

Article XIV: PRD Planned Residential Development

SECTION 240-1400. PURPOSE

The purposes of this Article are:

- A. To encourage a more varied flexible pattern of development and redevelopment than is possible under conventional zoning regulations so that the future demand for housing and other uses may be met by offering a greater variety in types, densities, design, and layout;
- B. To provide for the preservation of open space, natural features, and historic resources within a planned residential development (PRD);
- C. To encourage development that encourages a more efficient use of land, relates to the site, and places the minimum burden on public services;
- D. To encourage innovations in development that are designed to minimize energy consumption and maximize recycling of materials in its layout, transportation, climate control, energy sources, and solid and liquid waste treatment systems; and

SECTION 240-1401. APPLICABILITY

The provisions of this Article shall be interpreted to achieve the applicable purposes and community development objectives as stated in Article I. Every application for approval of a PRD shall be based and interpreted in relation to such.

SECTION 240-1402. QUALIFYING CONDITIONS

These conditions shall be satisfied prior to the consideration by the Board of Supervisors of any application request for a PRD.

- A. The tract for any PRD shall be as shown on the Zoning Map.
- B. The tract shall be in single and separate ownership of a contiguous area, with a minimum land area of seventy (70) acres.
- C. The PRD shall be served by public water and community or public sewer per § 240-1409.E and F.
- D. The tract of land and its development shall be held in single and separate ownership, or in the case of multiple ownership, the tract shall be developed according to a single plan with common authority and common responsibility.
- E. Except as provided hereinafter, unique features of the tract shall be preserved and left undisturbed through sensitive environmental site design. These features include floodplain,

woodlands, and steep slope areas. Where in the opinion of the applicant such features cannot be preserved, it shall be the responsibility of the applicant to demonstrate to the satisfaction of the Board of Supervisors why compliance cannot be met, and what conservation measures are to be taken to mitigate environmental disturbance. Any new land disturbance proposed within an existing PRD shall comply with the requirements of Article XVIII.

- F. All negative on-site and off-site impacts associated with a use under this Article shall be minimized through proper site planning. Project design shall mitigate the impacts identified under § 240-1404.C.
- G. All applications under this Article shall be in compliance with the following provisions of the Subdivision and Land Development Ordinance:
 - 1. Plan requirements.
 - 2. Design standards.
 - 3. Construction and acceptance of public improvements.

SECTION 240-1403. USE REGULATIONS

- A. Uses permitted by right for any one (1) or more of the following principal purposes, so long as applicable area and bulk requirements and other standards can be met for each principal use:
 - 1. Single-family detached dwelling.
 - 2. Two-family dwelling (twin and/or duplex).
 - 3. Multiple-family dwelling.
 - 4. Except as otherwise indicated in this Chapter, accessory uses customarily incidental to any principal use permitted in this district shall be permitted by right on the same lot as the principal use and subject to applicable provisions for accessory uses.
 - 5. In addition, the following specific accessory uses shall be permitted by right on the same lot as the customarily associated principal by-right use, subject to applicable provisions:
 - a. Accessory common recreation facilities intended and designed solely for the use of residents of the development;
 - b. Agriculture, non-intensive or a conservation use within common open space.
 - c. No-impact home-based business per §240-1915.
- B. The following specific accessory uses shall in addition be permitted by special exception on the same lot with the customarily associated principal use, subject to applicable provisions:
 - 1. Home-based business per §240-1915.
 - 2. Family day-care home per §240-1915.

SECTION 240-1404. SITE DEVELOPMENT CONSIDERATIONS

In order to facilitate a comprehensive review of site suitability, the following standards shall be applied to sites being considered for PRD:

A. General tract considerations.

1. In order to determine which areas of a prospective tract are suitable for development and which areas should be conserved, a thorough analysis of the features of the site shall be required. The analysis shall include the following inventory:
 - a. Hydrology. An analysis of the watershed in which the tract is located, including site-specific analysis of water resources such as streams, drainage swales, floodplain areas, and areas possessing a high water table. Waterbodies shall be preserved in their natural state and incorporated into the development design.
 - b. Geology. An analysis of rock formation characteristics underlying the tract, including aquifers and groundwater, areas of shallow soil and rock outcroppings, and areas which are unsuitable to serve as foundation materials.
 - c. Topography. An analysis of the terrain of the tract, including mapping of elevation and the delineation of slope into the following categories: zero percent (0%) up to fifteen percent (15%), moderately steep slope, and very steep slope. very steep slope shall be preserved in its natural state.
 - d. Soils. An analysis of soil characteristics of the tract, including a delineation of prime building soils, prime agricultural soils, soils susceptible to erosion, soils not suitable for supporting development, and soils that are seasonally wet or found in floodplains. Floodplain soils and wetlands shall be preserved in their natural state.
 - e. Vegetation. An analysis of tree and plant cover of the tract, including the location of meadow and wooded areas. Healthy tree specimens with a twelve (12) inch or greater diameter, measured at a height of five (5) feet, and located within all proposed construction areas within one-hundred (100) feet of said construction areas shall be identified. The applicant shall demonstrate the means whereby such trees shall be protected during construction and thereafter.
2. The Township shall require site design proposals to address the results of these analyses in a way which will conserve resources.

B. General building site considerations. The following considerations shall apply to building and lot design:

1. Environmental conditions. All building sites shall be free of environmental hazards, including very steep slopes, floodplain and wet soil types, and unstable geologic formations.
2. Privacy. All dwelling units shall be designed to ensure natural light and ventilation, while affording maximum privacy.
3. Variation in setback. Variations in setbacks shall be required to create architectural interest in the layout and character of buildings. No more than two (2) contiguous dwelling units shall have identical building setback lines.

4. Access. Access to vehicular parking and pedestrian walks shall be convenient to dwelling units without creating a nuisance or detracting from privacy of residents. All dwelling units shall be served by local streets which separate dwellings units from the principal access street. All principal access streets shall be designed per the Subdivision and Land Development Ordinance.
 5. Buffer and setback. The entire perimeter of the tract(s) to be developed under this Article shall include a landscape buffer per § 240-1409.A. All buildings and structures shall be set back from the tract boundary a minimum distance as follows:
 - a. Single-family detached dwelling: Seventy-five (75) feet.
 - b. Two-family dwelling: One-hundred twenty-five (125) feet.
 - c. Multiple-family dwelling (including townhouses): One-hundred fifty (150) feet.
 - d. Accessory structure: Fifty (50) feet.
 6. Clustering. Dwelling units and lots shall be grouped to reduce the amount of roads and other infrastructure required to serve the development and to provide for open space oriented design.
- C. Project impact studies. The applicant shall be responsible for the preparation and cost of the following impact studies. These studies shall be submitted as part of the PRD application for tentative approval. This supporting data shall be designed to assist the Township in the review of the proposal and offer documentation on how any negative impacts associated with the project shall be minimized:
1. Traffic impact study. The applicant shall hire a traffic consultant to prepare said study with the approval of the Township. The study shall follow current PennDOT guidelines for such studies. The study area shall include all intersections within two-thousand (2,000) feet of the tract. The study shall enable the Township to assess the impact of a proposed development on the road network, to identify traffic problems associated with the proposed development, to identify solutions, and to present improvements to be incorporated into the project design.
 2. Community impact study. The applicant shall submit an impact study that will sufficiently assess the impact the development will have on the Township, resources, and the level of public services. The study shall address the manner in which identified negative impacts shall be resolved by the applicant to enable the Board of Supervisors to ascertain if the proposed development negatively impacts resources and is capable of being serviced by existing public services, and further, to specify what efforts the applicant has made to minimize the proposal's impact of resources and demand for services. The study shall analyze the following resources, services, and facilities:
 - a. Fire protection. The impact the proposed development will have on fire protection capability, including, but not limited to, municipal water supply, pumping capacity and specialized equipment, should be analyzed. The applicant must adequately demonstrate what effect the proposed development will have on these factors and its ability to meet any specialized needs so that the development will not have any impact on the public safety by adversely affecting the fire protection capability available to the community.

- b. Solid waste. The amount of solid waste will be generated as a result of the development. The study should identify what method will be used to dispose of the solid waste and what effort will be directed toward recycling solid waste.
- c. Historic Resources. Identification and location of historic properties and structures both on-site and within two-hundred (200) feet of the site, effect said development will have on these properties and structures, and what effort the applicant will make to preserve such historic properties and structures. Determination of historical significance and the treatment of all negative impacts will be considered by the Historical Commission with the final decision on treatment by the Board of Supervisors.
- d. Sewer. Information on the alternative methods of sewage disposal for community sewer shall be provided. Applicant shall provide information on the estimated gallons per day of sewage that will be treated by the proposed sewage system and details on the specific type of community sewer system proposed.
- e. School facilities. Impact the development will have on school enrollment within the Kennett Area Consolidated School District, including projecting the number of school-aged children to be generated by the development. Said calculations shall be made for each dwelling type proposed and shall utilize demographics of the U.S. Census, Chester County Planning Commission, and Township Comprehensive Plan.

SECTION 240-1405. DENSITY REGULATIONS

The maximum density computed over the entire PRD shall not exceed two (2) dwelling units per acre. Maximum density permitted may not necessarily be achievable due to the natural constraints of the site proposed for PRD.

SECTION 240-1406. DWELLING UNIT COMBINATION

A PRD shall comply with the following dwelling unit combination to ensure a variety of housing types:

- A. A minimum of thirty (30) percent and a maximum of fifty percent (50%) as single-family detached dwelling.
- B. A minimum of ten (10) percent as two-family dwelling.
- C. A minimum of twenty (20) percent as multifamily dwelling.

SECTION 240-1407. AREA AND BULK REGULATIONS

The following area and bulk requirements shall apply within a PRD:

- A. Single-family detached dwelling.
 - 1. Minimum lot size: Fifteen-thousand (15,000) square feet.
 - 2. Minimum lot width.

- a. Building line: Eighty (80) feet.
- b. Street line: Fifty (50) feet.

- 3. Minimum front yard depth: Twenty-five (25) feet.
- 4. Minimum side yard depth: Twelve (12) feet.
- 5. Minimum rear yard depth: Thirty (30) feet.
- 6. Minimum setback from parking: Twenty-five (25) feet.
- 7. Maximum building coverage: Twenty percent (20%).
- 8. Maximum lot coverage: Twenty-five percent (25%).
- 9. Maximum building height: Thirty-five (35) feet.

- B. Two-family dwelling (twin and duplex).
 - 1. Minimum lot size per dwelling unit: Ten-thousand (10,000) square feet.
 - 2. Minimum lot width per dwelling unit.
 - a. Building line: Sixty (60) feet.
 - b. Street line: Twenty-five (25) feet.

 - 3. Minimum front yard depth: Twenty-five (25) feet.
 - 4. Minimum side yard depth: Twelve (12) feet.
 - 5. Minimum rear yard depth: Thirty (30) feet.
 - 6. Minimum setback from parking: Twenty-five (25) feet.
 - 7. Maximum building coverage: Twenty percent (20%).
 - 8. Maximum lot coverage: Twenty-five percent (25%).
 - 9. Maximum building height: Thirty-five (35) feet.

- C. Multifamily dwelling.
 - 1. Minimum allowable lot area to be reserved for each dwelling unit free of common parking and street areas: Seven-thousand (7,000) square feet.
 - 2. Maximum net density per group of multiple-family units: Six (6) dwelling units per acre.
 - 3. Minimum distance between buildings: Sixty (60) feet.
 - 4. Minimum setback from common parking: Twenty-five (25) feet.
 - 5. Maximum building coverage: Twenty-five percent (25%).
 - 6. Maximum lot coverage: Thirty percent (30%).
 - 7. Maximum building height: Thirty-five (35) feet.
 - 8. The following additional standards shall apply when individual lots are proposed:
 - a. Minimum front yard depth: Twenty-five (25) feet.
 - b. Minimum rear yard depth: Forty (40) feet.
 - c. Maximum building coverage: Twenty-five percent (25%).
 - d. Maximum lot coverage (total): Thirty percent (30%).

SECTION 240-1408. COMMON OPEN SPACE STANDARDS

Common open space shall be required for any PRD as following in this Section.

A. Area calculation standards.

1. Minimum common open space: thirty percent (30%) of the total tract area.
2. No more than one-half (0.5) of common open space land area shall be comprised of floodplain and very steep slopes.
3. A minimum of twenty percent (20%) of common open space land area shall have environmental characteristics which make it suitable for supporting active recreation.
4. Land area designated for infrastructure and utilities, including wells, sewage systems, stormwater management facilities, retention basins, streets, and parking, shall not be included in the minimum common open space calculation. Land area reserved for future expansion of subsurface sewage disposal systems may be used in the calculation for common open space. All other infrastructure expansion which requires grade alterations shall not qualify in the calculation.

B. Design and location standards.

1. Common open space shall be planned in accordance with best management practices for site design in order to be sensitive to the physical characteristics of the site. Common open space shall be available to all residents of the PRD and shall be designed to provide direct access from all dwelling clusters.
2. A minimum of thirty percent (30%) of common open space shall remain undisturbed in its natural state. This may include floodplain areas and very steep slopes.
3. Common open space shall not be a collection of scattered and narrow strips. At least one (1) common open space area shall not be less than two (2) acres in area, have a width of no less than two-hundred (200) feet, and be suitable for active recreation.
4. Common open space shall contain only those structures relating to permitted open space uses.
5. Common open space shall be restricted from further subdivision.

C. Ownership standards. Areas to be preserved in common open space shall be held using the following methods of ownership:

1. Homeowners' association. Common open space and their facilities may be held in common ownership by a homeowners' association. The homeowners' association shall be formed and operated per § 240-1408.D.
2. Condominium. Common open space and their facilities may be held as common element under a condominium agreement. Such agreement shall be in conformance with the Uniform Condominium Act of 1980.
3. Fee-simple dedication to the Township. The Board of Supervisors may consider for dedication common open space and their facilities for public use at the time of application for PRD approval. The Township has neither the obligation to accept such property nor the need to require it be dedicated as a condition for approval.

4. Dedication of easements. Easements within common open space may be offered for dedication to the Township for public use or to a private conservancy. Title to such lands remains in ownership by condominium association or homeowners' association.
- D. Homeowners' association requirements. The following requirements shall be considered minimum standards governing the homeowners' association:
1. Bylaws describing the formation and the duties of the association, including the responsibilities for maintenance of the common open areas, shall be defined and presented to the Township for review as part of the PRD application.
 2. Membership shall be mandatory by all residents of the PRD. Membership and voting rights shall be defined.
 3. Rights and duties of the Township and members of the association in the event of a breach of the covenants and restrictions shall be defined.
 4. The bylaws shall include a statement which grants to the Township such power, but not the duty, to maintain the common open space and common facilities and to assess the cost of the same as provided within Act 247.
 5. A provision for leasing common open space back to the original or another applicant, individual, or corporation for its maintenance, provided residents may have access to certain designated areas, where applicable, at all times and it is approved by the homeowners' association and the Board of Supervisors, may be included.
- E. Maintenance standards.
1. Delinquency. In the event that the organization in § 240-1408.C shall at any time, after establishment of the PRD, fail to maintain common open space and their facilities in reasonable order and condition in accordance with the development plan, the Board of Supervisors may serve written notice upon such organization or the residents of the PRD including:
 - a. The manner in which the organization has failed to maintain the common open space in reasonable condition.
 - b. A demand that such deficiencies of maintenance be corrected within thirty (30) days of said notice.
 - c. The date and place of a hearing which shall be held within fourteen (14) days of said notice.
 2. Public hearing. At such a hearing, the Board of Supervisors may modify the terms of the original notice concerning the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies shall not be corrected within thirty (30) days or within any extension, the Township may enter upon the common open space and maintain the same for a period of one (1) year. The said maintenance by the Township shall not constitute a taking of said common open space nor vest in the public any rights to use the same.
 3. Burden of proof. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization responsible for the maintenance of the common open space, call a public hearing upon notice to such organization and to the residents of

the PRD. At the hearing, such organization or the residents 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. If the Board of Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain common open space at the end of said year. If the Board of Supervisors shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

4. Cost of maintenance. The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably, in accordance with present tax assessments, against the properties within the PRD which have a right of enjoyment of the common open space and shall become a lien on the said properties. The Township, upon entering the common open space for the purposes of maintenance, shall file a notice of such lien in the County Office of the Prothonotary.

SECTION 240-1409. IMPROVEMENT STANDARDS

A. Landscaping and buffering. Landscaping shall be required as an essential feature of every PRD. The landscape plan shall be based upon the natural features of the tract. Use of a variety of naturally occurring species and incorporating existing vegetation where appropriate shall be encouraged. Plantings shall be permanently maintained using good nursery practice. Design and maintenance shall be to the satisfaction of the Board of Supervisors.

1. Street shade trees shall be provided. Trees shall be a minimum of eight (8) feet in height with a minimum diameter of two (2) inches, measured three (3) feet from ground level.
2. All parking areas shall be landscaped by the applicant with a combination of trees and shrubs. There shall be a minimum of one (1) tree planted for every ten (10) parking spaces within the interior of every parking lot to reduce impervious surface and provide shade and visual contrast.
3. Planted areas and earthen berms, when appropriate, shall be provided at the entrances to a PRD to serve as a buffer from traffic noise and adjacent tracts.
4. Trees.
 - a. All trees having a diameter, measured at five (5) feet in height, of twelve (12) inches or greater shall be identified on the landscape plan and considered for preservation when in the following locations:
 - 1) Within all proposed construction areas;
 - 2) Within one-hundred (100) feet of any proposed construction.
 - b. Such trees shall be protected from disturbance during construction and may be used in the shade tree calculation for streets and parking areas.
5. The entire tract boundary shall be provided with a twenty (20) foot planting buffer strip which provides a year-round visual buffer from adjacent properties. Existing vegetation

shall be used for the screen whenever possible, with additional plantings and earthen mounds serving to enhance the screen. The density and type of plantings used in the screen shall depend on topographic features, proximity to adjacent dwellings, and the compatibility of adjacent uses.

- B. Lighting standards. Illumination of parking areas, sidewalks, steps, and ramps shall be required as an improvement within multifamily clusters in a PRD. The Board of Supervisors may require illumination in other areas of the development. A lighting plan designed for both quantity and quality shall be prepared to meet with the satisfaction of the Board of Supervisors. The lighting shall be designed per § 240-2013.
- C. Parking standards. Adequate off-street parking facilities shall be provided within every PRD, per the applicable parking provisions in Article XX.
- D. Sidewalks. Sidewalks may be required by the Board of Supervisors. Sidewalk layout shall be to the satisfaction of the Board of Supervisors.
- E. Sewage facilities. PRDs shall be serviced by public or community sewage system, compliant with requirements of Pennsylvania Department of Environmental Protection (PADEP), Subdivision and Land Development Ordinance, and Township Act 537 Sewage Facilities Plan.
 - 1. All aboveground facilities shall be set back a minimum of one-hundred (100) feet from the property line of the tract, private lots, or buildings.
 - 2. A planting screen shall be provided to buffer the facility from private lots, buildings, and adjacent tracts.
- F. Water supply. PRDs shall be serviced by a public water supply system, per requirements of PADEP and Pennsylvania Public Utilities Commission for design and installation. Per Act 247, applicants shall present evidence to the Township that public water is to be supplied by a certificated public utility or municipal authority.
 - 1. The system shall be designed to furnish an adequate supply of potable water with a minimum constant, sufficient pressure at each dwelling unit, subject to review by the Township Engineer.
 - 2. Water mains shall be designed to form a loop system to enhance a continual supply of fresh water. When dead ends occur on new mains, they shall be closed with new plugs, a blowoff valve, or fire hydrant.
 - 3. A functional fire hydrant system shall be incorporated into the water system. Hydrants shall be located no farther than six-hundred (600) feet from any dwelling. Alternate forms of emergency water supply may be permitted by the Board of Supervisors only if such supplies are approved by the appropriate fire company and Chester County Fire Marshal.
 - 4. All hydrant connections shall be reviewed and approved by the appropriate fire company and the Chester County Fire Marshal.
 - 5. The Board of Supervisors may modify the requirements pertaining to a public water supply system in the event that the applicant successfully demonstrates that such a system would not be feasible, that service by individual on-lot water would not

constitute a potential hazard to public safety and health, and that the applicant obtains approval from the Chester County Health Department for individual wells.

- G. Storm drainage standards. All stormwater management and drainage facilities shall be in accordance with the requirements of Kennett Township Stormwater Management Ordinance, Kennett Township Subdivision and Land Development Ordinance, and Pennsylvania Department of Environmental Protection. In the case of any conflict, the more stringent standards shall apply.
- H. Erosion and sedimentation control. Erosion and sediment control shall be in accordance with the requirements of Kennett Township Stormwater Management Ordinance, Kennett Township Subdivision and Land Development Ordinance, and Pennsylvania Department of Environmental Protection. In the case of any conflict, the more stringent standards shall apply.

SECTION 240-1410. GENERAL PROCEDURAL REQUIREMENTS

All applications for PRD shall follow the stages listed below:

- A. Tentative plan approval (§ 240-1411).
- B. Final plan approval (§ 240-1415).

SECTION 240-1411. APPLICATION FOR TENTATIVE APPROVAL

- A. Application. A complete application for tentative approval of a development plan, along with applicable filing fee(s) per the Township Fee Schedule, shall be filed by or on behalf of the landowner(s). Applications shall be filed with the Board of Supervisors. The application for and tentative and final approval of a development plan for a PRD prescribed in this Article shall be in lieu of other Zoning Ordinance or Subdivision and Land Development Ordinance procedures or approvals, except as otherwise cited in this Article.
- B. Development plan. A development plan for a PRD submitted for tentative approval shall include the following information:
 - 1. Plans shall include the following data:
 - a. All data required under the Subdivision and Land Development Ordinance for a preliminary plan submission.
 - b. Identify tree groupings as well as trees with a six (6) inch or greater diameter at three (3) feet above ground level.
 - c. Total number of residential units and types proposed, and by phase.
 - d. Identify unique natural features and historic structures.
 - e. Identify all buildings within one-hundred (100) feet of the site boundaries.
 - 2. The proposed gross density for the entire project and proposed net density figures for each phase or housing type to be developed.

3. The location and size of the common open space as defined in § 240-1408.
 4. The approximate dimensions and locations of lots, buildings, and other structures.
 5. An analysis of the feasibility of the proposal for disposition of sewage, supply of potable water, and stormwater management.
 6. The provisions of all covenants, grants of easements, or other restrictions to be imposed upon the use of the land, buildings, and structures, including proposed easements for public utilities.
 7. The provisions for parking, and the location and width of proposed streets and public ways.
 8. Proposed modifications to existing land use regulations otherwise applicable to the subject property.
 9. In the case of a plan proposed to be built in phases, a schedule indicating the proposed timing in which applications for final approval of all sections are intended to be filed. This schedule shall be updated annually, on the anniversary of its approval, until the development is completed.
 10. To protect historic resources on the tract, the Board of Supervisors may require a buffer of one-hundred fifty (150) feet in radius around such resources, in which area no construction would be permitted. This buffer may consist of common open space or may be separately subdivided with the historic resource, provided it is restricted against further subdivision and building.
- C. Filing fee. Applications for PRD shall be made on forms provided by the Township and shall be accompanied by the fees as set forth below:
1. The Township shall make available to applicants the form upon which all applications for approval of a PRD plan shall be made.
 2. Every applicant shall, at the time of filing application for PRD, pay to the Township a filing fee, as per the schedule established by resolution of the Board of Supervisors.
 3. Every applicant shall, as part of his application for approval of the plan, agree to pay the Township such fees and expenses as said Township incurs for the services of the Solicitor, Land Planner, the designated Township Engineer, and/or Inspector in investigation, tests, and advising the Board of Supervisors in relation to the plan, the inspection of construction of public improvements, and review of agreements and documents required by this Chapter.

SECTION 240-1412. PUBLIC HEARINGS

Public hearings shall be conducted per Act 247 Section 708.

SECTION 240-1413. FINDINGS

Findings shall be conducted per Act 247 Section 709.

SECTION 240-1414. STATUS OF PLAN AFTER TENTATIVE APPROVAL

Status of plan after tentative approval shall be conducted per Act 247 Section 710.

SECTION 240-1415. APPLICATION FOR FINAL APPROVAL

- A. Submission. An application for final approval may be for all the land in a development plan or , to the extent set forth in the tentative approval, for a portion thereof. The application shall be made to the Board of Supervisors and within the time(s) specified by the official written communication granting tentative approval. A public hearing on an application for final approval of the development plan, or part thereof, shall not be required, provided the development plan, or the part thereof, submitted for final approval is in compliance with the development plan given tentative approval and with any specified conditions attached.
- B. Content. The application shall include any drawings, specifications, covenants, easements, performance guarantees, and such other requirements as may be specified by this Chapter or by the Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval.
- C. Development plan. Plans submitted for final approval of all or a portion of a PRD shall be prepared in accordance with the requirements for final subdivision plans as specified in the Subdivision and Land Development Ordinance.
- D. Public improvements. The Subdivision and Land Development Ordinance, as amended, shall govern the construction and acceptance of all public improvements, including the provisions for requirement of performance and maintenance guarantees.
- E. Decisions shall be conducted per Act 247 Section 711(b).
- F. Variations in the development plan from the development plan given tentative approval shall be conducted per Act 247 Section 711(c).
- G. A development plan, or any part thereof, which has been given final approval shall be conducted per Act 247 Section 711(d).
- H. Abandonment of a development plan, or a section thereof, given final approval shall be conducted per Act 247 Section 711(e).
- I. School district notification shall be conducted per Act 247 Section 711(f).

SECTION 240-1416. ADMINISTRATION AND ENFORCEMENT

- A. As-built plans. As-built plans shall be provided to meet requirements of the Subdivision and Land Development Ordinance.

- B. Development of the plan. All provisions of the final development plan shall run in favor of the residents of the PRD but only to the extent provided in the final development plan, and in accordance with the terms of the final development plan. The provisions may be enforced by law or equity by said residents in the final development plan to act on their behalf. No provisions of the final development plan shall be implied to exist in favor of residents of the PRD except as to those portions of the final development plan which have been finally approved and have been recorded.

- C. Public enforcement of provisions. All those provisions of the final development plan authorized to be enforced by the Township under this Section may be modified, removed or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
 - 1. No such modification, removal or release of the provisions of the final development plan by the Township shall affect the rights of the residents of the PRD to maintain and enforce those provisions, at law or equity, as provided in this Section.
 - 2. No modification, removal or release of the provisions of the final development plan by the Township shall be permitted except upon a finding by the Board of Supervisors, following a public hearing called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire PRD and is not granted solely to confer a special benefit upon any person.

- D. Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the final development plan, modify, remove or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the final development plan in accordance with the provisions of this Section.

- E. Enforcement Remedies. Enforcement Remedies shall be as provided in Act 247 Article VII.