

Performance Zoning

West Pottsgrove Township, Montgomery County

ARTICLE XI PRD - Planned Residential Development Requirements

Section 1100. Declaration of Legislative Intent.

The Township, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are undergoing substantial and rapid changes, and recognizing the applicability of the objectives set forth in Article VII of the Act, adopts this Article for the purposes of (1) providing increased flexibility in the laws governing the development of those areas in the Township which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market; (2) insuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties; (3) encouraging the more efficient allocation and maintenance by private initiative of common open space ancillary to new residential areas; (4) encouraging the more efficient use of those public facilities required in connection with new residential development.

Section 1101. Definitions.

For the purposes of this Article, the following words and phrases shall be construed to have the meanings herein indicated; all other words are defined in Article II, Section 201 of this Ordinance.

1101.1 **ACT** shall mean the "Pennsylvania Municipalities Planning Code", of July 31, 1968, P.L. 247, its amendments as of July 31, 1972, and any subsequent amendments thereto.

1101.2 **BOARD** shall mean the Board of Township Commissioners of West Pottsgrove Township, Montgomery County, Pennsylvania.

1101.3 **COMMON OPEN SPACE** is a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned residential development, and the Planned Residential Development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the Planned Residential Development.

1101.4 **LANDOWNER** shall mean the legal or beneficial owner or owners of all of the land proposed to be included in a Planned Residential Development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty years, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purpose of this Article.

1101.5 **PLAN** shall mean the proposal for development of a Planned Residential Development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as is required by Section 1106 of this Article. The phrase 'Provision of the Plan' where used in this Ordinance shall mean those documents, verbal or graphic, referred to in this definition.

1101.6 **PLANNED RESIDENTIAL DEVELOPMENT** shall mean a contiguous area of land, controlled by a landowner, to be developed as a comprehensively planned entity for a number of dwelling units, the plan for which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulation in any one residential district established by any other Articles of the West Pottsgrove Township Zoning Ordinance.

1101.7 **PLANNING COMMISSION** shall mean the West Pottsgrove Township Planning Commission.

1101.8 **SINGLE OWNERSHIP** shall mean the proprietary interest of a landowner, as herein defined.

1101.9 **STATEMENT OF OBJECTIVES** for Planned Residential Development shall mean that-statement of objectives contained in Section 1101 of this Article and shall include all maps and attachments incorporated in that statement by reference.

1101.10 **TOWNSHIP** shall mean West Pottsgrove Township, Montgomery County, Pennsylvania.

1101.11 **TOWNSHIP SECRETARY** shall mean the Secretary of West Pottsgrove Township, Montgomery County, Pennsylvania.

1101.12 **USE AREA** shall mean any area of land which is planned for one category of land use and which is used to compute the net density of that use.

Section 1102. Findings.

The Township hereby elects to adopt the provisions of and exercise the powers granted by Article VII of the Act of July 31, 1968, P.L. 247 (Act Number 247) known as the "Pennsylvania Municipalities Planning Code". In support thereof, the Board makes the following findings:

1102.1 The Board finds that the comprehensive plan adequately provides broad objectives for the future development of the Township consistent with the intent of this Article. The comprehensive plan includes basic elements of land development related to (1) amount, intensity and character of land use proposed for residents, industry, business, agriculture, major traffic and transit facilities, public grounds, flood plains and other areas of special hazards and other similar uses; (2) a plan of movement of people and goods, including expressways, highways, local street systems, parking facilities and other similar facilities and uses; (3) a plan for community facilities

and utilities, which include public and private education, recreation, municipal buildings, libraries, water supply, sewage disposal, refuse disposal, storm drainage and other similar uses; (4) a map and statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas. It is intended, and the Board finds, that this Article is based upon and shall be interpreted in relation to the comprehensive plan.

1102.2 The objectives to be accomplished by this Article shall include, but not be limited to, the following:

- A. Planned Residential Development is a new way of designing residential neighborhoods that can provide a better environment for the people who live there. A planned residential development may be an optional approach to community development. Its provisions encourage more productive use of open space, the preservation of salient existing natural features of the landscape, more varied and better housing design, increased economies to the builder and prospective homeowner, increased pedestrian and vehicular safety, and achieve greater interest and flexibility than in conventional subdivisions and land developments.
- B. In the event the proposed population density of the Planned Residential Development is consistent with the recommended population density embodied in the comprehensive plan for that area, then the plan's density shall be approved, provided that the plan provides for adequate community facilities and road improvements as deemed necessary by the Board.
- C. Where a proposed Planned Residential Development exhibits a population density greater than that proposed in the comprehensive plan for the subject area the applicant shall present evidence to the Board that increased density and the increment of the increase is warranted by conditions or situations occurring subsequent to the preparation of the comprehensive plan or considerations neglected by the comprehensive plan.
- D. The Board, in determining the reasonableness and merits of the proposed population increase over that suggested by the comprehensive plan, shall include consideration of the following:
 1. The explicit residential density as recommended by the comprehensive plan.
 2. The long range aims and goals pertaining to physical and social development of West Pottsgrove Township as embodied in the comprehensive plan.
 3. Unique conditions that have occurred since the preparation of the comprehensive plan that may justify a density increase.

4. The incorporation of the development-with existing land use and the proposed land uses adjacent to the site.
5. The interdependence of the municipality and the region in which it is located.
6. The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by development.
7. Additional community facilities made necessary by the proposed development.
8. Additional public services made necessary by the proposed development.
9. The potential overload to utility services.
10. The amount and relationship of single and multifamily dwellings proposed by the development.
11. The ratio of dwelling units to be owner occupied and rental.
12. The amount, location and proposed use of permanent open space achieved by the development.
13. The preservation of trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.

Section 1103. Application of Planned Residential Development Article.

The provisions of this Article may, at the election of the landowner, be applied only to a Planned Residential Development of at least 60 acres of predominantly vacant land proposed to be developed, which is under single ownership, pursuant to the standards and criteria for Planned Residential Development hereinafter provided.

Section 1104. Permitted Uses.

Uses permitted in a Planned Residential Development may include and shall be limited to:

1104.1 Dwelling units in detached, semi-detached or attached buildings and garden apartments, when approved by the Board, or any combination thereof.

1104.2 Non-residential uses of a recreational, commercial and institutional character to the extent they are designed and intended primarily to serve the residents of the Planned Residential

Development. All non-residential land uses shall be subject to approval by the Board. Additionally, the location and designated type of commercial uses shall be approved upon recommendation of the Planning Commission as governed by Section 1105, hereinafter provided.

Section 1105. Standards and Criteria for Planned Residential Development.

- A. plan that: (1) is in conformance with the criteria established in Sections 1101, 1102, 1103 and 1104; (2) conserves natural amenities, and (3) is based upon and interpreted in relation to the comprehensive plan shall be deemed to have qualified as a tentative plan. Furthermore, when the plan has been rendered by the Board to be consistent with the following general standards, conditions, and regulations set forth hereinafter, then the plan shall be deemed to have qualified for tentative approval. A plan shall be consistent with the following standards, subsections 1105.1 through 1105.7 inclusive.

1105.1 General Planning Considerations.

- A. The plan shall encourage provisions for a variety of housing types.
- B. No building shall be in excess of 40 feet to the average height measured between the eaves and ridge of the roof, or in excess of three stories.
- C. The intent of this Ordinance is to encourage a higher quality of development and to take into consideration the appearance of all elevations and the layout of buildings and external spaces and materials used therein.
- D. Non-residential uses of a commercial or institutional nature shall be designed or intended primarily for the use of the residents of the Planned Residential Development, and the burden shall be fixed on the applicant to prove this is the case. The commercial establishments shall be provided for the privileges of conducting a convenience type retail use that will be harmonious with the neighborhood it shall serve and shall maintain and protect the character and building values of the adjoining residential areas and shall minimize traffic congestion. The following uses shall be allowed provided that the structure occupied for such use shall have a floor area no greater than specified herein: (1) Retail food store - 1,200 square feet; (2) Retail drug store - 1,000 square feet; (3) Barber and hairdressing establishments - 400 square feet; (4) Pick-up station for dry cleaning, pressing or laundering operations, provided none of these actual operations are carried out on the site 400 square feet; (5) Gift shop - 800 square feet. The above uses shall be permitted only when performed entirely within the enclosed building. No building designed or intended to be used, in whole or in part for commercial purposes shall be constructed prior to the completion of not less than 20 percent of the dwelling units proposed in the plan. Recreational and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the plan. Applicable recreation facilities shall be

completed preceding construction of the next phase.

- E. A plan may provide for a greater number of dwelling units per acre than would be permitted by the Township zoning regulations otherwise applicable to the site. The maximum density computed over the entire Planned Residential Development shall be five dwelling units per acre. The Board, in determining the reasonableness of an increase in the authorized dwelling units per acre, may recognize that increased density may be justified by additional private amenities and by increased efficiency in public services to be achieved by (1) the amount, location and proposed use of common open space, and (2) the location, design and type of dwelling units. Furthermore, the Board shall review the considerations embodied under subsections 1102.2, paragraphs 2, 3 and 4 of this Ordinance.
1. The maximum net residential density for garden apartment use areas shall not exceed ten dwelling units per acre.
 2. The maximum net residential density for townhouse use areas shall not exceed eight dwelling units per acre.
 3. The maximum net residential density for two-family housing areas shall be six dwelling units per acre.
 4. The maximum net residential density for detached housing use areas shall be four dwelling units per acre.
 5. Only when approved by the board may a plan permit less than 50 percent of the approved number of dwelling units as single-family detached residential dwellings.
 6. The Board may authorize the following modifications to the zoning regulations provided that the overall plan and density of dwelling units is satisfactory to the Board:
 - a. Floor area and dwelling units may be distributed without regard to zoning lot lines.
 - b. Lot sizes may be reduced.
 - c. Yard regulations may be waived within a development.

For the purpose of this subparagraph, the acreage set aside under paragraph 7 hereafter as common open space shall not be included in the use area for computation of net density for any residential or commercial land use.

- G. A minimum of 25 percent of the site shall be set aside as common open space.

The location of common open space shall be consistent with the declared function of the common open space as set forth in the application for a Planned Residential Development, and where possible, the common open space shall be planned as a contiguous area located for maximum benefit of the residents, preserving and where possible enhancing natural features. In determining the substance amount, and location of required permanent open space, the Board shall:

1. Differentiate between active-and passive open space uses and require a reasonable amount of prepared active recreation facilities to be incorporated into the open space plan, and
2. Require all alluvial (flood plain) soils as delineated in the Montgomery County Soil Survey to be preserved into permanent common open space, and
3. Not permit any commercial use of the required amount of open space provided that any commercial or recreational land use will be permitted only when approved and shall not be part of the required minimum amount, and
4. Not permit any community or institutional facility, deemed appropriate by the Board of Commissioners and made necessary by the magnitude and density of the PRD to be included in the required minimum acreage of permanent common open space, and
5. Require a "limit of contract" which will confine excavation, earth moving procedures, and other changes to the landscape in order to insure preservation and prevent despoilation of the character of the area to be retained in open space.
6. There shall be such provision for the ownership and maintenance of the common open space as reasonable to insure its continuity and conservation. Toward this end, the Township may accept the dedication of land, or any interest therein, for public use and maintenance, but the Board need not require that land proposed to be set aside for common open space be dedicated or made available to public use as a condition of the approval of the Planned Residential Development. The Board may require the landowner to provide for and establish an organization for the ownership and maintenance of the common open space under the provisions of the Unit Property Act, P.L. 117, and that such organization shall not dispose of the common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space). In the event that the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the entire Township, then and in such event, the Township shall take remedial steps

provided for in subparagraph d-2 of Section 705, Article VII of the Act.

- H. The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of such residential units, non-residential uses and public and community facilities as are necessary for the welfare of the residents of the Planned Residential Development and are not inconsistent with the best interest of the entire Township. Said covenants, easements and other provisions, if part of the plan as finally Approved, may be modified, enforced, removed or released only in accordance with the provisions of the Act.
- I. The landowner shall designate divisible geographic sections and number and type of dwellings of the entire parcel to be developed as a Planned Residential Development, and shall, in such cases, specify the time periods within which development of each such section is to be commenced. Each section to be developed may deviate from the number of dwelling units per acre established for the entire Planned Residential Development, provided such deviation shall be adjusted for in other sections of the development so that the number and the type of dwelling units per Planned Residential Development are not affected. The period of the entire development and the commencement date for each section thereof may be modified from time to time by the Board upon the showing of good cause by the landowner. The landowner shall make such easements, covenants and other arrangements and shall furnish such performance bond or bonds as may be determined by the Board to be reasonably required to assure completion of streets, utilities, and other on-site improvements in accordance with the plan and to protect the public interest in the event of abandonment of said plan before completion. In the event that the improvements in such section or sections are not satisfactorily completed and approved within the time period specified in the final approval of the plan or any extension thereof, the Board shall declare an abandonment of such section or sections and make recourse upon the performance bond or bonds, and install such improvements to guarantee and effect satisfactory completion.
- J. The uniqueness of each proposal for a Planned Residential Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in other provisions of the West Pottsgrove Township Zoning Ordinance of 1973 as heretofore amended, and of "The West Pottsgrove Township Subdivision and Land Development Ordinance" as heretofore amended. The Board may, therefore, waive or modify the specifications otherwise applicable for a particular public facility where the Board finds that such specifications are not required in the interest of the residents of the Planned Residential Development and that the modifications of such specifications are not inconsistent with the interest of the entire Township.

Proposed specifications and standards that are contrary to those required under the prevailing Township regulatory codes shall be termed acceptable upon approval by the Township Engineer.

1105.2 Site Considerations.

- A. Existing trees shall be preserved wherever possible.

The location of trees must be considered when planning open space areas, location of buildings, underground utilities, walks, paved areas, playgrounds, parking areas and finished grade levels.

- B. The Board shall inquire into the means whereby trees and other natural features shall be protected during construction. Clearing a site of topsoil, trees and natural features before the commencement of building operations shall be discouraged by the Board.
- C. The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, tree clearance and destruction of natural amenities.
- D. Natural features such as lakes, streams, topsoil, trees and shrubs should be preserved and incorporated into the final landscaping of the development whenever possible and desirable.
- E. Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes and enhance the appearance of open areas.
- F. Where adequate surface drainage is not possible by grading alone, a supplementary drainage system approved by the Township Engineer will be required.

1105.3 Siting of Housing

- A. All housing shall be designed with regard to topography and natural features of the site. The effects of prevailing winds, seasonable temperatures and hours of sun- light on the physical layout and form of the proposed land use and building shall be taken into account.
- B. To create architectural interest in the layout and character of housing fronting streets, variations in setbacks shall be encouraged.
- C. All housing should be sited so as to provide privacy and to insure natural light in all principal rooms.
- D. Routes for vehicular and pedestrian access and parking areas shall be convenient

without creating nuisances or detracting from privacy.

- E. The approximate location, and arrangement of buildings and open spaces must be shown to the Board so that it may review the intensity of land use and serve the public interest by protecting neighboring land uses.
- F. The following requirements shall apply:
 - 1. No structure shall be within 20 feet of the curb of access roads or parking areas. Furthermore, single-family detached and two-family dwellings shall subscribe to lot size and yard requirements as deemed appropriate by the Board.
 - 2. No structure shall be erected within a distance equal to its height of any other structure.
 - 3. No structure shall be built within the flood plain areas delineated by the Soil Survey of Montgomery County, or there shall be a 50 foot setback from all bodies of water, whichever is greater.
 - 4. There shall be a minimum of 50 feet between any wall containing ten percent or more of principal windows in living areas of any other such wall.
 - 5. There shall be a minimum of 30 feet between any facing wall containing principal windows in living areas and the curbs of any street or parking area.
 - 6. There shall be no more than six continuous attached dwelling units in a single building group.
 - 7. All multi-family structures shall be a minimum of 100 feet from the property lines of the development and 150 feet from the ultimate rights-of-way of contiguous streets, and a planting strip of no less than 20 feet shall be provided along all property lines adjacent to the development, where privacy of other parties is a consideration.

1105.4 Streets and Parking.

- A. Streets.
 - 1. The street system shall be related to land uses and adjacent street systems and shall be identified in the plan as collectors, feeders and residential streets established in the Subdivision and Land Development Ordinance of West Pottsgrove Township and herein.
 - 2. Street Widths. Feeder streets

must have a minimum right-of-way of 60 feet and a cartway width of 36 feet. Collector streets shall be designed for all types of vehicles and through traffic. Pedestrian crossovers shall be limited to a minimum of controlled points and segregated pedestrian underpasses shall be encouraged. Length is unlimited, and the maximum grade is 8 percent , with other technical requirements conforming to the policies of the Township and design standards of the Subdivision and Land Development Ordinance of West Pottsgrove Township, including amendments thereto. Residential streets must have a minimum right-of- way of 50 feet and a cartway width of 24 feet. They shall serve primarily private cars and service vehicles; through traffic is discouraged. Pedestrian crossover points should be designated. The length should be interrupted by intersections with feeder streets; intersections should be T-shaped in order to prevent local traffic from crossing a feeder. Cul-de-sac streets must have a minimum right-of-way of 40 feet and a 24 foot cartway width. Only private cars are allowed, except that service and emergency vehicles are permitted. Where possible, a pedestrian should be able to pass beyond his own residential grouping without crossing any street. There should be a length of continuous frontage no longer than 800 feet. A grade of 10 percent is maximum except that any grade in excess of 5 percent must be approved by the Board for residential and cul-de-sac streets.

All streets must conform with the technical requirements of the Township relative to paving specifications, cartway design, horizontal and vertical alignment, sight distances, drainage provisions, etc., except when waived by the Board.

3. When a cul-de-sac street is used in residential development, it must be provided with a paved turning circle of sufficient width to facilitate snow removal and to permit easy access for fire fighting equipment and general truck delivery. The minimum paving radius shall be 40 feet to the outside curb, and a maximum length of 600 feet. All streets and parking areas must have curbs.
4. Sidewalks. Feeder roads shall have five foot wide paved sidewalks not to be nearer- than four feet to the curb. A sidewalk must be provided on at least one side of a residential street except where it can be demonstrated that such a sidewalk is not desirable. The width of the sidewalk must be at least five feet. Sidewalks and pedestrian ways shall supplement and complement street systems in establishing the residential environment: pedestrian circulation, safe and attractive links between residential groupings, open space areas, recreation areas, school and local shopping facilities.

B. Parking.

1. There shall be two off-street parking spaces measuring ten feet by 20 feet for each dwelling unit with aisles a minimum of 20 feet wide.
2. There shall be one off-street parking space measuring ten feet by 20 feet for each 150 square feet of commercial space with the requirements specified generally for parking areas herein.
3. Parking areas shall be arranged to prevent through traffic to other parking areas.
4. Parking areas shall be screened from adjacent structures, access roads, and traffic arteries, with hedges, dense planting, earth berms, changes in grade or decorative walls. All parking areas shall be a minimum of 20 feet from all structures, access roads, and traffic arterials.
5. No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by approved landscaping.
6. No more than 60 parking spaces shall be accommodated in any single parking area.
7. Lighting. All off-street parking shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
8. Drainage. All off-street parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.

1105.5 Landscaping.

- A. Landscaping shall be regarded as an essential feature of every Planned Residential Area in order to enhance the appearance and marketability of housing, provide protection from the wind, and sun; and for screening roads, parking areas, and nearby property from view.
- B. All parking areas shall be landscaped. In addition to requirements of subsection 1105.4 paragraph 2-4 of this section, the interior of the lot shall have one four inch caliper shade tree for every four cars.
- C. Street trees must be provided on all streets. No less than two four inch caliper trees shall be provided for each 25 foot increment of collector street.

1105.6 Street Signs, Street Furniture and Street Lighting.

- A. Careful attention must be given to the quality of design of street signs, street furniture, and street lighting. Street names are subject to approval by the Board. The criteria established in Article XV of this Ordinance shall be used as a guide.
- B. All street and areas of high pedestrian use shall be adequately lighted.
- C. The character, size and shape of all outdoor signs shall be reviewed by the Board at time of request for final approval.
- D. Detailed designs of outdoor signs shall be reviewed by the Board prior to issue of permits.
- E. Outdoor signs shall be designed so as not to be a nuisance to adjacent residences and their size, shape and design shall be in harmony with their context.

1105.7 Supplementary Project Facilities.

- A. Shopping use areas within the Planned Residential Development shall be located so as not to interfere with the residential character of nearby dwelling units. Parking and loading places must be carefully screened from view of adjacent residential development.
- B. The use and general design of commercial facilities shall be reviewed by the Board at time of submission for tentative approval.
- C. Swimming pools, skating rinks and other recreational areas shall be located so as not to interfere with the residential character of adjacent dwelling units.
- D. Refuse stations must be designed with suitable screening and in locations convenient for collection removal and not offensive to the occupants of adjacent dwelling units.
- E. Adequate lighting must be provided to the outdoor areas used by occupants after dark. Appropriate lighting fixtures must be provided for walkways and to identify -steps, ramps. directional changes and signs. Lighting shall be located to avoid shining directly into habitable room windows in the project or into private outdoor open space, which is associated with dwelling units.
- F. The Planned Residential Development shall have public water and sewer and full utilities.
- G. All utilities shall be underground.