

## **ARTICLE 9: PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS**

### **9.100 Purpose and Intent**

- 9.110 It is the purpose of this Article to establish zoning regulations and controls for the use of land and structures, areas of lots, bulk of buildings, amount of open space land, the provision of off-street parking, other similar accessory regulations and to provide a tool for preserving environmentally critical lands, vegetated riparian buffers, forests and open space, which have ecological or scenic value, in the Planned Residential Development Districts in accordance with the Pennsylvania Municipalities Planning Code.
- 9.120 In order that the purpose of this Article be furthered in an era of increasing urbanization and of growing demands for housing of all types and design, the following principles form the basis for this article:
- 9.121 To provide a means whereby parcels, lands and acreage can be designed and developed without regard to the normal lot size, building bulk and setback requirements of the typical zoning districts. However, in this innovative type of development, minimum requirements are established to ensure that each living unit has proper light and air, appropriate access to public ways and open space and is properly connected to public utilities.
- 9.122 To encourage innovations in residential development which will provide housing of greater variety in type, design and site planning, and incorporating conservation of maximum open space as non-fragmented as possible, nearby to said dwellings.
- 9.123 To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that economies secured may benefit the homeowner, the developer and the community.
- 9.124 To provide a procedure which can relate the type, design and layout of the residential development to the particular site as well as the particular demand for housing existing at the time of development.
- 9.125 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 Planning Commission and the Environmental Advisory Council, which act as the designated planning agencies of the Township of Hampton.

- (a) review all planned residential development pursuant to the provisions of this Article and shall make recommendations to the Township Council for approval or disapproval, in writing.
- (b) shall ensure that the applicant conforms to all requirements, standards, controls and regulations as are set forth in Sections 9.200, 9.300, 9.400 and 9.500 of this Ordinance.
- (c) Ensure that the applicant complies with all the requirements as set forth in Section 9.800 of this Article pertaining to application and hearings on tentative and final approval of a proposed planned residential development by the Township Council.

9.130 Establishment of Controls - The regulations set by this Article are minimum regulations (unless otherwise stated) within the planned residential development districts and shall apply uniformly to each classification or kind of lot and structure within the districts.

9.140 Other Articles of the Zoning Ordinance - The planned residential districts do not necessarily correspond in minimum lot size, building area, type of dwelling unit, density, lot coverage or required open space to any other residential district zoning requirements in the Township.

## **9.200 General Requirements for Planned Residential Development**

9.210 Eligibility

9.211 For this Ordinance, a Planned Residential Development (PRD) will only be permitted as follows for each zone:

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| <b>Zoning District</b>       | <b>PRD Classification</b> | <b>Types of Structures Permitted</b>                                                                                                                                                                                                                                                                                      | <b>Required Acreage of Single Tract Proposed for Development</b> |
|------------------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Residential A (RA)           | PRD-A                     | <ul style="list-style-type: none"> <li>• Single family dwellings</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> </ul>                                                                                                                                                      | Fifteen (15) acres                                               |
| Residential B (RB)           | PRD-B                     | <ul style="list-style-type: none"> <li>• Duplexes</li> <li>• Single family dwellings</li> <li>• Quadraplexes</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> </ul>                                                                                                          | Fifteen (15) acres                                               |
| Residential C (RC)           | PRD-M, PRD-I              | <ul style="list-style-type: none"> <li>• Duplexes</li> <li>• Single family dwellings</li> <li>• Quadraplexes</li> <li>• Townhouses</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> <li>• Institutional developments (Section 9.600)</li> </ul>                              | Ten (10) acres                                                   |
| Residential D (RD)           | PRD-M, PRD-I              | <ul style="list-style-type: none"> <li>• Duplexes</li> <li>• Single family dwellings</li> <li>• Quadraplexes</li> <li>• Townhouses</li> <li>• Garden apartments</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> <li>• Institutional developments (Section 9.600)</li> </ul> | Ten (10) acres                                                   |
| Neighborhood Commercial (NC) | PRD-I                     | <ul style="list-style-type: none"> <li>• Institutional developments (Section 9.600)</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> </ul>                                                                                                                                   | Five (5) acres                                                   |
| Light Industrial (LI)        | PRD-I                     | <ul style="list-style-type: none"> <li>• Institutional developments (Section 9.600)</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> </ul>                                                                                                                                   | Five (5) acres                                                   |
| Highway Commercial (HC)      | PRD-I                     | <ul style="list-style-type: none"> <li>• Institutional developments (Section 9.600)</li> <li>• Essential services</li> <li>• Accessory uses as enumerated in 9.220 a &amp; b</li> </ul>                                                                                                                                   | Five (5) acres                                                   |

9.212 No application of a planned residential development shall be considered, or approved, unless the following conditions are met.

- a. The development will be served by public water and sewage disposal systems, which shall be in place and capable of functioning prior to the construction of any principal buildings within the PRD or any stage thereof;
- b. The proposed development is found to be generally consistent with the Comprehensive Plan of the Township;
- c. The tract of land to be developed shall be in single ownership, i.e. corporation, venture, partnership, limited partnership, etc.

#### 9.220 Use Regulations

##### 9.221 Type of Structure(s) Permitted within a PRD

- a. Accessory uses limited to the following:  
(PRD-A, PRD-B, PRD-M and PRD-I)
  1. customary residential accessory uses
  2. accessory buildings
  3. private garages
  4. pools (subject to Ordinance #84)
  5. municipal parks and playgrounds
- b. Commercial and institutional uses, to the extent that they are designed and intended primarily to serve the residents of the PRD.  
(PRD-A, PRD-B, PRD-M and PRD-I)

The standards to be used by the Planning Commission and Township Council in ascertaining the granting or withholding of the conditional use should be the same as those set forth for use in Article 12 of this Ordinance.

- c. Communications Facilities and Tower Sites which shall be subject to the standards and criteria set forth in Article 5 of the Township of Hampton Zoning Ordinance, and Article 10 (supplemental requirements) and in particular, Article 10.330 which relates to height exceptions.

## **9.300 Development Standards**

### 9.310 Natural Features Analysis

A well designed Planned Residential Development, integrated with existing social and natural features and making efficient use of common services, should be an asset to the community. The site designer and architect, working together, must demonstrate to the satisfaction of the Township Planning Commission, Environmental Advisory Council and Township Council that they have considered both the opportunities provided and the constraints imposed by the existing natural and social features, both on and off the site of the proposed development, in determining site layout and design of structures. In order to determine which specific areas of the total Planned Residential Development site are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state or utilized as open space areas, a thorough analysis of the natural features of the site will be required. The following subject categories must be included in this analysis:

- 9.311 Hydrology. Analysis of natural drainage patterns and water resources, including an analysis of streams, natural drainage swales, ponds or lakes, springs, marsh areas, floodplain areas, permanent high water table areas, and seasonal high water table areas throughout the site. All wetland areas must be specifically identified on the plan.
- 9.312 Geology. Analysis of characteristics of rock formations underlying the site, including delineation of aquifers (particularly those locally subject to pollution), shallow bedrock area, and areas in which rock formations are unstable.
- 9.313 Soils. Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils, soils most susceptible to erosion, and soils suitable for urban development. The analysis of soils will be based on the Allegheny County Soil Survey (USDA Soil Conservation Service).
- 9.314 Topography. Analysis of the site's terrain, including mapping of elevations and delineation of slope areas greater than 25 percent (25%), between 15 percent (15%) and 25 percent (25%).

9.315 Vegetation and Wildlife. Analysis of tree and plant cover and wildlife habitats of the site, emphasizing the location of woodland and meadowland areas, dominant tree, plant, and animal species should be identified and the characteristics of each recognized. Additionally, mapping of all trees over six (6) inches DBH in or near the area of disturbance shall be shown on the site plans.

The Township Council shall require site planning to be in accord with the results of such analysis, and may require modifications where site planning has been insufficiently attentive thereto.

**9.400 PRD Density Calculation**

9.410 The density for a PRD shall be calculated by multiplying the number of units permitted (using the values identified in Table B) by the developable acreage of the property.

The developable acreage shall be determined by subtracting the following from the total acreage of the property:

- 1) The acreage used for proposed road rights-of-way, storm water detention facilities, floodplains, wetlands, slopes over 25% and floodways;
- 2) The indicated percentages of these environmentally sensitive areas;

|                  |         |
|------------------|---------|
| Type of Land     | Percent |
| Slopes of 15-25% | 50%     |

9.420 Development tracts with environmentally sensitive areas are subject to the following limitations:

| <u>Type of Land</u> | <u>Limitations</u>                                                                  |
|---------------------|-------------------------------------------------------------------------------------|
| Floodway Area       | No units permitted                                                                  |
| Floodplain Area     | No units permitted                                                                  |
| Wetlands            | No units permitted                                                                  |
| Slopes over 25%     | No units permitted - disturbance for utilities, storm water and service roads only. |
| Slopes of 15% - 25% | Units permitted on only 50% of this total area.                                     |

9.430 Density, Area, Bulk and Setback Standards, SEE TABLE B

### 9.230 DENSITY, AREA AND SETBACK STANDARDS

#### TABLE B

|                          | Max. Density Per<br>Developable Acre<br>(units) | Min. Lot Size<br>Sq. Ft. | Min. Lot Width at<br>Bldg. Line | Min. Setback from<br>Street ROW | Min. Rear Yard<br>Setback | Min. Side Yard<br>Setback | Min. Bldg.<br>Separation | Min Open<br>Space |
|--------------------------|-------------------------------------------------|--------------------------|---------------------------------|---------------------------------|---------------------------|---------------------------|--------------------------|-------------------|
| <b>SINGLE FAMILY</b>     |                                                 |                          |                                 |                                 |                           |                           |                          |                   |
| PRD-A                    | 1                                               | 15,000                   | 90'                             | 35' *                           | 40'                       | 10'                       | ~                        | 30%               |
| PRD-B                    | 2                                               | 12,500                   | 80'                             | 30' **                          | 30'                       | 10'                       | ~                        | 30%               |
| PRD-M                    | 4                                               | 10,000                   | 70'                             | 25'                             | 30'                       | 10'                       | ~                        | 25%               |
| <b>DUPLEX/QUADRAPLEX</b> |                                                 |                          |                                 |                                 |                           |                           |                          |                   |
| PRD-B                    | 2                                               | 16,000                   | 100'                            | 30' **                          | 30'                       | 10'                       | ~                        | 30%               |
| PRD-M                    | 4                                               | 13,000                   | 90'                             | 25'                             | 30'                       | 10'                       | ~                        | 25%               |
| <b>TOWNHOUSE</b>         |                                                 |                          |                                 |                                 |                           |                           |                          |                   |
| PRD-M                    | 4                                               | ~                        | ~                               | 25'                             | 10'                       | (+)                       | 40'                      | 25%               |
| <b>GARDEN APARTMENT</b>  |                                                 |                          |                                 |                                 |                           |                           |                          |                   |
| PRD-M                    | 12                                              | ~                        | ~                               | 25'                             | 30'                       | (+)                       | 40'                      | 25%               |
| <b>INSTITUTIONAL</b>     |                                                 |                          |                                 |                                 |                           |                           |                          |                   |
| PRD-I                    | 12                                              | ~                        | ~                               | 25'                             | 30'                       | (+)                       | 40'                      | 25%               |

\* A minimum setback of 30 feet is permitted when a 35 foot average is maintained in the development

\*\* A minimum setback of 25 feet is permitted when a 30 foot average is maintained in the development

(+) Setback shall be equal to the width of the buffer yard that is required in Section 10.250

#### 9.240 BUILDING SIZE STANDARDS

9.241 No structure shall exceed thirty-five (35) feet in height or contain more than three (3) stories. See Section 10.300 for additional requirements.

9.242 No townhouse shall contain less than three (3) units or more than (10) units.

9.243 No garden apartment shall contain less than three (3) units or more than twenty-four (24) units.

#### 9.440 Conservation of Trees and Natural Features

- 9.441 The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance, and the destruction of natural amenities, especially wetlands. All requirements of Section 10.400 of this Ordinance shall be met.
- 9.442 No portions of tree masses or trees with six (6) inch or greater DBH shall be removed unless clearly necessary for effectuation of the proposed development. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.
- 9.443 When effectuation of a proposed planned residential development necessitates the clearing of trees or portions of tree masses, the developer shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing:
- a. Aesthetic values (autumn coloration, types of flower and fruit, bark and crown characteristics, amount of dieback present).
  - b. Susceptibility of tree to insect and disease attack and to air pollution.
  - c. Species longevity.
  - d. Wind firmness and capability of soil to hold trees.
  - e. Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).
  - f. Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
  - g. Screening for surrounding community (such as year-round evergreens)
  - h. Protection of buildings (e.g., dead and large limbs hanging over buildings should be removed)
  - i. The size of a tree at maturity.
  - j. The preservation of areas of unique tree and wildflower stands, and identified unique trees.

- 9.444 Developers shall exercise care to protect remaining trees from damage during construction. The following procedures shall be utilized in order to protect remaining trees: (See also Section 10.406)
- a. Where existing ground levels are raised, drainage tiles shall be placed vertically at old soil level and tops brought up to the surface of the ground and filled with coarse, crushed stone or gravel. The tiles should be placed to the perimeter of the drip line of the tree at a maximum of four (4) feet apart.
  - b. Trees within twenty-five (25) feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier during construction.
  - c. No boards or other material shall be nailed to trees during construction.
  - d. Heavy equipment operators shall be warned to avoid damaging existing tree and roots. Roots shall not be cut closer than the tree's drip line.
  - e. Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately with professional procedures.
  - f. The operation of heavy equipment over root systems of such trees shall be minimized in order to prevent soil compaction.
  - g. Non-dormant trees shall be given a heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.
  - h. Construction debris shall not be disposed of around or near the bases of such trees, except for matched vegetative matter used to prevent soil compaction.
- 9.445 Trees with a minimum caliper of two and one half (2 ½) inches shall be provided by the developer where deemed necessary by the Township Council to mitigate the loss of existing trees. Unless infeasible, native species shall be utilized. (See also Section 10.406)

## 9.450 Site Design

### 9.451 Streets

- a. The design dimensions and construction of all streets shall comply with the applicable standards found in Section 607 of the Township's Subdivision and Land Development Ordinance.
- b. The street and walkway systems shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas. All residential parking and recreational areas shall be connected by pedestrian walkways. Walkways that connect residential areas and parking areas shall be of a durable all-weather surface satisfactory to Township Council.
- c. A separation of vehicular from pedestrian and bicycle traffic is encouraged. Where pedestrian walkways are not within a street right-of-way, a walkway easement of at least ten (10) feet in width shall be designated. Where a walkway crosses over open space land, however, the easement shall not be subtracted from the open space land for purposes of calculating the area thereof.
- d. Where dwelling units front on an arterial street, no direct vehicular access from the lot or tract to the street shall be permitted.

### 9.452 Storm Water Management

All requirements of Article 7 of the Township of Hampton Subdivision and Land Development Ordinance shall be adhered to.

### 9.453 Signs

Signs shall be permitted in accordance with Article 14 of this Ordinance.

### 9.454 Off-street Parking

All requirements for off-street parking regulations and standards found in Article 13 of this Ordinance are to be followed.

#### 9.455 Lighting

- a. All common parking areas, steps, ramps, walkways of high pedestrian use, and directional signs shall be adequately lighted.
- b. The Township Council may require lighting in other areas for reasons of public safety.
- c. All above required lighting, and all external lighting fixtures appurtenant to a structure, shall be shielded from all residential properties and from all rights-of-way so as to eliminate light glare beyond an angle of thirty-five (35) degrees from a vertical plane. No such lighting shall exceed twenty (20) feet in height.

#### 9.456 Landscaping and Buffers

- a. All common parking areas shall be landscaped with trees and shrubs of varying species which grow well in this area. At least one shade tree of minimum one and one half (1 ½) inch caliper and measuring six (6) feet in height shall be provided within the interior of each parking area for every five (5) parking spaces.
- b. Shade trees of varying species, which grow well in this area, may be planted along all streets between ten (10) to fifteen (15) feet outside of the street right-of-way, at the developer's option. If planted, at least one tree of minimum one and one half (1 ½) inch DBH and measuring six (6) feet in height, shall be provided on each side of the street for each twenty-five (25) feet of street length, or fraction thereof.
- c. All landscaping requirements in Section 10.800 of this ordinance shall be met. The street trees as described in 9.456 (b) above, may be counted as part of the requirement in Section 10.804.
- d. The amount, density, and types of plantings shall be based upon physiographic features, feasibility of using native species, proximity to adjacent uses, and natural views. If the PRD consists of multi-family units or single family detached dwellings, buffer yards shall be created along the side and rear property lines as per Section 10.250, even if the PRD adjoins a residential zoning district. Refer to table in Section 10.250 to determine the required buffer yard. In areas where the physiographic features and/or existing vegetation provide an attractive setting, the planting strip may be left in its natural state or enhanced with additional plant material of lesser density than a full screen, as long as the end result is screening at least as dense as that in the required buffer yard.

- e. No planting shall be placed with its center closer than five (5) feet from a property line of the tract.
- f. All required plantings shall be permanently maintained and, if necessary to maintain an effective screen, replaced by the property owner in the event they become diseased or dead.
- g. Planting species shall be mixed; generally, a minimum of twenty-five percent (25%) shall be evergreen and ten percent (10%) flowering material, except in the case of bufferyards.
- h. All bufferyard requirements identified in Section 10.250 of this ordinance shall be met.
- i. Disturbed topsoil shall be stockpiled, protected from erosion, and replaced after construction.
- j. Planting and protection of landscape material shall be in accordance with a plan and schedule prepared by a registered landscape architect, and shall be completed within six (6) months of initial occupancy of each stage of development. Maintenance specifications for all plant materials shall be submitted with the Final Plan.

#### 9.460 Facilities Other Than Dwellings Located in a PRD

Any parcel on which such facilities are located shall be bounded by a buffer strip on all property lines abutting, or directly across a street from residential uses. Such buffer strips shall follow the bufferyard requirements identified in Section 10.250, but must also provide an adequate and attractive vegetative screen on its front street side.

- 9.461 Supplemental facilities for commercial services to serve the residents of the planned residential development and for recreational purposes may be provided within a planned residential development, based upon the following requirements:
- a. Recreational facilities may be located within required open space areas provided, however, no buildings shall be constructed within a floodway, wetlands, or flood plain area or within an area having a slope greater than twenty-five percent (25%). Ownership and maintenance shall be in accordance with Subsections 9.520 and 9.550 hereof.

- b. No convenience stores may be provided unless a market analysis has been completed indicating that such facility will be supported by the Planned Residential Development. A maximum of twenty (20) square feet of gross leasable floor space may be provided for each dwelling unit. The total of such floor space may be increased by an additional fifteen (15) square feet for each dwelling unit in excess of two-hundred (200) units within the planned residential development.

9.462 All convenience stores shall comply with the following standards:

- a. Locations shall be such as not to interfere with the adjacent residential uses. Architectural compatibility with residential structures to be erected within the Planned Residential Development shall be maximized.
- b. Free standing signs are prohibited. All permitted signs, including lighted signs, shall be attached to an exterior wall (not roof) of the structure, and may be mounted either flush thereto or at right angles thereto.
- c. Refuse stations must be designed and screened, be in locations convenient for collection and removal, and not be offensive or visible to the occupants of adjacent residential uses.
- d. Buildings designed or intended to be used, in part or in whole, for commercial purposes shall not be used or occupied as such prior to the completion of at least fifty percent (50%) of the dwelling units proposed in the plan.

### **9.500 Standards for Open Space and Common Ground**

#### 9.510 Amount

The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a conservation easement shall be as specified below:

- a. The minimum percentage of the adjusted developable acreage shall be as specified in TABLE B.
- b. At least twenty-five percent (25%) of the required open space must be located on buildable land which is suitable for active recreation, but only half of this portion may actually be utilized for active recreation that requires structures and/or permanent facilities. The rest is to be left natural for passive recreation and wildlife habitat.

- c. There is no minimum percentage of amount of land required for common ground. Overflow parking areas, landscaped areas around buildings or along streets, etc., will depend upon the developer's site plan as to whether there are any elements which will need common ownership within the development.

9.511 All common ground and/or open space, both natural and active recreational, and any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, in a form acceptable to the Township and duly recorded in the County Register of Deeds Office.

9.512 All land designated as common ground and/or open space shall remain in perpetuity and shall be limited to the uses as specified under the definitions of common ground and of natural area open space and recreational area open space in this ordinance. This common ground and/or open space shall be designated parcels of land with this restriction clearly stated on the deeds and in any homeowner's association agreement or Township or conservation organization agreements. There shall be no other uses allowed on common ground and/or open space lands.

#### 9.520 Ownership

Any of the following methods may be used, either individually or together, to preserve, own, and maintain open space and/or common ground: 1) transfer of fee simple title or easements to a private conservation organization, 2) fee simple dedication, 3) dedication of easements, and 4) condominium or homeowners association. The Township shall have the right of first refusal of accepting the open space, but the Township is not obligated to accept the open space. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio of the overall development. The following specific requirements are associated with each various method.

9.521 Homeowners Association - The common ground and any developed active recreational areas which are only for the benefit of the PRD residents, must be held in common ownership by homeowners association. Other open space may be held in common in this way, provided that a legal conservation easement is established with either the Township or a non-profit conservation organization, as defined in Section 9.524 (b). In addition to this, a public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township, extending through the open space, to facilitate trail connections. This method shall be subject to all of the provisions for homeowners associations set forth in Subsections 9.530 and, below, and the

Homeowners Association Agreement shall be a legal document, duly signed and recorded. A copy of this signed and recorded document shall be submitted to the Township to be kept on record with the PRD plan.

9.522 Fee Simple Dedication - The Township may, but shall not be required to, accept any portion or portions of the open space, provided (1) such land is accessible to the residents of the Township; (2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) the Township agrees to and has access to maintain such lands. Where the Township accepts dedication of open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

9.523 Transfer to a Private Conservation Organization - With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or restrictive easement to a private non-profit organization, among whose purposes is to conserve open space land and/or natural resources, provided (1) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (2) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a maintenance agreement acceptable to the Township is reached.

9.524 Dedication of Easements

- a. Township may, but shall not be required to, accept conservation easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners association, provided (1) such land is accessible to the residents of the Township; (2) there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and (3) a maintenance agreement acceptable to the Township is reached.

- b. With the permission of the Township, an owner may transfer conservation easements to a private, non-profit, organization, among whose purposes it is to conserve open space and/or natural resources, provided that (1) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; (2) the conveyance contains appropriate provision for proper reverter or re-transfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and (3) a maintenance agreement acceptable to the Township is reached.

9.525 Condominium - The common ground and/or open space may be controlled through the use of condominium agreements approved by the Township. Such agreement shall be in conformance with the Uniform Condominium Act. All open space land shall be held as "common element".

#### 9.530 Specific Requirements for Homeowners Associations

If a homeowners association is formed, it shall be governed according to the following regulations:

- a. The developer shall provide to the Township a description of the organization, including its by-laws and documents governing common ground and/or open space maintenance and use restrictions.
- b. The organization shall be established by the developer and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.
- c. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- d. The organization shall be responsible for the maintenance, insurance and real estate taxes on all common ground and/or open space whose title is held by the homeowners association.
- e. The members of the organization shall share equally the costs of maintaining natural area open space, and maintaining and developing common ground and/or active recreation area open space, in accordance with the procedures established by them.

- f. In the event of any proposed transfer of common ground and/or open space land by the homeowners association within the methods here permitted, or of the assumption of maintenance of common ground and/or open space land by the Township as hereinafter provided, notice of such action shall be given to the Township and all property owners within the Planned Residential Development by the homeowners association no less than 30 days prior to the event.
- g. The organization shall have or hire adequate staff to administer common facilities and maintain common ground and/or open space.
- h. The homeowners association shall not sell, but may lease back common ground and/or open space lands to the developer, his heirs and assigns, or to any other person or corporation qualified to manage common ground and/or open space lands for operation and maintenance of these lands, but such a lease agreement shall provide; (1) that the residents of the Planned Residential Development shall have access to the common ground and/or open space lands contained therein; (2) that the common ground and/or open space to be leased shall be obtained only for the uses and purposes set forth in this Ordinance; and (3) that the operation of common ground and/or open space facilities may be for the benefit of residents of a Planned Residential Development only or may be open to the residents of the Township.

The lease shall be subject to the approval of the Township, as shall any transfer or assignment of the lease. Lease agreements so entered into shall be recorded with the Recorder of Deeds of Allegheny County within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the Township.

#### 9.540 Additional Standards for Open Space Location and Layout

9.541 The open space shall be laid out to the satisfaction of Township Council, after review by the EAC, in accordance with the best principles of site design, and shall be consistent with all Township land use plans,

- a. Natural area and open space shall be located and designed as a solid area, or contiguous areas, to preserve the natural features and to be easily accessible to residents of the Planned Residential Development, and to the general public if that open space is to be held for public use. Whenever possible, it should be designed to include a variety of wildlife habitats and terrain, such as wetlands and stream, open meadows and woodlands.

- b. The open space areas must have land which is left in its pre-development state as a natural area open space. It may also have some active recreation area open space land which may include active recreation areas and/or facilities provided that Section 10.400 of this Ordinance is observed.
- c. Natural area open space may include greenways, or likely travel corridors, linking areas of open space used as food sources, homes, and breeding grounds by wildlife. Creating continuous greenways along watercourses is of prime importance for habitat conservation, water quality, pollution control and recreational trail opportunities. Greenways, as part of the natural area open space requirement, must be at least forty (40) feet in width.

9.542 For purposes of calculation, such areas as parking lots, detention ponds and streets, and buffer yards, unless they fulfill the requirements to qualify as a greenway as described in Section 9.541 (c), are not considered as open space. In addition, land lying within fifteen (15) feet of any residential unit, and/or any area between the residential units and their access road, shall not be considered open space.

9.543 The open space shall be free of all structures, except those related to outdoor recreational use and required visible permanent monuments at each point of direction change along all borders.

9.544 An existing permanent retention pond is permissible as open space.

9.545 The existing wooded areas or other natural cover shall be retained in the open space. If this is not feasible in the area being used for active recreation, then a suitable landscaping plan which is consistent with the purposes of this section may be required and approved by Township Council after review by the EAC.

9.546 The development shall include at least two (2) pedestrian rights-of-way, connecting the open space to the streets, being clearly marked on both the plan and the site. These rights-of-way should be at least ten (10) feet in width and be for pedestrians or non-motorized vehicles only. It shall be the responsibility of the developer to install permanent markers on the site which will clearly identify the pedestrian accesses for these rights-of-way. When the open space is to be used by the general public, a small parking area for a minimum of four (4) cars shall be provided in proximity to at least one of the pedestrian access points.

9.547 In the event that a Planned Residential 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 governing body 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 that portion of the area included in the Planned Residential Development plan for which Final Approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the municipal secretary or clerk of the municipality.

Establishment of ownership of common ground and/or open space. The applicant must establish and assure the future ownership of the common ground and/or permanent open space land as well as indicate the provisions for the burden of maintenance and control of the common ground and/or open space land, in addition, the Township, at its discretion, may at any time, accept the dedication of land or any interest therein for public use and maintenance, but the Township need not acquire it as a condition of the approval of the Planned Residential Development, nor as a condition of the land being set aside for common ground and/or open space and dedicated or made available for public use.

#### 9.550 Maintenance

9.551 In the event that the organization established to own and maintain a common ground and/or open space, or any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common ground and/or open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the Planned Residential Development, setting forth the manner in which the organization has failed to maintain the common ground and/or open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of this 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 corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the common ground and/or open

space from becoming a public nuisance, may enter upon said common ground and/or open space and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said common ground and/or open space, and shall not vest in the public any rights to use the common ground and/or open space except when the same is voluntarily dedicated to the public by the residents and owners, and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization therefore responsible for the maintenance of the common ground and/or open space, call a public hearing, upon notice to such organization, or to the residents and owners of the Planned Residential Development, to be held by the Township, at which hearing such organization or the residents and owners of the planned residential development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common ground and/or open space in reasonable conditions, the Township shall cease to maintain said common ground and/or open space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common ground and/or open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common ground and/or open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.

9.552 The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the common ground and/or open space and shall become a lien on said properties. Said assessments or charges shall be subordinate in lien to the lien of any prior mortgage or mortgages on the property which is subject to such assessments or charges. The Township, at the time of entering upon such said common ground and/or open space 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. The payment of the appropriate real estate taxes on the common ground and/or open space shall be considered to be a part of maintenance and will be subject to the same enforcement proceedings as specified in 9.900.

**9.600 Institutional PRD Developments**

Institutional type developments may be approved as a Planned Residential Development in all Zoning Districts of the Township, excluding however, RA, RB, CA, CB, and ORD Zoning Districts.

| <b>Zoning Districts Permitted</b>                                                                                            | <b>PRD Classification</b> | <b>Types of Developments Permitted</b>                                                                                                                                                                                                     | <b>Required Acreage of Single Tract Proposed for Development</b>                       |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Residential C (RC)<br>Residential D (RD)<br>Highway Commercial (HC)<br>Light Industrial (LI)<br>Neighborhood Commercial (NC) | PRD-I                     | <ul style="list-style-type: none"> <li>• Senior Independent Living Facility</li> <li>• Senior Assisted Living Facility</li> <li>• Nursing Care Homes</li> <li>• Personal Care Homes</li> <li>• Retirement or Convalescent Homes</li> </ul> | Ten (10) acres<br>Ten (10) acres<br>Five (5) acres<br>Five (5) acres<br>Five (5) acres |

**INSTITUTIONAL PRD DEVELOPMENTS**

Developments which would qualify under the term, Institutional Type Planned Residential Development are the following:

- A. Senior Independent Living Facility
- B. Senior Assisted Living Facility
  - 1. The development referred to in paragraphs A and B herein, may include medical office - clinic, which provide medical services, outpatient minor surgery, and treatment in support of elderly persons within the integrated living and health care facility. Such facilities may also provide such services to persons who are not residing within the development. The land area used by a medical office - clinic, including parking, landscaping and buffer yard areas, shall not be used in calculating the density limit for the PRD.
- C. Nursing Care Homes - See definition of Nursing Home under Article 4.
- D. Personal Care Home (large)
- E. Retirement or Convalescent Homes

9.610 Institutional type PRD Developments referred to in the proceeding Section A through E shall be required to meet all of the requisites and conditions of the Planned Residential Development Article of the Zoning Ordinance of the Township of Hampton, and in addition, shall:

1. Consist of no less than five (5) acres of land situate in a single tract, under a single ownership or entity such as corporation, partnership, etc.

No tract of land or acreage situate across public roads, highways or streets shall be allowed to be added to the tract, but this provision shall not include public roads, highways or streets, or private roads which are created in and for the use of the development itself.

2. Conform with the height limitations established in Section 10.325.
3. Parking requirements for "Institutional Type PRD Developments" shall be required as follows:
  - A. Senior Independent Living Facilities - shall be one (1) space per unit.
  - B. Senior Assisted Living Facilities - shall be governed by Section 13.224 of this Ordinance.
  - C. Medical Offices - Clinics - provided in conjunction with the Institutional PRD Development - shall be regulated by Section 13.235 of this Ordinance.
4. The term, "unit" as used in Article 9 of this Ordinance, and as related to "Institutional Type PRD Developments", shall be defined as that portion of a building or a structure assigned to, leased to, sold to or occupied by one person, one family, related by blood or marriage, or other entity, or a group of persons, but not exceeding three (3) in number for any such space. The term, as applied to a nursing home shall be one (1) patient bed considered as one (1) unit. The word, "unit", shall have the ordinary usage ascribed to it, and shall refer in ordinary terms to that portion of a building intended for use by one (1) person, family or group as opposed to a communal or collective assembly of persons.

#### **9.700 Development in Phases**

A developer may construct a Planned Residential Development in phases if the following criteria are met:

- 9.710 The application for Tentative Approval covers the entire Planned Residential Development and shows the location and approximate time of construction for each phase, in addition to other information required by this Ordinance.
- 9.720 In every phase except the final phase, at least twenty (20%) percent of the dwelling units approved in the overall plan, must be included.

9.730 The second and subsequent phases are completed consistent with the Tentative Approved Plan and are of such size and location, including a sufficient degree of completion of the road network and other infrastructure, that they constitute economically sound units of development.

9.740 Each phase shall include open space in amounts and at locations deemed acceptable by Township Council to meet, at minimum, the open space needs generated by that phase and to assure protection of the sensitive features of the tract. The open space required shall be designated in each phase and shall be substantially proportionate to the total open space required for the entire development.

9.750 All construction and site improvements shall be completed in any phase before permission and building permits are issued for the subsequent phase.

9.760 The guarantee of public improvements shall be subject to Section 509 (h) and (i) of the Municipalities Planning Code.

#### **9.800 Procedure and Application**

9.810 Introductory.

The procedure for the consideration of planned residential development together with the site improvements pertaining thereto, shall be in accordance with the provisions of this section.

9.811 Any landowner, as that term is defined in this Ordinance and in the Municipalities Planning Code, may make application to the Township for a Tentative approval of a Planned Residential Development which meets the eligibility requirements of Section 9.210, and provided that the planned residential development would be consistent with, and in compliance with, the comprehensive plan of the Township and the Community Development objectives as stated in Article 3.

The application shall be accompanied by the other materials required under the provisions of this Ordinance, together with the forms required under Section 9.850 hereof. The applicant shall include such other pertinent information as the Planning Commission and the Environmental Advisory Council shall prescribe. The time frame set forth in Sections 9.840, 9.860 and 9.870 shall be adhered to for all approvals of the PRD.

9.820 Applicant. The applicant must be the landowner, or if more than one (1) owner, all owners of the site must act jointly.

9.830 Pre-application conference. Each applicant shall confer with the Planning Commission and Environmental Advisory Council in connection with the preparation of the planned residential development application prior to the submission of such application. The purpose of the pre-application conference is to benefit the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expenses in the preparation of plans, surveys and other data.

9.840 Application procedure

9.841 An application for Tentative Approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.

9.842 The application for Tentative Approval shall be filed by the landowner upon forms to be provided by the Township and upon the payment of a reasonable fee, which fee shall be adopted by resolution from time to time by the Township Council.

9.843 In no event shall any application for Tentative Approval be submitted, nor shall the same be accepted within ten (10) days of the next regular meeting of Township Council.

9.844 A modification request shall be required for any aspects in which the proposed PRD departs from zoning requirements for similar developments in other districts and Subdivision and Land Development Ordinance requirements otherwise applicable to the subject lot, including, but not limited to, density, bulk and use. In the event that the application proposes a plan the approval of which would require a modification from the requirements of this Zoning Ordinance or the Subdivision and Land Development Ordinance, the applicant shall include in its application a narrative statement of each and every modification request, including a citation to the otherwise applicable Ordinance requirement; the nature and extent of the modification(s) requested; and a statement of the reasons why such departures are deemed to be in the public interest. Consistent with the provisions of the Municipalities Planning Code, Section 10701 et seq., Council may at its sole discretion grant or deny such modification requests, in whole or in part, as part of any decision approving the PRD application.

9.850 Application. The planned residential development application shall include the following:

- 9.851 The applicant shall submit to the Township at the time of application the following:
- a. The location, size and topography of the site and the nature of the landowner's interest in the land proposed to be developed.
  - b. Natural resource analysis (See Section 9.310).
  - c. The density of land use to be allocated to parts of the site to be developed.
  - d. The location and size of the common ground and/or open space and the form of organization proposed to own and maintain the common ground and/or open space.
  - e. The use and the approximate height, bulk and location of buildings and other structures.
  - f. The feasibility of proposals for the disposition of sanitary waste and stormwater.
  - g. Plans which address Sections 9.500 Development Standards and 9.540 Site Design Supplemental standards.
  - h. The official subdivision site plan.
- 9.852 Overall development plans showing:
- a. The kind, location, and occupancy capacity of structures, bulk and uses.
  - b. A general layout plan of the building(s).
  - c. The location and identification of common ground and/or open spaces, streets and all other means for pedestrian and vehicular circulation, parks, recreational areas and other non-building sites.
  - d. Provisions for automobile parking and loading.
  - e. A landscape and buffer plan.
  - f. A general location and nature of public and private utilities, including underground utilities, and other community facilities and services, including maintenance facilities.

9.853 Written statement of:

- a. Facts concerning the suitability of the site, the proposed density, the location and proposed uses and facilities for development as a planned residential development in accordance with the provisions of this Article.
- b. Purposes showing proposed provisions to be made for services, maintenance and continued protection of the planned residential development and adjoining territory.
- c. Disposition of common ground and/or open space lands and provisions for maintenance and control of the common ground and/or open space land. Financial responsibility for such common ground and/or open space land must be clearly indicated.
- d. Common open space. The location and organization proposed to own and maintain the common ground and/or open space shall likewise be submitted in the application for Tentative Approval. Provisions for parking spaces and all regulations pertaining to the same shall likewise be submitted at this time.
- e. Assurance that the by-laws and covenants of the Homeowners Association, or other organization, will comply with Section 705f(1-3) of the Municipalities Planning Code, as amended.
- f. Phasing of construction or timing regarding each development area.

9.854 The application for Tentative Approval of a planned residential development shall include 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 municipality.

9.860 Public Hearings

9.861 Upon submission of an application, the plan shall be referred to the Planning Commission and Environmental Advisory Council for review and recommendation.

9.862 Submission to Township Council. The Planning Commission, after review but within the time necessary to comply with the provisions of the Pennsylvania Municipalities Planning Code, shall forward the application to the Township Council, together with written comments pertaining thereto.

The Environmental Advisory Council, after review of the application, shall forward written comments to the Township Council. It may also assign a Tracker to assist in monitoring the project for compliance with the project's approved development and landscaping plans. The Tracker, if any, shall report its findings directly to the Zoning Officer.

9.863

- a. The Township Council shall, within sixty (60) days after the filing of an application for Tentative Approval of a PRD, conduct a public hearing pursuant to public notice on said application.
- b. The Township Council may continue the hearing from time to time, and where applicable, may refer the matter back to the 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.

9.870 Findings

9.871 The Township Council, within sixty (60) days following the conclusion of the public hearing provided for in Section 9.860, or within 180 days after the date of filing, whichever occurs first, shall, by official written communication to the landowner, either:

- a. Grant Tentative Approval of 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 Township Council, notify the Township Council of his refusal to accept all said conditions, in which case, the Township Council shall be deemed to have denied Tentative Approval of the development plan. In the event the landowner does not, within said

period, notify the Township Council of his refusal to accept all said conditions, Tentative Approval of the development plan, with all said conditions, shall stand as granted.

9.872 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. Those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the municipality;
- 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, or natural resource protection 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 common ground and/or open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common ground and/or open space, and the adequacy of the amount and purpose of the common ground and/or open space 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 environmental protection, 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 interest of the public and the residents of the planned residential development during the development of the plan.

9.873 In the event a development plan is granted Tentative Approval, with or without conditions, Township Council 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.

#### 9.880 Status of Plan After Tentative Approval

9.881 The official written communication provided for in this article shall be certified by the appropriate Township official and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where Tentative Approval has been granted, it shall be deemed an amendment to the zoning map, effective upon Final Approval, and shall be noted on the zoning map.

9.882 Tentative Approval of a development plan shall not qualify a plat 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, shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for Final Approval, without the consent of the landowner, provided an application or applications 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.

9.883 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 Township Council 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 that portion of the area included in the development plan for which Final Approval has not been given shall be subject to the local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the Township secretary or clerk of Council.

9.890 Application for Final Approval

9.891 An application for final approval may be for all the land included in a development plan or, to the extent set forth in the Tentative Approval, for a section thereof. Said application shall be filed with the Township office not later than twelve (12) months following the grant of Tentative Approval, unless otherwise specified by the Township Council. The application shall include one (1) reproducible copy and twenty (20) prints of the development plan, including a land development plan and supplemental data, and a Certificate of Completion of Improvements or a Guarantee of Improvements as required by the Township Subdivision Ordinance No. 583, as amended.

- a. The Land Development plan shall include:
  1. All data required for Final Plat Approval as specified in Section 307 of the Township Subdivision Ordinance;
  2. A Landscaping Plan, which shall include the location of sidewalks, trails, and screening.
- b. The Supplemental Data shall include:
  1. Any covenants, grants, or easements or other restrictions to be imposed on the use of the land and its structures;
  2. Provisions for the maintenance, ownership and operation of common ground, open spaces and facilities. A maintenance bond shall be posted in accordance with the Township's Subdivision and Land Development Ordinance.
- c. No Development Plan shall be finally approved unless all improvements required by this Article have been installed in strict conformance with this Article, or the installation of the improvements by the Developer has been guaranteed in the form of a bond or financial security which is acceptable to the Township Council and is in an amount sufficient to cover the cost of the improvements which may be required in accordance with the Township Subdivision Ordinance No. 583, as amended. Such guarantee shall provide for, and secure to, the public, completion of all identified improvements for the plan within a period of two (2) years from the date of the Final Approval of the Development Plan. The identified improvements shall include buffer yards, street trees (if provided), screening, and permanent open space access markers.

9.892 Final Review

The Township shall forward one (1) copy of the application for approval to the appropriate Township staff members, the Township's Planning Commission, the Environmental Advisory Council, the Township Engineer, and the Allegheny County Planning Commission.

9.893 Final Approval

The Township Council shall issue its decision and communicate it to the Developer no later than forty-five (45) days after the application for Final Approval was referred by Township Council. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30<sup>th</sup> day following the day the application has been filed.

- a. When an application for a proposed Planned Residential Development plan has been granted Tentative Approval, the applicant shall be granted Final Approval should the plan submitted be in accordance with the terms of the grant of Tentative Approval.
- b. The Township Council may deny approval of any Planned Residential Development plan which varies from the plan granted Tentative Approval. The Township Council must forward the written notice of denial to the Developer within forty-five (45) days, identifying the reasons that the variations are not in the public interest. In the event of such refusal, the landowner may either:
  1. Re-file the application for Final Approval without the variations objected to; or
  2. File a written request with the Township to hold a public hearing on the application for Final Approval. The hearing shall be held within thirty (30) days of the request and the hearing shall be conducted in accordance with the procedure for hearings on an application for Tentative Approval. Within thirty (30) days of the conclusion of the hearing, the Township Council shall issue a written decision either granting or denying Final Approval in the form required for Tentative Approval.

Either of these actions shall be taken at any time during which the applicant is entitled to apply for Final Approval or shall be taken within thirty (30) days of notice of refusal, if the time for filing the final application is already passed. In the event that the Developer fails to take either of these actions within the time specified, he shall be deemed to have abandoned the Planned Residential Development plan.

#### 9.894 Recording

The developer shall record the approved Planned Residential Development plan in the office of the County Recorder of Deeds within ninety (90) days of the Final Approval, or Final Approval shall expire automatically.

#### 9.895 Revocation

The approval of the Planned Residential Development plan shall be revoked if the Developer gives notice of his intention to abandon the plan, or if the Developer fails to commence within one (1) year and complete the required public improvements within two (2) years of the date of such Final Approval. Then, no further development shall take place on the property included in the development plan unless a new development plan is approved or such

development complies with the Zoning and Subdivision Ordinances of the Township. Failure to complete any or all of the public improvements shall prevent the developer from applying for tentative or final approval of any additional phases.

#### 9.896 Conversion of existing apartments and multi-family dwellings to condominium or cooperative concepts - Any applicant or person, partnership, corporation or landowner whatsoever, desiring to convert existing structures which permit multiple family, garden apartments, townhouses or any other apartment type of uses into condominium or cooperative-type concepts shall be required to submit to the Planning Commission and the Environmental Advisory Council of the Township of Hampton all plans, declarations, etc., for review by the Planning Commission and the Environmental Advisory Council and, then for possible approval by the Township Council of the Township of Hampton.

All applicants or persons whatsoever shall follow the procedures set forth herein for the development of Planned Residential Development and shall comply with all the requirements of this Article and the standards set forth herein, to the extent feasible. No such conversion shall be permissible until the same shall have been reviewed by the Environmental Advisory Council and the Planning Commission and approved by the Township Council.

## **9.900      Enforcement of Plan Provisions**

In accordance with Section 706 of the Municipalities Planning Code to further the mutual interest of the residents of the planned residential development and the public in the preservation of the of the development plan, as finally approved, and to insure that modification, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in change 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:

9.910 The provisions of the development plan shall relate to:

1. The use, bulk, and location of building and structures;
2. The quantity and location of common ground and/or open space, and protection of specified natural resources, except as otherwise provided in this article; 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.

9.920 The development plan shall specify those of its provisions which shall run in favor of, and be enforceable by, residents of the planned residential development; 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.

9.930 All those provisions of the development plan authorized to be enforced by the municipality under this section may be modified, removed, or released by the Township, excepts 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 provision of the development plan by the municipality shall be permitted except upon a finding by the governing body or the planning agency, following a public hearing thereon 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 of the public interest, and is not granted solely to confer a special benefit upon any person.

9.940 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 the provisions of this section.