

ARTICLE XVI
Planned Residential DEVELOPMENT
[Added 7-16-80 by Ord. No. 610¹]

§ 180.45. Purpose and intent.

180.45.1. In order that the public health, safety, morals and general welfare shall be furthered in an era of increasing urbanization and of growing demand for housing of all types and design; to encourage innovations in residential DEVELOPMENT so that growing demands of the population may be met by a greater variety in type, design and layout of BUILDINGS and by the conservation and more efficient use of open space land ancillary to said DWELLINGS; so that greater opportunity for better housing in conveniently located areas may be extended to all citizens and residents of this BOROUGH and state and in order to encourage a more efficient use of land and of public services, or private services in lieu thereof, to reflect changes in technology of land DEVELOPMENT so that resulting economies may inure to the benefit of those who need homes; to lessen the burden of traffic on STREETS and highways; to encourage the BUILDING of new housing DEVELOPMENTS incorporating the best features of modern design; to conserve the value of land; and, in light of these purposes, to provide a procedure which can relate the type, design and layout of residential DEVELOPMENT to the particular site and the demand existing for housing at the time of DEVELOPMENT in a manner consistent with the preservation of property values within the established residential areas and to assure that the increased flexibility of substantive regulations over land DEVELOPMENT authorized herein is subject to such administrative standards and procedures as shall encourage the disposition of proposals for land DEVELOPMENT without undue delay, it is the purpose and intent of these regulations to establish the zoning regulations, controls and standards for minimum land areas, the use of land and BUILDINGS, the amount and kind of open space land, provisions for off-STREET parking and similar requirements necessary to regulate planned residential DEVELOPMENTS within the limits of the R-1, R1-S, R-2, R2-S, R-5 and R5-S Zoning Districts and in accordance with the BOROUGH ZONING ENABLING ACT and other laws of the Commonwealth of Pennsylvania.

¹ Editor's Note: Provisions of this Article were originally adopted as Sections 1302 through 1312, inclusive, and have been renumbered to preserve the logical sequence of the CODE at the request of the BOROUGH COUNCIL.

180.45.2. The basic intent of these planned residential DEVELOPMENT (PRD) regulations is to replace the usual approval processes involving rigid use and bulk specifications with the PRD plan submitted by the developer and approved by the BOROUGH. These regulations recognize that, while the standard zoning functions (use and bulk) and the standard subdivision functions (platting and design) are appropriate for the regulation of land uses in areas where neighborhoods of the community are already substantially developed, these controls represent a type of preregulation and regulatory rigidity which would frustrate the application of the PRD concept within the BOROUGH. Thus, where PRD techniques are permitted, the normal use and dimensional specifications contained elsewhere in this chapter and applicable to the R-1, R1-S, R-2, R2-S, R-5 and R5-S Zoning Districts are herein replaced by an approval process in which the approved plan becomes a basis for continuing land use controls.

180.45.3. To ensure that the increased flexibility of regulations over land DEVELOPMENT as authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land DEVELOPMENT without undue delay, the following review powers are granted to the COMMISSION, which acts as the designated planning agency for the BOROUGH:

180.45.3.1. The COMMISSION shall review all planned residential DEVELOPMENTS pursuant to the provisions of this Article and shall make recommendations to the BOROUGH COUNCIL for approval or disapproval in writing.

180.45.3.2. The COMMISSION shall ensure that the APPLICANT conforms to all standards, controls and regulations as are set forth in this Article.

180.45.3.3. The COMMISSION and the APPLICANT shall comply with all procedures set forth in this Article pertaining to application and hearing on tentative and final approval of a proposed planned and residential DEVELOPMENT by the BOROUGH COUNCIL.

§ 180.46. Planned residential DEVELOPMENT in R-1 and R1-S Districts.

180.46.1. Use regulations.

180.46.1.1. Within the PRD, only single-FAMILY detached residences may be erected.

180.46.1.2. Customary accessory uses, such as MINOR GARAGES, recreational and community facilities and uses, etc., may be permitted when appropriate and an integral part of the PRD DEVELOPMENT.

180.46.2. Minimum site area. The minimum site area required for a parcel to qualify for application of the PRD regulations within the R-1 and R1-S Zoning Districts shall be two (2) acres of land.

180.46.3. Ownership. The parcel of land for a PRD project may be owned, leased or controlled by either a single PERSON, a CORPORATION or a group of individuals or CORPORATIONS acting together. An application must be filed by the owner or jointly by the owners of all properties included in the project. In the case of multiple ownership, the approved plan shall be binding upon all owners.

180.46.4. Location of PRD. The location of the PRD regulated by this Article and section may be any site within an R-1 and R1-S Zoning District meeting the minimum acreage requirements set forth herein.

180.46.5. Area and bulk regulations. The average density of the R-1 Residential District shall be maintained.

180.46.6. Common open space. COMMON OPEN SPACE LAND shall be set aside for the common use and enjoyment of all residents in the planned residential area. In general, the land set aside for permanent open space shall be the area differential between the regulations and requirements of R-1 Zoning District and this section. The amount, location and proposed use of all open space land within the planned residential DEVELOPMENT must be clearly shown, and in no case shall the amount of open space land be less than two thousand five hundred (2,500) square feet per DWELLING UNIT. Of the gross open space area, forty-five percent (45%) must be suitable for active recreational purposes, and access to this open space land must be convenient to all residents.

180.46.7. Parking requirements. Parking requirements shall generally conform to this chapter, as amended. In any PRD, off-STREET visitor parking shall equal fifteen percent (15%) of the total number of housing units contained in the PRD and shall be set aside and reserved for visitor parking. Such visitor parking shall be in addition to any other parking required by the chapter. Parking for any commercial uses within the PRD shall be as required by this chapter. The COMMISSION shall review and approve the distribution of required visitor parking.

180.46.8. Minimum required yards.

180.46.8.1. Front: twenty-five (25) feet minimum.

180.46.8.2. Rear: twenty-five (25) feet minimum.

180.46.8.3. Side, for land abutting PRD: twenty-five (25) feet minimum.

180.46.8.4. Side, within PRD: ten (10) feet each BUILDING, each side [twenty (20) feet total between BUILDINGS].

180.46.9. Space between BUILDINGS. The average face-to-face (front-to-front, front-to-rear, rear-to-rear) space between BUILDINGS shall be not less

than one and five-tenths (1.5) times the height of the taller BUILDING or fifty (50) feet minimum, whichever is greater.

§ 180.47. Planned residential DEVELOPMENT in R-2 and R2-S Districts.

180.47.1. Use regulations.

180.47.1.1. Within the PRD, only single-FAMILY detached residences may be erected.

180.47.1.2. Customary ACCESSORY USES, such as MINOR GARAGES, recreational and community facilities and uses, etc., may be permitted when appropriate and an integral part of the PRD DEVELOPMENT.

180.47.2. Minimum site area. The minimum site area required for a parcel to qualify for application of the PRD regulations within the R-2 and R2-S Zoning Districts shall be two (2) acres of land.

180.47.3. Ownership. The parcel of land for a PRD project may be owned, leased or controlled by either a single PERSON, a CORPORATION or a group of individuals or CORPORATIONS acting together. An application must be filed by the owner or jointly by the owners of all properties included in the project. In the case of multiple ownership, the approved plan shall be binding upon all owners.

180.47.4. Location of PRD. The location of the PRD regulated by this Article and section may be any site within an R-2 and R2-S Zoning District meeting the minimum acreage requirements set forth herein.

180.47.5. Area and bulk regulations. The average density of the R-2 and R2-S Residential Zoning Districts shall be maintained.

180.47.6. Common open space. COMMON OPEN SPACE LAND shall be set aside for the common use and enjoyment of all residents in the planned residential area. In general, the land set aside for permanent open space shall be the area differential between the regulations and requirements of R-2 Zoning District and this section. The amount, location and proposed use of all open space land within the planned residential DEVELOPMENT must be clearly shown, and in no case shall the amount of open space land be less than one thousand five hundred (1,500) square feet per DWELLING UNIT. Of the gross open space area, forty-five percent (45%) must be suitable for active recreational purposes, and access to this open space land must be convenient to all residents.

180.47.7. Parking requirements. Parking requirements shall generally conform to this chapter, as amended. In any PRD, off-STREET visitor parking shall equal fifteen percent (15%) of the total housing units and shall be set aside and reserved for visitor parking. Such visitor parking shall be in addition to any other parking required by the chapter. Parking for any commercial uses in the PRD shall be as required by

this chapter. The COMMISSION shall review and approve the distribution of required visitor parking.

180.47.8. Minimum required yards.

180.47.8.1. Front: twenty-five (25) feet minimum.

180.47.8.2. Rear: twenty-five (25) feet minimum.

180.47.8.3. Side, for land abutting PRD: twenty-five (25) feet minimum.

180.47.8.4. Side, within PRD: seven and one-half (7 1/2) feet each BUILDING, each side [fifteen (15) feet total between BUILDINGS].

180.47.8.5. Space between BUILDINGS. The average face-to-face (front-to-front, front-to-rear, rear-to-rear) space between BUILDINGS shall be not less than one and five-tenths (1.5) times the height of the taller BUILDING or fifty (50) feet minimum, whichever is greater.

§ 180.48. Planned residential DEVELOPMENT in R-5 and R5-S Districts.

180.48.1. **[Amended 1-19-83 by Ord. No. 657]** Use regulations. Within a PRD in the R-5 and R5-S Residence Districts, the following uses shall be permitted.

180.48.1.1. Any use permitted in the R-5 Residence District, including townhouses.

180.48.1.2. The BOROUGH may grant special permission for condominium-type commercial OFFICE BUILDINGS no more than a total of three (3) stories in height inclusive of indoor parking related thereto [and no more than two (2) stories in height above grade at the elevation fronting on the principal public right-of-way accessing the BUILDINGS]; provided that the commercial uses permitted in said condominium-type commercial OFFICE BUILDINGS shall be limited to PROFESSIONAL OFFICES with no retail sales, that no showrooms either for retail or wholesale sales shall be permitted and that no sign of any type will be permitted, although a nameplate, not illuminated and not freestanding, not to exceed two by four (2 x 4) feet, may be installed on each commercial OFFICE BUILDING.

180.48.2. Minimum site area. The minimum site area required for a parcel to qualify for application of the PRD regulations within the R-5 Zoning Districts shall be four (4) acres of land.

180.48.3. Ownership. The parcel of land for a PRD project may be owned, leased or controlled by either a single PERSON, a CORPORATION or a group of individuals or CORPORATIONS acting together. An application must be filed by the owner or jointly by the owners of all properties included in the project. In the case of

multiple ownership, the approved plan shall be binding upon all owners.

180.48.4. Location of PRD. The location of the PRD regulated by this Article and section may be any site within any R-5 Zoning District meeting the minimum acreage requirements set forth herein.

180.48.5. **[Amended 7-7-82 by Ord. No. 644; 1-19-83 by Ord. No. 657]** Area and bulk regulations. The area and bulk regulations of the R-5 Residence District shall be observed and the density maintained with the following exceptions:

180.48.5.1. The general location of all STRUCTURES shall be shown on the plans submitted for both tentative and final approvals. The location and arrangement of all STRUCTURES shall be such that proper light and air are provided. No BUILDING within the PRD shall be closer than twenty-five (25) feet to the perimeter property line, except where the perimeter property line abuts a public STREET, in which case the BUILDING shall be set back at least fifteen (15) feet from the STREET right-of-way line.

180.48.5.2. A perimeter conservation easement shall be maintained around the perimeter of a PRD having the dimensions of at least fifteen (15) feet, and such conservation easement shall be maintained with deciduous and evergreen-type material and a maintained ground surface cover.

180.48.5.3. FRONT, REAR and SIDE YARDS and yard area requirements of the R-5 Residence District are not specifically regulated within the PRD except as required by § 180.48.5.1 and § 180.48.5.2 above.

180.48.6. **[Amended 7-7-82 by Ord. No. 644]** Limited commercial area, bulk and use regulations. The area, bulk and use regulations set forth below are the minimum regulations for a PRD located in the R-5 Residence District:

180.48.6.1. The allowable DWELLING density shall not exceed one thousand seven hundred fifty (1,750) square feet of PRD project area per unit, provided that all other area, bulk and use regulations are observed, and further, the total BUILDING coverage of all BUILDINGS, residential, commercial or otherwise, shall not exceed twenty-five percent (25%) of the total PRD project area.

180.48.6.2. The BOROUGH may grant special permission for condominium-type commercial OFFICE BUILDINGS two (2) stories in height exclusive of indoor parking related thereto.

180.48.6.3. The permitted commercial use shall be limited to PROFESSIONAL OFFICES with no retail sales. No showrooms either for retail or wholesale sales are permitted.

180.48.6.4. No SIGN of any type will be permitted, although a
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nameplate, not illuminated and not freestanding, not to exceed two by four (2 x 4) feet, may be installed on each commercial OFFICE BUILDING.

180.48.7. Land coverage. The allowable DWELLING density shall not exceed one thousand seven hundred fifty (1,750) square feet of PRD project area per unit, provided that all other area, bulk and use regulations are observed, and further, the total BUILDING coverage of all BUILDINGS, residential, commercial or otherwise, shall not exceed twenty-five percent (25%) of the total PRD project area. **[Amended 1-19-83 by Ord. No. 657]**

§ 180.49. Application for tentative approval.

180.49.1. In order to provide an expeditious method for processing a plan for a planned residential DEVELOPMENT under the terms of this Article and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a municipality of local procedures of a part of subdivision as well as approval of a change of zoning regulations otherwise applicable to the property, an application for tentative approval of a plan for planned residential DEVELOPMENT shall be filed by or on behalf of a landowner.

180.49.2. The APPLICANT must submit final plans to the BOROUGH for review and approval within nine (9) months from the date of approval granted under § 180.49.1 previous. In order to allow the BOROUGH COUNCIL, the COMMISSION and the APPLICANT time to reach an understanding on the basic design requirements, the APPLICANT shall submit a preliminary plan for proposed PRD to the BOROUGH COUNCIL and the COMMISSION for their review and approval.

180.49.3. The application for tentative plan approval shall contain, but need not be limited to, the following:

180.49.3.1. A survey of the property to be included in the PRD, prepared and sealed by an engineer or surveyor licensed to practice in the Commonwealth of Pennsylvania.

180.49.3.2. An application for tentative approval of the DEVELOPMENT plan for a planned residential DEVELOPMENT shall be filed by or on behalf of the landowner.

180.49.3.3. The application for tentative approval shall be filed by the landowner in such form as prescribed by the BOROUGH, upon the payment of the fee set forth in § 180.53.

180.49.3.4. The application shall contain the following information:

180.49.3.4.1. The location, side and topography of the site and the nature of the landowner's interest in the land proposed to be developed.

180.49.3.4.2. The density of land use to be allocated to parts of the site to be developed.

180.49.3.4.3. The location and size of the common open space and the form of organization proposed to own and maintain the common open space.

180.49.3.4.4. The use and the approximate height, bulk and location of BUILDINGS and other STRUCTURES.

180.49.3.4.5. The feasibility of proposals for the dispositions of sanitary waste and stormwater.

180.49.3.4.6. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, BUILDINGS and STRUCTURES including proposed easements or grants for public utilities.

180.49.3.4.7. The provisions for parking of vehicles and the location and width of proposed STREETS and public ways.

180.49.3.4.8. The required modifications in the municipal land use regulations otherwise applicable to the subject property.

180.49.3.4.9. In the case of DEVELOPMENT plans which call for DEVELOPMENT over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the planned residential DEVELOPMENT are intended to be filed, which schedule must be updated annually, on the anniversary of its approval, until the DEVELOPMENT is completed and accepted.

180.49.3.4.10. For DEVELOPMENTS which will employ phased construction, overall (total) DEVELOPMENT plans shall be submitted with the tentative application containing the information required for tentative approval.

180.49.3.5. A written statement by the landowner setting forth the reasons why, in his opinion, a planned residential DEVELOPMENT would be in the public interest and would be consistent with the Comprehensive Plan for the DEVELOPMENT of the BOROUGH.

180.49.3.6. Where a developer proposes to vary the subdivision regulations otherwise applicable to DEVELOPMENT of a property within the BOROUGH, such proposed variations shall be submitted to the BOROUGH with the application for tentative approval. Otherwise, the subdivision DEVELOPMENT regulations of the BOROUGH shall be the subdevelopment

regulations governing a PRD.

§ 180.50. Tentative plan approval.

In order to provide an expeditious method for processing a plan for a PRD under the terms of an ordinance adopted pursuant to the Pennsylvania Municipalities Planning Act, BOROUGH COUNCIL shall, within sixty (60) days after the filing of an application for tentative approval of a PRD, hold a public hearing pursuant to public notice as follows:

180.50.1. The hearing may be continued from time to time and may be referred back to the planning agencies for report; provided, however, that all hearings shall be concluded within sixty (60) days after the date of the first public hearing.

180.50.2. In approving a plan for a PRD, the BOROUGH may take into account the following:

180.50.2.1. Proposal conformance with the local Comprehensive Plan.

180.50.2.2. Proposal conformance with the purpose and intent of the objectives of this Article as expressed in **§ 180.45**.

180.50.2.3. Proposal conformance with regulations set forth in this Article for the conceptual soundness of the proposal inasmuch as it meets community needs and conforms to accepted design principles in land use configuration, proposed functional roadway systems, proposed functional utility systems, open space land systems and the scale of these both absolutely and one to another.

180.50.2.4. The purpose, location and amount of open space land in the PRD, the reliability of the proposal for maintenance and conservation of open space land and the adequacy or inadequacy of the amount and purpose of the open space land as related to the proposed density and type of DEVELOPMENT.

180.50.2.5. In the case of a PRD 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 and owners of the PRD in the integrity of the plan shall be evaluated.

180.50.3. Approval or denial of plan.

180.50.3.1. COUNCIL shall, within thirty (30) days following the conclusion of the public hearing for the proposed PRD, by official written communication to the APPLICANT either:

180.50.3.1.1. Grant tentative approval to the DEVELOPMENT plan as submitted;

180.50.3.1.2. Grant tentative approval subject to specified conditions not included in the DEVELOPMENT plan as submitted; or

180.50.3.1.3. Deny approval to the DEVELOPMENT plan.

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

180.50.3.3. 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 denial, and said communications shall set forth with particularity in what respects the DEVELOPMENT plan would or would not be in the public interests in matters prescribed by the Pennsylvania Municipalities Planning Act.

180.50.4. A DEVELOPMENT plan or any part thereof which has been given final approval shall be so certified without delay by the BOROUGH and shall be filed of record in the Office of the Recorder of Deeds before any DEVELOPMENT shall take place and a BUILDING permit be issued in accordance therewith. From the filing of record of the DEVELOPMENT plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto.

§ 180.51. Phased DEVELOPMENT.

A plan which requires more than twenty-four (24) months to complete shall be constructed in phases and a phasing plan must be developed. In phased PRD, it is expected that minor changes in the approved final plan will be required from time to time. In order to preserve the flexibilities which are fundamental to PRD, plan changes are permitted, subject to the limitations listed below:

180.51.1. The changed plan must meet the basic objective of all regulations and requirements of this Article.

180.51.2. All changes in the final plan must meet the fundamental substantial compliance requirements of this Article.

180.51.3. All plan changes must be submitted to the BOROUGH for review

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and approval in accordance with the requirements of this Article.

§ 180.52. Fees. [Amended 6-3-87 by Ord. No. 715]

A fee deposit relating to the processing of planned residential DEVELOPMENT applications and subdivision plans is prescribed for each DWELLING UNIT in the entire project.² The BOROUGH shall deduct from such deposit its direct expenses incurred in the processing of the application and during DEVELOPMENT construction. At the conclusion of the construction or upon project abandonment, any unused balances will be returned to the APPLICANT. BOROUGH direct expenses include, but shall not be limited to, expenses connected with required advertising, hearing costs (including stenographer and transcript), legal and consultant costs and other such direct expenses attributable to the DEVELOPMENT. Should the initial fee deposit be insufficient to meet all direct BOROUGH expenses connected with the project, the APPLICANT shall provide such additional fee deposits as the BOROUGH may prescribe. Unused balances from additional fee deposits shall be returned at conclusion of construction or upon project abandonment.

§ 180.53. Abandonment of plan.

In the event that a DEVELOPMENT plan or section thereof, after having been given final approval, is abandoned by the developer, or should construction have not been substantially initiated within one (1) year from date of final approval, no DEVELOPMENT or further DEVELOPMENT shall take place on the property included under the approved DEVELOPMENT plan and all previous approvals shall be declared null and void.

² Editor's Note: Specific fees are as set forth in the Fee Resolution on file in the BOROUGH Offices.