

CHAPTER 17

PLANNED RESIDENTIAL DEVELOPMENT

Part 1

Planned Residential Development

§101. Purposes.....17-1-1
§102. Definitions.....17-1-1
§103. Eligibility.....17-1-3
§104. Development Standards.....17-1-3
§105. Application for Tentative Approval.....17-1-9
§106. Public Hearings.....17-1-11
§107. The Findings.....17-1-12
§108. Status of Plan After Tentative Approval.....17-1-13
§109. Application for Final Approval.....17-1-14
§110. Administration and Review.....17-1-16

Chapter 17

PLANNED RESIDENTIAL DEVELOPMENT

Part 1

Planned Residential Development

§101. Purposes. The purposes of this Part are:

(1) To insure that the provisions of the East Buffalo Township Zoning ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of that zoning ordinance;

(2) To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;

(3) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township;

(4) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economies so secured may ensure to the benefit of those who need homes;

(5) To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, flood plains, ground water, wood areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem;

(6) And, in aid of these purposes, to provide a procedure which can relate the type, design and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

(Ordinance 42, August 8, 1977)

§102. Definitions. As used in this Part, the following words and phrases shall have the meaning indicated below:

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

AVERAGE GROSS RESIDENTIAL DENSITY - The number of dwelling units per acre in a planned residential community, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development.

COMMON OPEN SPACE - A parcel or parcels of land or area of water, or a combination of land and water within a planned residential development and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for recreational use by the residents.

COMPREHENSIVE PLAN - The Comprehensive Plan for East Buffalo Township as amended.

DEVELOPER - A landowner, agent of such landowner or tenant having permission from a landowner, who makes or causes to be made an application for approval of a development plan.

DEVELOPMENT PLAN - A proposal for the development of a planned residential development, prepared in accordance with this ordinance, including a plat of subdivision, location of various uses, all covenants relating to use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Part shall mean both the verbal and graphic materials referred to in this subdivision.

HOUSING TYPES - Single-family detached semi-detached, attached, and garden apartments.

INFRASTRUCTURES - Improvements such as, but not limited to streets, walks, drainage, water and sewer systems.

LANDOWNER - The legal or beneficial owner or owners of land, the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty (40) years or any other person having proprietary interest in the land.

PLANNING COMMISSION - The official review agency for this ordinance.

PLANNED RESIDENTIAL DEVELOPMENT - A contiguous area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created from time to time, under the provisions of a municipal zoning ordinance.

PLAT - The map or plan of a land development, whether preliminary or final.

PUBLIC SEWER DISPOSAL SYSTEM - A system designed for the treatment of human and animal waste that meets the then existing standards with the Pennsylvania Department of Environmental Resources and the Lewisburg Area Joint Sewer Authority which serves more than one (1) dwelling or commercial unit.

PUBLIC WATER SUPPLY - A system designed for the collection and distribution of water for human consumption that meets the then existing standards of the Pennsylvania Department of Environmental Resources which serves more than one (1) dwelling or commercial unit.

SECTION - A geographical area or tract which is part of a proposed planned residential development which will be developed according to a timetable for development over a period of years included by the applicant in the development plan.

STAGE - A section or sections of which an applicant proposes to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.

STRUCTURE - Any material or combination of materials which are constructed or erected, the use of which requires location on the ground, or attached to something on the ground.

TOWNSHIP - East Buffalo Township, Pennsylvania.

(Ordinance 42, August 8, 1977)

§103. Eligibility. No application for tentative approval of planned residential development shall be considered or approved unless the following conditions are met:

(1) The planned residential development must consist of a contiguous area of at least twenty-five (25) acres or fifty (50) acres, depending on the zoning district except where the planned residential development shall not contain any commercial uses in which cases the minimum area may be reduced by ten percent (10%). (Amendment No. 1)

(2) The development will be served by public water supply and public sewage disposal systems, which shall be constructed at the time construction of the structures in the planned residential development begins.

(3) The proposed development is found to be generally consistent with the Comprehensive Plan for East Buffalo Township.

(Ordinance 42, August 8, 1977; as amended by Amendment No. 1, May 8, 1978)

§104. Development Standards.

(1) Permitted Uses. A planned residential development may include residential uses, with dwelling units in single family, semi-detached and attached dwellings, and garden apartments, and, to the extent they are designed and intended primarily to serve the residents of the planned residential development, non-commercial, recreational, commercial and institutional uses.

(2) Density.

(a) The maximum allowable average gross residential density for planned residential developments shall be six (6) dwelling units per acre of land.

(b) No more commercial development shall be allowed than market analysis shows to the satisfaction of the Planning Commission will be needed to serve the resident population of the planned residential development. The market analysis shall be submitted to the official review agency and shall be substantiated by data applicable to that geographic area.

(c) Not less than twenty percent (20%) of the total area of the planned residential development shall be designated as and devoted to common open space. No more than one-half (1/2) of this open space can be in water.

(d) The proposed development shall consist of more than one (1) type of housing unit.

(3) Design, Bulk and Location Required.

(a) Site Design.

(1) Developers shall consider the topography, natural features, winds, seasonal temperatures, house or sunlight, privacy and neighboring area in the design and layout of structures.

(2) No structure shall be erected within twenty feet (20') of the right-of-way of any road within the development. No structure shall be erected within seventy-five feet (75') of the boundary lines of the development and shall be no closer to any other structure within the development than fifty feet (50') unless physically attached to said other structure provided, however, if it can be clearly demonstrated that due to natural conditions that lesser distances are more in keeping with the intent of this provision and the general purpose of the Planned Residential Development Ordinance, lesser distances may be used.

(Ordinance 135)

(b) Tree Conservation and Erosion Control.

(1) Existing trees shall be preserved wherever possible. The protection of trees of four-inch (4") diameter or over shall be a factor in determining the location of open space, building, underground services, walks, paved areas, playgrounds, parking areas, finished grade levels and utilities.

(2) The development shall be designed and developed so as to minimize earthmoving, erosion, tree clearance and the destruction of natural amenities.

(3) Seeding, sodding and other planting shall be applied to stabilize exposed soil.

(4) Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catchment basins, and planting temporary ground cover shall be instituted as necessary.

(c) Streets.

(1) The street system shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas.

(2) All streets within a development shall have a minimum width of fifty feet (50') and a minimum cartway of twenty-four feet (24').

(3) Cul-de-sacs must have a paved turning circle of sufficient width to facilitate snow removal and to permit easy access for fire-fighting equipment and delivery trucks. The minimum radius shall be fifty feet (50') to the outside edge of the right-of-way, and the maximum length shall be six hundred feet (600'). The minimum radius for the cartway shall be forty feet (40'). (Ordinance 135)

(4) All streets shall be prepared by the developer to the Township specifications which are in existence at the time of the application.

(5) There shall be a path or walkway system that shall be prepared by the developer to the Township specifications which are in existence at the time of the application.

(d) Parking.

(1) There shall be two (2) off-street parking spaces, measuring ten feet (10') by twenty feet (20') for each dwelling unit. Parking areas should be within reasonable proximity of dwelling units they serve.

(2) There shall be one (1) additional off-street parking space ten feet (10') by twenty feet (20') for each one hundred (100) square feet of commercial space located at the commercial area.

(3) Parking areas shall be arranged to prevent through traffic to the other parking areas.

(4) Parking areas shall be screened from adjacent structures, access roads and traffic arteries, by hedges, dense planting, earth berms, changes in grade or walls. All parking areas shall be a minimum of twenty feet (20') from all structures, access roads and traffic arterioles.

(5) No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.

(6) No more than sixty (60) parking spaces shall be accommodated in any single parking area.

(7) Access to parking areas shall be provided by aisles at least twenty-two feet (22') wide.

(8) All off-street parking spaces and access aisles shall be prepared by the developer to the Township specifications in existence at the time the plan is approved.

(e) Lighting.

(1) All parking areas for more than four (4) parking spaces shall be adequately lighted. All such lighting shall be arranged so as to direct light away from adjoining residences.

(f) Storm Drainage.

(1) The storm sewerage system for a planned residential development shall be designed to minimize erosion and flooding, using where desirable, catchment basins, silt traps, and the design of cart-ways so as to minimize runoff.

(g) Landscaping.

(1) All parking areas shall be landscaped.

(2) Shade trees shall be provided along all streets within the development. No less than one (1) two inch (2") diameter tree shall be planted for each twenty-five foot (25') section of streets.

(h) Street Signs and Street Lighting.

(1) All streets and areas of high pedestrian use shall be adequately lighted.

(2) The character, size and shape of all outdoor signs shall be in conformity with the provisions of the East Buffalo Township Zoning Ordinance [see Chapter 27 hereof].

(i) Supplemental Non-Residential Facilities.

(1) Shopping areas and recreational facilities within a planned residential development shall be located so as not to interfere with nearby residential areas.

(2) Refuse stations shall be designed with suitable screening and located where convenient for trash removal, and not offensive to nearby residential areas.

(3) Adequate lighting shall be provided for outdoor areas used after dark. Appropriate lighting fixtures must be provided for walkways, to identify steps, ramps and signs. Lighting shall be designed and located so as not to shine directly into nearby residences.

(j) Utilities.

(1) All utilities shall be underground with a twenty foot (20') right-of-way.

(4) Development in Stages. A developer may construct a planned residential development in stages if the following criteria are met:

(a) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this chapter.

(b) At least fifteen percent (15%) of the dwelling units in the plan given tentative approval are included in the first stage.

(c) At least fifty percent (50%) of the dwelling units in any stage are rented or sold before any commercial development shown in that stage shall be completed.

(d) The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than ten percent (10%) of the dwelling units receiving tentative approval.

(e) Each stage of development shall have at least two (2) types of housing units.

(f) No building permits for units in the next stage shall be granted until the infrastructure improvements in the previous stage have been completed.

(g) Gross residential density may be varied from stage to stage, provided, however, that final approval shall not be given to any stage if the gross residential density of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than ten percent (10%) the gross residential density for each type of dwelling unit allowed for the entire planned residential development in the tentatively approved plan. Where it is necessary to allocate open space to early stages to avoid exceeding maximum gross residential densities, the developer may be required to grant an open space easement, covenant or transfer to the Township specifying the amount and, if necessary, the location of open space.

(5) Standards for Location and Management of Open Space.

(a) The open space shall be located so as to be consistent with the objectives set forth in the application for planned residential development. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

(b) There shall be provisions which ensure that the open space land shall continue as such and be properly maintained. The developer shall either (a) dedicate such land to public use if the Township or another public agency has indicated it will accept such dedication, (b) retain ownership and responsibility for maintenance of such open space land, or (c) provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of (c) above, each organization shall be a non-profit homeowner's corporation.

(c) If a non-profit homeowners' corporation is formed, it shall be governed according to the following regulations:

(1) The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the development.

(2) Membership in the organization is mandatory for all purchasers of units therein and their successors and for the developer until such time as he has divested himself from all ownership of land or dwelling units within the development.

(3) The organization shall be responsible for maintenance of and insurance and taxes on common open space.

(4) The members of the organization shall share equitable the costs of maintaining and developing common open space, in accordance with procedure established by them and approved by the Township.

(5) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

(6) In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common 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 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 days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. The cost of such maintenance shall be assessed ratably against the properties within the planned residential development and shall become a tax lien on said properties. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its or upon the request of the organization theretofore responsible for the maintenance of the common 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 open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common 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 such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development and shall become a tax lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the appropriate office of the county, upon the properties affected by such lien within the planned residential development.

(7) In accordance with the provisions of §10,706 the Act of 1968, July 31, P.L. 805, Article VII, Section 706 (§3 P.S. §10,706), the provisions of the development plan relating to (i) the use, bulk and location of buildings and structures, (ii) the quantity and location of common open space, and (iii) the intensity of use or the density of residential units, shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers of regulation otherwise granted the municipality by law. The development plan shall specify those of its provisions that shall run in favor of, and be enforceable by residents of planned residential development, and, in addition, the manner which such residents may modify or release such rights.

(Ordinance 42, August 8, 1977; as amended by Ordinance 135, February 27, 1988)

§105. Application for Tentative Approval.

(1) Application for tentative approval shall be executed by or on behalf of the landowner and filed with the Township Secretary. An initial amount of Two Hundred Dollars (\$200.00) shall be paid upon application and additional deposits shall be made from time to time as requested by the Township to be applied against the expenses of application, not to exceed actual expenses incurred by the Township. Eight (8) copies of said application and supporting documents submitted for review by the Township Planning Commission and other agencies.

(2) The application for tentative approval shall include documentation establishing compliance with all the standards for planned residential development, and where necessary the Planning Commission shall order such documentation to aid them in their review.

(3) Required documentation shall include, but shall not be limited to documents illustrating the following:

(a) The location and size of the area involved, and adjoining areas; and the nature of the developer's and/or landowner's interests in the planned residential development;

(b) The proposed use areas and the net residential and commercial density of each proposed land use;

(c) The location, function, size, ownership, and manner of maintenance of the common open space;

(d) The use and the approximate height, bulk, and location of buildings and other structures.

(e) Information showing the feasibility of proposals for sanitary sewage and storm water disposition and the extent to which the same has been discussed and/or approved by appropriate public officials.

(f) Utility systems;

(g) The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities;

(h) The provision for parking of vehicles and location, rights-of-way and cartway widths of proposed streets and public ways and parking areas;

(i) In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval. No one stage shall be more than four (4) years in length;

(j) The application shall, insofar as possible, indicate compliance with the provisions set forth herein, governing the requirements for final approval.

(4) Application for tentative approval shall include but shall not be limited to the following documents:

(a) Plans of existing natural features of the land including topography, vegetation, drainage and soils, at a scale of one inch (1") equals two hundred feet (200');

(b) A site plan showing: approximate locations of buildings, roads and parking areas, at a scale of one inch (1") equals one hundred feet (100');

(c) A plan delineating common open space indicating size, nature of facilities, structures, if any, and uses, at a scale of one inch (1") equals one hundred feet (100');

(d) A plan delineating approximate locations, street types, right-of-way and cartway widths, at a scale of one inch (1") equals one hundred feet (100');

(e) Site plan illustrating phasing; including a time schedule for all on-site and off-site infrastructure improvements to be dedicated for public use, which may be modified from time to time by the Board;

(f) A plan illustrating connection to public utilities, streets and rights-of-way accompanied by documentation as to the impact of the proposed development on said public utilities, streets and right-of-way;

(g) A plan illustrating the relation of the proposed planned residential development to the Township.

(5) Said application shall also include a written statement by the applicant setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Township's comprehensive plan.

(6) One (1) copy of every application for tentative approval received by the Township Secretary shall be promptly forwarded to the Township Planning Commission and to the Union County Planning Commission for study and recommendation as required by the Pennsylvania Municipalities Planning Code. The Union County Planning Commission shall review and report upon the application to the Township Planning Commission within thirty (30) days of such referral. One (1) copy of the report of the County Planning Commission shall be furnished to the applicant not less than five (5) days before the appointed time of the public hearing provided for in §106 of this Part.

(7) The applicant, the Township Planning Commission, and the Union County Planning Commission may consult informally concerning the proposed planned residential development prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the Township Planning Commission or of the County Planning Commission shall be binding upon the Township.

(Ordinance 42, August 8, 1977)

§106. Public Hearings.

(1) Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this ordinance, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors in the manner prescribed in the East Buffalo Township Zoning Ordinance [see Chapter 27 hereof] for the enactment of an amendment. The chairman, or, in his absence, the acting chairman, of the Board of Supervisors or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses. All parties may be represented by counsel.

(2) A verbatim record of the hearing shall be caused to be made by the Board of Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be

borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. A deposit of Fifty Dollars (\$50.00) shall be made by the person requesting the verbatim record and a deposit of Fifty Dollars (\$50.00) shall be made by each person requesting copies of the record. The deposits shall be applied to the costs of the same.

(Ordinance 42, August 8, 1977)

§107. The Findings.

(1) The Board of Supervisors within thirty (30) days following the conclusion of the public hearing provided for in this chapter, shall, by official written communication, to the applicant, 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 Board of Supervisors notify such Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

(2) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in which respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

(a) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the 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, 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 open space in the planned residential development, the reliability of the proposals

for maintenance and conservation of the common open space; and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;

(d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

(e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and

(f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.

(3) In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the applicant, the time so established between grant of tentative approval and on application for final approval shall not be less than three (3) months and, in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.

(Ordinance 42, August 8, 1977)

§108. Status of Plan After Tentative Approval.

(1) The official written communication provided for in §107 of this Chapter shall be certified by the Secretary of the Board of Supervisors and shall be filed in his office, and a certified copy shall be mailed by certified mail to the applicant. Where tentative approval has been granted, the same shall be noted on the zoning map.

(2) Tentative approval of a development plan shall not qualify a plat on 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 applicant (and provided that the applicant has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the applicant, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

(3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the applicant shall elect to abandon said development plan and shall so notify the Board of Supervisors in writing, or in the event the applicant 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 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 secretary or clerk of the Township.

(Ordinance 42, August 8, 1977)

§109. Application for Final Approval.

(1) 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, a section thereof. Said application shall be made to the Planning Commission and within the time or times granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

(2) The application for final approval shall show:

- (a) The name(s) of the owner(s) and developer(s);
- (b) Date of final application;
- (c) Name of the PRD;
- (d) Seal and signature of the responsible licensed and registered engineer or surveyor;
- (e) Density - number of units per acre;
- (f) Number of acres;

These first six items shall appear in the following form on each submitted document and map:

Name of PRD _____ Seal and Signature of

Engineer
Name of owners
Name of developer(s)
Date _____ Density _____ Number of acres

We the Supervisors of East Buffalo Township do approve this final plan for a Planned Residential Development in Zoning District _____, East Buffalo Township, Union County.

President of the Supervisors _____
Secretary for Supervisors _____
Planning Commission Review _____
Chairperson _____
Secretary _____

(g) Description of covenants, grants and/or easements;

(h) A performance bond to cover the installation of streets, sewer system, water mains and other infrastructures;

(i) Final key maps showing:

(1) Relationship to surrounding properties, names of these property owners, boundary lines with courses and distances, iron pipes designating corners, present and future easements, existing and future streets, right-of-ways, street names, street curves in degrees;

(2) Property lines within the development with courses and distances, corner iron pipe markers and setback lines, lot numbers, five foot (5') gradient contour lines, parks, playgrounds and other open space areas to be dedicated or reserved for public use of the PRD residents, parking spaces, true location and size of various dwelling types, and other use structures;

(3) Water supply system, sewage disposal system, drainage system, lighting and electrical systems, and telephone systems;

(4) Landscaping, path system, solid Waste collection locations.

(j) Drawings of street and drainage elevations;

(k) A final schedule for development if it is to be in stages;

(l) The maps shall be drawn to the scale of fifty feet (50') equals one inch (1");

(m) There shall be eight (8) copies of each required map and document submitted in the application for final approval.

(3) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the Township shall, within thirty (30) days of such filing, grant such development plan final approval.

(4) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Supervisors may refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the applicant in writing of said refusal, setting forth in said notice the reasons why one (1) or more of said variations are not in the public interest. In the event of such refusal, the applicant may either:

(a) Re-file his application for final approval without the variations objected, or

(b) File a written request with the Board of Supervisors that it hold a public hearing on his application for final approval.

(c) If the applicant wishes to take either such alternate action, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days of the date upon which he received notification of said refusal, whichever shall be later. In the event the applicant shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty (30) days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this Part for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Part.

(5) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Supervisors and shall be filed of record forthwith in the office of the recorder of deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion according to recorded schedule of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the applicant.

(6) In the event that a development plan, or a section thereof, is given final approval and thereafter the applicant shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Supervisors in writing, or in the event the applicant shall fail to commence and carry out the planned residential development within such period of time as may be fixed by ordinance, no development or further development shall take place on the property included in the development plan except in compliance with applicable Township ordinances.

(Ordinance 42, August 8, 1977)

§110. Administration and Review.

(1) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the designated Township officer.

(2) Upon application of the applicant showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.

(3) The provisions of Part 7 of the East Buffalo Township Zoning Ordinance [Chapter 27 hereof], as amended, governing "Administration" shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Part and the conditions of final approval. The Zoning Officer shall review the progress and status and

construction of the plan and render monthly reports thereon to the Board in order to assure compliance with the provisions of this chapter and the conditions of final approval.

(Ordinance 42, August 8, 1977)