

APPLICATION FOR REZONING TO PRD – PLANNED RESIDENTIAL  
DEVELOPMENT

**1. Introduction.**

Hertzler Road Associates, L.P. (“Applicant”) is a Pennsylvania Limited Partnership and affiliate of The McNaughton Company, a fifty (50) year old family-owned real estate company with its principal offices at 4400 Deer Path Road, Suite 1, Harrisburg, Pennsylvania, 17110. The Applicant is the owner of a tract of land located in Upper Allen Township, Cumberland County, Pennsylvania, containing an original total of approximately 142.55 acres of land and situated off of Hertzler Road. On February 15, 2012, the Upper Allen Township Board of Commissioners acted to amend the Zoning Map of Upper Allen Township and extend the Planned Residential Development Zoning Overlay District to approximately 127.77 acres of the Property. A copy of the Written Decision, dated May 8, 2012, approving the PRD Overlay for Autumn Chase is attached as Exhibit 1.

The Applicant desires to develop the remaining approximately 14.8 acres of the Property in a manner that is more similar to the approved Autumn Chase PRD. In order to develop the property in a comprehensive and consistent manner, the Applicant desires to have the Property rezoned from R-1 to R-2 and apply the PRD Overlay to the rezoned lands.

**2. The Property.**

The overall tract is approximately 142.55 acres in size and is known as Cumberland County Tax Parcel # 42-11-0272-001. The site is located off of Hertzler Road. Public water and public sewer are currently available and provide existing service the site.

The site is currently split-zoned with the majority of the tract zoned PRD – Planned Residential Development. The overall tract is outlined in green on the attached Zoning Map, Exhibit 2. An approximately 14.8 acre portion of the site is zoned R-1. The 14.8 acre R-1 portion of the site that is the subject of this rezoning request is outlined in red on Exhibit 2 and is referred to herein as the “Property”.

The Property is depicted on the Existing Features Plan attached hereto as Exhibit 3.

**3. Rezoning Summary.**

Applicant is of the opinion that this rezoning request, and ultimate use, is consistent with the Township and County Comprehensive Plans and their continuously evolving processes as it:

1. Serves to improve available living opportunities within Upper Allen Township;

2. Serves to promote more economical subdivision and land development design and development of areas serviced with public utilities;
3. Serves to promote ingenuity and originality in total subdivision and site design;
4. Serves to maintain or increase Township property values, and enhanced opportunities for Township residents;
5. Is consistent with the surrounding land use and zoning structure of which it is a part.

#### **4. Rezoning Sketch Plan.**

Attached to this Application is a Sketch Plan (Exhibit 4) depicting a total of twenty-two (22) single family detached building lots. Each lot is at least 8,250 square feet in size and range upwards to in excess of 17,000 square feet in size. Also attached is an overall PRD Plan, Exhibit 5, including the area requested to be rezoned and the remainder of the approved Autumn Chase PRD.

The Sketch Plan provides for roadway access to S. Autumn Chase Drive. Approximately 6.90 acres, over forty-six percent (46%), of the tract is proposed to be preserved as community open space strategically positioned within the new home community. The proposed street is designed in accordance with Township standards and would be offered for dedication to Upper Allen Township. Sidewalks are proposed to be installed on both sides of the planned roadway. Public gravity flow sanitary sewer service and public water service are provided via the extension of existing facilities located within the Autumn Chase PRD. Ample storm water management facilities are shown.

#### **5. Zoning Ordinance Amendment.**

The Upper Allen Township Zoning Ordinance sets forth the powers, procedures and standards associated with amendments to the Zoning Ordinance. The Board of Commissioners, after providing adequate and appropriate public notice, has the power to amend the Zoning Ordinance, including the Zoning Map. Amendments proposed by interested parties, like this Application, are required to be forwarded, with authorization by the Upper Allen Township Board of Commissioners, to the Upper Allen Township Planning Commission and the Cumberland County Planning Commission.

#### **6. Applicants Project Narrative.**

The Property is located within the R-1 Zoning District and is currently non-developed residual land associated with the approved Autumn Chase PRD. Much of the surrounding land uses consist of single-family detached homes or mixed residential use communities on lands approved for such use.

The proposed development plan provides for 22 single-family detached lots, each of which will be at least 8,250 square feet in size and are compatible with the homes currently abutting the Property.

The Development Schedule of Applicant envisions a program which would provide for a build out period of approximately one (1) to two (2) years, subject to market conditions.

Adequacy of Public Services. The property is readily serviceable with public water and public sewer by Veolia Water and Upper Allen Township, respectively. Electric, cable, telephone and natural gas services are also available. The community is proposed to have appropriate access to the local roadway network via connection through the Autumn Chase PRD.

Relationship with Neighborhood & Comprehensive Plan. Applicant believes the PRD zoning proposal is fully consistent with the existing Zoning Ordinance, Township and County Comprehensive Plans, and current use of the neighboring properties.

The Township and County Comprehensive Plans each review in significant detail planned growth and development patterns. The Plans, as a matter of policy, direct that growth should be managed toward areas with existing or planned public utility facilities and services. The Plans establish as objectives the maximization of existing facilities which decreases the amount of new land that is needed to support development. As indicated herein, public water and public sanitary sewer utilities are located on and currently service the Property. The subject proposal, therefore, is consistent with the policy goals of the Township and County Comprehensive Plans.

More specifically, the rezoning proposal is consistent with the Future Land Use/Growth Management Plan as set forth in the Upper Allen Township Comprehensive Plan. The Future Land Use Map designates the Autumn Chase Property (outlined in black), including the proposed area to be rezoned, as Medium-Density Residential. The Future Land Use Map is included as Exhibit 6. Per the Comprehensive Plan, Medium Density Residential Development should provide for densities at an average of 3-5 homes per acre. The proposed use of the property (22 lots on 14.88 acres) is at a density of approximately 1.5 units/acre which is consistent with, albeit significantly lower than, the suggested Comprehensive Plan density. Designation of the Property within the PRD Zoning Overlay is more consistent with the Township Comprehensive Plan as compared to current zoning.

The Cumberland County Comprehensive Plan also includes a Future Land Use Map. The County Map designates, generally, lands to be utilized for Residential Use. The Future Land Use Map from the Cumberland County Comprehensive Plan is included as Exhibit 7. In the area of the Autumn Chase PRD, the boundaries of the County Future Land Use Map are consistent with the boundaries of the Township Future Land Use Map. The Property is included within the County designated Residential use area.

## EXHIBIT 8

### **Planned Residential Development (PRD) Overlay District Compliance:**

Upper Allen Township Zoning Ordinance Article VIII – Planned Residential Development (PRD) Overlay District sets forth particular purposes, submission requirements and criteria for approval of a Planned Residential Development Overlay. The following is a listing of the Zoning Ordinance requirements for a PRD Overlay, in bold, and the manner in which the proposed Autumn Chase PRD Plan complies with such regulations.

#### **Section 245-8.1. Purpose.**

**The purposes of the Planned Residential Development District, otherwise known as PRD District, are to:**

- A. Encourage that the provisions of this chapter which are concerned with the uniform treatment of dwelling type, bulk, density, and open space within each zoning district shall not be applied to the improvement of land or other than lot-by-lot development in a manner which would distort the objectives of this chapter.**

The Plan has been designed in conformance with the PRD District Standards (Zoning Ordinance Article VIII) and follows other Zoning Ordinance Sections only when prompted by Article VIII.

- B. Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwelling, and by the conservation and more efficient use of open space ancillary to said dwellings.**

The Autumn Chase PRD is a mixed residential use community proposing a variety of single-family attached, semi-detached and detached housing types. The layout seeks to provide significant areas of integral private and public community open spaces which are readily accessible to residents. The subject area is an extension of the Autumn Chase PRD.

- C. Provide greater opportunities for better housing and recreation for all who are or will be residents of the PRD District and/or the Township.**

The mixed-use, multiple unit design provides many new home opportunities for residents and/or will be residents of the PRD and Upper Allen Township. The Autumn Chase PRD provides walkway and greenway connections to the Upper Allen Township Winding Hill Road park facility.

- D. Encourage a more efficient use of land and public services, and reflect changes in the technology of land development so that the economies so secured may inure to the benefit of those who need homes.**

Modern design trends seek to integrate residential units with open space areas while taking advantage of and preserving sensitive environmental features. Multiple unit choices within a community are also encouraged. By following these design parameters, the Autumn Chase PRD Plan clusters unit types within developable portions of the property.

- E. To encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steep sloped areas, and areas of natural beauty or importance to the natural ecosystem.**

The Autumn Chase PRD property contains limited natural resource features and the Plan seeks to conserve to the maximum extent practicable all of the named natural resources.

- F. In aid of these purposes, provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas and assure that the increased flexibility of the regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and provisions.**

Article VIII of the Upper Allen Township Zoning Ordinance seeks to accomplish these desires. Throughout this application, the Applicant will demonstrate compliance with Article VIII thereby ensuring that the Autumn Chase PRD will comport to these desires.

- G. Reduce excessive sprawl of development and the segregation of land uses that cause unnecessary traffic congestion.**

The Autumn Chase PRD design seeks to unite separate housing types and land uses within a single property boundary at densities encouraged by the Township Comprehensive Plan and Zoning Ordinance. A traffic impact study has been completed for the Autumn Chase site and reviewed and approved by the Township. The design changes under the PRD Ordinance result in de minimis change to the approved traffic study as the approved traffic study contemplated a total of 339 proposed dwelling units. Should this rezoning be approved, the Autumn Chase PRD would include a total of 317 dwelling units.

- H. Promote the creation of places which are oriented to the pedestrian, thereby promoting citizen security and social interaction.**

Pedestrian activity is encouraged through the use of the sidewalk network, proposed to be located on both sides of all streets, and its interconnection to the open spaces, walking trails and the Township greenway.

**Section 245-8.2. Application requirements for Planned Residential Development Overlay District.**

**No application for a planned residential development shall be considered or approved by the Board of Commissioners unless the following initial requirements are met.**

- A. The planned residential development shall consist of at least 100 contiguous acres, all of which are absolutely controlled by the applicant, and if the number of proposed dwelling units exceeds 500, it shall abut and have direct access onto an arterial street to be within 1000 feet of an access to a freeway or an interstate highway.**

The Autumn Chase Property consists of 142.55 total acres, 127.77 acres of which are zoned PRD. The remaining 14.8 acres are contiguous and owned by the Applicant. The total unit count (317 units) is less than the 500 unit threshold.

- B. The planned residential development shall be permitted to locate only in the R-2, Medium-Density Residential District.**

127.77 acres of the property is already zoned PRD. This request seeks to rezone 14.8 acres from R-1 to R-2 and apply the PRD overlay.

- C. The planned residential development shall be served by those public water supply and public sewage disposal systems serving Upper Allen Township. The applicant shall provide proof to the Board of Commissioners that capacity for both utilities is available for the planned residential development.**

The Autumn Chase PRD is already serviced with public water (Veolia Water) and public sewer (Upper Allen Township Sewer Department) in addition to other underground utilities including electric, telephone, cable television and natural gas. "Ability to serve" letters have been requested and will be provided upon receipt.

- D. The planned residential development shall be generally consistent with the Upper Allen Township Comprehensive Plan or any specific plan.**

The Autumn Chase PRD plan is consistent with the Upper Allen Township and Cumberland County Comprehensive Plans as further detailed in the application narrative.

**Section 245-8.3. General regulations; procedures.**

- A. The Board of Commissioners shall hear and decide requests for a planned residential development in accordance with the provisions of this section and the procedures and regulations of this chapter.**

It is the Applicants understanding that the Board will hear and decide on this PRD Application in accordance with the Zoning Ordinance.

- B. All provisions of the Upper Allen Township Subdivision and Land Development Ordinance shall apply to any planned residential development involving subdivision and land development, with the exception of the following:**

- 1) Application procedures;**
- 2) Review and approval process.**

The Applicant will comply with the Upper Allen Township Subdivision and Land Development Ordinance, where required, and the application procedures and review and approval process set forth in Article VIII.

- C. Application procedure, general. An application for development of a planned residential development is governed by and follows the procedures of Article VII of the Pennsylvania Municipalities Planning Code (MPC). The applicant shall file all applications with the Township by the first business day of the month in which the plan will be considered by the Township Planning Commission.**

The Applicant has complied with the above timing as this Application is being filed with the Township on September 1, 2023.

- D. Preapplication conference (optional).**

The Applicant has not submitted to the optional preapplication process.

- E. Application for tentative approval. The application for tentative approval must be executed by or on behalf of the applicant and filed with the Township. An initial filing fee in an amount established by the Township shall be paid upon filing of the application to be applied against such expenses, and additional deposits shall be made from time to time as requested by the Township to be applied against expenses of processing the application, not to exceed the actual expenses incurred by the Township.**

- 1) Application content. An application for tentative approval of a planned residential development shall include the following:**

**a. Seven copies: application form, provided by the Township and completed by the applicant**

The application form, as provided by the Township and completed and executed by the Applicant, is attached hereto as Exhibit A.

**b. Application fee for tentative approval of a planned residential development**

A check in the amount of \$1,600.00 is enclosed which represents the filing fee as established by the Township.

**c. Seventeen copies: maps and information as required by the preliminary plan requirement of the Subdivision and Land Development Ordinance, which shall show compliance with Subsection 4 of § 10707 of the Pennsylvania Municipalities Planning Code. The applicant shall also provide information to determine the location and size of the common areas and common open space and the form of the organization proposed to own and maintain the common areas for any planned residential development.**

The Master Development Plan for the Autumn Chase PRD, including the subject area, is attached as Exhibits 4 and 5 of the application. The provided narrative demonstrates compliance with Subsection 4 of §10707 of the Pennsylvania MPC. The Master Development Plan depicts the location and size of the common open space. The remaining common open space areas will be maintained by the Autumn Chase Homeowner's Association which has been created under the Pennsylvania Planned Community Act.

**d. Seventeen copies of an environmental impact assessment documenting compliance with Subsection 4 and 5 of Section 10707 of the MPC. Such assessment shall indicate the reasons why the planned residential development is consistent with the Comprehensive Plan and is in the interest of the Township.**

The narrative report demonstrates compliance with Subsections 4 and 5 of Section 10707 of the MPC including a showing of consistency with the Comprehensive Plan and the interests of the Township.



- e. **Seventeen copies of a community impact analysis.**
  - 1. **An analysis of the potential effects and impacts of the planned residential development upon the following community facilities will be required:**
    - a. **Transportation system;**
    - b. **Water supply;**
    - c. **Sewage disposal;**
    - d. **Public utilities, such as electricity, gas, telephone, cable television;**
    - e. **Solid waste disposal;**
    - f. **Emergency services (i.e. police, fire, EMS);**
    - g. **School facilities and school district budget;**
    - h. **Recreation; and**
    - i. **Township revenue and expenses.**

A community impact analysis, which includes discussion of a. through i. above, was as a part of the original application for tentative approval for the Autumn Chase PRD. The community impact analysis assumed a total of 339 units to be included in the PRD. The Autumn Chase PRD was ultimately approved for 295 units. The addition of the 22 units with this application would increase the total number of units within the Autumn Chase PRD to 317 and would still be within the threshold of analysis provided for in the original application for tentative approval.

**F. Planning Commission review and comment. At the first regular scheduled meeting of the Planning Commission after submission of the application, the Planning Commission shall perform the following:**

- 1) **Hold an open meeting where the populace shall be heard on the application for tentative approval.**

It is the Applicants understanding that the Planning Commission will hold an open meeting at a regularly scheduled meeting where the populace can be heard on the application for tentative approval. The Applicant further understands that these meetings will be advertised by the Planning Commission.

- 2) **Make a written recommendation to the Board of Commissioners on any application for tentative approval of a planned residential development. In said recommendation, the Planning Commission shall set forth, with particularity, the explicit reasons for its recommendation that the proposal be either approved or denied.**

The Applicant expects the Planning Commission to forward a written recommendation to the Board of Commissioners relative to the application for tentative approval of a planned residential development.

**G. Cumberland County Planning Commission review and comment. At least 30 days before the public hearing, the Township shall submit the application for tentative approval of a planned residential development to the Cumberland County Planning Commission for review and comment as required by the Pennsylvania Municipalities Planning Code.**

The Applicant understands that the Township will submit the application for tentative approval of the Autumn Chase PRD to the Cumberland County Planning Commission for review and comment. The Applicant will assist, if required, with this process.

**H. Public Hearing. The Board of Commissioners shall hold a public hearing on the application for tentative approval of a planned residential development in accordance with Section 10708 of the MPC. The Commissioners shall cause notice of the public hearing to be given as follows:**

- 1) By giving public in accordance with Section 10908 of the MPC.**
- 2) By posting one notice in the vicinity of each front lot line of the site for which the planned residential development is proposed in a place conspicuously visible from the street. In addition, notices shall be posted at the Municipal Building. All posting shall be done at least seven days prior to the public hearing.**

Section 10708 of the MPC requires that a public hearing, pursuant to public notice, be held by the Board of Commissioners within sixty (60) days of the filing of the application. Further, Section 10908 of the MPC, in conjunction with the Upper Allen Zoning Ordinance, requires public notice to include written notice to adjacent property owners, posting on the affected tract and notice published in at least one newspaper of general circulation. It is the Applicants understanding that the Township will comply with the notice requirements. To assist in this regard, a listing of adjacent property owners has been provided.

**I. The Board of Commissioners shall consider whether proposed modifications in any of the requirements of this section for the R-2 Zoning District, except the provisions of this section, contained in an application for tentative approval of a planned residential development will make for a more efficient, attractive and harmonious planned development. If such modification, in the judgment of the Board of Commissioners, constitute a more beneficial use of the site that provided for under the requirements of the R-1 Zoning District, the Board of Commissioners, in its sole discretion, may grant the modifications.**

The Autumn Chase PRD Master Development Plan, including the additional area, has been designed to conform to the standards of a Planned Residential Development and, only when required, the R-2 Zoning District.

- 1) Authorized uses shall be limited to those specified in § 245-8.4.A.**

The proposed use of the additional tract is single-family detached dwellings, which are permitted by § 245-8.4.A.

- 2) No modification shall be given for density in the R-2 Zoning District. Densities shall not exceed the density established in §245-8.4.C(1), Maximum dwelling units per site.**

The proposed 22 units comply with the density requirements established in §245-8.4.C(1). A further explanation of the density calculation is included below.

- 3) All common open space shall be reserved as permanent open space.**

All proposed common open space is to be reserved as permanent open space to be owned and maintained by the homeowner's association.

- 4) Provisions for all planned residential developments shall be in accordance with the laws of the Commonwealth of Pennsylvania for planned residential developments.**

The Autumn Chase PRD will comply with the laws of the Commonwealth of Pennsylvania relative to planned residential developments, including the MPC and Planned Communities Act.

- 5) No modification shall be granted for any construction, development, use or activity within any floodway area as identified in Article X of this chapter that would cause any increase in the one-hundred-year-flood elevation.**

No floodway areas are located within the 14.8 acre portion of the site that is the subject of this Application.

- 6) Under no circumstances shall a modification be granted to the prohibitions of uses or activities in floodplain areas as set forth in Article X of this chapter.**

No floodplain areas are located within the 14.8 acre portion of the site that is the subject of this Application.

- 7) Whenever a modification is granted to construct a structure below the one-hundred-year-flood elevation, the Township shall notify the applicant in writing that:**

- a.[Omitted.]**
- b. [Omitted.]**

Not applicable.

**J. Findings. The Board of Commissioners shall make findings in accordance with Section 10709 of the MPC.**

The Board of Commissioners has a responsibility to, within 60 days following the conclusion of the public hearing or within 180 days after the filing of the application, whichever comes first, notify the Applicant by official written communication of the Board's decision on the application including findings of fact related to the proposal, in accordance with MPC Section 10709.

**K. Official written communication. The official written communication of findings shall be certified by the Township Secretary of the Board of Commissioners, and a certified copy shall be mailed to the applicant.**

The Board of Commissioners has a responsibility to certify the official written communication and mail to the Applicant.

**L. Status of plan after tentative approval. The status of a plan after tentative approval shall be in accordance with Section 10710 of the MPC.**

**M. – V. [Omitted].**

Sections 245-108.L.-V. set forth those requirements required for final approval of a PRD. The Autumn Chase PRD is proposed as a phased PRD and, therefore, these requirements will be met with the appropriate filing of each phase final plan.

**Section 245-8.4. Standards and conditions.**

**A. Uses permitted. Used permitted in planned residential developments shall be limited to:**

**1) Residential uses:**

- a. Single-family detached dwellings.**
- b. Single-family semidetached dwellings**
- c. Two-family detached dwellings.**
- d. Single-family attached dwellings (townhouses).**
- e. Multiple family dwellings.**

This application proposes 22 single-family detached dwellings to be incorporated into the Autumn Chase PRD.

**2) Neighborhood commercial uses. [Omitted].**

The Autumn Chase PRD plan does not propose any neighborhood commercial uses.

**B. Applicability of other provisions. Unless otherwise specifically stated or specifically modified by the Board of Commissioners, all provisions of this chapter shall apply to all planned residential developments, and all planned**

**residential development uses must comply with provisions of all other applicable ordinances, including the Subdivision and Land Development Ordinance. The provisions of this section apply to all planned residential developments unless otherwise stated.**

The Autumn Chase PRD plan and application have been designed in conformance with the PRD Ordinance and the other ordinances only where applicable.

**C. Residential use standards and conditions. This section specifies the regulations for residential uses in planned residential developments.**

- 1) Maximum dwelling units per site. The maximum number of dwelling units permitted in a planned residential development shall be calculated as follows:**

See Exhibit C which provides a site specific density calculation analysis. Per the analysis, 25 units are permitted on the additional lands. 22 units are proposed.

<u>Line Number</u>	<u>Formula</u>	<u>Results</u>
1	Gross tract acres (acres)	Acres
2	Area in existing streets and rights-of-way	Acres
3	Site area (subtract Line 2 from Line 1)	Acres
4	Required open space (30% of gross tract area)	Acres
5	Environmentally sensitive areas not required in open space (floodplains, wetlands and steep slopes)	Acres
6	Future infrastructure (15%)	Acres
7	Net site area (subtract Lines 4, 5, and 6 from Line 3)	Acres
8	Maximum net site density [per § 245-109C(2)]	Dwelling Units
9	Maximum dwelling units based on net site density (multiply Line 7 by Line 8)	Dwelling Units

- 2) Net site density modifications. Net site density permitted by the Board of Commissioners may be varied upon consideration of the following factors:**

A net site density modification is not requested.

- 3) **Mix of housing types. A planned residential development shall have a mix of dwelling units, consisting of the following types, within the following proportions:**
- a. **Single-family detached dwellings: a minimum of 40% and a maximum of 75% of all proposed dwelling units.**
  - b. **Single-family semidetached dwellings: a maximum of 35% of all proposed dwelling units.**
  - c. **Two-family detached dwellings: a maximum of 35% of all proposed dwelling units.**
  - d. **Single-family attached dwellings (townhouses): a maximum of 35% of all proposed dwelling units.**
  - e. **Multiple-family dwellings: a maximum of 10% of all proposed dwelling units.**
  - f. **The remainder of the housing stock shall be left to the discretion of the applicant. The requirements of this section may be waived by the Board of Commissioners upon the applicant successfully demonstrating that the required housing type(s) are not then presently marketable. Upon granting a waiver, the required percentage of the remaining housing types shall be increased proportionately.**

Single-family detached dwellings, single-family semi-detached dwellings, and single-family attached (townhouse) dwellings are proposed within the Autumn Chase PRD. The current PRD approval is for 295 total units – 161 single family detached units, 60 duplex units and 74 townhomes. With the approval of this application, the total density would be increased to 317 units – 183 single family detached units (58%), 60 duplex units (19%) and 74 townhomes (23%) which complies with the housing mix requirements.

- 4) **All dwelling units shall be designed with regard to topography, elevation, and other natural features of the tract. The effects of prevailing winds, seasonal temperatures, and hours of sunlight on the physical layout and form of the proposed buildings shall be taken into account.**

The additional units have been designed with regard to natural features.

- 5) **Housing and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with neighboring areas. Special care shall be given to protect adjacent land which is located in the R-1 District, VIL District, and A District.**

The plan has been designed to harmoniously blend with existing surrounding uses. The property is adjacent to two (2) existing planned

residential developments, Allenvue PRD and Winding Hills PRD and a part of the existing Autumn Chase PRD.

Single-family detached homes are proposed along the Penington Farms Development and Winding Hills PRD.

- 6) No structure or building shall be within 20 feet of the right-of-way of access roads or parking areas.**

All proposed structures and building are located at least 20 feet from the street right-of-way (public streets) and parking areas. The single-family detached lots are proposed with a twenty-five foot (25') front yard setback.

- 7) No structure of building shall be less than 50 feet from the property lines of the development, and a planting strip of at least 20 feet shall be provided along all property lines at the periphery of the development, where necessary to protect the privacy of neighboring residents.**

A fifty foot (50') building setback from property lines of the development is provided.

- 8) Yard setbacks for the uses specified in § 245-8.4.A shall be consistent with the requirements established for those uses in this Zoning Ordinance.**

The single-family detached lots are proposed with the following yard setbacks: 25' front yard, 5' side yard and 15' rear yard. These setbacks are consistent with the requirements for single-family detached homes in the remainder of the Autumn Chase PRD site.

- 9) Off-street parking.**  
**a. Parking space, off-street, shall meet regulations as set forth in Article XVII herein.**

Article XVII requires off-street parking at a rate of 2 spaces per dwelling unit for the proposed single family detached use. All single family detached units are designed as a two-car garage unit with additional driveway parking which exceeds the 2 space per unit requirement.

- b. Excepting single-family, semidetached, single-family attached, and two-family detached dwellings, all parking areas shall be located at least 25 feet from the buildings to allow access for emergency vehicles.**

Only single-family detached homes are proposed with this amendment.

- c. **The required parking spaces shall be situated on the same lot within 200 feet of the dwelling units to be serviced.**

The required parking spaces are in all cases located on the same lot.

**10) Streets and access drives. Plans for streets, drives, service access, parking and walks, and all such facilities shall be reviewed and approved, and all such facilities shall be designed and installed in the manner prescribed by the Subdivision and Land Development Ordinance regulations for dedication and amendments thereto, regardless of whether they are to be presented to the Township for dedication or not.**

The Sketch Plan included with this application depicts all proposed streets, access drives, sidewalks, and the like for review and approval. The streets are designed to Ordinance standards and are proposed to be dedicated to Upper Allen Township. The streets are designed with a fifty foot (50') right-of-way, thirty-four foot (34') paved cartway with slant curbing and sidewalk on both sides of the street.

**11) Phased development.**

- a. **Preliminary plan approval to include all phases. Where an applicant proposes phased development of a project over time, the applicant shall comply with all requirements for a preliminary plan approval as required under the Subdivision and Land Development Ordinance for all phases, except where application content requirements have been waived.**

The Autumn Chase PRD is proposed as a phased development. The area that is the subject of this application would be an additional phase, increasing the total number of phases from eight (8) to nine (9).

- b. **Minimum phase size. Each section of development except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion.**



The nine (9) proposed phases do not contain the required 25% minimum. The current phasing schedule has been approved by the Board of Commissioners. The Applicant hereby requests that the Board approve the proposed phasing schedule to include one (1) additional phase.

- c. Independence of phases. Each phase of a development shall include the required improvements necessary to serve that phase of development as if it were the final phase of the development, independent of any proposed future phase of development.**

Each phase is proposed to include all improvements necessary to service that phase independently.

**D. Neighborhood commercial use regulations. [Omitted].**

Neighborhood commercial uses are not proposed, therefore, this section is omitted.

**E. Minimum site perimeter yard: 50 feet.**

A minimum non-building setback of fifty feet (50') is proposed along the development boundaries.

**F. Building heights shall be in accordance with the regulations specified in the underlying zoning district.**

The underlying, R-2, zoning district permits a maximum building height of thirty-five feet (35'). All proposed dwelling units will comply with the building height regulations.

**G. Buffers and screening shall be provided in accordance with the requirements contained in § 245-16.5 and the Upper Allen Township Subdivision and Land Development Ordinance.**

A fifty foot (50') non-building setback is proposed around the Autumn Chase PRD perimeter. Additionally, the community was designed such that all existing or planned residential uses are bordered by like uses. As a result of the above, no additional buffers or screening are required by § 245-156.

**H. Outdoor lighting. Outdoor lighting shall meet the requirements contained in § 245-161.**

Street lighting is proposed at intersections, cul-de-sac bulbs, off-street parking areas and other strategic locations as a means of providing safety to residents of

the Autumn Chase PRD. The single-family detached units will be designed with outdoor lighting features. All of the lighting features will comply with § 245-161.G.

**I. Standards for location and management of open space.**

**1) The open space shall be located so as to be consistent with the objectives and purposes of a planned residential development and shall adhere to the following requirements:**

**a. A minimum of 30% of the gross tract area of the planned residential development shall be devoted to common open space.**

4.44 acres (30% of gross tract area in the subject 14.8 acres = 4.44 acres) of open space are required. A total of 6.90 acres of open space are proposed in the additional lands. The proposed open space is 2.46 acres in excess of the required 30%.

**b. At least 2/3 of the required open space shall be designed as one or more bulk areas of not less than four acres each, providing a sense of spaciousness.**

The open space is designed as a contiguous tract.

**c. Land included with the fifty-foot buffer strip required in § 245-8.4.C(7) may be counted as part of the required open space after the requirements in Subsection I(1)(a) and (b) are fully satisfied, but such land shall in no event be counted to and extend greater than 1/3 of the required open space.**

The fifty foot (50') buffer strip is counted as part of the open space because, as above, Subsection I(1)(a) and (b) have been fully satisfied.

**d. Land which is subject to utility or drainage easements or other restrictions which inhibit the full use of the land shall not be counted as part of the required open space.**

A portion of the open space is subject to easements which do not inhibit the full use of the land.

**2) There shall be provisions which ensure that the open space land shall continue as such and be properly maintained. The developer shall either:**

- a. **Dedicate such land to public use if the Township or another public agency has indicated it will accept dedication;**

The created open space lot will be dedicated to the Autumn Chase Homeowner's Association.

- b. **Retain ownership and responsibility for maintenance of such open space land; or**

The Autumn Chase Homeowner's Association will assume responsibility for the maintenance of the open space land that is dedicated to the Association.

- c. **Provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of this subsection, each organization shall be a nonprofit homeowner's corporation, unless the developer demonstrates that a community open space trust is more appropriate form of organization.**

The Autumn Chase Homeowner's Association, and sub-associations if required, will own and maintain the common open space that is not dedicated to Upper Allen Township.

**3) If a homeowners' association or open space trust is formed, it shall be governed according to the following regulations:**

The Autumn Chase Homeowner's Association complies with all of the Ordinance requirements. The Association has been created under the laws of the Commonwealth of Pennsylvania and is in active operation. Homeowner's Association documents were reviewed and approved by the Township and Township Solicitor.

- a. **The organization shall be organized by the developer and shall be operated with financial subsidization by the developer, if necessary, before the sale of any lots within the development.**

The Autumn Chase Homeowner's Association has been organized by the Applicant and/or its successors or assigns ("Declarant"). The Declarant will maintain or oversee operational control and financial subsidization of the homeowner's association, if necessary, until the association is turned over to the residents.

- b. Membership in the organization is mandatory for all purchasers of home[s] therein and their successors.**

It is and will continue to be mandatory for all purchasers of homes and their successors to be members of the Autumn Chase Homeowner's Association and sub-associations as may be created.

- c. The organization shall be responsible for maintenance of insurance and taxes on common open space.**

The Autumn Chase Homeowner's Association will be responsible for insurance and taxes relative to the common open space areas that are dedicated to the Association.

- d. The members of the organization shall share equitably the costs of maintaining and developing common open space in accordance with procedures established by them.**

The members of the Autumn Chase Homeowner's Association will share equitably in the costs of maintaining the common open space areas and all other items over which the association has responsibility.

- e. The organization shall have or hire adequate staff to administer common facilities and to maintain the common open space.**

The Autumn Chase Homeowner's Association currently engages a management consultant. The organizations manager is and will continue to be responsible for scheduling and overseeing common facility administration and maintenance and hiring contractors, if required, to assist.

**4) Maintenance of common open space:**

- a. In the event that the organization established to own and maintain a common open space or any successor organization shall, at any time after establishment of the planned residential development, fail to maintain the common open space in a reasonable order and condition in accordance with the development plan, the Township may serve written notice on such organization or on the residents and owners of the planned residential development, 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 cured 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 cured. If the deficiencies set forth in the original notice or the modifications thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the planned residential development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for the next succeeding year. If the Township shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, at 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. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

A provision covering the above procedures to be followed in the event of default by the association as to its

maintenance responsibilities is included in the Homeowner's Association documents.

- b. The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. Said assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges, regardless of when said mortgage or mortgages were created or when such assessments or charges accrued, provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing after the sale under foreclosure of such mortgage or mortgages, and provided further, that such charges accruing after the sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on the property subject to such assessments or charges, with the intent that no such charges shall be at any time prior in lien of any mortgage or mortgages whatsoever on such property. The Township, at the time of entering on said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of the county on the properties affected by such lien within the planned residential development.**

It is understood that the cost of maintenance, if required, by the Township will be assessed against the unit owners of the Autumn Chase PRD. These provisions have been added to the Homeowner's Association documents.

**5) Development plan.**

- a. In accordance with Section 10706 of the Municipalities Planning Code, the provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space; and the intensity of use or the density of residential units shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any powers of**

**regulation otherwise granted by the municipality by law.**

The Applicant understands that Upper Allen Township shall have the ability to enforce the provisions of the development plan relating to use, bulk and location of buildings, quantity and location of open spaces, and intensity of use (density) of residential uses. Upper Allen Township's enforcement shall comply with Section 10706 of the Pennsylvania Municipalities Planning Code.

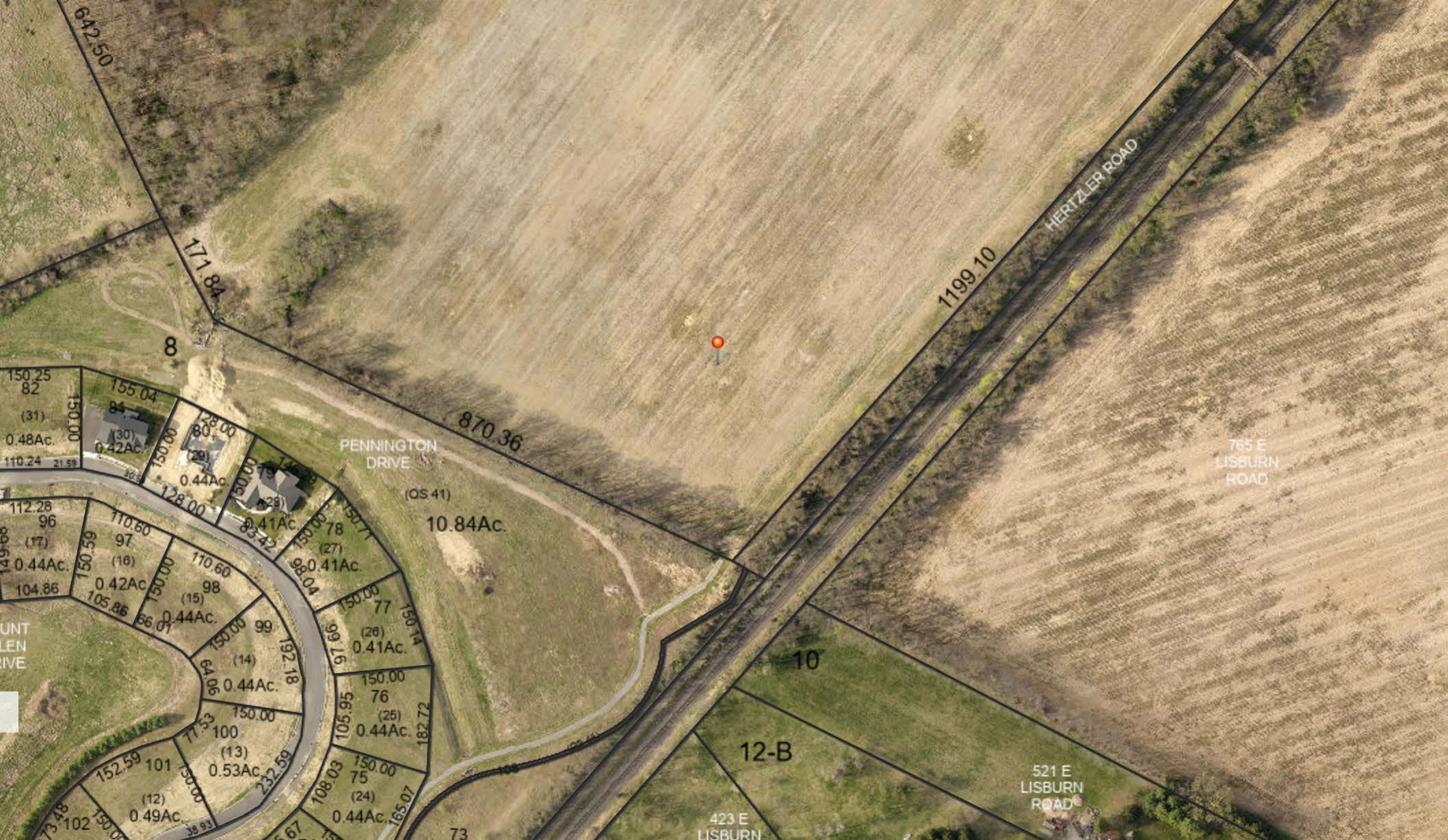
- b. The development plan shall specify those of its provisions which shall run in favor of and be enforceable by residents of the planned residential development and, in addition, the manner in which such residents may modify or release such rights.**

The Autumn Chase Planned Community declaration specifies which terms and provisions of the development plan will be enforceable by the residents of the Autumn Chase PRD as well as the manner in which those residents may modify, waive or release any rights.

- 6) The location and management of open space shall be consistent with the requirements of the Pennsylvania Planned Communities Act.**

The Autumn Chase Homeowner's Association, which will have ultimate responsibility for the management of the common open spaces, has been designed in accordance with the Pennsylvania Planned Communities Act.





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EXHIBIT C

Upper Allen Township  
Autumn Chase PRD - Remainder Tract  
R-1 to R-2 (PRD Overlay) Zoning Map Amendment  
PRD Density Calculation

1	Gross Tract Area	14.78
2	Area in existing streets and rights-of-way (50% of area within overhead or underground utility easements)	3.2115
3	Site Area (Line 1 - Line 2)	11.5685
4	Required Open Space (30% gross tract area)	4.434
5	Environmentally sensitive features	0
6	Future infrastructure (15%)	2.217
7	Net Site Area (Line 3 - Lines 4, 5, 6)	4.9175
8	Maximum Net Site Density (5 units/acre)	5
9	Maximum Dwelling Units (Line 7 x Line 8)	24.5875

**25 units permitted**