

ARTICLE 6 PLANNED RESIDENTIAL DEVELOPMENT

600. Title; findings.

- A. Title: "A zoning ordinance supplementing the Newtown Township Zoning Ordinance and Subdivision and Land Development Ordinance in order to implement the purposes and intent of planned residential development as defined and authorized by Article VII of the Pennsylvania Municipalities Planning Code."
- B. Short title. This article shall be known and may be cited as "The Township of Newtown Planned Residential Development Ordinance of 2009, as amended."
- C. Statement of legislative findings. The Board of Supervisors of Newtown Township, Delaware County, hereby elects to adopt the provisions of and exercise the powers granted by Article VII of the Pennsylvania Municipalities Planning Code.³⁶ In support thereof, the Board of Supervisors makes the following findings:
1. The Board of Supervisors finds that the Newtown Township Comprehensive Plan provides broad goals, community development objectives, and policies for the future development of the Township which are consistent with the intent of Article VII of the Municipalities Planning Code. The Comprehensive Plan specifically sets forth goals and policies of local concern related to reinforcing and enhancing the Newtown Square crossroads area as the community's commercial and social sector; directing new consumer-oriented service businesses primarily to the Newtown Square crossroads area of the community; enhancing the Newtown Square crossroads area of the community so as to create a highly attractive mixed-use district that has a unique identity in the region, with improved circulation, parking, and landscaping, increased prospects for one-stop patronage of several kinds of facilities, and expanded opportunities for pedestrian circulation; directing new commercial and higher-intensity residential uses to the Newtown Square crossroads; expansion of the network of community trails in accordance with a trail system plan; protecting and enhancing environmentally sensitive and culturally significant areas of Newtown Township; establishing a firm identity for Newtown Township in the minds of its residents and its visitors and places for the community to assemble; and putting in place a variety of approaches, mechanisms, and tools appropriate for dealing with the challenges posed by growth.
 2. The Board of Supervisors finds that it is in the best interest of the Township to take full advantage of modern design, construction, technology and planning methods and thus seeks to permit planned residential development under certain conditions meeting certain design standards of the Township. The objectives to be accomplished by this article (the "PRD objectives") in furtherance of the goals and objectives of the Comprehensive Plan shall include but are not limited to the following:
 - a. To address the unique planning and development issues affecting the Township of Newtown by encouraging innovative and flexible long-range

development plans that will contribute to the quality of life in the community through a variety of well-planned land uses and amenities.

- b. To provide an optional approach to community development, with provisions to permit more efficient use of land and public services on other than a lot-by-lot basis.
- c. To provide increased flexibility in the laws governing the development of those areas in the Township which are now substantially open land and encourage such development in directions that will recognize the changes in design and technology in the building industry, new demands in the housing market and the continuing evolution of community form.
- d. To insure that the uniform regulations in place in the Township's various zoning districts do not operate to discourage efficient and imaginative development of said substantially open areas.
- e. To encourage the efficient allocation and maintenance of open space ancillary to new residential, commercial and other nonresidential areas.
- f. To encourage the efficient development and use of public facilities required in connection with new development within the Township.
- g. To create opportunities for the redevelopment of areas affected by prior industrial activity.
- h. To provide greater opportunities for pedestrian and bicycle mobility as an alternative to travel by automobile.
- i. To encourage innovations in residential and nonresidential development and renewal so that the growing demand for housing and other development may be met by greater variety in type, density, design and layout of dwellings and other buildings and structures and by the conservation and more efficient use of open space ancillary to said dwellings and uses.
- j. To assure that the flexibility of regulations herein is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

601. Definitions.

Unless specifically defined in this article, the definitions contained in this chapter shall apply. For the purpose of this article, certain terms, phrases and words are defined as follows:

DEVELOPMENT SCHEDULE

A schedule approved with the tentative PRD plan showing proposed time frames within which the applicant shall submit final plans for each development section. The development schedule may be modified subject to the provisions of **603(M)** of this article.

DEVELOPMENT SECTIONS

Areas delineated in a PRD tentative plan for which separate applications for final plan approval may be filed. Development sections shall have no minimum or maximum acreage and may include one or more permitted uses.

EXISTING BUILDINGS

Buildings located on a tract subject to PRD development which were in existence on the date this article was enacted.

FLOOR AREA RATIO

The gross floor area of the building or buildings on any parcel, exclusive of parking garages, divided by the total tract area of the parcel to which the computation relates.

MAN-MADE STEEP SLOPES

Those slopes created by human actions, such as, but not limited to, the movement of dirt to construct a road, building, parking lot, berm, etc., and which have not occurred naturally on a property. Proof of whether a slope is man-made may be provided through comparisons of historic aerial photographs, soil borings, USGS maps, development plans, inspection of the site by the Township Engineer, or through the review of other maps and documentation found acceptable by the Township Engineer.

MIXED-USE AREAS

An area within a PRD containing a variety of complementary and integrated uses, such as, but not limited to, residential, office, retail, entertainment and recreation uses in a compact form.

OPEN SPACE

A parcel or parcels of land or an area of water (including but not limited to stormwater management facilities), or a combination of land and water (including but not limited to stormwater management facilities), within a PRD that has been or will be designated, dedicated, reserved, or restricted in perpetuity from further development, except as permitted under this article, and is either dedicated to the Township or set aside and intended for the exclusive or nonexclusive use or enjoyment by residents of the development. The term "open space" means both private open space and public open space and shall include the buffer areas.

PLACES OF INDOOR AMUSEMENT, RECREATION OR ASSEMBLY

Any amusement or recreation establishment that is wholly enclosed in a building, which provides games, rides, or similar entertainment facilities and devices. A casino or other gaming facility shall not be permitted.

PLANNED RESIDENTIAL DEVELOPMENT (PRD)

An area of land, controlled by a landowner, to be developed pursuant to this article as a single entity for a number of dwelling units or a combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, use, density, intensity, lot coverage or required open space to the regulations established in any one district created, from time to time, under the provisions of this chapter.

TOTAL TRACT AREA

The total horizontal area of land contained within the property lines of all parcels of land within the subject area, excluding areas within existing public or private street rights-of-way.

TRACT

An area of land comprised of a single parcel or multiple parcels which are either in single ownership or, in the case of multiple ownership, subject to an agreement of all owners that development will be governed by and will be completed in accordance with a unified land development plan. A tract may contain parcels that are separated by public or private street rights-of-way.

UNOCCUPIED ARCHITECTURAL ELEMENTS

Those unoccupied portions of a building which are located above the occupied floors of a building and which contribute to the architectural character of the building, such as gabled roofs, chimneys, spires, towers, elevator penthouses, tanks, cupolas, cornices, pediments, domes, dormers, or other unoccupied architectural elements.

602. Development standards.

- A. Eligibility criteria. The Planned Residential Development (PRD) District is defined and established to include and be an overlay upon parcels situated within the mapped overlay district as set forth in the PRD Overlay District Map and meeting the following additional criteria:
1. The tract shall be serviced by public sanitary sewer and water systems.
 2. The total tract area subject to PRD development shall contain at least 200 acres. The total tract area may add or include existing developed land provided the land complies with the applicable PRD District regulations and is located within PRD-zoned land.
 3. The tract shall be in single ownership, or, in the case of multiple ownership, evidence shall be presented that the parties involved have agreed that the PRD development will be completed in accordance with a unified land development plan.
- B. Use regulations.
1. Uses as of right:
 - a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Townhouses.
 - d. Multifamily dwellings, including residences in mixed-use commercial/residential buildings.

- e. Retail store(s).
- f. Personal service establishments, tailor, barbershop, beauty shop, shoe repair, spa, dressmaking shop, and other personal service shop or store.
- g. Bank or other similar financial institution, including a drive-in banking facility or automated teller facility.
- h. Business, administrative, executive, governmental, professional, sales and/or similar offices.
- i. Places of indoor amusement, recreation or assembly.
- j. Movie theaters.
- k. Restaurant or café, including establishments dispensing or serving food for consumption on the premises outdoors. Drive-in food stands shall not be permitted.
- l. Grocery or convenience store.
- m. Hotel or inn.
- n. Educational institution.
- o. Conference center.
- p. Public and private garages and parking lots.
- q. Civic uses, such as a police station, municipal office, fire station, post office, EMS service, and transit facility.
- r. Playgrounds, parks, tot-lots or open spaces.
- s. Health club, fitness center, indoor squash, tennis, or racquetball facilities or other similar uses.
- t. Nursery schools and day-care centers.
- ~~u.~~ Accessory use on the same lot with and customary and incidental to any of the foregoing, similar to a clubhouse or recreation building, swimming pool, tennis courts, fountains, fire pits, patios, terraces; parking lots and private garages; and recreational uses. Individual outside storage sheds in mixed-use areas are prohibited. [~~Amended 1-11-2016 by Ord. No. 2016-01~~]
- v. **Housing for the elderly.** [~~Added 1-11-2016 by Ord. No. 2016-01~~]

2. Mix requirements.
 - a. Residential uses. Within mixed-use areas, at least 10%, but no more than 50%, of the new gross floor area shall be devoted to residential uses. Existing buildings and uses shall not be part of this calculation.
 - b. Retail uses. Within mixed-use areas, at least 20%, but no more than 75%, shall be devoted to retail, restaurant, markets, or cinema uses. Existing buildings and uses shall not be part of this calculation.
3. Building footprint limitations.
 - a. With the exception of single-use office buildings located adjacent to West Chester Pike, and existing or redeveloped buildings, no building within the PRD Development shall have a building footprint in excess of 40,000 square feet, except that one building shall be permitted to have a building footprint of up to 75,000 square feet and two buildings shall be permitted to have building footprints of up to 55,000 square feet.
 - b. No new retail building shall have a single retail tenant occupying in excess of 40,000 square feet of floor area, except that one building shall be permitted to have a single retail tenant occupying up to 75,000 square feet of floor area and two buildings shall be permitted to have single retail tenants occupying up to 55,000 square feet of floor area.
 - c. No more than two office buildings and no more than 400,000 square feet of office space shall be located west of the Loop Road and within 1,000 feet of West Chester Pike. Structured parking facilities shall be permitted in addition to the two office buildings and shall not count towards office building square footage. There is no maximum floor area or building footprint requirement for the foregoing office buildings.
 - d. In the event an office headquarter user is proposed as the lead user or occupant for the second office building located west of the Loop Road and within 1,000 feet of West Chester Pike, the Board of Supervisors, in their sole discretion to better serve the Township's interests, may allow the total allowable square footage of office space to increase by 110,000 square feet. An office headquarter user is in a building serving as the managerial and administrative center of an organization, corporation, or business. [~~Added 6-25-2018 by Ord. No. 2018-03~~]

C. Area and dimensional regulations.

1. Traditional lot area and yard setbacks shall not be required. Building setbacks shall instead be provided from adjacent uses, streets and parking areas as follows:
 - a. All buildings located between Clyde Road and Winding Way shall be set back a minimum distance of 35 feet from existing or proposed curblines of Route 3, whichever is greater.

- b. All one- or two-story buildings located west of Winding Way shall be set back a minimum distance of 35 feet from existing or proposed curblines of Route 3.
 - c. All buildings greater than two stories located west of Winding Way shall be set back a minimum distance of 75 feet from existing or proposed curblines of Route 3, whichever is greater.
 - d. Required building setback areas from Route 3 shall be devoted to walkways, street trees, green areas, or a combination thereof. Limited driveway and road access through such setbacks shall be permitted.
 - e. All buildings shall be set back a minimum distance of 10 feet from curblines of all other existing or proposed streets. Such setback areas shall be devoted to walkways, street trees, green areas, or a combination thereof. Limited driveway and road access through such setbacks shall be permitted. No off-street parking shall be permitted within such setback areas. ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - f. All buildings located adjacent to Clyde Lane and/or Winding Way shall be set back a minimum distance of 25 feet from the existing or proposed curblines, whichever is greater. Structures associated with a bridge over Winding Way that are unoccupied shall be set back a minimum distance of 10 feet from the existing or proposed curblines, whichever is greater.
 - g. All buildings shall be set back a minimum distance of 200 feet from the current right-of-way of both Route 252 north of Winding Way and along Goshen Road. In no case shall a building be set back less than 100 feet from any property outside of the tract zoned R1 or R2. Driveways and parking are permitted in the foregoing setback. ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
2. Not more than 30% of the total tract area shall be occupied by buildings, and not more than 60% of the total tract area shall be covered with impervious materials. The overall floor area ratio of a PRD development shall not exceed 0.30. A parking structure is a building and shall be included in the calculation of said 30%.
 3. At least 25% of the total tract area shall be designated and used for open space purposes.
 4. Driveways and private streets shall have a minimum of ten-foot- to twelve-foot-wide travel lanes. Parallel parking lanes, where provided, shall be a minimum of seven feet to eight feet wide.
 5. Parking and loading. Because of the multi-use, integrated nature of a planned residential development, the following shall govern the parking and loading within a planned residential development:
 - a. For single-family detached dwellings, townhouses and twin homes, there

shall be at least two parking spaces per dwelling.

- b. For multifamily residential units, there shall be at least 0.5 garage parking space, and 1.25 off-street parking spaces for each unit. ~~{Amended 1-11-2016 by Ord. No. 2016-01}~~
- c. For hotels, there shall be a minimum of one parking space for each hotel room.
- d. For retail stores, banks, restaurants, and other commercial buildings, there shall be 4.5 parking spaces for every 1,000 square feet of gross floor area.
- e. For offices, there shall be 3.5 parking spaces for every 1,000 square feet of gross floor area.
- f. Off-street parking spaces shall be a minimum of nine feet by 18 feet. However, the applicant shall provide suitable oversized vehicle parking areas in mixed-use and/or office area locations which are provided in groups within parking lots in which the parking spaces shall be a minimum of 10 feet by 18 feet. A minimum of 2% of the total parking provided shall be oversized vehicle parking.
- g. Where efficiencies may be derived from shared parking, and more open spaces provided, a reduction in the number of parking spaces shall be permitted when there will be a sharing of parking spaces by uses with different periods of peak parking demand, or where the applicant can provide justification for reduced parking based upon Urban Land Institute (ULI) standards for shared parking as set forth in its publication Shared Parking, Second Edition. This analysis shall include a submission of calculations indicating that parking demands will be met during peak demands for parking.
- h. The Board may authorize the applicant to hold up to 20% of the total number of parking spaces required in reserve without actually paving such spaces upon a showing that the additional number of parking spaces is not currently needed. The Board's determination of whether reserve parking should be permitted shall be made at the time of tentative plan approval. In the event that reserve parking is permitted, the stormwater management system shall be designed to handle the total required parking spaces, including the parking spaces held in reserve. Applicant shall be required to construct the parking spaces held in reserve upon determination by the Board of Supervisors. ~~{Amended 1-11-2016 by Ord. No. 2016-01}~~
- i. On-street parking shall be permitted along private access drives and streets and shall count as part of the overall parking requirement, except that on-street parking along collector roads, while permitted, shall not count as part of the overall parking requirement.
- j. Off-street loading and unloading space with proper access from a street or

- alley shall be provided where a building primarily used for trade or business for the uses contained in **602(B)(1)** is located. Loading and unloading spaces may be accessed from parking areas.
- k. Required parking lot green area. Where parking areas, loading and unloading facilities and accompanying access from a street or driveway exceeds 3,000 square feet, a minimum of 10% of all paved areas shall be devoted to green areas, or 5% may be provided if the parking is substantially located to the rear of the buildings and it can be demonstrated that views of the parking lot from the public right-of-way are shielded by a combination of landscaping and/or berming. In such a case, there shall not be a requirement for green areas between rows of parking spaces. Green area requirements shall not be applicable in structured parking or multilevel parking facilities.
 - l. For civic uses, such as libraries, museums, fire stations or other similar places, one parking space for every 800 square feet of floor area, except that the parking calculation shall not apply to garage areas used for storing fire-fighting vehicles. Garage space used for the storage of vehicles shall require one parking space for each vehicle. If sleeping quarters are provided for fire personnel, an additional one space per room shall be provided. ~~[Added 6-25-2018 by Ord. No. 2018-03]~~
6. Buildings used for residential purposes within mixed-use areas that are within 300 feet of a nonresidential use shall be governed by the following additional dimensional requirements:
- a. Setback to curblines of a street: fifteen-foot minimum. ~~[Amended 1-11-2016 by Ord. No. 2016-01]~~
 - b. Building-to-building separation distance: twenty-five-foot minimum. ~~[Amended 1-11-2016 by Ord. No. 2016-01]~~
 - c. Building height: no more than five stories or 65 feet, provided that unoccupied architectural elements of the building shall not be included in calculating the height. With the exception of clock towers, the height of the unoccupied architectural elements shall not exceed 27 feet above the main roofline.
7. Mixed uses in buildings devoted to a mix of residential and nonresidential uses or hotels shall be governed by the following additional dimensional requirements: ~~[Amended 1-11-2016 by Ord. No. 2016-01]~~
- a. Setback to curblines: ten-foot minimum.
 - b. Building-to-building separation distance: ten-foot minimum.
 - c. Building height: no more than five stories or 65 feet, provided that unoccupied architectural elements of the building shall not be included in

calculating the height. With the exception of clock towers, the height of the unoccupied architectural elements shall not exceed 27 feet above the main roofline.

8. New nonresidential buildings other than office buildings located west of the Loop Road shall be governed by the following additional dimensional requirements: ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - a. Setback to curblines: fifteen-foot minimum.
 - b. Building-to-building separation distance: twenty-foot minimum.
 - c. Building height: no more than four stories or 60 feet, provided that unoccupied architectural elements of the building shall not be included in calculating the height. With the exception of clock towers, the height of the unoccupied architectural elements shall not exceed 27 feet above the main roofline.
 - d. No buildings within 75 feet of West Chester Pike shall be greater than four stories or 60 feet in height, provided that unoccupied architectural elements of the building shall not be included in calculating the height. With the exception of clock towers, the height of the unoccupied architectural elements shall not exceed 27 feet above the main roofline.
- ~~9.~~ Office buildings located west of the Loop Road (Medical Drive) and within 1,000 feet of West Chester Pike shall be governed by the following additional dimensional requirements: ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - a. The required minimum building setback from West Chester Pike shall be 200 feet from the existing curblines. All buildings shall be set back a minimum distance of 10 feet from the curblines of all other existing or proposed streets. No off-street parking shall be permitted within 100 feet of West Chester Pike. No setbacks shall be required from interior lines abutting other lots within the PRD.
 - b. The required minimum building setback from adjacent properties shall be 100 feet, except that the Board of Supervisors may, upon individual application, reduce the setback to not less than 75 feet from all right-of-way lines against which the lot abuts where it is shown by the applicant that such reduction in setback is necessary due to the unusual slope, size or topography of the lot.
 - c. Maximum building height shall not exceed five stories above or partially above grade, nor shall it exceed 85 feet from ground after finished grading. Height shall be measured from any point of the building to the closest perpendicular point on the ground surrounding the building after finished grading. ~~[Amended 6-25-2018 by Ord. No. 2018-03]~~
10. Residential buildings located outside of mixed-use areas shall be governed by the

following additional dimensional requirements:

- a. Single-family detached residential dwellings shall be governed by the following dimensional requirements:
 - (1) Minimum lot area: 6,000 square feet.
 - (2) Maximum lot area: 7,500 square feet.
 - (3) Minimum lot width at building line: 55 feet.
 - (4) Minimum lot width at street line: 45 feet.
 - (5) Maximum depth of front yard: 20 feet.
 - (6) Minimum depth of rear yard: 25 feet, unless serviced by an alley, in which case the setback can be reduced to 15 feet.
 - (7) Side yards: zero-foot minimum, provided that at least 50% of one sidewall shall be located a minimum of 20 feet from the property line. The balance of the sidewall shall be located so that the aggregate of the two side yards shall be at least 15 feet.
 - (8) Building height: no more than three stories.
- b. Townhouse, two-family residential and twin dwellings shall be governed by the following dimensional requirements:
 - ~~(1)~~ Minimum unit width: 24 feet, except that a two-family dwelling shall be a minimum of 20 feet. ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - (2) Setback to curblines: ten-foot minimum or 25 feet where there are garages in the front of the unit and the driveway provides for parking in front of the garage.
 - (3) Building-to-building separation distance: 15 feet side to side; 50 feet front to front and rear to rear.
 - ~~(4)~~ Building height: No more than 3 1/2 stories. The height of a two-family dwelling building shall not exceed 3 1/2 stories or 45 feet, whichever is greater. ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - (5) There shall be no more than five single-family townhouse dwellings in a row, or 10 two-family dwellings in a building. ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - (6) There shall be at least one garage parking space and one off-street parking space for each single-family dwelling, townhouse and two-family dwelling and 0.25 off-street guest parking space provided.

- (7) Sidewalks shall be located on at least one side of all residential streets within residential areas located outside of mixed-use areas, which shall be four feet in width and have a four-foot green area between the sidewalk and curb. ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
- c. Building design standards for single-family detached dwellings, two-family dwellings, twins and townhouses. In order to insure that the single-family detached dwellings possess a village character, single-family dwellings shall be located a maximum of 20 feet from the curbline unless unusual features, such as the shape of the lot or natural features, make such location infeasible.
- (1) One side lot line for each single-family detached dwelling may be permitted to be reduced down to zero feet, provided that at least 50% of one sidewall shall be located a minimum of 20 feet from the property line. The balance of the sidewall shall be located so that the aggregate of the two side yards shall be at least 15 feet.
 - (2) One hundred percent of the single-family detached dwellings and 33% of the two-family dwellings, townhouses, and twins shall have side- or rear-loaded garages.
 - (3) At least one community open space green shall be provided within areas devoted solely to residential use. This green shall be located so that it is accessible to the residents of that residential area. The green shall be at least 10,000 square feet in size and contain at least one civic element, such as a piece of artwork, a sitting area, a gazebo, or the like.
 - (4) Single-family detached dwellings shall have sloping roofs that do not exceed the average height of the supporting walls, with a minimum of 5/12 and a maximum of 18/12 slope. Fifty percent of the units will have a principal roof with a minimum pitch of at least eight vertical to every 12 horizontal inches.
 - (5) Two-family dwellings, twins, and townhouses shall be governed by Subsection C(10)(c)[5] above, except that flat roofs are permitted, provided parapets conceal the roof and all rooftop equipment. The average height of such parapets shall not exceed 15% of the height of the supporting wall and feature three-dimensional cornice treatments.
 - (6) The principal building shall be located a minimum of 20 feet from the rear property line, unless serviced by an alley, in which case the setback can be reduced to 15 feet. The minimum setback for accessory structures shall be governed by **Section 1203** of this chapter.

- (7) One-story accessory structures shall have a maximum height of 20 feet.
11. Redevelopment of existing buildings within a PRD development shall be governed by the following requirements:
 - a. Existing buildings may be adaptively reused for any of the uses permitted in the SU-1 Zoning District, provided that impervious surface shall not be increased by more than 1%.
 - b. Existing building square footage may be demolished and rebuilt, provided that all replacement of existing building square footage shall be constructed within the curtilage of the building demolished or to be rebuilt and shall also comply with the use, area, bulk and dimensional requirements of the SU-1 Zoning District, except with regard to the following: ~~[Amended 6-9-2014 by Ord. No. 2014-01]~~
 - (1) Impervious coverage shall be based upon the tract as a whole.
 - (2) The new building or buildings shall not be permitted to exceed the total square footage of the demolished building or buildings.
 - (3) The required minimum building setback from Goshen Road shall be 300 feet.
 - (4) The required minimum building setback from adjacent properties shall be 50 feet.
 - (5) Maximum building height: no more than five stories or 70 feet, except that unoccupied architectural elements of the building shall not be included in calculating the height. Other than clock towers, the height of such unoccupied architectural elements shall not exceed 27 feet above the main roofline.
 - (6) There shall be 3.5 parking spaces for every 1,000 square feet of gross floor area.
 - (7) Off-street surface parking spaces and parking spaces in any new parking structure shall measure a minimum of nine feet by 18 feet.
12. Accessory use buildings within a PRD development shall be governed by the following requirements: ~~[Added 1-11-2016 by Ord. No. 2016-01]~~
 - a. No accessory use or building shall be located within the building setback required for the principal use.
 - b. A clubhouse or recreation building that is 30 feet or less in height shall have a minimum setback to another building of 10 feet. A clubhouse or recreation building that is more than 30 feet in height shall have a minimum setback

to another building of 25 feet. A clubhouse or recreation building shall not exceed 35 feet in height.

- c. Compliance with the design guidelines shall not apply as it relates to the architectural character and elevations and building materials of the rebuilt or redeveloped building square footage. ~~{Added 6-9-2014 by Ord. No. 2014-01}~~

D. General development regulations governing PRD development.

1. Development of a PRD development shall be in accordance with an overall plan for the development/redevelopment of the entire tract subject to the PRD.
2. No new nonresidential uses may be constructed within 1,500 feet of Goshen Road. This does not apply to redevelopment of existing nonresidential buildings on the site.
3. Only those uses permitted in the SU-1 District and civic uses may be located on the portion of the tract located west of the Loop Road and within 1,000 feet of West Chester Pike. ~~{Amended 6-25-2018 by Ord. No. 2018-03}~~
4. The street system shall be designed so as to relate harmoniously with land uses and adjacent streets. Streets throughout the community shall be arranged as a generally interconnecting network and should terminate at other streets. The construction of all public streets shall be in accordance with the construction specifications and regulations established in Chapter 148, Subdivision and Land Development, of the Code of the Township of Newtown, except as provided otherwise in the design guidelines.
5. The architectural design of all nonresidential buildings within the PRD development shall be substantially consistent with approved design guidelines, subject to such revisions as are hereafter agreed to by the parties. This section does not apply to redevelopment of existing nonresidential building square footage on the site. ~~{Amended 6-9-2014 by Ord. No. 2014-01}~~
6. Sidewalks that are located through the retail and mixed-use areas of the tract shall be wide enough to accommodate walking and outdoor dining where appropriate.
7. Street furniture shall be provided which shall include such items as benches, waste containers, planters, bicycle racks, water fountains and bollards. Such items shall be provided at appropriate locations throughout the mixed-use areas of the tract. Street furniture must be compatible with the architecture of the surrounding buildings and character of the area and other elements of the streetscape.
8. Exterior lighting shall be provided in accordance with the design guidelines and shall be architecturally compatible with the style, materials, colors, and details of the buildings. The mounting height of parking lot lighting shall not exceed 28 feet, as measured to the top of the fixture from grade. All exterior lighting adjacent to Route 3 or Route 252 shall not exceed 20 feet, as measured to the top of the fixture

from grade, except as otherwise required to satisfy PennDOT or PECO requirements.

9. All trash containers shall be screened in six-foot-high, three-sided masonry or wood enclosures, to be compatible with the architecture of the buildings, and shall be located in the rear of the buildings. Trash collection shall occur only between 7:00 a.m. and 9:00 p.m.
10. Outdoor retail sale of garden goods or related products shall not be permitted in the parking areas, except that temporary seasonal or special events shall be permitted for a period of up to 30 days, up to three times per year. If permits are required for outdoor events within the parking areas, the applicant shall be required to obtain the required permits.
11. Required green areas within the tract may include paving for site amenities, such as plaza areas, pedestrian trails and walkways, which shall not count against the impervious requirements of the tract. In addition, seasonal or special events, including but not limited to concerts, arts and crafts fairs, flea markets, festivals, sports tournaments and charity events, shall be permitted to be conducted within the green areas of the tract and shall be subject to the temporary amusement permitting provisions of **152-29** of the Code of the Township of Newtown.
12. All ground-level mechanical units, refuse, recycling and similar facilities must be screened from view using materials consistent with the building style or landscaped when located at or near the ground.
13. A pedestrian pathway system shall be provided through the tract, which shall include a combination of sidewalks, pathways and trails, to provide reasonable access from nonresidential areas and residential areas to the central open spaces and to provide pedestrian circulation through the tract. Pedestrian pathways will be coordinated with a Township system of pathways, where possible. Trails shall be approximately 10 feet in width. Trails may be constructed of pervious or impervious materials, as appropriate for their location. The trail may be designed to serve walkers, runners, or bicyclists. Trails shall not be used by motorized vehicles, except as authorized by the owner and/or the Township for maintenance, management or emergency purposes. Trails shall connect to sidewalks when appropriate to create an interconnected pedestrian system.
14. The open space areas required to be preserved shall be owned and maintained by the landowner unless the landowner elects to offer all or a portion of said open space for dedication to the Township. If the Township accepts dedication of such open space, said open space areas shall continue to be included in all area and bulk calculations for the remainder of the tract.
15. Bus shelters with benches without advertising shall be provided along Route 3 and Route 252 if there are SEPTA bus stops in existence or planned as a result of the development or redevelopment of the tract. Bus shelters may be provided within the tract as determined by the landowner.

16. All buildings to be constructed on the tract shall have sprinkler fire- protection systems, pursuant to applicable codes and regulations. Prior to the issuance of any building permit for a building other than a parking structure, the Township Code Enforcement Officer shall confirm with the Township Fire Marshal that the roof of the proposed building can be accessed by the Township's fire equipment. In the case of parking structures, the Township Fire Marshal shall confirm that the Newtown Square Fire Company has in its possession a fire-fighting apparatus specifically designed for parking garages.
17. Fire hydrants shall be installed at locations not more than 600 feet apart. All fire lanes shall be appropriately painted, and proper signage shall be installed.
18. All HVAC and compressor-type equipment shall be enclosed or screened, but may be placed on rooftops where they will not be required to be enclosed or screened; provided, however, that they must not be visible from public roads or surrounding properties.
19. Provided that conveyance and treatment facilities are available, sewage generated by the future development of the PRD development shall be conveyed to facilities owned and operated by the Newtown Township Sewer Authority. If existing buildings are served by the Radnor Haverford Marple Sewer Authority, they may continue to be served by the Radnor Haverford Marple Sewer Authority.
20. It is recognized that certain requirements of the Township's governing ordinances are intended to guide traditional suburban development and are inappropriate for and would interfere with the development of the tract in accordance with this article. Therefore, in connection with the development of the tract in accordance with this article, the following requirements of the Township's other governing ordinances shall be modified as follows:
 - a. Because of the size of a tract subject to PRD, **Section 509**, Existing conditions and preservation inventory plan, of **Article 5** Natural Resource Protection Standards and Landscaping is modified to the extent that it requires identification of all existing trees. Large stands of trees shall be identified in schematic fashion as part of the final landscape plan submission.
 - b. The minimum planting requirements of **Section 512 of Chapter 5**, Natural Features and Landscaping, shall be replaced by the development guidelines, as approved by the Board of Supervisors in connection with the approved tentative plan.
 - c. Construction of improvements or disturbance of areas of man- made steep slopes shall be permitted to the extent necessary to permit the development of the tract in accordance with the PRD, without the need for conditional use approval pursuant to **Article 5, Natural Resource Protection Standards and Landscaping**.

- d. To the extent that minimal disturbance of natural steep slopes is required to permit the installation of sewer facilities and other utilities, the requirements of Chapter 134, Slope Conservation, shall not be applied. "Minimal disturbance" is defined as grading that is necessary within the context of implementing the sector plans of the tract and that, as far as practical, limits surface runoff, erosion or sedimentation or unstable soil conditions.
- e. The block design requirements regarding length, width and shape of blocks, and as set forth in 148-25, shall be replaced by the design guidelines as set forth in **603(B)(4)(c)[12][a]** of this article.
- f. The lots and lot size requirements of 148-26 are inconsistent with PRD development and shall not be applied.
- g. The street design requirements set forth in 148-27 are inconsistent with PRD development and shall not be applied. However, all streets shall be designed to promote the public safety and be designed to accommodate their planned function.
- h. The applicant shall be permitted to substitute alternative street construction specifications to those set forth in 148-29 for the streets which are to remain private, provided that such alternate specifications are acceptable to the Township Engineer. The Township Engineer's decision shall be final.
- i. The private street design requirements set forth in 148-30 are inconsistent with PRD development and shall not be applied to the private streets proposed within the development.
- j. The driveway design requirements set forth in 148-31 are inconsistent with PRD development and shall not be applied.
- k. The alley and service streets design prohibitions set forth in
- l. 148-32 are inconsistent with PRD development and shall not be applied.
- m. The parking area requirements of 148-33 are replaced by the specific use and dimensional criteria for the PRD and development conditions governing the PRD.
- n. The curbing requirements of 148-35 may be replaced by the design guidelines.
- o. The passive open space areas and common gathering areas required within the PRD satisfy all of the recreational land requirements of 148-41.
- p. To the extent not modified herein, the requirements of Chapter 148, Subdivision and Land Development, of the Code of the Township of Newtown shall apply to a PRD development, unless modified in

accordance with the procedures for PRD approval set forth in **Section 603**.

603. Application submission and review procedures.

- A. Administration. The Board of Supervisors of Newtown Township shall administer this article pursuant to Article VII of the Pennsylvania Municipalities Planning Code (MPC) and shall be the entity with responsibility for the approval of all plans filed pursuant to this section.
- B. Application for tentative approval.
1. Submission of information to the Township. Copies of the tentative plan and all supporting data shall be officially submitted to the Township by the applicant or the applicant's representative authorized in writing to submit the plan.
 2. Number of copies:
 - a. One copy of the application for review of the tentative PRD plan, on a form promulgated by the Township for this purpose or, if no form exists, by an application letter submitted by the landowner or on behalf of the landowner.
 - b. Four copies of the tentative PRD plan which shall fully comply with this article. Whenever a PRD is located partially in or adjacent to another municipality, one additional plan print shall be required per adjacent municipality.
 3. Filing fee. The Township Secretary shall collect a filing fee for each application for tentative approval of a PRD. Fees shall be charged in order to cover the costs of examining plans and other incidental expenses. The applicant shall pay the fee and establish the necessary escrow at the time of application for tentative approval in accordance with the Fee Schedule of Newtown Township.
 4. Tentative plan requirements.
 - a. The intent of the tentative plan submission requirements is to provide the schematic design and planning information specifically required by Section 707(4) of Act 247, the Pennsylvania Municipalities Planning Code, without mandating detailed site engineering, architecture or landscape architecture which shall be required in the final plan submission.
 - b. The tentative plan shall be prepared by a professional engineer, surveyor, landscape architect or architect registered in the Commonwealth of Pennsylvania, who shall place his/her seal and signature on all applicable plans, maps and drawings. Plans shall be drawn to a scale that is adequate for proper review, but in no case larger than one inch equals 50 feet and no smaller than one inch equals 100 feet, and shall not exceed 30 inches by 42 inches in overall size. Site plans may consist of multiple sheets if a key map showing the relationship of each sheet to the overall site plan is placed on all of the multiple sheets.

- c. The tentative plan shall include:
- (1) The project name or identifying title.
 - (2) The name and address of the landowner of the tract, the applicant, and the firm(s) that prepared the plans.
 - (3) The nature of the landowner's interest in the land proposed to be developed.
 - (4) The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions, with an indication of the revision made.
 - (5) A key map for the purpose of locating the site to be developed, at a minimum scale of 800 feet to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries and streams existing within 500 feet of any part of the property proposed to be developed.
 - (6) The entire tract boundary with bearings, distances and identification of all existing corner markers, North arrow and graphic scale.
 - (7) An existing features plan, including:
 - (a) Topographical and physical features of the tract, such as streams and wooded areas, and the tract size, expressed in acres and square feet. Topography shall be provided at two-foot contour intervals.
 - (b) The delineation of all soil types as indicated by the most recently available United States Department of Agriculture Soil Conservation Service Soil Survey of Delaware County.
 - (c) Locations of all historically significant sites or structures on the tract or on any abutting property.
 - (d) Floodplains, steep slopes, and wooded areas.
 - (e) The delineation of wetlands.
 - (f) All existing buildings, roads or other structures and the approximate location of all existing pipelines, major power transmission lines, sewage and water treatment plants, buildings, tree masses, rock outcrops, lakes, ponds, streams and other watercourses.
 - (8) A proposed overall development plan, including:

- (a) A designation and location of the intended uses of all portions of the proposed development.
 - (b) A statement of the maximum number of residential units permitted (including accessory residential units) and the proposed number of units.
 - (c) A statement of the maximum nonresidential square footage permitted and the proposed nonresidential square footage.
 - (d) A statement of the density of land use to be allocated to parts of the site to be developed.
 - (e) A statement of the amount of required open space and the amount of proposed open space (in acres and as a percentage of the total tract area).
 - (f) The location, paving and right-of-way widths of all existing streets and proposed streets and public ways. The location of proposed local streets within an individual development section shall be considered to be for conceptual purposes only and may be modified between the time of tentative plan approval and final plan submission.
 - (g) The approximate height, bulk and location of buildings and other structures. It is specifically recognized that the locations and configurations of buildings shown on the overall development plan may change between tentative plan approval and final plan approval.
 - (h) The general location of parking areas within the PRD and an explanation of the provisions made for parking of vehicles within the PRD.
 - (i) Any additional required modifications to the Township land use regulations otherwise applicable to the PRD.
- (9) A development section plan which shall depict for each development section the general delineation, location and size of each development section within the PRD and the approximate number of residential units and/or amount of nonresidential square footage proposed within each development section.
- (10) A master utility plan or plans, including:
- (a) General location of trunk lines showing how water service will be provided to each development section. No location or profiles of water facilities shall be required.

- (b) General location of trunk lines showing how wastewater service will be provided to each development section. No location or profiles of sewer facilities shall be required.
 - (c) The location of existing gas and electric service and a general indication of how such services shall be provided to each development section.
 - (d) The general location of surface and subsurface drainage (e.g., swales, stormwater collection systems, stormwater management basins) and a general indication of how such services shall be provided to each development section.
- (11) An open space plan which shall depict the general location and use of the proposed open space as it can be determined at the time of the tentative plan submission. Open space areas in the tentative plan shall identify:
- (a) The general location of the proposed open space;
 - (b) The general use of the proposed open space, whether such open space will be public open space or restricted private open space, and its designation as active open space, passive open space, resource protection open space or a mixture of open space types;
 - (c) The form of organization proposed to own and maintain such open space;
 - (d) The general location of any trails, bike paths or other pedestrian systems that may interlink or provide access to open space areas as known at the time of the tentative plan submission;
 - (e) The general location of any other improvements to the open space known at the time of the tentative plan submission.
- (12) The tentative plan shall be accompanied by the following supplemental data, as applicable:
- (a) A draft of a manual of written and graphic design guidelines for buildings, streets, landscaping and pedestrian circulation within the proposed PRD (the "design guidelines"), which shall function as a coordinated and coherent set of drawings and narratives and shall include, but not be limited to, architectural and landscaping standards, street and circulation systems, signage, building materials, banners and signage, pedestrian walkways, sidewalks and crosswalks, parking, screening and lighting, pavilions,

gazebos and plazas, street furniture and amenities, and open space operation and maintenance. The design guidelines shall apply to all use and development within the PRD development. The design guidelines shall be adopted by the homeowners' association or associations of the PRD for enforcement and shall not be adopted by ordinance.

- (b) A traffic impact study by a qualified traffic engineer. The study shall include, but not necessarily be limited to, an analysis of expected traffic generation to, from and upon surrounding roads, particularly showing a.m. and p.m. peak hours to existing traffic flow during a normal business day, in comparison with that which is anticipated after the proposed PRD development is fully completed, and, if applicable, upon the completion of each stage. Existing traffic flows shall be based on actual counts; if these are not available, then an alternative source shall be fully cited and deemed acceptable by the Township. The study shall include recommendations for lane changes, signalization, impact on other intersections within the Township and other matters, as applicable.
- (c) Information demonstrating the feasibility of proposals for water supply to meet expected demand. If a new water system is proposed for the PRD, the applicant shall submit a description of the ability to achieve a safe and efficient water supply system supported by geologic, hydrologic or other relevant data necessary to demonstrate the feasibility of the water supply. In the event that water service is proposed to be provided by an existing water company, authority or other entity, a written statement from the water company of intent to provide public water service to the PRD.
- (d) Information demonstrating the feasibility of proposals for the disposition of sanitary wastewater, including a description of the ability to achieve a safe and efficient system for sewage disposal. The description shall indicate all proposed measures and methods for conveying, treating, and disposing of wastewater sewage, the approximate sizes of all major collection mains, the direction and approximate quantities of anticipated flow, as well as all connections which will be required to tie into existing sanitary sewers, if applicable and as known at the time of filing of the application for tentative plan approval. In the event that wastewater service is proposed to come from an existing public sewer source, a written statement from the owner/operator of the sewer source of intent to provide

public sewer service to the PRD.

- (e) Information demonstrating the feasibility of proposals to comply with the peak rate reduction requirements of Chapter 143, Stormwater Management, of the Code of the Township of Newtown. Soil permeability testing or other information required to demonstrate ultimate compliance with applicable stormwater requirements of Chapter 143, Stormwater Management, shall not be required at the tentative plan stage.
- (f) Information demonstrating the feasibility of proposals for the management of stormwater. Soil permeability testing or other information required to demonstrate ultimate compliance with applicable stormwater infiltration requirements shall not be required at the tentative plan stage.
- (g) To the extent known at the time of the application for tentative plan approval, 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.
- (h) To the extent known at the time of the application for tentative plan approval, identification of the required modifications in the Township land use regulations otherwise applicable to the site.
- (i) Development schedule. In the case of a tentative plan which calls for development of various development sections over a period of years, a development schedule showing the proposed times within which applications for final approval of each development section of the PRD are intended to be filed. Said development schedule shall be updated annually by the anniversary of tentative plan approval.
- (j) To the extent known at the time of the application for tentative plan approval, a report that evaluates the feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
- (k) A written statement by the applicant setting forth the reasons why, in the applicant's opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for the development of the Township.

C. Review of tentative plan.

1. Review by the Township Engineer. The Township Engineer shall review the tentative plan to determine its conformance with this article. The Engineer may recommend changes, alterations or modifications as he may deem necessary in order to bring the plan into conformity with the requirements of this article. The report of the Engineer shall be in writing and shall be submitted to the Township Planning Commission prior to the regularly scheduled or special meeting at which the tentative plan is to be considered by the Planning Commission. The scheduled date for the meeting at which the tentative plan is to be discussed shall provide for a reasonable interval of time, as agreed upon by the Township, the Township Engineer and the applicant, for review of the plan.
2. Review by the Delaware County Planning Commission. Within 10 days after the submission of a tentative plan, the Township shall submit one copy of the tentative plan and one copy of all supporting materials to the Delaware County Planning Commission for review.
3. Review by the Township Planning Commission. When a tentative plan has been submitted, such plan shall be reviewed by the Township Planning Commission. The scheduled date for the meeting at which the tentative plan is to be discussed shall provide for a reasonable interval of time, as agreed upon by the Township, the Township Engineer and the applicant, for review of the plan. During review of the tentative plan, the Township Planning Commission shall consider the written reports of the Township Engineer, the Delaware County Planning Commission or other Township consultants, if any. The Township Planning Commission may recommend changes, alterations or modifications deemed necessary in order to bring the plan into conformity with the requirements of this article. The report of the Township Planning Commission shall be in writing and shall be submitted no less than five days before the public hearing at which the tentative plan is to be heard by the Board of Supervisors.

D. Public hearing.

1. Within 60 days after the Township receives an application for tentative approval of a PRD, a public hearing shall be held by the Board of Supervisors, which shall be advertised, conducted and made a record in the manner prescribed in Section 708 of the Municipalities Planning Code. The Board of Supervisors may continue the hearing from time to time and, where applicable, may refer the matter back to the Township Planning Commission for a report; provided, however, that, in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
2. At the hearing, the applicant shall present evidence as to the proposed PRD's:
 - a. General character and substance;
 - b. Objectives and purposes to be served;

- c. Scale, scope and impact of the proposed development on the Township;
 - d. Why the proposed PRD is in the public interest; and
 - e. General sequence of development.
 3. A stenographic record of the hearing shall be caused to be made by the Board of Supervisors. The appearance fee for a stenographer and the cost of the original transcript shall be paid by the applicant. The cost of additional copies shall be paid by the person ordering such additional copy or copies.
- E. The findings.
 1. The Board of Supervisors, within 60 days following the conclusion of the public hearings, shall, by official written communication to the landowner, either:
 - a. Grant tentative approval of the tentative plan as submitted;
 - b. Grant tentative approval subject to specified conditions not included in the tentative plan as submitted; or
 - c. Deny tentative approval of the tentative plan.
 - (1) The official written communication shall be mailed to the applicant. Failure to issue said official written communication shall be deemed to be a grant of tentative approval of the tentative plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the applicant may, within 30 days after receiving a copy of the official written communication of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept one or more of said conditions, in which case the Board of Supervisors shall be deemed to have denied tentative approval of the tentative plan. In the event that the landowner does not notify the Board of Supervisors within said period, tentative approval of the tentative plan, with all said conditions, shall stand as granted.
 - (2) The applicant shall have the right to appeal the denial of tentative approval or any conditions imposed upon the grant of tentative approval to the Court of Common Pleas of Delaware County.
 2. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial. The written communication shall set forth, with particularity, in what respects the tentative plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:
 - a. The extent to which the tentative plan departs from the zoning and subdivision regulations otherwise applicable to the subject property,

- including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- b. The extent to which the tentative plan is or is not consistent with the Township Comprehensive Plan or with the objectives of this section;
 - c. The purpose, location and amount of the open space, the proposals for ownership, administration, maintenance and conservation of open space, and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development;
 - d. The physical design of the tentative plan and the manner in which the design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic, and further the amenities of light and air and recreation;
 - e. The relationship, beneficial or adverse, of the proposed PRD to the neighborhood in which it is proposed to be established;
 - f. In the case of a tentative plan which proposes development over a period of years, the sufficiency of terms and conditions intended to protect the interests of the public and or the residents of the PRD in the integrity of the tentative plan;
 - g. The extent to which the intent of the tentative plan is made clear for the benefit of future Township officials and future residents of the PRD in the protective covenants which shall be imposed for the preservation of the integrity of the tentative plan over the years and through various stages of development where such are contemplated.
3. In the event a tentative plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the approved development schedule. Except upon the consent of the landowner, the time so established between the grant of tentative approval and application for final plan approval shall not be less than three months, and, in the case of developments over a period of years, the time between applications for final approval of each part of the plan shall not be less than 12 months.
 4. In the event a tentative plan is granted tentative approval with conditions which require that modifications be made to the overall development plan, within 45 days of the grant of tentative approval, the applicant shall submit to the Township a revised overall development plan which modifies the layout of the PRD as required by the conditions of tentative approval.
- F. Status of plan after tentative approval.
1. 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.

2. Tentative plan approval shall not qualify a PRD plan for recording, nor authorize construction or the issuance of any zoning and/or building permits. A tentative 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 (provided the landowner has not defaulted or violated any of the conditions of the tentative approval) shall not be modified or revoked or otherwise impaired by action of the Township pending application for final approval without the consent of the landowner, provided an application or applications for final approval are 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.
3. In the event the PRD plan is granted tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon the tentative plan and shall so notify the Board of Supervisors, in writing; the tentative approval shall be deemed to be revoked, and all the portion of the area included in the tentative plan for which final approval has not been given shall be subject to those 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.

G. Application for final plan approval.

1. An application for final plan approval may be for all the land included in the PRD or for one or more specific development sections as delineated on the approved tentative plan. Said application shall be made to the Township within the time or times specified by the official written communication granting tentative approval or any extensions thereof granted by the Board of Supervisors. If the application for final plan approval is in accordance with the approved tentative plan and any specified conditions, a public hearing need not be required.
2. Number of copies. The provisions of **603B(2)** shall be followed.
3. Filing fee. The provisions of **603B(3)** shall be followed.
4. Final plan application requirements. Each copy of the application for final plan approval shall consist of the following:
 - a. Name of the applicant and record owner and the source(s) of title to the area included in the application for final plan approval as shown by the records of the Delaware County Recorder of Deeds.
 - b. The boundary lines of the area being developed pursuant to the final plan, with accurate distances to hundredths of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet, provided that the boundary adjoining additional unplatted land (for example, between separately submitted final

plan sections) is not required to be based upon field survey and may be calculated. The location and elevation of all existing and proposed boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being developed. In addition, a professional land surveyor shall certify, to the accuracy of the survey, the drawn plan and the placement of the monuments.

- c. The name (or number), right-of-way width and cartway width of all existing public streets and the name and location of all other roads within the area included in the application for final plan approval.
- d. The following data shall be shown for the cartway edges and right-of-way lines for all existing, recorded (except those to be vacated) and/or proposed streets within or abutting the area included in the application for final plan approval: the length of all straight lines and the radius, length and central angle of all arcs. Measurements shall be to the nearest hundredth of a foot or in degrees, minutes and seconds, as appropriate.
- e. The following data shall be shown for all lot lines and all internal angles within lot lines: the length, width and direction of all straight lines and the radius, length and central angle of all arcs. Measurements shall be to the nearest hundredth of a foot or in degrees, minutes and seconds, as appropriate.
- f. A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the development and if covenants are recorded, including the book and page number.
- g. The permitted building envelope and the location of proposed buildings. It is acceptable for prototypical buildings to be depicted if exact buildings are not known at the time of final plan submission.
- h. The location (and elevation, if established) of all existing and proposed required street and boundary monuments.
- i. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan.
- j. Plan for water supply and distribution, fire hydrants, locations, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts. (This data may be submitted as a separate plan.)
- k. A clear sight triangle and a safe stopping sight distance triangle shall be clearly shown for all street-to-street intersections. This shall not be required for intersections involving residential driveways or alleys and service

streets.

- I. A certification of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the property and notarized.
- m. A plan for the final location of surface and subsurface drainage of the tract shall be shown. The application for final plan approval shall include stormwater runoff calculations for the entire property being developed and shall show the proposed method of accommodating the anticipated runoff. Such calculations and documentation shall demonstrate compliance with Chapter 143, Stormwater Management.
- n. A certificate for approval of the plan by the Board of Supervisors and a notation of review by the Township Planning Commission shall be lettered on the plan.
- o. The total number of lots, dwelling units, approximate square feet of nonresidential uses, total acres of open space and number of parking spaces provided. A running total of these same items from all previously approved final plans should also be included.
- p. A lot typical for each type of dwelling unit and nonresidential structure to be developed pursuant to the final plan, giving approximate dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas.
- q. Accurate dimensions of open space areas, specifically indicating those areas to be developed for active or passive recreation. Where open space areas are to be developed, a general description of the type and nature of the open space improvements and the approximate location of the structures in the open space areas.
- r. A landscape plan showing existing and proposed grades for the area, location and construction details of proposed retaining walls and other structures in common areas, and a proposed planting schedule indicating the locations, species and sizes of plantings. Existing vegetation shall be shown by depicting the general edge of woodland areas and individual trees of twelve- inch diameter at breast height or greater within 20 feet of any proposed disturbance.
- s. Location and dimensions of easements for utilities and any limitations on such easements.
- t. Certification with seal by a professional land surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey and plans are correct to the accuracy required by this article. If the final plans propose subdivision resulting in the creation of any new property lines, they shall be sealed by a professional land surveyor registered in the Commonwealth of

Pennsylvania.

- u. A blank space measuring three inches square shall be left along the lower edge of the sheet, in order that the Delaware County Planning Commission may acknowledge receipt of the final plan when it is presented.
5. A blank space measuring three inches square shall be left along the lower edge of the sheet, in order that the Delaware County Recorder of Deeds may acknowledge receipt of the final plan when it is presented.
- a. The final plan shall be accompanied by:
 - (1) Profile sheets for all proposed streets within the area to be developed pursuant to the final plan. Such profiles shall show at least the following information, properly labeled:
 - (2) Existing (natural) profiles along the center line of each street. Profiles shall also be shown along each right-of-way when requested by the Township Engineer.
 - (a) Profiles along the center line of each proposed street shall be shown. Such profiles shall show existing and proposed grades at one of the following sets of scales:
 - (b) One inch equals 10 feet horizontal, and one inch equals one foot vertical.
 - (c) One inch equals 20 feet horizontal, and one inch equals two feet vertical.
 - (d) One inch equals 40 feet horizontal, and one inch equals four feet vertical.
 - (e) One inch equals 50 feet horizontal, and one inch equals five feet vertical.
 - (f) One inch equals 100 feet horizontal and one inch equals 10 feet vertical.
 - (3) Proposed finished grade of the center line and a grid with specific existing and proposed elevations every 25 feet and appropriate curb radius details to ensure adequate information for construction.
 - (4) The length of all vertical curves and the function of such curves.
 - (5) Existing and proposed sanitary sewer mains and manholes, storm sewer mains, inlets, manholes and culverts and existing or proposed water mains and fire hydrants.

- b. An updated overall development plan which depicts:
 - (1) All phases and sections of the PRD that have been built, in the manner that they were built;
 - (2) An outline of the area to which the phased final plan section pertains;
 - (3) The remaining portions of the PRD that have not yet been built, depicting the improvements shown on the approved tentative plan;
 - (4) All street, alley, sidewalk, trail, open space, recreation, utility, lot line, and other plan changes and linkages that may be necessary to integrate the final plan phase to adjoining development; and
 - (5) Overall calculations of development density and intensity, open space, and other tract-wide parameters established by the tentative approval.
- c. A comprehensive signage package demonstrating compliance with the signage criteria contained in the design guidelines approved as part of tentative plan approval.
- d. Any additional required modifications to the Township land use regulations otherwise applicable to the PRD.
- e. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the area included in the application for final plan approval.
- f. A completed stormwater drainage system showing culverts, ditches, curbs and gutters is required. All inlets, manholes and pipes for storm drainage shall be shown. This shall be accompanied by computations prepared and certified by a registered professional engineer that the stormwater drainage system will be adequate for the development pursuant to the final plan.
- g. The applicant shall comply with all other conditions of the written notice and communication concerning the approval of the tentative plan
- h. Prior to the time of final plan approval, restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the final plan shall be submitted
- i. Such certificates of approval by authorities as have been required in this article, including certificates approving the water supply system and the sanitary sewer system, shall be submitted
- j. Prior to recording of the final plan, an estimate of the cost of construction

of all public improvements required by this article for the area to be developed pursuant to the final plan ("construction cost estimate"). The estimate shall be prepared by the applicant's consulting engineer or other qualified professional to be a fair and reasonable estimate of such costs.

H. Review of final plan.

1. Review by the Township Engineer. The Township Engineer shall review the final plan to determine its conformance with this article. The Engineer may recommend changes, alterations or modifications as he may deem necessary in order to bring the plan into conformity with the requirements of this article and the conditions of tentative plan approval.
2. In the event an application for final plan approval has been filed as required by this article and the official written communication granting tentative plan approval, the Board of Supervisors, within 45 days after the date of the next regular meeting of the Board of Supervisors following the date the application is filed, shall grant final plan approval. The Township Planning Commission shall have the right to review the final plan at its next regularly scheduled meeting. A public hearing on an application for final plan approval shall not be required, provided the submission for final approval is determined to be consistent with this article and the official written communication granting tentative plan approval.
3. In the event the final plan as submitted contains variations from the approved tentative plan, the Board of Supervisors may refuse to grant final plan approval and, within 45 days from the date of the regular meeting of the governing body next following the date the application for final plan approval is filed, shall so advise the applicant, in writing, of its refusal, setting forth in the notice the reasons why one or more of the variations are not in the public interest.
 - a. In the event an application for final plan approval is denied approval, the applicant may either:
 - (1) Refile his application for final plan approval without the variations objected to; or
 - (2) File a written request with the Board of Supervisors that it hold a public hearing on his application for final plan approval.
 - b. If the applicant wishes to take either action, he may do so at any time within which he is entitled to apply for final plan approval or within 30 additional days if the time for applying for final plan approval shall have already passed at the time when the applicant was advised that the final plan was not in substantial compliance. In the event the applicant shall fail to take either of these alternate actions within the required time, he shall be deemed to have abandoned the final plan.
4. Any public hearing on an application for final plan approval granted by the Board of Supervisors shall be held pursuant to public notice within 30 days after request

for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed herein for public hearings on applications for tentative approval.

- a. The Board of Supervisors, within 30 days following the conclusion of the public hearings, shall, by official written communication, either:
 - (1) Grant final plan approval; or
 - (2) Deny final plan approval.
- b. The grant or denial of final plan approval shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth herein.

I. Recording of final plan.

1. A final plan which has been granted final approval shall be certified without delay by the Board of Supervisors as being approved; provided, however, that no final plan shall be certified unless security to secure the completion of improvements in accordance with this article has been posted.
2. Within 90 days after certification by the Board of Supervisors of final plan approval, the plan shall be filed of record by the landowner in the office of the Recorder of Deeds of Delaware County on a plan size acceptable to the Recorder of Deeds.
3. Upon the recording of the final plan, the zoning and subdivision regulations otherwise applicable to the land included in such final plan shall cease to apply thereto.
4. In the event that a development plan, or section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved and shall so notify the approving body, in writing, or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with Section 508 of the Municipalities Planning Code⁴⁴ after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified, by enactment of an amendment to this chapter, to its prior zoning classification.

J. Performance guarantee. Performance guarantees shall be posted in accordance with Section 509 of the Municipalities Planning Code.

K. Release of performance guarantee. Release of performance guarantees shall be in accordance with Section 510 of the Municipalities Planning Code.

L. Dedication and maintenance guarantee.

1. All streets, parks or other improvements shown on the final plan, recorded or otherwise, shall be deemed to be private until such time as the same have been

offered for dedication to the Township and accepted by resolution of the Board of Supervisors. It is the intent of this article that all streets, rear lanes and other public ways be offered for public dedication to and accepted by the Township in accordance with this article, unless the applicant notes on the plan that such improvements shall remain private.

2. Before accepting dedication of any improvements, the Board of Supervisors shall completely release the applicant of the performance guarantee and require the applicant to file a maintenance guarantee in an amount of 15% of the cost of constructing the improvements to be dedicated to the Township. Such maintenance guarantee shall not have a term greater than 18 months from the date of acceptance of dedication.
3. Dedication shall be effected by a deed in a form approved by the Township Solicitor, which deed shall include a reference to a plan of the streets and/or other parcels dedicated.
4. The applicant shall furnish the Township with as-built plans. There shall be one paper and two Mylar prints of the as-built plans, showing completed required improvements, including drainage, profiles and utilities. The applicant shall also provide an electronic copy of the as-built plans in a form specified by the Township at the time of dedication.

M. Development schedule.

1. The applicant shall present an updated development schedule to the Board of Supervisors at its first regularly scheduled meeting of every calendar year following the year the tentative plan was approved until the development is completed and accepted. If the updated development schedule is unchanged from the most recently approved development schedule, then the submitted development schedule shall be automatically deemed approved. If the updated development schedule shows changes from the most recently approved development schedule, the applicant shall demonstrate good cause for the change in a written statement and other prepared materials, and the Board of Supervisors shall take into consideration prevailing economic and market conditions, anticipated and actual needs for residential and nonresidential space within the municipality and the availability and capacity of public facilities to accommodate the proposed development.
2. If the applicant has demonstrated good cause for the requested change in the development schedule, the Board of Supervisors shall approve said request, and the revised development schedule shall supersede and replace the originally approved development schedule.
3. Failure of the applicant to submit an updated development schedule shall not be deemed an abandonment of the PRD, but the Board of Supervisors may institute enforcement remedies as contained in Section 712.2 of the MPC.47

