

Ordinance 79-2

Planned Residentals

9/9/1979

PLANNED RESIDENTIAL DEVELOPMENT
ORDINANCE

TOWNSHIP OF HOPEWELL
BEAVER COUNTY, PENNSYLVANIA

Technical Assistance
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ORDINANCE NO. 76-2

HOPEWELL TOWNSHIP, BEAVER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL IN THE COUNTY OF BEAVER AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING STANDARDS, CONDITIONS, REGULATIONS AND PROCEDURES GOVERNING PLANNED RESIDENTIAL DEVELOPMENTS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE AND PENALTIES FOR VIOLATION THEREOF.

ORDAINING CLAUSE

BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Commissioners, Township of Hopewell, County of Beaver, State of Pennsylvania, by authority of and pursuant to the provisions of Act 247, as amended, of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," AND IT IS HEREBY ORDAINED:

ARTICLE I
GENERAL PROVISIONS

Section 100 SHORT TITLE

This Ordinance shall be known and may be cited as the "Planned Residential Development Ordinance of the Township of Hopewell."

Section 101 EFFECTIVE DATE

This Ordinance shall take effect on the 1st day of October, 1976

Section 102 AUTHORITY

This Ordinance is enacted pursuant to the authority contained in Article VII of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

Section 103 PURPOSES

This Ordinance is enacted pursuant to the Hopewell Township Comprehensive Plan to:

- A. Encourage innovation in residential development in accordance with the changing technology of land development;
- B. Promote flexibility in design and permit planned diversification in the location of structures;

- C. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses and utilities;
- D. Preserve to the greatest extent possible the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- E. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
- F. Combine and coordinate architectural styles, building forms and building relationships within the planned residential development; and
- G. Insure a quality of construction commensurate with other developments within the Township.

Section 104 COORDINATION

- A. This Ordinance is based upon and shall be interpreted in relation to the Hopewell Township Comprehensive Plan, providing for the development, continuing development and future development of the Township of Hopewell. Every application for tentative approval of a planned residential development shall be based upon and interpreted in relationship to the Hopewell Township Comprehensive Plan.
- B. It is the intent of this Ordinance that subdivision review under the Subdivision Ordinance of the Township of Hopewell be carried out simultaneously with the review of the planned residential development.
- C. The development plans submitted under Article VII, Section 705 of this Ordinance shall be in a form which will satisfy the requirements of the Subdivision Ordinance of the Township of Hopewell for preliminary and final plats.

Section 105 INTERPRETATION

This Ordinance is intended to supplement the Zoning Ordinance of the Township of Hopewell by permitting land improvement and residential development by methods other than lot by lot development. This Ordinance is not intended to repeal, abrogate or amend the Zoning Ordinance of the Township of Hopewell. It is hereby declared to be the intention of the Board of Commissioners of the Township of Hopewell that in those instances where this

Ordinance may be directly conflicting with the Zoning Ordinance of the Township of Hopewell the provisions of this Ordinance shall control. The provisions of this Ordinance are hereby declared to be and shall be construed as the minimum requirements governing the evaluation and approval of proposals for planned residential developments.

Section 106 VALIDITY

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof. It is hereby declared to be the intention of the Board of Commissioners of the Township of Hopewell that this Ordinance would have been enacted had such invalid portion or portions not been included. Furthermore, any conflict between this Ordinance and those applicable provisions of the Pennsylvania Municipalities Planning Code (Act 247), as amended, will be resolved in favor of Act 247.

ARTICLE II
DEFINITIONS

Section 200 WORD USAGE

For the purposes of this Ordinance, the terms and words herein shall be interpreted as follows unless otherwise expressly stated:

- A. Words in the present tense shall include the future tense.
- B. The words "person," "owner," or "developer" includes a profit or nonprofit corporation, company, partnership, association or individual.
- C. Words used in the singular shall include the plural; words used in the plural shall include the singular.
- D. The words "used" or "occupied" as applied to any land or building include the words intended, arranged or designed to be used or occupied.
- E. The word "building" includes structure.
- F. The word "lot" includes the words "plot" or "parcel."
- G. The words "shall" and "will" are always mandatory.
- H. The word "may" is permissive.

Section 201 DEFINITION OF TERMS

Unless otherwise expressly stated, for the purposes of this Ordinance, the following words, terms and phrases shall have the meaning herein indicated:

- A. ACCESSORY USE: A use on the same lot with, and of a nature customarily incidental and subordinate to the principle use; and not occupying more than forty (40) percent of the net floor area of any one floor in the principal structure or not more than forty (40) percent of the lot area.
- B. APPLICANT: A landowner or developer, including his heirs, successors, or assigns, who has filed an application for development.
- C. APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit and an application for the approval of a development plan.

- D. **BUILDING OR STRUCTURE:** Anything constructed or erected with a fixed or permanent location in the ground, or attached to something having a fixed location in the ground.
- E. **BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- F. **COMMERCIAL:** Engaging in a business, enterprise, activity or other undertaking for profit.
- G. **COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within the development site, designed and intended for the common use of the residents of the planned residential development. Common open space may be of two types:
1. Improved - Land area of the site containing recreational structures and facilities, as long as the total impervious surfaces (paving, roofs, etc.) constitute no more than five (5) percent of the improved common open space.
 2. Unimproved - Land area of the site void of buildings, structures, parking areas, and street rights-of-way.
- H. **COMPREHENSIVE PLAN:** A Comprehensive Plan (overall development) consists of maps, charts and textual matter, and indicates the recommendations of the Planning Commission for the continuing development of a municipality. The Comprehensive Plan includes, but is not limited to, the following related basic elements: a statement of objectives; a plan for land use; a plan for the movement of people and goods; a plan for community facilities and utilities; and a map or statement indicating the relationship the municipality and its proposed development to adjacent municipalities and areas.
- I. **DENSITY:** A measure of the number of dwelling units which occupy, or may occupy, an area of land.
- J. **DENSITY, GROSS RESIDENTIAL:** The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding commercial areas, but including public rights-of-way, parking areas, access lanes, sidewalks, parks, playgrounds, and common open space.

K. DENSITY, NET RESIDENTIAL: The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of commercial areas, public rights-of-way, parking areas, access lanes, sidewalks, parks, playgrounds, and common open space.

L. 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 development, streets, ways and parking facilities, common open space and public utilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

M. DWELLING TYPE:

1. Single-family detached: A dwelling unit accommodating a single family and having two (2) side yards.
2. Single-family semi-detached: Two (2) dwelling units accommodating two (2) families which are attached side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit.
3. Two-family detached: Two (2) dwelling units accommodating two (2) families which are located one over the other, and having two (2) side yards.
4. Two-family semi-detached: Four (4) dwelling units accommodating four (4) families, two (2) units of which are located directly over the other two (2) units. A combination of both the single-family semi-detached and the two-family detached structures.
5. Townhouse dwelling: Three (3) or more dwelling units accommodating three (3) or more families which are attached side by side through the use of common party walls and which may have side yards adjacent to each end unit. Each dwelling unit is generally two (2) stories high, but may conceivably be either one (1) or three (3) stories in height.
6. Garden Apartment Dwelling: Three (3) or more dwelling units accommodating three (3) or more families which are located one over the other and which, when more than three (3) units are utilized, are attached side by side through the use of common party walls, and which may have side yards adjacent to each first story end unit. Single family dwelling units are generally built to a height of three (3) stories, but

may conceivably be built to a height of only two (2) stories, each dwelling unit being accessible by a common stairwell.

- N. DWELLING UNIT: Any building or portion thereof which is designed and used exclusively for residential purposes of one family, and includes complete kitchen and bathroom facilities.
- O. GOVERNING BODY: The Board of Township Commissioners of Hopewell Township, Beaver County, Pennsylvania.
- P. LOT AREA: The area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.
- Q. LOT WIDTH: The horizontal distance across the lot between the side lot lines, measured at the building line.
- R. OFF-SITE SEWER SERVICE: A sanitary sewage collection system approved by the Township in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.
- S. OFF-SITE WATER SERVICE: A potable water distribution system approved by the Township in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the lots being served. The system may be publicly or privately owned and operated.
- T. 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. A planned residential district may include and shall be limited to: (1) dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof; and (2) those nonresidential uses deemed to be appropriate for incorporation in the design of the planned residential development.
- U. PLANNING COMMISSION: The duly constituted Planning Commission of Hopewell Township, Beaver County, Pennsylvania.
- V. PRINCIPLE USE: The major or dominant use of the lot on which it is located.

- W. PROFESSIONAL OFFICE: Any office or business conducted by an individual or association who or that must be licensed under the laws of the State of Pennsylvania.
- X. PUBLIC RIGHT-OF-WAY: Land reserved as a road, street, crosswalk, pedestrian way or other public purpose.

ARTICLE III
ELIGIBILITY REQUIREMENTS

No application for approval of a planned residential development shall be considered or approved unless the following conditions are met:

Section 300 TRACT SIZE

The tract proposed for a planned residential development shall be a contiguous area of at least 30 acres without commercial uses and 65 acres with commercial uses in an R-3, General Residential District.

Section 301 OWNERSHIP REQUIREMENTS

An application for tentative approval of a planned residential development may be filed by a person having an interest in the property to be included in the planned residential development. The application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the applications may be filed by holder(s) of an equitable interest in such property. In any event, the applicant shall evidence a full ownership interest in the land--legal title or the execution of a binding sales agreement--before final approval of his plan.

Section 302 INFRASTRUCTURE

- A. Planned residential developments shall be so located with respect to major streets and highways or other transportation facilities as to provide direct access to the planned residential development without creating traffic along minor streets in residential neighborhoods outside of the planned residential development.
- B. Planned residential developments shall be serviced by off-site water and off-site sewer service.
- C. Planned residential developments shall adhere to the rules and regulations of the Pennsylvania Public Utilities Commission with respect to gas, electric, and telephone services.

Section 303 COMPREHENSIVE PLAN CONSISTENCY

All proposals for planned residential development shall be evaluated for consistency with the Comprehensive Plan of Hopewell Township. A statement of consistency shall be

submitted by the developer indicating the compatibility of the planned residential development to the intent of the Hopewell Township Comprehensive Plan. Such statement shall outline the social, economic, and environmental impact of the planned residential development on the surrounding area and the Township as a whole.

ARTICLE IV
PERMITTED USES

The following uses are permitted in a planned residential development in an R-3, General Residential District:

Section 400 PRINCIPAL USES

- A. Single-family detached dwellings.
- B. Single-family semi-detached dwellings.
- C. Two-family detached dwellings.
- D. Two-family semi-detached dwellings.
- E. Townhouse dwellings.
- F. Garden apartment dwellings.
- G. Nonresidential uses, such as religious, educational, and noncommercial recreation facilities, provided that such uses primarily are for the service and convenience of the residents of the planned residential development.
- H. Commercial uses, provided that such uses primarily are for the service and convenience of the residents of the planned residential development as demonstrated by expert market analysis.
 - 1. Retail sales to the following limited extent and when such business is conducted entirely within a building:
 - a. The sale of baked goods and confectioneries and the sale of dairy and grocery products;
 - b. The sale of books, magazines, newspapers, tobacco, drugs, gifts and stationery;
 - c. Eating places, lunchrooms, restaurants and cafeterias;
 - d. Service establishments, including barber shops, tailor shops, self-service laundry, and shoe repair facilities; and
 - e. General merchandise and retail stores including variety stores, drug stores, sporting goods and apparel stores.

2. Financial institutions and professional offices.

Section 401 ACCESSORY USES

- A. Private garages and parking areas.
- B. Signs as provided in Section IX of the Hopewell Township Zoning Ordinance (See Article VIII, Administration and Review).
- C. Other accessory uses customarily incidental to a permitted principle use.

X

ARTICLE V
DESIGN STANDARDS

Section 500 DENSITY

A. Residential

1. The maximum allowable gross residential density in an R-3, General Residential District shall not exceed eight and five-tenths (8.5) dwelling units per acre, except that higher densities may be allowed in accordance with the bonus provisions of Section 501.

B. Commercial

1. No more commercial development shall be allowed than expert market analysis shows to the satisfaction of the Board of Commissioners after review by the Planning Commission that will be needed to serve the resident population of the planned residential development.
2. The burden of proof is upon the developer to demonstrate that nonresidential uses of a commercial nature are intended to primarily serve the residents of the planned residential development.
3. The developer shall have a market analyst prepare and sign a market analysis report, and it shall demonstrate that the amount of land proposed for commercial use is needed. For those purposes such market analysis, shall contain the following determinations:
 - a. Determination of the trade area of the proposed commercial uses;
 - b. Determination of the trade area population, present and future;
 - c. Determination of the effective buying power in such trade area;
 - d. Determination of net potential customers buying power for stores in the proposed commercial facilities and, on such basis, the recommended store types and store floor areas; and
 - e. Determination of the residual amount of buying power in the trade area and how it may be expected to be expanded in other business areas serving the trade area.

4. In no event, shall the gross commercial floor area exceed 1,000 square feet per 100 dwelling units.

C. Common Open Space

1. Common open space shall comprise at least 20 percent of the total gross project area of the planned residential development.
2. Of the minimum 20 percent of the total gross project area to be devoted to common open space, a maximum of 50 percent may be areas covered by water.
3. Landscaped roof areas devoted to recreational activities, freely accessible to residents, may be counted toward the total common space required at a value of 60 percent of the actual roof area devoted to this use.
4. Recreational facilities or structures and their accessory uses located in common open space areas shall be considered improved open space as long as the total impervious surfaces (pavings, roofs, etc.) constitute no more than five (5) percent of the total common open space.

Section 501 DENSITY BONUS

- A. For each additional acre of land in common open space above the minimum required, gross residential density may be increased according to the following provisions:
 1. The first acre of common open space per 20 acres of gross, if improved, permits a maximum increase of eight percent; if the first acre of common open space is unimproved, six percent is allowed.
 2. The second acre of common open space per 20 acres of gross, if improved, permits a maximum increase of four percent; if unimproved, three percent is allowed.
 3. Each additional acre of common open space per 20 acres gross, if improved, permits a maximum increase of three percent; if unimproved, two percent is allowed.
- B. Character, identity, and architectural and siting variation incorporated in a planned residential development shall be considered cause for density increases not to exceed fifteen (15) percent of the gross residential density allowed. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission may approve. Such variations may include, but are not limited to, the following:

1. Landscaping (a maximum increase of five percent); streetscape; open spaces and plazas; use of existing landscape; pedestrian way treatment; and recreation areas.
2. Siting (a maximum increase of five percent); visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern; physical environment; variation in building setbacks; and building groups (such as cluster).
3. Design features (a maximum increase of five percent); street sections; architectural styles; harmonious use of materials; parking areas broken by landscape features; and varied use of housing types.

Section 502 LOT SIZE

- A. Residential uses permitted in a planned residential development shall have no minimum lot area requirements other than those sufficient to accommodate the use relative to other uses.
- B. Nonresidential uses permitted in a planned residential development shall have no minimum lot area requirements other than those sufficient to accommodate the use relative to other uses.

Section 503 ENVIRONMENTAL CONSIDERATIONS

- A. The developer shall take every precaution to preserve the natural site amenities and to minimize the disturbance to the natural environment.
- B. The development will be designed and programmed so as to minimize earthmoving activity, erosion, tree clearance, and the destruction of natural amenities.
- C. Existing trees shall be preserved wherever possible. The location of trees must be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas and finished grade levels.
- D. Seeding, sodding and other planting shall be applied to stabilize topsoil.
- E. Erosion control measures such as minimizing the area of exposed soil, mulching, building silt catchment basins and

planting temporary ground cover shall be instituted as necessary.

- F. To insure the preservation of topography, trees and ground cover, natural bodies of water, and other significant natural features, a detailed landscaping plan and an erosion control and sedimentation plan will be required at the time of initial plan submission.

Section 504 SITE CONSIDERATIONS

- A. All dwelling units shall be designed with regard to topography and the natural features of the site. Orientation to the prevailing winds and the sun in the physical layout and form of the proposed dwelling units shall be taken into account.
- B. All dwelling units shall be sited so as to enhance privacy and to insure natural light for all principle rooms.
- C. Variations in setbacks shall be provided where necessary to create a more pleasing site design.
- D. No building shall sit closer to an adjacent structure than one-half the height of the taller building, or closer to its lot line than one-half the height of the structure.
- E. Dwelling units and other facilities near the periphery of the planned residential development shall be designed so as to be harmonious with contiguous neighboring areas.
- F. No structure shall be within 25 feet of the right-of-way of an access road, or within 20 feet of parking areas.
- G. No structure shall be less than 50 feet from the property lines at the perimeter of the development and a planting strip of at least 20 feet shall be provided along all property lines at the perimeter of the development where necessary to protect the privacy of neighboring residents.

Section 505 TRAFFIC CIRCULATION

- A. Principle vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Local streets within planned residential developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- B. Planned residential developments will be so located with regard to major thoroughfares and uses outside the District

that traffic congestion will not be created by the proposed development or will be obviated by presently projected improvements and that uses adjacent to such thoroughfares will not be adversely affected.

- C. Pedestrian circulation systems and related walkways shall be insulated completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This shall include, when deemed necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, commercial areas, and other uses which generate a considerable amount of pedestrian traffic.
- D. All commercial land uses within a planned residential development shall have direct access to a collector or primary street, especially where large parking areas are included.

Section 506 PARKING FACILITIES

- A. For each dwelling unit, there shall be two off-street parking spaces consisting of not less than 200 square feet each.
- B. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- C. Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth berms, walls, or changes in grade.
- D. No more than 15 parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- E. Any off-street loading area shall be paved, and the design thereof approved by the Planning Commission. All areas shall be marked so as to provide for orderly and safe loading, parking and storage.
- F. Parking for nonresidential purposes shall be provided appropriate to the type of nonresidential use, as deemed adequate by the Planning Commission.
- G. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
- H. All parking areas and off-street loading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding, and other inconveniences.

Section 507 DESIGN AND CONSTRUCTION IMPROVEMENTS

- A. Design and construction standards for streets, curbs, drainage, sewage, water and other such facilities will be governed by Article V and Article VI of the Hopewell Township Subdivision Ordinance (see Article VIII, Administration and Review).

Section 508 STAGED DEVELOPMENT

A developer may construct a planned residential development in stages if the following criteria are met:

- A. The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage.
- B. At least 20 percent of the dwelling units in the planned residential development given tentative approval shall be included in the first stage.
- C. At least 50 percent of the dwelling units in any stage shall be rented or sold before any commercial development shown in that stage can commence.
- D. The second and subsequent stages shall be consistent with the tentatively approved plan. In no event shall the second or any subsequent stages contain less than 20 percent of the dwelling units receiving tentative approval.
- E. Gross residential density may be varied from stage to stage. However, final approval shall not be given to any stage if the net density of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than ten percent the gross density allowed for the entire planned residential development in the tentatively approved plan. Where it is necessary to allocate open space to early stages to avoid exceeding the maximum gross residential density, the developer will be required to establish said open space in the manner prescribed in the tentative approval.

ARTICLE VI
STANDARDS FOR LOCATION AND MAINTENANCE OF
COMMON OPEN SPACE

Section 600 LOCATION OF COMMON OPEN SPACE

Common open spaces shall be distributed more or less equitably throughout the planned residential development in relation to the dwelling units of the people they are intended to serve and consistent with good design principles. Common open spaces shall not be isolated in one corner of the planned residential development, but shall be highly accessible to all the residents.

Section 601 OWNERSHIP OF COMMON OPEN SPACE

There shall be provisions which insure that the common open space land shall continue as such and be properly maintained. The developer shall either (a) dedicate such land to public use if the Township or another public agency has indicated it will accept such dedication, (b) retain ownership and responsibility for maintenance of such open space land, or (c) provide for and establish one or more organizations for the ownership and maintenance of all common open space. In the case of (c) above, each organization shall be a nonprofit homeowners corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

Section 602 HOMEOWNER'S ASSOCIATION

If a homeowner's association or open space trust is formed, it shall be governed according to the following regulations:

- A. The organization must be set up by the developer before the sale of any lots within the development, and, if necessary, it must operate with financial subsidy by the developer.
- B. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- C. The organization shall be responsible for maintenance, insurance and taxes on common open space.
- D. The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
- E. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.

F. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the homeowners' association fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space call a public hearing upon notice to such organization, or to the residents and owners of the development, to be held by the Township, at which hearing such organization of the residents and owners of the development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township, may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the Office of the Prothonotary of Beaver County, upon the properties affected by such lien within the development.

ARTICLE VII
APPLICATION AND PLAN REQUIREMENTS

Section 700 APPLICATION FOR TENTATIVE APPROVAL

- A. The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Township Secretary. An initial deposit in the amount of five hundred dollars (\$500.00) shall be paid upon filing of the application to defray the cost of processing the plan.
- B. The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development as set forth in this Ordinance, and where necessary the Board of Commissioners or Planning Commission shall order such additional documentation as they may deem necessary to aid them in their review.
- C. Required documentation shall include, but not be limited to documents illustrating the following:
 - 1. The location and size of the area involved, and adjoining areas; and the nature of the landowner's interest in the planned residential development;
 - 2. The proposed use areas and the net residential and commercial density of each proposed land use;
 - 3. The location, function, size, ownership, and manner of maintenance of the common open space;
 - 4. The use and the approximate height, bulk, and location of buildings and other structures;
 - 5. Location and size of all lots.
 - 6. Information showing the feasibility of proposals for off-site water and off-site sewer service;
 - 7. Utility systems;
 - 8. The substances of covenants, grant of easements, or other restrictions to be imposed upon the use of land, buildings and structures including proposed grants and/or easements for public utilities;
 - 9. The provision for parking of vehicles and location, rights-of-way and cartway widths of proposed streets and public ways;

10. In the case of plans which call for the development in stages, a schedule showing the time within which applications for final approval of all parts of the planned residential development are intended to be filed, and which shall be updated annually on the anniversary of submission for final approval.
 11. The application shall, insofar as possible, indicate compliance with the provisions set forth herein, governing the requirements for final approval.
- D. Application for tentative approval shall also include but not be limited to the following documents;
1. Plans at one inch equals 100 feet or larger of existing natural features of the land including topography, vegetation, drainage and soils;
 2. A site plan showing: approximate locations of lots, buildings, roads, parking areas at one inch equals 100 feet;
 3. A plan at one inch equals 100 feet delineating common open space indicating size, nature of facilities, structures, if any, and uses;
 4. A plan at one inch equals 100 feet delineating approximate locations, street types, right-of-way and cartway widths;
 5. Site plan illustrating phasing; including a time schedule for all on-site and off-site improvements to be dedicated for public use, which may be modified from time to time by the Board of Commissioners.
 6. A plan illustrating connection to public utilities, streets and rights-of-way accompanied by documentation as to the impact of the proposed development on said public utilities, streets and right-of-way;
 7. A plan illustrating the relation of the proposed planned residential development to the Township accompanied by documentation indicating the social and economic impact of the development on the Township.

- E. Said application shall also include a written statement by the landowner setting forth the reasons why, in his opinion, the planned residential development would be in the public interest and would be consistent with the intent of the Township's Comprehensive Plan.
- F. The applicant shall submit twelve (12) copies of all information required for tentative approval to the Township Secretary.
- G. One copy of every application for tentative approval received by the Township Secretary shall be promptly forwarded to the Township Planning Commission for study and recommendation.
- H. Eight (8) copies of every application for tentative approval received by the Township shall be promptly forwarded to the Beaver County Planning Commission for study and recommendation. The County Planning Commission shall review and report within 45 days of referral.
- I. One copy of every application for tentative approval received by the Township Secretary shall be promptly forwarded to the Township's Engineer and/or Planner for technical study and recommendation. The Township Engineer and/or Planner shall review and report to the Township Planning Commission within 30 days of referral.
- J. One copy of the reports of all respective review agencies shall be furnished to the applicant not less than five days prior to the appointed time of the public hearing provided for in Section 701.

Section 701 PUBLIC HEARING

- A. Within sixty (60) days after the filing of an application for tentative approval of a planned residential development pursuant to this Ordinance, a public hearing pursuant to public notice on said application shall be held by the Board of Commissioners. The chairman, or, in his absence, the acting chairman, of the Board of Commissioners or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- B. A verbatim record of the hearing shall be caused to be made by the Board of Commissioners whenever such records are requested by any party to the proceedings; but the cost of making and transcribing such a record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. 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 the exclusion clearly noted in the record.

Section 702

REPORT OF FINDINGS ON APPLICATION FOR TENTATIVE
APPROVAL

A. The Board of Commissioners within thirty (30) days following the conclusion of the public hearing provided for in Section 701, shall, by official written communication, to the landowner, either:

1. Grant tentative approval of the development plan as submitted;
2. Grant tentative approval subject to specified conditions not included in the development plan as submitted;
3. Deny tentative approval of the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within 30 days after receiving a copy of the official written communication of the Board of Commissioners notify said Board of Commissioners of his refusal to accept all said conditions, in which case, the Board of Commissioners shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Board of Commissioners of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

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

1. In those respects in which the development plan is or is not consistent with the intent of the Comprehensive Plan of Hopewell Township;
2. The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to

density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

3. The purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 4. The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 5. The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 6. In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- C. In the event a development plan is granted tentative approval, with or without conditions, the Board of Commissioners may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and on application for final approval shall not be less than three months, and, in case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

Section 703 STATUS OF PLAN AFTER TENTATIVE APPROVAL

- A. The official written communication provided for in Section 702 of this Ordinance shall be certified by the Secretary of the Board of Commissioners and shall be filed in his office, and a certified copy shall be mailed to the landowner.
- B. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative

approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Township pending an application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

- C. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan, the landowner shall so notify the Board of Commissioners in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time.

Section 704 APPLICATION FOR FINAL APPROVAL

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be filed with the Township Secretary and within the time or times specified by the official written communication granting tentative approval. A second deposit in the amount of five hundred dollars shall be paid upon filing of the application to defray the cost of processing the plan. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

Section 705 SPECIFICATIONS FOR APPLICATION FOR FINAL APPROVAL

The application for final approval shall contain the following data and be presented using the following format:

- A. Shall be drawn on reproducible material and shall be on sheets of at least 17 inches by 22 inches with a border of one-half inch on all sides except the binding edge which shall be one inch. More than one sheet may be used for larger tracts and all sheets must be indexed. Individual sheet size shall not exceed 34 inches by 44 inches.

- B. Shall be drawn with waterproof black ink and all records, data, entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.
- C. Shall be drawn to a scale of 1"=100' or larger.
- D. Shall contain a title block in the lower right corner with the following:
 - 1. Name under which the development is to be recorded.
 - 2. Date of plat, graphic scale, north arrow and location of development.
 - 3. Name(s) and address(es) of the owner(s) and signed certification of ownership including deed book number and page.
 - 4. Name, address and seal of the registered engineer or the surveyor preparing the plat.
- E. Shall be drawn according to the following drafting instructions:
 - 1. Outside of final plan area.
 - (a) Streets and other rights-of-way by medium solid lines.
 - (b) Property lines of adjacent subdivision by medium dashed and two dotted lines.
 - (c) Lot lines by light dotted lines.
 - (d) Restriction lines, easements and other reserved areas by light dashed lines.
 - (e) The total perimeter of the land included for final approval by a heavy solid line.
 - 2. Within final plan area.
 - (a) Streets or rights-of-way by heavy solid lines.
 - (b) Lot lines by medium solid lines.
 - (c) Restriction lines by medium dashed lines.
 - (d) Easements and other reserved areas by light dotted lines.

- F. Primary control points approved by the Engineer or description and ties to which all dimensions, angles, bearings and similar data shall be referred.
- G. Tract perimeter lines, street rights-of-way, easements and other reserved areas, and property lines of residential lots and other sites with accurate dimensions, areas, bearings or deflection angles, radii, arcs and central angles of all curves.
- H. Name and right-of-way and cartway width of each street or right-of-way.
- I. Location, dimensions and purpose of all easements.
- J. Number to identify each lot or site.
- K. Purpose for which sites other than residential are to be dedicated.
- L. Building line on all lots and sites.
- M. Location and description of all monuments shall be solid steel pins, no less than one-half inch in diameter and 30 inches long.
- N. Names, deed book number and page of record owners of adjoining land.
- O. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- P. Statement by the owner dedicating streets, rights-of-way and sites for public use.
- Q. Protective covenants in form suitable for recording.
- R. Tract closures and block closures shall be required with an allowable error of 1:10,000.
- S. A final grading plan with contours at vertical intervals of two feet if the general slope of the site is more than two percent and at vertical intervals of one foot if the general slope is less than two percent.
- T. Datum to which contour lines refer.
- U. Bench marks as established by the United States Geological Survey or permanent monuments as established by a registered surveyor authorized to practice in the Commonwealth of Pennsylvania.

- V. Watercourses, culverts, bridges, drains and areas subject to inundation on a 50-and 100-year frequency basis.
- W. Water lines, fire hydrants, etc. shall be planned, designed, and built according to the requirements, procedures, and specifications of the Creswell Heights Joint Authority and/or the Municipal Water Authority of Aliquippa.
- X. Utilities, existing and planned, together with possible connections thereto.
- Y. Subsurface soil, geological and hydrologic condition of the tract.
- Z. Sidewalks and crosswalks.
- AA. Typical cross sections and profiles of roadways and sidewalks.
- BB. Lot lines with bearings and dimensions.
- CC. General drainage plan for storm water in relation to natural channels with capacity to accommodate 50-and 100-year frequency flood.
- DD. A plan of the proposed water distribution system including the sizes of water pipes and the location of valves and fire hydrants.
- EE. A plan of the proposed sanitary sewage collection system.
- FF. Location and size of all structures.
- GG. Architectural sketches or elevations of all major structures (i.e., commercial buildings and multi-family dwellings).
- HH. Landscaping plan.
- II. Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance.
- JJ. Sewers shall be planned, designed, and built according to the requirements, procedures, and specifications of the Hopewell Township Authority.

Section 706 COMPLETION OF IMPROVEMENTS GUARANTEE

- A. No application for final approval shall receive said final approval unless the streets, roads, sidewalks, curbs, gutters, street lights, water systems, fire hydrants, sewer systems, shade trees, storm drains and other improvements as may be

required by or under this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of said improvements, a corporate bond or other security approved by the Board of Commissioners in the amount sufficient to cover the costs of those improvements not completed but required shall be deposited with the Township. Said bond or other security shall provide for and secure to the public the completion of all improvements required within the period fixed as part of the final approval for such completion. In the case of staged development, it shall be necessary to provide for all improvements required within the stage or section for which final approval is sought as well as all other improvements which the Board of Commissioners finds essential for the protection or proper overall development of any finally approved section of the planned residential development.

B. Release From Improvement Bond -

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Commissioners by certified or registered mail of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Commissioners shall within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Commissioners and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Board of Commissioners; said report shall be detailed and shall indicate approval or rejection of said improvements either in whole or in part, and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. The Board of Commissioners shall notify the developer, in writing by certified or registered mail of their action with relation thereto.
3. If the Township fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.

4. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Commissioners, the developer shall proceed to complete the same and upon completion, the same procedure of notification, as outlined herein, shall be followed.

Section 707 ACTION ON FINAL PLAN

- A. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this Ordinance and the official written communication of tentative approval, the Township shall, within 30 days of such filing, grant such development plan final approval.
- B. One copy of all final plans shall be transmitted forthwith upon submission by the developer to the Township Planning Commission for review and comment within the 30-day review period.
- C. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Board of Commissioners may refuse to grant final approval and shall, within 30 days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
 1. Refile his application for final approval without the variations objected, or
 2. File a written request with the Board of Commissioners that it hold a public hearing on his application for final approval. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Ordinance for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Board of Commissioners shall by official written communication

either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

Section 708 RECORDING AND EFFECT THEREOF

A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Board of Commissioners and shall be filed forthwith in the Office of the Recorder of Deeds of Beaver County before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision ordinances otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of said planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the mutual consent of the landowner and Board of Commissioners.

Section 709 ABANDONMENT OF DEVELOPMENT

In the event that a development plan, or a section thereof, is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify the Board of Commissioners in writing; or, in the event the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by Ordinance after final approval has been granted, future development on the property included in the development plan shall cease until the property is resubdivided in accordance with the rules and regulations of the Subdivision and Zoning Ordinances of Hopewell Township.

ARTICLE VIII
ADMINISTRATION AND REVIEW

Section 800 ADMINISTRATION

- A. Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Township Zoning Officer.
- B. Upon application of the landowner showing compliance with the requirements of final approval, the Zoning Officer shall issue permits for construction pursuant to the plan, or any section thereof.
- C. The provisions of Section XII, of the Zoning Ordinance of Hopewell Township, as amended, governing Administration shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this article and the conditions of final approval. The Zoning Officer shall review the progress and status and construction of the plan and render monthly reports thereon to the Board of Commissioners in order to assure compliance with the provisions of this article and the conditions of final approval.

Section 801 APPEALS

Any decision of the Board of Commissioners granting or denying tentative or final approval of a development plan for a planned residential development shall be subject to review and appeal as provided in Article X of the Pennsylvania Municipalities Planning Code (Act 247), as amended.

Section 802 VARIANCES

The Board of Commissioners may vary the requirements of the Hopewell Township Subdivision Ordinance pertaining to design and construction standards contained in Articles V and VI, to meet the purposes and intent of this Planned Residential Development Ordinance, Variances to this Ordinance and/or references to the Hopewell Township Zoning Ordinance shall be heard by the Hopewell Township Zoning Hearing Board.

ARTICLE IX
REMEDIES

The Board of Commissioners of the Township of Hopewell, or any officer of the Township authorized by the Board of Commissioners, in addition to other remedies, may institute in the name of the Township of Hopewell any appropriate action or proceeding to prevent, restrain, correct or abate in or about premises


proposed, intended, declared or approved as a planned residential development any act, business, use, construction, sale or disposal in contravention of the provisions of this Ordinance or in advance of any approval first required to be obtained.

ARTICLE X
PENALTIES

Any person, partnership or corporation who or which shall violate the provisions of this Planned Residential Development Ordinance enacted under the Pennsylvania Municipalities Planning Code (Act 247), as amended, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than five hundred dollars (\$500.00). In default of payment of the fine such person, the members of such partnership, or other offices of such corporation shall be liable to imprisonment for not more than sixty (60) days. Each day that a violation is continued shall constitute a single and separate offense. All fines collected for the violation of this Planned Residential Development Ordinance shall be paid over to the Board of Commissioners and deposited in the General Fund.

Enacted and Ordained this 9th day of SEPTEMBER, 1976.

TOWNSHIP OF HOPEWELL
COUNTY OF BEAVER
COMMONWEALTH OF PENNSYLVANIA


Chairman of the Township
Board of Commissioners

ATTEST:


Secretary

since said date.

The attached advertisement, which is exactly as printed and published,
appeared in the regular issue on 9/17

BEAVER NEWSPAPERS, INC.

By

James R. Miller

SS:

STATE OF PENNSYLVANIA,
COUNTY OF BEAVER,

Before me, a Notary Public in and for such county and state, personally appeared
JAMES R. MILLER
SECRETARY-TREASURER
of BEAVER NEWSPAPERS, INC.; that neither affiant
nor said corporation is interested in the subject matter of the attached advertisement; and
that all of the allegations of the foregoing statement including those as to the time, place and
character of publication are true.

Sworn to and subscribed before me
this 23RD day of SEPTEMBER 1976

Paulette E. Lalama

PAULETTE E. LALAMA, NOTARY PUBLIC
BRIDGEWATER BORO, BEAVER COUNTY
Member, Pennsylvania Association of Notaries
MY COMMISSION EXPIRES JAN. 2, 1978
BEAVER COUNTY TIMES

P.O. BOX 400

BEAVER, PA. 15009

By

Karen L. Strunka
BEAVER NEWSPAPERS, INC.

The costs of advertising and proof,
has been paid.

16-84

