

APPENDIX I

TO SUMMIT TOWNSHIP

ZONING ORDINANCE 1992-05

TO

INCLUDE PROVISIONS RELATING TO

PLANNED RESIDENTIAL DEVELOPMENT

(P.R.D.)

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Amended May 15, 2006

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PLANNED RESIDENTIAL DEVELOPMENT**

BE IT HEREBY ORDAINED by the Board of Supervisors of the Township of Summit, Erie County, Pennsylvania that: Article II of the Summit Township Zoning Ordinance is amended to include the following definitions in Section 202 thereof:

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed and intended for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CLUSTER: A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

DWELLING (Only one dwelling shall be permitted on each lot of record):

A. **SINGLE FAMILY:** In R-1 District, a detached building designed for exclusive use by one family and having a minimum of 1,200 square feet of heated living area on a permanent foundation.

B. **SINGLE FAMILY:** In R-2 and R-3 Districts, a detached building designed for exclusive use by one family and having a minimum of 720 square feet of heated living area on a permanent foundation.

C. **MULTISTORY:** In R-1 District, a detached building designed for exclusive use by one family, containing or designed to contain, two or more stories with common access facilities, and having a minimum of 620 square feet of heated living area on the primary story level.

D. **MULTISTORY:** In R-2 and R-3 districts, a detached building designed for exclusive use by one family, containing or designed to contain, two or more stories with common access facilities and having a minimum of 520 square feet of heated living area on the primary story level.

ENVIRONMENTALLY SENSITIVE AREA: An area with one or more of the following environmental characteristics:

- (1) steep slopes over twenty-five (25%) percent;
- (2) flood plain (floodway and flood fringe);
- (3) soils classified as highly erodible, subject to erosion, or highly acidic as identified with the Soil Survey of Erie County, Pennsylvania;
- (4) wetlands.

NET ACREAGE: Net acreage is that land area remaining upon the exclusion of any portions of the tract located within existing and proposed rights-of-way, environmentally sensitive areas (wetlands, flood plains or slopes in excess of twenty-five (25%) percent, those areas designated for nonresidential uses, including, but not limited to, limited neighborhood commercial areas, and common open space.

PLANNED RESIDENTIAL DEVELOPMENT: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development (excepting that provided through bonus provisions) and the remaining land area is devoted to open space, recreation, preservation or environmentally sensitive areas or agricultural purposes.

ORNAMENTAL TREE: Trees normally less than 25 feet tall. Ornamental trees are distinguished by one or more unique characteristics: flowers, fruit, strong fall color, bark or unique form. Many varieties bloom in spring before foliage appears. Common ornamental trees include: flowering dogwood, flowering cherry, pear, crabapple and Japanese maple.

STEEP SLOPE: Average land areas exceeding twenty-five (25%) percent in slope measured and presented as follows:

1. The development, grading, and stripping of vegetation shall be limited to a percentage of land within steep slope categories established by this Section. The applicant proposing the subdivision and/or land development shall prepare a topographic site plan with contour intervals of ten feet (or of greater detail) and depicting the slope of all areas within the site according to the categories of 0-7.9%, 8-14%, 15-24.9% and greater than 25%. Such plan shall be sealed by a professional engineer, professional land surveyor, or a landscape architect.

2. The maximum area of land which may be developed, graded and stripped of vegetation shall be as follows:

a. No greater than 40% of areas with slopes ranging from 8% to 14.9% shall be developed, graded, or stripped of vegetation.

b. No greater than 30% of areas with slopes ranging from 15% to 24.9% shall be developed, graded or stripped of vegetation.

c. No greater than 15% of areas with slopes greater than 25% shall be developed, graded, or stripped of vegetation.

The Summit Township Zoning Ordinance is amended to include the following Article 3-A as an appendix to Article 3.

**ARTICLE 3-A
PLANNED RESIDENTIAL DEVELOPMENT**

301-A. Authority. The provisions of this Article III-A are adopted by virtue of the authority granted to Summit Township under Article VII of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. §§10701, et seq.

302-A. Purpose. The purposes of the planned residential development regulations are:

- A. To encourage the creation of innovative residential development, design and layout of dwellings;
- B. To conserve and more efficiently use the open space that is ancillary to such dwellings and uses;
- C. To extend greater opportunities for better and affordable housing to all citizens and residents of the Township;
- D. To insure that the increased flexibility and design specificity of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay;
- E. To reduce the excessive sprawl of development that cause unnecessary traffic congestion;
- F. To promote the creation of places which are oriented to the pedestrian thereby promoting citizen security and social interaction;
- G. To promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible design and architectural design elements. Such elements shall relate the design characteristics of an individual structure or development to other existing and planned structures of developments in a harmonious manner, resulting in a coherent overall development pattern and streetscape;
- H. To promote the creation of developments that are identifiable in the landscape, surrounded by open space and that preserve sensitive natural features; and
- I. To preserve the remaining rural character of the Township by directing new development to appropriate locations and to minimize the visual impact of new development.

303-A. Administration. The Board of Supervisors shall administer open space (planned residential) development provisions pursuant to this Ordinance and the provisions of the

Pennsylvania Municipalities Planning Code.

304-A. Exclusivity. This Article shall provide the sole and exclusive method by which open space developments shall be permitted in Summit Township.

305-A. Planned Residential Development Regulations.

A. Permitted Uses.

Permitted uses include single-family dwellings, community centers, and uses customarily accessory to the above uses.

B. Allowable Density.

1. Allowable density shall be based upon net acreage and shall be calculated as follows:

a. Calculate Net Acreage (Net Acreage = Gross Acreage - (Common Open Space + Any Additional Environmentally Sensitive Areas Not Included Within the Common Open Space)

b. Maximum Densities per zoning district shall be as follows:

- i. A-1 District: 1.1 dwelling units per acre.
- ii. A-2 District: 1.5 dwelling units per acre.
- iii. R-1 District: 3.2 dwelling units per acre.
- iv. R-2 District: 4.4 dwelling units per acre.
- v. R-3 District: 6.8 dwelling units per acre.

c. Calculate Allowable Density (Net Acreage x Maximum Density per Zoning District)

d. Bonus densities may be granted at the time of final approval for the completion of active recreational land uses, or the posting of financial security to insure such completion in the useable common open space as required by the provisions of this Ordinance. Such bonus densities shall be 10% of the maximum density per zoning district for each 25% of useable common open space for unimproved active recreational land uses so improved. By way of example, if 100% of the useable unimproved common open space (35% of common open space, per requirements of this Article) is improved for active recreational use, the maximum density in an R-3 District would be 9.02 dwelling units per acre.

C. Water/Sewer Requirements. Municipally-owned water and sanitary sewer systems approved by the Pennsylvania Department of Environmental Protection shall be provided.

D. Minimum Lot Size. Minimum lot size shall be based upon the required yards and distances, impervious coverage, parking, buffering and other applicable criteria as set forth in

this Section, EXCEPT for structures to be constructed on existing roadways the minimum front, side and rear lot requirements and the minimum height per structure shall be controlled by Table 312.01 and the minimum lot area per structure, the minimum lot width at the building set back line and the maximum percentage coverage by structure shall be controlled by Table 312.02 of the Summit Township Zoning Ordinance.

E. Minimum Yards and Distances. In open space development, normal yard and setback requirements are changed to minimum yards and distances between structure requirements, except for structures to be constructed on existing roadways as noted above. They are as follows:

1. Tract perimeter yard: Fifty (50') feet.
2. Front yard setback: Forty (40') feet.
3. Rear-to-rear: Sixty (60') feet between structures.
4. Rear-to-side: Forty-five (45') feet between structures.
5. Other distances between structures (side-to-side and corner-to-corner):
 - a. Single-family detached dwellings: Fourteen (14') feet.
 - b. Semi-detached dwellings: Twenty (20') feet.
 - c. Attached dwellings: Sixty (60') feet.
 - d. Single-family or semi-detached dwellings and attached dwellings: Sixty (60') feet.
 - e. Principal and accessory structure: Ten (10') feet.
 - f. Nonresidential principal structure and residential principal structure: One Hundred (100') feet.

F. Design Standards.

1. Separate garages and accessory buildings may be located in any rear yard, provided that they do not violate the coverage regulations herein set forth and that no part of the structure projects over the property line.
2. The maximum permitted impervious coverage shall be no more than thirty-five (35%) for the gross plan area.
3. Principal structures and accessory structures shall not exceed thirty-five (35') feet in height.
4. Off-Street Parking/Access and Related Landscaping:
Off-street parking and access shall be provided in accordance with provisions set forth in Summit Township Ordinances.
5. Sidewalks and Paths
 - a. A sidewalk system shall be provided throughout the Open Space Development, adjacent to and interconnecting all

dwelling units with other dwelling units, collector streets, non-residential uses and common open space. Sidewalks shall promote pedestrian activity throughout the development, as well as neighboring developments, and may include gathering/sitting areas with benches, landscaping and other street furniture as appropriate.

b. The edge of the sidewalk farthest from the cartway shall be located on the right-of-way line and shall be constructed in accordance with Township specifications.

c. Walking and biking paths shall be provided where possible, linking internal common open space areas with peripheral open space areas and adjacent neighborhoods. Such paths shall be a minimum of six (6) feet wide and may use asphalt paving.

6. When required, loading docks, solid waste garbage facilities, recycling facilities and other service areas shall be placed to the rear or side of buildings, in less visually obtrusive locations. Screening and landscaping shall prevent direct views of such facilities, and associated loading areas and driveways, from adjacent properties or from the public right-of-way. Such screening shall be a minimum of four (4') feet in height.

7. Lighting and signage shall be unobtrusive to residential areas located within the Open Space Development and must meet all other requirement of this and all other Ordinances of Summit Township.

8. Ornamental trees shall be installed on both sides of the street, centered between sidewalk and curb. Trees shall be 25' or less in height at maturity and shall be planted at maximum 30' intervals.

9. Public Streets and Private Streets in a Planned Residential Development (PRD) of more than one lot shall have a Public Right-of-Way width of 50' minimum and all Public streets shall be designed, constructed, and maintained in accordance with the Summit Township Paving and Storm Sewer Specifications, and meet the following requirements:

a. **Open Space Development Street System.**

1. **General Requirements:** A safe and convenient vehicular access shall be provided from abutting public streets or roads.

2. **Access:** The entrance road, or area connecting the development's first internal street with a public street or road, shall have a minimum pavement width of twenty-eight (28') feet face of curb to face of curb. In any case, a fifty (50) foot right-of-way must be maintained, measured from the center line(s) of the paved area(s).

G. Common Open Space.

1. **Minimum Common Open Space.** The minimum amount of common open space required in any open space development shall be determined by the proposed reduction in the lot sizes. The difference in lot sizes between the size as would be required by the applicable zoning district and the size as proposed in the open space development plan, times the number of lots proposed, shall be the minimum amount of common open space required. Common open space shall be deed restricted to prohibit future subdivision or development. In addition, the following provisions shall apply:

a. **Passive Open Space.** Not less than thirty-five (35%) percent of the gross area of the common open space shall be allocated to and shall remain in passive common open space. The passive open space shall typically include all or part of the following resources:

i. mature woodlands,
ii. prime farmland,
iii. historic, archeological or cultural features listed, or eligible to be listed, on the National Register of Historic Places,

iv. regulatory floodplain, and

v. slopes exceeding 25%.

b. **Useable Open Space.** Not less than thirty-five (35%) percent of the gross area of the common open space shall be allocated to useable common open space for unimproved active recreational land uses. Useable common open space shall not contain environmentally sensitive areas as defined herein.

2. **General Locational and Design Standards.**

a. Open Space Developments shall be designed in such a manner so that the common open space shall be directly accessible to the largest practicable number of lots within the development. Safe and convenient pedestrian access to the common open space shall be provided for all lots not adjoining the open space areas.

b. Where the undivided common open space is designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area, except that such areas are specifically designed as buffers to wetlands, waterbodies or watercourses, or designed as trail links.

c. Common open space containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees and other areas of mature vegetation worthy of preservation may be left unimproved and in a natural state. As a general principle, the preservation of undeveloped open space in its natural state or as existing farms

is encouraged. A developer may make certain improvements, such as the cutting of trails for walking or jogging, and the provision of picnic areas.

d. No roads, emergency access roads, driveways or utility rights-of-way, easements, or improvements shall be within the acreage designated for the minimum common open space as required above, except as required as part of the approved common open space.

3. **Evaluation Criteria.** In evaluating the layout of lots and common open space, the following criteria shall be considered by the governing body as indicating design appropriate to the site's natural, historic, and cultural features, and meeting the purposes of this Ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. The governing body shall evaluate proposals to determine whether the proposed Sketch or Tentative Plan:

a. Protects and preserves all, or part of all, floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the township for essential infrastructure or recreation amenities).

b. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and creates sufficient buffer areas to minimize conflict between residential and nonresidential uses.

c. Maintains or creates a buffer of natural native species vegetation of at least 25 feet in depth, adjacent to wetlands and surface waters.

d. Designs around and preserves sites of historic, archeological or cultural value, and their environs insofar as needed to safeguard the character of the feature.

e. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the open space system. All walkways/sidewalks should link with off-site trails, walkways, sidewalks and potential open space on adjoining undeveloped parcels where practical.

f. Provides open space that is reasonably contiguous. Fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of common open space shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails.

4. **Ownership and Management.**

a. The common open space proposed for a planned residential development may be offered to Summit Township for dedication for public use and maintenance, but Summit Township shall not be obligated to accept such dedication. An offer of public dedication of the common open space shall not be a condition of approval for any planned residential development.

b. In any planned residential development where the common open space is not dedicated to and accepted for public use, the landowner or developer shall retain ownership and maintenance, or establish an organization for the ownership and maintenance of the common open space. Documents creating and governing the organization for the ownership and maintenance of the common open space and recreational facilities shall be submitted as part of the application for Tentative Plan approval. Any such organization so formed shall not be dissolved, nor shall it 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). The organization, or any successor thereto, may offer the common open space to Summit Township for dedication for public use and maintenance but Summit Township shall not be obligated to accept such dedication.

c. If an organization is used to own and maintain common open space and recreational facilities, the following minimum requirements shall be incorporated into the association regulations:

i. Membership in the organization shall be mandatory for all purchasers of dwelling units and their successors.

ii. The organization shall be responsible for the maintenance, insurance, taxes and other assessments on such property.

iii. The members of the organization shall equitably share all costs incurred, in accordance with procedures set forth within the organizational documents.

d. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan or fail to pay the insurance, taxes and other assessments on such property, Summit Township may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition or failed to pay the costs incurred, and said notice shall include a demand that such deficiencies of maintenance or payment be corrected within thirty (30) days

thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing Summit 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.

i. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, Summit Township, in order to preserve the taxable values of the properties within the planned residential development 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 (1) year. Said maintenance by Summit Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

ii. Before the expiration of said year, Summit Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned residential development, to be held by the governing body, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by Summit Township shall not, at Summit Township's option, continue for a succeeding year. If the governing body shall determine that such organization is ready and able to maintain said common open space in reasonable condition, Summit Township shall cease to maintain said common open space at the end of said year. If the governing body determines that such organization is not ready and able to maintain said common open space in a reasonable condition, Summit 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.

iii. The decision of the governing body shall be subject to appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals by the Pennsylvania Municipalities Planning code, as now enacted or hereafter amended.

iv. The cost of such maintenance and/or costs for any insurance, taxes and other assessments on such property shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. Summit 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 Erie County, upon the properties affected by the lien within the planned residential development.

306-A. Application Process.

A. Optional Sketch Plan Submission

1. It is strongly recommended that the applicant submit a Sketch Plan to the Township Planning Commission for preliminary discussions of intent. In submitting the Sketch Plan, the applicant will receive the benefit of advice and comment prior to the submission of the required Tentative Plan. By so doing, the applicant will have constructive comments for use in the development of a more refined first submission of a Tentative Plan and possibly reduce future review comments. In all likelihood this process will provide a significant cost savings to the applicant.

2. The Planning Commission shall review the sketch plan in conference with the applicant and, by mutual agreement, determine a sketch plan which conforms with the intent of this Article. The applicant may then proceed with the preparation of the Tentative Plan submittal.

3. The submission of the sketch plan shall not be deemed the beginning of the time period for review as prescribed by law. The review of the sketch plan by the Planning Commission is intended to be advisory only and shall not bind the Township to approve the application for preliminary or final approvals.

4. The sketch plan may be an approximate drawing but should generally be drawn to a scale of one hundred (100) feet to the inch.

5. The sketch plan should contain at least the following information but need not necessarily show precise dimensions. This information is requested in order to assist the applicant in developing a plan which meets the requirements and intent of the Ordinance without incurring significant time and expenses.

a. The location, size and topography (USGS) of the site and the nature of the applicant's interest in the land proposed to be developed, including the approximate tract boundary, north point, names of adjacent property owners and identification of adjacent streets.

b. The intensity of land use to be allocated to various parts of the site as well as the number of dwelling units contemplated.

c. The general layout of the proposed development and interrelationship of uses including, but not limited to common open space, buildings and other structures, residential building types, off-street parking, lot and street configuration.

d. A written statement of a qualified professional concerning the feasibility of proposals for sewerage, water supply, and stormwater management, but not to include drawings.

e. In the case of development plans which call for execution over a period of years, a statement regarding the

proposed phasing schedule should be issued.

f. If available, an aerial photograph of the affected tract, as well as a videotape or photographs of the area.

g. Generalized environmentally sensitive areas.

h. Any other information available to the applicant which may be of benefit to the Township in providing their assistance.

B. **Application for Tentative Approval of Planned Residential Development.** The procedure for applying for tentative approval of a planned residential development shall be:

1. **Application.** An application for tentative approval of the planned residential development plan shall be filed with the governing body by or on behalf of the landowner. The application shall be in the form proscribed by the governing body, shall be accompanied by the application fee established by resolution and shall be delivered to the Zoning Officer. The application shall be accompanied by the following information:

a. the location, size and topography (USGS) of the site and the nature of the landowner's interest in the land proposed to be developed;

b. the density of land use to be allocated to parts of the site to be developed;

c. the type, location and size of the common open space and the form of organization proposed to own and maintain the common open space;

d. the use and approximate height, bulk and location of buildings and other structures;

e. a written statement of a qualified professional concerning the feasibility of proposals for sewerage, water supply and stormwater management;

f. the substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities;

g. the provisions for parking of vehicles and the location and width of proposed streets and public ways;

h. the required modification in Summit Township land use regulations otherwise applicable to the subject property;

i. the feasibility of proposals for energy conservation and the effective utilization of renewable energy resources;

j. in the case of development plans that provide for development over a period of years, a schedule showing the proposed times within which applications for the approval of all

sections of the planned residential development are intended to be filed; and

k. a written statement by the landowner setting forth the reasons why, in his opinion, a planned residential development would be in the public interest and would be consistent with the comprehensive plan for the development of Summit Township.

2. **Site Maps, Plans, Profiles, Cross Section and Architectural Drawings.** Each map, plan and drawing shall be prepared by a professional engineer, surveyor, landscape architect or architect registered in the Commonwealth of Pennsylvania, who shall place his seal and signature on all applicable plans, maps, and drawings. Such plans, maps and drawings shall be prepared in accordance with the requirements of Summit Township Subdivision and Land Ordinance, as amended. In addition, the following shall be shown:

a. Plans for recording plats shall be drawn on sheets having a sheet size of 18" x 24", civil drawings may be 24" by 36", at a minimum scale of 1" = 100'.

i. The file or project number assigned by the firm that prepared the plan, the plan date, and the dates of all plan revisions.

ii. The entire tract boundary with bearings and distances, and identification of all corner markers.

iii. A location map, for the purpose of locating the site to be subdivided or developed, at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets, municipal boundaries and streams existing within one thousand (1,000) feet of any part of the property proposed to be developed.

iv. The plotting of all existing adjacent land uses and lot lines within two hundred feet (200') of the proposed development including the location of all public and private streets, drives, or lanes, railroads, utilities, towers, easements, embankments, walls, streams and watercourses, buildings and other structures, fences and walls, all residential and non-residential land uses, fire hydrants, storm drainage structures, and other significant natural or man-made features.

v. Contours at vertical intervals of two (2) feet.

vi. The delineation of one hundred (100) year floodplains, including separate delineations of the floodway and flood fringe areas.

vii. The delineation of all soil types indicated by the U.S.D.A. Soil Conservation Service Soil Survey of Erie County.

viii. Environmental analysis map(s) showing and identifying the location of unique land forms or natural features

(such as hills, berms, knolls, mounds, swales, bowls, depressions, rock outcroppings or scenic views), areas exceeding twenty-five (25%) percent slope (as defined herein), type of bedrock, and its associated environmental characteristics (such as depth to seasonal high water table, depth to bedrock, erodibility and permeability), water courses or bodies of water, floodplains, wetlands or other hydrologic conditions affecting the tract (proof of the non-existence of such conditions shall be provided by the applicant), and any other environmentally sensitive features.

ix. The plotting of all existing landmarks within the proposed development including the location of all existing streets, buildings, easements, rights-of-way, storm drainage structures, and water courses.

x. A list of site data including, but not limited to the following:

- aa. Total acreage of the tract.
- bb. Proposed use of the land.
- cc. Proposed gross area of the development.
- dd. Proposed gross residential density.
- ee. Proposed number of dwelling units and building type.
- ff. Proposed number of lots.
- gg. Acreage of all street rights-of-way proposed for dedication.
- hh. Acreage and percentage of common open space.
- ii. Acreage of areas for stormwater management retention ponds.
- jj. Acreage to be sold to individual owners.
- kk. Acreage to be retained by landowner.
- ll. Proposed number of parking spaces.

xi. The proposed location and dimensions of all streets, access drives, off-street parking areas, sidewalks, bikeways and curbing.

xii. The radius and arc dimensions for all lot line and street line curves.

xiii. The size of all lots in square feet and acreage.

xiv. Reference as to whether any existing structure on the tract to be developed is to be retained or removed.

xv. The proposed location of building setback lines from all streets, and the distances between buildings, adjacent tract boundaries and lot lines.

xvi. The proposed location, size and use of all common open space areas, structures and recreation facilities.

xxvii. The proposed areas to be dedicated to the Township with acreage of all areas and widths of all rights-of-

way.

xxviii. Proposed street names.

xxix. The proposed location of all survey pins and concrete monuments placed in accordance with Article VI of the Township Subdivision and Land Development Ordinance.

xxx. The proposed size and location of all sanitary sewers, water mains, fire hydrants and laterals, storm drainage facilities, gas mains, and electric utilities, materials of all pipes, invert and top elevations of facilities and gradient of all pipes for sanitary sewers and storm drainage facilities.

xxxii. A clearing and vegetation protection plan showing and identifying the location of all areas of the tract to be cleared, all areas of soil disturbance, all areas of topsoil stockpiling during the period of development, all existing vegetation to be retained, details for the methods of vegetation protection during the period of development.

xxxii. A proposed phasing plan of the development covering the entire tract or tracts affected.

b. Typical cross-sections, details and specifications as well as preliminary profiles, shall be submitted for all improvements including streets, curbs, sidewalks, bikeways, recreation facilities, planting, sanitary and/or storm sewer facilities, and sediment and erosion control facilities.

c. A planting plan for the development. The planting plan shall include the identification and location of the following information:

i. All pertinent information regarding the general site layout, existing man-made and natural features on the tract, proposed grading, existing vegetation to be retained and other conditions affecting proposed landscaping.

ii. Proposed plantings, including trees, designated by symbols appropriately scaled to represent the sizes of such at time of planting. Planting beds shall be shown by a clearly delineated border outline. Identification of all proposed plantings shall be numerically quantified and keyed to the planting schedule by the first letters of each plant's botanical name.

iii. Planting schedule should be provided for all proposed plantings, including both botanical and common plant names, identification key, total quantity, size (height, weight and caliper) at the time of planting.

iv. Details and specifications for all proposed plantings, topsoiling, seeding and mulching, including notes regarding special maintenance requirements to be temporarily used during the period of establishment, or permanently, and the limits of any such special maintenance areas.

v. Proposed buffering, screening, walls and fences, including construction details, cross sections, elevations, and

materials.

vi. Proposed courtyards, lanes, walkways, paths, common open space and recreation areas and facilities, street or site furniture, ponds, fountains, trellises, pergolas, gazebos, accessory structures, art and sculpture, common mail boxes, solid waste and recycling storage facilities and HVAC equipment and utility service boxes, to be located at or above grade. Construction details, cross sections, elevations, and materials for all of the above items where applicable.

d. Architectural drawings shall be submitted of each proposed structure type in the Open Space Development.

e. A proposed traffic warning and regulatory control signage plan, prepared in accordance with PennDOT Publications 201 and 236, and adopted Township policy.

3. Declaration of Covenants, Grants of Easements, Conditions and Restrictions:

a. All deeds for conveyance of property with the Open Space Development shall bind the purchasers to the Declaration of Covenants, Grants of Easement, Conditions and Restrictions and shall state the requirement of mandatory membership for all residents in the development in the residents association, if such an association is to be created for the ownership, administration and maintenance of the common open space.

b. The Declaration of Covenants shall include but shall not be limited to the following:

i. Parties to the Declaration.

ii. Effective date of Declaration.

iii. Definition of terms used in Declaration.

iv. Establishment of a Residents Association (if applicable).

v. Property rights of the landowner and of individual owners of property in any and all lands included within the limits of the development.

vi. Title to common open space.

vii. Covenants and restrictions in common open spaces preventing future development.

viii. Membership and voting rights of developer and of residents in Residents Association (if applicable).

ix. Rights of tenants or lessees.

x. Covenant for Maintenance Agreement of all common open spaces and other improvements throughout the development.

xi. Responsibility of owners of property concerning the maintenance of the individual property.

xii. Assessments for maintenance and special

assessments.

xiii. Collection of maintenance and special assessments.

xiv. Exemptions from assessment.

xv. Architectural control.

xvi. Exterior maintenance including necessary enforcement of maintenance provisions.

xvii. Stage developments, including rights of all owners of property in all developed areas.

xviii. Rights of the Township.

c. Copies of proposed Articles, Certificates and By-Laws of the Residents Association shall be submitted, when applicable, for approval. The By-Laws of the Residents Association shall include but shall not be limited to the following:

i. Name of Association.

ii. Organizational outline of Association.

iii. Date, time and place for Association meetings.

iv. Means of notification of meetings.

v. Constitution of quorum for a meeting.

vi. Method of election and terms of office of officers.

vii. Board of Directors of Association.

viii. Powers, duties and responsibilities of Officers and of Board of Directors of Association.

ix. Date, time and place of meetings of Board of Directors.

x. Records of Association and Board of Directors.

xi. Levying and collecting of assessments called for in Declaration of Covenants, Conditions and Restrictions.

xii. Membership and voting rights of developer and residents in Residents Association.

4. **The Supporting Information Report.** This report shall contain the following information.

a. A traffic study.

b. A written statement describing the natural features of the tract including, but not limited to, an analysis of the hydrology, geology, soils, topography and vegetation.

c. A written statement summarizing the probable impact of such a development on the immediate environment and adjacent neighborhood.

d. A listing of all proposed dwelling units, square footage figures per unit, number of bedrooms, and structure types; a listing of all non-residential structures with square footage figures.

e. A description of any phased development schemes

with figures for gross residential density. Percent figures for common open space for each phase as well as limit of improvement of common open space for each phase. The approximate date when construction of each phase of the project can be expected to begin and the approximate date when each phase of the project will be completed. This schedule shall be updated annually by the landowner until the development is completed and all public improvements accepted by the Township.

f. A description of the use and improvement of common open space throughout the tract, and the means by which the landowner will guarantee its continuity and maintenance.

g. A statement describing proposed lighting, sewerage, water, electric, gas, telephone, and cable television.

h. Preliminary calculations for design and location of storm drainage facilities.

i. An estimate of the cost of construction of all required improvements for each phase of construction. The Township may submit the estimates to the Township Engineer for review and recommendation. The final amount of the security for each phase shall be determined by the Township upon submittal of detailed cost estimates by the applicant.

5. **Related Approvals.** Prior to the submission of the final plan, the following approvals must be obtained, signed and certified, from appropriate utilities, authorities and agencies, as needed.

a. Appropriate sewer authority: an executed sewer service agreement.

b. Appropriate water authority or company: an executed water service agreement.

c. Pennsylvania Department of Transportation: Highway Occupancy Permits.

d. Erie County Conservation District: approval of site and improvement plans with regard to possible flooding, soil erosion and sediment control.

e. Pennsylvania Department of Environmental Protection: sewer and water approval; erosion and sediment control approval (earth moving).

f. Electric Company: If a street lighting district is to be created, approval of the lighting plan and location of all electric power lines and easements.

6. The proposed development schedule required pursuant to subparagraph 1(j) above shall be updated annually on the anniversary of tentative approval, until the development is completed and accepted.

7. The application for tentative and final approval of a planned residential development plan shall be done as provided for in this Article, notwithstanding any other procedures established in this Ordinance or any other ordinance of Summit Township.

307-A. Public Hearings.

A. Within sixty (60) days after an application for tentative approval of a planned residential development has been filed, the governing body shall hold a public hearing on said application, in accordance with the provisions of this Ordinance and Article IX of the Pennsylvania Municipalities Planning Code, Act 270 of 1968, as amended, 53 P.S. §§10901, et seq.

B. The governing body may continue the hearing, from time to time, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days from the date of the first public hearing.

308-A. Findings.

A. Within sixty (60) days from the conclusion of the public hearing provided for in this Article, the governing body shall, by official written communication to the landowner, either:

1. grant tentative approval of the planned residential development plan as submitted;
2. grant tentative approval of the planned residential development plan subject to specified conditions not included in the development plan as submitted; or
3. deny tentative approval to the planned residential development plan.

Failure of the governing body to act within the specified sixty (60) day period shall be deemed to be a grant of tentative approval of the planned residential development plan as submitted.

B. In the event the governing body grants tentative approval subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication granting such approval, notify the governing body of his refusal to accept all said conditions, in which case the governing body shall be deemed to have denied tentative approval of the planned residential development plan. If the landowner does not notify the governing body of his refusal to accept all said conditions within the specified thirty (30) day period, tentative approval of the planned residential development, with all said conditions, shall stand as granted.

C. The governing body's grant or denial of tentative approval shall be made by official written communication, which shall include the governing body's conclusions together with findings of fact related to the specific proposals. The official written communication shall set forth the reasons for the granting with or without conditions, of tentative approval, or the denial of tentative approval, and said communication shall also set forth with particularity in what respects the proposed planned residential development would or would not be in the public interest, including but not limited to, findings of fact and conclusions on the following:

1. in those respects in which the planned residential development plan is or is not consistent with the comprehensive plan for the development of Summit Township;

2. the extent to which the planned residential development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

3. the purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacies or inadequacies of the amount and purpose of the common open space as related to the proposed density and type of planned residential development;

4. the physical design of the planned residential development plan and the manner in which said plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;

5. the relationship, beneficial or adverse, of the planned residential development to the neighborhood in which it is proposed to be established; and

6. in the case of a planned residential development plan that 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 planned residential development in the integrity of the development plan.

D. In the event a planned residential development plan is granted tentative approval, with or without conditions, the governing body may set forth in the official written communication the time within which an application for final approval of the planned residential development plan shall be filed or, in the case of a planned residential development plan that provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the

landowner, the time so established between the grant of tentative approval and an application for final approval shall not be less than three (3) months and, in the case of planned residential development over a period of years, the time between applications for final approval of each part of a plan shall not be less than twelve (12) months.

309-A. Status of Plan After Tentative Approval.

A. The official written communication provided for in this Article shall be certified by the Township secretary or clerk of the governing body and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an amendment to the Summit Township zoning map, effective upon final approval, and shall be noted on the zoning map.

B. 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. A planned residential development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or evoked nor otherwise impaired by action of Summit Township pending an application or applications for final approval, without the consent of the landowner, provided an application or applications 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.

C. In the event that a planned residential 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 governing body in writing, or in the event 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 Summit Township 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 or clerk of Summit Township.

310-A. Application for Final Approval.

A. An application for final approval may be for all the land included in a planned residential development plan or, to the extent set forth in the tentative approval, for a section thereof. The application shall be made to the Zoning Officer within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, performance bond and such other requirements as may be specified, as well as any conditions set forth in the official written communication at the time of tentative approval.

B. A public hearing on an application for final approval of a planned residential plan, or a part thereof, shall not be required, provided that the planned residential development plan, or the part thereof, submitted for final approval, complies with the development plan theretofore given tentative approval and with any special conditions attached thereto.

C. In the event 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, Summit Township shall, within forty-five (45) days of filing of the application, grant such planned residential development plan final approval.

D. In the event the planned residential development plan submitted for final approval contains variations from the development plan given tentative approval, the governing body may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of such refusal, setting forth, the reasons why one or more of the variations contained in the planned residential development plan are not in the public interest. The landowner may, thereafter, either: (a) refile his application for final approval without the variations objected to; or (b) file a written request with the governing body that it hold a public hearing on his application for final approval.

E. If the landowner desires to take either alternate action set forth in subparagraph 4 hereof, he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the planned residential development plan was not in substantial compliance. In the event the landowner fails to pursue either of the alternate actions available to him within the specified time, he shall be deemed to have been abandoned the planned residential development plan.

F. Any public hearing held on an application for final approval shall be held pursuant to public notice within thirty

(30) days after the landowner requests such hearing, and the hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the public hearing, the governing body shall, by official written communication, either grant or deny final approval to the planned residential development plan. The grant or denial of final approval of the planned residential development plan shall, in cases where the decision comes as a result of a public hearing, be in the form and contain the findings required for an application for tentative approval as set forth in this Article.

G. A planned residential development plan, or any part thereof, that has been given final approval shall be so certified without delay by the governing body and shall be filed of record in the office of the Recorder of Deeds of Erie County before any development shall take place in accordance therewith.

H. Upon the filing of record of the planned residential development plan, the zoning and/or subdivision regulations otherwise applicable to the land included in such plan shall cease to apply to said land.

I. Pending completion, in accordance within the provisions specified in Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508, of the planned residential development or of a part thereof, as the case may be, that has been finally approved, no modification of the provisions of the planned residential development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plat, the landowner or developer shall record the plat in accordance with the provisions of and post final security in accordance with Sections 513(c) and 509, respectively, of the Pennsylvania Municipalities Planning Code, 53 P.S. §10513(a) and §10509.

J. In the event that a planned residential development plan, or a part thereof, is given final approval and thereafter the landowner shall abandon such development plan, or part thereof, that has been finally approved, and shall so notify the governing body in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Code, 53 P.S. §508, after final approval has been granted, no development or further development shall take place on the property included in the planned residential development plan until after the property is reclassified by enactment of an amendment to the Summit Township Zoning Ordinance in the manner prescribed for such amendments.

311-A. Enforcement.

A. Any person, partnership or corporation who or which has violated the provisions of this Article shall, upon being found liable therefore in a civil enforcement proceeding commenced by Summit Township, pay a judgment of not more than \$500.00 plus all courts costs, including reasonable attorney fees incurred by Summit Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Summit Township may enforce the judgment pursuant to the appropriate rules of civil procedure.

B. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating these provisions to have believed that there was no violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.

C. All judgments, costs and reasonable attorney fees collected for the violation of these provisions shall be paid over to Summit Township.

D. The Court of Common Pleas of Erie County may, upon petition, grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

E. Nothing contained in this Section 315-A shall be construed or interpreted to grant to any person or entity other than Summit Township the right to commence any action for enforcement pursuant to this section.

F. District justices shall have initial jurisdiction over enforcement proceedings brought under this section.

Effective Date.

This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED into an Ordinance this 6th day of February 6, 1995. (Amended 12/03/97) (Amended 5/15/06)

SUMMIT TOWNSHIP

Secretary

ATTEST