fencing with a minimum height of 36 inches. No storage or placement of any soil or construction materials, including construction wastes, shall occur within the fenced area. Cables, ropes, signs, and fencing shall not be placed on protected trees.
 - c. Abrupt changes of grade shall be avoided within 40 feet of the critical root zone of any trees to be preserved.
 - d. Large or unique trees which cannot be preserved shall be replaced by trees of the same species, in the following manner:
 - i. For every tree with a caliper of 24 inches DBH or larger, at least five (5) trees with a minimum caliper of three (3) inches to three and one-half (3.5) inches DBH or at least seven (7) trees with a minimum caliper of two (2) inches to two and one-half (2.5) inches DBH shall be required.

- ii. The placement and spacing of the replacement trees shall be appropriate to the conditions of the replacement site and is subject to the approval of the Township but shall at a minimum be such as to ensure the health and longevity of the replacement trees.
 - e. Where large or unique trees will be preserved within the area of disturbance, such trees may be used to meet the screening, buffer yard, and/or landscaping requirements of this Chapter, where appropriate, and as approved by the Township Board of Supervisors.
- B. Variations in Density and Intensity of Land Use. In order to encourage flexibility of development, variations shall be permitted in the density and intensity of land use throughout the entire PRD. Greater concentration of density and intensity of land use may be permitted so long as the overall gross density of the overall development defined in this Chapter is not exceeded.
- C. Variations in Housing Types and Designs. The housing types, designs, and floor plans provided within the PRD shall be of varying types and sizes and shall have varying roof designs, color schemes, and model homes and floor plans to choose from to encourage a mix of housing types and architectural designs and styles. A pattern book that identifies building types, architectural styles, and setbacks shall be provided and are subject to review by the Planning Commission and approval by the Board of Supervisors.

Section 12.04: General Provisions

- A. A PRD shall be permitted within the following Zoning Districts:
 - RE – Residential Estate
 - R-1 – Low-Density Single-Family
- B. The PRD shall be served by public water and public sanitary sewer in the RE and R-1 Districts. See Addendum A, Table 1 in this Section.
- C. The provisions of this Chapter for approval of a PRD plan shall be a modification to and in lieu of procedures for approvals otherwise required in this Chapter and the SALDO.
- D. In addition to the requirements of this Chapter, applicants and developers must also apply for and obtain any and all permits required by this Chapter and any other Township Ordinance.
- E. Failure to comply with the provisions of this Chapter with respect to a recorded development plan shall be deemed to constitute a violation of this Chapter.

Section 12.05: Permitted Uses

- A. Permitted Uses. The following uses may be permitted in a development plan provided their design, arrangement, landscaping, and construction meet the requirements set forth in this Chapter.
 - 1. Residential Uses – Single-family detached dwellings in the RE District and single-family detached dwellings and townhouses in the R-1 District.
 - a. All uses within a PRD in the RE Zoning District shall be single-family detached dwellings.
 - b. In the R-1 District, a minimum of 65% of all residential uses within a PRD shall be single-family detached dwellings in the R-1 Zoning District.
 - c. If a mix of housing types is to be provided within a PRD in the R-1 District, the breakdown of units shall be as follows:

- i. Single-family detached dwellings – 65%
 - ii. Patio homes or quadruplexes – 20%
 - iii. Townhouses – 15%
 - 2. Other Permitted Uses – clubhouse, common open space, community pool, parks, and playgrounds.
- B. Permitted accessory uses. The accessory uses permitted on a lot or parcel within a PRD shall be strictly limited to the following:
 - 1. An accessory use is customarily incidental and subordinate to a principal permitted use referenced herein.
 - 2. No-impact home-based business subject to the provisions outlined in this Ordinance.
 - 3. Home occupational business subject to the provisions outlined in this Ordinance.

Section 12.06: Common Open Space and Recreation Requirements

- A. Common Open Space Reservation.
 - 1. Where feasible, it is encouraged that common open space provided within a PRD shall be spread out throughout the entire PRD so that the open space and related public amenities are more accessible to all residents.
 - 2. Common open space shall be accessible from a public street or shall adjoin and become part of an existing open space area that is accessible by a public street.
 - 3. The minimum frontage upon a public street shall be 50 feet and the minimum width of the common open space lands shall be 40 feet.
 - 4. The common open space land shall be compact and contiguous.
 - 5. Not less than 40% of the total site area shall be set aside for common open space. The common open space shall be so dedicated or otherwise preserved and maintained so as to remain open and available for use by the residents of the development area.
 - 6. Common open space shall not include space devoted to streets or parking areas but may include areas devoted to stormwater management. Recreational facilities and structures located in common areas shall be considered common open space provided the total impervious surfaces constitute no more than five percent (5%) of the total open space.
 - 7. Active recreation areas such as game courts, playing fields, or playground apparatus shall not be required but may be provided at the discretion of the developer or property owner.
 - 8. A minimum of 15% of the total required common open space area shall be less than 15% slope and shall be suitable for active recreation facilities such as game courts, playing fields, and play apparatus. At least 30% or 200 square feet per dwelling unit, whichever is greater, of the common open space that is suitable for active recreation, shall be improved so as to provide opportunities for intensive use suitable to the needs of the residents of the PRD. Active recreation facilities shall be conveniently located and possess adequate access for users of all abilities within the PRD site.
 - 9. Method of Ownership for Common Open Space.
 - a. The land and facilities to be used for common open space shall be implemented in accordance with the following method set forth below:
 - i. The land and/or facilities shall be conveyed to an organization established for the ownership and maintenance of the common open space, such as the required HOA.

- b. The organization shall covenant to operate and maintain the land and facilities as a common open space; such organization shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Township.
- B. Failure to Maintain Common Open Space. In the event that the organization or any successor organization established to own and maintain the common open space shall at any time fail to maintain the same in accordance with the development plan and in reasonable order and condition, the Township shall have the right to maintain the same and assess the cost of such maintenance on a pro-rata basis and as a lien against the lots within the PRD that have a right of enjoyment of the common open space, pursuant to the authority and in accordance with the procedures and requirements contained in §705(f)(2) through 705(f)(6) of the MPC, 53 P.S. §10705(f)(2) through (6), as amended.
- C. Recreation Requirements.
 - 1. Clubhouse and Swimming Pool. All PRDs shall include a swimming pool in addition to a clubhouse. The Board of Supervisors may consider and approve alternatives to these improvements if the improvements are considered comparable or equivalent in cost and in benefit to the future residents. For this determination they should consider the size of units, the type of units, the proximity to other recreational amenities, and any unique attributes of the property.
 - a. Clubhouse. A clubhouse facility that is centrally located in the PRD is intended to provide a recreational and social amenity to residents. Clubhouses shall be a minimum of 1,500 square feet and accommodate at least seven and one-half (7.5) square feet of clubhouse area per residential unit being served by the clubhouse. PRDs may provide multiple clubhouses to fulfill this requirement.
 - i. Clubhouse Improvements and Completion. Clubhouses shall include food serving facilities, large gathering areas suited to community meetings and events, restroom facilities, and amenities that may include exercise equipment, multimedia equipment, facilities to accommodate the arts, indoor recreation (basketball, volleyball, etc.), or upgraded food preparation or service facilities. The clubhouse shall be adjacent to the pool. The Board of Supervisors shall review and approve the clubhouse structure during the site plan review process. Construction of the clubhouse shall commence prior to issuing the building permit in the project or a cash or improvement bond shall be placed with the Township to cover the cost of construction. If multiple clubhouses are being provided in a PRD, the additional clubhouses shall begin construction along with the phase of PRD that includes the clubhouses.
 - ii. Clubhouse design and architectural style shall adhere to the design of the proposed PRD.
 - b. Swimming Pool. An in-ground swimming pool that is centrally located in the PRD is intended to provide a recreational and social amenity to residents. The

pool shall be a minimum of 1,000 square feet in size and must accommodate at least four (4) square feet of pool space per residential unit being served by the pool. At the discretion of the Board of Supervisors, PRDs may be required to provide multiple pools to fulfill this requirement, depending on the number of units served and overall project densities and layout. It shall also include a concrete patio, patio furniture, a non-sight-obscuring fence, and comply with all required building codes (including a building permit). The Board of Supervisors shall review and approve the swimming pool facility during the site plan review process. The construction of the pool shall commence prior to the building permit being issued in the PRD, or a cash or improvement bond shall be placed with the city to cover the cost of construction. If multiple pools are being provided in a PRD, the additional pools shall begin construction along with the phase of PRD that includes the pools.

2. These areas shall be identified in the pattern book.

Section 12.07: Landscaping, Signs, Parking, and Loading Regulations

A. Landscaping, Signs, Parking, and Loading Regulations.

1. All portions of the development plan pertaining to landscaping, signs, parking, or safety shall conform to the regulations in the SALDO and of this Chapter.
2. At least one (1) deciduous tree must be planted for each dwelling unit. On newly created residential lots, the minimum of one (1) deciduous street tree shall be planted in the front yard no closer than fifteen (15) feet from the front lot line. The species and size of said tree(s) shall be approved by the Board of Supervisors but may include but not necessarily be limited to Red Maple, Eastern Redbud, Flowering Crabapple, Serviceberry, or Apple Serviceberry.
3. All trees which are required to be planted as per the regulations of this Chapter shall be a minimum of two and one-half (2.5) inches DBH at the time of planting, measured along the trunk of the planted tree, which tree shall be planted in accordance with accepted conservation practices.
4. No parking area shall be closer than fifteen (15) feet from a principal building, nor shall any parking interfere with recreational areas on the site. No parking areas shall be leased to persons who are not residents of the PRD. Parking may be provided in separate garages or on the lowest floor or floors of the principal building or buildings, provided such parking does not interfere with the basic residential use and character of the building or buildings involved. Individual garages shall be no more than two (2) stories in height and shall be no closer than 50 feet from a residential building.
5. Two (2) off-street parking spaces shall be provided within the PRD for each dwelling unit constructed.
6. Visitor Parking. In addition, there shall be one-half (0.5) spaces per townhouse provided for visitor parking located within 300 feet of the dwelling units they are intended to serve. Parking spaces in driveways, which block access to integral garages in townhouse dwellings, shall not be permitted. Visitor parking shall be provided in an off street parking lot, or on street through the use of parallel parking. Visitor parking areas shall be constructed with concrete curbing.

7. All sidewalks, lighting, and stormwater management facilities shall be designed and constructed in accordance with the requirements of the SALDO. Adequate numbers and spacing of fire safety fixtures or equipment shall be installed in accordance with requirements as defined by the Board of Supervisors.
8. Crosswalks shall be constructed of stamped or scored reinforced concrete as found in PennDOT Publication 111, Traffic Control – Pavement Markings and Signing Standards, TC-8600, Sheet 6 of 13 – Type E “Herringbone” (with approved nonreflective maroon color mixed into the concrete). Crosswalks shall be striped with a six (6) inch-wide painted white stripe on both sides.
 - a. Crosswalks shall be constructed of scored reinforced concrete (with approved nonreflective color mixed into the concrete).
9. Street Lighting. Streetlights shall be provided along the entire development frontage of all existing and proposed public and private streets, with the exception of alleys, and shall be designed and constructed in accordance with the requirements of the SALDO. In addition, yard lamppost for each proposed residential unit shall be installed pursuant to the following, noting that the yard lamppost shall be consistent in design throughout the development and shall be governed by the rules of the HOA:
 - a. Install a lamppost for each residential unit within ten (10) feet of any sidewalk along a street.
 - b. Install lampposts no less than six (6) feet and no higher than ten (10) feet in height measured from finished grade level.
10. All uses which require off-street loading shall comply with the requirements of Chapter 16 of this Ordinance.

Section 12.08: Vehicular and Pedestrian Access

A. Vehicular and Pedestrian Access.

1. A Collector Street, as defined by this Chapter, shall be provided as part of the PRD for all PRDs with 100 or more units. The PRD shall feature an internal local street system connecting to the collector street, in which all dwelling units shall connect to. No dwelling unit driveways shall connect directly to collector and/or arterial streets. The collector street shall be constructed to the property line of the PRD to provide access to future developments and/or existing or proposed arterial and/or collector streets.
2. Principal vehicular access to the PRD shall be at a minimum of two (2) points from collector streets and roads capable of supporting existing traffic and the traffic that will be generated by the development for developments with 50 or more units, unless otherwise approved by the Board of Supervisors. Access points shall be spaced a minimum of 150 feet on center. Access points shall be designed to provide smooth traffic flow, controlled turning movements, and minimum hazard to vehicular or pedestrian traffic. Merging and turnout lanes and traffic dividers shall be provided where existing or anticipated heavy flows of traffic indicate such need. Local streets within the PRD shall be designed in such a manner as to discourage use of local streets as through streets.
3. Sidewalks shall be provided along the frontage of all existing and proposed public and private streets, with the exception of alleys, and all residential lots in accordance with

the requirements of the SALDO. The preferred width of the sidewalks to be provided in a PRD shall be four (4) feet wide. If, in addition, walkways are proposed within the site of a PRD to provide access to or communication through common open space or common facilities, walkways shall form a logical, safe and convenient system. These walkways shall be located to minimize contact with normal automotive traffic, with street crossings held to a minimum. The walkway system shall be constructed of an all-weather, durable hard surface approved by the Township.

4. PRD Connectivity & Cul-de-Sacs. Connectivity is important within the design and development of PRDs in the Township. The following provisions and standards shall apply to all PRDs in the Township.
 - a. The use of cul-de-sacs in the design of streets within PRDs is highly discouraged.
 - b. Internal connectivity shall be promoted throughout PRDs, specifically in the way that the internal streets are designed.
 - c. In addition to connectivity through streets, a pedestrian-oriented network that provides pedestrian connections (trails and sidewalks) to all adjacent properties that have pedestrian connection potential, parks, and/or other amenities within or near the PRD, and connect trails and sidewalks to existing adjacent trails and sidewalks to create complete pedestrian circulation.
 - d. If a cul-de-sac must be provided within a PRD, the developer must provide a compelling reason for the need for the cul-de-sac. In addition, the cul-de-sac must be designed as a teardrop cul-de-sac and shall provide adequate and proper space for school buses to turn around and maneuver.
5. All structures within the PRD shall be set back from the ROW of any public road or vehicular way within or exterior to the development and shall be set back from the ROW of any private road or vehicular way within the development according to the following standards established in this Ordinance.

Section 12.09: Location of Infrastructure and Utilities

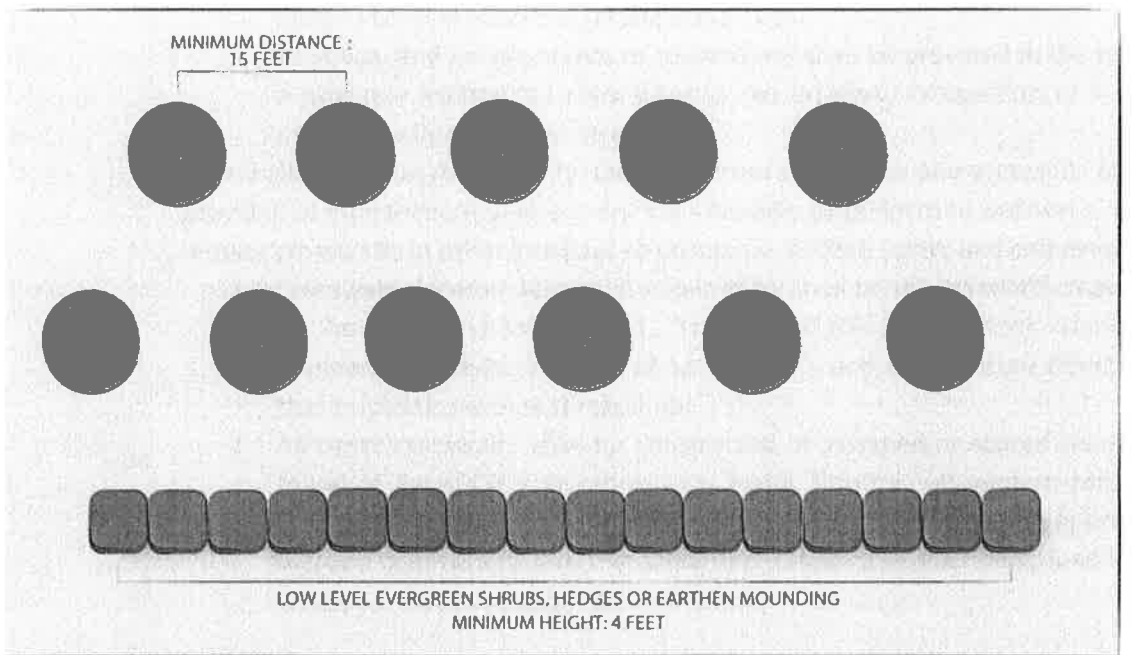
A. Location of Public Utilities

1. Electric and cable lines shall be installed underground only.
2. Public utilities, including sanitary sewer, storm sewer, water, electric, etc. must be located in the front yard of a parcel or lot and/or along the property lines. If utilities cannot be located along the property line and/or in the front yard of the property, the developer must provide a compelling reason as to why they must be located elsewhere on the lot and request a modification. The purpose of this provision is to avoid the placement of utility easements in the usable backyard space of residential lots.

Section 12.10: Standards and Conditions for Planned Residential Developments

- A. Setbacks for townhouses and quadruplexes shall be measured from the edge of the curb of the common parking areas serving the dwellings, where the common parking areas intervene between the dwellings and the public or private street ROW. Where there is no intervening common parking area, the setback shall be measured from the edge of the public or private street right of way.

- B. Upon dedication by the developer of the streets or roads to the Township, the Township agrees to maintain the streets and roads dedicated to the Township.
- C. Specifications for Street Construction. All streets in a PRD, whether public or private, shall be constructed to the specifications of the SALDO for public streets.
- D. Screening. If topographical or other barriers are not sufficient to assure the privacy of the PRD and abutting lots, the following requirement shall be imposed at all places where there are buildings, structures, or parking areas within 100 feet of the PRD's perimeter lot line.
 - 1. Structures on the perimeter must be set back at least 30 feet from the rear lot line and neighboring lots to protect their privacy and amenity.
 - 2. Existing mature vegetation and woodlands shall be used to satisfy the perimeter buffer requirements at the discretion of the Township Planning Commission and Board of Supervisors.
 - 3. The perimeter of the PRD shall be screened at a minimum by a 35-foot wide buffer yard that shall contain two (2) rows of plantings. Each row shall consist of a mixture of 30% deciduous and 70% evergreen trees and a maximum spacing of fifteen (15) feet apart, measured from the vertical centerline of adjacent trees. The two (2) rows shall be staggered in a manner shown in the drawing below. No fences or walls inconsistent with the Township Ordinances in effect with regard to such structures shall be permitted.



E. Residential Development Identification

- 1. A residential development identification sign, as defined by this Chapter, shall be provided at all entrances to the proposed development. These signs must be maintained in perpetuity by the HOA and shall be identified in the pattern book.

F. Building Design and Spacing.

1. The requirements determining the spacing of buildings shall be as flexible as possible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air, and emergency access.
 2. The minimum distance between the nearest points of any exterior building walls shall be no less than 30 feet, except that for residential buildings not exceeding two (2) stories in height, exterior end walls with no openings (i.e., doors, windows, and garage doors) therein shall be not less than twenty (20) feet apart.
 3. Construct a minimum of 65% of all detached single-family homes within any phase of a PRD to be side or rear garage entry. The developer shall indicate in the pattern book which lots will be side or rear garage entry.
 - a. Exception: Detached single-family homes that are below 2,700 square feet of gross square footage, not including basement area, may be front entry and do not count towards the 65% requirement; or
 - b. Exception: PRD with no lot lines where living units are located collectively on singular parcels.
 4. Construct all front-loaded garages with garage doors that are in line with or behind the front building facade. Front-facing garage doors shall not be permitted in front of the front building facade for any structure. Additionally, front-facing garage doors shall be of earth-tone colors (except where white matches the main building facade) and shall include context-sensitive glazing and design.
 5. Driveway and garage access to townhomes shall be provided in the rear of the units via a privately maintained alley system. No driveway connection to a Township may be made directly to a public street.
- G. Crosswalks and ADA Accessibility. Clearly marked crosswalks and accessible curb ramps shall be provided at intersections where there are sidewalks or pedestrian walkways. The Township may require crosswalks in other locations to ensure pedestrian safety and convenience.
1. Crosswalks located within the public ROW shall be the standard crosswalk design found in PennDOT Publication 111, Traffic Control – Pavement Markings and Signing Standards, TC-8600, Sheet 6 of 13 – Type C, and shall feature PennDOT approved hot thermoplastic pavement markings.
 2. All other crosswalks shall be constructed of stamped or scored reinforced concrete as found in PennDOT Publication 111, Traffic Control – Pavement Markings and Signing Standards, TC-8600, Sheet 6 of 13 – Type E “Herringbone” (with approved nonreflective maroon color mixed into the concrete). Crosswalks shall be striped with a six (6) inch-wide painted white stripe on both sides.

ADDENDUM A

| | RE Residential Estate | R-1 Low-Density Single-Family |
|---|----------------------------------|--|
| Minimum Lot Area with Public Sewer (square feet per lot) | SFD Detached: 21,780 sq. ft. | SFD Detached: 10,890 sq. ft. Townhome: 3,000 sq. ft. Quadruplex or Patio Home: 5,000 sq. ft. |
| Maximum Density (dwelling units per acre) | SFD Detached: 2 | SFD Detached: 4 Townhome: 8 Quadruplex or Patio Home: 6 |
| Maximum Lot Coverage | 35% | 35% |
| Minimum Lot Width at Minimum Front Principal Building Setback (lineal feet) | 80 ft. | SFD Detached: 60 ft. Townhome: 30 ft. Quadruplex or Patio Home: 40 ft. |
| Minimum Principal Building Setbacks (feet) – Front (adjoining districts other than residential) | 30 ft. | 15 ft. |
| Minimum Principal Building Setbacks (feet) – Side (adjoining districts other than residential) | 15 ft. | 10 ft. |
| Minimum Principal Building Setbacks (feet) – Rear (adjoining districts other than residential) | 25 ft. | 15 ft. |
| Maximum Structure Height (feet) – Principal | 40 ft. | 40 ft. |
| Maximum Structure Height (feet) – Accessory | 20 ft. | 20 ft. |
| Minimum Accessory Building and Structure Setbacks (feet) – Side | 10 ft. | 5 ft. |
| Minimum Accessory Building and Structure Setbacks (feet) – Rear | 10 ft. | 5 ft. |

TABLE 1: PRD AREA AND BULK REGULATIONS

SECTION 3: AMENDMENT TO ADD PRD-RELATED DEFINITIONS TO APPENDIX A OF ORDINANCE NO. 166

That the Township Zoning Ordinance, Ordinance No. 166, as amended, is hereby further amended as follows:

- a. Add the following terms/definitions to Appendix A and place in alphabetical order.

CRITICAL ROOT ZONE – The area around a tree which should be undisturbed to protect the long-term viability of the tree. The critical root zone means the area of land surrounding the trunk of a tree contained within a circle of radius equal to the DBH of the tree multiplied by 18; or equal to the dripline of the tree; whichever is greater.

DIAMETER BREAST HEIGHT (DBH) – The total diameter, in inches, of a tree trunk or trunks measured at a point four and one-half (4.5) feet above existing grade (at the base of the tree). In measuring DBH, the circumference of the tree shall be measured with a standard diameter tape, and the circumference shall be divided by 3.14.

PATIO HOME – A single-family detached dwelling that is typically only one-story (1) to one-and-one-half (1 ½) stories in height and is usually characterized by smaller lot sizes and smaller backyards that require less maintenance.

PATTERN BOOK – A design guide that provides examples of available building types and architectural style, setbacks for principal and accessory structures, garage placement and type of garage entry, parklet designs and amenities provided within and pedestrian features, including sidewalks and trails, within a PRD.

QUADRUPLEX – A residential building, other than a townhome or garden apartment, containing only four (4) dwelling units in one (1) structure, each of which has two (2) walls exposed to the outside and each unit shares two (2) common walls with adjoining units which are placed at right angles to one another, rather than in a row, and which units have no other units above or below which share common floors/ceilings.

SECTION 4: REPEALER

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 5: SEVERABILITY

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted

had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 6: EFFECTIVE DATE

That this Ordinance shall take effect immediately upon enactment as provided by law.

ORDAINED AND ENACTED into law this 10 day of April, 2022.

ATTEST:

Linda W. Zorfass
Township Secretary

PENN TOWNSHIP BOARD OF SUPERVISORS

By Samuel M. Ward

Chairman

By Dora K.

By Wilbert J. Mowry Jr.

APPROVED AS TO FORM:

Solicitor