



August 1, 2024

1286 Black Rock Road

Phoenixville, PA 19460

Phone: 610-933-9179

Fax: 610-983-0355

Visit Us Online:

www.uprov-montco.org

General Inquiries:

admin@uprov-montco.org

Board of Supervisors

Helene Calci, Chair

Kelly Stevens, Vice Chair

A. Maria Jones-Sadler

William Starling

Thomas P. Yeager

Township Manager/Secretary

Timothy J. Tieperman

Township Solicitor

Joseph E. Bresnan, Esq.

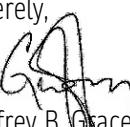
**RE: Parkhouse Residential Cluster Community
Township #4021-0313-0004 (TLD)**

Please review the attached application for Tentative Plan application the Parkhouse Residential Cluster Community.

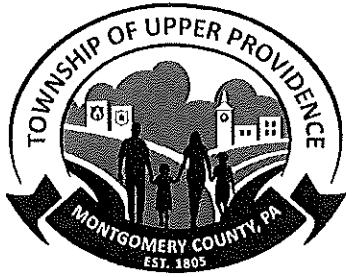
I do not have an anticipated date for this to be on the Planning Commission agenda.

Please contact me at 610-933-9179, extension 104 if you have any further questions.

Sincerely,


Geoffrey B. Grace, AICP
Director of Planning, Zoning Officer
Township of Upper Providence, Montgomery County

cc: (via email unless otherwise noted)
Upper Providence Board of Supervisors
Upper Providence Planning Commission
Tim Tieperman, Township Manager
Bryan Bortnickach, Assistant Township Manager
Joseph Bresnan, Esq., Township Solicitor
Jen Gutshall, P.E. Gilmore & Associates, Inc.
Casey Moore, P.E. Bowman Consulting Group
Spring Ford School District (hand delivery)
Laureen Sendel-Grant, Montgomery County Planning Commission



Township of Upper Providence Application for Subdivision or Land Development Review

Township of Upper Providence
1286 Black Rock Road
Phoenixville PA 19460
Phone: 610-933-9179; Fax: 610-983-0355

Owner: Royersford Holdings, LLC

Owner Address: PO Box 222

City/State/Zip: Hunt Valley, MD, 21031

Owner phone/email: 410-527-0160

Applicant (if different than owner):

Applicant Address:

City/State/Zip:

Applicant Phone:

Applicant Email:

Applicant Representatives:

Attorney: Hamburg Rubin Mullin Maxwell & Lupin

Contact Information (phone/email): 215-661-0400

emullin@hrmml.com

Civil Engineer: Howell Engineering

Contact Information (phone/email):

Dave Gibbons 6109189002 dgibbons@knowhowell.com

Traffic Engineer: Traffic Planning and Design

Contact Information (phone/email):

Matt Hammond 6103263100 mhammond@trafficpd.com

Other:

Contact Information (phone/email):

08/01/2024
APPLICATION SUBMISSION DATE: Filled in by Township

4021-0313-0003 (TLD)
PLAN NUMBER: Filled in by Township

Proposal Name: Parkhouse Development

Proposal Location/Address:

Black Rock Road, Upper Providence Township, Montco

Tax Parcel Number(s):

61-00-01252-12-7

Block /Unit: 21/39

Current Zoning: OSC Open Space Conservation District

Nearest Cross Street: Second Avenue

Property Acreage/Tract Area: 185.68

Proposed Number of Units (residential): 868*

*See attached

Proposed Square Feet (commercial/office/industrial):

0.0

Type of Review Requested:

Subdivision Plan (Minor Subdivision)

Tentative; Preliminary; Final

Land Development Plan

Tentative; Preliminary; Final

Conditional Use

Zoning Ordinance Amendment

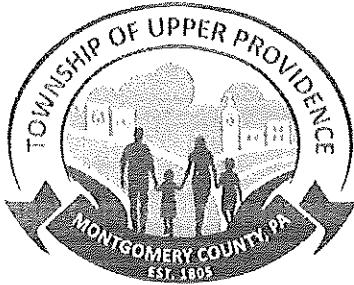
Zoning Map Amendment

Subdivision/Land Development Ord. Amendment

Curative Amendment

Other Review Request (explain below):

SEE ATTACHED.



Township of Upper Providence Application for Subdivision or Land Development Review

Township of Upper Providence
1286 Black Rock Road
Phoenixville PA 19460
Phone: 610-933-9179; Fax: 610-983-0355

APPLICATION SUBMISSION DATE: 08/01/2024
PLAN NUMBER: 4021-0313-0003 (TLD)

Plans to be submitted with the application:

Plans [five (5) paper copies are required] (dated: 31 JUL 2024)
 Electronic version of all plan and documentation submitted with application (via CD, thumb drive, etc.)

Dropbox or other electronic file transfers to be sent to ggrace@uprov-montco.org

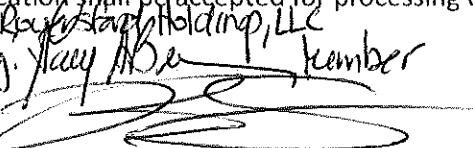
Other Documents [five (5) copies required]

List additional documents by title (attach a separate sheet if necessary):

I/We filed with Upper Providence Township a (describe plan) Tentative Sketch Plan which is subject to the time limitations for review set forth in the Municipalities Planning Code. I/We voluntarily waive the time limits for review of our filing. Such waiver is granted to allow for adjustments or revisions to our filing as may be required during the review process. I/We may revoke this waiver at any time. If I/We do revoke this waiver, then the Township's time limit for review that is set forth in the Municipalities Planning Code shall begin to run on the day that I hand deliver the signed revocation to the Township during regular business hours, regardless of the number of days that elapsed between the date of the original filing and the date of the revocation.

Applicant's Signature:

No application shall be accepted for processing unless properly signed in the appropriate space:

Signed:  Owner of Record

Signed:  Equitable Owner

Signed: _____ Authorized Agent (for: _____ Owner; _____ Equitable Owner)

To be completed by the Township:

Application Fee: \$ 3,000.00 (Paid) Escrow Fee: \$ \$20,000.00 (Paid)

Received By: Geoffrey B. Grace, AICP

Per the Pennsylvania Municipalities Planning Code, Section 247 of 1969 this plan is accepted as complete on the following date: 08/01/2024 90-Day Clock expiration: NONE (Waived)

Signed: Geoffrey Grace, AICP

:Township Zoning Officer/Director of Planning

Royersford Holdings, LLC
Application for Subdivision/Land Development
Attachment

During the course of discussions and hearings concerning the adoption of the OSR-2 Open Space Residential Community – 2 Ordinance, Royersford Holdings, LLC indicated that despite the fact that the Ordinance would allow for the construction of more dwelling units only 585 units would be built. The attached plan shows 868 units. The rose colored units will not be built but will be dedicated by Royersford Holdings, LLC to the Township of Upper Providence.



Township of Upper Providence

Application for Subdivision or Land Development Review

Township of Upper Providence

1286 Black Rock Road

Phoenixville PA 19460

Phone: 610-933-9179; Fax: 610-983-0355

APPLICATION SUBMISSION DATE: Filled in by TownshipPLAN NUMBER: Filled in by Township**Plans to be submitted with the application:** Plans [five (5) paper copies are required] (dated: _____) Electronic version of all plan and documentation submitted with application (via CD, thumb drive, etc.) Dropbox or other electronic file transfers to be sent to ggrace@uprov-montco.org Other Documents [five (5) copies required]List additional documents by title (attach a separate sheet if necessary):

I/We filed with Upper Providence Township a (describe plan) _____ which is subject to the time limitations for review set forth in the Municipalities Planning Code. I/We voluntarily waive the time limits for review of our filing. Such waiver is granted to allow for adjustments or revisions to our filing as may be required during the review process. I/We may revoke this waiver at any time. If I/We do revoke this waiver, then the Township's time limit for review that is set forth in the Municipalities Planning Code shall begin to run on the day that I hand deliver the signed revocation to the Township during regular business hours, regardless of the number of days that elapsed between the date of the original filing and the date of the revocation.

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Signed: _____ Authorized Agent (for: _____ Owner; _____ Equitable Owner)

To be completed by the Township:Application Fee: \$ _____ (Paid) Escrow Fee: \$ _____ (Paid)

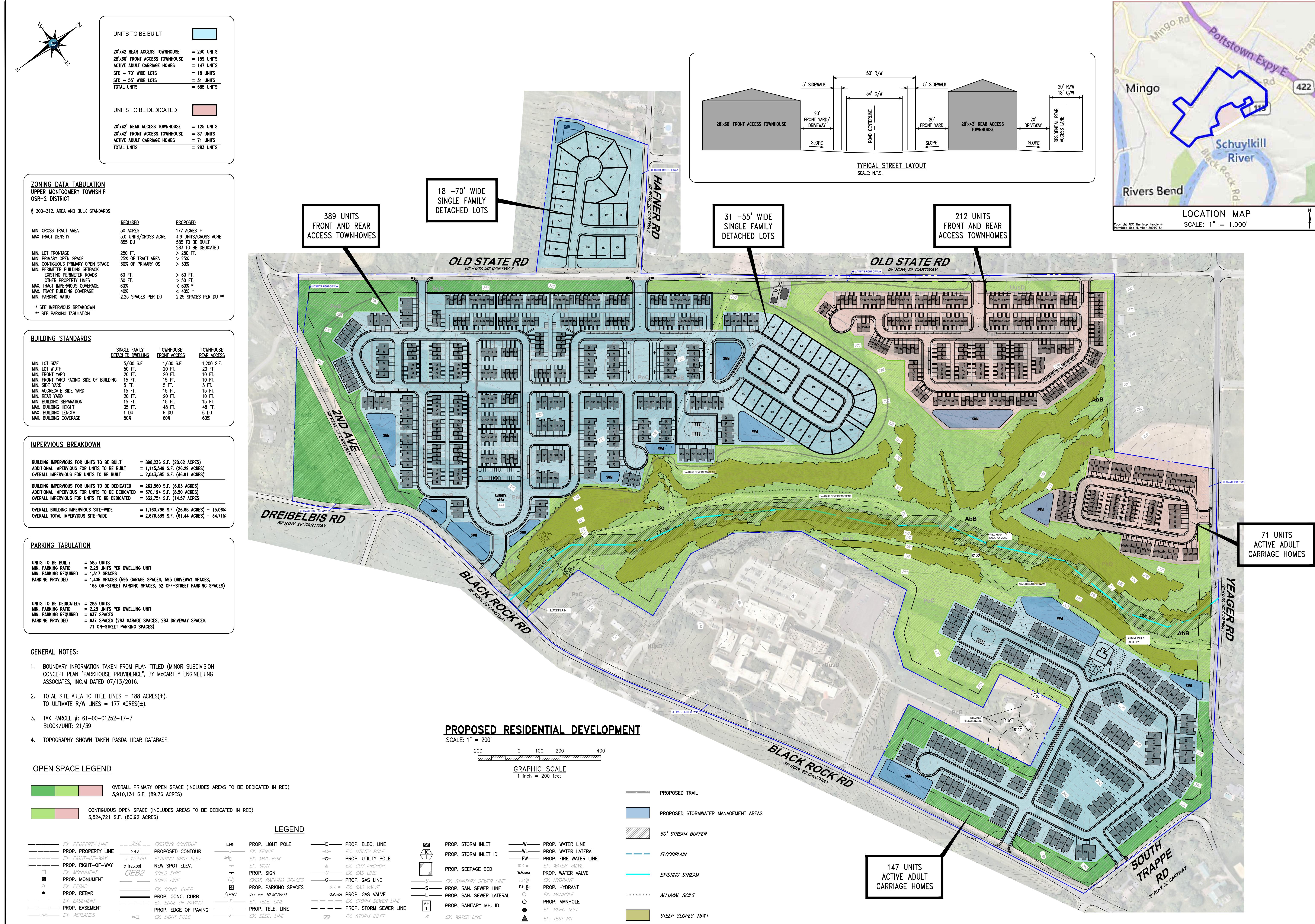
Received By: _____

Per the Pennsylvania Municipalities Planning Code, States Act § 247 of 1969 this plan is accepted as complete on the following date: _____ 90-Day Clock expiration: _____

Signed: _____ :Township Zoning Officer/Director of Planning

Royersford Holdings, LLC
Application for Subdivision/Land Development
Attachment

During the course of discussions and hearings concerning the adoption of the OSR-2 Open Space Residential Community – 2 Ordinance, Royersford Holdings, LLC indicated that despite the fact that the Ordinance would allow for the construction of more dwelling units only 585 units would be built. The attached plan shows 868 units. The rose colored units will not be built but will be dedicated by Royersford Holdings, LLC to the Township of Upper Providence.



TENTATIVE SKETCH PLAN

PROPOSED RESIDENTIAL DEVELOPMENT

DATE:	07/31/24
SCALE:	1"=200'
DRAWN BY:	JTE
CHECKED BY:	AMD
PROJECT NO.:	5007
CAD FILE:	5007 - SK-1A 07-26-2024.dwg
PLOTTED:	07/31/24
DRAWING NO.:	SK-1A

**LETTER OF
TRANSMITTAL**

To:	Upper Providence Township
	1286 Black Rock Road
	Phoenixville, PA 19460
	(610)-933-9179

Attention:	Geoffrey Grace
Date:	July 31, 2024
Re:	Parkhouse Development
Job No:	5007

WE ARE SENDING YOU:

Copies	Date	No.	Description
5	07/31/24		Tentative Sketch Plan
5	07/31/24		Subdivision & Land Development Application
5	07/31/24		Signed OSR-2 Text Amendment
5	05/31/24		Signed Recordation Ltr Parkhouse Declaration
1	07/31/24		Thumb Drive containing all attachments
1	07/31/24		Applicable Checks

THESE ARE TRANSMITTED AS CHECKED BELOW:

For approval For your use As requested For review and comment

REMARKS:

Mr. Grace,

See attached documents for submission of a Tentative Sketch for the Parkhouse Residential Development. If you have any questions, please let me know.

Thank You,

COPIES:

SIGNED:

NAME:

Andrew DeFonzo

**UPPER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 604

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE AT PART II [GENERAL LEGISLATION], CHAPTER 300 [ZONING], BY AMENDING AND RESTATING ARTICLE XVII [OSR-2 OPEN SPACE RESIDENTIAL COMMUNITY-2] TO REVISE REGULATIONS FOR THE DEVELOPMENT OF AN OPEN SPACE RESIDENTIAL COMMUNITY

CERTIFICATION

I, TIMOTHY J. TIEPERMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. _____.



Timothy J. Tieperman, Township Manager
5/30/2024, 2024

ENACTED: 5/29/2024

UPPER PROVIDENCE TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 604

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE AT PART II [GENERAL LEGISLATION], CHAPTER 300 [ZONING], BY AMENDING AND RESTATING ARTICLE XVII [OSR-2 OPEN SPACE RESIDENTIAL COMMUNITY-2] TO REVISE REGULATIONS FOR THE DEVELOPMENT OF AN OPEN SPACE RESIDENTIAL COMMUNITY

WHEREAS, the Board of Supervisors of Upper Providence Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Upper Providence Township;

WHEREAS, the Board of Supervisors of Upper Providence Township has adopted a comprehensive zoning ordinance, known as the Upper Providence Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Upper Providence Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Upper Providence Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

WHEREAS, the Board of Supervisors of Upper Providence Township have determined that certain amendments to the Upper Providence Township Zoning Ordinance, as amended, are required to provide for clarity in the administration of the laws of Upper Providence Township; and

WHEREAS, the Board of Supervisors of Upper Providence Township have determined that certain amendments to the Upper Providence Township Zoning Ordinance, as amended, are required to provide for the development of large parcels within Upper Providence Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Upper Providence Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. **Amendment to Chapter 300 [Zoning], Article XVII [OSR-2 Open Space Residential Community-2] to revise regulations for open space residential community development.**

The Code of the Township of Upper Providence, Part II [General Legislation], Chapter 300 [Zoning], Article XVII [OSR-2 Open Space Residential Community-2] is hereby restated and amended to delete Article XVII in its entirety and replaced with the following:

§ 300-308 Legislative intent.

In expansion of the community development objectives contained in Article I, § 300-2 of this chapter, it is hereby declared to be the intent of this article with respect to an open space residential community to establish reasonable standards and criteria to permit such a community in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development.

- A. To allow for the donation of residentially zoned and developable land from a larger parcel in exchange for no benefit or consideration for the sole purpose of maintaining permanent open space for use by the Township community.
- B. To provide for such development in areas consistent with the goals of the Township's Comprehensive Plan, which would be compatible with and protect the existing community character.
- C. To protect the existing vistas into and rural character of large tracts of undeveloped land in the Township.
- D. To provide for and to preserve open space, stream valleys, agricultural land heritage, tree cover, historic buildings and other natural and man-made amenities.
- E. To allow for the preservation of extensive areas of open space and/or parkland in portions of the Township where mixed-use development is appropriate.
- F. To permanently protect areas of open space and parkland from future development and, in so doing, implement the goals and recommendations of the Township's adopted Open Space and Recreation Plan.

§ 300-309 Use regulations.

An open space residential community is permitted in any zoning district except IO, IO-2, IO-3, M-1, and M-2, provided that the tract proposed for such development meets the criteria specified in § 300-310 of this article. An open space residential community shall be construed to mean a planned development consisting of single-family and mixed-density single-family attached residential use(s) combined with the preservation of extensive areas of open space and/or parkland, along with any appropriate recreational uses and uses incidental to such a development, as hereinafter provided. Uses specifically permitted in an open space residential community shall be the following:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings.
- C. Stacked townhouse – a residential structure contained in one building envelope, containing two dwelling units attached to each other, vertically separated by floor/ceiling assembly and/or horizontally separated by a wall assembly, with either shared or separate ingress points.
- D. Neighborhood or community park.
- E. Common open space available to all Township residents.
- F. Accessory uses on the same lot or premises with and incidental to the other uses permitted in this article. In addition to accessory uses customarily incidental to a dwelling unit, appropriate accessory uses may be permitted in an active use park, including but not limited to uses such as rest rooms, parking for park users and other similar uses, subject to approval by the Township.
- G. Communications antennas, in accordance with the provisions of § 300-25 of this chapter, mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings. Communications towers are permitted only as a conditional use pursuant to § 300-157 herein.
- H. No-impact home-based businesses in accordance with the standards set forth in § 300-26 herein.

- I. Home occupations, provided that all of the requirements of § 300-27 shall be met.

§ 300-310 Additional Prerequisites.

The following prerequisites shall be met for each open space residential community:

- A. Any tract of ground or contiguous group of tracts (tracts may be separated by a street but not by a parcel that is not part of the application) which are the subject of an application for approval as an Open Space Residential Community-2, pursuant to this article, must in the aggregate total 50 acres or greater.
- B. Any tract of ground or contiguous group of tracts which are the subject of an application as an open space residential community pursuant to this article shall in the aggregate provide a minimum of 250 feet of frontage, measured along the ultimate rights-of-way, on a roadway at the level of "feeder" or higher.
- C. All proposals for development within this district shall include a fiscal impact statement which must detail the immediate post-construction financial benefit or loss to the Township, School District, and County, that can be expected from the proposed development.
- D. All proposals shall be accompanied by a traffic impact study prepared in accordance with § 300-438.E of this Chapter.

§ 300-311 District Regulations.

Any development proposed under the OSR-2 Open Space Residential Community District-2 shall follow the district regulations under the OSR Open Space Residential Community District, § 300-293 and the specific Master Plan requirements as detailed in § 300-296.

§ 300-312 Development regulations; Area and Bulk Standards.

- A. Density. The maximum density for development pursuant to this Article shall be 5.0 units per gross acre. In computing density, the number of units shall be rounded down to the nearest whole number. The applicant's ability to develop the maximum number may be reduced as a result of the choice of dwelling types, lot sizes, physical constraints, or other factors.
- B. Active adult. At least 25% of the number of dwelling units proposed shall be active adult units occupied by persons 55 years of age or older, and married couples with at least one person over the age of 55.

C. Development Regulations
 GENERAL PROVISIONS

Min. Gross Tract Area : 50 Acres

Permitted Residential Uses:

Single Family Detached
 Twins
 Townhouses
 Stacked Townhouses

Min. Primary Open Space: 25% of Tract Area

Min. Contiguous Primary Open Space:

30% of minimum Primary Open Space

Min. Perimeter Building Setbacks:

Existing Perimeter Roads: 60 feet
 Other Property Lines: 50 feet

Min. Parking Ratio:

2.0 Spaces per DU On-Lot
 + 0.25 Spaces Common Guest On-Street Parking

Max. Tract Wide Impervious Coverage: 60%

Max Tract Wide Building Coverage: 40%

AREA & BULK STANDARDS

	Single-Family Dwelling	Single-Family Dwelling	Townhouse	Townhouse	Stacked Townhouse
	Front Access	Rear Access	Front Access	Rear Access	
Min. Lot Size	5,000 SF	4,500 SF	1,600 SF	1,200 SF	1,800 SF
Min. Lot Width	50 ft	50 ft	20 ft	20 ft	22 ft
Min. Front Yard	20 ft	15 ft	20 ft	10 ft	10 ft
Min. Front Yard facing Side of Building	15 ft	15 ft	15 ft	10 ft	10 ft
Min. Side Yard	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Aggregate Side Yard	15 ft	15 ft	15 ft	15 ft	15 ft
Min. Rear Yard	20 ft	10 ft	20 ft	10 ft	10 ft
Min. Building Separations	15 ft	15 ft	15 ft	15 ft	15 ft
Max. Building Height	2.5 stories 35 ft	2.5 stories 35 ft	3.5 stories 48 ft	3.5 stories 48 ft	4.0 stories 50 ft
Max. Building Length	1 DU	1 DU	6 DU	6 DU	6 Modules*
Max. Building Coverage	50%	50%	60%	60%	

*Each module equals 2 DU

D. Additional development regulations. The following additional regulation(s) shall be applicable to an open space residential community, in recognition of the unique type of development which it represents.

- (1) Belgian block curb may be installed on private interior roads, in lieu of the concrete curbing required in Chapter 270 of the Township Code, Subdivision and Land Development, subject to specifications approved by the Township Engineer.
- (2) Secured or "gated" road entrances to the development are permitted.
- (3) Private cul-de-sac or courtyards may be permitted which exceed the maximum permitted length as stipulated in Chapter 270 of this Code as long as emergency access, as may be required by the Township, is provided.
- (4) Sidewalks, as normally installed in conformance with the requirements of Chapter 270 of the Township Code, may be eliminated in portions of the community when they are replaced with a pedestrian walkway system, based upon approval by the Township.
- (5) Minimum street centerline radius is fifty feet.
- (6) Cartways shall be 34-feet wide.
- (7) Rights-of-way shall be 50-feet wide.
- (8) Residential rear access lanes are permitted and must have a minimum 18-foot wide cartway and a minimum 20-foot-wide right-of-way.

§ 300-313 General landscaping requirements.

Landscaping throughout the community shall be planned in accordance with the following guidelines:

- A. Shade trees shall be installed along all public and private streets, in accordance with the requirements of Chapter 270, Subdivision and Land Development, of the Code of the Township, § 270-69.C. However, if it is more appropriate, based upon the site design proposed, some or all of these trees may be redistributed elsewhere throughout the community, with the approval of the Township.
- B. Based upon review of the submitted landscape plan, the Township may require landscaping in addition to those minimal requirements herein where unusual field conditions exist or if circumstances arise which were not contemplated by this article.

Further, credit shall be given for existing trees and shrubbery which will remain as part of a development.

C. General buffering requirements. General buffer requirements shall be followed, as stipulated in this section; specifications for the various buffer types listed herein shall be as stipulated in Chapter 270, Subdivision and Land Development, § 270-68.D In those instances in which berms are not required, they may be used as a substitute for some of the plant material in a specific buffer situation, if the Township concurs in its review of the landscape plan that the berms equal or exceed the buffering qualities necessary in that specific buffer situation. Buffers shall be installed in those situations as prescribed herein unless berms are permitted by the Township as substitutions.

(1) Buffers for dwelling units:

- (a) Between a dwelling unit and an existing frontage roadway: Buffer Type 3 required.
- (b) Between a dwelling unit and an abutting, off-site residential use or district: Buffer Type 2 required.
- (c) Between a dwelling unit and an abutting, off-site nonresidential use or district: Buffer Type 3 required.
- (d) Between a dwelling unit and parking areas for residential units: Buffer Type 1 required.
- (e) Between a dwelling unit and parking area serving a nonresidential use: Buffer Type 2A required.
- (f) Between a dwelling unit and any other permitted building within the age-restricted development: Buffer Type 2 required.
- (g) Between a dwelling unit and an outdoor recreational facility associated with the development, but not housed in a building: Buffer Type I required.
- (h) Between two dwelling unit groupings of single-family attached units within the OSR-2 residential community: Buffer Type I required.

(i) Between a grouping of single-family attached and single-family detached dwelling lots within the OSR-2 residential community: Buffer Type 2 required.

SECTION 2. **Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. **Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. **Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 29 day of MAY 2024, by the Upper Providence Township Board of Supervisors.



Attested by:

A blue ink signature of Timothy J. Tieperman.

Timothy J. Tieperman, *Secretary & Manager*

**UPPER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS**

A blue ink signature of Helene Calci, followed by a horizontal line.

HELENE CALCI, *Chair*

HRMM&L
**HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN, PC**
www.HRMML.com

May 31, 2024

www.HRMML.com
Lawyers@HRMML.com

J. Edmund Mullin
Steven H. Lupin
Douglas I Zeiders
Carl N. Weiner
Mark F. Himsworth
Steven A. Hann
Steven B. Barrett
Christen G. Pionzio
Ethan R. O'Shea
Bernadette A. Kearney
Paul G. Mullin
John J. Iannozzi
William G. Roark

Lisa A. Shearman, LL.M.
Nathan M. Murawsky
Robert J. Iannozzi Jr.
Sean E. Cullen LL.M.
J. Kurtis Kline, LL.M.
Kevin M. McGrath
Kathleen A. Maloles
Steven J. English
Noah Marlier
Danielle M. Yacono
John F. McCaul
Zachary R. Morano
John S. Harris
Sara A. Mohamed
Celso L. Leite
J. Braun Taylor

OF COUNSEL:
Jonathan Samel, LL.M.
John C. Rafferty Jr. Senator

SENT BY EMAIL ONLY

ROYERSFORD HOLDINGS, LLC

Gary Berman, Member
midaro5@aol.com

NVR INC.

Robert McCracken, VP
RMCCRACK@nvrinc.com

RUDOLPH CLARKE

Gregory R. Heleniak, Esquire
gheleniak@rudolphclarke.com

RE: PARKHOUSE

Property: Black Rock Road
Declaration of Restrictive Covenants
Recordation Letter

Dear Messrs. Berman, McCracken, and Heleniak:

Enclosed is a recorded copy of the Declaration of Restrictive Covenants for the above-referenced property that was recorded in the Montgomery County Recorder of Deeds Office on May 31, 2024, and can be located at Deed Book 6364, Pages 01926 to 01941.

The recording fee will be included in your next invoice.

Call with questions. Thank you.

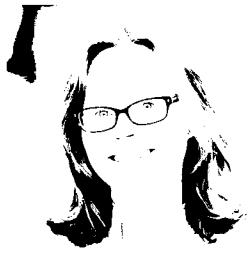
Very truly yours,



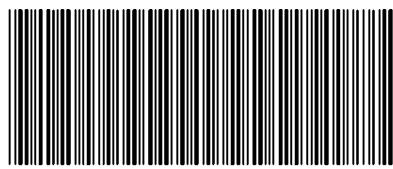
LISA LAGRECA, PA. C.P.
Paralegal

Enclosure

Copy sent by email only to:
J. Edmund Mullin, Esquire, emullin@hrmml.com



DEED BK 6364 PG 01926 to 01941
 INSTRUMENT # : 2024026895
 RECORDED DATE: 05/31/2024 01:43:39 PM



6317489-0019+

RECORDER OF DEEDS
 MONTGOMERY COUNTY
Jeanne Sorg

One Montgomery Plaza
 Swede and Airy Streets ~ Suite 303
 P.O. Box 311 ~ Norristown, PA 19404
 Office: (610) 278-3289 ~ Fax: (610) 278-3869

MONTGOMERY COUNTY ROD

OFFICIAL RECORDING COVER PAGE

Page 1 of 16

Document Type: Deed Miscellaneous	Transaction #: 6938094 - 1 Doc(s)
Document Date: 05/29/2024	Document Page Count: 15
Reference Info:	Operator Id: smassie
RETURN TO: (Simplifile) HAMBURG RUBIN MULLIN MAXWELL & LUPIN 1684 S Broad St Ste 230 Lansdale, PA 19446-5422 (215) 688-6368	PAID BY: HAMBURG RUBIN MULLIN MAXWELL & LUPIN

*** PROPERTY DATA:**

Parcel ID #: 61-00-01252-12-7
 Address: BLACK ROCK RD

PA

Municipality: Upper Providence Township
 (100%)

School District: Spring-Ford Area

*** ASSOCIATED DOCUMENT(S):**

FEES / TAXES:

Recording Fee: Deed Miscellaneous	\$73.75
Additional Pages Fee	\$22.00
Total:	\$95.75

DEED BK 6364 PG 01926 to 01941

Recorded Date: 05/31/2024 01:43:39 PM

I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.



Jeanne Sorg
Recorder of Deeds

Rev1 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

***COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION**

PREPARED BY & RETURN TO:

Hamburg Rubin Mullin Maxwell & Lupin
 ATTN: J. Edmund Mullin, Esquire
 1684 S. Broad Street, Suite 230
 PO Box 1479
 Lansdale, PA 19446
 (215) 661-0400

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
 61-00-01252-12-7 UPPER PROVIDENCE TOWNSHIP
 BLACK ROCK RD
 ROYERSFORD HOLDINGS LLC \$15.00
 B 021 L 2 U 039 4000 05/30/2024 JG

Parcel No.: 61-00-01252-12-7

DECLARATION OF RESTRICTIVE COVENANTS

29th This DECLARATION OF RESTRICTIVE COVENANTS (“Declaration”) is made this day of May 2024, by ROYERSFORD HOLDINGS LLC and NVR INC. (“Declarant”). “Declarant” is hereinafter defined to include Declarant, its successors and assigns.

BACKGROUND

A. Declarant Royersford Holdings LLC is the record owner of a tract of ground in Upper Providence Township, Montgomery County, Pennsylvania, pursuant to a deed recorded in the Office of the Montgomery County Recorder of Deeds in Deed Book 6173 Page 01195, which is further identified as Tax Parcel No. 61-00-01252-12-7 (“Property”).

B. Declarant NVR Inc. is the equitable owner of the Property.

C. The Property is currently zoned OSR Open Space District with an IN Institutional District Overlay.

D. Declarant NVR Inc. submitted an application requesting the adoption of an overlay ordinance that would apply to the Property which amended and restated the OSR-2 Open Space Residential Community – 2 District.

E. Declarant Royersford Holdings LLC does not oppose the application by Declarant NVR Inc., and would agree to postpone the presently scheduled conditional use hearing to a future date.

NOW, THEREFORE, Declarant, intending to be legally bound hereby, declares as follows:

A. Restrictions. Declarant hereby declares that the Property is hereby restricted as follows, only if development occurs under an ordinance entitled OSR-2 Open Space Residential Community – 2, as attached hereto as Exhibit “A”.

1. It is understood that the entire site will be subdivided or otherwise developed in accordance with the terms of the OSR-2 Open Space Residential Community – 2 Ordinance, but no more than 600 dwelling units would be constructed on the Property consisting of the following approximate dwelling types based upon engineering and design restrictions. The

mix of dwelling types may be revised, provided that no more than 600 dwelling units will be constructed, and at least 25% of the dwelling units constructed will be restricted to occupancy by persons 55 or older as set forth in the Fair Housing Act:

Single family attached dwellings – 44;
Active adult carriage home villas – 153;
28 foot wide front access townhomes – 179;
20 foot wide rear access townhomes – 226.

2. No dwelling shall exceed 35 feet in height as defined in the current Zoning Ordinance at §300-90.

3. Upon recordation of any final plan for land development and subdivision of the Property approved by the Township pursuant to OSR-2 Ordinance, Declarant Royersford Holdings LLC will donate any and all lots in excess of five hundred eighty-five (585) lots to the Township for use as open space. Royersford Holdings LLC, or any related person or entity, shall not receive any favorable zoning, development approval, entitlement, or any other benefit in return for the donation of such lots in excess of five hundred eighty-five (585) lots.

B. General Provisions.

1. Enforcement rights of Section A of this Declaration shall be granted solely to the Board of Supervisors of Upper Providence Township, Montgomery County and there are no implied or expressed beneficiary rights of enforcement of Section A of this Declaration extended to any other party or entity.

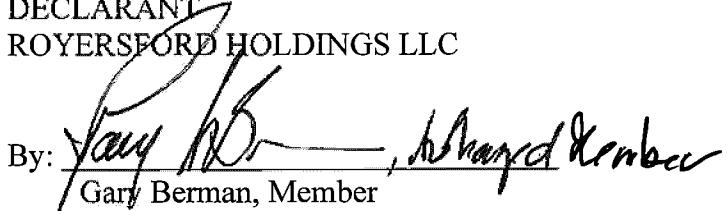
2. This Declaration shall be recorded in the Office of the Montgomery County Recorder of Deeds by Declarant, Declarant's designee, or by Upper Providence Township.

3. This Declaration shall be construed, interpreted and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

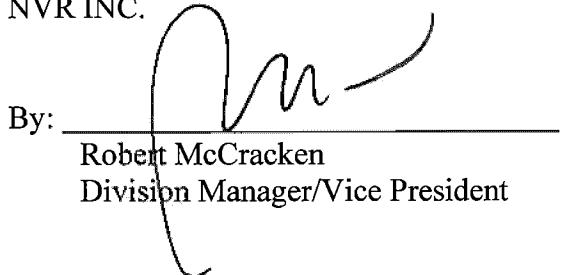
[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, and intending to be legally bound hereby, Declarant has caused this Declaration to be executed by its duly authorized officer the day and year first above written.

DECLARANT
ROYERSFORD HOLDINGS LLC

By: 
Gary Berman, Member

DECLARANT
NVR INC.

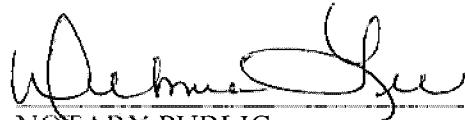
By: 
Robert McCracken
Division Manager/Vice President

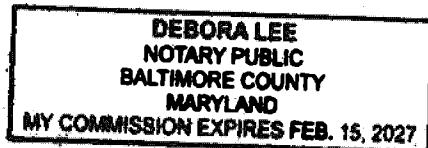
ACKNOWLEDGMENT

Maryland DL
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF Baltimore :
:

On this, the 29th day of May, 2024, before me, the undersigned officer, personally appeared GARY BERMAN, being duly sworn according to law, deposes and acknowledges that he is the Member of ROYERSFORD HOLDINGS LLC, a limited liability company, and that he as such Member, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as Member.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


NOTARY PUBLIC



ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF *Montgomery* : ss.

On this, the 29th day of May, 2024, before me, the undersigned officer, personally appeared ROBERT MCCRACKEN, being duly sworn according to law, deposes and acknowledges that he is the Division Manager/Vice President of NVR INC., a corporation, and that he as such Division Manager/Vice President, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as Division Manager/Vice President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Lora Enwright

NOTARY PUBLIC

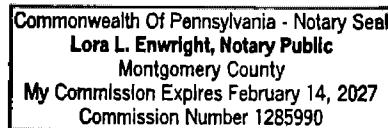


Exhibit “A”

OSR-2 Open Space Residential Community – 2 Ordinance

**UPPER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE AT PART II [GENERAL LEGISLATION], CHAPTER 300 [ZONING], BY AMENDING AND RESTATING ARTICLE XVII [OSR-2 OPEN SPACE RESIDENTIAL COMMUNITY-2] TO REVISE REGULATIONS FOR THE DEVELOPMENT OF AN OPEN SPACE RESIDENTIAL COMMUNITY

CERTIFICATION

I, TIMOTHY J. TIEPERMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. _____.

Timothy J. Tieperman, Township Manager
_____, 2024

ENACTED: _____

UPPER PROVIDENCE TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE AT PART II [GENERAL LEGISLATION], CHAPTER 300 [ZONING], BY AMENDING AND RESTATING ARTICLE XVII [OSR-2 OPEN SPACE RESIDENTIAL COMMUNITY-2] TO REVISE REGULATIONS FOR THE DEVELOPMENT OF AN OPEN SPACE RESIDENTIAL COMMUNITY

WHEREAS, the Board of Supervisors of Upper Providence Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Upper Providence Township;

WHEREAS, the Board of Supervisors of Upper Providence Township has adopted a comprehensive zoning ordinance, known as the Upper Providence Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Upper Providence Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Upper Providence Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

WHEREAS, the Board of Supervisors of Upper Providence Township have determined that certain amendments to the Upper Providence Township Zoning Ordinance, as amended, are required to provide for clarity in the administration of the laws of Upper Providence Township; and

WHEREAS, the Board of Supervisors of Upper Providence Township have determined that certain amendments to the Upper Providence Township Zoning Ordinance, as amended, are required to provide for the development of large parcels within Upper Providence Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Upper Providence Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1.

Amendment to Chapter 300 [Zoning], Article XVII [OSR-2 Open Space Residential Community-2] to revise regulations for open space residential community development.

The Code of the Township of Upper Providence, Part II [General Legislation], Chapter 300 [Zoning], Article XVII [OSR-2 Open Space Residential Community-2] is hereby restated and amended to delete Article XVII in its entirety and replaced with the following:

§ 300-308 Legislative intent.

In expansion of the community development objectives contained in Article I, § 300-2 of this chapter, it is hereby declared to be the intent of this article with respect to an open space residential community to establish reasonable standards and criteria to permit such a community in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development.

- A. To allow for the donation of residentially zoned and developable land from a larger parcel in exchange for no benefit or consideration for the sole purpose of maintaining permanent open space for use by the Township community.
- B. To provide for such development in areas consistent with the goals of the Township's Comprehensive Plan, which would be compatible with and protect the existing community character.
- C. To protect the existing vistas into and rural character of large tracts of undeveloped land in the Township.
- D. To provide for and to preserve open space, stream valleys, agricultural land heritage, tree cover, historic buildings and other natural and man-made amenities.
- E. To allow for the preservation of extensive areas of open space and/or parkland in portions of the Township where mixed-use development is appropriate.
- F. To permanently protect areas of open space and parkland from future development and, in so doing, implement the goals and recommendations of the Township's adopted Open Space and Recreation Plan.

§ 300-309 Use regulations.

An open space residential community is permitted in any zoning district except IO, IO-2, IO-3, M-1, and M-2, provided that the tract proposed for such development meets the criteria specified in § 300-310 of this article. An open space residential community shall be construed to mean a planned development consisting of single-family and mixed-density single-family attached residential use(s) combined with the preservation of extensive areas of open space and/or parkland, along with any appropriate recreational uses and uses incidental to such a development, as hereinafter provided. Uses specifically permitted in an open space residential community shall be the following:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings.
- C. Stacked townhouse – a residential structure contained in one building envelope, containing two dwelling units attached to each other, vertically separated by floor/ceiling assembly and/or horizontally separated by a wall assembly, with either shared or separate ingress points.
- D. Neighborhood or community park.
- E. Common open space available to all Township residents.
- F. Accessory uses on the same lot or premises with and incidental to the other uses permitted in this article. In addition to accessory uses customarily incidental to a dwelling unit, appropriate accessory uses may be permitted in an active use park, including but not limited to uses such as rest rooms, parking for park users and other similar uses, subject to approval by the Township.
- G. Communications antennas, in accordance with the provisions of § 300-25 of this chapter, mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings. Communications towers are permitted only as a conditional use pursuant to § 300-157 herein.
- H. No-impact home-based businesses in accordance with the standards set forth in § 300-26 herein.

- I. Home occupations, provided that all of the requirements of § 300-27 shall be met.

§ 300-310 Additional Prerequisites.

The following prerequisites shall be met for each open space residential community:

- A. Any tract of ground or contiguous group of tracts (tracts may be separated by a street but not by a parcel that is not part of the application) which are the subject of an application for approval as an Open Space Residential Community-2, pursuant to this article, must in the aggregate total 50 acres or greater.
- B. Any tract of ground or contiguous group of tracts which are the subject of an application as an open space residential community pursuant to this article shall in the aggregate provide a minimum of 250 feet of frontage, measured along the ultimate rights-of-way, on a roadway at the level of "feeder" or higher.
- C. All proposals for development within this district shall include a fiscal impact statement which must detail the immediate post-construction financial benefit or loss to the Township, School District, and County, that can be expected from the proposed development.
- D. All proposals shall be accompanied by a traffic impact study prepared in accordance with § 300-438.E of this Chapter.

§ 300-311 District Regulations.

Any development proposed under the OSR-2 Open Space Residential Community District-2 shall follow the district regulations under the OSR Open Space Residential Community District, § 300-293 and the specific Master Plan requirements as detailed in § 300-296.

§ 300-312 Development regulations; Area and Bulk Standards.

- A. Density. The maximum density for development pursuant to this Article shall be 5.0 units per gross acre. In computing density, the number of units shall be rounded down to the nearest whole number. The applicant's ability to develop the maximum number may be reduced as a result of the choice of dwelling types, lot sizes, physical constraints, or other factors.
- B. Active adult. At least 25% of the number of dwelling units proposed shall be active adult units occupied by persons 55 years of age or older, and married couples with at least one person over the age of 55.

C. Development Regulations
GENERAL PROVISIONS

Min. Gross Tract Area : 50 Acres

Permitted Residential Uses:

Single Family Detached

Twins

Townhouses

Stacked Townhouses

Min. Primary Open Space: 25% of Tract Area

Min. Contiguous Primary Open Space:

30% of minimum Primary Open Space

Min. Perimeter Building Setbacks:

Existing Perimeter Roads: 60 feet

Other Property Lines: 50 feet

Min. Parking Ratio:

2.0 Spaces per DU On-Lot

+ 0.25 Spaces Common Guest On-Street Parking

Max. Tract Wide Impervious Coverage: 60%

Max Tract Wide Building Coverage: 40%

AREA & BULK STANDARDS

	Single-Family Dwelling	Single-Family Dwelling	Townhouse	Townhouse	Stacked Townhouse
	Front Access	Rear Access	Front Access	Rear Access	
Min. Lot Size	5,000 SF	4,500 SF	1,600 SF	1,200 SF	1,800 SF
Min. Lot Width	50 ft	50 ft	20 ft	20 ft	22 ft
Min. Front Yard	20 ft	15 ft	20 ft	10 ft	10 ft
Min. Front Yard facing Side of Building	15 ft	15 ft	15 ft	10 ft	10 ft
Min. Side Yard	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Aggregate Side Yard	15 ft	15 ft	15 ft	15 ft	15 ft
Min. Rear Yard	20 ft	10 ft	20 ft	10 ft	10 ft
Min. Building Separations	15 ft	15 ft	15 ft	15 ft	15 ft
Max. Building Height	2.5 stories 35 ft	2.5 stories 35 ft	3.5 stories 48 ft	3.5 stories 48 ft	4.0 stories 50 ft
Max. Building Length	1 DU	1 DU	6 DU	6 DU	6 Modules*
Max. Building Coverage	50%	50%	60%	60%	

*Each module equals 2 DU

D. Additional development regulations. The following additional regulation(s) shall be applicable to an open space residential community, in recognition of the unique type of development which it represents.

- (1) Belgian block curb may be installed on private interior roads, in lieu of the concrete curbing required in Chapter 270 of the Township Code, Subdivision and Land Development, subject to specifications approved by the Township Engineer.
- (2) Secured or "gated" road entrances to the development are permitted.
- (3) Private cul-de-sac or courtyards may be permitted which exceed the maximum permitted length as stipulated in Chapter 270 of this Code as long as emergency access, as may be required by the Township, is provided.
- (4) Sidewalks, as normally installed in conformance with the requirements of Chapter 270 of the Township Code, may be eliminated in portions of the community when they are replaced with a pedestrian walkway system, based upon approval by the Township.
- (5) Minimum street centerline radius is fifty feet.
- (6) Cartways shall be 34-feet wide.
- (7) Rights-of-way shall be 50-feet wide.
- (8) Residential rear access lanes are permitted and must have a minimum 18-foot wide cartway and a minimum 20-foot-wide right-of-way.

§ 300-313 General landscaping requirements.

Landscaping throughout the community shall be planned in accordance with the following guidelines:

- A. Shade trees shall be installed along all public and private streets, in accordance with the requirements of Chapter 270, Subdivision and Land Development, of the Code of the Township, § 270-69.C. However, if it is more appropriate, based upon the site design proposed, some or all of these trees may be redistributed elsewhere throughout the community, with the approval of the Township.
- B. Based upon review of the submitted landscape plan, the Township may require landscaping in addition to those minimal requirements herein where unusual field conditions exist or if circumstances arise which were not contemplated by this article.

Further, credit shall be given for existing trees and shrubbery which will remain as part of a development.

C. General buffering requirements. General buffer requirements shall be followed, as stipulated in this section; specifications for the various buffer types listed herein shall be as stipulated in Chapter 270, Subdivision and Land Development, § 270-68.D In those instances in which berms are not required, they may be used as a substitute for some of the plant material in a specific buffer situation, if the Township concurs in its review of the landscape plan that the beans equal or exceed the buffering qualities necessary in that specific buffer situation. Buffers shall be installed in those situations as prescribed herein unless berms are permitted by the Township as substitutions.

(1) Buffers for dwelling units:

- (a) Between a dwelling unit and an existing frontage roadway: Buffer Type 3 required.
- (b) Between a dwelling unit and an abutting, off-site residential use or district: Buffer Type 2 required.
- (c) Between a dwelling unit and an abutting, off-site nonresidential use or district: Buffer Type 3 required.
- (d) Between a dwelling unit and parking areas for residential units: Buffer Type 1 required.
- (e) Between a dwelling unit and parking area serving a nonresidential use: Buffer Type 2A required.
- (f) Between a dwelling unit and any other permitted building within the age-restricted development: Buffer Type 2 required.
- (g) Between a dwelling unit and an outdoor recreational facility associated with the development, but not housed in a building: Buffer Type I required.
- (h) Between two dwelling unit groupings of single-family attached units within the OSR-2 residential community: Buffer Type I required.

- (i) Between a grouping of single-family attached and single-family detached dwelling lots within the OSR-2 residential community: Buffer Type 2 required.

SECTION 2. **Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. **Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. **Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____ 2024, by the Upper Providence Township Board of Supervisors.

**UPPER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS**

HELENE CALCI, *Chair*

[Seal]

Attested by:

TIMOTHY J. TIEPERMAN, *Secretary & Manager*