
Article 1312
Planned Residential Development

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Purpose: The purpose of the planned residential development regulations is to encourage the flexibility in the design and development of land in order to promote its most appropriate use; to encourage grouping of housing and a mixture of housing types in alternative patterns and in a variety of ways; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic qualities of open areas. Planned residential developments are permitted in the R-1 and R-2 Districts.

- a.) Minimum Development Size: No planned residential development may include less than ten (10) acres of contiguous land.
- b.) General Standards: The planned residential development must meet all of the following general standards:
 - b.1) The planned residential development is consistent with the Comprehensive Plan and this Ordinance's Statement of Community Development Objectives.
 - b.2) The planned residential development is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision for the preservation of streams and stream banks, wetlands, wooded cover, rough terrain, and similar areas.
 - b.3) The planned residential development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
 - b.4) Performance bond for all improvements in the development must be posted as required in the Franklin City Subdivision Ordinance.
 - b.5) Connection to Franklin sanitary sewer system shall be required.
 - b.6) Connection to the Franklin public water system shall be required.
- c.) Applicable Districts and Uses Permitted: Planned residential developments

may be approved in the R-1 and R-2 Residential Districts and may include the following additional uses: multiple-family dwellings and related uses. Such additional uses shall be allowed only to the extent that the City finds them to be compatibly and harmoniously incorporated into the design of the planned development. (Mobile homes and mobile home parks are excluded from the planned residential development district.)

- d.) Calculations of Project Densities: The number of dwelling units which may be constructed within the planned residential development shall be determined by dividing the gross project area by the required lot area per dwelling unit which is required in the R-1 and R-2 Districts.
- e.) Increase in Density: It is recognized that the expense of complying with the approval process contained in the planned residential development regulations may discourage developers from seeking approval of a planned residential development project. At the time the outline or preliminary development plan is filed, the applicant may apply for an increase in the densities permitted by the zone in which the planned residential development is to be constructed. If it gives its approval to the planned residential development, the City Council may authorize the developer to increase permitted densities by an amount up to ten (10) percent.

Additional increase in density may be granted up to twenty (20) percent providing:

- e.1) If common open space is developed to more intense usable open space providing facilities for active outdoor recreation, such as playgrounds, playground equipment, picnic facilities, ball fields and equipment, or other similar improvements to the open space, an additional ten (10) percent increase in density may be permitted.
- e.2) If item b.1) above is developed and unique indoor-outdoor buildings, to be used for recreation or other similar activities of the residents of the development, such as swimming pools, club houses, or other similar buildings, are provided, then an additional ten (10) percent increase in density may be permitted.
- f.) Lot Size and Spacing of Buildings: The location of all structures shall be as shown on final plans. The proposed location and arrangement shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. There shall be no minimum lot size, no minimum or maximum percentage of lot coverage and no minimum lot width in the planned residential development. However, every single-family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use. No dwelling and no addition to any dwellings shall be erected within a distance of less than the height of the

highest adjacent building.

Vehicular access to dwellings by means of adequate service drives and/or emergency entrances shall be provided in all cases where dwellings do not front on a public street, or where the City deems necessary for public safety.

- g.) Perimeter Requirements: The requirements of this section apply only to structures located within two hundred (200) feet of the perimeter of a planned residential development. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned residential development, the Planning Commission may require either or both of the following:
 - g.1) Structures located on the perimeter of the planned residential development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, in no case less than the height of the buildings.
 - g.2) Structures located on the perimeter of the planned residential development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses.
- h.) Common Open Space Required: The development plan will contain areas to be allocated for common open space which satisfy the standards governing the usability and quality of common open space that is contained in this Ordinance.

No open area may be accepted as common open space under the provisions of this Ordinance unless it meets the following standards:

- h.1) A minimum of two (2) acres of common open space shall be provided including usable and scenic green space for the first ten (10) acres plus one (1) acre for each additional five (5) acres or fraction thereof of gross project area.
- h.2) The location, shape, size, and character of the common open space must be suitable for the planned residential development.

as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

- ii) If the common open space is not conveyed to a public agency, either one of the following methods of enforcement must be provided:
 - (a) The legal right to develop the common open space for the uses not specified in the final development plan must be approved by the City.
 - (b) The restrictions governing the use, improvement, and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated conditions.
 - iii) If the common open space is not conveyed to the City, or a public agency approved by the City, the covenants governing the use, improvement, and maintenance of the common open space shall then be enforceable by the City, and the instrument of conveyance shall so provide.
 - iv) It is the purpose and intent of these regulations that the City shall have the authority and powers to require the adequate maintenance of common open space as set forth by Article VII of the Pennsylvania Municipalities Planning Code.
- k.) Application for Tentative Approval of Planned Residential Development: In order to provide an expeditious method for processing a development plan for a planned residential development under the provisions of this Ordinance, and to avoid the delay and uncertainty which would arise if it were necessary to secure approval, by a multiplicity of procedures, of a plat of subdivision as well as approval of a change in the zoning regulations otherwise applicable to the property, it is hereby declared to be in the public interest that all procedures with a planned residential development and the continuing administration thereof shall utilize the following provisions:
- k.1) An application for tentative approval of the development plan for a planned residential development shall be filed by or on behalf of the landowner.
 - k.2) The application for tentative approval shall be filed by the landowner in

such form, upon the payment of such a reasonable fee as is specified by the City. The application shall be filed with the Zoning Officer.

- k.3) All planning, zoning, and subdivision matters relating to the platting, use, and development of the planned residential development and subsequent modifications of the regulations relating thereto, to the extent such modification is vested in the City, shall be determined and established by the City Council with the advice of the Planning Commission.
- k.4) The provisions shall require only such information in the application as is reasonably necessary to disclose to the City of Franklin:
 - i) The location, size, and topography of the site and the nature of the landowner's interest in the land proposed to be developed;
 - ii) The density of land use to be allocated to parts of the site to be developed;
 - iii) The location and size of the common open space and the form of organization proposed to own and maintain the common open space;
 - iv) The use and the approximate height, bulk, and location of buildings and other structures;
 - v) The feasibility of proposals for water supply and the disposition of sanitary waste and storm water;
 - vi) 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;
 - vii) The provisions for parking of vehicles and the location and width of proposed streets and public ways;
 - viii) The required modifications in the municipal land use regulations otherwise applicable to the subject property;

- ix) The feasibility of proposals for energy conservation and the effective utilization of renewable energy sources; and
 - x) In the case 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 planned residential development are intended to be filed and this schedule must be updated annually, on the anniversary of its approval, until the development is completed and accepted.
- k.5) The application for tentative approval of a planned residential development shall include 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 the municipality.
- k.6) The application for tentative approval shall be forwarded to the City of Franklin Planning Commission for their review and comments. The Planning Commission shall have thirty-five (35) days, from the date of filing, to complete their review and make their recommendations to the City Council.
- k.7) All applications for tentative approval shall be forwarded to the Venango County Planning Commission for their study and recommendations in accordance with Section 704 of the Planning Code.
- I.) Public Hearings:
- I.1) Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Ordinance, a public hearing pursuant to public notice of said application shall be held by the City of Franklin in the manner prescribed in the Pennsylvania Municipalities Planning Code.
 - I.2) The City Council may continue the hearing from time to time, and where applicable, may refer the matter back to the Planning Commission for additional review, provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

m.) The Findings:

m.1) The City Council, within sixty (60) days following the conclusion of the public hearing provided for in this part, shall, by official written communication, to the landowner, either:

- i) Grant tentative approval of the development plan as submitted;
- ii) Grant tentative approval subject to specified conditions not included in the development plan as submitted; or
- iii) Deny tentative approval to the development plan.

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

m.2) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:

- i) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the City of Franklin;
- ii) The extent to which the 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 reason why such departures are or are not deemed to be in the public interest;

- iii) 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 adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - iv) The physical design of the development plan and the manner in which said design 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.
 - v) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - vi) In the case of a development plan which 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.
- m.3) In the event a development plan is granted tentative approval, with or without conditions, the City may set forth in the official written communication the time within which an application for final approval of the development plan 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 twelve (12) months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve (12) months.
- n.) Status of Plan After Tentative Approval:
- n.1) The official written communication provided for in this part shall be certified by the City Clerk of the City Council 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 zoning map, effective upon final approval, and shall be note on the zoning map.

- n.2) 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 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 revoked nor otherwise impaired by action of the City 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 period of time specified in the official written communication granting tentative approval.
- n.3) In the event that a 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 local 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 City Clerk of the City Council.
- o.) Application for Final Approval:
 - o.1) An application for final 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 Zoning Officer of the municipality designated by the Ordinance within one (1) year of 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 by this Ordinance, as well as any conditions set forth in the official written communication at the time of tentative approval. A public hearing on an application for final approval of the development plan, or the part thereof, submitted for final approval, shall not be required provided the development plan, or the part thereof submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto. The submission shall be reviewed by the Zoning Officer and the Planning Commission for compliance prior to being

forwarded to the City Council. This review is to take place in thirty-five (35) days.

- o.2) 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 the Ordinance and the official written communication of tentative approval, by the City shall, within forty-five (45) days of such filing, grant such development plan final approval.
- o.3) In the event the development plan as submitted contains variations from the development plan given tentative approval, the City 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 said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 - i) Refiled his application for final approval without the variations objected, or
 - ii) File a written request with the approving body that it hold a public hearing on his application for final approval. 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 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 development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative 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 thirty (30) days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this part for public hearings on applications for tentative approval. Within thirty (30) days after the conclusion of the hearing, the City shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final 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 approval set forth in this Ordinance.

- o.4) A development plan, or any part thereof, which has been given final approval, shall be so certified without delay by the City and shall be filed of record forthwith in the Office of the Recorder of Deeds before any 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 stated in Section 508 of the Pennsylvania Municipalities Planning Code, of said planned residential development 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 plat, the developer shall record the plat in accordance with the provisions of Section 513(a) and post financial security in accordance with Section 509 of the Pennsylvania Municipalities Planning Code.

- o.5) In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the City 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 Planning Code 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 any amendment to the City of Franklin Zoning Ordinance in the manner prescribed for such amendments in Article 1307.

- p.) Enforcement: All enforcement procedures under this section shall be consistent with Section 712.2 of the Pennsylvania Municipalities Planning Code.

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