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APPENDIX A ADDITIONAL PROVISIONS FOR PLANNED RESIDENTIAL DEVELOPMENTS (PRD)

§ A-1.<<<-1.>>> Purposes.

The regulations of this Appendix A have seven major purposes:

- A. To ensure that the provisions of this ordinance, which are concerned in part with the uniform treatment of dwelling type, bulk, density, and open space within each zoning district, shall not be applied to the improvement of land by other than lot by lot development in a manner which would distort the objectives of this ordinance.
- B. To encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety and maximum choice in the type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings.
- C. To provide, through the above innovations, greater opportunities for better housing and recreation for existing and potential residents of the Township.
- D. To encourage a more efficient use of land and services and to reflect changes in the technology of land development so that the economies secured may enure to the benefit of those who need homes.
- E. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, and areas of unusual beauty or importance to the natural environment.
- F. To encourage a creative use of land and related physical development which allows an orderly transition of land from rural to urban uses and provides an environment of stable character in harmony with surrounding development.
- G. To, in aid of these purposes, to provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the Preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures.

§ A-2.<<<-2.>>> Eligibility.

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

- A. The proposed site is within the PRD or the Village Center District.

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- B. The proposed PRD consists of one or more contiguous parcels of land under one ownership containing a minimum of 20 acres.
- C. The proposed planned residential development has at least two access points, one of which is located along an existing or proposed arterial or collector road.

§ A-3.<<<-3.>>> Land use and land use density requirements.

A. Land use requirements.

- (1) Residential uses. It is the objective of this § A-3 to encourage the utilization of a variety of housing types in PRD. A mix of housing types appropriate to the site subject to the approval of the Township Supervisors may include the following residential uses:
 - (a) Single-family detached dwellings.
 - (b) Two-family dwellings.
 - (c) Multiple-family dwellings (only those types permitted in the district.)
- (2) Nonresidential uses. The following nonresidential uses may be permitted in a planned residential development to the extent that they are designed and intended primarily to serve residents of the planned residential development and are compatible and harmoniously incorporated into the unitary design of the planned residential development:
 - (a) Commercial uses (such as retail shop or Store, personal service, or restaurant).
 - (b) Office, professional office, or bank.
 - (c) Institutional uses (such as public or private schools, nursery school/day-care center, church, community center or nursing home).

B. Land use density requirements.

- (1) The following density requirements are general standards which may be modified by the Township Supervisors where it is the opinion of the Township Supervisors that the findings of the site analysis (§ A-4) justify a modification.
- (2) This § A-3 shall not be used to permit a higher overall density than would be permitted using conventional minimum lot sizes.
- (3) The minimum lot sizes and the minimum open space areas shall be required.

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| Minimum Conventional Lot Size | Minimum PRD Lot Size | Minimum Open Space Per Lot |
|--|---------------------------------|---------------------------------------|
| 43,560 | 35,000 | 5,000 |
| 30,000 | 25,000 | 5,000 |
| 25,000 | 20,000 | 5,000 |
| 15,000 | 12,000 | 3,000 |
| 11,000 | 8,000 | 3,000 |
| 8,000 | 5,000 | 3,000 |

- (4) The percentage of the total planned residential development site to be devoted to nonresidential uses shall not exceed 20%.

§ A-4.<<<-4.>>> Site analysis.

- A. In order to determine which specific areas of the total PRD are best suited for high density development, which areas are best suited for lower density development, and which areas should be preserved in their natural state as open space areas, a thorough analysis of the natural features of the site will be required.
- B. The following subject categories shall be included in this analysis.
- (1) Hydrology. Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas, and seasonal high water table areas throughout the site.
 - (2) Geology. Analysis of characteristics of rock formations underlying the site including defining aquifers (particularly those locally subject to pollution), shallow bedrock areas, and areas in which rock formations are unstable.
 - (3) Soils. Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soil, soil most susceptible to erosion and soils suitable for urban development. The analysis of soils will be based on the County Soils Survey of the U.S. Soil Conservation Service.
 - (4) Topography. Analysis of terrain of site including mapping of elevation and delineation of slope areas of 25% or more, between 15% and 25% and less than 15%.
 - (5) Vegetation. Analysis of tree and plant cover of the site, emphasizing the location of woodland and meadowland areas. Dominant tree and plant species should be identified and the characteristics of each understood.

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§ A-5.<<<-5.>>> Site design standards.

A. Residential uses.

- (1) The natural features of the PRD site shall be a major factor in determining the siting of dwelling unit structures. The results of the site analysis shall be considered in the siting of all structures.
- (2) Conventional siting practices such as building setbacks from streets and minimum distances between buildings may be varied in order to produce attractive and interesting arrangement of buildings. Whenever possible, no structure shall be erected within a distance less than its height from any other structure.
- (3) Residential structures shall be located and sited so as to promote pedestrian and visual access to common open space wherever possible.
- (4) Residential structures shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD. High-rise structures shall be located within the development so that there will be no adverse impact (such as excluding natural light or invading the privacy of adjacent low-rise structures).
- (5) All structures must be set back by a distance sufficient to protect the privacy of adjacent existing uses. In no event shall a structure be located less than 20 feet from the property line.
- (6) No structure shall be located within 40 feet of the right-of-way of an arterial street, 30 feet of the right-of-way of a collector street, nor within 25 feet of the right-of-way of a local street.

B. Commercial uses.

- (1) All commercial uses shall be located in not more than two areas of the PRD.
- (2) All commercial uses shall be located with direct access to either a collector or arterial street. If the total parking requirements for such uses is 100 parking spaces or more, the uses must be located on a collector street.
- (3) Signs for commercial uses are permitted subject to the restrictions of Article VI of this ordinance.

C. Common open space.

- (1) The location, shape, size and character of the common open space shall be provided in a manner consistent with the objectives set forth for PRD in this ordinance, concerning the conservation of natural resources and the creative use of land to obtain a living environment of stable character, with natural feature constraints determined through the natural features analysis.

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- (2) The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its natural features, size, land-use intensity, potential population, and the number and types of dwelling units to be developed.
- (3) Whenever possible, common open space shall be designed as a contiguous area interspersed with residential areas with pedestrian and visual access available to all residents of the PRD.
- (4) Significant natural features such as woodland areas, large trees, natural watercourses and bodies of water, rock outcroppings, and scenic views shall be incorporated into common open space areas whenever possible. However, no less than 25% of the total common open space area shall be suitable for intensive use as an active recreation area.
- (5) Development of the PRD must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

D. Streets.

- (1) The street system of the PRD shall be designed so as to relate harmoniously with land uses within and adjacent to the PRD through the establishment of a hierarchy of roadway functions which includes 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, 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) Collector streets and local streets in the PRD shall be so designated and shall comply with § 250-32 of this ordinance. Where the results of the site analysis indicate a need for greater or lesser right-of-way and cartway widths, the modifications may be authorized by the Board of Supervisors.
- (3) Cul-de-sac streets shall not exceed 1,200 feet in length nor service more than 25 dwelling units. Cul-de-sac streets shall have a turning circle with a minimum right-of-way radius of 50 feet and shall be paved to a radius of not less than 40 feet.
- (4) In order to separate automobile and pedestrian circulation and to increase accessibility to common open space areas, pedestrian walkways will be provided wherever feasible.
- (5) Curbs and sidewalks shall be required adjacent to streets in PRD's only as deemed necessary by the Board of Supervisors for purposes of storm water control and pedestrian safety.

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- (6) The design and construction of streets must conform to the standards set forth in the Township Subdivision and Land Development Ordinance¹ relative to paving specifications, cartway design, horizontal and vertical alignment, and sight distances.
- E. Parking. Off-street parking shall be provided as required by Article VII of this ordinance.
- F. Lighting.
- (1) All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted.
 - (2) Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and signs.
 - (3) All such lighting shall be designed and located so as to direct light away from adjacent residences.
- G. Sewer and Water Utilities.
- (1) Planned Residential Developments shall be provided with sanitary sewer systems through one of the following methods:
 - (a) Connection to a public sewer system will be required where a public sewer system can feasibly be provided to the PRD site and where such a system can adequately fulfill the sewage disposal needs of the PRD.
 - (b) Centralized systems.
 - [1] Provision of a centralized sanitary sewer system by the developer which serves the entire PRD where a public sewer system cannot feasibly be provided to the PRD site.
 - [2] Centralized sanitary sewer systems shall be designed and constructed in a manner that would permit adequate connection to a public sanitary sewer system in the future.
 - [3] The design and construction of centralized sanitary sewer system shall conform to the current applicable standards of the State Department of Environmental Protection, and where applicable, the Pennsylvania Utilities Commission and the Delaware River Basin Commission.
 - (2) Planned Residential Developments shall be provided with water supply systems through one of the following methods:

¹Editor's Note: The Subdivision and Land Development Ordinance, adopted by Ord. No. 71-3, July 1971, as amended, is on file in the Township Offices and is available for review during regular office hours.

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- (a) Connection to a public water system shall be required where a public water system can feasibly be provided to the PRD site and where the capacity of the public system can adequately fulfill the water supply demands of the PRD.
- (b) Centralized systems.
 - [1] Provision of a centralized water supply system by the developer which serves the entire PRD.
 - [2] Centralized water supply systems shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future.
 - [3] The design and construction of a centralized water supply system shall conform to the current applicable standards of the State Department of Environmental Protection, and where applicable, the Pennsylvania Utilities Commission.

H. Soil erosion control.

- (1) The PRD shall be designed and constructed so as to minimize site clearance and earthmoving.
- (2) The results of the site analysis shall be taken into account in determining areas suitable for site clearance and earthmoving.
- (3) Where site clearance and earthmoving are necessary, erosion control measures shall be undertaken in accordance with standards set forth in Appendix C of the Erosion and Sediment Control Handbook of the County Soil and Water Conservation District.

I. Storm drainage.

- (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) The determinations of the site analysis shall be taken into account in designing and constructing the storm drainage system.
- (3) The design and construction of the system shall be consistent with the design and improvement standards for storm drainage set forth in the Township Subdivision and Land Development Ordinance.²

J. Tree conservation and landscaping.

²Editor's Note: The Subdivision and Land Development Ordinance, adopted by Ord. No. 71-3, July 1971, as amended, is on file in the Township Offices and is available for review during regular office hours.

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- (1) Existing trees shall be preserved wherever possible. The protection of trees six inches or more in diameter (measured at a height of four feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks and paved areas. Areas in which trees are preserved shall remain at original grade level and undisturbed wherever possible.
- (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 dwelling units.
- (3) Street trees shall be provided along all arterial and collector streets. No less than two-inch caliper trees shall be provided for each fifty-foot increment of street at a depth sufficient to avoid future problems of grading and buildings.

K. Other standards.

- (1) Telephone, electric and cable TV utilities shall be installed underground.
- (2) Trash receptacles to serve residential, recreational, and commercial areas shall be designed with suitable screening, and located so as to be convenient for trash removal and not offensive to nearby residential areas.
- (3) With the exception of standards explicitly set forth in this PRD section of this ordinance, site design and site improvements shall conform to standards set forth in the Township Subdivision and Land Development Ordinance.³

§ A-6.<<<-6.>>> Ownership, maintenance, and dedication of common open space.

A. Ownership.

- (1) The developer shall make provisions which ensure that the common open space land shall continue as such and be properly maintained.
- (2) The developer shall provide for and establish an organization for the ownership, maintenance and preservation of open space which shall conform to the following standards and procedures:
 - (a) The organization shall be established by the developer before the sale or rent of dwelling units in the PRD.
 - (b) The form, financial capability, rules of membership, and methods of cost assessment of the organization shall be devised so as to insure the

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successful fulfillment of the maintenance, preservation and improvement responsibilities of the organization.

- (c) The organization responsible for maintenance, preservation and improvement of common open space areas shall be the sole owner of the common open space lands.
- (d) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

B. Maintenance.

- (1) In the event that the organization established to own and maintain a common open space, or any successor organization, shall at any time after establishment of the PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization, or upon the residents and owners of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice.
- (2) At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
- (3) If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof the Township, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year.
- (4) Said entry and maintenance shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
- (5) Before the expiration of said year, the Township, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, shall call a public hearing upon notice to such organization or to the residents and owners of the PRD to be held by the Township, at which hearing such organization or the residents and owners of the PRD shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year.
- (6) If the Township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the

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Township may, in its discretion, continue to maintain said common open space during the next succeeding year thereafter.

- (7) The decision of the Township shall be subjected to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by this ordinance.
- (8) The cost of such maintenance by the Township shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (9) The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of the County, upon the properties affected by the lien within the PRD.

C. Public dedication.

- (1) An offer of dedication of common open space made by the developer in the development plan, establishment of an organization responsible for open space areas, and accepted by the Township shall constitute a fulfillment of responsibility for providing and maintaining common open space areas.
- (2) Under any other circumstances, provision for dedication must be made subject to § A-6A and B.

§ A-7.<<<-7.>>> Development in stages.

A developer may construct a planned residential development in stages if the following criteria are met:

- A. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this ordinance.
- B. At least 15% of the dwelling units in the plan given tentative approval are included in the first stage.
- C. At least 33% of the dwelling units in any stage are constructed and rented or sold before any commercial development shown in that stage shall be completed.
- D. The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than 15% of the dwelling units receiving tentative approval.
- E. Housing density.

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- (1) To encourage flexibility of housing density, design, and type in accord with the purposes of this ordinance, gross residential density may be varied from stage to stage.
- (2) A gross residential density in one stage which exceeds the permitted average gross residential density for the entire planned residential development must be offset by a gross residential density less than the permitted average gross residential density for the entire development in any completed prior stage, or there must be an appropriate reservation of common open space on the remaining land by a grant of easement or covenant in favor of the Township, which specifies the amount and, if necessary, the location of the common open space.

§ A-8.<<<-8.>>> Feasibility review.

- A. Prior to application for tentative approval, the findings of the site analysis will be presented to the Township Planning Commission.
- B. The review will not affect the application procedures of the applicant but is intended to thoroughly familiarize both the applicant and the Planning Commission with the potential of the site for the PRD.

§ A-9.<<<-9.>>> Tentative approval.

- A. Application for tentative approval.
 - (1) The application of tentative approval shall be executed by or on behalf of the landowner and filed with the Zoning Officer. An initial deposit, in an amount as established by the Board of Supervisors by resolution, shall be paid upon filing of the application to be applied against such expenses, and additional deposits shall be made from time to time as requested by the Township to be applied against the expenses of processing the application, not to exceed actual expenses incurred by the Township.
 - (2) The application for tentative approval shall include documentation illustrating compliance with all of the standards for PRD in this Appendix A.
 - (3) Required documentation shall include, but not be limited to, materials illustrating the following information:
 - (a) The location, size, and topography of the area involved and adjoining areas; and the nature of the landowner's interest in the PRD.
 - (b) The proposed land use areas, distinguishing between types of residential, nonresidential, and open spaces uses, and the average gross residential density of the development.

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- (c) The location, function, size, ownership, and manner of maintenance of the common open space.
 - (d) The use and the approximate height, bulk, and location of buildings and other structures.
 - (e) Information showing the feasibility of proposals for central sewerage and storm water disposition.
 - (f) Utility systems.
 - (g) The substance of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities.
 - (h) The provision of parking of vehicles and location, rights-of-way and cartway widths of proposed streets and public ways.
 - (i) In the case of plans, which call for development in stages, a schedule showing the approximate time within which applications for final approval of each stage of the planned residential development are intended to be filed and the approximate number of dwelling units, types of dwelling units, and gross residential density for each type of dwelling unit planned for each stage. The schedule shall be updated annually on the anniversary of submission for tentative approval.
- (4) Application for tentative approval shall include but not be limited to the following plans illustrating the information indicated above:
- (a) A site plan at one inch equals 100 feet illustrating the following information:
 - [1] Types and approximate locations of buildings, roads, and parking areas.
 - [2] Delineation of common open space areas indicating size, nature of facilities, structures, if any, and uses.
 - [3] Delineation of approximate locations, street types, and right-of-way and cartway widths of roadways.
 - (b) Site plan illustrating phasing; including a time schedule for all on-site and off-site improvements to be dedicated for public use, which may be modified from time to time by the Township.
 - (c) A plan illustrating connection to public utilities, streets and rights-of-way accompanied by documentation as to the impact of the proposed development on said public utilities, streets and rights-of-way.

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- (d) A plan illustrating the relation of the proposed planned residential development to the surrounding area and existing development.
 - (e) Said application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the PRD would be in the public interest and would be consistent with the Township's Comprehensive Plan.⁴
- (5) One copy of every application for tentative approval received by the Zoning Officer shall be promptly forwarded to the Lehigh Valley Planning Commission for study and recommendation as required by the Pennsylvania Municipalities Planning Code. The Lehigh Valley Planning Commission shall review and report upon the application to the Township within 30 days of such referral. One copy of the report of the Lehigh Valley Planning Commission shall be furnished to the landowner not less than five days before the appointed time of the public hearing.

B. Public hearing.

- (1) Within 60 days after the filing of a complete application for tentative approval of a planned residential development pursuant to this ordinance, a public hearing pursuant to public notice on said application shall be held by the Township Supervisors in the manner prescribed in Article VIII of this ordinance for the enactment of an amendment.
- (2) The Chairman, or, in his absence, the Acting Chairman, of the Township Supervisors may administer oaths and compel the attendance of witnesses.
- (3) 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.
- (4) A verbatim record of the hearing shall be caused to be made by the Township Supervisors whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies.
- (5) 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 findings.

- (1) Within 60 days following the conclusion of the public hearing provided for in this § A-9, the Township Supervisors shall, by official written communication to the landowner, either:

⁴Editor's Note: The Comprehensive Plan is on file in the Township offices and can be viewed during regular office hours.

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- (a) Grant tentative approval of the development plan as submitted;
 - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (c) Deny tentative approval to the development plan.
- (2) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted.
- (3) Conditions.
- (a) In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Township Supervisors notify such agency of his refusal to accept all said conditions, in which case, the Township Supervisors shall be deemed to have denied tentative approval of the development plan.
 - (b) In the event the landowner does not, within said period, notify the Township Supervisors of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- (4) 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 on the following:
- (a) In those respects in which the development plan is or is not consistent with the Comprehensive Plan for the development of the Township.
 - (b) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest.
 - (c) The purpose, location and amount of the common open space in the PRD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - (d) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public

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services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

- (e) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established.
 - (f) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the PRD in the integrity of the development plan.
- (5) Tentative approval.
- (a) In the event that a development plan is granted tentative approval, with or without conditions, the Township Supervisors may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the period of time within which applications for final approval of each part thereof shall be filed.
 - (b) Except upon the consent of the landowner, the time so established between grant of tentative approval and on application for final approval shall not be less than three months, and in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.
- E. Status of plan after tentative approval.
- (1) Written notation.
 - (a) The official written communication provided for in § A-9C of this Appendix A shall be certified by the Township Secretary and shall be filed in his office, and a certified copy shall be mailed to the landowner.
 - (b) Where tentative approval has been granted, the same shall be noted on the Zoning Map.⁵
 - (2) Limitation of tentative approval.
 - (a) Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits.
 - (b) A development plan which has been given tentative approval with conditions which have been accepted by the landowner (and provided

⁵Editor's Note: The Zoning Map is on file in the Township offices and can be viewed during regular office hours.

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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 landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

- (3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the official review agency, in writing, or in the event that the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Zoning Map and in the records of the Township Secretary.

§ A-10.<<<-10.>>> Final approval.

A. Application for final approval.

- (1) An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Township Secretary and within the time or times specified by the official written communication granting tentative approval.
- (2) If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.
- (3) The application for final approval shall include a final plan at a scale of 100 feet to the inch. If the Final Plan is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet.
- (4) The final plan shall show the following:
 - (a) Name of the PRD and the municipality or municipalities in which it is located.
 - (b) Name and address of the landowner and developer.
 - (c) North point, graphic scale, and date.

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- (d) Source of title to the land of the development as shown by the books of the Recorder of Deeds.
- (e) A location map at a minimum scale of 800 feet to the inch, showing the relationship of the property to adjoining properties and to all streets and municipal boundaries existing within 1,000 feet of any part of the property in the planned residential development.
- (f) Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one foot in 10,000 feet.
- (g) Total number of lots, lot lines, and lot numbers, where applicable, within the development with distances accurate to the nearest hundredth of a foot.
- (h) Total acreage of development, land uses in each area, total number of dwelling units, number of each type of dwelling unit, average gross residential density, and gross residential density in each section, where applicable.
- (i) Building coverage lines accurately locating all types of dwelling units, and nonresidential structures, giving dimensions of the structures, distances between the structures, distances to street rights-of-way and parking areas, with distances accurate to the nearest hundredth of a foot.
- (j) Accurate dimensions of common open space specifically delineating those areas to be dedicated to the municipality from those areas which will be maintained by a Homeowner's Association or the developer, and also indicating those areas which are to be developed as active recreation areas.
- (k) Names, locations, cartways, rights-of-way, and other dimensions of existing and proposed streets including center-line courses, and curve data.
- (l) Locations and dimensions of parking areas and pedestrian walkways.
- (m) Location and material of all permanent monuments and lot markers.
- (n) Location and dimensions of easements for utilities and any limitations on such easements.
- (o) The following certificates:
 - [1] Certification with seal, by a registered engineer or land surveyor to the effect that the survey and plan are correct.
 - [2] Certificate for approval by the Township Supervisors.

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- [3] Certificate of dedication of streets, public facility sites, or open space areas when such dedication is proposed.
- (5) In the case of a PRD proposed to be developed over a period of years, final plan requirements will apply only to the section for which final approval is being sought. However, the final plan presented for the section to be developed must be considered as it relates to information regarding densities and types of dwelling units, location of common open space, sanitary sewer and water distribution systems, and street systems presented for the entire development in the application for tentative approval.
- (6) The final plan shall be accompanied by the following materials:
- (a) Final profiles and cross sections for street, sanitary and storm sewer system, and water distribution system improvements. Improvements to different systems will be illustrated on one or more separate sheets.
 - (b) Architectural drawings illustrating exterior and interior designs of typical dwelling units of each type and nonresidential structures to be constructed.
 - (c) All covenants running with the land governing the reservation and maintenance of dedicated or undedicated open space land. These shall bear the certificate of approval of the Municipal Solicitor as to their legal sufficiency.
 - (d) Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the Final Plan.
 - (e) Such certificates of approval by authorities as have been required in this ordinance, including certificates approving the water supply system and the central sewer system.
- (7) In order to guarantee the improvements listed above, the final plan will be accompanied by one of the following:
- (a) A certificate from the applicant, signed by the Township, that all improvements and installations in the development required by these regulations have been made or installed in accordance with specifications; or
 - (b) A certificate from the applicant, signed by the Township, that a bond, certified check, or other security satisfactory to the official review agency has been filed with the municipality; or
 - (c) A bond, certified check or other security satisfactory to the Township Supervisors which shall:
 - [1] Run or be made payable to the Township;

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- [2] Be in an amount determined by the official review agency to be sufficient to complete the improvements and installation in compliance with these regulations;
 - [3] In the case of a bond, it shall also: be with surety satisfactory to the Township Supervisors; be in form, sufficiency, and execution acceptable to the Township Supervisors;
 - [4] The bond, certified check, or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Township Supervisors. When the improvements have been completed and approved by the Township, the guarantee shall be released and returned. As the required improvements progress and are approved by the Township Supervisors, a portion of the bond, moneys or other security commensurate with the cost of the improvement may be released and returned;
 - [5] In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund.
- (8) In the event that the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this ordinance and the official written communication of tentative approval, the Township Supervisors shall, within 45 days from the date of the regular meeting of the governing body or the planning agency, whichever first reviews the application next following the date the application is filed, grant such development plan final approval.⁶
- (9) Variations for approved plan.
- (a) In the event that the development plan, as submitted, contains variations from the development plan given tentative approval, the Township Secretary may refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest.
 - (b) In the event of such refusal, the landowner may within any time which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance:

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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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 Supervisors that it hold a public hearing on his application for final approval. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this ordinance for public hearings on applications for tentative approval. Within 30 days after the conclusions of the hearing, the Township Supervisors shall, by official written communication, either grant final approval to the Development Plan or deny final approval.
- (c) In the event that the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan.
- (10) 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 ordinance.
 - (11) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township Supervisors and shall be filed of record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the Development Plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or 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.
 - (12) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Township Supervisors in writing; or in the event the landowner shall fail to commence and carry out the planned residential development within one year after final approval has been granted, no development or further development shall take place on the property included in the Development Plan until after the said property is resubdivided and is reclassified by enactment of an amendment to this ordinance.

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**APPENDIX B
ADDITIONAL PROVISIONS FOR SINGLE-FAMILY CLUSTER
DEVELOPMENTS**

§ B-1.<<<-1.>>> Purposes.

- A. The purposes of the regulations contained in this Appendix B is to permit, subject to final approval by the Board of Supervisors, a high-quality of lot layout, planning and landscaping design for single-family detached residential subdivisions in the Suburban Residential, Planned Residential and Village Center Districts.
- B. Area and dimensional specifications are reduced under this Appendix B only as a means for residential developers to improve the feasibility of creating attractive and usable open space, preserving desirable natural features, and providing attractive and practical designs in lot layout, street alignment and building orientation.
- C. This Appendix B shall not be used to permit a higher overall density than would be permitted using conventional minimum lot sizes.

§ B-2.<<<-2.>>> Special provisions.

- A. In the case of a plan for cluster residential development which involves a tract of land not less than 20 acres in size, the Board of Supervisors, following review and recommendation by the Planning Commission, and subject to the additional requirements of this Appendix B, may: authorize a reduction of the minimum lot area in the districts to not less than the following minimum lot size and setting aside the following minimum open space area:

| Minimum Conventional Lot Size | Minimum Cluster Lot Size | Minimum Open Space Per Lot |
|--|-------------------------------------|---------------------------------------|
| 43,560 | 35,000 | 5,000 |
| 30,000 | 25,000 | 5,000 |
| 25,000 | 20,000 | 5,000 |
| 15,000 | 12,000 | 3,000 |
| 11,000 | 8,000 | 3,000 |
| 8,000 | 5,000 | 3,000 |

- B. Permit modification of the yard and other area requirements of the district, provided that in no case shall a building be located less than 25 feet from a street line or fewer than 20 feet from another building.

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§ B-3.<<<-3.>>> Additional provisions.

In addition to the above requirements, the following special regulations shall apply in any case where a plan for development is approved in accordance with the requirements of this Appendix B:

- A. The tract of land to be developed shall be in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed within the time scheduled by the developer and mutually agreed upon between the developer and Board of Supervisors.
- B. Areas for open space may be dedicated to the Township if the dedication is acceptable to the Township. The Township shall have the final option to accept or reject dedication. If the areas for open space are not dedicated to the Township, they may be reserved as open space in which case there shall be assurance of adequate provision for perpetual maintenance of said open space by inclusion of covenants running with the land in the deeds or other instrument of conveyance, delineating such open area in accordance with the following:
 - (1) Obligating purchasers to participate in the proper operation and maintenance of all open spaces and community facilities shall be secured by an appropriate organization with legal responsibility for the same. If the dwellings are sold, the organization may be a condominium, cooperative, a homes association, trust or other appropriate nonprofit organization of the dwelling unit owners, organized in a manner found by the Township to be legally effective and able to carry out its maintenance and operating responsibilities. It is the intention of this ordinance to authorize the remedies provided in stat refSection 705(d), (2) and (3) of the Municipalities Planning Code, 53 P.S. 10705 (d), (2) and (3) and the same are hereby incorporated by reference.
 - (2) Assurance that such covenants or equivalent provisions will be included in the deeds or other instruments of conveyance shall be evidenced by the recordation in the Northampton County Recorder of Deeds Office of a declaration providing for adequate perpetual maintenance of the open areas, as prescribed herein above, and identifying the tract and lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers; provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
- C. All buildings and drives shall be shown for each lot.

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- D. The tract of land shall comply with applicable Township's Subdivision and Land Development Ordinance.⁷
- E. The tract of land shall be served by a centralized sewage disposal system and a centralized water supply system, if required by the Board of Supervisors.
- F. There shall be no direct individual access onto a collector or arterial highway.

⁷Editor's Note: The Subdivision and Land Development Ordinance, adopted by Ord. No. 71-3, July 1971, as amended, is on file in the Township Offices and is available for review during regular office hours.

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**APPENDIX C
(Reserved)⁸**

⁸ Former Appendix C, Additional Provisions for University Planned Development (UPD), added 11-17-2011 by Ord. No. 2011-09; was repealed 5-9-2012 by Ord. No. 2012-07.