

HD1390.3.P4L35 1984

LAWRENCE PARK TOWNSHIP

PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE

Developed as part
of the Implementation of the
Pennsylvania Coastal Zone Management Program

HD
1390.3
.P4
L35
1984

August 13, 1984

TABLE OF CONTENTS

APPROVAL PAGE 21

Property of CSC Library

PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE
LAWRENCE PARK TOWNSHIP, ERIE COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN A PLANNED RESIDENTIAL DEVELOPMENT FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT: DEFINING TERMS, PROVIDING REGULATIONS, REQUIREMENTS AND DESIGN STANDARDS: PRESCRIBING PROCEDURES FOR THE PRESENTATION AND APPROVAL OF SUCH LAND DEVELOPMENTS: AND PRESCRIBING PENALTIES AND VIOLATIONS.

Ordained and enacted by the Board of Commissioners of Lawrence Park Township, Erie County, Pennsylvania under the provisions of Article VII of the Pennsylvania Municipalities Planning Code (Act 247 of July 31, 1968, as amended) hereinafter referred to as the "Pennsylvania Planning Code."

ARTICLE 1
GENERAL PROVISIONS

Section 101 SHORT TITLE

This Ordinance shall be known and may be cited as "LAWRENCE PARK TOWNSHIP PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE".

Section 102 PURPOSE

This Ordinance is adopted for the following purposes:

To ensure that the provisions of the Lawrence Park 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 Ordinance.

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.

To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township.

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 enure to the benefit of those who need homes.

To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, flood plains, groundwater, wooded areas, steeply-sloped areas, and areas of unusual beauty or importance to the natural ecosystem.

To ensure that the provisions of the Lawrence Park Township Subdivision and Land Development Ordinance which are concerned with the uniform treatment of the subdivision of land and land development 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 Ordinance.

In aid to 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.

Section 103 COMPLIANCE

No planned residential development or any lot, tract, or parcel of land within such development shall be effected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use and travel, or the common use of occupants of building abutting thereon, except in accordance with the provisions of this Ordinance. No lot in a planned residential development may be sold, no permit to erect, alter or repair any building in such development may be issued, unless and until a plan of such development shall have been approved and properly recorded, and until the improvements required by the Board of Commissioners in connection therewith shall have either been constructed or guaranteed as herein provided.

In addition to the provisions of this Ordinance, all requirements of the Lawrence Park Township Zoning Ordinance and the Lawrence Park Township Subdivision and Land Development Ordinance, which are not specifically altered or waived by this Ordinance, shall be complied with.

Section 104 HARDSHIP

Where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Board of Commissioners may make such reasonable exceptions thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building subject to conditions necessary to assure adequate streets and other public improvements.

Section 105 AMENDMENT

This Ordinance as set forth herein may be amended, altered or revised by the Board of Commissioners from time to time after a public hearing is held pursuant to public notice. In case of an amendment other than that prepared by the Planning Commission, the Board of Commissioners shall submit each such amendment to the Planning Commission and the County Planning Department for recommendation at least thirty (30) days prior to date of the public hearing.

Section 106 CONFLICT

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of Lawrence Park Township, the highest standard shall govern.

Section 107 VALIDITY

Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or of any other provision thereof.

Section 108 EFFECTIVE DATE AND REPEALER

The Ordinance shall become effective _____ and shall remain in effect until modified or rescinded by the Board of Commissioners.

ARTICLE 2
DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated.

Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated, associated, and a partnership as well as an individual. The word "building" includes "structure" and shall be construed as if followed by the words "or part thereof." The word "street" includes "road," "highway," and "land;" and "watercourse" includes "drain," "ditch," and "stream". The words "shall" or "will" are mandatory, and the words "may" and "should" are permissive.

All words defined in the Lawrence Park Township Zoning Ordinance and in the Lawrence Park Township Subdivision and Land Development Ordinance shall be construed to be defined as such within this Ordinance.

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 development, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are planned to be devoted to residential and open space use. If the developer dedicates land for sites for schools or other public facilities, such land shall be included in the total land area used in computing maximum permissible average gross density.

BOARD OF COMMISSIONERS: The duly elected governing body of Lawrence Park Township, Erie County, Pennsylvania.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities.

COUNTY PLANNING DEPARTMENT: The Erie County Department of Planning, Erie County, Pennsylvania.

DEVELOPMENT PLAN: The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a land development.

EASEMENT: A right granted to use certain private land for a utility or physical access, which is not inconsistent with the general property rights of the owner.

IMPROVEMENT OF LAND: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots, including grading, water mains, sanitary sewers, storm sewers and drains, street shade trees, street signs and monuments, street paving and lights, and curbs and sidewalks.

LAND DEVELOPMENT: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land.

LANDOWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner.

LOT: A parcel of land occupied or capable of being occupied by one or more structures or dwelling units in a structure, providing the requirements of this Ordinance are met.

MASTER PLAN: The Lawrence Park Township Comprehensive Plan Update which is the comprehensive general plan, or any of its parts, for the future growth, protection and development of Lawrence Park Township.

PENNSYLVANIA PLANNING CODE: Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, and amendments to same as may be adopted from time to time.

PLANNED RESIDENTIAL DEVELOPMENT: An 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.

PLANNING COMMISSION: The duly appointed Planning Commission of Lawrence Park Township, Erie County, Pennsylvania.

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

PUBLIC NOTICE: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than fourteen (14) days from the date of the hearing.

RIGHT-OF-WAY: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable systems.

STREET: A general term used to describe a right-of-way, municipally or privately owned, serving as a means of vehicular and pedestrian movement and access to adjacent properties, furnishing space for sewers, public utilities, and shade trees. The streets are classified by function as follows:

1. Local Street: A street used as the principal means of access to adjacent properties serving only a comparatively small number of dwellings.
2. Collector Street: A street or road connecting local streets to each other, to community facilities, and to primary or major thoroughfares, serving only the neighborhood traffic.
3. Primary or Major Thoroughfares: A street connecting district centers, servicing large volumes of through, fast traffic, preferably located outside or bounding the residential neighborhoods.
4. Others:
 - a. Alley: (or Service Drive) A strip of land over which there is a right-of-way, municipally or privately owned serving as a secondary means of access to two or more properties.
 - b. Cul-de-sac: A residential street with one end open for public vehicles and pedestrian access and the other end terminating in a vehicular turnaround.
 - c. Crosswalk: A right-of-way which cuts across a block to furnish access for pedestrians to adjacent streets or properties.
 - d. Marginal Access Street: A street parallel and adjacent to primary or major thoroughfares providing access to abutting properties and control of intersections with major thoroughfares.

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 a given time, as part of a timetable for development of a planned residential development over a period of years.

TOWNSHIP: Lawrence Park Township, Erie County, Pennsylvania.

ARTICLE 3
QUALIFICATIONS AND SPECIFICATIONS

Section 301 ELIGIBILITY

To develop land as a planned residential development shall be considered a possibility rather than a right of the applicant, landowner or developer. A proposed planned residential development shall be considered at the discretion of the Board of Commissioners, which may or may not approve the proposal. If the proposal is not approved by the Board of Commissioners, the land shall be developed in strict conformance with all the provisions of the Lawrence Park Township Zoning Ordinance and the Lawrence Park Township Subdivision and Land Development Ordinance.

No application for approval of a planned residential development shall be considered unless the following conditions are met.

The planned residential development shall be served by the public sewage disposal, water supply and storm water disposal systems of the Township which shall be guaranteed by the applicant and implemented at the time construction of structures in the development commences.

The proposed planned residential development shall be consistent with the Master Plan and located within an R-2 Residential District as designated in the Lawrence Park Township Zoning Ordinance.

Section 302 PERMITTED USES

A planned residential development may include residential uses, with dwelling units in detached, semi-detached, attached or multi-storied structures with single family, two family and multi-family dwellings in singles, sets or combinations thereof. To the extent they are designed and intended primarily to serve the residents of the planned residential development, recreational, commercial, educational and institutional uses may also be permitted.

Section 303 DENSITY

The maximum allowable average gross residential density for a planned residential development shall be six (6) dwelling units per acre, except that higher densities may be permitted in accordance with the bonus provisions contained in this section. In no event shall the average gross residential density exceed nine (9) dwelling units per acre.

No more commercial development shall be allowed than expert market analysis shows to the satisfaction of the Board of Commissioners will be needed to serve the resident population of the planned residential development. In no case shall it exceed one (1) acre of commercial development per one hundred (100) dwelling units or fraction thereof in the planned residential development.

Not less than twenty-five (25) percent of the total area of the planned residential development shall be designated as and devoted to common open space.

For the maximum average gross residential density to exceed six (6) dwelling units per acre, the minimum land in common open space of twenty-five (25) percent shall be increased five (5) percent per each dwelling unit increase:

<u>Maximum Average Gross Residential Density</u>	<u>Minimum Common Open Space</u>
six (6) dwelling units per acre	twenty-five (25) percent
seven (7) dwelling units per acre	thirty (30) percent
eight (8) dwelling units per acre	thirty-five (35) percent
nine (9) dwelling units per acre	forty (40) percent

Section 304 DESIGN STANDARDS

The following requirements within Article 4 of the Lawrence Park Township Subdivision and Land Development Ordinance may be altered or waived in the design of a planned residential development.

(Section 403) "Permanent culs-de-sac should be avoided."

(Section 405) "All blocks in a subdivision shall have a maximum length of fourteen hundred (1400) feet. Such blocks containing individual lots shall be at least two (2) lot depths in width."

(Section 406) "Lot dimensions shall conform to the requirements of the Lawrence Park Township Zoning Ordinance.... The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street."

(Section 408) "The minimum building setback shall conform with the provisions of the Lawrence Park Township Zoning Ordinance."

The following requirements shall be complied with in the design of a planned residential development in addition to the requirements of Article 4 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account, as well as renewable energy sources.
- All housing shall be sited so as to enhance privacy and ensure natural light for all principal rooms.
- Variations in setbacks shall be provided where necessary to create a more aesthetic layout.
- Housing and other facilities near the periphery of the planned residential development shall be designed so as to provide a harmonious transition with neighboring developed areas.

- Any shopping area, recreational area and/or facilities, and institutional facilities within the planned residential development shall be located so as not to disturb nearby residential areas.
- No structure shall be within twenty (20) feet of a right-of-way.
- No structure shall be within fifty (50) feet of the property lines of the development and a planting strip of appropriate height for effective screening shall be provided along all property lines at the periphery of the development where necessary to protect the privacy of neighboring residents.
- Existing trees shall be preserved wherever possible. The protection of trees shall be a factor in determining the location of open space, buildings, underground services, sidewalks, walkways, playgrounds, streets, parking areas and finished grade levels.
- The development shall be designed and programmed so as to minimize earth-moving, erosion, and the destruction of natural amenities.
- Refuse stations shall be located so as not to be offensive to residents within or near the development.
- If the Township or a public agency such as a school district determines that land for institutional facilities (for example a fire station, police station, or school) will be needed as a result of the construction of the planned residential development, the developer can be required to set aside such land for eventual acquisition by the Township or public agency. If such land is not acquired by the appropriate body by the date of the sale or rental of 51 percent of the total dwelling units in the planned residential development, then at the option of the developer, the land may be used for residential purposes subject to the provisions of this Ordinance. If the developer chooses to dedicate such land, he can benefit from an increase in permitted dwelling units as specified in the definition of "average gross residential density."

Section 305 IMPROVEMENTS

The following requirements shall be complied with in the construction of a planned residential development in addition to the requirements of Article 5 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- All utility lines shall be installed underground, if deemed feasible by the Board of Commissioners and the municipal Engineer.
- Adequate lighting shall be installed along all streets, sidewalks and walkways, and around and in all parking areas, shopping areas, recreational areas and/or facilities, and institutional facilities within the planned residential development. Said lighting shall be spaced accordingly and connected by underground lines. Appropriate lighting fixtures shall be provided to identify all steps, ramps and signs.

- Shade trees of deciduous hardwood types with minimum diameter of two (2) inches shall be planted by the developer along all streets with two (2) trees for each forty (40) feet of street length (one tree for each side of the street). Off-street parking areas shall be planted with two (2) trees for each four (4) parking spaces. Shade trees may be placed in arrangements rather than limited to linear placement. Existing trees within streets and parking areas which are to be retained by the developer shall count as a portion of this requirement.
- Sidewalks shall be constructed by the developer along both sides of all streets and around all parking areas. Paved walkways shall be provided to connect any shopping area, recreational area and/or facilities, and institutional facilities within the planned residential development to the sidewalk system.

Section 306 DEVELOPMENT IN STAGES

A planned residential development may be constructed section by section in stages if the following criteria are met:

- At least twenty-five (25) percent of the dwelling units in the plan given preliminary approval are included in the first, second and subsequent stages.
- At least fifty (50) percent of the dwelling units in any stage are rented, leased or sold before any commercial development shown in that stage shall be completed.
- Specific gross residential density may be varied from stage to stage, provided however that the average gross residential density for the entire planned residential development complies with Section 303 of this Ordinance.

Section 307 MANAGEMENT OF COMMON OPEN SPACE, STREETS OR FACILITIES

There shall be provisions which ensure that common open space and private streets, alleys, crosswalks (and sidewalks and trees on private streets), off-street parking areas, and areas set aside for utility or institutional facilities shall continue as such and be properly maintained. The developer shall either: dedicate such land to public use if the Township or another public agency has indicated it will accept such dedication, or retain ownership and responsibility for maintenance of such common open space, street or facility, or provide for and establish one or more organizations for the ownership and maintenance of all space, streets or facilities. Each such organization shall be a non-profit homeowners association, unless the developer demonstrates that a community trust is a more appropriate form of organization. If a homeowners' association or community trust is formed, it shall be governed according to the following regulations:

- A copy of the approved Declaration Plan required by the Pennsylvania Unit Property Act of 1963 as amended shall be submitted to the Board of Commissioners.

- 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.
- Membership in the organization is mandatory for all landowners, landlords, home owners and purchasers of housing units therein and their successors.
- The organization shall be responsible for maintenance of and insurance and taxes on a common open space, street or facility.
- The members of the organization shall share equitably the costs of maintaining a common open space, street or facility, in accordance with procedures established by them.
- The organization shall have or hire adequate staff to administer a common facility and maintain a common open space or street.
- In the event that the organization established to own and maintain a common open space, street or facility, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the said space, street or facility in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon the 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 space, street or facility in reasonable condition, and this notice shall include a demand that the deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.
- At the 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 space, street or facility from becoming a public nuisance, may enter upon the space, street or facility and maintain the same for a period of one (1) year. This entry and maintenance shall not vest in the public any rights to use the space, street or facility 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 initiative or upon the request of the organization theretofore responsible for the maintenance of the space, street or facility, hold a public hearing upon notice to the organization, or to the residents and owners of the planned residential development, to be held by the Board of Commissioners, at which hearing the organization or its residents and owners of the planned residential development shall show cause why the maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.

- If the Board of Commissioners shall determine that the organization is ready and able to maintain the space, street or facility in reasonable condition, the Township shall cease to maintain them at the end of said year. If the Board of Commissioners shall determine the organization is not ready and able to maintain the space, street or facility in a reasonable condition, the Township may, in its discretion, continue to maintain them during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Board of Commissioners in any such case shall constitute a final administrative decision subject to judicial review.

The cost of the maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the space, street or facility, and shall become a tax lien on those properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when the mortgage or mortgages were created or when the assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to said foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of these assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, further, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on property subject to the assessment or charges, with the intent that no such charges shall be at any time prior in lien of such mortgage or mortgages whatsoever on such property. The Township, at the time of entering upon the space, for the purpose of maintenance, shall file a notice of such lien in the Office of the Prothonotary of Erie County, upon the properties affected by such lien within the planned residential development.

ARTICLE 4
PLAN SPECIFICATIONS

Section 401 APPLICATION FOR TENTATIVE APPROVAL OF PRELIMINARY PLAN

The application for tentative approval of a planned residential development shall be executed by or on behalf of the landowner and filed with the Township Secretary. An initial deposit in the amount of \$200 shall be paid upon filing of the application to be applied against the total expenses of processing the application. Additional deposits shall be made from time to time as may be required by the Township to be applied against the expenses of processing the application not to exceed actual expenses incurred by the Township, the municipal Engineer and the municipal Solicitor.

The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development in Article 3 of this Ordinance, and where necessary the Township shall order such documentation to aid them in their review.

The following documentation shall be required in the application for tentative approval of a planned residential development in addition to the documentation required in Section 602 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- The location and size of the area involved, and the nature of the landowner's interest in the planned residential development;
- The proposed use areas, the average gross residential density and the density of each proposed type of residential use area;
- The location, function, size, ownership, and manner of maintenance of the common open space.
- The use and the approximate height, bulk, and location of buildings and other structures.
- Information showing the feasibility of proposals for water service, and sanitary sewage and storm water disposition;
- Utility systems;
- 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, private streets, alleys or crosswalks, and areas set aside for utility or institutional facilities.
- The provision for parking of vehicles and location, rights-of-way and access easements, sidewalks and walkways, and cartway widths of proposed streets, alleys, and crosswalks.

- In the case of plans which call for development in stages, a schedule showing the time within which applications for final approval of all sections of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval.
- A written statement by the developer setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the Master Plan.

Section 402 TENTATIVE APPROVAL PROCEDURES

The following requirements within Section 302 of the Lawrence Park Township Subdivision and Land Development Ordinance are hereby altered or waived in the tentative approval procedures for a planned residential development.

"The Board of Commissioners shall take action at a regular meeting within ninety (90) days after the receipt of the Planning Commission report... The decision of the Board of Commissioners shall be communicated to the subdivider personally or mailed to his last known address not later than fifteen (15) days following the decision... Before acting on a Preliminary Plan, the Board of Commissioners may arrange for a public hearing thereon."

The following requirements shall be complied with in the tentative approval procedures for a planned residential development in addition to the requirements of Section 302 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- 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 Commissioners. The President, or in his absence the Vice-President, of the Board of Commissioners 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 witnesses.
- A stenographic record of the hearing shall be caused to be made by the Board of Commissioners whenever such records are requested by any party to the proceedings; but the costs of making and transcribing such a 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.
- The Board of Commissioners may continue the hearing from time to time, and may refer the matter back to the Planning Commission for an additional report. However, in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

- The Board of Commissioners within thirty (30) days following the conclusion of the public hearing provided for in this Ordinance, shall, by official written communication, to the landowner, either:

Grant tentative approval of the development plan as submitted; or

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

Deny tentative approval to the development plan.

Failure to 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, notify the Board of Commissioners of his refusal to accept all said conditions, in which case, the Board of Commissioners 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 Commissioners of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

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

In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Township;

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;

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;

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;

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

In the case of a development plan which proposed development in sections by stages 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.

- In the event a development plan is granted tentative approval, with or without conditions, the Board of Commissioners 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 in sections by stages over a period of years, the periods of time within which applications for final approval of each section thereof shall be filed. Except upon the consent of the landowner, 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 the case of a development in sections by stages over a period of years, the time between application for final approval of each section of a plan shall not be less than twelve (12) months.
- The official written communication shall be certified by the Township Secretary and shall be filed at the Township Building, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the Official Zoning Map.
- Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted or 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 landowner, provided an application for final approval is filed or, in the case of a development in sections by stages over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Board of Commissioners in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Official Zoning Map and in the files of the Township Secretary.

Section 403 APPLICATION FOR APPROVAL OF FINAL PLAN

The application for final approval of a planned residential development shall be executed by or on behalf of the landowner and filed with the Township Secretary. An initial deposit in the amount of \$200 (two hundred dollars) shall be paid upon filing of the application to be applied against the total expenses of processing the application. Additional deposits shall be made from time to time as may be required by the Township to be applied against the expenses of processing the application, not to exceed the actual expenses incurred by the Township, the municipal Engineer, and the municipal Solicitor.

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 Township and within the time or times specified by the official written communication granting tentative approval.

The following documentation shall be required in the application for final approval of a planned residential development in addition to the documentation required in Section 603 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- All the documentation required in Section 401 of this Ordinance.
- All changes, corrections and refinements, if any, to the tentatively approved Preliminary Plan.
- Certification that the design of sewage disposal and water supply systems has been approved by the proper agencies.
- Certification of an approved Soil Erosion and Sedimentation Control Plan.
- Certification of an approved Storm Water Management Plan.
- Certification as may be required for the installation of underground utility lines.
- Certification of an approved Declaration Plan.

Section 404 FINAL APPROVAL PROCEDURES

The following requirements within Section 303 of the Lawrence Park Township Subdivision and Land Development Ordinance are hereby altered or waived in the final approval procedures for a planned residential development.

"The Board of Commissioners shall take action at a regular meeting by resolution within ninety (90) days after the receipt of the signed Plan from the Planning Commission. The decision of the Board of Commissioners shall be communicated to the subdivider personally or mailed to his last known address not later than fifteen (15) days following the decision. Before acting on the Final Plan, the Board of Commissioners may arrange for a public hearing thereon."

The following requirements shall be complied with in the final approval procedures for a planned residential development in addition to the requirements of Section 303 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- If the application for final approval is in compliance with the tentatively approved development plan, a public hearing may not be held unless deemed necessary by the Board of Commissioners.
- If the application for final approval has been filed, together with all drawings, specifications, documents and certificates in support thereof and with the official written communication of tentative approval, in conformance with all the requirements of this Ordinance, the Board of Commissioners shall grant the development plan final approval within thirty (30) days of such filing. The grant of final approval shall have the effect of amendment to the Lawrence Park Township Zoning Ordinance.
- If the application for final approval contains variations from the development plan given tentative approval, the Board of Commissioners shall refuse to grant final approval and shall, within thirty (30) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:

Refile his application for final approval without the variations objected, or

File a written request with the Board of Commissioners that it hold a public hearing on his application for final approval. (If the landowner 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 if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner 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 landowner, and the hearing shall be conducted in the manner prescribed in Section 402 of this Ordinance for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the Board of Commissioners 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 of and contain the findings required for an application for tentative approval set forth in Section 402 of this Ordinance. A grant of final approval shall have the effect of amendment to the Lawrence Park Township Zoning Ordinance.

Section 405 RECORDING AND ABANDONMENT

The following requirements shall be complied with in the recording of an approved planned residential development in addition to the requirements of Section 304 of the Lawrence Park Township Subdivision and Land Development Ordinance.

- 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 within two (2) years 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 landowner.
- In the event that a development plan, or a 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 Board of Commissioners in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within two (2) years 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 resubdivided, and is reclassified by enactment of an amendment to the Lawrence Park Township Zoning Ordinance.

ARTICLE 5
ADMINISTRATION

Section 501 SUBDIVISION ADMINISTRATION

The landowner, and homeowners association if any, of a planned residential development shall comply with Sections 305, 306, 307, 702, 703, 704 and 705 of the Lawrence Park Township Subdivision and Land Development Ordinance in the construction of a recorded development plan and in the maintenance of common open space, streets or facilities.

Section 502 ZONING ADMINISTRATION

The landowner, and homeowners association if any, of a planned residential development shall comply with Sections 503, 504, 505, 508 and 509 of the Lawrence Park Township Zoning Ordinance in the construction of a recorded development plan.

APPROVAL PAGE

Recommendation of approval by the Lawrence Park Township Planning Commission this _____ day of _____, 1984.

Chairman

Member

Member

Member

Member

Member

Member

ATTEST: _____
Planning Commission Secretary

Approved and adopted by the Board of Commissioners of Lawrence Park Township this _____ day of _____, 19__.

President

Member

Member

Member

Member

ATTEST: _____
Township Secretary

NOAA COASTAL SERVICES CENTER LIBRARY



3 6668 14103 5933

