

PLANNED RESIDENTIAL DEVELOPMENT
ORDINANCE
AMENDMENT

TOWNSHIP OF SHENANGO

ORDINANCE NO. 2-2000

AN ORDINANCE OF THE TOWNSHIP OF SHENANGO, LAWRENCE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2-1997, SHENANGO TOWNSHIP PLANNED RESIDENTIAL ORDINANCE, TO: (1) REVISE THE FOLLOWING DEFINITIONS: ADJUSTED NET AREA, APPLICATION FOR DEVELOPMENT, DEVELOPMENT PLAN, MULTI-FAMILY DWELLING AND PUBLIC NOTICE; (2) ADD DEFINITIONS FOR ACCESSORY STRUCTURES, ANCILLARY NONRESIDENTIAL USES, DWELLING UNIT, MUNICIPAL GOVERNING BODY AND OFFICIAL DATE OF FILING; (3) CLARIFY DIMENSIONAL STANDARDS; (4) REPLACE "ACCOMPANYING FACILITIES" WITH "ACCESSORY STRUCTURES;" (5) CLARIFY REGULATIONS GOVERNING ACCESSORY USES; (6) CLARIFY OPEN SPACE AND RECREATIONAL REQUIREMENTS; (7) REVISE APPLICATION REQUIREMENTS FOR TENTATIVE APPROVAL; (8) REVISE APPLICATION REVIEW PROCEDURE; (9) REVISE PUBLIC HEARING PROCEDURE; (10) REVISE TENTATIVE APPROVAL PROCEDURE; (11) REVISE FINAL APPLICATION REQUIREMENTS; (12) REVISE FINAL APPROVAL PROCEDURES; (13) ADD APPLICATION FILING, REVIEW AND INSPECTION FEES.

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

Section 1. In Article II, Section 2.01, the following new definition is hereby inserted in alphabetical order:

Accessory Structure -- a structure which is on the same lot with, but detached from the residential or nonresidential building which houses the principal use of the lot and which is customarily incidental and subordinate to the principal use, including, but not limited to private garages, storage buildings, swimming pools, gazebos and similar structures.

Section 2. In Article II, Section 2.01, the definition of Adjusted Net Area is hereby deleted and the following new definition is substituted therefor:

Adjusted Net Site Area - Gross site area minus the area devoted to road rights of ways, commercial uses, driveways, parking areas, playgrounds, common open space and any other land not included in common open space that has 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.

Section 3. In Article II, Section 2.01, the following new definition is hereby inserted in alphabetical order:

Ancillary Nonresidential Use - a business located in a Planned Residential Development which supplies products or services necessary for the convenience of the residents of the Planned Residential Development, including and limited to: a convenience store which may or may not include gas pumps, a day care center, professional offices, bakery, bank, card or gift shop, delicatessen or food shop, florist, newsstand and/or tobacco shop, realtor, travel agent.

Section 4. In Article II, Section 2.01, the definition of Application for Development is hereby deleted and the following new definition is substituted therefor:

Application for Development - every application whether preliminary or final, tentative or final, required to be filed or approved prior to the start of construction or development including, but 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.

Section 5. In Article II, Section 2.01, the definition of Development Plan is hereby deleted and the following new definition is substituted therefor:

Development Plan - the written and graphic materials showing 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 landscaping plan, interior pedestrian circulation plan and common open space plan.

Section 6. In Article II, Section 2.01, the following new definition is hereby inserted in alphabetical order:

Dwelling Unit - one (1) or more rooms which are used as living quarters for one (1) family and which have permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

Section 7. In Article II, Section 2.01, the definition of Dwelling, Multifamily is hereby deleted and the following new definition is substituted therefor:

Dwelling, Multifamily - a building containing three (3) or more dwelling units, including townhouses and garden apartments.

Section 8. In Article II, Section 2.01, the following new definition is hereby inserted in alphabetical order:

Municipal Governing Body – the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania.

Section 9. In Article II, Section 2.01, the following new definition is inserted in alphabetical order:

Official Date of Filing - the date that a complete and properly filed application is received by the Township Zoning Officer and from which the time deadlines for action on the application are determined.

Section 10. In Article II, Section 2.01, the definition of Public Notice is hereby deleted and the following new definition is substituted therefor:

Public Notice - a notice stating the time and place of a public hearing and the particular nature of the matter to be considered at the public hearing published once each week for two (2) successive weeks in a newspaper of general circulation in the Township, the first publication being no more than thirty (30) days and the second publication being no less than seven (7) days from the date of the hearing.

Section 11. In Article III, Section 3.01 is hereby amended as follows:

SECTION 3.01 – DIMENSIONAL STANDARDS

The required standards are:

- | | |
|---|----------------|
| 1. Number of <u>dwelling units in a garden</u> apartment building | 12 maximum |
| 2. Number of <u>dwelling units in a</u> townhouse building | 8 maximum |
| 3. Height of <u>garden</u> apartment building | 35 ft. maximum |
| 4. Height of townhouse <u>building</u> | 35 ft. maximum |
| 5. Yard depth adjacent to any external street | 30 ft. minimum |
| 6. Coverage based on <u>adjusted net site area</u> | 30% maximum |
| 7. Distance between two <u>residential buildings</u> | |
| <u>Townhouse buildings</u> | 50 ft. minimum |
| <u>Garden apartment buildings</u> | 60 ft. minimum |
| <u>Single family dwellings</u> | 50 ft. minimum |

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

Section 12. In Article IV, Section 4.00 is hereby amended as follows:

4.00 - ACCESSORY STRUCTURES

No accessory structures shall be permitted in any yard adjoining a public or private street, nor shall they be located closer than fifteen (15) feet to any lot line.

Section 13. In Article IV, Section 4.01 is hereby amended as follows:

SECTION 4.01 – ANCILLARY NONRESIDENTIAL USES

The Zoning Hearing Board may authorize as a use by special exception such retail and service businesses which the Board considers reasonably necessary to the convenience of the residents, if the Planned Residential Development contains more than fifty (50) dwelling units. Any such business shall be located in a freestanding building and the gross floor area of the business shall be limited to one percent (1%) of the total gross floor area of all the dwelling units in the Planned Residential Development. No other ancillary nonresidential uses shall be permitted. Access to the ancillary nonresidential uses shall be from an arterial or collector road.

Section 14. In Article IV, Section 4.02 is hereby amended as follows:

SECTION 4.02 – COMMON OPEN SPACE

Common open space shall be provided to a degree commensurate with location and probable usage. At least 1,000 square feet of common open space shall be provided for each dwelling unit and, of this area, at least 500 square feet per dwelling unit shall be developed and prepared for active recreational use. The remaining common open space shall be utilized for passive recreation or shall be maintained, in perpetuity, as common open space. In no case, however, shall the common open space be less than fifteen percent (15%) of the gross area of the Planned Residential Development site.

The common open space shall be conveyed to an organization representing the property owners of the Planned Residential 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 dwelling units, additional parking spaces convenient to the recreational area shall be provided.

Section 15. In Article V, Section 5.00, Subparagraph 6 is hereby deleted and the following new Subparagraph 6 is substituted therefor:

6. A written statement requesting modifications to the otherwise applicable requirements of the Township Subdivision and Land Development Ordinance and Township Zoning Ordinance, if any.

Section 16. In Article V, Section 5.00, Subparagraph 9 is hereby amended as follows:

9. A written statement indicating the reasons why the proposed development would be in the best interests of the Township and would be consistent with the Township's Comprehensive Plan.

Section 17. In Article V, Section 5.01, the words "site plan" are hereby deleted in the Section title and in the introductory paragraph and the words "development plan" are substituted therefor.

Section 18. In Article V, Section 5.01, Subparagraphs 1 through 24 are hereby renumbered 2 through 25 and the following new Subparagraph 1 is hereby inserted:

1. Location map;

Section 19. In Article V, Section 5.01, renumbered Subparagraph 5 is hereby deleted and the following new Subparagraph 5 is substituted therefor:

5. Adjusted net site area, actual and required;

Section 20. In Article V, Section 5.01, the following new Subparagraphs 26 and 27 are hereby inserted:

26. Substance of covenants, grants of easements or other restrictions proposed to be imposed on the use of land, buildings and structures, including proposed easements or grants for public utilities;
27. If development plans call for development over a period of years, a phasing schedule showing the proposed times within which applications for final approval of each phase are intended to be filed.

Section 21. In Article V, Section 5.02 is hereby deleted and the following new Section 5.02 is substituted therefor:

SECTION 5.02 – REVIEW OF APPLICATION

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission. If a revised application is resubmitted within sixty (60) days of the date of the written notice from the Zoning Officer, an application filing fee shall not be required. Any application submitted after sixty (60) days shall be considered a new application and shall be accompanied by the required application filing fee.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall transmit a copy to the Lawrence County Planning Commission for review and comment and shall refer the application to the Township Planning Commission for review and recommendation.

If, during review by the Planning Commission, the applicant revises the application to address comments from the Planning Commission or to demonstrate compliance with this Ordinance, a new application shall not be required. If, during review by the Planning Commission, the applicant initiates revisions to the application which are not the result of Planning Commission comments and which are not mandated to demonstrate compliance with this Ordinance, the applicant shall withdraw the application and submit a new application which shall be subject to the payment of the required application filing fee.

Section 22. In Article V, Section 5.03 is hereby deleted and the following new Section 5.03 is substituted therefor:

SECTION 5.03 – PUBLIC HEARING ON APPLICATION FOR TENTATIVE APPROVAL

The municipal governing body shall schedule a public hearing on an application for Tentative Approval within sixty (60) days after the Official Date of Filing of the application, unless the applicant has agreed, in writing, to an extension of time. The public hearing pursuant to public notice on said application shall be conducted by the municipal governing body in the manner

prescribed in Article IX of the Pennsylvania Municipalities Planning Code for Zoning Hearing Board hearings.

Written notice of the public hearing shall be conspicuously posted on the affected tract of land at least one week prior to the public hearing.

The municipal governing body may subpoena witnesses and shall arrange for all testimony to be given under oath and for each party of record to have an opportunity to cross examine adverse witnesses. All exhibits accepted in evidence shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for exclusion clearly noted in the record.

The municipal governing body shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Township. The cost of the original transcript shall be paid by the Township, if the transcript is ordered by the municipal governing body. In other cases, the cost of the transcript shall be paid by the person requesting the transcript. The cost of additional copies of the transcript shall be paid by the person or persons requesting such copies.

The municipal governing body may offer a mediation option as an aid in completing proceedings authorized by this Section. In exercising such an option, the Township and the mediating parties shall meet the stipulations and follow the procedures set forth in Section 908.1 of the Pennsylvania Municipalities Planning Code.

The hearing may be continued to a later date or dates, but shall be concluded within sixty (60) days of the date of the first hearing.

Section 23. In Article V, Section 5.04 , Subsection A is hereby amended as follows:

A. Within sixty (60) days, but no sooner than six (6) days, after the conclusion of the hearing, the municipal governing body shall, by written communication, either:

1. Grant Tentative Approval;
2. Grant Tentative Approval with conditions; or
3. Deny Tentative Approval.

Failure of the municipal governing body to act within sixty (60) days shall be deemed to be a grant of Tentative Approval of the development plan as submitted.

Section 24. In Article V, Section 5.04, Subsection C is hereby amended as follows:

- C. When Tentative Approval is granted with conditions, the applicant shall accept all the conditions by giving written notice to the Township Secretary within three months of the date of mailing of the decision granting Tentative Approval, or the application is deemed to have been denied automatically, without written notice to the applicant.

Section 25. In Article V, Section 5.04, Subsection D is hereby amended as follows:

- D. A grant of Tentative Approval shall be deemed to be an amendment to the Township's Zoning Map, effective on Final Approval; however, Tentative Approval shall not authorize a plat to be recorded or any site work to begin, nor authorize the issuance of any building permits.

Section 26. In Article V, Section 5.05, Subparagraph A is hereby deleted and the following new Subsection A is substituted therefor:

A. Final drawings for each of the following:

1. Building elevations for all principal structures other than single family dwellings.
2. Landscaping plan.
3. Lighting plan.
4. Grading plan.

Section 27. In Article V, Section 5.05, Subsection C, the following new Subparagraph 6 is hereby inserted:

6. All other information required for a Final Plat by the Subdivision and Land Development Ordinance.

Section 28. In Article V, Section 5.05, Subsection G is hereby designated Section I and the following new Subsections G and H are hereby inserted:

- G. If applicable, an updated phasing schedule indicating the order of construction of each of the phases in the plan granted Tentative Approval, including dates for beginning and completing construction in each phase.
- H. If applicable, the proposed by-laws of the homeowners' association or certificate of incorporation and incorporated by-laws of the nonprofit corporation established to administer the common areas or, if the condominium method of ownership of common areas is selected, the proposed declaration of condominium by-laws and related documents.

Section 29. In Article V, Section 5.06 is hereby deleted and the following new Section 5.06 is substituted therefor:

SECTION 5.06 – FINAL APPROVAL

The Zoning Officer shall review the application to determine whether it is complete and properly filed in accordance with all requirements of this Ordinance. If the Zoning Officer determines that the application is not complete and properly filed, written notice shall be provided to the applicant specifying the defects in the application and returning the application for resubmission.

If the Zoning Officer determines that the application is complete and properly filed, the date that the application is received by the Zoning Officer shall constitute the Official Date of Filing. Within five (5) days of receipt of a complete and properly filed application, the Zoning Officer shall refer the application to the Township Planning Commission for review and recommendation.

A public hearing on an application for Final Approval shall not be required, provided the development plan is in compliance with the development plan given Tentative Approval and with any specified conditions attached thereto.

Within forty-five (45) days of the Official Date of Filing, the municipal governing body shall grant Final Approval, provided the development plan submitted complies with all requirements of this Ordinance, the development plan granted Tentative Approval and the terms and conditions of the written decision granting Tentative Approval.

In the event that the development plan submitted contains variations from the development plan given Tentative Approval, the municipal governing body may refuse to grant Final Approval and may, within forty-five (45) days of the Official Date of Filing of the application for Final Approval, advise the applicant, in writing, of said refusal, setting forth in said notice the reasons why one (1) or more of the variations are not in the public interest.

Section 30. In Article V, Section 5.09, the second paragraph is hereby amended as follows:

No further development shall take place on property included in an abandoned Planned Residential Development until a new development plan is granted Tentative and Final Approval in accordance with the requirements of this Ordinance.

Section 31. In Article V, the following new Section 5.10 is hereby inserted:

SECTION 5.10 - FEES

A. Application Filing Fee

A schedule of application filing fees shall be established from time to time by Resolution of the municipal governing body. The application filing fee shall cover the administrative costs associated with processing applications for Tentative Approval and Final Approval under this Ordinance and shall be payable to the Township at the time of submission of the application.

The application shall not be considered complete and properly filed unless and until the required application filing fee is received.

The application filing fee for Tentative Approval shall include the applicant's 50% share of the stenographer's appearance fee for the required public hearing. In the event that a public hearing is requested by the applicant for Final Approval, the applicant's 50% share of the stenographer's appearance fee shall be required in addition to the application filing fee.

B. Application Review Fees

An application review escrow deposit in an amount established from time to time by Resolution of the municipal governing body shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees required by this Subsection. The actual amount of the review fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Township. Any monies remaining in the escrow account after all review fees have been paid shall be returned to the applicant.

The application shall not be considered complete and properly filed unless and until the required application review escrow deposit is received.

Application review fees shall include reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report on the application to the Township. Such review fees shall be based on a schedule established from time to time by Resolution of the municipal governing body. Such review fees shall be reasonable and in accordance with the ordinary and customary charges

by the Township Engineer or other professional consultants for similar service in the municipality, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or other professional consultants to the Township when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) working days of the billing date, notify the Township Secretary that such fees are disputed as unreasonable or unnecessary, in which case, the Township shall not delay or disapprove a development plan due to the applicant's request over disputed fees.

In the event that the applicant and the Township cannot agree on the amount of the review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for resolution of disputes over inspection fees as set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code.

C. Inspection Fees

The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established from time to time by Resolution of the municipal governing body. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the municipality, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

An inspection fee escrow deposit in an amount established from time to time by Resolution of the municipal governing body shall be payable at the time of posting of the performance bond or other mutually agreed upon guarantee of construction completion to guarantee payment of the estimated inspection fees required by this Subsection. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Township. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant.

In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township

Secretary that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove the development plan or any permit related to the development due to the applicant's request over disputed engineer expenses.

In the event that the applicant and the Township cannot agree on the amount of the review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for resolution of disputes as set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code.

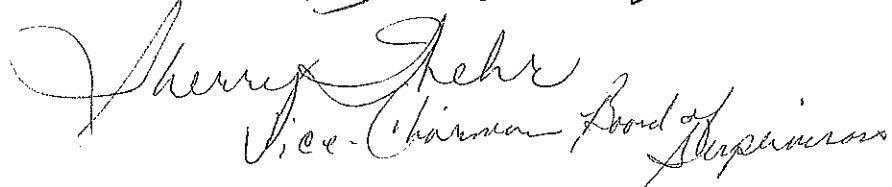
Section 32. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS 18th DAY OF September, 2000.

TOWNSHIP OF SHENANGO


Chairman, Board of Supervisors

ATTEST:


Vice-Chairman Board of Supervisors


Township Secretary

NOTICE OF INTENT
TO ADOPT ORDINANCE NO. 2-2000
SHENANGO TOWNSHIP, LAWRENCE
COUNTY, PENNSYLVANIA

NOTICE is hereby given of the intention of the Board of Supervisors of Shenango Township, Lawrence County, Pennsylvania, to adopt the following ordinance known as "Ordinance No. 2-2000, An Ordinance of the Township of Shenango, Lawrence County, Pennsylvania, Amending Ordinance No. 2-1997, Shenango Township Planned Residential Ordinance, To: (1) Revise the Following Definitions: Adjusted Net Area, Application For Development, Development Plan, Multi-Family Dwelling And Public Notice; (2) Add Definitions For Accessory Structures, Ancillary Nonresidential Uses, Dwelling Unit, Municipal Governing Body and Official Date of Filing; (3) Clarify Dimensional Standards; (4) Replace "Accompanying Facilities" With "Accessory Structures"; (5) Clarify Regulations Governing Accessory Uses; (6) Clarify Open Space and Recreational Requirements; (7) Revise Application Requirements For Tentative Approval; (8) Revise Application Review Procedure; (9) Revise Public Hearing Procedure; (10) Revise Tentative Approval Procedure; (11) Revise Final Application Requirements; (12) Revise Final Approval Procedures; (13) Add Application Filing, Review and Inspection Fees.

Said Ordinance is intended to be adopted at a special meeting to be held at the Shenango Township Municipal Building at 3:00 p.m. on September 18, 2000.

Copies of said proposed ordinance may be examined at the Shenango Township Municipal Building, Lawrence County, Pennsylvania; the office of the New Castle News,

North Mercer Street, New Castle, Pennsylvania; and the Lawrence County Law Library, New Castle, Pennsylvania, during regular business hours.

Gabriel P. Cilli, Esq.
Solicitor for Shenango Twp.
Lawrence County, PA

COPY

LAW OFFICES
CILLI & PERROTTA, P. C.
ATTORNEYS AND COUNSELLORS AT LAW

GABRIEL P. CILLI
LOUIS M. PERROTTA

CILLI CENTRAL STATION, SUITE 203
229 S. JEFFERSON ST. • NEW CASTLE, PENNSYLVANIA 16101
TELEPHONE (724) 658-9980 FAX (724) 658-9455

August 30, 2000

New Castle News
27-35 North Mercer Street
New Castle, PA 16101

Attention: Carol Hartje
Legal Advertisement Dept.

Re: Ordinance No.2 -2000
Shenango Township, Lawrence County

Dear Carol:

Enclosed please find Notice of Intent to Adopt Ordinance No.2 -2000, Shenango Township, Lawrence County, Pennsylvania, which I am requesting be published one (1) time in the New Castle News on or before September 7, 2000.

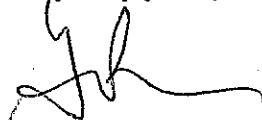
Please forward the bill for said advertisement to Shenango Township, 1000 Willowbrook Road, New Castle, Pennsylvania, 16101; and payment will be remitted upon receipt of same.

The Proof of Publication should also be mailed to Shenango Township.

Lastly, I am enclosing a copy of the proposed Ordinance for you to keep on file in accord with the notice.

Should you have any questions relative to the enclosed, please do not hesitate to contact me. I remain,

Very truly yours,



GABRIEL P. CILLI

GPC:bam

Enclosure

✓ cc: Shenango Township Board of Supervisors
Attn: Brian Tanner, Secretary