

# MIDDLETOWN TOWNSHIP

DELAWARE COUNTY, PENNSYLVANIA

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## AGENDA FOR THE ZONING ORDINANCE UPDATE COMMITTEE MEETING

Tuesday, October 3<sup>rd</sup>, 2023 AT 5:00 PM IN THE TOWNSHIP BUILDING

**Committee Members:** Jackie Donnelly, Dave Decker, Karen Holm, Chris Vlot

**Dir. of Planning & Dev.:** Meredith Merino


**Comp. Planning Admin.:** Jaime Jilozian

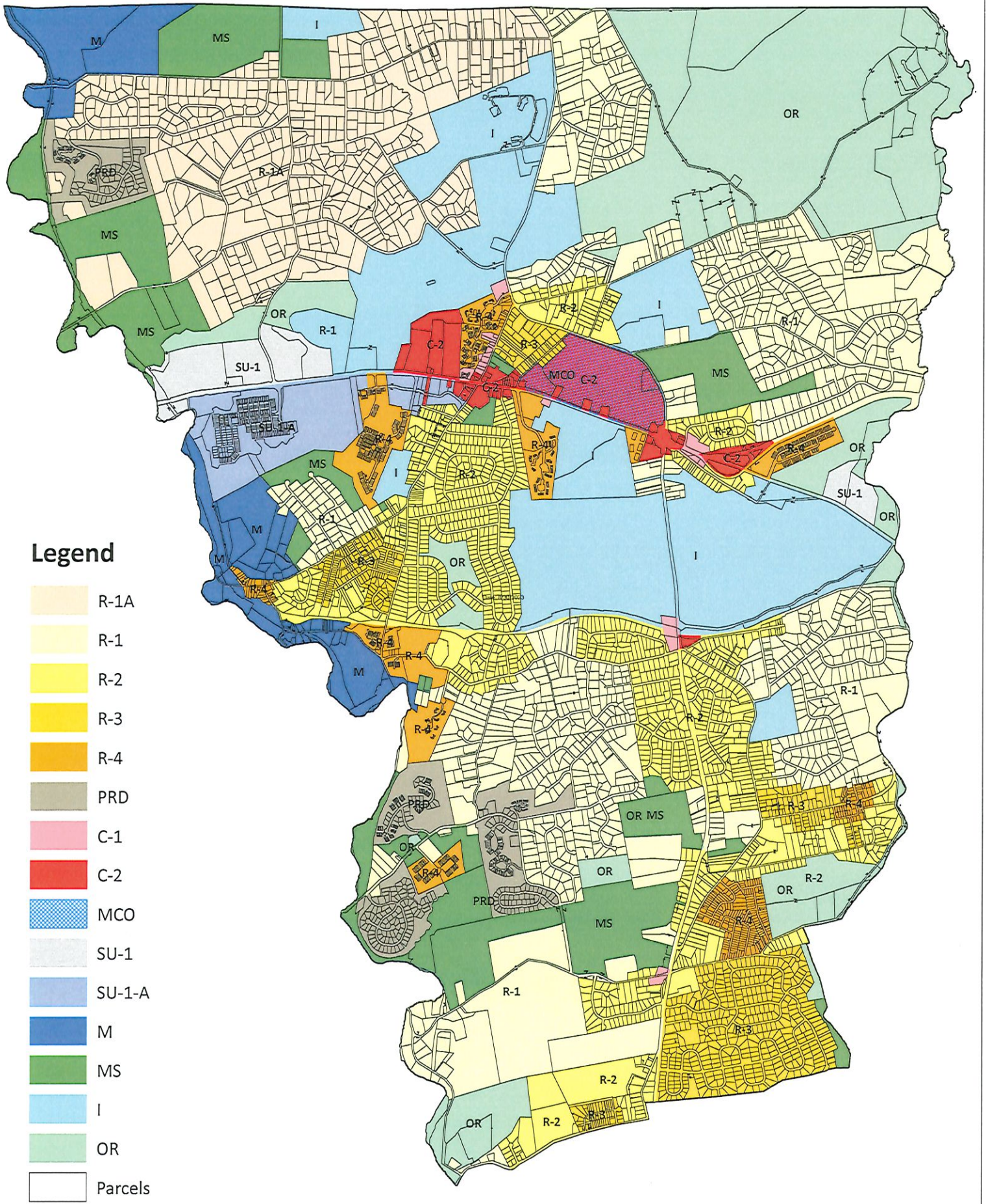
**A. Review DRAFT Residential  
Zoning Districts**

First drafts of R1-A, R-1, R-2, R-3, R-4, and PRD Zoning Districts

**B. Review Zoning Map Changes**

Revised draft Zoning Map with 15 proposed Zoning Districts

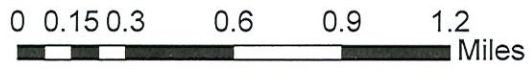
  
\_\_\_\_\_  
Jaime Jilozian  
Comprehensive Planning Administrator



**Legend**

- R-1A
- R-1
- R-2
- R-3
- R-4
- PRD
- C-1
- C-2
- MCO
- SU-1
- SU-1-A
- M
- MS
- I
- OR
- Parcels

**Revised Zoning Map- Draft (Sept 2023)**  
**Middletown Township**



**ARTICLE IV: R-1A RESIDENCE DISTRICT**

**§ 275- . Purpose.**

It is the purpose of this district to preserve the agricultural and rural residential character of appropriate areas of the Township, provide housing opportunities for residential development at low densities consistent with such character, and to support the preservation of critical natural resources, such as streams, floodplains, wet soils, groundwater and encourage the use of public sewers where feasible.

**§ 275- . Use regulations.**

- A. Permitted principal uses. A building may be erected, altered or used and land may be used, subject to the provisions of Article XX, for any of the following purposes and no other:
- (1) Single-family detached dwelling.
  - (2) Municipal use.
  - (3) Agriculture, subject to § 275-XXX.
  - (4) Wildlife and nature preserve or other conservation uses.
  - (5) Forestry/Timber harvesting, subject to § 275-XXX.
  - (6) Open space for recreation and conservation purposes.
- B. Permitted accessory uses on the same lot as the principal use, subject to general provisions in Article XXIII.
- (1) Accessory uses and structures to a residential use, subject to § 275-XXX.
  - (2) The sale of farm products, subject to § 275-XXX.
  - (3) Private parking and/ garage, subject to provisions of Article XXI, off-street parking and loading.
  - (4) Private stable.
  - (5) Private (noncommercial) swimming pools, tennis courts or other private recreational facilities, subject to § 275-XXX.
  - (6) Renewable/solar energy systems subject to § 275-XXX.
  - (7) No- Impact Home-based business subject to § 275-XXX.
  - (8) In-law Quarters subject to § 275-XXX.
- C. Conditional uses.
- (1) Cultural, religious and charitable uses, subject to § 275-XXX.
  - (2) Cemeteries, subject to § 275-XXX.
  - (3) Home professional office and home occupation, subject to § 275-XXX.
  - (4) Educational uses, subject to § 275-XXX.
  - (5) Communications antennas mounted on an existing public utility transmission tower, building or

other structure and communications equipment buildings, subject to § 275- of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter.

**§ 275- . Area and bulk regulations.**

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

- (1) Minimum lot area: one acre for each principal permitted building.
- (2) Minimum lot width at building line: 120 feet.
- (3) Minimum lot width at street line: 50 feet.
- (4) Maximum impervious surface area: 40%
- (5) Maximum building coverage: 20%
- (6) Maximum building height: 35 feet.
- (7) Minimum depth of each front and rear yard: 50 feet.
- (8) Minimum width of side yards: Minimum 25 feet, aggregate 60.
- (9) Corner lot: There shall be two front yards; the yards abutting the street shall have a width of not less than 50 feet; and the side yard not abutting the street shall have a width of not less than 25 feet.

**§ 275- . Design Standards**

- A. General Provisions standards, subject to Article XXIII.
- B. Special Provisions standards, subject to Article XXIV.
- C. Off-Street Parking and Loading standards, subject to Article XXI.
- D. Steep Slope Conservation District standards, subject to Article XX.
- E. Signage, subject to Article XXII.
- F. Landscaping, subject to Article XXIII.
- G. Lighting, subject to Article XXIII.
- H. Stormwater Management, subject to Chapter 198.

## ARTICLE V: R-1 RESIDENCE DISTRICT

### **§ 275- . Purpose.**

It is the purpose of this district to make provisions for low-density, suburban-type, single-family residential development and to encourage the preservation of open space, green space and natural resources through cluster development in areas planned for or accessible to public sewer and water systems.

### **§ 275- . Use regulations.**

- A. Permitted principal uses. A building may be erected, altered or used and land may be used, subject to the provisions of Article XX, for any of the following purposes and no other:
- (1) Single-family detached dwelling.
  - (2) Municipal use.
  - (3) Agriculture, subject to § 275-XXX.
  - (4) Wildlife and nature preserve.
  - (5) Forestry/Timber harvesting, subject to § 275-XXX.
  - (6) Open space for recreation and conservation purposes.
- B. Permitted accessory uses on the same lot as the principal use, subject to general provisions in Article XXIII.
- (1) Accessory uses and structures to a residential use, subject to § 275-XXX.
  - (2) Sale of farm products, subject to § 275-XXX.
  - (3) Private parking space and / garages, subject to provisions of Article XXI, off-street parking and loading.
  - (4) Private stables.
  - (5) Private (noncommercial) swimming pools, tennis courts or other private recreational, subject to § 275-XXX.
  - (6) Renewable/solar energy systems, subject to § 275-XXX.
  - (7) No-impact home-based business, subject to § 275-XXX.
  - (8) In-law quarters, subject to § 275-XXX.
- C. Conditional uses.
- (1) Single-family detached dwellings where the cluster option is exercised, subject to Article XIX.
  - (2) Cultural, religious and charitable uses, subject to § 275-XXX.
  - (3) Conversion of single-family detached dwellings to apartments, subject to § 275-XXX.
  - (4) Home professional office and home occupation, subject to § 275-XXX
  - (5) Educational use subject to § 275-XXX.

- (6) Communications Antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-XX of Article ??? and all other standards and criteria for approval of conditional uses in this chapter.

**§ 275- . Area and bulk regulations.**

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

- (1) Minimum lot area: one acre for each principal permitted building.
- (2) Minimum lot width at building line: 120 feet.
- (3) Minimum lot width at street line: 50 feet.
- (4) Maximum impervious surface area and building coverage: 40%.
- (5) Maximum building coverage: 20%.
- (6) Maximum building height: 35 feet.
- (7) Minimum depth of each front and rear yard: 50 feet.
- (8) Minimum width of side yards: minimum 25 feet, aggregate 60 feet.
- (9) Corner lot: There shall be two front yards; the yard abutting the street shall have a width of not less than 50 feet and the side yard not abutting the street shall have width of not less than 25 feet.

**§ 275- . Design Standards**

- A. General Provisions standards, subject to Article XXIII.
- B. Special Provisions standards, subject to Article XXIV.
- C. Off-Street Parking and Loading standards, subject to Article XXI.
- D. Steep Slope Conservation District standards, subject to Article XX.
- E. Signage, subject to Article XXII.
- F. Landscaping, subject to Article XXIII.
- G. Lighting, subject to Article XXIII.
- H. Stormwater Management, subject to Chapter 198.

## ARTICLE VI: R-2 RESIDENCE DISTRICT

### **§ 275- . Purpose.**

It is the purpose of this district to make provisions for single-family residential development, allowing moderate suburban-type densities when public sewer service is used; to encourage the preservation of open space and natural resources through cluster development; to maintain the identity and character of existing suburban-type residential neighborhoods; and to allow for a logical transition from the low-density portions of the Township to existing higher intensity development.

### **§ 275- . Use regulations.**

- A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the provisions of Article XX, for any of the following uses and for no other:
- (1) Single-family detached dwelling.
  - (2) Municipal use.
  - (3) Agriculture, subject to § 275-XXX.
  - (4) Wildlife and nature preserve.
  - (5) Forestry/Timber harvesting, subject to § 275-XXX.
  - (6) Park or recreation area.
  - (7) Open space for recreation and conservation purposes.
- B. Permitted accessory uses on the same lot as the principal use, subject to general provisions in Article XXIII.
- (1) Accessory uses and structures to a residential use, subject to § 275-XXX.
  - (2) Sale of farm products, subject to § 275-XXX.
  - (3) Private parking space and private garage, subject to provisions of Article XXI off street parking and loading.
  - (4) Private stables.
  - (5) Private (noncommercial) swimming pool, tennis court or other private recreational facility, subject to § 275-XXX.
  - (6) Renewable/solar energy systems, subject to § 275-XXX.
  - (7) No-impact home-based business, subject to § 275-XXX.
  - (8) In-law quarters, subject to § 275-XXX.
- C. Conditional uses.
- (1) Single-family detached dwellings where the cluster subdivision option is exercised, subject to Article XIX.

- (2) Cultural religious and charitable uses subject to § 275-XXX.
- (3) Conversion of single-family detached dwellings for apartments, subject to § 275-XXX.
- (4) Home professional offices and home occupations, subject to § 275-XXX.
- (5) Educational use, subject to § 275-XXX.
- (6) Personal-care facility, subject to § 275-XXX.
- (7) Day-care center, subject to § 275-XXX.
- (8) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-XXX of Article ?? and all other standards and criteria for approval of conditional uses in this chapter.

**§ 275- . Area and bulk regulations.**

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

- A. Lots without public sewer (with on-lot sewage disposal systems) shall meet or exceed the following standards:
  1. Minimum lot area: one acre for each principal permitted building.
  2. Minimum lot width at building line: 120 feet.
  3. Minimum lot width at street line: 50 feet.
  4. Maximum impervious surface area: 40% of the area of the lot.
  5. Maximum building coverage: 20% of the area of the lot.
  6. Maximum building height: 35 feet.
  7. Minimum depth of each front and rear yard: 50 feet.
  8. Minimum aggregate width of side yards: 60 feet.
  9. Minimum width of each individual side yard: 25 feet.
  10. Minimum yard abutting the street on a corner lot: 50 feet.
- B. Lots with public sewer shall meet or exceed the following standards:
  1. Minimum lot area: 1/2 acre for each principal permitted building.
  2. Minimum lot width at building line: 100 feet.
  3. Minimum lot width at street line: 50 feet.
  4. Maximum impervious surface area: 45% of the area of the lot.
  5. Maximum building coverage: 20% of the area of the lot.

6. Maximum building height: 35 feet.
7. Minimum depth of each front and rear yard: 35 feet.
8. Minimum aggregate width of side yards: 45 feet.
9. Minimum width of each individual side yard: 20 feet.
10. Minimum yard abutting the street on a corner: 35 feet.

**§ 275- . Design Standards**

- A. General Provisions standards, subject to Article XXIII.
- B. Special Provisions standards, subject to Article XXIV.
- C. Off-Street Parking and Loading standards, subject to Article XXI.
- D. Steep Slope Conservation District standards, subject to Article XX.
- E. Signage, subject to Article XXII.
- F. Landscaping, subject to Article XXIII.
- G. Lighting, subject to Article XXIII.
- H. Stormwater Management, subject to Chapter 198.

## ARTICLE VII: R-3 RESIDENCE DISTRICT

### **§ 275- . Purpose.**

It is the purpose of this district to make provisions for single-family residential development, allowing moderate suburban-type densities when public sewer or public water service is used; to encourage the preservation of open space and natural resources through cluster development; and to maintain the character of existing suburban-type residential neighborhoods.

### **§ 275- . Use regulations.**

- A. Permitted principal uses. A building may be erected, altered or used and land may be used or occupied, subject to the provisions in Articles XX, for any of the following uses and for no other:
- (1) Single-family detached dwelling.
  - (2) Park or recreation area.
  - (3) Wildlife and nature preserve.
  - (4) Forestry/Timber harvesting, subject to § 275-XXX.
  - (5) Open space for recreation and conservation purposes.
- B. Permitted accessory uses on the same lot as the principal use, subject to general provisions in Article XXIII.
- (1) Accessory uses and structures to a residential use, subject to § 275-XXX.
  - (2) Private parking space and private garage, subject to provisions of Article XXI off street parking and loading.
  - (3) Private (noncommercial) swimming pool, tennis court or other private recreational facility, subject to § 275-XXX. Conditional uses.
- C. Conditional uses.
- (1) Agricultural uses and buildings, subject to § 275-XXX.
  - (2) Cultural, religious and charitable uses, subject to § 275-XXX.
  - (3) Conversion of single-family detached dwellings to apartments, subject to § 275-XXX.
  - (4) Home professional offices and home occupations, subject to § 275-XXX.
  - (5) Educational use, subject to § 275-XXX.
  - (6) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-xxx of Article XXIV and all other standards and criteria for approval of conditional uses in this chapter.

### **§ 275- . Area and bulk regulations.**

Unless specifically stated otherwise, the following area and bulk regulations shall apply:

- A. Lots with public sewer but no public water shall meet or exceed the following standards:
  - 1. Minimum lot area: 1/2 acre for each principal permitted building.
  - 2. Minimum lot width at building line: 100 feet.
  - 3. Minimum lot width at street line: 50 feet.
  - 4. Maximum height: 35 feet.
  - 5. Maximum impervious surface area: 45% of the area of the subdivision tract.
  - 6. Maximum building coverage area: 20% of the area of the subdivision tract.
  - 7. Minimum depth of each front and rear yard: 35 feet.
  - 8. Minimum aggregate width of side yards: 45 feet.
  - 9. Minimum width of each side yard: 20 feet.
  - 10. Minimum width for a yard abutting a street or a corner lot: 35 feet.
- B. Lots with public sewer and public water shall meet or exceed the following standards:
  - (a) Minimum lot area: 1/4 acre for each principal permitted building.
  - (b) Minimum lot width at building line: 70 feet.
  - (c) Minimum lot width at street line: 50 feet.
  - (d) Maximum height: 35 feet.
  - (e) Maximum impervious surface area: 50% of the area of the subdivision tract.
  - (f) Maximum building coverage area: 25% of the area of the subdivision tract.
  - (g) Minimum depth of each front and rear yard: 30 feet.
  - (h) Minimum aggregate width of side yards: 30 feet.
  - (i) Minimum width of each side yard: 10 feet.
  - (j) Minimum width for yard abutting a street on a corner lot: 30 feet

**§ 275- . General Design Standards**

- A. General Provisions standards, subject to Article XXIII.
- B. Special Provisions standards, subject to Article XXIV.
- C. Off-Street Parking and Loading standards, subject to Article XXI.
- D. Steep Slope Conservation District standards, subject to Article XX.
- E. Signage, subject to Article XXII.
- F. Landscaping, subject to Article XXIII.
- G. Lighting, subject to Article XXIII.
- H. Stormwater Management, subject to Chapter 198.

## ARTICLE VIII: R-4 RESIDENCE DISTRICT

### **§ 275- . Purpose.**

It is the purpose of this district to make provisions for single-family detached and semidetached and multifamily residential development allowing moderate to high suburban-type densities when public sewer and water services are used; to make provision for townhouse development at moderate suburban-type densities and multifamily development at higher densities when the size of the tract is adequate to ensure that such development will result in adequate open space areas; and to preserve the identity and character of the existing residential development. This district is intended to provide economically feasible development alternatives for land which may be subject to natural constraints such as steep slopes, high water table or shallow bedrock.

### **§ 275- . Use regulations.**

- A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the provisions of Articles XX for any of the following uses and for no other:
- (1) Single-family detached dwelling.
  - (2) Single-family semidetached dwellings (twin or duplex dwelling units).
  - (3) Park or recreation area.
  - (4) Open space for recreation and conservation purposes.
  - (5) Wildlife and nature preserve.
  - (6) Forestry/Timber harvesting, subject to § 275-XXX.
  - (7) ~~Open space for recreation and conservation purposes.~~
- B. Permitted accessory uses on the same lot as the principal use, subject to general provisions in Article XXIII.
- (1) Accessory uses and structures to a residential use, subject to § 275-XXX.
  - (2) Private parking space and private garage, subject to provisions of Article XXI off street parking and loading.
  - (3) Private (noncommercial) swimming pool or other private recreational facility, subject to § 275-XXX.
- C. Conditional uses.
- (1) Agricultural uses and buildings, subject to § 275-XXX.
  - (2) Conversion of single-family detached dwellings to apartments, subject to § 275-XXX.
  - (3) Home professional offices and home occupations, subject to § 275-XXX.
  - (4) Cultural, religious and charitable uses, subject to § 275-XXX.
  - (5) Educational use, subject to § 275-XXX.
  - (6) Single-family attached dwellings, subject to § 275-XXX.

- (7) Apartments, subject to § 275-XXX.
- (8) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-xxx of Article XXIV and all other standards and criteria for approval of conditional uses in this chapter.
- (9) Campus mixed use development, subject to the area and bulk regulations and design standards contained in § 275-xxx.

**§ 275- . Area and bulk regulations.**

- A. Single-family detached residential dwelling units with on-lot water supply but using public sewer service shall meet or exceed the following standards:
  - (1) Minimum lot area: 1/2 acre.
  - (2) Minimum lot width at building line: 100 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum height: 35 feet.
  - (5) Maximum impervious surface: 45%.
  - (6) Maximum building coverage: 20%.
  - (7) Minimum depth of front and rear yards: 35 feet.
  - (8) Minimum aggregate width of side yards: 45 feet.
  - (9) Minimum individual side yard: 20 feet.
  - (10) Minimum yard abutting the street on a corner lot: 35 feet.
- B. Single-family detached residential dwelling units using public sewer and water service shall meet or exceed the following standards:
  - (1) Minimum lot area: 7,500 square feet.
  - (2) Minimum lot width at building line: 70 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum building height: 35 feet.
  - (5) Maximum impervious surface: 50%.
  - (6) Maximum building coverage: 35%.
  - (7) Minimum depth of front: 20 feet.
  - (8) Minimum depth of rear yard: 25 feet
  - (9) Minimum aggregate width of side yards: 30 feet.
  - (10) Minimum individual side yard: 10 feet.
  - (11) Minimum yard abutting the street on a corner lot: 30 feet.

- C. Single-family semidetached dwelling units using public sewer and water service shall meet or exceed the following standards:
  - (1) All area and bulk regulations as provided in Subsection B above shall apply for each individual dwelling unit, except that the side yard requirements shall be a minimum of 15 feet for the applicable side.
- D. Single-family attached dwelling units shall meet or exceed the following standards:
  - (1) The maximum gross density for all such units shall be ~~four~~six dwelling units per acre, provided that such units are served by public sewer and public water and the overall tract size is at least ~~10~~15 acres.
  - (2) Minimum Street frontage: 150 feet
  - (3) Maximum Building Coverage: 20 %
  - ~~(4)~~(4) Maximum Impervious surface coverage: 40%
  - ~~(4)~~(5) Maximum height: 35 feet.
  - ~~(5)~~(6) The design standards of § 275-XX shall be met for single-family attached dwelling units.
- E. Multifamily dwelling units (apartments) shall meet or exceed the following standards:
  - (1) The maximum gross density for all such units shall be eight dwelling units per acre.
  - (2) All such units must be served by public sewer and water service.
  - (3) The tract shall be a minimum of 15 acres in size.
  - (4) Maximum height: 4 stories (this is from the Zoning Chart, need specific height)
  - (5) The design standards of § 275-XX shall be met for all such dwelling units.
- F. Single-family attached dwelling units within a campus mixed use development shall be in conformity with the area and bulk regulations and design standards contained in § 275-~~38.1~~, Campus mixed use development.

**§ 275- . Design standards for single-family attached dwelling units and multifamily dwelling units.**

- A. General design standards. All single-family attached dwelling units shall meet or exceed the following standards:
  - (1) All performance standards in the open space provisions in Article XIX shall be followed.
  - (2) The topography features of the site and the direction of prevailing winds and solar orientation shall be considered inn planning, designing, locating, orienting and constructing all residential buildings and other structures to improve the aesthetic design and energy efficiency of the development. The development plans shall show and supplemental notes shall explain how these factors are incorporated into the design.
  - (3) Residential buildings and other structures shall be located, oriented and designed to create architectural interest and to preserve areas of environmental concern and further the amenities of light and air, recreation and visual enjoyment.
  - (4) Residential buildings and other structures shall be located and situated to promote pedestrian and visual access to open space, in accordance with the provisions of Article XIX.

- (5) Single-family attached dwellings shall be designed and constructed in staggered groups and not in long rows parallel to street or property lines. The arrangement of such units shall create a physical and visual distinctions in the lines of the facades and the roofs. Such distinction shall be achieved through the use of varied floor plans for adjoining units and alternating the projections and angles of exterior walls and roofs, exterior fencing and other diversified space articulating techniques.
- (6) All housing shall be sited so as to enhance privacy.
- (7) Development near the perimeter of the property shall be designed to be harmonious with neighboring land uses and shall be screened from such other uses by landscaped buffer areas.
- (8) All utilities shall be placed and/or installed underground.
- (9) Refuse stations to serve residential and recreational areas shall be designed with suitable screening, located so as to be convenient for trash removal and not offensive to nearby residential areas.

B. Dimensional standards.

- (1) The length of any townhouse building shall not exceed ~~sixfour~~ dwelling units in any single direction. The length of any multifamily building shall not exceed 175 feet in any single direction.
- (2) The distance at the closest point between any two buildings, parts of buildings or groups of buildings shall be at least 20 feet, in the case of townhouses and, in the case of apartment buildings, at least as great as the height of the taller of the two adjoining buildings and not less than 35 feet.
- (3) No residential building shall be closer than 100 feet to the perimeter property line, and no other structure shall be less than 50 feet from such line, except for signs and those structures associated with ingress and egress, landscaping, lighting standards and benches.
- (4) A buffer planting strip shall be provided within the setback from property lines. Such buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township.
- (5) No common parking area shall be closer than 25 feet to any single-family attached residential building and shall be screened from the building to prevent direct glare from headlights and the like. However, common parking areas assigned to a particular dwelling unit shall not be more than 100 feet away from such unit.
- (6) No principal building shall be erected closer than 100 feet to another principal building. Only in R-4.
- (7) ~~The length of any multifamily building shall not exceed 175 feet in any single direction.~~ (R-5 only)
- (8) A buffer planting strip shall be provided between any two principal buildings in accordance with the approved landscaping plan.

C. Open space standards.

- (1) A minimum of 30% of the tract shall be designated as, restricted to and used for open space uses, subject to the provisions of Article XIX.

**275-38.1 Campus Mixed use development.**

A. Conditions of eligibility.

- (1) Each campus mixed use development tract shall meet or exceed the following:
  - (a) Contain a minimum of 50 gross acres (excluding existing public road right-of-way).
  - (b) Shall be located not more than one mile from public transportation.
  - (c) Shall have two entrances with access to and from a main arterial roadway (e.g., U.S. Route 1 - Baltimore Pike) with not less than one signalized intersection.
  - (d) Shall be served by public sewer and public water.

B. Use regulations.

- (1) Single-family attached dwellings (including duplexes, twins and townhouses) within the residential section of a campus mixed use development.
- (2) Community-related business uses within the commercial section of a campus mixed use development consisting of:
  - (a) Bank or other financial institutions with or without drive-up window and/or accessory ATM facilities.
  - (b) Personal service shops.
  - (c) Health and fitness facility, including ancillary services such as wellness, physical rehabilitation facilities and prevention health activities.
  - (d) Pharmacy, with or without drive-up window.
  - (e) Restaurant.
  - (f) Retail store.
  - (g) General or professional office.
  - (h) Day-care center.

C. Area and bulk regulations.

- (1) Residential section. Single-family attached dwelling units within the residential section of a campus mixed use development shall comply with the following area and bulk regulations:
  - (a) Minimum/maximum area of residential section: Not less than 88% nor more than 98% of a campus mixed use development tract shall consist of single-family attached units.
  - (b) Maximum gross density: Four dwelling units per acre of the gross acreage within the residential section of a campus mixed use development.
  - (c) Minimum lot area for a single-family attached unit:
    - [1] Dwelling units with front garage access: 2,100 square feet;
    - [2] Dwelling units with rear garage access: 1,100 square feet.

- (d) Minimum depth of front yard:
  - [1] Dwelling units with front garage access: 23 feet from edge of private street line;
  - [2] Dwelling units with rear garage access: 10 feet from edge of private street line.
- (e) Minimum depth of rear yard:
  - [1] Dwelling units with front garage access: 15 feet from rear lot line;
  - [2] Dwelling units with rear garage access: End dwelling units shall be a minimum of 10 feet from the edge of the private alley line. Interior dwelling units shall be a minimum of 23 feet from the edge of the private alley line. Interior dwelling units may be designed with recessed garages to satisfy the required minimum rear yard in which event the depth of the rear yard shall be measured from the foundation wall of such dwelling unit to the edge of the private alley line as depicted in the Alley Cross Section in Appendix B Design Guidelines. Notwithstanding § 275-199I of Article XXXIII, decks, patios and uncovered spaces on all lots may encroach into the required rear yards by no more than eight feet.
- (f) Minimum side yard of all end dwelling units: five feet except for end dwelling units which face a private street, which shall have a minimum setback of 10 feet from the private street line. Interior attached units shall have common boundary lines with zero side yard setbacks.
- (g) Maximum number of attached units in a building: six units.
- (h) Maximum length of a residential building: 160 feet.
- (i) Minimum distance between buildings: 25 feet.
- (j) Maximum building height: three stories or 40 feet, whichever is greater, except as provided in Article XXXIV, § 275-211.
- (k) Required parking. A minimum overall parking ratio of 4.5 parking spaces per dwelling unit shall be provided within the residential section of a campus mixed use development. Each dwelling unit shall have a minimum of three on-lot parking spaces, which shall include garage parking spaces. Notwithstanding the requirements of § 275-184B of Article XXXI, for purposes of this section, an on-lot driveway parking area having a minimum width of 18 feet and a minimum length of 19 feet shall be deemed to constitute two on-lot parking spaces. The on-lot parking requirement with respect to an end dwelling unit with rear garage access may be satisfied by the permanent, exclusive assignment of one off-lot parking space to such end dwelling unit, so long as each assigned parking space is not more than 60 feet from the habitable ground floor area of the end dwelling unit to which such parking space is assigned. End dwelling units with rear garage access and with assigned off-lot parking spaces shall conform to the knee wall detail depicted in Appendix B Design Guidelines.<sup>3</sup> The remainder of the minimum number of required parking spaces shall be provided by overflow parking. For purposes of this section, the term "overflow parking" shall mean permitted on-street parking spaces and parking spaces provided in common, off-street parking areas conforming to the requirements of § 275-38.1D(3)

below. Required overflow parking shall be subject to the reserve parking provisions of § 275-189. On-street parking on one side of the street shall be permitted.

- (2) Commercial section. Community-related business uses within the commercial section of a campus mixed use development shall comply with the following area and bulk requirements:
  - (a) Minimum/maximum area: Not less than 2% nor more than 12% of a campus mixed use development tract shall consist of community-related business uses.
  - (b) Maximum building coverage: 30% of the gross acreage within the commercial section but not more than 60,000 square feet.
  - (c) Maximum impervious coverage area: 75% of the gross acreage contained within the commercial section.
  - (d) Maximum floor area within a single building: The gross floor area of a single building shall not exceed 25,000 square feet.
  - (e) Minimum depth of front yard: 100 feet from a public road right-of-way.
  - (f) Minimum setback of parking from public road right-of-way: 45 feet.
  - (g) Minimum depth of side yard: 20 feet.
  - (h) Minimum depth of rear yard: 20 feet.
  - (i) Minimum distance between buildings: 40 feet.
  - (j) Minimum distance of building from edge of private street cartway: 20 feet.

D. Design standards applicable to the residential section of a campus mixed use development.

- (1) All single-family attached dwelling units shall meet or exceed the standards set forth in § 275-38A.
- (2) No dwelling units shall be less than 22 feet in width.
- (3) Common off-street parking areas. Common off-street parking areas shall be provided in segregated areas of not more than 15 parking spaces. All common off-street parking stalls shall be a minimum size of 9 1/2 feet by 19 feet. Common, off-street parking areas shall not be closer than 12 feet to the garage of any single-family attached residential building or 15 feet to the habitable ground floor area of any dwelling unit. Segregated common, off-street parking areas containing 10 or fewer parking spaces shall not be subject to the provisions and requirements of § 275-188 (screening and landscaping requirements) of Article XXXI.

E. Design standards applicable to the commercial section of a campus mixed use development:

- (1) Parking. Community-related business uses shall provide parking in conformity with Article XIXA, SU-1-A Mixed Use District, § 275-117.11.
- (2) Signage. Signage for the community-related business uses shall be governed by the provisions of Article XXXII of the Code, § 275-195B(3) relating to B-1 Neighborhood Shopping Center Districts.

F. Special design standards applicable to campus mixed use development - public improvement enhancements.

- (1) Common controls/subdivision of sections. The areas comprising the residential section and the commercial section of a campus mixed use development shall be clearly designated on the applicant's land development plan. The private streets, private alleys, common areas and other common amenities of a campus mixed use development shall be owned, managed and maintained by a single entity. The commercial section of a campus mixed use development may be subdivided from the residential section and the private streets, private alleys, common areas and other common amenities in each such section may be separately owned, managed and maintained provided both subdivided sections are subject to a recorded declaration of covenants, easements and restrictions regarding private streets, private alleys, common areas and common amenities which shall be subject to the review and approval of Township Council.
- (2) Separate ownership of individual buildings or individual pads within the commercial section. Where the Township Council has approved a land development plan for a campus mixed use development meeting the requirements of § 275-38.1, an individual building or pad shown on the approved land development plan for the commercial section may be separately owned, leased, purchased, sold, mortgaged and developed as a unit created in accordance with the Uniform Planned Community Act, 68 P.S. § 5105 et seq., as the same may be amended from time to time, or as a unit created in accordance with the Uniform Condominium Act, 68 P.S. § 3101 et seq., as the same may be amended from time to time, subject to the following conditions:
  - (a) The development plan for the entire commercial section shall at all times remain compliant with the development standards applicable to the commercial section of the campus mixed use development; and
  - (b) The entire commercial section and all units created therein (and all mortgagees thereof) shall be subject to the terms and provisions of the declaration of the planned community or the declaration of condominium, as applicable, which shall be subject to the review and approval of the Township Council with respect to matters relating to land use and zoning.
- (3) Perimeter setback. No building or accessory structure shall be less than 100 feet from the perimeter boundary line of a campus mixed use development tract (except for signs and those structures associated with ingress and egress, lighting standards, stormwater management facilities, retaining walls, benches and the like) unless the proposed development abuts a nonresidential, commercial use, a perpetually preserved conservation area, parkland or open space, in which case the Township Council may, upon request of the applicant, decrease the perimeter setback applicable to building to a minimum setback of 25 feet. Required rear yards may encroach into a perimeter setback no more than 15 feet.
- (4) Buffer planting strip. A buffer planting strip shall be provided within the setback from the perimeter boundary line of a campus mixed use development tract. The buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township Council. No buffer planting strip shall be required where the campus mixed use development tract abuts a nonresidential commercial use, a perpetually preserved conservation area, parkland or open space. Existing trees and foliage of a quality and density satisfactory to the Township shall be credited to satisfy any minimum buffer planting strip requirement.
- (5) Open space. A minimum of 35% of the campus mixed use development tract shall be designated as, restricted to and used for open space uses, subject to the provisions of Article XXXV.

- (6) Active recreational facilities. Notwithstanding § 275-222E(1), not less than 1% of the required open space area shall be set aside for active recreational facilities including, but not limited to, a community recreation building, gazebo, pavilion for sheltered outdoor activities, clubhouse, swimming pool, multipurpose sports court, swings, tennis courts, bocce ball courts, and basketball courts, as depicted on Appendix B Design Guidelines. The total cost of active recreational facilities, and the total cost of public improvement enhancements in the nature of active recreational facilities shall be applied as a credit against the recreational fee in lieu of active recreational facilities that would otherwise be payable by an applicant pursuant to § 275-222E(1) and § 210-41 of the Subdivision and Land Development Ordinance.
- (7) Pedestrian gathering areas. Not less than 1% of the required open space area shall be built and maintained in the form of greens, plazas, pocket parks, and green courts, as depicted on Appendix B Design Guidelines.
- (8) Private streets/private alleys. All streets and alleys within a campus mixed use development shall be owned by the ownership entity or entities designated in accordance with § 275-38.1F(1) above, shall conform to the street and alley cross sections depicted in Appendix B Design Guidelines and shall comply with the following standards:
  - (a) One-way boulevard streets shall have a minimum paved cartway of 16 feet to the inside face of curb.
  - (b) Two-way internal streets with no on-street parking shall have a minimum paved cartway of 24 feet to the inside face of curb.
  - (c) Two-way internal streets with on-street parallel parking on one side only shall have a minimum paved cartway width of 30 feet to the inside face of curb, including parallel parking spaces. Parallel parking spaces shall measure a minimum of seven feet by 22 feet.
  - (d) One-way internal alleys shall provide a minimum of 16 feet paved cartway with no parking.
  - (e) A two-way internal alley shall provide a minimum of 18 feet cartway with no parking.
  - (f) There shall be a minimum center-line curve radius ("curve radius") of 50 feet for internal streets, provided that a two-way main thoroughfare street shall have a minimum curve radius of 75 feet.
  - (g) There shall be a minimum sidewalk width of 4 1/2 feet. Curbs shall be vertical concrete curbs with reinforced concrete at driveway curb cuts or, in the alternative, vertical or splayed Belgium block.
  - (h) Cul-de-sac streets shall have a minimum radius of 50 feet and a maximum length of 750 feet and shall serve no more than 50 single-family attached dwelling units.
- (9) Roadway improvements connecting abutting parcels. Shared driveways, service drives and accessways with appropriate easements shall be constructed, where feasible, to provide access to abutting parcels as a part of an overall Township traffic improvement benefit.
- (10) Internal roadway improvements. Internal vehicular circulation connector(s) between the

commercial and residential sections shall be installed, where feasible, in order to reduce external vehicle trips by residents of the residential sections who might otherwise use existing public roads.

- (11) Landscaping. Except as otherwise provided in § 275-38.1D(3) above and § 275-38.1F(4) above, the provisions of Article XXXIV, § 275-214, with respect to landscaping shall apply to a campus mixed use development.
- (12) Public and private streetscape enhancements.
  - (a) Additional landscaping at least 10% above the minimum requirements of Article XXXIV, § 275-214, shall be provided in and along public and private streets;
  - (b) Two or more of the following streetscape amenities (as depicted in Appendix B Design Guidelines) shall be provided along public and private streets: decorative/ornamental lighting; street furniture (benches); unit-paver crosswalks; and Belgium block curbs.
- (13) Public trails.
  - (a) An eight-foot-wide low-impact public pedestrian trail shall be constructed in a campus mixed use development tract which shall connect existing, contiguous Township-owned parkland to a public street or to the commercial section.
  - (b) The low-impact public pedestrian trails shall be maintained in a passable condition by either a recognized conservation organization (e.g., Natural Lands Trust) or the entity which is designated to own and control the private streets, private alleys, common areas and other common amenities of the residential section and/or the commercial section of a campus mixed use development.
- (14) Design Guidelines. The details and design specifications depicted on Appendix B Design Guidelines are incorporated herein and shall be consulted and utilized in developing the land development plan for a campus mixed use development.

#### § 275- . General Design Standards

- A. General Provisions standards, subject to Article XXIII.
- B. Special Provisions standards, subject to Article XXIV.
- C. Off-Street Parking and Loading standards, subject to Article XXI.
- D. Steep Slope Conservation District standards, subject to Article XX.
- E. Signage, subject to Article XXII.
- F. Landscaping, subject to Article XXIII.
- G. Lighting, subject to Article XXIII.
- H. Stormwater Management, subject to Chapter 198.

## ARTICLE IX: PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

### **§ 275- . Purpose.**

A. The provisions of this article are enacted for the following purposes:

- (1) To respond to increasing urbanization and the growing demands for housing of various types and designs.
- (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 encourage more efficient allocation and maintenance of open space for conservation and active and passive recreation.
- (4) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township.
- (5) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may inure to the benefit of those who require housing.
- (6) To encourage sensitive land development which will respect and conserve such natural features and resources of the land as floodplain and flood-prone areas, important farmlands, steep and very steep slopes, watercourses and water bodies, groundwater and aquifer recharge areas, forested areas, terrestrial and aquatic wildlife habitats, historic and cultural sites, visual resources and other features of importance to the vitality of natural and cultural resources.
- (7) To provide a procedure which can relate the type, design and layout of residential development to the particular site and to 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.

### **§ 275- . Administration.**

The administration of the procedures concerning the application for and approval of planned residential developments (PRD) shall be vested solely in the Township Council. However, all applications for tentative and final approval of plans for such developments first shall be referred to the Delaware County and Middletown Township Planning Commissions for their review and comment.

### **§ 275- . Conditions of eligibility.**

No application for planned residential development shall be submitted, considered or approved unless the following conditions are met:

A. Any tract of land proposed for development shall be in one ownership or in case of multiple

ownership and/or several parcels, evidence shall be presented of a written agreement between the parties and owners involved that development will be in accordance with a single plan with common authority and common responsibility.

- B. All ownership interests in any tract or in any adjacent tract shall be disclosed in the tentative and final plans.
- C. The development will be served by public sewer and public water systems, which shall be constructed and operational, and having the assured capacity to serve the development at the time occupancy of the structures in the development begins; and the feasibility for such construction and operation shall be demonstrated to the satisfaction of the Township Council at the time of the application for tentative plan approval, ~~except that:~~
  - ~~(1) Single family detached dwellings on lots of one acre or more may be served by an on-lot water supply system.~~
- D. The tentative and final plans shall provide a time schedule within which the owner or owners agree to develop said land according to the plans submitted.
- E. In order to qualify under this chapter as a planned residential development (PRD), said development shall provide for a minimum of 70 acres of land. To achieve a sound relationship among components of the development, all lands in the proposed development shall be reasonably compact. If any portion of such tract is divided by an existing street or other public way from the remainder of the tract, the density requirements of § 275-54 shall be applied to each of the segments of land so divided, provided that this requirement may be modified by the Township Council on recommendation by the Planning Commission in any case where such modification is determined to be in the best interests of the Township.
- F. The land being used to qualify under this chapter shall be located in any area of the Township, with the following exceptions where planned residential development shall not be permitted:
  - (1) Manufacturing and industrial districts.
  - (2) Outdoor recreation districts.
  - (3) The R-1A district.

### § 275- . Use regulations.

A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Article XXX, for any of the following uses and no other:

- A. Principal permitted uses.
  - (1) Single-family detached dwellings.
  - (2) Single-family attached dwellings.
  - (3) Common open space for recreation and conservation purposes, subject to the provisions in Article XIX.
  - (4) Communications antennas mounted on an existing communications tower and communications

equipment buildings, subject to the regulations set forth in § 275-216 of Article XXIV

- B. Permitted accessory uses on the same lot as the principal use, subject to general provisions in Article XXIII.
  - (1) Uses customarily incidental to the uses permitted in Subsection A.
  - (2) Parking in accordance with Article XXI.
  - (3) Signs in accordance with Article XXII.
- C. Conditional uses.
  - (1) Cultural, religious or charitable uses, subject to § 275-XXX.
  - (2) Private club for recreation, provided that the principal activity shall not be one which is customarily conducted as a business, subject to § 275-XXX.
  - (3) Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings.

**§ 275- . Height regulations.**

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXIII.

**§ 275- . Density, open space and dwelling unit composition.**

- A. The gross density shall not exceed that of the underlying zoning district.
- B. Not less than 50% of the total area of the property shall be designated as and devoted to common open space, subject to the provisions in Article XIX.
- C. No less than 40% of the total number of dwelling units shall be single-family detached dwellings.
- D. No less than 10% of the total number of dwelling units shall be single-family attached dwelling units.
- E. In the case of a planned residential development (PRD) proposed to be developed over a period of time and in stages, a variation in the density of a stage to be developed may be permitted by the Township Council, subject to the condition that the density and uses as defined in this chapter and as shown on the final plan which is approved by the Township Council shall not be changed thereafter if the entire tract is not developed at one time and is developed in stages.

**§ 275- . Area and bulk regulations.**

In addition to the setback requirements in § 275-56, the following shall apply:

- A. Where single-family detached dwelling units are proposed, the area and bulk regulations of § 275-26A(2) related to the R-2 District shall apply.
- B. Where single-family attached dwelling units are proposed, the design standards of § 275-38 related to the R-4 District shall apply.

## § 275- . Design standards.

In addition to the design standards in Chapter 210, Subdivision and Land Development, the performance standards in the open space provisions of Article XIX, the following shall apply:

### A. General standards.

- (1) A buffer area of at least 100 feet shall be provided, in accordance with Article XXIV.
- (2) Fire hydrants shall be installed by the developer to meet the requirements of Appendix C of the International Fire Code, current edition, and the Township Fire Marshal.<sup>1</sup>

### B. Stormwater control.

- (1) The storm drainage system for a PRD shall be designed and constructed so as to minimize erosion and flooding, using as necessary, drainage easements, swales, catchment basins, silt traps and the design of cartways so as to minimize runoff.
- (2) Where existing storm sewers are deemed by the Township Council as being accessible, the Council may require that the proposed development connect therewith.
- (3) All stormwater management design standards shall be in accordance with the provisions for design standards and required improvements embodied in Chapter 210, Subdivision and Land Development, as may be amended from time to time.
- (4) Storm sewer systems for the development shall be designed, constructed and shall operate and be readily capable of being maintained to prevent concentration of stormwater runoff on adjacent developed or undeveloped properties and streets and other areas of impervious surface.
- (5) The design and construction of all storm drainage facilities and storm sewer systems shall be subject to the approval of the Township Engineer.

### C. Soil erosion and sedimentation control.

- (1) Plans submitted for any PRD development shall conform to the guidelines for minimizing erosion and sedimentation as set forth in the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection prepared by the State Conservation Commission and Bureau of Water Quality Management and the USDA Natural Resources Conservation Service, as amended. In developing a plan for the control of erosion and sedimentation, the developer shall meet as a minimum the standards and specifications outlined in the aforementioned manual, as well as the standards set forth in Appendix C of the Erosion and Sediment Control handbook of the Delaware County Soil and Water Conservation District and those in Chapter 210, Subdivision and Land Development.

### D. Other environmental controls.

- (1) In addition to the controls presented in the above subsections herein, all development in a PRD shall be governed by the environmental controls set forth in Article XXIII, § 275-207 pertaining to such matters as noise, vibration, storage, glare and heat, fire and explosion and traffic control; and all plans, documents and other submissions in regard to any approval sought shall demonstrate compliance herewith to the Township Council.

### E. Streets and pathways.

- (1) The street system of the planned residential development shall be designed so as to relate harmoniously with land uses within and adjacent to the development through the establishment of a hierarchy of roadway functions which includes internal collector and local streets; to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas and pedestrian walkways; and to create efficient and safe connections with the existing road system of the municipality in order to insure proper ingress and egress to and from the PRD and to minimize through traffic in residential areas.
- (2) In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways shall be provided unless the Township Council determines that they are not necessary.
- (3) Curbs and sidewalks shall be required along streets in PRDs in accordance with Chapter 210, Subdivision and Land Development.
- (4) The design and construction of streets must conform to the standards set forth in Chapter 210, Subdivision and Land Development, relative to paving specifications, cartway design, horizontal and vertical alignment, sight distances and the like.

F. Parking.

- (1) All provisions in Article XXI shall apply. However, in the case of apartments with three or more bedrooms, 2 1/2 parking spaces for each such unit shall be provided.
- (2) Off-street parking spaces shall not be less than nine feet in width and 18 feet in depth. However, 5% of the spaces shall not be less than 12 feet in width and 20 feet in depth and shall be reserved for the handicapped and so marked with an appropriate symbol.
- (3) Where parking spaces are grouped in lots, aisles at least 25 feet in width shall be provided.
- (4) Where parking spaces are grouped in lots, aisles at least 25 feet in width shall be provided.
- (5) No more than 40 parking spaces shall be accommodated in any single parking area.
- (6) All off-street parking and/or loading areas shall be surfaced with an asphaltic or portland cement pavement.

G. Lighting.

- (1) All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

H. Buffer area.

- (1) There shall be a buffer area between any building and the boundary line of such a planned residential development (PRD) or the right-of-way line of any abutting roadway. The buffer area shall be in accordance with Article XXIV.
- (2) No building shall be placed within 150 feet of any such line. Any such buffer area shall be in addition to the yard area of any building abutting any boundary or right-of-way; provided, however, that the dimensions of the buffer are may be reduced to less than 150 feet in any case

in which the full width of such buffer is determined to be unnecessary because of existing vegetation, topography, man-made barriers or other natural screening, but in no case less than 100 feet.

I. Tree conservation and landscaping.

- (1) Existing trees shall be preserved wherever possible. The protection of trees 12 inches or more in caliper (measured at a height 4 1/2 feet above the original grade) shall be a factor in determining the location of common open space, structures, underground utilities, walks and paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition.
- (2) Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be regarded as an essential feature of the PRD. In these cases, extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of the dwelling units in accordance with Article XXIV.
- (3) Street trees shall be provided along all internal collector and local streets. No less than two four-inch-caliper trees shall be provided for each fifty-foot increment of street, wherein one tree shall be placed on each side of said street increment.
- (4) A landscaped buffer planting strip of 20 feet in width shall be provided along all perimeter property lines, except at points of vehicular ingress and egress and on pedestrian access ways.
- (5) Screening and landscaping requirements for parking areas are provided in Article XXI.

**§ 275- . Development in stages.**

An applicant may propose to develop the PRD District project in stages and the Township Council may approve same if the following criteria are met:

- A. The application for tentative approval covers the entire planned residential development and shows the location and time of construction for each stage in addition to other information required by this chapter.
- B. At least 35% of the dwelling units in the plan given tentative approval are included in the first stage.
- C. 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 25% of the dwelling units receiving tentative approval.
- D. In no case shall work on the current stage area include stripping or disturbance of woodland and forest or soils of any area set aside for later stages.
- E. All improvements within the particular stage shall be completed contemporaneously with the completion of construction of the dwellings of the stage.
- F. Any plans and other documents required by the Township Council to depict all of the foregoing and the limits thereof are submitted to, and approved by, the Township Council.

**§ 275- . Location, ownership and maintenance of common open space.**

Refer to Article XIX, Open Space Provisions.

**§ 275- . Application for tentative approval.**

The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Township Manager. If the applicant is not the landowner, the executed consent of the landowner or evidence of the applicant's legal authority to make such an application shall be so filed. ~~An initial deposit in the amount of \$1,000 to be applied against expenses associated with the processing and review of the application shall be paid upon filing the application. Additional deposits shall be made from time to time as requested by the Township to cover costs in reviewing and administering the application, not to~~

~~exceed actual expenses. Seventeen~~ Six copies of the application and a digital application shall be submitted to the Township Manager for various required reviews. The application for tentative approval shall include all plans, documents, papers and submissions proving compliance with all the standards of this article. The Township Council may require such additional documentation as needed to aid them in review of the application and accompanying papers.

A. Application for tentative approval shall include, but not be limited to, the following:

- (1) A statement indicating the nature of the applicant's and the landowner's interest in the project.
- (2) A written statement by the applicant setting forth the reasons why the project would be in the public interest and would be specifically consistent with the Comprehensive Plan's goals and objectives and its recommendations for land use, community facilities and utilities, circulation and other matters therein recommended.
- (3) A map indicating the location and size of the property and its relationship to surrounding properties, such map to be drawn at a scale of one-inch equals 800 feet and showing all streets, roads, municipal boundaries, subdivisions, adjoining properties and designated open space within 2,500 feet of any part of the tract. In the case of development of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.
- (4) A plan at a scale of one-inch equals 100 feet delineating the topography of the tract. Such plan shall contain contours with at least two-foot intervals; and shall accurately and conspicuously depict slopes from 0% to 8%, 8% to 15%, 15% to 25% and greater than 25%.
- (5) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the vegetation of the tract. Such plan shall depict the location of all trees 12 inches in caliper and greater.
- (6) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating the drainage characteristics of the tract. Such plan shall accurately and conspicuously depict, delineate and otherwise note in graphic fashion all perennial and intermittent streams and watercourses and their watersheds, as well as flood-prone and flood hazard areas.
- (7) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the soils of the tract. Such plan shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed development and the tract.

- (8) A plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating,

depicting, and otherwise noting in graphic fashion the proposed use areas by type, size, location and gross density.

- (9) A site plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the location, use, height, bulk and location of streets, rights-of-way, cartways, parking areas and other improvements.
- (10) A plan at a scale of one-inch equals 100 feet accurately conspicuously delineating, depicting and otherwise noting in graphic fashion common open space. Such plan shall depict the location, function and size of common open space areas and any existing natural and cultural features comprised within the common open space. In addition, the plan shall include any facilities or structures proposed. Accompanying the plan shall be a statement indicating the proposed means for ownership and maintenance of the common open space.
- (11) A detailed report indicating the feasibility and capability for operation and maintenance of water supply systems, sanitary sewage systems, stormwater systems and other utility systems. Such a report shall indicate the following:
  - (a) With regard to water supply, there shall be an objective description of the ability of achieving a safe and efficient water supply system. The description shall reference geologic and hydrogeologic data relative to groundwater conditions, realistic potential yields and quality. In addition, the description shall indicate the demand by type of use for water from the proposed development and its related uses and users.
  - (b) With regard to sanitary sewage disposal, there shall be an objective description of the ability of achieving a safe and efficient system for sewage disposal. The description shall indicate all proposed measures and methods for conveying and treating the sewerage and the sizes of all pipes and direction and quantities of flow anticipated from the development, as well as all connections which will be required to tie into existing sanitary sewers.
  - (c) Assurance of the availability of safe and efficient public water and public sewer facilities shall also be reported. Such assurance shall include letters signed by an officer of the company or authority concerned, indicating its ability and willingness to provide such service within the timetable proposed for the development, including a statement of maintenance responsibilities and rates and charges for service.
  - (d) With regard to stormwater systems, there shall be an objective description of the ability of achieving a safe and efficient stormwater management system. Such report shall be in complete conformance with Chapter 210, Subdivision and Land Development.
- (12) A detailed plan illustrating all connections to existing public utilities, streets and rights-of-way, accompanied by documentation as to the impact of the proposed development on said public utilities, streets and rights-of-way.
- (13) A site plan illustrating phasing, including a time schedule for all on-site and off-site improvements may be modified from time to time with approval of the Township Council.
- (14) A fully detailed soil erosion and sedimentation control plan.
- (15) A fully detailed grading plan at a scale of one-inch equals 100 feet accurately and conspicuously delineating proposed contours at intervals of at least two feet.

- (16) A fully detailed landscaping plan at a scale of one-inch equals 100 feet wherein existing and proposed plant materials are accurately and conspicuously differentiated, delineated, depicted or otherwise noted in a graphic fashion and a plant list with botanical and common names as well as notations for the quantities and sizes of all proposed plant materials.
- (17) A written report indicating the proposed methods and measures to be undertaken for energy conservation and the effective utilization of renewable energy resources.
- (18) The documents containing covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for utilities and the like.
- (19) An Environmental Impact Assessment Report in accordance with Article XXIV.
- (20) 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 project are intended to be filed and

which shall be updated annually on the anniversary of submission for final approval. A report accompanying the application shall, insofar as possible, indicate compliance with the provisions set forth for documentation herein.

- (21) All other requirements for a preliminary plan as set forth in Chapter 210, Subdivision and Land Development.

- B. ~~Seven copies of every application for tentative approval received by the Township Manager shall be promptly forwarded to the Township Planning Commission and one copy of each application to the Natural Resources Conservation Service for its recommendation.~~ The Township Planning Commission and the Delaware County Planning Department shall review and report upon the application to the Township Council. One copy of the reports of the respective planning commissions shall be furnished to the applicant upon receipt by the Township Council.
- C. The applicant, the Township Council, the Township Planning Commission and the Delaware County Planning Department may consult informally concerning the project for the proposed PRD District prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the official review agency or of the planning agencies be binding upon the Township.

**§ 275- . Public hearings.**

- A. Within 60 days after the filing of an application for tentative approval of a project pursuant to this article, a public hearing pursuant to the public notice on said application shall be held by the Township Council in the manner provided by this chapter for the enactment of an amendment. The Chairman or, in his absence, the Acting Chairman of the Township Council, 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.
- B. A verbatim record of the hearing shall be caused to be made by the Township Council. Whenever such records are requested by any party to the proceedings, the cost of transcribing such a record shall be borne by the party requesting it and the expenses 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.

- C. The Township Council may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

**§ 275- . Findings.**

- A. The Township Council may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

- (1) Grant tentative approval of the development plan submitted;
- (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
- (3) Deny tentative approval to the development plan. Failure to do so 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 applicant may, within 30 days after receiving a copy of the official written communication of the Township Council, notify the Township Council of his refusal to accept all said conditions, in which case the Township Council shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Township Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

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

- (1) Those respects in which the development is or is not consistent with the Comprehensive Plan for the development of the Township.
- (2) 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.
- (3) The purpose, location and amount of the common open space in the development, the reliability of the proposals for maintenance and conservation of the common open space and adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- (4) The proposed systems for sanitary sewers, water supply, stormwater control and soil erosion and sedimentation control and the manner in which said proposals adequately or inadequately address the construction, operation and maintenance of such systems.

- (5) The physical design of the development and the manner in which said design does or does not

make adequate provision for public services, provide adequate control over vehicular and pedestrian traffic and further the amenities of light and air, recreation and visual enjoyment.

- (6) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established.
- (7) 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 development in the integrity of the development plan.

- C. In the event that a development plan is granted tentative approval, with or without conditions, the Township Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the Township Council, the time so established between the grant of tentative approval and the application for final approval shall be not less than three months nor more than one year, and, in the case of development over a period of years, the time between applications for final approval of each part of the plan shall be not less than 12 months nor more than 18 months.

#### **§ 275- . Status of plan after tentative approval.**

- A. The official written communication provided for in § 275-61 of this article shall be certified by the Secretary of the Township Council and shall be filed in his/her office, and a certified copy shall be mailed to the applicant. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and the same shall be noted on the Zoning Map.
- B. Tentative approval of a development plan shall not qualify a plot 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 landowner 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 that an application for final approval is filed or, in the case of development over a period of years, provided that applications are filed within the periods of time specified in this Article or otherwise in the official written communication granting tentative approval.
- C. 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 Township Council, in writing, or in the event that the applicant shall fail to file an 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 Township Manager.

#### **§ 275-. Application for final approval.**

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 Council and within the time or times specified by the official written communication granting tentative approval as in § 275-61 or as otherwise mutually agreed upon between the applicant and the Township Council and set forth, in writing, by the Township Council. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held. The application for final approval shall consist of a plan or plans and accompanying documents which shall show and shall include the following information:

- A. The plan. The final plan shall be prepared in accordance with Chapter 210, Subdivision and Land Development. All plans shall be drawn at a scale not smaller than one-inch equals 50 feet. They shall be clear and legible blue-line or black-line prints and shall include at least the following information:
- (1) The development name or identifying title.
  - (2) The municipality in which the development is located.
  - (3) North point, scale and date.
  - (4) The name of the record owner of the tract and developer.
  - (5) The name and seal of the registered professional engineer, landscape architect, land planner, architect or surveyor responsible for the plan.
  - (6) Boundaries of the tract determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot in 10,000.
  - (7) Property lines within the development.
  - (8) Lot areas to 1/1,000 of an acre.
  - (9) Street lines, lot lines, rights-of-way, easements and areas dedicated to or proposed to be dedicated to public use. Profiles for all streets and for proposed sanitary and storm sewer mains, inlets and manholes and the location of all utilities.
  - (10) The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
  - (11) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
  - (12) The designation of common open space including the area contained therein.
  - (13) Location, grades, length and width of all private driveways and all parking facilities and type of paving and other surface to be used therefore.
  - (14) Names proposed to be given to all streets.
  - (15) Location of all structures.
  - (16) Number of lots.
  - (17) Number of dwelling units by type and, where applicable, the number, location and square footage of areas to be devoted to nonresidential use.

- (18) Architectural drawings, floor plans and elevations to scale of all buildings, said drawings to bear the seal of the architect who has prepared same.
- (19) Total property area of the entire development tract and, in the case of development in sections, the size of the section for which plans are submitted.
- (20) All permanent monuments.
- (21) A final grading plan, including existing and proposed contours at vertical intervals of at least two feet, the lines thereof to be conspicuously distinguishable.
- (22) All existing watercourses, tree masses and other significant natural features, including all trees 12 inches in caliper or greater to be retained and/or to be removed.
- (23) A final soil erosion and sedimentation control plan.
- (24) A final landscaping plan, wherein existing and proposed plant materials are differentiated, a final plant list indicating the types, quantities and sizes of the proposed plant materials and typical planting details for tree planting and staking, shrub planting and the like.
- (25) A final environmental impact assessment report.

B. The documentation. The application for final approval shall also be accompanied by:

- (1) Copies of deed restrictions and/or easements, if any and other documents relating to title, use or occupancy.
- (2) Copies of permits obtained: under authority of statutes of the Commonwealth of Pennsylvania and/or the County of Delaware regarding the provision for construction, operation and maintenance of the proposed sanitary sewer system, water supply system, soil erosion and sedimentation control system; and highway occupancy system.
- (3) An affidavit that the applicant is the owner of the land proposed to be developed, or has been authorized by the landowner to be the applicant, supported by a copy of the written authority therefor.
- (4) Offers of dedication and covenants and other documents governing the reservation and maintenance of undedicated open space, provided that all such offers of dedication and covenants shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency and compliance herewith.
- (5) Copies of the homeowner's agreements for common open space not to be offered for dedication to the Township.
- (6) A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property to the effect that the development as shown on the application for final approval is made with his or their free consent and that it is desired to record the application and accompanying documents upon their approval.
- (7) Whenever a developer proposes to establish a street which is not offered for dedication and not required to be offered for dedication, he shall submit a copy of statements cosigned by the Township Solicitor that he has made an agreement on behalf of his heirs and assigns with the

Township. Said agreement shall be subject to the Township Solicitor's approval and shall be recorded with the plan. Said agreement shall establish the condition under which the streets may later be offered for dedication and stipulate among other things:

- (a) That the street shall be in a good state of repair as certified by the Township Engineer, or that the owner or owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conform with Middletown Township design standards.
  - (b) That an offer to dedicate the street shall be made only on the street as a whole.
  - (c) That the method of assessing repair costs shall be stipulated.
  - (d) That, where applicable, agreement to offer the street for dedication by the owners of 60% of the lots shall be binding on owners of the remaining lots.
- (8) Such other related information as deemed necessary by the Township Council to make their determination.
- C. In the event the application for final approval has been filed, together with all drawings, specifications, covenants, easements, performance bonds and other documents in support thereof and as required by this chapter and the official written communication for tentative approval, the Township shall within 45 days of such filing, grant such development plan final approval.
- D. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Council shall refuse to grant final approval and shall, within 45 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 or more of said variations are not in the public interest. In the event of such refusal, the applicant may either:
- (1) Refile his application for final approval without the variations objected to; or
  - (2) File a written request with the Township Council that it hold a public hearing on his application for final approval. 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 30 additional days of receipt of notice that the development plan was not in substantial compliance. In the event that 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 30 days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this chapter for public hearings on applications for tentative approval. Within 45 days after the conclusion of the hearing, the Township Council 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 article.
- E. A development plan or any part thereof which has been given final approval shall be so certified without delay by the Township Council and shall be filed by the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code,<sup>2</sup> 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. Upon approval of the final plan, the applicant shall record the plan in accordance with § 275-67 herein and post financial security in accordance with § 210-11 of Chapter 210, Subdivision and Land Development.

- F. 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 Township Council, in writing, or in the event that the applicant shall fail to commence and complete the development project or section thereof in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to this chapter.

**§ 275-. Legal remedies.**

The Township may avail itself to any and all remedies provided by law, including but not limited to those specified in the Pennsylvania Municipalities Planning Code.

**§ 275-. Bonding/security for completion of improvements.**

Security shall be provided which is acceptable to the Township in an amount to cover the costs of any improvements which may be required.

**§ 275-. Insurance and indemnity.**

The Township shall require appropriate liability insurance and minimum limits of coverage in regard to any development in a PRD. The Township shall be a "named insured" under all such liability policies, without premium liability therefor; said policies shall further be written to exclude the operation of any "other insurance" clause. The Township shall also require from the applicant a defense, indemnity and hold-harmless agreement in favor of the Township, which shall be insured by the applicant to at least the minimum limits required by the Township Council for liability insurance.

**§ 275-. Recording.**

The final plot plan will be recorded by the landowner in the Office for the Recording of Deeds in and for Delaware County, Pennsylvania, within 90 days of the granting of final approval by the Township Council. The Recorder of Deeds of the county shall not accept any plan for recording unless such plan officially notes the approval of the Township Council and review by the Delaware County Planning Department.

**§ 275-. Fees.**

Fees for review of the tentative and final plan shall be established by resolution of the Township Council, which fees shall not exceed costs incurred. Should any funds remain after the final plan is processed and reviewed, they will be returned to the applicant.

ARTICLE IV  
R-1A Residence District

**§ 275-14. Purpose.**

The R-1A Residence Districts are designed primarily to regulate residential development so that it will be compatible with and promote conservation of existing farmlands and other agricultural areas; to protect the rural character of existing residential development; and to protect and conserve groundwater and other natural resources by encouraging planned development which will not require public sewer systems.

**§ 275-15. Use regulations.**

- A. Permitted principal uses. A building may be erected, altered or used and land may be used, subject to the provisions of Articles XXIX and XXX, for any of the following purposes and no other:
  - (1) Single-family detached dwelling.
  - (2) Municipal use.
  - (3) Agricultural uses and buildings, subject to the provisions of Article XXXIII.
  - (4) Silviculture, wildlife and nature preserve or other conservation uses.
  - (5) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**
- B. Accessory uses to permitted principal uses.
  - (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in Subsection A herein and as governed by the general provisions for accessory uses in Article XXXIII.
  - (2) The sale of farm products, provided that such products are produced on the property, subject to the general provisions for accessory uses in Article XXXIII.
  - (3) Private parking space and private garage, in accordance with Article XXXI, related to off-street parking and loading.
  - (4) Private stable.
  - (5) Private (noncommercial) swimming pools, tennis courts or other private recreational facilities, for the use and enjoyment of residents and their guests, subject to the general provisions for such accessory uses in Article XXXIII.
  - (6) Signs, in accordance with Article XXXII, related to sign regulations.
- C. Conditional uses.
  - (1) Cultural, religious and charitable uses.
  - (2) Cemeteries.
  - (3) Conversion of single-family detached dwellings to apartments, subject to the general provisions for conversions in Article XXXIII.

- (4) Home professional offices and home occupations, subject to the provisions in Article XXXIII.
- (5) Public utility and governmental uses, subject to the provisions in Article XXXIII.
- (6) Community tennis courts and swimming pools operated for the use and benefit of the members of the community association and their guests.
- (7) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter. [Added 3-8-1999 by Ord. No. 595]

**§ 275-16. Height regulations.**

The maximum height of dwellings and other structures shall be 35 feet, except as provided in Article XXXIV. The height of structures designed for agricultural use may be increased to a maximum of 65 feet, provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement two feet of depth or width.

**§ 275-17. Area and bulk regulations. [Amended 4-27-1992 by Ord. No. 506]**

Except as restricted under Articles XXIX and XXX, the following area and bulk regulations shall apply:

A. Residential dwelling units and municipal use.

- (1) Minimum lot area: one acre for each principal permitted building.
- (2) Minimum lot width at building line: 120 feet.
- (3) Minimum lot width at street line: 50 feet.
- (4) Maximum impervious surface area and building coverage: Not more than 40% of the area of any lot shall be covered by impervious surfaces and not more than 20% of any lot area shall be occupied by buildings.
- (5) Minimum depth of each front and rear yard: 50 feet.
- (6) Minimum width of side yards: Each lot shall have at least two side yards having a minimum average width of 30 feet and neither side yard shall have a width of less than 25 feet. On each corner lot there shall be two front yards; the yards abutting the street shall have a width of not less than 50 feet; and the side yard not abutting the street shall have a width of not less than 25 feet.

B. Other uses. The area and bulk regulations for the following conditional uses shall be as follows:

- (1) Cemeteries.
  - (a) Minimum lot area: 10 acres.
  - (b) Minimum lot width at building line: 400 feet.
  - (c) Minimum lot width at street line: 300 feet.
  - (d) Maximum total impervious surface area: 40%.
  - (e) Maximum building coverage: 20%.

- (f) Minimum depth of each front and rear yard: 150 feet.
  - (g) Minimum width of each side yard: 75 feet.
- (2) Cultural, religious and charitable uses.
- (a) Minimum lot area: five acres.
  - (b) Minimum lot width at building line: 200 feet.
  - (c) Minimum lot width at street line: 150 feet.
  - (d) Maximum total impervious surface area: 35%.
  - (e) Maximum building coverage: 15%.
  - (f) Minimum depth of each front and rear yard: 100 feet.
  - (g) Minimum width of each side yard: 50 feet.
- (3) Governmental, including municipal and public utility, uses except for easements, land used for pumping stations, land in the OR-2 District and land in open space in accordance with Article XXXV.
- (a) Minimum lot area: two acres.
  - (b) Minimum lot width at building line: 200 feet.
  - (c) Minimum lot width at street line: 150 feet.
  - (d) Maximum total impervious surface area: 35%.
  - (e) Maximum building coverage: 15%.
  - (f) Minimum depth of each front and rear yard: 100 feet.
  - (g) Minimum width of each side yard: 100 feet.

ARTICLE V  
**R-1 Residence District**

**§ 275-18. Purpose.**

The R-1 Residence District is designed primarily to make provisions for low-density, suburban-type, single-family residential development and to encourage the preservation of open space, green space and natural resources through cluster development in areas planned for or accessible to public sewer and water systems.

**§ 275-19. Use regulations. [Amended 1-8-1990 by Ord. No. 461]**

- A. Permitted principal uses. A building may be erected, altered or used and land may be used, subject to the provisions of Articles XXIX and XXX, for any of the following purposes and no other:
- (1) Single-family detached dwelling.
  - (2) Municipal use.
  - (3) Agricultural uses and buildings, subject to the provisions of Article XXXIII.
  - (4) Silviculture, wildlife and nature preserve.
  - (5) Open space for recreation and conservation purposes.
  - (6) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**
- B. Permitted accessory uses.
- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in Subsection A, subject to the provisions in Article XXXIII.
  - (2) Sale of farm products, provided that such products are produced on the property and subject to the provisions in Article XXXIII.
  - (3) Private parking space and private garages, in accordance with Article XXXI.
  - (4) Private stables.
  - (5) Private (noncommercial) swimming pools, tennis courts or other private recreational facilities for the use and enjoyment of residents and their guests, subject to the general provisions for such accessory uses in Article XXXIII.
  - (6) Signs, in accordance with Article XXXII.
- C. Conditional uses.
- (1) Single-family detached dwellings where the cluster option is exercised, subject to § 275-22.
  - (2) Cultural, religious and charitable uses.
  - (3) Conversion of single-family detached dwellings to apartments, subject to the provisions in Article XXXIII.

- (4) Home professional office and home occupation, subject to the provisions in Article XXXIII.
- (5) Public utility and governmental uses, subject to the provisions in Article XXXIII.
- (6) Community tennis courts and swimming pools operated for the use and benefit of the members of the community association and their guests.
- (7) Communications Antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-16 of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter. [Added 3-8-1999 by Ord. No. 595]
- (8) Regional rail facilities. [Added 7-25-2011 by Ord. No. 720]

**§ 275-20. Height regulations.**

The maximum heights of the dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXXIV. The heights of structures designed for agricultural use may be increased to maximums of 65 feet, provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement two feet of depth or width.

**§ 275-21. Area and bulk regulations. [Amended 4-27-1992 by Ord. No. 506]**

Except as restricted under Articles XXIX and XXX, the following area and bulk regulations shall apply:

- A. Residential dwelling units and municipal use.
  - (1) Minimum lot area: one acre for each principal permitted building.
  - (2) Minimum lot width at building line: 120 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum impervious surface area and building coverage: not more than 40% of the area of any lot shall be covered by impervious surfaces, and not more than 20% of any lot area shall be occupied by buildings.
  - (5) Minimum depth of each front and rear yard: 50 feet.
  - (6) Minimum width of side yards: Each lot shall have at least two side yards having a minimum average width of 30 feet and neither side yard shall have a width of less than 25 feet. On each corner lot there shall be two front yards; the yard abutting the street shall have a width of not less than 50 feet and the side yard not abutting the street shall have width of not less than 25 feet.
- B. Other uses. For certain conditional uses, the area and bulk regulations shall be as follows:
  - (1) Cultural, religious and charitable uses.
    - (a) Minimum lot area: five acres.
    - (b) Minimum lot width at building line: 200 feet.
    - (c) Minimum lot width at street line: 150 feet.
    - (d) Maximum total impervious surface area: 35%.

- (e) Maximum building coverage: 15%.
  - (f) Minimum depth of each front and rear yard: 100 feet.
  - (g) Minimum width of each side yard: 50 feet.
- (2) Governmental, including municipal and public utility, uses except for easements, land used for pumping stations, land in the OR-2 District and land in open space in accordance with Article XXXV.
- (a) Minimum lot area: two acres.
  - (b) Minimum lot width at building line: 200 feet.
  - (c) Minimum lot width at street line: 150 feet.
  - (d) Maximum total impervious surface area: 35%.
  - (e) Maximum building coverage: 15%.
  - (f) Minimum depth of each front and rear yard: 100 feet.
  - (g) Minimum depth of each side yard: 50 feet.
- (3) Regional rail facilities located within SEPTA right of way. **[Added 7-25-2011 by Ord. No. 720]**
- (a) There shall be no minimum tract or lot area requirements.
  - (b) Setbacks for parking garages, parking lots, station buildings and other occupied buildings shall be located no closer than 50 feet from adjacent residential property lines.
  - (c) There shall be no minimum setbacks from the street line.

**§ 275-22. Cluster subdivision option.**

- A. As a conditional use, a landowner or developer may be allowed to reduce the requirements of § 275-21A, provided the following conditions are met:
- (1) The area of the tract to be subdivided must be at least 15 acres.
  - (2) A minimum of 30% of the tract shall be designated as restricted to open space uses, subject to the provisions in Article XXXV.
  - (3) Designated open space areas shall be owned, maintained and administered in accordance with the provisions in Article XXXV.
  - (4) The cluster subdivision shall be served by public sewer, which shall be constructed and operational at the time when residential occupancy begins, except as hereinafter provided:
    - (a) Single-family detached dwellings on lots of one acre or more may be served by an on-lot sewage disposal system.
  - (5) The proposed development must conform to all standards and criteria for in Article XXXVI and all other articles, sections, ordinances and regulations referred to therein. If, in the opinion of Township Council, the proposed development does not conform to such standards and criteria

or to the requirements of this section, the application for the approval of the conditional use may be denied.

B. When the cluster subdivision option is exercised, the area and bulk regulations for single-family detached dwellings with public sewer service may be reduced as follows, provided that the gross density shall not be greater than that permitted for a single-family detached unit under Subsection A(1):

- (1) Minimum lot area: 1/2 acre.
- (2) Minimum lot width at building line: 100 feet.
- (3) Minimum lot width at street line: 50 feet.
- (4) Maximum impervious surface area and building coverage: 45%.
- (5) Maximum building coverage area: 20%.
- (6) Minimum depth of each front and rear yard: 35 feet.
- (7) Each lot shall have a minimum of two side yards.
- (8) Minimum aggregate width of side yards: 40 feet.
- (9) Minimum width of each side yard: 15 feet.
- (10) For corner lots, the minimum width for yard abutting a street shall be 35 feet and the minimum for the other side yard shall be 15 feet.

ARTICLE VI  
**R-2 Residence District**

**§ 275-23. Purpose. [Amended 7-24-1995 by Ord. No. 554]**

The R-2 Residence District is designed primarily to make provisions for single-family residential development at low and moderate suburban-type densities; to relate residential density to environmental and health concerns by limiting development to low-density when water and sewer service are to be on-lot, but allowing moderate suburban-type densities when public sewer service is used; to encourage the preservation of open space and natural resources through cluster development; to maintain the identity and character of existing suburban-type residential neighborhoods; and to allow for campus-like, low-intensity uses which serve as a transition from existing higher intensity development fronting along those portions of Route 352 and Route 452, which are on or north of Route 1, to the lower-intensity development beyond the properties fronting on Route 352 and Route 452, north of Route 1.

**§ 275-24. Use regulations. [Amended 1-8-1990 by Ord. No. 461; 7-24-1995 by Ord. No. 554]**

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the provisions of Articles XXIX and XXX, for any of the following uses and for no other:

- (1) Single-family detached dwelling.
- (2) Municipal use.
- (3) Agricultural uses and buildings, subject to the provisions in Article XXXIII.
- (4) Park or recreation area.
- (5) Open space for recreation and conservation purposes.
- (6) Woodlands, silvaculture, wildlife and nature preserve or other conservation use.
- (7) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**

B. Accessory uses.

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in Subsection A herein, and as governed by the general provisions for accessory uses in Article XXXIII.
- (2) Sale of farm products, produced in the property, subject to Article XXXIII.
- (3) Private parking space and private garage, in accordance with the off-street parking and loading regulations in Article XXXI.
- (4) Private stable.
- (5) Private (noncommercial) swimming pool, tennis court or other private recreational facility, for the use and enjoyment of the residents and their guests, subject to the general provisions for such accessory uses in Article XXXIII.
- (6) Signs, in accordance with the sign regulations in Article XXXII.

§ 275-24 (7) Accessory uses must comply with the general provisions for accessory uses in Article XXXIII. § 275-26

C. Conditional uses.

- (1) Single-family detached dwellings where the cluster subdivision option is exercised, subject to § 275-27.
- (2) Cultural religious and charitable uses.
- (3) Conversion of single-family detached dwellings for apartments, subject to the general provisions for conversions in Article XXXIII.
- (4) Home professional offices and home occupations, subject to the general provisions for home professional offices and home occupations in Article XXXIII.
- (5) Public utility and governmental uses, subject to the provisions in Article XXXIII.
- (6) Personal-care facility, subject to the regulations in §§ 275-26B(2) and 275-28.
- (7) Day-care center, subject to the regulations in §§ 275-26B(2) and 275-29.
- (8) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter. **[Added 3-8-1999 by Ord. No. 595]**

**§ 275-25. Height regulations.**

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXXIV.

**§ 275-26. Area and bulk regulations. [Amended 4-27-1992 by Ord. No. 506; and 7-24-1995 by Ord. No. 554]**

Except as restricted under Articles XXIX and XXX, the following area and bulk regulations shall apply:

A. Residential dwelling units and municipal use.

- (1) Lots without public sewer (with on-lot sewage disposal systems) shall meet or exceed the following standards:
  - (a) Minimum lot area: one acre for each principal permitted building.
  - (b) Minimum lot width at building line: 120 feet.
  - (c) Minimum lot width at street line: 50 feet.
  - (d) Maximum impervious surface area: 40% of the area of the lot.
  - (e) Maximum building coverage: 20% of the area of the lot.
  - (f) Minimum depth of each front and rear yard: 50 feet.
  - (g) Minimum aggregate width of side yards: 60 feet.
  - (h) Minimum width of each individual side yard: 25 feet.

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(i) Minimum yard abutting the street on a corner lot: 50 feet.

(2) Lots with public sewer shall meet or exceed the following standards:

(a) Minimum lot area: 1/2 acre for each principal permitted building.

(b) Minimum lot width at building line: 100 feet.

(c) Minimum lot width at street line: 50 feet.

(d) Maximum impervious surface area: 45% of the area of the lot.

(e) Maximum building coverage: 20% of the area of the lot.

(f) Minimum depth of each front and rear yard: 35 feet.

(g) Minimum aggregate width of side yards: 45 feet.

(h) Minimum width of each individual side yard: 20 feet.

(i) Minimum yard abutting the street on a corner: 35 feet.

B. Other uses. For certain conditional uses, the area and bulk regulations shall be as follows:

(1) Cultural, religious and charitable uses.

(a) Minimum lot area: five acres.

(b) Minimum lot width at building line: 200 feet.

(c) Minimum lot width at street line: 150 feet.

(d) Maximum total impervious surface area: 35%.

(e) Maximum building coverage: 15%.

(f) Minimum depth of each front and rear yard: 100 feet.

(g) Minimum width of each side yard: 50 feet.

(2) Personal-care facilities and day-care centers.

(a) Minimum lot area: 2 1/2 acres.

(b) Minimum lot width at building line: 200 feet.

(c) Minimum lot width at street line: 200 feet.

(d) Maximum total impervious surface area: 40%.

(e) Maximum total building coverage: 20%.

(f) Minimum depth of each front yard: 35 feet.

(g) The rear yard setback shall be as follows: **[Amended 6-10-2019 by Ord. No. 805]**

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Number of Stories	Rear Yard Setback (feet)
1	35
2 or more	75

(h) The side yard setback shall be as follows: **[Amended 6-10-2019 by Ord. No. 805]**

Number of Stories	Side Yard Setback (feet)
1	35
2 or more	70

(i) Minimum aggregate side yard required for a one-story building: 75 feet. **[Added 6-10-2019 by Ord. No. 805]**

(3) For all other conditional uses, the area and bulk regulations shall be similar to those set forth in Subsection A or B above, depending on which uses they are most similar to.

**§ 275-27. Cluster subdivision option.**

A. As a conditional use, a landowner or developer may be allowed to reduce the requirements of § 275-26A, provided that the following conditions are met:

- (1) The area of the tract to be subdivided must be at least 15 acres.
- (2) A minimum of 30% of the tract shall be designated as restricted to and used for open space uses, subject to the provisions in Article XXXV.
- (3) Designated open space shall be owned, maintained and administered in accordance with the provisions in Article XXXV.
- (4) The cluster subdivision shall be served by public water and sewer, which shall be constructed and operational at the time when occupancy of the development begins, except as hereinafter provided:
  - (a) Single-family detached dwellings on lots of one acre or more may be served by on-lot water supply systems and on-lot sewage disposal systems.
  - (b) Single-family detached dwellings on lots of 1/2 acre may be served by community water supply system if the tract is not accessible to public water and if such system is feasible.
- (5) The proposed development must conform to all standards and criteria for conditional uses in Article XXXVI and all other articles, sections, ordinances and regulations referred to therein. If, in the opinion of Township Council, the proposed development does not conform to such standards and criteria or to the requirements of this section, the application for the approval of the conditional use may be denied.

B. When the cluster subdivision option is exercised, the area and bulk regulations for lots for single-family detached dwellings may be reduced as follows, provided that the gross density shall not be greater than that permitted for a single-family detached dwelling unit under § 275-26A(1).

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(1) Lots with public water.

- (a) Minimum lot area: 1/2 acre.
- (b) Minimum lot width at building line: 100 feet.
- (c) Minimum lot width at street line: 50 feet.
- (d) Maximum impervious surface area: 45%.
- (e) Maximum building coverage area: 20%.
- (f) Minimum depth of each front and rear yard: 35 feet.
- (g) Each lot shall have a minimum of two side yards.
- (h) Minimum aggregate width of side yards: 40 feet.
- (i) Minimum width of each side yard: 15 feet.
- (j) For corner lots, the minimum width for yard abutting a street shall be 35 feet and the minimum width for the other side yard shall be 15 feet.

(2) For lots with public sewer and public water.

- (a) Minimum lot area: 1/4 acre for each principal permitted building.
- (b) Minimum lot width at building line: 70 feet.
- (c) Minimum lot width at street line: 50 feet.
- (d) Maximum impervious surface area: 50% of the area of the subdivision tract.
- (e) Maximum building coverage area: 25% of the area of the subdivision tract.
- (f) Minimum depth of each front and rear yard: 30 feet.
- (g) Minimum aggregate width of side yards: 30 feet.
- (h) Minimum width of each side yard: 10 feet.
- (i) Minimum width for yard abutting a street on corner lot: 30 feet.

**§ 275-28. Personal-care facility regulations. [Amended 7-24-1995 by Ord. No. 554; 10-23-1995 by Ord. No. 559]**

- A. The proposed development must conform to all standards and criteria for conditional uses in Article XXXVI and all other articles, sections, ordinances and regulations referred to therein. If, in the opinion of Township Council, the proposed development does not conform to such standards and criteria or to the requirements of this section, the application for the approval of the conditional use may be denied.
- B. The proposed use must have at least 200 feet of frontage along those portions of Route 352 or Route 452, which are on or north of Route 1.
- C. All development shall be served by public sewer and public water.

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- D. No more than 35 beds per acre of lot area shall be provided.
- E. All signage shall comply with Article XXXII. However, all signage shall be 1/3 smaller than the sizes set forth in Article XXXII.
- F. Crosswalks shall be line-stripped across all streets at intersections or where sidewalks would otherwise extend across the street.
- G. Lots, buildings, streets and related structures shall be organized in as compact an arrangement as possible to promote a form of development characteristic of a campus-like setting.
- H. Buildings shall be designed with the gable end facing the street frontage(s).
- I. Landscaping shall be an essential feature of any personal-care facility. At least 60% of the lot area shall be landscaped. All landscaping shall comply with § 275-214.
- J. Bus stop shelters, benches and other pedestrian amenities shall be provided.
- K. Other vertical infrastructure in the form of such elements as hedges, fences, walls, pergolas, gazebos, pavilions and the like are encouraged to add human scale and amenity.
- L. Parking shall be provided at the rate of 1/2 off-street parking space for each bed, plus one for each employee on the shift of greatest employment.
- M. All development shall be shown on a sketch plan to be submitted before any preliminary plan is filed. The sketch plan shall depict compliance with this article and other related ordinance requirements.
- N. The use shall meet all licensing and certification requirements of state and other regulating agencies.
- O. The applicant shall submit a report to describe compliance with the provisions of this article and other related ordinance requirements.
- P. Notwithstanding § 275-200, the maximum height of a fence constructed and used in connection with a personal care facility shall be eight feet. **[Added 6-10-2019 by Ord. No. 805]**

**§ 275-29. Day-care center regulations. [Amended 7-24-1995 by Ord. No. 254; 10-23-1995 by Ord. No. 559]**

- A. The proposed development must conform to all standards and criteria for conditional uses in Article XXXVI and all other articles, sections, ordinances and regulations referred to therein. If, in the opinion of Township Council, the proposed development does not conform to such standards and criteria or to the requirements of this section, the application for the approval of the conditional use may be denied.
- B. The proposed use must have at least 200 feet of frontage along those portions of Route 352 or Route 452, which are on or north of Route 1.
- C. All development shall be served by public sewer and public water.
- D. All signage shall comply with Article XXXII. However, all signage shall be 1/3 smaller than the sizes set forth in Article XXXII.
- E. Crosswalks shall be line-stripped across all streets at intersections or where sidewalks would otherwise extend across the street.

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- F. Lots, buildings, streets and related structures shall be organized in as compact an arrangement as possible to promote a form of development characteristic of a campus-like setting.
- G. Buildings shall be designed with the gable end facing the street frontage(s).
- H. Landscaping shall be an essential feature of any day-care facility. At least 60% of the lot area shall be landscaped. All landscaping shall comply with § 275-214.
- I. The provision of day-care services shall be limited to infants through kindergarten, except during summer programs, in which case services may be extended to children through the third-grade level.
- J. Playground areas shall be completely enclosed with fencing, walls, buildings or a combination thereof.
- K. Parking shall be provided in accordance with requirements for private kindergarten or child institutional home in § 275-182.
- L. All development shall be shown on a sketch plan to be submitted before any preliminary plan is filed. The sketch plan shall depict compliance with this article and other related ordinance requirements.
- M. The use shall meet all licensing and certification requirements of state and other regulating agencies.
- N. The applicant shall submit a report to describe compliance with the provisions of this article and other related ordinance requirements.

ARTICLE VII  
**R-3 Residence District**

**§ 275-30. Purpose.**

The R-3 Residence District is designed primarily to make provisions for single-family residential development at low and moderate suburban-type densities; to relate residential density to environmental and health concerns by limiting development to low density where water and sewer are to be on-lot, but allowing moderate suburban-type densities when public sewer or public water service is used; and to maintain the identify and character of existing suburban-type residential neighborhoods.

**§ 275-31. Use regulations. [Amended 1-8-1990 by Ord. No. 461]**

A. Permitted principal uses. A building may be erected, altered or used and land may be used or occupied, subject to the provisions in Articles XXIX and XXX, for any of the following uses and for no other:

- (1) Single-family detached dwelling.
- (2) Park or recreation area.
- (3) Woodlands, silviculture, wildlife and nature preserve or other open space use.
- (4) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**

B. Accessory uses.

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in Subsection A herein, and as governed by the general provisions for accessory uses in Article XXXIII.
- (2) Private parking space and private garage, in accordance with the off-street parking and loading regulation in Article XXXI.
- (3) Private (noncommercial) swimming pool, tennis court or other private recreational facility, for the use and enjoyment of residents and their guests, subject to the general provisions for such accessory uses in Article XXXIII.
- (4) Signs, in accordance with the sign regulations in Article XXXII.
- (5) Accessory uses must comply with the general provisions for accessory uses in Article XXXIII.

C. Conditional uses.

- (1) Agricultural uses and buildings, subject to the provisions in Article XXXI.
- (2) Cultural, religious and charitable uses.
- (3) Conversion of single-family detached dwellings to apartments, subject to the general provisions for conversions in Article XXXIII.
- (4) Home professional office and home occupation, subject to the general provisions for home professional offices and home occupations in Article XXXIII.

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- (5) Public utility and governmental uses subject to the provisions in Article XXXIII.
- (6) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter. **[Added 3-8-1999 by Ord. No. 595]**

**§ 275-32. Height regulations.**

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXXIV.

**§ 275-33. Area and bulk regulations. [Amended 1-8-1990 by Ord. No. 461]**

Except as restricted under Articles XXIX and XXX, the following area and bulk regulations shall apply:

A. Residential dwelling units.

- (1) Lots with on-lot sewage disposal systems and on-lot water supply systems shall meet or exceed the following standards.
- (a) Minimum lot area: one acre for each principal permitted building.
  - (b) Minimum lot width at building line: 120 feet.
  - (c) Minimum lot width at street line: 50 feet.
  - (d) Maximum impervious surface area: 40% of the area of the subdivision tract.
  - (e) Maximum building coverage area: 20% of the area of the subdivision.
  - (f) Minimum depth of each front and rear yard: 50 feet.
  - (g) Minimum aggregate width of side yards: 60 feet.
  - (h) Minimum width of each side yard: 25 feet.
  - (i) Minimum width for yard abutting a street on a corner lot: 50 feet.
- (2) Lots with public sewer but no public water shall meet or exceed the following standards:
- (a) Minimum lot area: 1/2 acre for each principal permitted building.
  - (b) Minimum lot width at building line: 100 feet.
  - (c) Minimum lot width at street line: 50 feet.
  - (d) Maximum impervious surface area: 45% of the area of the subdivision tract.
  - (e) Maximum building coverage area: 20% of the area of the subdivision tract.
  - (f) Minimum depth of each front and rear yard: 35 feet.
  - (g) Minimum aggregate width of side yards: 45 feet.
  - (h) Minimum width of each side yard: 20 feet.

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(i) Minimum width for yard abutting a street on a corner lot: 35 feet.

(3) Lots with public sewer and public water shall meet or exceed the following standards:

(a) Minimum lot area: 1/4 acre for each principal permitted building.

(b) Minimum lot width at building line: 70 feet.

(c) Minimum lot width at street line: 50 feet.

(d) Maximum impervious surface area: 50% of the area of the subdivision tract.

(e) Maximum building coverage area: 25% of the area of the subdivision tract.

(f) Minimum depth of each front and rear yard: 30 feet.

(g) Minimum aggregate width of side yards: 30 feet.

(h) Minimum width of each side yard: 10 feet.

(i) Minimum width for yard abutting a street on a corner lot: 30 feet.

B. Other uses. The area and bulk regulations for certain conditional uses shall be as follows:

(1) Agricultural uses shall meet or exceed the area and bulk regulations started at Subsection A(1).

(2) Cultural, religious and charitable uses.

(a) Minimum lot area: five acres.

(b) Minimum lot width at building line: 200 feet.

(c) Minimum lot width at street line: 150 feet.

(d) Maximum total impervious surface area: 35%.

(e) Maximum building coverage: 15%.

(f) Minimum depth of each front and rear yard: 100 feet.

(g) Minimum width of each side yard: 50 feet.

(3) For all other conditional uses, the area and bulk regulations shall either be those set forth in Subsection A(1) or B(2) above, depending on which uses the particular conditional use in question is most similar to.

ARTICLE VIII  
**R-4 Residence District**

**§ 275-34. Purpose.**

The R-4 Residence District is designed primarily to make provision for single-family detached and semidetached residential development at low and moderate suburban-type densities; to relate single-family residential density to environmental and health concerns by limiting single-family development to low density when water and sewer services are to be on-lot, but allowing moderate suburban-type densities when public sewer or public sewer and water services are used; to make provision for townhouse development at moderate suburban-type densities when public sewer and water is used and the size of the tract is adequate to ensure that such development will result in substantial open space areas; and to preserve the identity and character of the existing residential development. This district is intended to provide for economically feasible development alternatives for land which may be subject to natural constraints such as steep slopes, high water table or shallow bedrock.

**§ 275-35. Use regulations.**

A. Permitted principal uses. A building may be erected, altered or used, and land may be used or occupied, subject to the provisions of Articles XXIX and XXX, for any of the following uses and for no other:

- (1) Single-family detached dwelling.
- (2) Single-family semidetached dwellings (twin or duplex dwelling units).
- (3) Park or recreation area.
- (4) Open space for recreation and conservation purposes.
- (5) Woodlands, silvaculture, wildlife and nature preserve or other conservation use.
- (6) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**

B. Accessory uses.

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in Subsection A herein, and as governed by the general provisions for accessory uses in Article XXXIII.
- (2) Private parking space and private garage, in accordance with the off-street parking and loading regulation in Article XXXI.
- (3) Private (noncommercial) swimming pool or other private recreational facility, for the use and enjoyment of residents and their guests, subject to the general provisions for such accessory uses in Article XXXIII. **[Added 7-24-2006 by Ord. No. 675]**
- (4) Signs, in accordance with the sign regulations in Article XXXII.
- (5) Accessory uses must comply with the general provisions for accessory uses in Article XXXIII. **[Added 7-24-2006 by Ord. No. 675]**

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C. Conditional uses.

- (1) Agricultural uses and buildings, subject to the provisions in Article XXXIII.
- (2) Conversion of single-family detached dwellings to apartments, subject to the general provisions for conversions in Article XXXIII.
- (3) Home professional office, home occupation subject to the general provisions for home professional offices and home occupations in Article XXXIII.
- (4) Cultural, religious and charitable uses.
- (5) Public utility and governmental uses subject to the provisions of Article XXXIII.
- (6) Single-family attached dwellings (townhouse, quadruplex and like dwelling units).
- (7) Communications antennas mounted on an existing public utility transmission tower, building, or other structure and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter. **[Added 3-8-1999 by Ord. No. 595]**
- (8) Campus mixed use development, subject to the area and bulk regulations and design standards contained in § 275-38.1. **[Added 12-23-2013 by Ord. No. 744]**

**§ 275-36. Height regulations.**

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXXIV.

**§ 275-37. Area and bulk regulations. [Amended 1-8-1990 by Ord. No. 461]**

Except as restricted under Articles XXIX and XXX, the following area and bulk regulations shall apply:

- A. Single-family detached residential dwelling units with on-lot sewage disposal systems and on-lot water supply systems shall meet or exceed the following standards:
  - (1) Minimum lot area: one acre.
  - (2) Minimum lot width at building line: 120 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum impervious surface: 40%.
  - (5) Maximum building coverage: 20%.
  - (6) Minimum depth of front and rear yards: 50 feet.
  - (7) Minimum aggregate width of side yards: 60 feet.
  - (8) Minimum individual side yard: 25 feet.
  - (9) Minimum yard abutting the street on a corner lot: 50 feet.
- B. Single-family detached residential dwelling units with on-lot water supply but using public sewer service shall meet or exceed the following standards:

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- (1) Minimum lot area: 1/2 acre.
  - (2) Minimum lot width at building line: 100 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum impervious surface: 45%.
  - (5) Maximum building coverage: 20%.
  - (6) Minimum depth of front and rear yards: 35 feet.
  - (7) Minimum aggregate width of side yards: 45 feet.
  - (8) Minimum individual side yard: 20 feet.
  - (9) Minimum yard abutting the street on a corner lot: 35 feet.
- C. Single-family detached residential dwelling units using public sewer and water service shall meet or exceed the following standards:
- (1) Minimum lot area: 1/4 acre.
  - (2) Minimum lot width at building line: 70 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum impervious surface: 50%.
  - (5) Maximum building coverage: 25%.
  - (6) Minimum depth of front and rear yards: 30 feet.
  - (7) Minimum aggregate width of side yards: 30 feet.
  - (8) Minimum individual side yard: 10 feet.
  - (9) Minimum yard abutting the street on a corner lot: 30 feet.
- D. Single-family semidetached dwelling units with on-lot sewerage disposal and on-lot water supply systems shall meet or exceed the following standards:
- (1) All area and bulk regulations as provided in Subsection A above shall apply for each individual dwelling unit, except that the side yard requirements shall only apply to one side of the unit.
  - (2) The side yard for each semidetached dwelling unit shall be 30 feet.
- E. Single-family semidetached dwelling units using public sewer shall meet or exceed the following standards:
- (1) All area and bulk regulations as provided in Subsection B above shall apply for each individual dwelling unit, except that the side yard requirements shall only apply to one side of the unit.
  - (2) The side yard for each semidetached dwelling unit shall be 35 feet.
- F. Single-family semidetached dwelling units using public sewer and water service shall meet or exceed the following standards:

- § 275-37 (1) All area and bulk regulations as provided in Subsection C above shall apply for each individual dwelling unit, except that the side yard requirements shall only apply to one side of the unit. § 275-38
- (2) The side yard for each semidetached dwelling unit shall be 30 feet.
- G. Single-family attached dwelling units shall meet or exceed the following standards:
- (1) The maximum gross density for all such units shall be four dwelling units per acre, provided that such units are served by public sewer and public water and the overall tract size is at least 10 acres.
- (2) The design standards of § 275-38 shall be met for single-family attached dwelling units.
- H. Single-family attached dwelling units within a campus mixed use development shall be in conformity with the area and bulk regulations and design standards contained in § 275-38.1, Campus mixed use development. [Added 12-23-2013 by Ord. No. 744<sup>1</sup>]
- I. Other uses shall meet or exceed the following standards. The area and bulk regulations for the following conditional uses shall be as follows:
- (1) Agricultural uses.
- (a) The area and bulk regulations of Subsection A shall apply.
- (2) Cultural, religious and charitable uses.
- (a) Minimum lot area: five acres for each principal permitted building.
- (b) Minimum lot width at building line: 200 feet.
- (c) Minimum lot width at street line: 150 feet.
- (d) Maximum impervious surface area: 60%.
- (e) Maximum building coverage area: 15%.
- (f) Minimum depth of each front and rear yard: 100 feet.
- (g) Minimum aggregate width of side yards: 50 feet.
- (3) For all other conditional uses, the area and bulk regulations either shall be similar to those set forth in Subsection A or C above, depending on which uses the proposed uses are most similar to.

**§ 275-38. Design standards for single-family attached dwelling units.**

- A. General design standards. All single-family attached dwelling units shall meet or exceed the following standards:
- (1) All performance standards in the open space provisions in Article XXXV shall be followed.
- (2) The topography features of the site and the direction of prevailing winds and solar orientation shall be considered in planning, designing, locating, orienting and constructing all residential buildings and other structures to improve the aesthetic design and energy efficiency of the

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1. Editor's Note: This ordinance also redesignated former Subsection H as Subsection I.

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development. The development plans shall show and supplemental notes shall explain how these factors are incorporated into the design.

- (3) Residential buildings and other structures shall be located, oriented and designed to create architectural interest and to preserve areas of environmental concern and further the amenities of light and air, recreation and visual enjoyment.
- (4) Residential buildings and other structures shall be located and situated to promote pedestrian and visual access to open space, in accordance with the provisions of Article XXXV.
- (5) Single-family attached dwellings shall be designed and constructed in staggered groups and not in long rows parallel to street or property lines. The arrangement of such units shall create a physical and visual distinctions in the lines of the facades and the roofs. Such distinction shall be achieved through the use of varied floor plans for adjoining units and alternating the projections and angles of exterior walls and roofs, exterior fencing and other diversified space articulating techniques.
- (6) All housing shall be sited so as to enhance privacy.
- (7) Development near the perimeter of the property shall be designed to be harmonious with neighboring land uses and shall be screened from such other uses by landscaped buffer areas.
- (8) All utilities shall be placed and/or installed underground.
- (9) Refuse stations to serve residential and recreational areas shall be designed with suitable screening, located so as to be convenient for trash removal and not offensive to nearby residential areas.

B. Dimensional standards.

- (1) The length of any building shall not exceed six dwelling units in any single direction.
- (2) No residential building shall be closer than 100 feet to the perimeter property line, and no other structure shall be less than 50 feet from such line, except for signs and those structures associated with ingress and egress, landscaping, lighting standards and benches.
- (3) A buffer planting strip shall be provided within the setback from property lines. Such buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township.
- (4) No common parking area shall be closer than 25 feet to any single-family attached residential building and shall be screened from the building to prevent direct glare from headlights and the like. However, common parking areas assigned to a particular dwelling unit shall not be more than 100 feet away from such unit.
- (5) No principal building shall be erected closer than 100 feet to another principal building.
- (6) A buffer planting strip shall be provided between any two principal buildings in accordance with the approved landscaping plan.

C. Open space standards.

- (1) A minimum of 30% of the tract shall be designated as, restricted to and used for open space uses, subject to the provisions of Article XXXV.

**§ 275-38.1. Campus mixed use development. [Added 12-23-2013 by Ord. No. 744]**

A. Conditions of eligibility.

- (1) Each campus mixed use development tract shall meet or exceed the following:
  - (a) Contain a minimum of 50 gross acres (excluding existing public road right-of-way).
  - (b) Shall be located not more than one mile from public transportation.
  - (c) Shall have two entrances with access to and from a main arterial roadway (e.g., U.S. Route 1 - Baltimore Pike) with not less than one signalized intersection.
  - (d) Shall be served by public sewer and public water.

B. Use regulations.

- (1) Single-family attached dwellings (including duplexes, twins and townhouses) within the residential section of a campus mixed used development.
- (2) Community-related business uses within the commercial section of a campus mixed use development consisting of:
  - (a) Bank or other financial institutions with or without drive-up window and/or accessory ATM facilities.
  - (b) Personal service shops.
  - (c) Health and fitness facility, including ancillary services such as wellness, physical rehabilitation facilities and prevention health activities.
  - (d) Pharmacy, with or without drive-up window.
  - (e) Restaurant.
  - (f) Retail store.
  - (g) General or professional office.
  - (h) Day-care center.

C. Area and bulk regulations.

- (1) Residential section. Single-family attached dwelling units within the residential section of a campus mixed use development shall comply with the following area and bulk regulations:
  - (a) Minimum/maximum area of residential section: Not less than 88% nor more than 98% of a campus mixed use development tract shall consist of single-family attached units.
  - (b) Maximum gross density: Four dwelling units per acre of the gross acreage within the residential section of a campus mixed use development.
  - (c) Minimum lot area for a single-family attached unit:
    - [1] Dwelling units with front garage access: 2,100 square feet;
    - [2] Dwelling units with rear garage access: 1,100 square feet.

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- (d) Minimum depth of front yard:
- [1] Dwelling units with front garage access: 23 feet from edge of private street line;
  - [2] Dwelling units with rear garage access: 10 feet from edge of private street line.
- (e) Minimum depth of rear yard:
- [1] Dwelling units with front garage access: 15 feet from rear lot line;
  - [2] Dwelling units with rear garage access: End dwelling units shall be a minimum of 10 feet from the edge of the private alley line. Interior dwelling units shall be a minimum of 23 feet from the edge of the private alley line. Interior dwelling units may be designed with recessed garages to satisfy the required minimum rear yard in which event the depth of the rear yard shall be measured from the foundation wall of such dwelling unit to the edge of the private alley line as depicted in the Alley Cross Section in Appendix B Design Guidelines.<sup>2</sup> Notwithstanding § 275-199I of Article XXXIII, decks, patios and uncovered spaces on all lots may encroach into the required rear yards by no more than eight feet.
- (f) Minimum side yard of all end dwelling units: five feet except for end dwelling units which face a private street, which shall have a minimum setback of 10 feet from the private street line. Interior attached units shall have common boundary lines with zero side yard setbacks.
- (g) Maximum number of attached units in a building: six units.
- (h) Maximum length of a residential building: 160 feet.
- (i) Minimum distance between buildings: 25 feet.
- (j) Maximum building height: three stories or 40 feet, whichever is greater, except as provided in Article XXXIV, § 275-211.
- (k) Required parking. A minimum overall parking ratio of 4.5 parking spaces per dwelling unit shall be provided within the residential section of a campus mixed use development. Each dwelling unit shall have a minimum of three on-lot parking spaces, which shall include garage parking spaces. Notwithstanding the requirements of § 275-184B of Article XXXI, for purposes of this section, an on-lot driveway parking area having a minimum width of 18 feet and a minimum length of 19 feet shall be deemed to constitute two on-lot parking spaces. The on-lot parking requirement with respect to an end dwelling unit with rear garage access may be satisfied by the permanent, exclusive assignment of one off-lot parking space to such end dwelling unit, so long as each assigned parking space is not more than 60 feet from the habitable ground floor area of the end dwelling unit to which such parking space is assigned. End dwelling units with rear garage access and with assigned off-lot parking spaces shall conform to the knee wall detail depicted in Appendix B Design Guidelines.<sup>3</sup> The remainder of the minimum number of required parking spaces shall be provided by overflow parking. For purposes of this section, the term "overflow parking" shall mean permitted on-street parking spaces and parking spaces provided in common, off-street parking areas conforming to the requirements of § 275-38.1D(3)

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2. Editor's Note: Appendi□B is included as an attachment to this chapter.

3. Editor's Note: Appendi□B is included as an attachment to this chapter.

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below. Required overflow parking shall be subject to the reserve parking provisions of § 275-189. On-street parking on one side of the street shall be permitted.

- (2) Commercial section. Community-related business uses within the commercial section of a campus mixed use development shall comply with the following area and bulk requirements:
  - (a) Minimum/maximum area: Not less than 2% nor more than 12% of a campus mixed use development tract shall consist of community-related business uses.
  - (b) Maximum building coverage: 30% of the gross acreage within the commercial section but not more than 60,000 square feet.
  - (c) Maximum impervious coverage area: 75% of the gross acreage contained within the commercial section.
  - (d) Maximum floor area within a single building: The gross floor area of a single building shall not exceed 25,000 square feet.
  - (e) Minimum depth of front yard: 100 feet from a public road right-of-way.
  - (f) Minimum setback of parking from public road right-of-way: 45 feet.
  - (g) Minimum depth of side yard: 20 feet.
  - (h) Minimum depth of rear yard: 20 feet.
  - (i) Minimum distance between buildings: 40 feet.
  - (j) Minimum distance of building from edge of private street cartway: 20 feet.

D. Design standards applicable to the residential section of a campus mixed use development.

- (1) All single-family attached dwelling units shall meet or exceed the standards set forth in § 275-38A.
- (2) No dwelling units shall be less than 22 feet in width.
- (3) Common off-street parking areas. Common off-street parking areas shall be provided in segregated areas of not more than 15 parking spaces. All common off-street parking stalls shall be a minimum size of 9 1/2 feet by 19 feet. Common, off-street parking areas shall not be closer than 12 feet to the garage of any single-family attached residential building or 15 feet to the habitable ground floor area of any dwelling unit. Segregated common, off-street parking areas containing 10 or fewer parking spaces shall not be subject to the provisions and requirements of § 275-188 (screening and landscaping requirements) of Article XXXI.

E. Design standards applicable to the commercial section of a campus mixed use development:

- (1) Parking. Community-related business uses shall provide parking in conformity with Article XIXA, SU-1-A Mixed Use District, § 275-117.11.
- (2) Signage. Signage for the community-related business uses shall be governed by the provisions of Article XXXII of the Code, § 275-195B(3) relating to B-1 Neighborhood Shopping Center Districts.

F. Special design standards applicable to campus mixed use development - public improvement enhancements.

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- (1) Common controls/subdivision of sections. The areas comprising the residential section and the commercial section of a campus mixed use development shall be clearly designated on the applicant's land development plan. The private streets, private alleys, common areas and other common amenities of a campus mixed use development shall be owned, managed and maintained by a single entity. The commercial section of a campus mixed use development may be subdivided from the residential section and the private streets, private alleys, common areas and other common amenities in each such section may be separately owned, managed and maintained provided both subdivided sections are subject to a recorded declaration of covenants, easements and restrictions regarding private streets, private alleys, common areas and common amenities which shall be subject to the review and approval of Township Council.
- (2) Separate ownership of individual buildings or individual pads within the commercial section. Where the Township Council has approved a land development plan for a campus mixed use development meeting the requirements of § 275-38.1, an individual building or pad shown on the approved land development plan for the commercial section may be separately owned, leased, purchased, sold, mortgaged and developed as a unit created in accordance with the Uniform Planned Community Act, 68 P.S. § 5105 et seq., as the same may be amended from time to time, or as a unit created in accordance with the Uniform Condominium Act, 68 P.S. § 3101 et seq., as the same may be amended from time to time, subject to the following conditions:
  - (a) The development plan for the entire commercial section shall at all times remain compliant with the development standards applicable to the commercial section of the campus mixed use development; and
  - (b) The entire commercial section and all units created therein (and all mortgagees thereof) shall be subject to the terms and provisions of the declaration of the planned community or the declaration of condominium, as applicable, which shall be subject to the review and approval of the Township Council with respect to matters relating to land use and zoning.
- (3) Perimeter setback. No building or accessory structure shall be less than 100 feet from the perimeter boundary line of a campus mixed use development tract (except for signs and those structures associated with ingress and egress, lighting standards, stormwater management facilities, retaining walls, benches and the like) unless the proposed development abuts a nonresidential, commercial use, a perpetually preserved conservation area, parkland or open space, in which case the Township Council may, upon request of the applicant, decrease the perimeter setback applicable to building to a minimum setback of 25 feet. Required rear yards may encroach into a perimeter setback no more than 15 feet.
- (4) Buffer planting strip. A buffer planting strip shall be provided within the setback from the perimeter boundary line of a campus mixed use development tract. The buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township Council. No buffer planting strip shall be required where the campus mixed use development tract abuts a nonresidential commercial use, a perpetually preserved conservation area, parkland or open space. Existing trees and foliage of a quality and density satisfactory to the Township shall be credited to satisfy any minimum buffer planting strip requirement.
- (5) Open space. A minimum of 35% of the campus mixed use development tract shall be designated as, restricted to and used for open space uses, subject to the provisions of Article XXXV.

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- (6) Active recreational facilities. Notwithstanding § 275-222E(1), not less than 1% of the required open space area shall be set aside for active recreational facilities including, but not limited to, a community recreation building, gazebo, pavilion for sheltered outdoor activities, clubhouse, swimming pool, multipurpose sports court, swings, tennis courts, bocce ball courts, and basketball courts, as depicted on Appendix B Design Guidelines.<sup>4</sup> The total cost of active recreational facilities, and the total cost of public improvement enhancements in the nature of active recreational facilities shall be applied as a credit against the recreational fee in lieu of active recreational facilities that would otherwise be payable by an applicant pursuant to § 275-222E(1) and § 210-41 of the Subdivision and Land Development Ordinance.
- (7) Pedestrian gathering areas. Not less than 1% of the required open space area shall be built and maintained in the form of greens, plazas, pocket parks, and green courts, as depicted on Appendix B Design Guidelines.<sup>5</sup>
- (8) Private streets/private alleys. All streets and alleys within a campus mixed use development shall be owned by the ownership entity or entities designated in accordance with § 275-38.1F(1) above, shall conform to the street and alley cross sections depicted in Appendix B Design Guidelines and shall comply with the following standards:<sup>6</sup>
  - (a) One-way boulevard streets shall have a minimum paved cartway of 16 feet to the inside face of curb.
  - (b) Two-way internal streets with no on-street parking shall have a minimum paved cartway of 24 feet to the inside face of curb.
  - (c) Two-way internal streets with on-street parallel parking on one side only shall have a minimum paved cartway width of 30 feet to the inside face of curb, including parallel parking spaces. Parallel parking spaces shall measure a minimum of seven feet by 22 feet.
  - (d) One-way internal alleys shall provide a minimum of 16 feet paved cartway with no parking.
  - (e) A two-way internal alley shall provide a minimum of 18 feet cartway with no parking.
  - (f) There shall be a minimum center-line curve radius ("curve radius") of 50 feet for internal streets, provided that a two-way main thoroughfare street shall have a minimum curve radius of 75 feet.
  - (g) There shall be a minimum sidewalk width of 4 1/2 feet. Curbs shall be vertical concrete curbs with reinforced concrete at driveway curb cuts or, in the alternative, vertical or splayed Belgium block.
  - (h) Cul-de-sac streets shall have a minimum radius of 50 feet and a maximum length of 750 feet and shall serve no more than 50 single-family attached dwelling units.
- (9) Roadway improvements connecting abutting parcels. Shared driveways, service drives and accessways with appropriate easements shall be constructed, where feasible, to provide access to abutting parcels as a part of an overall Township traffic improvement benefit.
- (10) Internal roadway improvements. Internal vehicular circulation connector(s) between the

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4. Editor's Note: Appendi□B is included as an attachment to this chapter.

5. Editor's Note: Appendi□B is included as an attachment to this chapter.

6. Editor's Note: Appendi□B is included as an attachment to this chapter.

- § 275-38.1 commercial and residential sections shall be installed, where feasible, in order to reduce external vehicle trips by residents of the residential sections who might otherwise use existing public roads. § 275-38.1
- (11) Landscaping. Except as otherwise provided in § 275-38.1D(3) above and § 275-38.1F(4) above, the provisions of Article XXXIV, § 275-214, with respect to landscaping shall apply to a campus mixed use development.
- (12) Public and private streetscape enhancements.
- (a) Additional landscaping at least 10% above the minimum requirements of Article XXXIV, § 275-214, shall be provided in and along public and private streets;
- (b) Two or more of the following streetscape amenities (as depicted in Appendix B Design Guidelines<sup>7</sup>) shall be provided along public and private streets: decorative/ornamental lighting; street furniture (benches); unit-paver crosswalks; and Belgium block curbs.
- (13) Public trails.
- (a) An eight-foot-wide low-impact public pedestrian trail shall be constructed in a campus mixed use development tract which shall connect existing, contiguous Township-owned parkland to a public street or to the commercial section.
- (b) The low-impact public pedestrian trails shall be maintained in a passable condition by either a recognized conservation organization (e.g., Natural Lands Trust) or the entity which is designated to own and control the private streets, private alleys, common areas and other common amenities of the residential section and/or the commercial section of a campus mixed use development.
- (14) Design Guidelines. The details and design specifications depicted on Appendix B Design Guidelines<sup>8</sup> are incorporated herein and shall be consulted and utilized in developing the land development plan for a campus mixed use development.

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7. Editor's Note: Appendix B is included as an attachment to this chapter.

8. Editor's Note: Appendix B is included as an attachment to this chapter.

ARTICLE IX  
**R-5 Residence District**

**§ 275-39. Purpose.**

The R-5 Residence District is designed primarily to make provisions for single-family detached and semidetached residential development at low and moderate suburban-type densities; to relate single-family residential density to environmental health concerns by limiting single-family development to low density when water and sewer service are to be on-site, but allowing moderate suburban-type densities when public sewer or public water are used; to make provision for townhouse and multifamily development when public sewer and water are used and the size of the tract is adequate to ensure that the development will result in substantial open space and landscaped areas and that the development can be designed to be compatible with the lower-density single-family character of most of the Township; and to preserve the identity and character of existing residential development.

**§ 275-40. Use regulations. [Amended 1-8-1990 by Ord. No. 461]**

A. Permitted principal uses. A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Articles XXIX and XXX, for any of the following uses and for no other:

- (1) Single-family detached dwellings.
- (2) Single-family semidetached dwellings (twin or duplex dwelling units).
- (3) Park or recreation areas.
- (4) Open space for recreation and conservation purposes.
- (5) Woodlands, silviculture, wildlife and nature preserve or other conservation uses.
- (6) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**

B. Permitted accessory uses.

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in Subsection A herein, and as governed by the general provisions for accessory uses in Article XXXIII.
- (2) Private parking spaces and private garages in accordance with the off-street parking and loading regulations in Article XXXI.
- (3) Signs, in accordance with the sign regulations in Article XXXII.
- (4) Accessory uses must comply with the general provisions for accessory uses in Article XXXIII, except that swimming pools, as defined in the definitions section, are excluded.

C. Conditional uses.

- (1) Agricultural uses and buildings, subject to the provisions in Article XXXIII.
- (2) Conversion of single-family detached dwellings to apartments, subject to the general provisions for conversions in Article XXXIII.

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- (3) Home professional offices and home occupations, subject to the provisions for the same in Article XXXIII. § 275-42
- (4) Cultural, religious and charitable uses.
- (5) Public utility and governmental uses, subject to the provisions in Article XXXIII.
- (6) Single-family attached dwellings (townhouse, quadruplex and like dwelling units).
- (7) Apartments.
- (8) Communications antennas mounted on an existing public utility transmission tower, building or other structure and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV and all other standards and criteria for approval of conditional uses in this chapter. **[Added 3-8-1999 by Ord. No. 595]**

**§ 275-41. Height regulations.**

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXXIV.

**§ 275-42. Area and bulk regulations. [Amended 1-8-1990 by Ord. No. 461]**

Except as restricted under Articles XXIX and XXX, the following area and bulk regulations shall apply:

- A. Single-family detached residential dwelling units with on-lot sewerage disposal and water supply systems shall meet or exceed the following standards:
- (1) Minimum lot area: one acre.
  - (2) Minimum lot width at building line: 120 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum impervious surface: 40%.
  - (5) Maximum building coverage: 20%.
  - (6) Minimum depth of front and rear yards: 50 feet.
  - (7) Minimum aggregate width of side yards: 60 feet.
  - (8) Minimum individual side yard: 25 feet.
  - (9) Minimum yard abutting the street on a corner lot: 50 feet.
- B. Single-family detached residential dwelling units with on-lot water supply but using public sewer service shall meet or exceed the following standards:
- (1) Minimum lot area: 1/2 acre.
  - (2) Minimum lot width at building line: 100 feet.
  - (3) Minimum lot width at street line: 50 feet.
  - (4) Maximum impervious surface: 45%.

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- (5) Maximum building coverage: 20%.
  - (6) Minimum depth of front and rear yards: 35 feet.
  - (7) Minimum aggregate width of side yards: 45 feet.
  - (8) Minimum individual side yard: 20 feet.
  - (9) Minimum yard abutting the street on a corner lot: 35 feet.
- C. Single-family detached residential dwelling units using public sewer and water service shall meet or exceed the following standards:
- (1) Minimum lot area: 1/4 acre.
  - (2) Minimum lot width at building line: 70 feet.
  - (3) Minimum width at street line: 50 feet.
  - (4) Maximum impervious surface: 50%.
  - (5) Maximum building coverage: 25%.
  - (6) Minimum depth of front and rear yards: 30 feet.
  - (7) Minimum aggregate width of side yards: 30 feet.
  - (8) Minimum individual side yard: 10 feet.
  - (9) Minimum yard abutting the street on a corner lot: 30 feet.
- D. Single-family semidetached dwelling units with on-lot sewage disposal and water supply systems shall meet or exceed the following standards:
- (1) All area and bulk regulations as provided in Subsection A shall apply for each individual dwelling unit, except that the side yard requirements shall only apply to one side of the unit.
  - (2) The side yard for each semidetached dwelling unit shall be 50 feet.
- E. Single-family semidetached dwelling units with on-lot water supply but using public sewer service shall meet or exceed the following standards:
- (1) All area and bulk regulations as provided in Subsection B shall apply for each individual dwelling unit, except that the side yard requirements shall only apply to one side of the unit.
  - (2) The side yard for each semidetached dwelling unit shall be 35 feet.
- F. Single-family semidetached dwelling units using public sewer and water service shall meet or exceed the following standards:
- (1) All area and bulk regulations as provided in Subsection C shall apply for each individual dwelling unit, except that the side yard requirements shall only apply to one side of the unit.
  - (2) The side yard for each semidetached dwelling unit shall be 30 feet.
- G. Single-family attached dwelling units shall meet or exceed the following standards:
- (1) The maximum gross density for all such units shall be six dwelling units per acre.

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- (2) All such units must be served by public sewer and public water service.
- (3) The tract shall be a minimum of 15 acres in size.
- (4) The design standards of § 275-43 shall be met for all such dwelling units.

H. Multifamily dwelling units (apartments) shall meet or exceed the following standards:

- (1) The maximum gross density for all such units shall be eight dwelling units per acre.
- (2) All such units must be served by public sewer and water service.
- (3) The tract shall be a minimum of 15 acres in size.
- (4) The design standards of § 275-43 shall be met for all such dwelling units.

I. Other uses shall meet or exceed the following standards. The area and bulk regulations for the following conditional uses shall be as follows:

- (1) Agricultural uses.
  - (a) The area and bulk regulations of Subsection A shall apply.
- (2) Cultural, religious and charitable uses.
  - (a) Minimum lot area: five acres for each principal permitted building.
  - (b) Minimum lot width at building line: 200 feet.
  - (c) Minimum lot width at street line: 150 feet.
  - (d) Maximum impervious surface area: 60%.
  - (e) Maximum building coverage area: 15%.
  - (f) Minimum depth of each front and rear yard: 100 feet.
  - (g) Minimum aggregate width of side yards: 50 feet.
- (3) For all other conditional uses, the area and bulk regulations shall either be similar to those set forth in Subsections A through F above, depending on which uses the proposed use is most similar to.

**§ 275-43. Design standards for single-family attached and multifamily (apartment) dwelling units.**

A. General design standards.

- (1) All performance standards in the open space provisions of Article XXXV shall be followed.
- (2) The topography and natural features of the site and the direction of prevailing winds and solar orientation shall be considered in planning, designing, locating, orienting and constructing all residential buildings and other structures to improve the aesthetic design and energy efficiency of the development. The development plans shall show and supplemental notes shall explain how these factors are incorporated into the design.
- (3) Residential buildings and other structures shall be located, oriented and designed to create architectural interest and to preserve areas of environmental concern and further the amenities

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of light and air, recreation and visual enjoyment.

- (4) Residential buildings and other structures shall be located and situated to promote pedestrian and visual access to open space, in accordance with the provisions of Article XXXV.
- (5) Single-family attached dwellings shall be designed and constructed in staggered groups and not in long rows parallel to street or property lines. The arrangement of such units shall create a physical and visual distinction in the lines of the facades and the roofs. Such distinctions shall be achieved through the use of varied floor plans for adjoining units and alternating the projections and angles of exterior walls and roofs, exterior fencing and other diversified space articulating techniques.
- (6) Multifamily (apartment) buildings shall be designed and constructed in staggered groups and not in long rows parallel to street or property lines. The arrangement of such buildings shall create a visual and physical distinction in the lines of the facades and the roofs.
- (7) All housing shall be sited so as to enhance privacy.
- (8) Development near the perimeter of the property shall be designed to be harmonious with neighboring land uses and shall be screened from such other uses by landscaped buffer areas.
- (9) All utilities shall be placed and/or installed underground.
- (10) Refuse stations to serve residential and recreational areas shall be designed with suitable screening, located so as to be convenient for trash removal and not offensive to nearby residential areas.

B. Dimensional standard's.

- (1) The length of any single-family attached dwelling shall not exceed six dwelling units in any single direction.
- (2) The length of any multifamily building shall not exceed 175 feet in any single direction.
- (3) No building shall be less than 100 feet from the perimeter property line, and no accessory structure shall be less than 50 feet from such line, except for signs and those structures associated with ingress and egress, lighting standards, benches and the like.
- (4) A buffer planting strip shall be provided in the property line setback area. Such buffer planting strip shall be no less than 20 feet in width and shall contain landscaping in accordance with a landscaping plan approved by the Township.
- (5) No common parking area shall be closer than 25 feet to any single-family attached residential building or multifamily building and shall be screened from any such buildings to prevent direct glare from headlights and other lights. However, common parking areas assigned to particular dwelling units shall not be more than 100 feet from another principal building.
- (6) A buffer area shall be provided between any principal buildings, in accordance with the approved landscaping plan.

C. Open space standards.

- (1) A minimum of 30% of the tract shall be designated as, restricted to and used for open space uses, subject to the provisions in Article XXXV.

ARTICLE XI  
**PRD Planned Residential Development Districts**

**§ 275-49. Purpose.**

A. The provisions of this article are enacted for the following purposes:

- (1) To respond to increasing urbanization and the growing demands for housing of various types and designs.
- (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 encourage more efficient allocation and maintenance of open space for conservation and active and passive recreation.
- (4) To provide greater opportunities for better housing and recreation for all who are or will be residents of the Township.
- (5) To encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may inure to the benefit of those who require housing.
- (6) To encourage sensitive land development which will respect and conserve such natural features and resources of the land as floodplain and flood-prone areas, important farmlands, steep and very steep slopes, watercourses and water bodies, groundwater and aquifer recharge areas, forested areas, terrestrial and aquatic wildlife habitats, historic and cultural sites, visual resources and other features of importance to the vitality of natural and cultural resources.
- (7) To provide a procedure which can relate the type, design and layout of residential development to the particular site and to 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.

**§ 275-50. Administration.**

The administration of the procedures concerning the application for and approval of planned residential developments (PRD) shall be vested solely in the Township Council. However, all applications for tentative and final approval of plans for such developments first shall be referred to the Delaware County and Middletown Township Planning Commissions for their review and comment.

**§ 275-51. Conditions of eligibility.**

No application for planned residential development shall be submitted, considered or approved unless the following conditions are met:

- A. Any tract of land proposed for development shall be in one ownership or in case of multiple ownership and/or several parcels, evidence shall be presented of a written agreement between the parties and owners involved that development will be in accordance with a single plan with common authority and common responsibility.

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- B. All ownership interests in any tract or in any adjacent tract shall be disclosed in the tentative and final plans.
- C. The development will be served by public sewer and public water systems, which shall be constructed and operational, and having the assured capacity to serve the development at the time occupancy of the structures in the development begins; and the feasibility for such construction and operation shall be demonstrated to the satisfaction of the Township Council at the time of the application for tentative plan approval, except that:
- (1) Single-family detached dwellings on lots of one acre or more may be served by an on-lot water supply system.
- D. The tentative and final plans shall provide a time schedule within which the owner or owners agrees to develop said land according to the plans submitted.
- E. In order to qualify under this chapter as a planned residential development (PRD), said development shall provide for a minimum of 70 acres of land. To achieve a sound relationship among components of the development, all lands in the proposed development shall be reasonably compact. If any portion of such tract is divided by an existing street or other public way from the remainder of the tract, the density requirements of § 275-54 shall be applied to each of the segments of land so divided, provided that this requirement may be modified by the Township Council on recommendation by the Planning Commission in any case where such modification is determined to be in the best interests of the Township.
- F. The land being used to qualify under this chapter shall be located in any area of the Township, with the following exceptions where planned residential development shall not be permitted:
- (1) Manufacturing and industrial districts.
  - (2) Outdoor recreation districts.
  - (3) The R-1A district.

**§ 275-52. Use regulations.**

A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Articles XXIX and XXX, for any of the following uses and no other:

- A. Principal permitted uses.
- (1) Single-family detached dwellings.
  - (2) Single-family attached dwellings.
  - (3) Common open space for recreation and conservation purposes, subject to the provisions in Article XXXV.
  - (4) Communications antennas mounted on an existing communications tower and communications equipment buildings, subject to the regulations set forth in § 275-216 of Article XXXIV. **[Added 9-14-1998 by Ord. No. 588; amended 3-8-1999 by Ord. No. 595]**
- B. Permitted accessory uses.
- (1) Uses customarily incidental to the uses permitted in Subsection A.

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- (2) Parking in accordance with Article XXXI.
- (3) Signs in accordance with Article XXXII.

C. Conditional uses.

- (1) Cultural, religious or charitable uses.
- (2) Private club for recreation, provided that the principal activity shall not be one which is customarily conducted as a business.
- (3) Communications antennas mounted on an existing public utility transmission tower, building or other structure, and communications equipment buildings.

**§ 275-53. Height regulations.**

The maximum height of dwellings and other structures erected, enlarged or used shall be 35 feet, except as provided in Article XXXIII.

**§ 275-54. Density, open space and dwelling unit composition.**

- A. The gross density shall not exceed that of the underlying zoning district.
- B. Not less than 50% of the total area of the property shall be designated as and devoted to common open space, subject to the provisions in Article XXXV.
- C. No less than 40% of the total number of dwelling units shall be single-family detached dwellings.
- D. No less than 10% of the total number of dwelling units shall be single-family attached dwelling units.
- E. In the case of a planned residential development (PRD) proposed to be developed over a period of time and in stages, a variation in the density of a stage to be developed may be permitted by the Township Council, subject to the condition that the density and uses as defined in this chapter and as shown on the final plan which is approved by the Township Council shall not be changed thereafter if the entire tract is not developed at one time and is developed in stages.

**§ 275-55. Area and bulk regulations. [Amended 1-8-1990 by Ord. No. 461]**

In addition to the setback requirements in § 275-56, the following shall apply:

- A. Where single-family detached dwelling units are proposed, the area and bulk regulations of § 275-26B(2) related to the R-2 District shall apply.
- B. Where single-family attached dwelling units are proposed, the design standards of § 275-38 related to the R-4 District shall apply.

**§ 275-56. Design standards.**

In addition to the design standards in Chapter 210, Subdivision and Land Development, the performance standards in the open space provisions and the standards of § 275-38, the following shall apply:

- A. General standards.
  - (1) A buffer area of at least 100 feet shall be provided, in accordance with Article XXXIV.

§ 275-56 (2) Fire hydrants shall be installed by the developer to meet the requirements of Appendix C of the International Fire Code, current edition, and the Township Fire Marshal.<sup>1</sup> § 275-56

B. Stormwater control.

- (1) The storm drainage system for a PRD shall be designed and constructed so as to minimize erosion and flooding, using as necessary, drainage easements, swales, catchment basins, silt traps and the design of cartways so as to minimize runoff.
- (2) Where existing storm sewers are deemed by the Township Council as being accessible, the Council may require that the proposed development connect therewith.
- (3) All stormwater management design standards shall be in accordance with the provisions for design standards and required improvements embodied in Chapter 210, Subdivision and Land Development, as may be amended from time to time.
- (4) Storm sewer systems for the development shall be designed, constructed and shall operate and be readily capable of being maintained to prevent concentration of stormwater runoff on adjacent developed or undeveloped properties and streets and other areas of impervious surface.
- (5) The design and construction of all storm drainage facilities and storm sewer systems shall be subject to the approval of the Township Engineer.

C. Soil erosion and sedimentation control.

- (1) Plans submitted for any PRD development shall conform to the guidelines for minimizing erosion and sedimentation as set forth in the Soil Erosion and Sedimentation Control Manual of the Pennsylvania Department of Environmental Protection prepared by the State Conservation Commission and Bureau of Water Quality Management and the USDA Natural Resources Conservation Service, as amended. In developing a plan for the control of erosion and sedimentation, the developer shall meet as a minimum the standards and specifications outlined in the aforementioned manual, as well as the standards set forth in Appendix C of the Erosion and Sediment Control handbook of the Delaware County Soil and Water Conservation District and those in Chapter 210, Subdivision and Land Development.

D. Other environmental controls.

- (1) In addition to the controls presented in the above subsections herein, all development in a PRD shall be governed by the environmental controls set forth in Article XXXIII, § 275-207 pertaining to such matters as noise, vibration, storage, glare and heat, fire and explosion and traffic control; and all plans, documents and other submissions in regard to any approval sought shall demonstrate compliance herewith to the Township Council.

E. Streets and pathways.

- (1) The street system of the planned residential development shall be designed so as to relate harmoniously with land uses within and adjacent to the development through the establishment of a hierarch of roadway functions which includes internal collector and local streets; to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas and pedestrian walkways; and to create efficient and safe connections with the existing road system of the municipality in order to insure proper

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 275-56 ingress and egress to and from the PRD and to minimize through traffic in residential areas. § 275-56

- (2) In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways shall be provided unless the Township Council determines that they are not necessary.
- (3) Curbs and sidewalks shall be required along streets in PRDs in accordance with Chapter 210, Subdivision and Land Development.
- (4) The design and construction of streets must conform to the standards set forth in Chapter 210, Subdivision and Land Development, relative to paving specifications, cartway design, horizontal and vertical alignment, sight distances and the like.

F. Parking.

- (1) All provisions in Article XXXI shall apply. However, in the case of apartments with three or more bedrooms, 2 1/2 parking spaces for each such unit shall be provided.
- (2) Off-street parking spaces shall not be less than nine feet in width and 18 feet in depth. However, 5% of the spaces shall not be less than 12 feet in width and 20 feet in depth and shall be reserved for the handicapped and so marked with an appropriate symbol.
- (3) Where parking spaces are grouped in lots, aisles at least 25 feet in width shall be provided.
- (4) Where parking spaces are grouped in lots, aisles at least 25 feet in width shall be provided.
- (5) No more than 60 parking spaces shall be accommodated in any single parking area.
- (6) All off-street parking and/or loading areas shall be surfaced with an asphaltic or portland cement pavement.

G. Lighting.

- (1) All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from adjacent residences.

H. Buffer area.

- (1) There shall be a buffer area between any building and the boundary line of such a planned residential development (PRD) or the right-of-way line of any abutting roadway. The buffer area shall be in accordance with Article XXXIV.
- (2) No building shall be placed within 150 feet of any such line. Any such buffer area shall be in addition to the yard area of any building abutting any boundary or right-of-way; provided, however, that the dimensions of the buffer are may be reduced to less than 150 feet in any case in which the full width of such buffer is determined to be unnecessary because of existing vegetation, topography, man-made barriers or other natural screening, but in no case less than 100 feet.

I. Tree conservation and landscaping.

- (1) Existing trees shall be preserved wherever possible. The protection of trees 12 inches or more in caliper (measured at a height 4 1/2 feet above the original grade) shall be a factor in determining the location of common open space, structures, underground utilities, walks and

§ 275-56 paved areas. Areas in which trees are to be preserved shall remain at original grade level and in an undisturbed condition. § 275-59

- (2) Where extensive natural tree cover and vegetation does not exist and cannot be preserved on the PRD site, landscaping shall be regarded as an essential feature of the PRD. In these cases, extensive landscaping shall be undertaken in order to enhance the appearance of the PRD, aid in erosion control, provide protection from wind and sun, screen streets and parking areas and enhance the privacy of the dwelling units in accordance with Article XXXIV.
- (3) Street trees shall be provided along all internal collector and local streets. No less than two four-inch-caliper trees shall be provided for each fifty-foot increment of street, wherein one tree shall be placed on each side of said street increment.
- (4) A landscaped buffer planting strip of 20 feet in width shall be provided along all perimeter property lines, except at points of vehicular ingress and egress and on pedestrian access ways.
- (5) Screening and landscaping requirements for parking areas are provided in Article XXXI.

**§ 275-57. Development in stages.**

An applicant may propose to develop the PRD District project in stages and the Township Council may approve same if the following criteria are met:

- A. The application for tentative approval covers the entire planned residential development and shows the location and time of construction for each stage in addition to other information required by this chapter.
- B. At least 35% of the dwelling units in the plan given tentative approval are included in the first stage.
- C. 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 25% of the dwelling units receiving tentative approval.
- D. In no case shall work on the current stage area include stripping or disturbance of woodland and forest or soils of any area set aside for later stages.
- E. All improvements within the particular stage shall be completed contemporaneously with the completion of construction of the dwellings of the stage.
- F. Any plans and other documents required by the Township Council to depict all of the foregoing and the limits thereof are submitted to, and approved by, the Township Council.

**§ 275-58. Location, ownership and maintenance of common open space.**

Refer to Article XXXV, Open Space Provisions.

**§ 275-59. Application for tentative approval.**

The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Township Manager. If the applicant is not the landowner, the executed consent of the landowner or evidence of the applicant's legal authority to make such an application shall be so filed. An initial deposit in the amount of \$1,000 to be applied against expenses associated with the processing and review of the application shall be paid upon filing the application. Additional deposits shall be made from time to time as requested by the Township to cover costs in reviewing and administering the application, not to

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exceed actual expenses. Seventeen copies of the application shall be submitted to the Township Manager for various required reviews. The application for tentative approval shall include all plans, documents, papers and submissions proving compliance with all the standards of this article. The Township Council may require such additional documentation as needed to aid them in review of the application and accompanying papers.

- A. Application for tentative approval shall include, but not be limited to, the following:
- (1) A statement indicating the nature of the applicant's and the landowner's interest in the project.
  - (2) A written statement by the applicant setting forth the reasons why the project would be in the public interest and would be specifically consistent with the Comprehensive Plan's goals and objectives and its recommendations for land use, community facilities and utilities, circulation and other matters therein recommended.
  - (3) A map indicating the location and size of the property and its relationship to surrounding properties, such map to be drawn at a scale of one inch equals 800 feet and showing all streets, roads, municipal boundaries, subdivisions, adjoining properties and designated open space within 2,500 feet of any part of the tract. In the case of development of a section of the entire tract, the key map shall show the relationship of the section to the entire tract.
  - (4) A plan at a scale of one inch equals 100 feet delineating the topography of the tract. Such plan shall contain contours with at least two-foot intervals; and shall accurately and conspicuously depict slopes from 0% to 8%, 8% to 15%, 15% to 25% and greater than 25%.
  - (5) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the vegetation of the tract. Such plan shall depict the location of all trees 12 inches in caliper and greater.
  - (6) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating the drainage characteristics of the tract. Such plan shall accurately and conspicuously depict, delineate and otherwise note in graphic fashion all perennial and intermittent streams and watercourses and their watersheds, as well as flood-prone and flood hazard areas.
  - (7) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the soils of the tract. Such plan shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed development and the tract.
  - (8) A plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting, and otherwise noting in graphic fashion the proposed use areas by type, size, location and gross density.
  - (9) A site plan at a scale of one inch equals 100 feet accurately and conspicuously delineating, depicting and otherwise noting in graphic fashion the location, use, height, bulk and location of streets, rights-of-way, cartways, parking areas and other improvements.
  - (10) A plan at a scale of one inch equals 100 feet accurately conspicuously delineating, depicting and otherwise noting in graphic fashion common open space. Such plan shall depict the location, function and size of common open space areas and any existing natural and cultural features comprised within the common open space. In addition, the plan shall include any facilities or structures proposed. Accompanying the plan shall be a statement indicating the proposed means for ownership and maintenance of the common open space.

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- (11) A detailed report indicating the feasibility and capability for operation and maintenance of water supply systems, sanitary sewage systems, stormwater systems and other utility systems. Such a report shall indicate the following:
- (a) With regard to water supply, there shall be an objective description of the ability of achieving a safe and efficient water supply system. The description shall reference geologic and hydrogeologic data relative to groundwater conditions, realistic potential yields and quality. In addition, the description shall indicate the demand by type of use for water from the proposed development and its related uses and users.
  - (b) With regard to sanitary sewage disposal, there shall be an objective description of the ability of achieving a safe and efficient system for sewage disposal. The description shall indicate all proposed measures and methods for conveying and treating the sewerage and the sizes of all pipes and direction and quantities of flow anticipated from the development, as well as all connections which will be required to tie into existing sanitary sewers.
  - (c) Assurance of the availability of safe and efficient public water and public sewer facilities shall also be reported. Such assurance shall include letters signed by an officer of the company or authority concerned, indicating its ability and willingness to provide such service within the timetable proposed for the development, including a statement of maintenance responsibilities and rates and charges for service.
  - (d) With regard to stormwater systems, there shall be an objective description of the ability of achieving a safe and efficient stormwater management system. Such report shall be in complete conformance with Chapter 210, Subdivision and Land Development.
- (12) A detailed plan illustrating all connections to existing public utilities, streets and rights-of-way, accompanied by documentation as to the impact of the proposed development on said public utilities, streets and rights-of-way.
- (13) A site plan illustrating phasing, including a time schedule for all on-site and off site improvements may be modified from time to time with approval of the Township Council.
- (14) A fully detailed soil erosion and sedimentation control plan.
- (15) A fully detailed grading plan at a scale of one inch equals 100 feet accurately and conspicuously delineating proposed contours at intervals of at least two feet.
- (16) A fully detailed landscaping plan at a scale of one inch equals 100 feet wherein existing and proposed plant materials are accurately and conspicuously differentiated, delineated, depicted or otherwise noted in a graphic fashion and a plant list with botanical and common names as well as notations for the quantities and sizes of all proposed plant materials.
- (17) A written report indicating the proposed methods and measures to be undertaken for energy conservation and the effective utilization of renewable energy resources.
- (18) The documents containing covenants, grants of easements or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for utilities and the like.
- (19) An Environmental Impact Assessment Report in accordance with Article XXXIV.
- (20) 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 project are intended to be filed and

§ 275-59 which shall be updated annually on the anniversary of submission for final approval. § 275-61

(21) A report accompanying the application shall, insofar as possible, indicate compliance with the provisions set forth for documentation herein.

(22) All other requirements for a preliminary plan as set forth in Chapter 210, Subdivision and Land Development.

B. Seven copies of every application for tentative approval received by the Township Manager shall be promptly forwarded to the Township Planning Commission and one copy of each application to the Natural Resources Conservation Service for its recommendation. The Township Planning Commission and the Delaware County Planning Department shall review and report upon the application to the Township Council. One copy of the reports of the respective planning commissions shall be furnished to the applicant upon receipt by the Township Council.

C. The applicant, the Township Council, the Township Planning Commission and the Delaware County Planning Department may consult informally concerning the project for the proposed PRD District prior to the filing of an application for tentative approval, provided that no statement or representation by a member of the official review agency or of the planning agencies be binding upon the Township.

**§ 275-60. Public hearings.**

A. Within 60 days after the filing of an application for tentative approval of a project pursuant to this article, a public hearing pursuant to the public notice on said application shall be held by the Township Council in the manner provided by this chapter for the enactment of an amendment. The Chairman or, in his absence, the Acting Chairman of the Township Council, 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.

B. A verbatim record of the hearing shall be caused to be made by the Township Council. Whenever such records are requested by any party to the proceedings, the cost of transcribing such a record shall be borne by the party requesting it and the expenses 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.

C. The Township Council may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

**§ 275-61. Findings.**

A. The Township Council may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.

(1) Grant tentative approval of the development plan submitted;

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

- § 275-61 (3) Deny tentative approval to the development plan. Failure to do so 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 applicant may, within 30 days after receiving a copy of the official written communication of the Township Council, notify the Township Council of his refusal to accept all said conditions, in which case the Township Council shall be deemed to have denied tentative approval of the development plan. In the event the applicant does not, within said period, notify the Township Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted. § 275-62
- B. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial; and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions of the following:
- (1) Those respects in which the development is or is not consistent with the Comprehensive Plan for the development of the Township.
  - (2) 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.
  - (3) The purpose, location and amount of the common open space in the development, the reliability of the proposals for maintenance and conservation of the common open space and adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
  - (4) The proposed systems for sanitary sewers, water supply, stormwater control and soil erosion and sedimentation control and the manner in which said proposals adequately or inadequately address the construction, operation and maintenance of such systems.
  - (5) The physical design of the development and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular and pedestrian traffic and further the amenities of light and air, recreation and visual enjoyment.
  - (6) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established.
  - (7) 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 development in the integrity of the development plan.
- C. In the event that a development plan is granted tentative approval, with or without conditions, the Township Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the Township Council, the time so established between the grant of tentative approval and the application for final approval shall be not less than three months nor more than one year, and, in the case of development over a period of years, the time between applications for final approval of each part of the plan shall be not less than 12 months nor more than 18 months.

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**§ 275-62. Status of plan after tentative approval. [Amended by 1-8-1990 by Ord. No. 461]**

- A. The official written communication provided for in § 275-61 of this article shall be certified by the Secretary of the Township Council and shall be filed in his/her office, and a certified copy shall be mailed to the applicant. Where tentative approval has been granted, it shall be deemed an amendment to the Zoning Map, effective upon final approval, and the same shall be noted on the Zoning Map.
- B. Tentative approval of a development plan shall not qualify a plot 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 landowner 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 that an application for final approval is filed or, in the case of development over a period of years, provided that applications are filed within the periods of time specified in the official written communication granting tentative approval.
- C. 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 Township Council, in writing, or in the event that the applicant shall fail to file an 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 Township Manager.

**§ 275-63. Application for final approval. [Amended by 1-8-1990 by Ord. No. 461]**

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 Council and within the time or times specified by the official written communication granting tentative approval as in § 275-61 or as otherwise mutually agreed upon between the applicant and the Township Council and set forth, in writing, by the Township Council. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held. The application for final approval shall consist of a plan or plans and accompanying documents which shall show and shall include the following information:

- A. The plan. The final plan shall be prepared in accordance with Chapter 210, Subdivision and Land Development. All plans shall be drawn at a scale not smaller than one inch equals 50 feet. They shall be clear and legible blue-line or black-line prints and shall include at least the following information:
  - (1) The development name or identifying title.
  - (2) The municipality in which the development is located.
  - (3) North point, scale and date.
  - (4) The name of the record owner of the tract and developer.
  - (5) The name and seal of the registered professional engineer, landscape architect, land planner, architect or surveyor responsible for the plan.
  - (6) Boundaries of the tract determined by accurate survey in the field which shall be balanced and

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closed with an error of closure not to exceed one foot in 10,000.

- (7) Property lines within the development.
- (8) Lot areas to 1/1,000 of an acre.
- (9) Street lines, lot lines, rights-of-way, easements and areas dedicated to or proposed to be dedicated to public use. Profiles for all streets and for proposed sanitary and storm sewer mains, inlets and manholes and the location of all utilities.
- (10) The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
- (11) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
- (12) The designation of common open space including the area contained therein.
- (13) Location, grades, length and width of all private driveways and all parking facilities and type of paving and other surface to be used therefor.
- (14) Names proposed to be given to all streets.
- (15) Location of all structures.
- (16) Number of lots.
- (17) Number of dwelling units by type and, where applicable, the number, location and square footage of areas to be devoted to nonresidential use.
- (18) Architectural drawings, floor plans and elevations to scale of all buildings, said drawings to bear the seal of the architect who has prepared same.
- (19) Total property area of the entire development tract and, in the case of development in sections, the size of the section for which plans are submitted.
- (20) All permanent monuments.
- (21) A final grading plan, including existing and proposed contours at vertical intervals of at least two feet, the lines thereof to be conspicuously distinguishable.
- (22) All existing watercourses, tree masses and other significant natural features, including all trees 12 inches in caliper or greater to be retained and/or to be removed.
- (23) A final soil erosion and sedimentation control plan.
- (24) A final landscaping plan, wherein existing and proposed plant materials are differentiated, a final plant list indicating the types, quantities and sizes of the proposed plant materials and typical planting details for tree planting and staking, shrub planting and the like.
- (25) A final environmental impact assessment report.

B. The documentation. The application for final approval shall also be accompanied by:

- (1) Copies of deed restrictions and/or easements, if any and other documents relating to title, use or occupancy.
- (2) Copies of permits obtained: under authority of statutes of the Commonwealth of Pennsylvania

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and/or the County of Delaware regarding the provision for construction, operation and maintenance of the proposed sanitary sewer system, water supply system, soil erosion and sedimentation control system; and highway occupancy system.

- (3) An affidavit that the applicant is the owner of the land proposed to be developed, or has been authorized by the landowner to be the applicant, supported by a copy of the written authority therefor.
  - (4) Offers of dedication and covenants and other documents governing the reservation and maintenance of undedicated open space, provided that all such offers of dedication and covenants shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency and compliance herewith.
  - (5) Copies of the homeowner's agreements for common open space not to be offered for dedication to the Township.
  - (6) A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property to the effect that the development as shown on the application for final approval is made with his or their free consent and that it is desired to record the application and accompanying documents upon their approval.
  - (7) Whenever a developer proposes to establish a street which is not offered for dedication and not required to be offered for dedication, he shall submit a copy of statements cosigned by the Township Solicitor that he has made an agreement on behalf of his heirs and assigns with the Township. Said agreement shall be subject to the Township Solicitor's approval and shall be recorded with the plan. Said agreement shall establish the condition under which the streets may later be offered for dedication and stipulate among other things:
    - (a) That the street shall be in a good state of repair as certified by the Township Engineer, or that the owner or owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conform with Middletown Township design standards.
    - (b) That an offer to dedicate the street shall be made only on the street as a whole.
    - (c) That the method of assessing repair costs shall be stipulated.
    - (d) That, where applicable, agreement to offer the street for dedication by the owners of 60% of the lots shall be binding on owners of the remaining lots.
  - (8) Such other related information as deemed necessary by the Township Council to make their determination.
- C. In the event the application for final approval has been filed, together with all drawings, specifications, covenants, easements, performance bonds and other documents in support thereof and as required by this chapter and the official written communication for tentative approval, the Township shall within 45 days of such filing, grant such development plan final approval.
- D. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Council shall refuse to grant final approval and shall, within 45 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 or more of said variations are not in the public interest. In the event of such refusal, the applicant may either:

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- (1) Refile his application for final approval without the variations objected to; or
  - (2) File a written request with the Township Council that it hold a public hearing on his application for final approval. 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 30 additional days of receipt of notice that the development plan was not in substantial compliance. In the event that 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 30 days after request for the hearing is made by the applicant, and the hearing shall be conducted in the manner prescribed in this chapter for public hearings on applications for tentative approval. Within 45 days after the conclusion of the hearing, the Township Council 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 article.
- E. A development plan or any part thereof which has been given final approval shall be so certified without delay by the Township Council and shall be filed by the Recorder of Deeds before any development shall take place in accordance therewith. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code,<sup>2</sup> 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. Upon approval of the final plan, the applicant shall record the plan in accordance with § 275-67 herein and post financial security in accordance with § 210-11 of Chapter 210, Subdivision and Land Development.
- F. 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 Township Council, in writing, or in the event that the applicant shall fail to commence and complete the development project or section thereof in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after said property is resubdivided and is reclassified by enactment of an amendment to this chapter.

#### **§ 275-64. Legal remedies.**

The Township may avail itself to any and all remedies provided by law, including but not limited to those specified in the Pennsylvania Municipalities Planning Code.

#### **§ 275-65. Bonding/security for completion of improvements.**

Security shall be provided which is acceptable to the Township in an amount to cover the costs of any improvements which may be required.

#### **§ 275-66. Insurance and indemnity.**

The Township shall require appropriate liability insurance and minimum limits of coverage in regard to any development in a PRD. The Township shall be a "named insured" under all such liability policies,

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2. Editor's Note: See 53 P.S. § 10508.

§ 275-66 without premium liability therefor; said policies shall further be written to exclude the operation of any "other insurance" clause. The Township shall also require from the applicant a defense, indemnity and hold-harmless agreement in favor of the Township, which shall be insured by the applicant to at least the minimum limits required by the Township Council for liability insurance. § 275-68

**§ 275-67. Recording. [Amended 1-8-1990 by Ord. No. 461]**

The final plot plan will be recorded by the landowner in the Office for the Recording of Deeds in and for Delaware County, Pennsylvania, within 90 days of the granting of final approval by the Township Council. The Recorder of Deeds of the county shall not accept any plan for recording unless such plan officially notes the approval of the Township Council and review by the Delaware County Planning Department.

**§ 275-68. Fees.**

Fees for review of the final plan shall be established by resolution of the Township Council, which fees shall not exceed costs incurred. Should any funds remain after the final plan is processed and reviewed, they will be returned to the applicant.