

ARTICLE 7 OVERLAY DISTRICTS

Section 700 General Applicability.

Overlay Districts shall be used in accordance with the following:

- A.** For the purposes of this Ordinance, the Sections within this Article shall be overlays to the underlying districts as shown on the Easttown Township Zoning Map, and as such, the provision for each of these Sections shall serve as supplements to the underlying zoning district provisions.
- B.** In those areas of the Township where a Section of this Article applies, the provisions of the Section shall be imposed in addition to the requirements of the underlying zoning district(s). In the event that a conflict exists between a Section of this Article and the underlying district(s), the more restrictive provision shall apply.
- C.** Should the boundaries or delineations of any Section of this Article be revised as a result of legislative or administrative actions or judicial decision, the zoning requirements of the underlying zoning district and other applicable Section of this Article shall continue to apply.

Section 701 Incorporation By Reference

The establishment and administration of the provisions governing Natural Resources shall be governed by the provisions of the following Articles of Ordinance 370.06, Natural Resource Protection Ordinance, which are incorporated by reference as if set forth fully herein, as may be amended from time to time in accordance with the procedures set forth in Article 17 of this Ordinance and the Municipalities Planning Code:

- A.** Article 3, Flood Hazard Area
- B.** Article 4, Wetlands and Watercourses
- C.** Section 99-19, Riparian Buffer Zone
- D.** Section 99-23, 99-24, 99-25, Steep Slopes
- E.** Section 99-28, 99-29, Woodlands and Wooded Lots

Section 702 Planned Apartment Overlay District (PA)

A. Purpose and Application of Regulations.

Planned Apartment Overlay District is designed primarily to make special provisions for low-lot coverage multi-family development. The PA District is established and developed only in accordance with the provisions of this Section and shall be subject to the requirements and provisions of the Subdivision and Land Development Ordinance, all other applicable ordinances, and any other pertinent provisions of this Ordinance. When it is proposed that a tract or tracts be developed in accordance with the underlying zoning, the provisions of this Section shall not apply. There shall be included in the Planned Apartment Overlay District such tracts of ground as are set forth as marked on the Easttown Township Zoning Map.

B. Use Regulations.

A building or a unified group of buildings may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

1. Multi-family dwelling structure development, following review and approval of the plan for the specific use in accordance with the provisions of this Article and the Subdivision and Land Development Ordinance, and provided that the proposed use shall comply with the special area, buffer and other requirements of Section 702.C and 702.D below.
2. Accessory use on the same lot with and customarily incidental to the foregoing permitted use. The term "accessory use" shall not include a business, except as is permitted below where such use is located within an apartment building, but may include:
 - a. Private garage or off-street parking lot or area.
 - b. In conjunction with a permitted multi-family dwelling structure development, accessory office or commercial use such as a restaurant, personal service shop, drug store, similar retail store or a public garage operation, provided:
 - 1) Each such accessory use is conducted entirely within a multi-family dwelling structure and is located on the ground floor or, in the case of office use, on any other floor.
 - 2) The total area devoted to business use shall not exceed ten (10) percent of the total floor area of the building in which located, excluding basement and garage, except that in the case of a building four stories or more in height, an additional ten (10) percent of the total floor area of a building may be utilized for office use.
 - 3) The net floor area of any one store, shop or similar use, except in the case of an office or restaurant, shall not exceed one thousand five hundred (1,500) square feet.
 - c. Signs as permitted in Article 11.

C. Area and Bulk Regulations.

1. Lot Area and Width. Every lot on which a multi-family dwelling structure is hereafter erected or used shall have a lot area of not less than five (5) acres and such lot shall be not less than three hundred (300) feet in width at the building line. The total number of dwelling units shall not exceed twelve (12) per acre.
2. Building and Floor Area. Not more than thirty (30) percent of the area of each lot may be occupied by buildings or other impervious surfaces and the gross floor area of buildings on the lot shall not exceed forty-five (45) percent of the lot area.
3. Building Placement. No building shall be located less than one-hundred fifty (150) feet from a street right-of-way line nor less than seventy-five (75) feet from a side or rear property line and no parking, loading, or service area shall be located less than seventy-five (75) feet from a street right-of-way or other property line.
4. Height Regulations. No multi-family dwelling structure shall exceed fifty (50) feet in height, exclusive of basement.

D. Special Regulations.

1. In addition to the requirements of this Ordinance, the plan for the proposed development under this Section shall comply with the standards of the Subdivision and Land Development Ordinance and all other applicable ordinances.

2. Along each side or rear property line which directly abuts a single family residence district in the Township or a similar district in an adjoining municipality, a perimeter buffer planting strip of not less than fifty (50) feet in width, as defined in the Natural Resource Protection Ordinance shall be provided.
3. All off-street parking, loading, access facilities and service areas used by motor vehicles shall comply with the provisions of Article 10. Off-street parking and loading space shall be located immediately contiguous to each apartment house.
4. A basement shall not contain habitable rooms except for janitor's living quarters, which shall be counted as a dwelling unit.

E. Special Regulations for Housing for the Elderly.

In order to permit development of special apartment housing for the elderly in the Planned Apartment Districts, certain deviations from the requirements of the Ordinance may be permitted when authorized as a conditional use in accordance with Article 14 and upon compliance with the following conditions:

1. With respect to apartments for the elderly constructed under authority of this Section, the other provisions of this Section and Ordinance shall be applicable, unless specifically changed by this subsection E.
 - a. The total number of dwelling units shall not exceed twenty-four (24) per acre.
 - b. The number of off-street parking spaces shall not be less than one-half (1/2) parking space per dwelling unit.
2. Apartments shall be constructed in conformance with Federal and State standards for the housing of persons who are:
 - a. Single persons not less than sixty-two (62) years of age or couples, one of whom is sixty-two (62) years of age or more, or persons who are otherwise qualified for housing assistance payments for elderly families pursuant to relevant Federal Statutes or Regulations.
 - b. Whose incomes are "low" or "moderate" ones, as defined in relevant Federal Statutes or Regulations.
3. No nursing home, convalescent home, hospital or other similar institution shall be authorized under the provisions of this Section.
4. No more than fifteen (15) percent of the dwelling units in any building constructed in accordance with this Section shall contain more than one (1) bedroom.
5. Each dwelling unit shall have a minimum of five-hundred (500) square feet, except that a minimum area of four-hundred twenty (420) square feet shall be applicable to a dwelling unit consisting of one (1) room containing a living and sleeping area and cooking facilities (efficiency dwelling units).
6. The approval of such use shall be conditioned upon the recording of a deed restriction guaranteeing the continuance of the use. Each deed restriction shall provide that the authorized use under this Section shall expire upon the failure to meet all the requirements of this Section and within twelve (12) months thereafter, unless extended by action of the Board of Supervisors, the structure shall be reconstructed to reduce the number of units, and the parking spaces shall be increased, so that in all respects the applicable provisions of the other Sections of this Ordinance are satisfied.

Section 703 Multi-Family Overlay District

A. Purpose and Application of Regulations.

The Multi-family Overlay District is designed primarily to make special provision for multi-family (including but not limited to townhouse, twin house, quadruplex and garden apartment) development in an orderly, *appropriate manner in areas accessible to public water and sewer service as well as to a road network* sufficient to accommodate the increased traffic to be anticipated from such multi-family development and to insure that such development projects are built in the manner and to the specifications shown on approved plans. The Multi-family Overlay District constitutes an alternate use in districts, which are now or may in the future be zoned for uses other than multi-family uses. When it is proposed that a tract or tracts be developed in accordance with the underlying zoning, the provisions of this Section shall not apply. The Multi-family Overlay District may be developed for multi-family use purposes only in accordance with the special provisions of this Section and the provisions of the Subdivision and Land Development Ordinance.

B. Use Regulations.

A building or a unified group of buildings may be erected and used and a lot may be used or occupied for any of the following purposes and no other, when approved as a Conditional Use under Article 14:

1. Apartment house or apartment development.
2. Townhouse, duplex or twin.
3. Quadruplex or Quadruplex cluster.
4. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business but may include:
 - a. Parking garage or off-street parking lot or area.
 - b. Recreational facilities available for use only by residents of the development and their guests.
 - c. Permitted accessory structures shall be limited to perimeter fences and decks, patios, and swimming pools located no closer to the street or street right-of-way line on which the associated dwelling unit fronts than a line parallel to and coincident with the rear facade of the dwelling unit extended to its points of intersection with the side boundaries of the lot and not less than twenty (20) feet from any building or accessory structure located on any other lot; provided that accessory structures located on lots are in conformance with the underlying regulations contained in Article 8 or 9 of this Ordinance shall be located in conformity with the said regulations as they pertain to the location of accessory structures. All accessory structures shall be approved in typical configuration as a part of a conditional use proceeding. Typical configuration shall consist of each principal building envelope and accessory structure envelope on each lot.
5. No accessory buildings shall be permitted on the same lot as or within the designated open space area of a development under this Section.

C. Districts and Site Development Regulations.

There shall be included in the Multi-family Overlay District such tracts of ground as are set forth on the Easttown Township Zoning Map marked respectively Multi-family A and Multi-family B.

1. As to the tracts of ground set forth on the Easttown Township Zoning Map marked Multi-family A, the following site development standards shall apply:

- a. Tract area and width. A tract to be developed pursuant to this Section shall be not less than ten (10) acres in area exclusive of portions of the tract less than three hundred (300) feet in width.
- b. There shall be a density of not more than one and one-half (1.5) dwelling units per developable acre provided, however, that an increased density may be allowed under and in accordance with Section 703.D.4. Developable acreage shall be computed by excluding from the gross acreage of a tract all lands lying in the 100 year flood plain as defined by the Natural Resource Protection Ordinance as incorporated by reference in Article 7 of this Ordinance, all areas having seasonal high water tables such being hereby defined as having the seasonal high water table within six (6) inches of the surface of the land, areas with slopes of more than twenty (20) percent, all areas subject to utility easements and all areas lying within or proposed to lie within road or highway rights-of-way.
- c. Land Allocation.
 - 1) Coverage of the tract by principal and accessory buildings shall not exceed fifteen (15) percent of the net acreage, and total impervious surface including building coverage, paved areas for automobile parking, pedestrian use, accessory use, shall not exceed thirty (30) percent of the net acreage.
 - 2) A minimum area equal to one-third (1/3) of an acre per dwelling unit shall be required and shall not be counted within the minimum required common open space for a development under this Section.
 - 3) In addition to the standards and criteria established in Section 703.E and Article 14, as part of the conditional use review process, it shall be incumbent upon the Planning Commission and the Board of Supervisors to require, to the greatest extent possible, that areas designated for open space purposes shall comply with the following:
 - a) Impervious roadways, parking areas, and structural development including recreational and stormwater management facilities, shall not be counted within minimum required open space areas.
 - b) A maximum of sixty (60) percent of the minimum required common open space area may include:
 - (1) Any area within the Flood Hazard Area.
 - (2) Any area with slopes in excess of twenty (20) percent over three (3) consecutive two (2) foot contours.
 - (3) Any area comprised of Chewacla, Wehadkee, or Worsham soils.
 - (4) Any area subject to existing or proposed utility easements.
 - (5) Any area devoted to parking or vehicular circulation.
 - 4) Required Open Space. In no case shall the minimum required common open space constitute less than thirty-five (35) percent of the gross tract acreage.
 - 5) Areas designated as open space shall be restricted from further development, except for recreational uses and facilities in accordance with the recorded plan of development and the conditional use approval granted by the Board of Supervisors. Such restrictions shall be enforced by deed restriction, conservation easement, or agreement in form and content acceptable to the Township Solicitor suitable for recordation in the Office of the Recorder of Deeds.
 - 6) In approving a conditional use application, in addition to the criteria established by Section 703.E and Article 14, the Board may impose such additional reasonable conditions in regulating the siting of the development and the configuration of the open space as:

- a) Minimize negative impacts of development on the tract, as denoted in the statement of ecological and economic impact, required by Section 703.E.2.h.
 - b) Maximize conservation of site features that can be identified as having particular conservation value, including: steep slopes, floodplains, watercourses, wetlands, high groundwater areas, mature trees, woodlands, hedgerows, fence lines, historic sites or structures, historic road or other transport traces, paths and trails, and other *noted landscape features*.
 - c) Minimize intrusion upon public and private views, on and off-site by preservation of natural features or installation of landscape buffers.
- d. **Setback Requirements.** No principal building or group of town houses or other multi-family structure shall be located closer than one hundred fifty (150) feet to any adjoining single family residence district nor one hundred (100) feet to any other adjoining district. No accessory structure or parking area shall be located closer than one hundred twenty-five (125) feet to any adjoining single-family residence district nor seventy-five (75) to any other adjoining district. No interior street whether public or private shall be located so as to have a pavement edge closer than one-hundred (100) feet to any adjoining single family residence district nor fifty (50) feet to any other adjoining district. No community or recreational facility shall be located any closer than one hundred fifty (150) feet to any adjoining single-family residence district nor twenty-five (25) feet to any other adjoining district. The Board of Supervisors may, in its discretion, reduce the required size of setbacks by no more than thirty-five (35) percent of the provisions set forth in this Section when and in the case that the plans and specifications submitted for approval indicate an outstanding excellence of site planning, architectural design and/or landscaping.
2. As to the tracts of ground set forth on the Easttown Township Zoning Map marked Multi-family B, the following site development standards shall apply:
- a. **Lot Area and Width.** Every lot shall have an area of not less than ten (10) acres and shall have a minimum width of three-hundred (300) feet at any point.
 - b. There shall be a density of not more than three and one-half (3.5) dwelling units per developable acre provided, however, that an increased density may be allowed under and in accordance with Section 703.D.4 of this Article. Developable acreage shall be computed by excluding from the gross acreage of a tract all lands lying in the 100 year flood plain as defined by the Flood Hazard Area in Section 701, all areas having seasonal high water tables such being hereby defined as having seasonal high water tables within six (6) inches of the surface of the land, areas with slopes of more than twenty (20) percent, all areas subject to utility easements and all areas lying within or proposed to lie within road or highway rights-of-way.
 - c. **Land Allocation.** Coverage of the lot by principal and accessory buildings shall not exceed twenty (20) percent and combined impervious surfaces including building coverage, paved areas for automobile parking, pedestrian use, and accessory use shall not exceed forty (40) percent. Contiguous open space and/or outdoor recreation areas shall have a minimum horizontal dimension of fifty (50) feet and shall constitute at least thirty (30) percent of the gross acreage and shall be convenient for use with respect to shape, location, and environmental conditions.
 - d. **Setback Requirements.** No principal building or group of town houses or other multi-family structure shall be located closer than one hundred fifty (150) feet to any adjoining single family residence district nor one-hundred (100) feet to any other adjoining district. No accessory structure or parking area shall be located closer than one hundred twenty-five (125) feet to any adjoining single-family residence district nor seventy-five (75) feet to any other adjoining district. No interior street whether private or public shall be located so as to have a pavement edge closer than one-hundred (100) feet to any adjoining single family

district nor fifty (50) feet to any other adjoining district. No community or recreational facility shall be located any closer than one hundred fifty (150) feet to any adjoining single-family residence district nor twenty-five (25) feet to any other adjoining district. The Board of Supervisors may, in its discretion, reduce the required size of setbacks by no more than thirty-five (35) percent of the provisions set forth in this Section when and in the case that the plans and specifications submitted for approval indicate an outstanding excellence of site planning, architectural design and/or landscaping.

D. General Development Regulations.

The following site development standards shall apply to any developments under this Section.

1. Building Separation. The minimum distance between separate buildings shall be as follows:
 - a. Between facing walls within forty-five (45) degrees of being parallel, seventy-five feet if both walls provide windows.
 - b. In all other cases of facing walls, sixty (60) feet.
 - c. Where walls do not face each other for any of the distance of either wall, twenty-five feet between building corners.
2. Building Dimensions.
 - a. Height. No building shall exceed thirty-five (35) feet in height. No accessory structure shall exceed twenty (20) feet in height.
 - b. Building Length. No building or building group such as a town house group shall exceed one hundred and sixty (160) feet as its greatest dimension in length or depth. No town house group shall consist of more than eight (8) dwelling units.
 - c. Offsets. No more than eight (8) town house dwelling units shall be attached in a single group. No more than two (2) contiguous units in any group may be constructed in line and each unit shall have at least one (1) plan element on any floor which projects or recedes within the wall plane of the facade a minimum dimension of two (2) feet.
3. Dwelling Units. Each dwelling unit within a multi-family structure shall contain at least six-hundred (600) square feet of habitable space. Each dwelling unit shall have glazed window areas equal to at least ten (10) percent of its habitable area and movable sash window area equal to five (5) percent of its habitable floor area.
4. Bonus Densities.
 - a. In any area designated as Multi-family A on the Easttown Township Zoning Map, where no less than fifty (50) percent of the tract shall be in contiguous open space, density may be increased by allowance of one (1) additional dwelling unit for each developable acre; provided that in no event shall such increased density allowed hereunder exceed two (2) dwelling units per gross acre.
 - b. In any area designated as Multi-family B on the Easttown Township Zoning Map, where not less than forty (40) percent of the tract shall be in contiguous open space, density may be increased by allowance of one (1) additional dwelling unit for each developable acre.

5. Utility Services.

- a. All principal buildings shall be served by common piped water supply. They shall be served by public sewer facilities unless the Board of Supervisors shall permit appropriate interim arrangements upon specific finding that public facilities will be available within a period not exceeding three (3) years and upon condition that all pipes and laterals necessary to connect to such public facilities shall be installed and that connection be made thereto as soon as available. All transmission lines, whether pipe or wire, shall be located underground.
- b. Transmission lines shall be located in restricted areas at least fifteen (15) feet wide reserved against future building and laid out to minimize unnecessary passage under pavement and buffer planting strips. Easements for extension of utilities to adjoining areas shall be provided where appropriate upon recommendation of the Planning Commission.

6. Off-Street Parking and Vehicular Circulation Standards.

Each building, structure, or use constructed, established, erected, enlarged, modified or altered in under this Section shall provide and satisfactorily maintain off-street parking spaces in accordance with the requirements of Article 8 (General Regulations), and Article 10 (Off-Street Parking and Loading). The parking regulations and design standards in this Section shall supplement the regulations and design standards in Article 10, and in the case the provisions of this Section conflict with the provision of Article 10, the provisions of this Section shall apply.

a. General Guidelines

- 1) A street and parking lot circulation plan should be prepared indicating vehicular movement patterns and expected peak hour traffic volumes. Proposed streets should be classified according to classifications indicated in the Township's Zoning Ordinance and Subdivision and Land Development Ordinance.
- 2) Streets and parking lots should be planned to minimize traffic movement in the immediate vicinity of residential buildings and yards, with particular attention given to controlling noise and day - and night - time visual impacts of vehicles.
- 3) Streets and parking lots should be planned to minimize their adverse impacts on adjoining properties. Buffers should be provided in accordance with Section 703.D.10 and the Natural Resource Protection Ordinance.

b. Minimum Distances Between Streets, Parking Lots and Residential Buildings.

- 1) Streets and residential buildings (measured from pavement to exterior building walls):

Twenty (20) feet

- 2) Parking lots and residential buildings

Without full screening: Twenty (20) feet

With full screening: Ten (10) feet

c. Design of Streets and Parking Lots

- 1) Size of Parking Space. Each parking space shall be a minimum of one hundred ninety (190) square feet per car, excluding that area required for safe vehicular ingress and egress.
- 2) Parking Lot Size. The sizes of parking lots should be harmonious with residential living environments. Large parking areas should be avoided.
- 3) Parking lots for more than twenty (20) cars shall include planted areas within such parking lots. A minimum of one-hundred (100) square feet of planting area shall be

- provided for the first twenty (20) parking spaces, plus one-hundred (100) square feet of planting area for each ten (10) additional parking spaces, on a pro rata basis.
- 4) Parking lots shall be designed so that not more than ten (10) parking spaces are placed in a continuous row without intervening planting area of at least one hundred (100) square feet.
 - 5) All planting areas proposed for street rights-of-way and parking lots shall be in conformance with Section 703.D.10.
 - 6) Streets and parking areas shall be designed to permit safe movement of automobiles, emergency vehicles, moving vans and trash trucks.
 - 7) Streets and parking areas shall be designed with consideration given to plowing and piling of snow.
7. **Pedestrian Circulation Plan.** A pedestrian circulation plan shall be required as a part of all applications for multi-family conditional use approval. The plan shall indicate the locations, dimensions and materials to be used in providing for adequate pedestrian circulation in the proposed development.
- a. The pedestrian circulation plan shall reflect the following considerations:
 - 1) Provision of safe and adequate pedestrian movement in crossing of streets and parking areas.
 - 2) Provision of safe and adequate pedestrian routes to individual residences, with consideration given to privacy requirements of all residences.
 - 3) Specific provisions for school children and safe locations for school bus stops.
 - 4) Provisions for safe and adequate access between public transportation facilities and the proposed development, if appropriate.
 - 5) Multiple use of pedestrian routes for recreation purposes including, when appropriate, provisions for leisure time walking, jogging and bicycling.
 - 6) Aesthetic considerations to the alignments and materials used in construction pedestrian routes.
 - 7) Maintenance considerations of the alignments and materials used in construction pedestrian routes.
 - b. Compliance with other regulations.
 - 1) With all applicable provisions of the Township's Subdivision and Land Development Ordinance regulations pertaining to curbing, walkway dimensions and related matters.
 - 2) With the landscaping provisions of this Section.
8. **Solid Waste Storage and Collection.**
- a. A plan for the storage and collection of trash, garbage and rubbish must be submitted as part of the application for multi-family conditional use approval, indicating methods and proposed locations for the storage and collection of all solid wastes.
 - b. The plan shall be prepared with full consideration given to health, safety and welfare of individual residents of the proposed development as well as adjoining property owners.
 - c. If common solid waste storage and collection points are proposed, a roofed structure with walls on at least two sides must be provided. Such structures must be architecturally harmonious with other buildings in the proposed development and shall be considered as accessory buildings, which shall meet, all requirements for such structures as set forth in the Township's Zoning Ordinance and Subdivision and Land Development Ordinance regulations.

9. Emergency Facilities and Services.

- a. Plans for streets, parking areas and building placement and construction shall be reviewed by the Chief of the local Fire Department.
- b. The following provisions shall be met:
 - 1) Fire hydrants, as required by the local fire department and all applicable provisions of the Township's subdivision regulations
 - 2) Smoke detector devices, approved by the local fire department, which shall include a minimum of one per floor of each dwelling unit.
 - 3) Emergency vehicle access ways, where required, must have a minimum cartway width of fifteen (15) feet.
 - 4) A systematic building numbering system shall be designed and implemented, with all numbers to be displayed in a manner adequate for convenient recognition by fire, police and ambulance personnel. Such numbering system shall be subject to the review of the Chief of Police of Easttown Township.

10. Architecture and Landscape Architecture Regulations.

- a. Architecture. Architectural schematic drawings prepared by an architect registered in the Commonwealth of Pennsylvania shall be required of:
 - 1) Plans of typical residences
 - 2) Elevations of typical front and rear building facades of residences and accessory structures.
- b. Architectural schematic drawings shall reflect the following considerations:
 - 1) The presentation of an overall architectural theme as well as architectural recognition of individual residences.
 - 2) Compatibility of the proposed project with adjoining properties, particularly residential neighborhoods.
 - 3) Long term durability and maintenance requirements of building materials.
- c. Landscape Architecture. A landscape plan prepared by a landscape architect shall be required. The plan shall include the following information:
 - 1) Approximate finished grades and drainage patterns of topography after project construction.
 - 2) Description of existing vegetation conditions on the tract and measures to be taken to project such vegetation during and following construction.
 - 3) Proposed locations and listing of plant materials, by species and size, to be planted at the project.
 - 4) Proposed locations and description of other landscape materials to be used at the project.
- d. The landscape plan shall reflect the following considerations:
 - 1) The definition of spaces within the proposed development, e.g., by creating enclosures, opens areas and landmarks. Particular attention shall be given to creating privacy for individual residences by the creative use of plants and structural materials harmonious with the overall architectural theme of the proposed development.
 - 2) The provision of visual screening:

- d) Within and between parking areas.
 - e) Between parking areas and buildings.
 - f) Between groups of buildings.
 - g) Between buildings and streets.
- 3) The provision of landscaped visual buffer zones along tract boundary lines such width, density and variation of plantings as necessary to ensure privacy of adjoining properties. The minimum width of such buffer zones shall be twenty-five (25) feet.
 - 4) The provision of landscaping to help improve human comfort and to serve as a means of energy conservation. Measures to be considered shall include the use of plant materials to reduce the chilling effects of strong prevailing winter winds and to provide shade during the hot summer months.
 - 5) The provision of plant materials and natural environments to provide food and cover for upland birds and other wildlife species compatible with residential communities.
 - 6) The provision of suitable gardening areas to be used by residents of the proposed development.
 - 7) The use of plant species which add diversity and richness to the proposed development, *in terms of colors and textures*, as well as those species which are *hardy, relatively disease and insect resistant*, locally available, and primarily indigenous to the natural environments of the region.
 - 8) The use of landscape structural materials in the construction of fences, walls and other improvements, which are relatively durable and will not present unusual expense in maintenance or replacement.

11. Ownership and Maintenance of Common Open Space.

- a. Application plans shall describe the plan for ownership and maintenance of common open space.
- b. The plan may provide for:
 - 1) Dedication to and maintenance by the Township if acceptable to the Board of Supervisors, and/or;
 - 2) Private ownership and maintenance. The governing documents of a multi-family development shall provide, in perpetuity, for the common and uniform maintenance of all *landscaped areas and common open space*.
- c. The Board of Supervisors may require dedication, easements and/or deed restrictions covering all or portions of the common open space and may require the applicant to provide for and establish an organization for the maintenance of the common open space, organized under or similar to that required by the Unit Property Act of July 3, 1968, P.L. 196, and agree that such organization or group of unit owners holding undivided interest in the common open space shall not dispose of the common open space by sale or otherwise (except to a similar organization or group conceived and established to own and maintain common open space). In determining whether the organization described in the plan is adequate, the Board of Supervisors shall consider the type and structure of the organization from the standpoint of its capacity to raise revenue, meet obligations and properly maintain facilities.
- d. In the event the common open space is, in the judgment of the Board of Supervisors, permitted to deteriorate or not maintained in reasonable condition in accordance with the plan, the Township shall have the option of taking whatever steps are afforded by law to require compliance with the plan.
- e. *In addition to any other remedies afforded by law, the Township shall have the right, which may be made part of the agreement with the applicant, to enter upon the common open space and maintain the same for a period not to exceed one (1) year. The purpose of such*

action by the Township shall be to preserve the taxable values of the property within the development and prevent the common open space from becoming a public nuisance.

- f. Prior to entering upon the property, the Board of Supervisors shall give written notice of the condition complained of to the property owner or homeowners' association and afford the latter a period of not less than thirty (30) days to remedy and correct the same.
- g. The cost of such maintenance by the Township shall be assessed ratably against the properties within the development, which have a right of enjoyment of the common open space and shall become a lien upon said properties upon filing thereof as required by law.

E. Application for Development.

1. Applications for development of a tract under this Section shall be accompanied by a plan containing the information required by this Section and the Subdivision and Land Development Ordinance. The appropriate application fee, prescribed by resolution of the Board of Supervisors from time to time, shall be paid in advance, and the applicant shall agree to reimburse the Township for all costs incurred by it in connection with and in direct relation to the review and processing of the application.
2. In addition, the following information shall be submitted to the Township:
 - a. The nature of the landowners' interest in the land to be developed.
 - b. The density of land use to be allocated to the site to be developed.
 - c. Location and size of common open space and the form of the organization proposed to own and maintain the common open space.
 - d. The use and the approximate height, bulk and location of dwellings and other structures and their proposed construction materials.
 - e. The feasibility of proposals for the disposition of sanitary waste and stormwater and provision of public water supply.
 - f. The substance of covenants, grants and 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. A provision for parking of vehicles and the location and width of proposed streets and public ways.
 - h. A statement, which will show the ecological and economic impact of the development on the Township and especially as to the surrounding areas.
 - i. A traffic impact study documenting all improvements, which may be needed to avoid off-site congestion, or hazard, which might arise as a result of the construction of the project, for which application is made.
 - j. Such other data as will indicate compliance with the development standards of the Article.
3. All applications for development under this Section shall be approved by Conditional Use as per Article 14 of this Ordinance.