

SHENANGO TOWNSHIP  
PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE  
ORDINANCE NO.       

Adopted by the Shenango Township Board of Supervisors at its regular meeting of  
May 6th, 1997.

Be it hereby ordained by the Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, an ordinance encouraging innovations in residential development and renewal so that this demand may be met by greater variety in type, design and layout of dwelling units.

ARTICLE I - GENERAL PROVISIONS

SECTION I - NAME

The Supervisors of the Township of Shenango of Lawrence County ordains that this ordinance shall be known as "The Shenango Township Planned Residential Development Ordinance."

SECTION II - EFFECTIVE DATE

This ordinance shall take effect on \_\_\_\_\_.

SECTION III - INTENT

The intent of this ordinance is to:

- A. Encourage innovation in residential development so that the growing demand for housing may be met by greater variety in type, design and layout of development and by the conservation and more efficient use of the open space ancillary to such dwelling units in order that greater opportunities for better housing and recreation may extent to all citizens of this municipality.
- B. Encourage a more efficient use of land and to reflect changes in the technology of land development.
- C. 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.
- D. Insure the increased flexibility of regulations over land development is carried without undue delay.

## ARTICLE II - DEFINITIONS

### SECTION 2.00 - GENERAL

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this document its most reasonable application.

### SECTION 2.01 - SPECIFIC DEFINITIONS

- A. Adjusted Net Area - Gross area minus road rights-of-way and commercial uses along with internal area such as parking and playgrounds and all or portions of land with sensitive environmental attributes which require protection in the form of less intensive development such as flood plains, lakes and ponds, marshlands, steep slopes, and woodlands.
- B. Application for Development - every application, whether preliminary or final, required to be filed or approved prior to start of construction or development including, by not limited to, an application for a building permit, for the approval of a subdivision plat, or plan, or for the approval of a development plan.
- C. Common Open Space - a parcel or parcels of land, or an area of water or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of the Planned Residential Development, not including streets, off-street parking areas and areas set aside for public utilities.
- D. Development Plan - the provisions for development of a Planned Residential Development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, complete landscape plan, interior pedestrian circulation plan and open space plan.
- E. Dwelling, Single-Family - a building containing only one (1) dwelling unit.
- F. Dwelling, Two-Family - a building containing only two (2) dwelling units.
- G. Dwelling, Multi-Family - a building containing three (3) or more units (including townhouses and garden apartments).
- H. Garden Apartment - an architectural and functional grouping of dwelling units in one or more buildings which is the principal feature of a development plan composed of building area, parking area, service area, landscape reservations and plantings, and other land features appropriate for its use.

- I. Planned Residential Development - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.
- J. Plat - the map or plan of a subdivision or land development, whether preliminary or final.
- K. Public Notice - a notice published in a newspaper of general circulation in accordance with the definition contained in the Pennsylvania Municipalities Planning Code.
- L. Townhouse, Rowhouse - a multi-family dwelling containing three (3) to eight (8) dwelling units and not exceeding thirty-five (35) feet in height, having a solid masonry fire wall between each unit and individual separate access from the outside to each unit.

### ARTICLE III - STANDARDS

#### SECTION 3.00 - AREA STANDARDS

A Planned Residential Development shall be at least thirty (30) acres in gross area. It shall conform to all design standards specified in the municipal subdivision and land development ordinance, unless specific modifications of these standards are authorized by the municipal governing body in the interests of improving the overall plan.

The adjusted net area shall be large enough to provide at least 10,900 square feet for each single-family dwelling unit, 7,000 square feet for each two-family dwelling unit, 4,400 square feet for each townhouse dwelling unit, and 3,100 square feet for each garden apartment dwelling unit.

When a Planned Residential Development is constructed in stages, each stage when combined with preceding stages shall conform with these area standards.

#### SECTION 3.01 - DIMENSIONAL STANDARDS

The required standards are:

- |    |                                   |                |
|----|-----------------------------------|----------------|
| 1. | Number of apartments per building | 12 maximum     |
| 2. | Number of townhouses per building | 8 maximum      |
| 3. | Height of apartment building      | 35 ft. maximum |

4.	Height of townhouse	35 ft. maximum
5.	Yard depth adjacent to any external street	30 ft. minimum
6.	Coverage based on net lot area	30% maximum
7.	Distance between two houses:	
	two townhouse buildings	50 ft. minimum
	two apartments	60 ft. minimum
	two single family residences	50 ft. minimum

The municipal governing body may approve less restrictive standards if by so doing, a more desirable spacing of buildings is obtained.

#### ARTICLE IV - ANCILLARY REGULATIONS

##### SECTION 4.00 - ACCOMPANYING FACILITIES

No accompanying facilities are permitted in any yard adjoining a street nor closer than fifteen (15) feet to any lot line.

##### SECTION 4.01 - ACCESSORY USES

The Zoning Hearing Board may as a special exception authorize such retail and service business which the Board considers reasonably necessary to the convenience of the residents if the development contains more than fifty (50) dwelling units. Any such business shall be free standing and shall be limited in area to one percent of the total residential area. No other accessory uses are permitted. Access shall be from an arterial or collector road.

##### SECTION 4.02 - RECREATIONAL AREA

Common open space shall be developed to a degree commensurate with location and probable usage. At least 1,000 square feet per dwelling unit shall be provided for active and/or passive recreation. Of this area, at least 500 square feet per dwelling unit shall be developed and prepared for active uses. In no case shall the recreational area be less than fifteen (15) percent of the gross area.

The common open area shall be conveyed to an organization representing the property owners of the development. This organization shall covenant or obligate, in accordance with Section 705 of the Pennsylvania Municipalities Planning Code, to operate and maintain the land and facilities for their intended purposes. If the recreational area is distant from some or all of the increasing units, additional parking spaces convenient to the recreational area shall be provided.

## ARTICLE V - APPROVAL PROCEDURES

### SECTION 5.00 - APPLICATION FOR TENTATIVE APPROVAL

The information furnished in this application should be complete and accurate since any changes after the grant of tentative approval may impair and delay a grant of final approval. The application shall state:

1. Nature of applicant's interest in the land;
2. Legal description of the land;
3. Proposed type of ownership;
4. Proposed type of organization to own and maintain the common elements;
5. Substance of proposed covenants, grants of easement or other restrictions proposed to be imposed upon the use of land and structures;
6. Deviations from any municipal code;
7. Proposed construction schedule showing stages;
8. Proposed guarantee of construction completion as per approved plan;
9. Reasons why the applicant feels the proposed development would be in the best interests of the municipality and would be consistent with the Comprehensive Plan.

The application shall be accompanied by a map of the general area showing location of the development and a site plan or plans at a minimum scale of fifty (50) feet to one inch on a maximum sheet size of eighteen (18) inches by twenty-four (24) inches prepared by a registered engineer or surveyor.

### SECTION 5.01 - SITE PLAN FOR TENTATIVE APPROVAL

The site plan accompanying the application for tentative approval shall provide the following information:

1. Owner, size and zoning district of the site;
2. Owners use and zoning district of adjacent properties;
3. Height, bulk, placement, and density of proposed buildings;

4. Net area, actual and required;
5. Scale, north arrow and date of plan;
6. Tract boundaries and lot lines with dimensions; physical characteristics of site, including slope, soils, flood plains, and wetlands;
7. Road access, public and private internal roads and walks;
8. Grades, existing and proposed;
9. Drainage, existing and proposed;
10. Utility availability and easements;
11. Wooded area;
12. Slope area over twenty-five (25) percent;
13. Flood plain (100 year storm), and landslide prone areas, wetlands, standing water, and streams;
14. Soil characteristics;
15. Erosion and sedimentation controls;
16. Yard depths and widths;
17. Parking spaces, proposed and required;
18. Signs, members, type and locations;
19. Illumination;
20. Landscaping plan;
21. Screening;
22. Common open space and recreation area plan (showing at a minimum amount, location and proposed use of open space areas).
23. Stormwater management plan;
24. Interior pedestrian circulation plan.

## SECTION 5.02 - REVIEW OF APPLICATION

The zoning officer shall review the application and promptly present it to the Planning Commission if complete, or return it to the applicant for necessary additions. If during or after review by the Planning Commission the applicant wishes to withdraw the data submitted, he shall withdraw his application and submit a new application. If the complete PRD application and site plan shall be referred to the Planning Commission for a 30 day period for review and comment.

## SECTION 5.03 - PUBLIC HEARING

The municipal governing body shall schedule a public hearing within six days after the application is received unless an applicant has agreed to an extended public hearing pursuant to public notice on said application shall be held in the manner prescribed in Article VI Pennsylvania Municipalities, for the enactment of an amendment to a zoning ordinance. The governing body shall subpoena witnesses and shall arrange for all testimony to be given under oath. Each party of record to have an opportunity to cross examine adverse witnesses. A hearing may be continued to a later date or dates but must be concluded within 30 days. A verbatim record of the hearing shall be caused to be made by the governing body whenever such records are requested by any party to the proceeding. The cost of making and transcribing such a record shall be borne by those who request it. All exhibits accepted in evidence shall be identified and duly placed in the record. All exhibits accepted in evidence, shall be properly identified and the reason for their admission noted in the record.

## SECTION 5.04 - TENTATIVE APPROVAL

- A. Within sixty (60) days but not sooner than six (6) days after the hearing, the municipal governing body shall:

1. Grant approval;
2. Grant approval with conditions;
3. Deny approval.

Failure of the governing body to act within sixty (60) days shall constitute approval of the plan.

- B. A certified copy of the municipal governing body's action and conclusions shall be mailed to the applicant in accordance with the following:

709b of the Pennsylvania Municipalities Planning Code. Comments shall be made on:

1. Consistency of the PRD with the concepts of the Comprehensive Plan;
  2. Deviation from other municipal codes;
  3. Adequacy of common open areas and the provisions for their maintenance;
  4. Adequacy of public services;
  5. Impact and the neighborhood;
  6. Adequacy of construction completion guarantee;
  7. Time interval for application for final approval;
  8. Conformance with the provisions of this amendment;
  9. Other vital matters.
- C. When a tentative approval is granted with conditions, the applicant must accept all the conditions in writing within three (3) months of the application is deemed to have been denied.
- D. A grant of tentative approval does rezone the property but does not authorize a plat to be recorded or any site work to begin.

#### SECTION 5.05 - APPLICATION FOR FINAL APPROVAL

The application for final approval shall be filed within the time interval specified in Section 5.08 or as amended by mutual consent and shall include the following information:

- A. An update of all information previously submitted;
- B. Complete engineering plans including profiles and cross-sections of all roads, storm sewers and sanitary sewers;
- C. A plat map on a sheet not larger than eighteen (18) by twenty-four (24) inches, suitable for recording and containing:
  1. Name of development;

2. Owner;
  3. Scale, north arrow and date;
  4. Lot number and street names; and
  5. Certification by a registered engineer or surveyor of the calculated distances and bearings of the development boundaries, lot line, easements, streets, walkways, R-O-W's and cartways of roads, building lines and areas reserved for community purposes.
- D. Evidence of conformance with all conditions imposed at time of tentative approval.
  - E. Performance bond or other mutually agreed upon guarantee of construction completion in accordance with approved plans.
  - F. Covenants, grants of easement and other restrictions to be imposed upon use of the land and structures in a form suitable for recording; and
  - G. Any additional information that has been specifically requested by the municipality.

#### SECTION 5.06 - FINAL APPROVAL

The Zoning Officer shall review the application and forward it promptly to the Planning Commission if complete or return it to the applicant for necessary additional information. Within thirty (30) days after receipt by the Planning Commission, the governing body shall grant final approval unless the application was not timely or the plans or information presented has been changed from that on which tentative approval was based and the changed is deemed not to be in the municipality's best interests.

If the grant of final approval is for only part of the development, the municipality's communication to the applicant shall specify the mutually agreed upon time interval during which the application for the next stage shall be filed.

If the application is denied, the municipality's communication to the applicant shall state the reason (s) for denial.

Failure of the municipality to act within the above thirty (30) days, shall be deemed as a grant of final approval.

#### SECTION 5.07 - FURTHER ACTION AFTER DENIAL

Within thirty (30) days of the denial of his application for final approval, the applicant may:

- A. Abandon the project; or
- B. Delete the objectionable changes and file a new application; or
- C. Request a public hearing on the plans as they now are. Such a public hearing shall be conducted in the same manner as though the application was for a grant of tentative approval. Within thirty (30) days after conclusion of the hearing, the municipality shall grant or deny final approval. The form of communication advising the applicant of the municipality's decision shall be similar to that described in Section 5.04.

#### SECTION 5.08 - TIME INTERVALS

Unless different intervals of time are agreed upon by mutual consent, the following shall apply:

- A. The application for final approval of all or the first stage of construction shall be filed not sooner than three (3) months or longer than nine (9) months after grant of tentative approval.
- B. The application for final approval for the next stage of construction shall be filed not sooner than twelve (12) months or longer than twenty-four (24) months after grant of final approval for the previous stage.
- C. The start of on-site construction shall not be later than twelve (12) months after grant of final approval for the construction involved.

Extensions to these of other mutually agreed upon time limitations may be made by mutual consent. Failure to meet stipulated or agreed upon time schedules shall constitute abandonment.

#### SECTION 5.09 - ABANDONMENT

Should a project be abandoned, all approvals are void; and if a change in a zoning district has been made, the property reverts to its previous zoning and the zoning map shall be revised to show this reversion.

No further development shall take place on property included in an abandoned planned residential development until a new site plan is approved.

ARTICLE VI

SECTION 6.00 - ADOPTION, EFFECTIVE DATE

Adopted this 6<sup>TH</sup> day of MAY, 1997, to  
be in full force and effect the 6<sup>TH</sup> day of MAY,  
1997.

Attest:

Brian D. Tanner  
Secretary

Richard J. Bakema  
Chairman of the Board of  
Supervisors

Andrew Piccirilli