

**ARTICLE 7  
PLANNED RESIDENTIAL DEVELOPMENT**

**SECTION 7.0 INTENT**

The provisions of this Article are intended to permit and encourage innovations in residential development through permitting a greater variety, type, design, and layout of dwellings; and by allowing the development of well-planned, high density, residential neighborhoods or groups of residences on sites larger than normal building lots. To give the site planner maximum freedom, more intensive use of land may be permitted, and the coverage, height, setback and other requirements may be varied under circumstances which will ensure more imaginative use of a building site than can be achieved under the standard regulations of this Ordinance. This provision is intended to encourage a more efficient use of open space, and public services. This development may contain individual single-family to multi-family dwellings, and common property which is planned and developed as a unit.

**SECTION 7.1 GRANT OF APPROVAL POWER**

Pursuant to Section 702 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, the Wyalusing Township Supervisors grants the power and authority to review and approve Planned Residential Developments to the Township Planning Commission. The Planning Commission shall comply with the procedures and provisions of this statute when considering a Planned Residential Development.

**SECTION 7.2 PERMITTED USES**

The following uses and their accessory or associated uses may be permitted subject to site plan approval by the Planning Commission:

- A. Single-family and two-family dwellings (detached and attached), multi-family dwellings, rooming and boarding houses
- B. Churches, parish houses, convents
- C. Public and private schools, public libraries, municipal and fire department buildings
- D. Private fraternities, societies, or clubs
- E. Hospital and nursing or convalescent homes

**SECTION 7.3 STANDARDS GOVERNING PLANNED RESIDENTIAL DEVELOPMENTS**

Any development proposal to be considered as a Planned Residential Development shall conform to the following standards, which shall be regarded as minimum requirements, in addition to all applicable standards in other sections of this Ordinance.

- A. This provision shall apply only to land which shall be a contiguous parcel 10 acres or more in size. Where the applicant can demonstrate that his "lot" will meet the objectives of this Article, the Planning Commission may consider projects with less acreage.
- B. The gross density of any parcel shall not exceed ten (10) dwelling units per acre.
- C. All parcels shall be serviced by either public water and sanitary sewer systems or private systems as such designed to service the entire district. The applicant shall provide evidence that the Planned Residential Development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility.
- D. All undeveloped lands including all required yard areas shall be designated for open space purposes. A minimum area of 400 square feet per dwelling unit containing two bedrooms or more may be required to be set aside for open space/recreation purposes.
- E. When such development is proposed adjacent to any existing residence, a buffer of at least 150 feet in width shall be maintained within the proposed development along any lot line that abuts existing residential development. The 150 foot buffer shall be maintained as permanent open space.
- F. Single-family detached dwelling units shall meet the following standards which shall be considered minimum:
  - 1. Minimum lot size per dwelling unit: 10,000 sq. ft.

2. Yard requirements:
    - a. Front yard - 30 feet
    - b. Side yard - 15 feet
    - c. Rear yard - 25 feet
  3. Maximum lot coverage: 15%
  4. Maximum building height: 35 feet
- G. Townhouses and multi-family developments shall comply with standards set forth in Section 11.14 (Townhouse and Multi-family Development).
- H. At least fifty percent (50%) of all proposed dwelling units shall be of a townhouse and/or multi-family design.
- I. All proposed development will be to provide for the most efficient network of roads and other services and the provision of the greatest amount of open space/undeveloped lands.
- J. The design and layout of building, structures and support services shall be sensitive to the existing site features, and shall preserve and retain, in an undeveloped state, environmentally sensitive areas.

#### **SECTION 7.4 SPECIAL PROVISIONS APPLYING TO THE PLANNED RESIDENTIAL DISTRICT (PRD)**

- A. In order to carry out the purpose of this district, a development shall achieve the following objectives:
1. A maximum choice in the types of environment, occupancy, tenure, types of housing, lot sizes and community facilities available to existing and potential town residents at all economic levels.
  2. More useable open space and recreation areas.
  3. The preservation of trees and outstanding natural features.
  4. A creative use of land and related physical development.
  5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
  6. A development pattern in harmony with the objectives of the Wyalusing Township Comprehensive Plan.
  7. Be compatible with all applicable guidelines and standards set forth in Article 11 and the WYALUSING TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.
- B. The tract of land for a project may be owned, leased or controlled either by a single person, or corporation or a group of individuals or corporations. An application must be filed by the owner or jointly by owners of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.
- C. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements must be made for the improvements, operation and maintenance of common property and facilities including private streets, drives, service and parking areas and recreational and open space areas.
- D. NOTICE AND HEARING - In the event that the organization established to own and maintain the common property, or any successor organization, fails to maintain such property in reasonable order, the Township Supervisors may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of 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 30 days or any extension thereof, the Township, in order to preserve

the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. 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 municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Township, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Town 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 property in a reasonable condition, it shall cease to maintain said common property at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common property in a reasonable condition, the Township may at its discretion, continue to maintain said common property during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Township shall be assessed against each property owner at the same proportion as each unit's assessed value bears to the total assessment of the development.

- E. For the purpose of regulating the development and use of property after initial approval, construction and occupancy, properties lying in the PRD are unique and shall be so considered by the Planning Commission when evaluating these requests; and maintenance of the intent and function of the planned unit shall be of primary importance.

#### **SECTION 7.5 PROCEDURES FOR ESTABLISHING A PLANNED RESIDENTIAL DEVELOPMENT**

The procedures for establishing a PRD shall be as set forth in Article VII of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The applications for tentative and final approval of development plans for a Planned Residential Development shall be in lieu of all other procedures and approvals prescribed under this Ordinance and under the WYALUSING TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

##### **7.5.1 APPLICATION FOR TENTATIVE APPROVAL**

An application for tentative approval of a development plan for a Planned Residential Development shall be filed with the Planning Commission on behalf of the landowner.

- (a) Such application shall be in the form of a site plan pursuant to Section 10.2 of this Ordinance, and shall be accompanied by a fee as set by the Township Supervisors as reasonable to cover the costs of such review.
- (b) The application shall include a schedule showing the proposed times within which the application(s) for final approval of all sections of the Planned Residential Development are intended to be filed. This schedule shall be updated annually, on the anniversary of the approval, until the development is completed and accepted.
- (c) The landowner shall include, in the application, a written statement setting forth the reasons why, in his opinion, a Planned Residential Development would be in the public interest and would be consistent with the WYALUSING TOWNSHIP COMPREHENSIVE DEVELOPMENT PLAN.

##### **7.5.2 PUBLIC HEARINGS**

Within sixty (60) days after the filing of an application for tentative approval of a Planned Residential Development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the Planning Commission in a manner prescribed in Section 14.1.2.

- (a) The Planning Commission may continue the public hearing from time to time, provided that, in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.
- (b) **MEDIATION OPTION:** The Planning Commission may offer a mediation option as an aid in completing the proceedings authorized by this Article prior to final approval. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures as set forth in Article IX of the of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

## 7.5.3 FINDINGS:

(a) Within sixty (60) days following the conclusion of the public hearing(s), or within one hundred eighty (180) days after the date of filing of the application, whichever occurs first, the Planning Commission shall, by official written communication to the landowner either:

- (1) grant tentative approval of the development plan as submitted;
- (2) grant tentative approval subject to special conditions not included in the development plan as submitted;  
or

[a] LANDOWNER ACTION ON CONDITIONS:

- (i) The landowner may, within thirty (30) days after receiving a copy of the written communication outlining the special conditions on approval, notify the Planning Commission of his refusal to accept all said conditions, in which case the Planning Commission shall be deemed to have denied tentative approval of the development plan.
- (ii) In the event that the landowner does not notify the Planning Commission of his refusal to accept all conditions within the time frame specified above, the tentative approval of the development plan, with all said conditions, shall stand as granted.

(3) deny tentative approval to the development plan.

(b) The official written communication shall be certified by the Township Secretary and shall be filed in his/her office, and a certified copy mailed to the landowner

## 7.5.4 FAILURE TO ACT

Failure of the Planning Commission to act within the time period specified shall be deemed to grant tentative approval to the development plan.

## 7.5.5 FINDINGS OF FACT ON ACTION

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 reasons for the grant, with or without conditions, or the denial. Said communication will specifically set forth whether the development plan would or would not be in the public interest, including but not limited to findings of fact and conclusions on the following:

- (a) those respects in which the development plan is or is not consistent with the Comprehensive Plan;
- (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 common open space in the development plan, the reliability of the proposal for maintenance and conservation of said space, and the adequacy 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 provisions for public services, provide adequate control over vehicular traffic, and further 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;
- (f) if phases are proposed, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the planned residential development in the integrity of the plan over the time frame of said phases.

#### 7.5.6 TIMING OF FINAL APPROVAL

The Planning Commission may set forth in the official 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 time periods within which applications for final approval of each part thereof shall be filed. Except upon consent of the landowner, the time so established for submittal of an application for final approval following tentative approval, with or without conditions, shall not be less than three (3) months, and in the case of developments proposed over a number of years, said time for submittal of applications for final approval of each part of the plan shall not be less than twelve (12) months.

#### 7.5.7 STATUS OF PLAN AFTER TENTATIVE APPROVAL

- (a) **AMENDMENT TO ZONING:** Where tentative approval has been granted to the development plan, it shall be deemed an amendment to the zoning map, effective upon date of final approval, and shall be so noted on the map.
- (b) **LIMITATIONS OF TENTATIVE APPROVAL:**
  - (1) Tentative approval of a development plan shall not qualify a plat of the Planned Residential Development plan for recording nor authorize development or issuance of any building permits.
  - (2) A development plan having received tentative approval, with or without conditions (as accepted by the landowner and provided that the landowner has not defaulted nor violated any such conditions), and prior to final approval, shall not be modified or revoked nor otherwise impaired by the Township, without the consent of the landowner, provided that the final application time frames pursuant to subsection 7.5.6 and as specified in the written communication are met.
- (c) **ABANDONMENT OF PLAN:** In the event that the landowner elects to abandon said development plan, he shall so notify the Planning Commission in writing of such action.
- (d) **REVOCAION OF TENTATIVE APPROVAL:** In the event that the landowner fails to file application or applications for final approval within the required time frames, the tentative approval shall be deemed to be revoked and all that portion of area included in the development plan for which final approval has not been granted shall be deemed to be subject to those ordinances otherwise applicable thereto as they may be amended from time to time, and shall be so noted on the zoning map and in the records to the Township Secretary.

#### 7.5.8 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all of the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Enforcement Officer within the time frame(s) specified in the official written communication granting tentative approval. The application shall include all data required under the provision of section of this Ordinance, as well as any conditions set forth in the official written communication granting tentative approval. A public hearing shall not be required provided that the application for final approval, or part thereof, submitted for final approval, is in compliance with the development plan theretofore granted tentative approval, including any specified conditions attached thereto.

#### 7.5.9 ACTION ON FINAL APPROVAL

The Planning Commission shall grant final approval to the development plan within forty-five (45) days of the application for final approval having been filed, together with all drawings, specifications and other documents required in support thereof, and as required in Section of this Ordinance and the official written communication of tentative approval.

- (a) **MODIFIED PLANS:** In the event that the development plan submitted for final approval contains variations from the development plan granted tentative approval, the Planning Commission may refuse to grant final approval and shall, within forty-five (45) days of the filing of the application so advise the landowner in writing of such refusal. The Planning Commission shall set forth in such notice of refusal the reasons why one or more of the said variations are not in the public interest.

- (b) **LANDOWNER OPTIONS ON REFUSAL:** In the event of refusal of a final development plan application as outlined in subsection 7.5.9(a) above the landowners may, 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 has already passed when the landowner was advised that the development plan was not in substantial compliance, either:
- (1) refile his application for final approval without the variations objected; or
  - (2) file a written request with the Planning Commission that a public hearing be held on the application for final approval as varied.
- (c) **LANDOWNERS FAILURE TO ACT:** If the landowner fails to take either action within the stated time, he shall be deemed to have abandoned the development plan.
- (d) **PUBLIC HEARING REQUIREMENTS:** Any public hearing as requested on the final application shall be held pursuant to public notice within thirty (30) days after the request for said hearing is made by the landowner, and shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval.
- (e) **PLANNING COMMISSION ACTION FOLLOWING PUBLIC HEARING:** The Planning Commission shall, by official written communication, either grant approval or deny the development plan within thirty (30) days after the conclusion of the hearing. The grant or denial of approval shall be in the form and contain the findings required for an application for tentative approval as set forth in this Article.

#### 7.5.10 CERTIFICATION AND FILING

A development plan, or any part thereof, that has been granted final approval shall be so certified without delay by the Planning Commission and shall be filed of record forthwith in the office of the recorder of deeds prior to any development.

- (a) Upon the filing of record of the development plan, the Zoning Ordinance and Subdivision and Land Development Ordinance regulations otherwise applicable to the land included in the plan shall cease to apply.
- (b) **MODIFICATIONS TO APPROVED PLAN:** No modification shall be made to the provisions of any development plan, or any part thereof, that has been finally approved, and is pending completion, in accordance with the time provisions stated in Section 508 of Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, except with the consent of the landowner.
- (c) **FILING REQUIREMENTS FOR FINAL PLAT:** Upon approval of a final plat, the developer shall record the plat in accordance with the provisions of Section 513(a) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and shall post financial security in accordance with Section 509 of the same legislation.
- (d) **ABANDONMENT OF PLAN:** In the event that the landowner elects to abandon said development plan, he shall so notify the Planning Commission in writing of such action.
- (e) **FAILURE OF LANDOWNER TO ACT:** In the event that the landowner fails to commence or carry out the Planned Residential Development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, after final approval has been granted, no development or further development shall take place on the property included in the development plan until such property is reclassified by enactment of an amendment to the Zoning Ordinance in a manner prescribed in Article 16.