

UNION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-01

AN ORDINANCE OF THE TOWNSHIP OF UNION, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF UNION TOWNSHIP, CHAPTER 27 ENTITLED “ZONING”, ARTICLE VIII ENTITLED “VC VILLAGE COMMERCIAL”, SECTION 200-41 ENTITLED “USES PERMITTED BY CONDITIONAL USE” TO ADD A LETTER K. TO PERMIT PLANNED RESIDENTIAL DEVELOPMENT BY CONDITIONAL USE, BUT ONLY WHEN THE VILLAGE COMMERCIAL (VC) ZONING DISTRICT IS ADJACENT TO THE SUBURBAN RESIDENTIAL (SR) ZONING DISTRICT, AND AMENDING ARTICLE XIV ENTITLED “PLANNED RESIDENTIAL DEVELOPMENT” IN ITS ENTIRETY.

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

WHEREAS, pursuant to the authority afforded it by the Municipalities Planning Code, the Board of Supervisors of Union Township enacted the Union Township Zoning Ordinance, and has subsequently amended it multiple times; and

WHEREAS, the Union Township Zoning Ordinance, was codified as Chapter 27 entitled “Zoning” in the Code of Ordinances of Union Township (hereinafter the “Zoning Ordinance”); and

WHEREAS, the Board of Supervisors desire to amend the Code of Ordinances of Union Township, Chapter 27 entitled “Zoning”, Article VIII entitled “VC Village Commercial”, Section 200-41 entitled “Uses permitted by conditional use” to permit planned residential development by conditional use, but only when the Village Commercial (VC) Zoning District is adjacent to the Suburban Residential (SR) Zoning District; and

WHEREAS, the Board of Supervisors desire to amend the Code of Ordinances of Union Township, Chapter 27 entitled “Zoning”, Article XIV entitled “Planned Residential Development”, in its entirety.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Union Township, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. The Union Township Zoning Ordinance, Article VIII entitled “VC Village Commercial District”, Section 200-41 entitled “Uses permitted by conditional use” is hereby amended to add a new letter K. that shall read in its entirety as follows:

- K. Planned residential development, but only when the Village Commercial (VC) Zoning District is adjacent to the Suburban Residential (SR) Zoning District.

SECTION 2. The Union Township Zoning Ordinance, Article XIV entitled “Planned Residential Development” is hereby amended and restated in its entirety and shall read as follows:

ARTICLE XIV
Planned Residential Development

§ 200-78. Statement of intent.

The Township, being confronted with increasing urbanization, and acknowledging that the technology of land development and the demand for housing are enduring substantial and frequent modifications, and recognizing the applicability of the objectives specified under Articles VI and VII of Act 247, as amended (Pennsylvania Municipalities Planning Code), adopts this article for the following purposes:

- A. To provide an optional approach to community development with provisions to permit more efficient utilization of land and of public services.
- B. To encourage aesthetic and innovative land development (residential and nonresidential), so that the growing demand for housing and other development is adequately achieved by greater variety in type, design and layout of structures.
- C. To conserve and efficiently utilize open space and environmental amenities.
- D. To encourage flexible land development which will provide additional options towards the preservation of environmentally sensitive areas, development of community amenities and creation of open spaces.
- E. To encourage more efficient use of public facilities that are required in association with new land development activity.
- F. To permit a moderate mixture of land uses (including nonresidential development) which will provide even more flexibility for land development.
- G. To implement the future land use plan as specified in the Southern Berks Joint Comprehensive Plan.

§ 200-79. Development standards.

- A. Eligibility. No application for tentative approval of a planned residential development shall be considered for approval unless the following conditions are in compliance:
 - (1) Planned residential development is permitted as a conditional use within the Suburban Residential (SR) Zoning District and the Village Commercial (VC) Zoning District when the VC Zoning District is adjacent to the SR Zoning District.
 - (2) The planned residential development shall consist of a minimum contiguous land area of 50 acres.
 - (3) The land area under consideration should not include any portion of land

located within existing rights-of-way and land that has been previously developed.

- (4) The PRD shall be served by a public sewage disposal system and public water supply system. The public sewage disposal system and public water supply system shall be approved by the appropriate local and state agencies and shall be constructed and certified operational by the appropriate authorities before the occupancy permits are issued.
- (5) A minimum of 40% of the gross area of the PRD shall be set aside as common open space. The location, character, management and utilization of the common open space must comply with the specifications under § 200-81, Open space.
- (6) A Homeowners Association (HOA) shall be established to own, maintain and manage all private streets, common areas, limited common areas, appurtenant facilities, stormwater management facilities, open space, landscaping and recreation facilities. The HOA Bylaws and Declaration shall be provided to Union Township for review and comment prior to Final Plan recording. The HOA shall be managed by a professional management company. The HOA Bylaws and Declaration shall be recorded.

B. Permitted uses.

- (1) Residential dwelling units as single-family detached, single-family semidetached, single-family attached (townhouses) and apartments.
- (2) Nonresidential uses of recreational, commercial, office and institutional character to the extent they are designed and intended primarily to serve the residents of the PRD. The commercial uses shall not exceed 5% of the gross area of the PRD.

C. Density specifications.

- (1) The PRD shall not exceed an overall gross residential density of four (4) dwelling units per acre.
- (2) The PRD shall not exceed the net residential density for the following, residential uses:

Dwelling Type	Maximum Design Density (dwelling units per acre)
Single-family detached	3
Single-family semidetached	4
Townhouse	8
Apartment	12

(3) The PRD shall comply with the following proportions for each residential use:

Dwelling Type	Percentage of Total Units
Single-family detached	Minimum of 25%
Single-family semidetached	Maximum of 60%
Townhouse	Maximum of 60%
Apartment	Maximum of 30%

§ 200-80. Design standards.

A. Comprehensive Planning considerations.

- (1) The PRD shall be designed with regard to the topographic and natural features of the site.
- (2) The intent of PRD is to encourage a higher quality of development by giving the Township more flexibility to work with the Developer toward this goal and to take into consideration the overall appearance and value of the open spaces, community amenities and natural features.
- (3) All natural features determined to have significant value under section 2 above should be preserved.
- (4) The PRD shall provide a planting screen along the property lines at the periphery of the development to protect the privacy of the adjacent residents. The planting screen shall be consistent with the standards specified under Chapter 172 of the Code of Union Township.

B. Residential site design and location.

- (1) All structures shall be designed with regard to topography and natural features of the site.
- (2) The PRD should encourage architectural variations and interest in the layout and character of housing structures and setbacks.
- (3) All buildings and structures shall be designed and located to enhance privacy and insure natural light for all principal rooms.

C. Area, yard and height regulations.

- (1) Each of the following maximum and minimum dimensional requirements shall apply to the specified land use as indicated below, except as specifically provided in this article or this chapter:

Minimum Regulations	Single-Family Detached Dwellings (feet)	Single-Family Semi-Detached Dwellings (feet)	Townhouses (feet)	Apartments (feet)
Lot Area	8,000 square feet	--	--	--
Lot Width	60	--	--	--
Building Setback:				
Front Yard	20	20	20	35
Rear Yard	30	--	--	--
Side Yard	10	--	--	--
Minimum Distance Between Buildings	--	30	30	60
Building Height	35	35	35*	35*
Building Coverage	40%	--	--	--

*The Board of Supervisors may approve an increase in maximum building height to forty (40) feet for Townhouses and Apartments only upon presentation of architectural drawings acceptable to the Board.

- (2) In addition to the area, yard and height regulations specified above, the following provisions will apply:
 - (a) No structure shall be constructed within 50 feet of the one-hundred-year flood boundary, on soils that have been classified as hydric, alluvial and/ or having a high watertable, and slopes that exceed 25%.
 - (b) No group of townhouses shall consist of more than six continuous attached buildings in a single building group and no more than 12 dwelling units in an apartment building group.
 - (c) All townhouses and apartments shall be located at a minimum of 150 feet from the property lines of the PRD and 150 feet from the ultimate right-of-way of any arterial or collector streets.
 - (d) The horizontal distance between groups of apartment structures shall be a minimum of 60 feet between the closest structural points.
 - (e) Apartment units shall not exceed 150 feet in length, and shall be limited to three (3) stories.
 - (f) Townhouses shall be limited to three (3) stories, and all three-story townhouse units shall be designed with rear-loaded garages unless front-loaded garages are recommended by the Planning Commission and approved by the Board of Supervisors during the public hearing on

the tentative plan.

- (3) Residential development is subject to all relevant design standards and improvement specifications defined in this chapter and/or Chapter 172, Subdivision and Land Development.

D. Nonresidential site design and location.

- (1) Nonresidential development in the PRD shall be limited to neighborhood retail and service facilities, churches, community activity centers, banks, and recreational facilities. Nonresidential uses of a commercial, office or institutional nature shall be designed and intended primarily for the residents of the PRD.
- (2) The nonresidential uses shall not exceed 5% of the gross tract area of the PRD.
- (3) The location of nonresidential uses shall be situated on a collector street and shall minimize traffic congestion.
- (4) The design and architectural characteristics shall be harmonious with the integrity and values of the adjoining residential areas. All nonresidential uses shall be adequately screened.

E. Street design standards.

- (1) In addition to the above specifications, the PRD should comply with all technical requirements for streets, conforming to the policies of Chapter 172, Subdivision and Land Development, and this chapter. This includes all specifications and requirements for street widths, grades, horizontal curves, vertical curves, intersections, sight distances, access restrictions, cul-de-sac, names of streets and construction materials.
- (2) All means of ingress and/or egress from a PRD to any public street or state highway shall be located at an intersection or at least 500 feet from any intersecting street(s) and shall be designed to conduct traffic circulation in a safe and efficient manner.
- (3) The developer shall provide a traffic study to analyze the traffic circulation patterns and volumes at pre- and post-development conditions in accordance with § 172-29 of the Union Township Subdivision and Land Development Ordinance [Chapter 172].

F. Parking design and loading area requirements.

- (1) The parking design and loading requirements of the Subdivision and Land Development Ordinance [Chapter 172] shall apply.
- (2) Parking areas shall be screened from adjacent structures, access roads and/or traffic arteries. The developer shall utilize landscaping (§ 200-101), earth berms (not exceeding six feet in height) and/or decorative walls (not exceeding six feet in height).
- (3) In addition to the above specifications, the PRD shall comply with all other

specifications under § 200-110, Off-street loading areas, and § 200-111, Off-street parking facilities, of this chapter. All off-street parking and loading areas shall not be construed to be part of the common open space.

G. Streetlighting and sign standards.

- (1) All streets, parking areas, buildings, and areas of high pedestrian use shall be adequately lighted in accordance with the Union Township Outdoor Lighting Ordinance [Chapter 124]. This schematic lighting plan should not irritate, distract and/or inconvenience the PRD residents or adjacent property owners.
- (2) Outdoor signs shall be designed to be harmonious with the characteristics of the PRD. The character, size and shape of all outdoor signs shall be reviewed by the Board of Supervisors, at time of request for final approval, which reserves the right to reject any or all outdoorsigns.
- (3) All street lighting, signs and street furniture shall be designed and located so they do not interfere with the character and integrity of the PRD.
- (4) In addition to the above specifications, the PRD should comply with all other specifications for streetlighting, signs and street furniture in this chapter and Chapter 172, Subdivision and Land Development.

H. Sanitary sewage disposal.

- (1) The PRD will be served by a public sewage disposal system.
- (2) The sanitary sewage system shall be designed and constructed in accordance with all Pennsylvania Department of Environmental Protection and UTMA guidelines and standards that govern sewage disposal.
- (3) All residential and nonresidential buildings shall be serviced by a public sewage disposal system.
- (4) All preliminary planning and engineering of the proposed sewage system shall be submitted with the preliminary development plan.
- (5) The Pennsylvania Department of Environmental Protection and UTMA shall approve the planning and engineering for all sewage disposal facilities and techniques. This approval shall be submitted with the final plan.
- (6) The sewage disposal system shall be certified operational by the Pennsylvania Department of Environmental Protection and all other authorities before building permits are issued.

I. Water supply.

- (1) The PRD will be serviced by a public water system, owned or offered for sale to the UTMA.
- (2) All residential and nonresidential buildings shall be serviced by public water.

- (3) All preliminary planning and engineering for the proposed water supply system shall be submitted with the preliminary development plan.
- (4) The Pennsylvania Department of Environmental Protection and UTMA shall approve the planning and engineering for the water supply system. This approval shall be submitted with the final plan.
- (5) The water supply system shall provide a satisfactory supply of water to each unit, with adequate main sizes, water supply, and pressure that will meet the specifications of the UTMA.
- (6) The developer of the PRD will substantiate that the water supply system will provide adequate fire protection.
- (7) The water supply system shall be certified operational by the Pennsylvania Department of Environmental Protection.

J. Solid waste management.

- (1) Exterior storage areas for refuse stations shall be properly screened. All containers shall be airtight and vermin-proof and have adequate storage capacity to accommodate the projected volumes of solid waste.
- (2) The PRD shall have a plan for the storage and removal of solid waste. This plan shall be in accordance with all applicable municipal ordinances.

K. Stormwater management.

- (1) The PRD shall have a plan for stormwater management. This stormwater management plan shall be submitted with the tentative plan.
- (2) All storm runoff and drainage systems shall be designed and installed in accordance with the stormwater management regulations specified by Chapter 172, Subdivision and Land Development.
- (3) Where the stormwater management design for the PRD includes stormwater detention basins, retention basins, infiltration basins, or similar types of large above-ground stormwater management basins, such basins shall to the full extent possible be planted with a variety of deliberately selected vegetation, rather than traditional lawn grasses, to create a natural meadow or similar ecosystem capable of providing habitat, improving water quality, providing aesthetic value, and reducing maintenance frequency.

L. Soil erosion and sediment control.

- (1) The PRD shall have a plan for soil erosion and sediment control. All plans shall comply with the rules, regulations and guidelines as set forth by the Pennsylvania Department of Environmental Protection in Title 25, Chapter 102.
- (2) The soil erosion and sediment control plans shall be approved by the

Pennsylvania Department of Environmental Protection and/or the County Conservation District.

M. Landscaping and tree conservation.

- (1) Landscaping shall be regarded as an essential feature of every PRD in order to enhance the appearance and marketability of housing, for screening purposes, and for soil erosion and sediment control.
- (2) All parking areas (interior and periphery) shall be adequately landscaped in accordance with § 200-101 of this chapter, and § 172-43 of the Code of Union Township.
- (3) Conservation of existing trees is encouraged. The developer should attempt to preserve the existing trees and incorporate them into the overall concept of the PRD.
- (4) In addition to the above specifications, the PRD shall comply with all specifications under § 200-101, Landscaping, of this chapter.
- (5) A generalized landscaping plan shall be required and submitted with the preliminary plan. A detailed landscaping plan, illustrating the sizes, and specific types of landscaping material is required with the final plan.

N. Natural amenities and environmental considerations.

- (1) The PRD shall be designed to be congenial with all natural and physical characteristics of the site. All natural features (waterways, topography and vegetation) should be preserved and incorporated into the final landscaping of the PRD whenever possible and desirable.
- (2) No structure shall be constructed within 50 feet of the one-hundred-year-flood boundary; on soils that have been classified as hydric, alluvial and/or having a seasonable high water table; and on slopes exceeding 25% in grade (predevelopment conditions). These areas have been classified, categorized and identified under Article XII, Environmental Protection Overlay District, of this chapter.
- (3) The developer of the PRD shall be obligated to conduct the following analyses:
 - (a) Topographical analysis: identify slope areas over 25% in predevelopment conditions.
 - (b) Soil analysis: identify soils that are alluvial, hydric (high water table), and susceptible to severe soil erosion.
 - (c) Hydrological analysis: identify the one-hundred-year-flood boundary, wetlands, bodies of waters, (streams, rivers, lakes) and all natural drainage patterns.

- (d) Geological analysis: identify sinkholes, karst formations, outcroppings, shallow depth to bedrock.
 - (4) Significant natural features such as floodplains, hydric soils, highwater table, steep slopes, and woodlands shall be incorporated into the PRD as common open space areas.
 - (5) In addition to the above specifications and requirements, the PRD shall comply with all specifications under Article XII, Environmental Protection Overlay District, of this chapter.
- O. Curbs and sidewalks.
- (1) The PRD shall be designed to provide curbs and sidewalks throughout the proposed development to the satisfaction of the Township.
 - (2) All proposed curbs and sidewalks within the PRD shall be designed in accordance with the standards and specifications of Chapter 172, Subdivision and Land Development.

§ 200-81. Open space.

- A. Requirements and specifications.
- (1) A minimum of 40% of the gross tract area of the PRD shall be set aside as common open space. No more than 60% of the common open space shall be located on lands within an Environmental Protection Overlay District (Article XII).
 - (2) The common open space shall be planned as a series of interconnected areas located for maximum benefit for all residents of the PRD. The areas shall be interconnected through the use of sidewalks, greenways and walking trails. If separate open spaces are provided, then adequate pedestrian connections shall be provided by sidewalks and walking trails.
 - (3) Significant natural features (§ 200-80N) such as floodplains, hydric soils, highwater table, steep slopes, and woodlands shall be incorporated into the PRD as common open space areas.
 - (4) A minimum of 35% of the common open space shall be utilized for the development of low-intensity and/or medium-intensity outdoor recreational use such as playfields, parks, playgrounds, and the like, and shall be subject to the approval of the Board of Supervisors.
 - (5) The area devoted to common open space shall be comprised of areas not less than 50 feet in width. In addition, there shall be at least one designated common area within the PRD containing no less than 30% of the required open space.
 - (6) Stormwater management facilities, including basins; swales; underground basins, collection systems, and conveyance systems; and appurtenances may be constructed with the minimum required open space but may not occupy any

more than 25% of the minimum required open space. For purposes of this section, stormwater management facilities shall refer only to those facilities installed on a property as required to achieve compliance with Union Township's Stormwater Management Ordinance (Chapter 165), or located within the boundaries of a defined stormwater management easement already existing of record or being established on the plans for the PRD.

- (7) In addition to the above specifications, the PRD shall comply with § 200-93, Recreational use regulations.

B. Management and maintenance.

- (1) The developer of the PRD shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.
- (2) The developer of the PRD shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Retain ownership and responsibility for the management and maintenance.
 - (b) Convey the land to a homeowners' association which is comprised of all the residents of the PRD.
 - (c) Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.
- (3) If the common open space is conveyed to a homeowners' association, the developer shall file an acceptable declaration of covenants and restrictions that will govern the association. This shall be submitted with the tentative plan. The provisions shall include, but not be limited to, the following:
 - (a) The homeowners' association shall be established before any lots or units are sold.
 - (b) Membership shall be mandatory for each home buyer and any successive buyer.
 - (c) The open space restrictions shall be permanent.
 - (d) The association shall be responsible for the liability insurance, taxes, and the maintenance of the open space and recreational facility.
 - (e) The association shall employ an adequate staff to manage and maintain the common open space.
 - (f) The homeowners shall pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property. The association shall adjust the assessment to comply with additional and/or modified demands.
 - (g) The municipality may supervise the operation, management and

maintenance of the common open space.

- (4) The common open space that is not dedicated to the Township shall be guaranteed by a restrictive covenant describing the open space, and its operation and maintenance shall be for the enjoyment (passive or active) of the PRD residents and/or adjacent property owners. The developer shall file an agreement stipulating restrictions for the utilization of the common open space with the final plan.
- (5) The municipality may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance, but the municipality need not require, as a condition of the approval of the PRD, that land proposed to be set aside for common open space be dedicated or made available to public use. The provisions may require that the landowner provide for and establish an organization for the ownership and maintenance of the common open space, and that such organization 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), without first offering to dedicate the same to the Township.
- (6) 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 PRD fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the municipality may serve written notice upon such organization or upon the residents of the PRD setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.
- (7) If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within said 30 days or any extension thereof, the municipality, in order to preserve the taxable values of the properties within the PRD and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the municipality shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.
- (8) Before the expiration of said year, the municipality 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, to be held by the Board of Supervisors upon notice to such organization or to the residents of the PRD, at which hearing such organization or the residents of the PRD shall show cause why such maintenance by the municipality shall not, at the option of the municipality, continue for the succeeding year. If the Board of Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the municipality

shall cease to maintain said common open space at the end of the said year. If the Board of Supervisors shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the municipality 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.

- (9) The decision of the Board of Supervisors shall be subject to appeal to the Court of Common Pleas in the same manner, and within the same time limitations, as is provided for zoning appeals by the Act, as amended.
- (10) The cost of such maintenance, administrative overhead, and Public Hearing procedures incurred by the municipality shall be assessed ratably against the properties within the PRD that have a right of enjoyment of the common open space and shall become a lien on said properties. The municipality, 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 Berks County, upon the properties affected by the lien within the PRD.

§ 200-82. Improvement specifications; general requirements.

- A. Physical improvements of the proposed PRD shall be provided, constructed and installed as shown on the final development plan. The improvements shall comply with all the specifications regarding contracts and improvement guarantees in Chapter 172, Subdivision and Land Development.
- B. All applicable municipal ordinances and/or regulations that pertain to improvements shall be enforced.
- C. The PRD shall generally adhere to the following design criteria to the extent they are applicable to the type of dwelling unit being developed:
 - (1) The front elevation of a residential building shall include a minimum of two architectural feature changes which may be accomplished through material changes (vinyl siding, cedar shake style vinyl siding, board and batten siding, etc.), masonry product (stone, brick, etc.), bay and box windows, porch roofs, trellis, balconies, pent roof, band board, trim, etc.
 - (2) There shall be a minimum two (2) foot offset at the common party wall or within ten feet of the common party wall of dwelling units for at least 67% of the dwelling units in a building. Example, a four dwelling unit building is required to have two such offsets and a five dwelling unit building is required to have three such offsets.
 - (3) Ridge and fascia lines of the roof of a building may not align for more than two (2) consecutive dwelling units along the front façade of a building.
 - (4) Building materials including siding, masonry products, garage doors, windows, trim, roofing, shutters shall be generally consistent throughout the build out of the development.

- (5) Semi-Detached units shall be limited to only one of the paired units having a two car front entry garage. The other shall need to be either a one car front entry garage or a side-entry garage.
- D. A Homeowners Association (HOA) shall be responsible for enforcing the architectural standards of the development in perpetuity.

§ 200-83. Application, submission and review procedures.

- A. Pre-application conference.
 - (1) The applicant shall convene informally with the Board of Supervisors at a regularly scheduled meeting.
 - (2) The applicant shall verbally expound all intentions for PRD.
 - (3) The Board of Supervisors shall apprise the applicant of local and municipal and state ordinances, laws, procedures, fees and regulations that are applicable to PRD.
- B. Application for tentative plan approval.
 - (1) The applicant shall furnish documentation depicting compliance with all standards and criteria for PRD in §§ 200-79, 200-80, 200-81 and 200-82.
 - (2) An application for tentative approval of the development plan for a PRD shall be filed by or on behalf of the landowner.
 - (3) The application for tentative approval shall be filed by the landowners in hard copy form, to the Township Secretary, and shall include eight (8) complete copies of the development plan and all data and reports required by this Article, and shall be accompanied by a reasonable fee as established by resolution of the Township. In addition, an electronic copy of all application materials, including the application, tentative plan, and all data and reports, shall also be submitted to the Township Secretary, in .pdf format
 - (4) All planning, zoning and subdivision matters relating to the planning, use and development of the PRD and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the municipality, shall be determined and established by the Board of Supervisors.
 - (5) The application shall provide information that clearly discloses the following information:
 - (a) The location, size and topography 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 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 the approximate height, bulk and location of buildings and other structures.
 - (e) The feasibility of proposals for water supply and the disposition of sanitary waste and stormwater.
 - (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 modifications in the municipal land use regulations otherwise applicable to the subject property.
 - (i) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources.
 - (j) In the cases of development plans which call for development over a period of years, a schedule showing the proposed times within which applications for final approval of all sections of the PRD are intended to be filed, which schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- (6) The application for tentative approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in the landowner's opinion, a PRD would be in the public interest and would be consistent with the Comprehensive Plan for the development of the municipality.
 - (7) The application for both tentative and final approval of a development plan for a PRD prescribed in this section shall be in lieu of all other procedures otherwise required pursuant to Chapter 172, Subdivision and Land Development.
 - (8) Upon receipt of the application for tentative plan approval, the Township shall forward such application to the Township Planning Commission and to the Berks County Planning Commission for review and recommendations regarding such application.
- C. Public hearing.
- (l) Within 60 days after the filing of an application for tentative approval of a PRD pursuant to § 200-83B, a public hearing pursuant to public notice on said application shall be held by the Board of Supervisors in the manner prescribed in Section 200-148 of this chapter, except as modified by the timing and

requirements set forth herein.

- (2) The Board of Supervisors may continue the hearing from time to time and, where applicable, may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within 60 days after the date of the first public hearing.
- (3) The municipality may offer a mediation option as an aid in completing proceedings authorized by this section and by subsequent sections in this article prior to final approval by the Board of Supervisors. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Section 908.1 of the Act, as amended.

D. The findings.

- (1) The Board of Supervisors within 60 days following the conclusion of the public hearing provided for in this article or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication to the landowner, either:
 - (a) Grant tentative approval of the development plan as submitted;
 - (b) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - (c) Deny tentative approval of the development plan.
- (2) Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communications of the Board of Supervisors, notify the Board of Supervisors of his refusal to accept all said conditions, in which case, the Board of Supervisors shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not notify the Board of Supervisors of his refusal to accept all said conditions within said period, tentative approval of the development plan, with all conditions, shall stand as granted.
- (3) The grant or denial of tentative plan approval shall be in the form of a written resolution, certified by the Township secretary, which shall include findings of fact and conclusions related to the specific proposal and shall set forth the reasons of the grant, with or without conditions, or for the denial, and shall set forth particularly in what respects the development plan would or would not be in the public interest, including but not limited to findings of facts and conclusions on those matters as set forth in the Act, as amended. A certified copy of the written resolution shall accompany the official written communications to the landowner as provided under this section.
- (4) In the event a development plan is granted tentative approval, with or without conditions, the Board of Supervisors may set forth in the official written

communication and/or resolution the time within which an application for final approval of the development shall be filed or, in the case of a development plan which 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 grant of tentative approval and an application for final approval shall not be less than three months and, in the case of development over a period of years, the time between applications for final approval of each part of a plan shall not be less than 12 months.

- E. Status after tentative approval. Where tentative plan approval has been granted, the same shall be noted on the Township Zoning Map and the development plan shall have the status established by and be subject to the provisions of § 710 of the Act, as amended.
- F. Application for final plan approval.
 - (1) The application for final approval shall be filed by the landowners in hard copy form, to the Township Secretary, and shall include eight (8) complete copies of the development plan and all data and reports required by this Article, and shall be accompanied by a reasonable fee as established by resolution of the Township. In addition, an electronic copy of all application materials, including the application, final plan, and all data and reports, shall also be submitted to the Township Secretary, in .pdf format. Application for final plan approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the municipality 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 or such other requirements as may be required for compliance with this Article, as well as those required by any conditions set forth in the official written communication at the time of tentative plan approval. A public hearing on an application for final plan approval of the development plan, or part thereof, shall not be required, provided the development plan, or the part thereof submitted for final plan approval, is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.
 - (2) In the event the application for final plan approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Article and the official written communication of tentative plan approval, the municipality shall, within 45 days from the date of the regular meeting of the Board of Supervisors or the Planning Commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed.
 - (3) In the event the development plan as submitted contains variations from the

development plan given tentative approval, the Board of Supervisors may refuse to grant final plan approval and shall, within 45 days from the date of the regular meeting of the Board of Supervisors or the Planning Commission, whichever first reviews the application, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than 30 days following the filing of this application, the forty-five (45) day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

- (a) Refile his application for final plan approval without the variations objected; or
 - (b) File a written request with the Board of Supervisors that it hold a public hearing on his application for final plan approval.
- (4) If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final plan approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative plan approval. Within 30 days after the conclusion of the hearing, the Board of Supervisors shall by official written communication either grant final plan approval to the development plan or deny final plan approval. The grant or denial of final plan approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative plan approval set forth in this article. Failure of the Board of Supervisors to render a decision on an application for final plan approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final plan approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- (5) A development plan, or any part thereof, which has been given final plan approval shall be so certified without delay by the approving body and shall be filed of record forthwith in the office of the Recorder of Deeds before the development shall take place in accordance therewith. Upon the filing of record of the development plan the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions specified in Section 508 of the Act, as amended, of said PRD or of that part thereof, as

the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof as finally approved, shall be made except with the consent of the landowner. Upon approval of a final plan, the developer shall record the plan in accordance with the provisions of Section 513(a) of the Act, as amended, and post financial security (contracts and agreements) in accordance with Chapter 172, Subdivision and Land Development, and Section 509 of the Act, as amended.

- (6) In the event that a development plan, or a section thereof, is given final plan approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the approving body in writing, or in the event the landowner shall fail to commence and carry out the PRD in accordance with the time provisions stated in Section 508 of the Act, as amended, after final approval has been granted, no development or further development shall take place on the property included in the development plan until after the said property is reclassified by enactment of an amendment to this chapter in the manner prescribed for such amendments.

§ 200-84. Administration and review; Enforcement.

- A. Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Township Zoning Officer.
- B. Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.
- C. The provisions of Article XVIII, Administration and Enforcement, of this chapter shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this article and the conditions of final approval. The Zoning Officer shall review the progress and status of construction of the plan and render monthly reports thereon to the Board in order to assure compliance with the provisions of this article and the conditions of final approval.
- D. A PRD shall be designed in accordance with the design standards and regulations of Article XIV and Chapter 172, Subdivision and Land Development, unless a waiver is granted or there is a conflict between them. In the case of a conflict, Article XIV of this chapter shall govern.
- E. Any person, partnership or corporation, who or which has violated the PRD provisions and specifications under Article XIV of this chapter shall be subject to all enforcement remedies in accordance with the Act, as amended

SECTION 3. All other articles, sections, parts and provisions of the Code of Ordinances of the Township of Union shall remain in full force and effect as previously enacted and amended.

SECTION 4. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Union Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.


SECTION 5. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. This Ordinance shall become effective five days after enactment as provided by law.


ORDAINED AND ENACTED into law by the Township of Union Board of Supervisors this 15th day of March, 2023.

ATTEST:

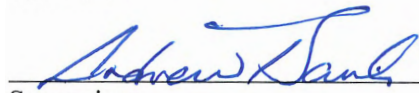
TOWNSHIP OF UNION
BOARD OF SUPERVISORS



Deborah Olivieri
Secretary of Union Township



Chairman



Supervisor



Supervisor