

ARTICLE XII

PLANNED RESIDENTIAL DEVELOPMENT

Section 12.1 Planned Residential Development *per Ordinance 2 of 2012*

12.1.1 ~~Purpose:~~ The purpose of the Planned Residential Development (PRD) regulations is to permit residential development as the conditional use which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote more economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preservation of the natural scenic qualities of open areas.

12.1.2 ~~Application:~~ A PRD may be permitted in the "B" RESIDENTIAL, "C" Residential, and "D" Residential zoning districts subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures enumerated in this Article, and as set forth in this ordinance. ~~Certain provisions of this ordinance and the respective Subdivision and Land Development Ordinance #1 of 1990 shall not be applied to PRD proposals accepted for review, except when specifically indicated by the provisions contained herein.~~

Section 12.2 Ownership Requirements:

12.2.1 The minimum land area for a PRD shall be ten (10) contiguous acres. Public easements or private roads shall not be construed as an interruption or division of a tract of land proposed for a PRD.

12.2.2 Prior to the Pre-Application Conference, the developer of a PRD shall evidence a full ownership interest in the land, which for purposes of this ordinance shall be either legal title or an executed binding sales agreement evidencing equitable title in it.

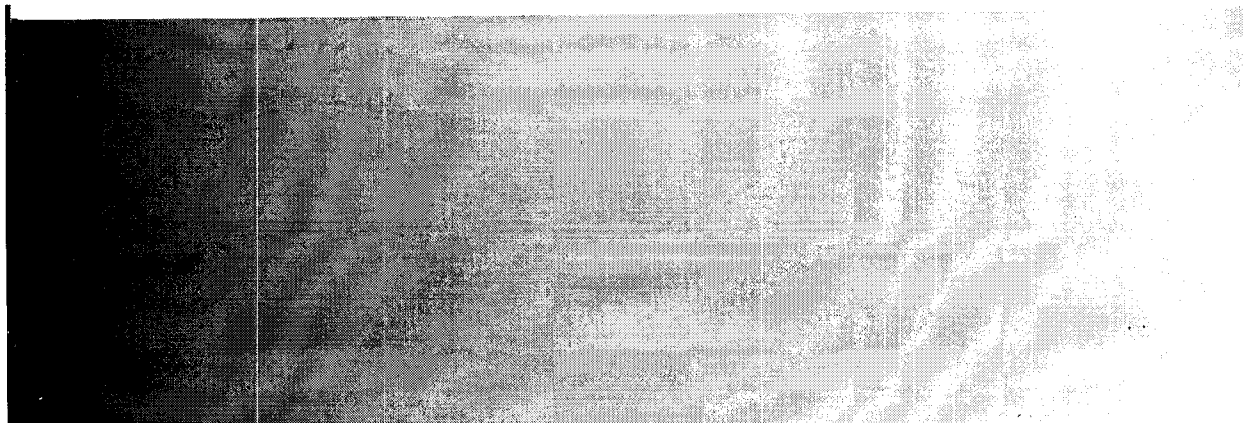
12.2.3 A PRD shall be in single legal, as well as equitable, ownership coincident with approval of the Final Development Plan.

Section 12.3 Availability of Public Services and Access

12.3.1 Where the municipality determines that public sewage and water facilities are available and are capable of being extended to the development site, the developer shall connect the PRD to such facilities.

12.3.2 In the absence of a public sewage facilities, the developer shall provide within a PRD a sanitary sewage system acceptable to Sewickley Hills Borough and which shall be subject to the standards, rules and regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor thereto.

12.3.3 Central water services shall be supplied to each building or structure to be erected on a PRD.



ORDINANCE NO. 2 of 2012

ORDINANCE NO. 2 OF 2012 Repealing SECTIONS 6.3.7, 7.2.1(C), 12.1.1, 12.1.2, AND 12.5.5 OF ZONING ORDINANCE NUMBER 1 OF 1995 AS AMENDED AND AMENDING SECTIONS 12.1.1, 12.1.2, AND 12.5.5 OF THE ZONING ORDINANCE NUMBER 1 OF 1995 BY ELIMINATING PLANNED RESIDENTIAL DEVELOPMENTS (PRDs) AS A CONDITIONAL USE IN RESIDENTIAL DISTRICT "B" AND AS A PERMITTED USE IN RESIDENTIAL DISTRICT "C".

THE COUNCIL OF THE BOROUGH OF SEWICKLEY HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, HEREBY ORDAINS AS FOLLOWS:

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOARD OF SEWICKLEY HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AND IT IS ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

ORDINANCE No. 1 of 1995, zoning ordinance is hereby amended as follows:

Section 1: Section 6.3.7 of Zoning Ordinance Number 1 of 1995 is repealed.

Section 2. Section 7.2.1(C) of Zoning Ordinance Number 1 of 1995 is repealed.

Section 3. Section 12.1.1 of Zoning Ordinance Number 1 of 1995 is repealed and amended to read as follows:

12.1.1 Purpose: The purpose of the Planned Residential Development (PRD) regulations is to permit residential development as a permitted use in the "D" Residential District which is more creative and imaginative than is generally possible under conventional zoning district controls and subdivision requirements. Further, these regulations are intended to promote economical and efficient use of the land while providing a compatible blend of housing types, amenities and community facilities of high quality, oriented to the specific development site and preservation of the natural scenic qualities of open areas.

Section 4. Section 12.1.2 of Zoning Ordinance Number 1 of 1995 is repealed and amended to read as follows:

12.1.2 Application: A PRD may be permitted in the "D" Residential zoning districts subject to the standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures enumerated in this Article, and as set forth in this ordinance. Certain provisions of this ordinance and the respective Subdivision and Land Development Ordinance #1 of 1990 shall not be applied to PRD proposal accepted

for review, except when specifically indicated by the provisions contained herein.

Section 5. Section 12.5.5 of Zoning Ordinance Number 1 of 1995 is repealed and amended to read as follows:

12.5.5 Permitted Uses:

A. Land and buildings in a Planned Residential Development may be used for the following purposes:

- (1) Single family, detached dwelling (“D” Residential Districts).
- (2) Duplex, triplex, and quadraplex (“D” Residential District).
- (3) Townhouse- Six (6) per building, maximum (“D” Residential Districts).
- (4) Apartment-Eight (8) per building, maximum (“D” Residential District).
- (5) Recreation facilities which are for the use of residents of the development and which shall only include hiking, walking or bicycle trails, tennis, paddle tennis, basketball and volleyball courts, putting greens, swimming pool and related facilities; and such additional recreational uses as deemed appropriate by the Borough.

B. All buildings and structures on the perimeter of the development must be well-screened in a manner approved by the Borough.

C. Each PRD shall be planned as an acceptable unitary land development plan, usable common open space, site related vehicular and pedestrian circulation systems and preservation of significant natural features.

Section 6. That any ordinance or part of any ordinance conflicting with the terms of this Ordinance be and the same is hereby repealed to the extent that such a conflict exists.

Section 7. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of Sewickley Hills that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED into Law by the Borough Council of Sewickley Hills, this 11th day of DECEMBER, 2012.

ATTEST:

SEWICKLEY HILLS
BOROUGH COUNCIL

Liana Steele
Secretary

Cynthia P. Phillips
President

Approved and accepted this 11th day of DECEMBER, 2012.

[Signature]
Mayor

12.3.4 The developer shall provide within a PRD a storm drainage system which shall be of sufficient size and design to collect, carry off and dispose of all predictable surface water run-off within the PRD and shall be so constructed as to conform with applicable statutes, ordinances, and regulations of the Commonwealth of Pennsylvania and Sewickley Hills Borough.

12.3.5 A PRD shall be related to the local regional highway systems. The developer must demonstrate to the satisfaction of the Planning Commission that traffic circulation problems will not be created and that the proposed road system is adequate in terms of traffic volume capacity and construction type to accommodate the projected PRD generated traffic.

Section 12.4 Administration and Procedures

12.4.1 The PRD provisions of this ordinance shall be applied by the Planning Commission, which shall review all applications on the basis of specified standards, restrictions, qualifications, criteria, requirements, conditions, regulations and procedures. The Borough Council shall conduct public hearings and have final authority to approve, modify or disapprove a PRD.

12.4.2 A developer shall obtain required approvals for a PRD by following a four (4) step review process which shall consist of a Pre-Application Conference, a Preliminary Development Plan Review, Public Hearings, and a Final Development Plan Review.

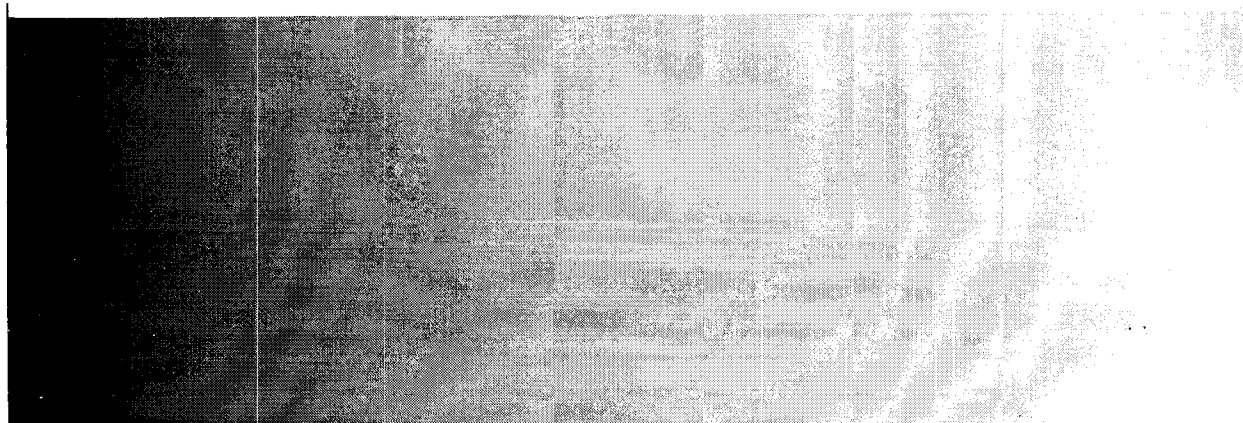
A. Pre-Application Conference: Each applicant shall confer with the Chairman of the Planning Commission to schedule a Pre-Application Conference. It shall be the responsibility of the Secretary of the Planning Commission to arrange a conference with the Planning Commission. The conference shall include members of the Planning Commission and designated members of the Borough Council. The Solicitor, local utility service representatives, Borough Engineer, Police Department and others deemed appropriate may also be requested to attend such conference. Items to be addressed at the pre-application conference shall include but not be limited to the following:

- (1) Location of the proposed PRD site;
- (2) Points of access and road names;
- (3) Utilities and location of utility line extensions;
- (4) Topography of the proposed PRD site;
- (5) Conceptual stormwater management plan; and
- (6) Significant stands of trees, size and species.

B. Preliminary Development Plan (Application for Tentative Approval): Within one hundred and twenty (120) days following the Pre-Application Conference, ten (10) copies of a Preliminary Development Plan shall be presented in sufficient detail to provide the Planning Commission with a major substantive review of the proposed PRD, which Preliminary Development Plan shall constitute the application for tentative approval. The following documentation shall be submitted in support of the application:

- (1) Written Documents:

- a. A legal description of the total tract proposed for development, including a statement of present and proposed ownership.
 - b. A statement of planning objective to be achieved by the PRD through the particular approach proposed by the developer. The statement shall include a description of the character of the proposed development.
 - c. Quantitative data for the following: total number and type of dwelling units, parcel size, proposed lot coverage of buildings and structures, approximate gross and net residential densities, total amount of open space (including a separate figure for common open space and usable open space), economic feasibility studies or market analyses where reasonably necessary and other studies as may be designated by the Planning Commission.
- (2) Location Map: This map shall clearly show the location and area of the tract proposed for development with relation to all lands, buildings and structures within five hundred feet (500') of its boundaries, the location and distance to existing related highways, streets or roads and the names of owners of properties adjacent to the tract.
- (3) Preliminary Development Plan and Supporting Maps: A preliminary development plan at a scale no smaller than one inch equals fifty feet (1"=50') and any maps necessary in the opinion of the Planning Commission on a scale as required by it to show the major details of the proposed PRD, which preliminary development plan and maps shall also contain the following minimum information:
- a. The existing site conditions including contours at a minimum interval of five feet (5'), watercourses, flood plains, forest cover, soils, and natural features considered significant by the Planning Commission.
 - b. Proposed lot lines and subdivision plan, if any.
 - c. The location of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units and density per type. Such information shall be sufficient to relay the basic architectural intent of the proposed improvements.
 - d. The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space.
 - e. The existing and proposed vehicular circulation system of collector and local streets or roads, including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way (including major points of ingress and egress to the development).



- f. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system and indicating proposed treatment of points of conflict.
 - g. The existing and proposed utilities systems, including sanitary sewers, storm sewers, water, electric, gas, cable T.V. and telephone lines.
 - h. Sub-surface conditions, including data on slope stability and past or possible future mining activity and operations for oil and gas.
 - i. A minimum of three (3) sections showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.
 - j. A general landscape plan indicating the treatment and material used for active and passive open space.
 - k. The proposed landscaping treatment of the perimeter of the PRD.
 - l. Evidence of compliance with the Environmental Performance Standards (Article IV).
 - m. Any additional information required by the Planning Commission as necessary for it to evaluate the character and impact of the proposed PRD.
- (4) All applications for tentative approval of a Planned Residential Development shall be referred by the applicant to the Allegheny County Planning Commission for review and comment at the time of submission to Sewickley Hills Borough. If no report to the contrary is received within thirty (30) days of submission to the County, said application for tentative approval shall be considered complete and appropriate for the area in which it is proposed
- (5) Projected Scheduling of Stages: In the case of development plans which call for development over a period of years, a schedule showing such stages shall be provided. This schedule shall be reviewed annually with the Planning Commission by the developer on the anniversary of the tentative approval or as each stage of development is completed, whichever shall first occur.
- C. Public Hearings and Approval:
- (1) Within sixty (60) days following receipt of a completed application for tentative approval of a PRD, with required documentation, a public hearing pursuant to public notice on such Application shall be held by the Borough Council. Said public hearing may be continued from time to time but shall be concluded no more than sixty (60) days after the date of the first public hearing.

- (2) The Borough Council may offer mediation as an aid in completing proceedings authorized by this Article prior to final approval as outlined in Article XIII.
- (3) The Borough Council within (60) days following the conclusion of the public hearing shall by official written communication to the developer, either:
 - a. Grant tentative approval of the Preliminary Development Plan as submitted;
 - b. Grant tentative approval of the Preliminary Development Plan subject to specified conditions not included in the Preliminary Development Plan as submitted; or
 - c. Deny tentative approval.

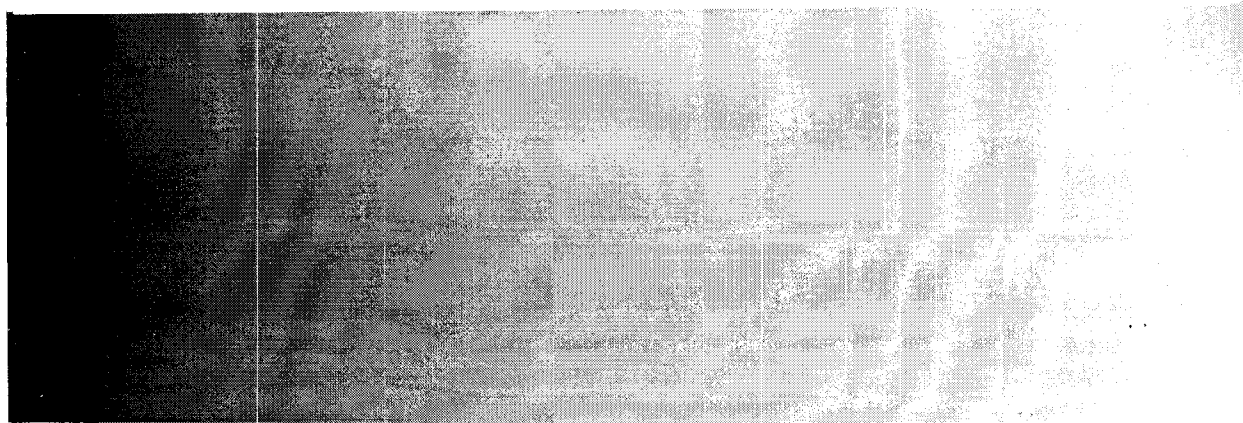
Failure to so act within such period of time shall be deemed to be a grant of tentative approval of the Preliminary Development Plan as submitted. In the event, however, that the tentative approval of the Preliminary Development Plan is granted subject to specified conditions, the developer may within thirty (30) days after receiving a copy of the official written communication of the Borough Council notifying such Council of his refusal to accept all such conditions, in which event tentative approval of the Preliminary Development Plan is deemed to be denied. In the event the developer does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the Preliminary Development Plan, with all said conditions, shall stand as granted.

D. Criteria for Tentative Approval: The Borough Council may give tentative approval to a Preliminary Development Plan, if and only if, it is found to meet the following criteria:

- (1) The proposed Preliminary Development Plan complies with all standards, restrictions, qualifications, criteria, requirements, conditions, regulations, and procedures of this ordinance, preserves the Community Development Objectives of this ordinance and complies with all relevant county and state regulations.
- (2) Where the proposed Preliminary Development Plan provides standards varying from those in this ordinance and the Borough Subdivision ordinance otherwise applicable to the subject property, such departure is in the public interest and promotes the conservation of the environment, health, safety and general welfare of the public.
- (3) The proposals for the maintenance and conservation of any proposed common open space are reliable and meet the standards of this ordinance, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use and type of residential development proposed.
- (4) The physical design of the proposed Preliminary Development Plan adequately provides for public services, traffic facilities and parking, light, air, recreation and visual enjoyment.

- (5) The total environment of the proposed Preliminary Development Plan, including lot layout and design, street configuration and preservation of natural amenities, is consistent with the neighborhood in which it is located.
 - (6) The proposed Preliminary Development Plan will afford adequate protection of natural water courses, topsoil, trees, and other features of the natural environment and will prevent erosion, landslides, siltation and flooding.
 - (7) In the case of a Preliminary Development Plan which proposes development over a period of years, the terms and conditions thereof are sufficient to protect the interest of the public and of the residents of the PRD in the integrity of the Final Development Plan.
 - (8) The grant or denial of tentative approval shall include findings of fact relating to the proposed Preliminary Development as submitted for approval and reasons for such decisions shall be set forth with particularity, including but not limited to whether the proposed Preliminary Development Plan would or would not be in the public interest with respect to each of the above criteria.
- E. Final Development Plan (Application for Final Approval): After the Preliminary Development Plan is tentatively approved by the Borough Council, the developer shall thereafter submit ten (10) copies of the Final Development Plan, which shall consist of detail plans for any part or section of the land for which he desired final approval, which Final Development Plan constitute the Application for Final Approval. No building permit shall be issued until after final approval by the Borough Council of the detailed plans for the part or section in which the proposed development is located. Final approval of any detailed plans shall lapse unless construction is commenced in that part or section within one (1) year after such approval.
- (1) In the event the Application for Final Approval has been filed, together with all drawings, specifications and other written communication of tentative approval, the Borough Council shall, within forty-five (45) days of such filing, grant such Final Development Plan final approval.
 - (2) The Final Development Plan shall comply with the provisions of other existing ordinances related to development within the Borough, County and State and shall include:
 - a. All data required for final plan as specified in Subdivision and Land Development Ordinance #1 of 1990, and all amendments thereto.
 - b. Accurately dimensioned locations of all proposed buildings, structures, parking areas and common open space.
 - c. The number of families to be housed in each building or structure and intended use of each building or structure.

- d. The Landscape Development Plan, including the location and types of materials of sidewalks, trails, recreation facilities as permitted by this ordinance.
 - e. Supplementary data to include any covenants, grant of easements or other restrictions to be imposed on the use of land, buildings and structures and provisions for the maintenance, ownership and operation of common open space facilities.
 - f. An engineering report which shall include the following data wherever pertinent: Profiles, cross sections and specifications for proposed highway, street or road improvements. Profiles and other explanatory data concerning installation of water distribution systems, storm sewers and sanitary sewers. Feasibility of the sewage system in terms of capacity to serve the proposed development.
 - g. An Erosion and Sedimentation Control Plan which shall specifically indicate all erosion and sedimentation control measures to be utilized on the site in compliance with the current Grading, Excavations and Fill Ordinance (#2 of 1990), and all amendments thereto. The Erosion and Sedimentation Control Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation, including but not limited to the following:
 - i. The topographic features of the site area;
 - ii. The types depth, slope and extent of the soils by area;
 - iii. The proposed alteration to the site area;
 - iv. The amount of runoff from the site area and the upstream watershed area;
 - v. The staging of earthmoving activities;
 - vi. Temporary control measures and facilities of use during earthmoving.
 - vii. Permanent control measures and facilities for long-term protection.
 - viii. A maintenance program for the control facilities including disposal of materials removed from the control facilities or site area.
- (3) Should the Final Development Plan as submitted contain variations from the Preliminary Development Plan given tentative approval, the Borough Council may refuse to grant final approval and shall within forty-five (45) days from filing of the Application for Final Approval so advise the developer in writing of such refusal, setting forth in said notice the reasons why one or more variations are not in the public interest. In the event of such refusal, the developer may either:
- a. Refile his Application for Final Approval without the variations objected to, in which case the Borough Council shall, within



thirty (30) days of such refiling, grant such Final Development Plan final approval; or

- b. File a written request with the Borough Council for a public hearing on the refused Application for Final Approval, in which case the Borough Council shall, within thirty (30) days following the conclusion of the public hearing, render its determination on the refused Application for Final Approval. Any such public hearing shall be held pursuant to public notice within thirty (30) days after the request for hearing is made by the landowner and the hearing shall be conducted in the manner prescribed for public hearings on applications for tentative approval.
 - c. In the event the developer shall fail to take either of the alternate actions set forth in (a) or (b) above within thirty (30) days from such written refusal, he or it shall be deemed to have abandoned the Final Development Plan.
- (4) The Final Development Plan, or any part thereof, which has been given final approval shall be so certified without delay by the Borough Council and shall be recorded forthwith by the developer in the office of the Recorder of Deeds of Allegheny County before any development shall take place.
 - (5) If the sequence of construction of various portions of the Development is to occur in stages, then the common open space and/or recreational facilities shall be developed, or an adequate development commitment made thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction as approved. Furthermore, at no time during the construction of the Development shall the number of constructed dwelling units per acre of developed land exceed the overall density per acre established by the approved Final Development Plan.

Section 12.5 Standards and Requirements

See Ord. 5 of 2011

12.5.1 ~~Density~~: The following terms shall apply to all applications for PRD approval, whether tentative or final:

- A. ~~Gross Density~~: The ratio of the total number of dwelling units to the total acreage.
- B. ~~Net Buildable Acre~~: That area of land in a Planned Residential Development capable of supporting development exclusive of slopes in excess of twenty-five percent (25%), wetlands, street rights-of-way, and utility easements.
- C. ~~Net Density~~: That ratio of the total number of dwelling units to the acreage within a given tract of land devoted to or proposed for residential use, including street, rights-of-way, parking areas and adjacent common open space, which abuts and serves all residences. Excluded from the area calculation are those unbuildable areas and grades (slopes) of twenty-five percent (25%) or greater, and those areas preserved from further development by virtue of their significance or unique natural amenity.

ORDINANCE NO. 5 of 2011

ORDINANCE NO. 5 OF 2011 AMENDING SECTION 12.5.2 OF ZONING ORDINANCE NUMBER 1 OF 1995 AS AMENDED AND AMENDING SECTION 12.5.4A(1) OF THE ZONING ORDINANCE NUMBER 1 OF 1995 BY CHANGING NET DENSITY IN RESIDENTIAL "D" FROM SIX UNITS PER ACRE TO FIVE AND AMENDING COMMON SPACE REQUIREMENTS BY ELIMINATING NET FROM SITE AREA AND ADDING NET TO BUILDABLE ACRE SECTION 12.5.2. AND AMENDING COMMON SPACE REQUIREMENTS TO SET ASIDE STEEP SLOPES, WETLANDS AND FLOODPLAINS IN RESIDENTIAL DISTRICT "B" AND "C".

THE COUNCIL OF THE BOROUGH OF SEWICKLEY HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, HEREBY ORDAINS AS FOLLOWS:

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOARD OF SEWICKLEY HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AND IT IS ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

ORDINANCE No. 1 of 1995, zoning ordinance is hereby amended as follows:

Section 1: Section 12.5.2 shall be amended to read:

Net density shall not exceed one (1) dwelling unit per net buildable acre in the "B" Residential and "C" Residential zoning districts. Net density shall not exceed five (5) dwelling units per net buildable acre in the Residential "D" zoning district. Borough Council reserves the right to make the net density level more restrictive in any part of a PRD where it determines that:

- A. The grade of any part of the land area, prior to development, is twenty-five (25%) or greater; or
- B. There is unsafe or inadequate vehicular access to the Development; or
- C. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or
- D. There is any other unsafe condition created by any part of the developer's proposed density level.

Section 2. Section 12.5.4 A(1) shall be amended to read as follows:

- (1) In the Residential "B" and "C" District a minimum of thirty percent (30%) of the site area, exclusive of steep slopes of twenty-five percent (25%) or greater, wetlands, lands in a designated floodplain, road rights-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Borough Council shall have the authority to enforce their preservation as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, groves of trees, ravines, ponds, stream beds and stream valleys.
- (2) In the Residential "D" District a minimum of thirty percent (30%) of the site area, exclusive of road rights-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Borough Council shall have the authority to enforce their preservation as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, groves of trees, ravines, ponds, stream beds and stream valleys.

Section 3. That any ordinance or part of any ordinance conflicting with the terms of this Ordinance be and the same is hereby repealed to the extent that such a conflict exists.

Section 4. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of Sewickley Hills that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED into Law by the Borough Council of Sewickley Hills, this
28th day of NOVEMBER, 2011.

ATTEST:

SEWICKLEY HILLS
BOROUGH COUNCIL

Aiana Steele
Secretary

Thomas Keibler
President

Approved and accepted this 28th day of NOVEMBER, 2011.

Scott Miller
Mayor

12.5.2 Net density shall not exceed six (6) permissible use dwelling units per acre, exclusive of land with slopes in excess of twenty-five percent (25%), wetlands, and land in a designated floodplain, although such dwellings may be clustered. Borough Council reserves the right to make the net density level more restrictive in any part of a PRD where it determines that:

- A. The grade of any part of the land area, prior to development, is twenty-five percent (25%) or greater; or
- B. There is unsafe or inadequate vehicular access to the Development; or
- C. Traffic congestion of adjoining highways, streets or roads will be generated which is beyond the safe carrying capacity thereof as determined by accepted standards; or
- D. There is another unsafe condition created by any part of the developer's proposed density level.

12.5.3 Lot and Building or Structure Requirements:

- A. Lot Size: There shall be no minimum lot size, percentage of lot coverage or lot width. However, every one (1) family dwelling shall have access to a common street, road, court, walk or other area available for use. No other structure or group of structures shall be erected within twenty feet (20') of any other structure or group of structures.
- B. Buffer: A buffer yard shall be provided as per the provisions of Article IV, Section 4.3.6.
- C. Length: There shall be no continuous building or structure of townhouses containing more than six (6) dwelling units.
- D. Location of Buildings or Structures: The proposed location and arrangement of buildings and structures shall be reasonably designed in terms of limiting the obstruction of sun, light, or air from adjacent buildings or structures within the development site area or from existing buildings or structures located adjacent to the proposed development.

12.5.4 Common Space:

- A. Area Limitation: Within a PRD the following percentages of the total gross land area shall be devoted to specified use as indicated herein;
 - (1) A minimum of thirty percent (30%) of the net site area, exclusive of road rights-of-way, easements and stormwater detention facilities, shall be set aside and preserved for common open space. Where significant or unique natural amenities exist on the site, the Borough Council shall have the authority to enforce their preservation as part of the required common open space. These amenities may include, but are not limited to, natural features such as rock outcroppings, virgin timber, groves of trees, ravines, ponds, stream beds and stream valleys.
 - (2) A maximum of seventy percent (70%) of the net site area may be devoted to residential use, which shall include building coverage,

parking areas, private yards and courts which abut and serve residences or groups of residences and other usable space.

- B. Protection of Common Space: Common space between structures, including that space being used as common open space or usable space, shall be protected by adequate covenants running with the land or by conveyances or dedications. A PRD shall be approved subject to the submission of a legal instrument or instruments setting forth a plan and schedule for permanent care and maintenance of such space, recreational area and communally owned facilities. No such instrument shall be acceptable until approved by the Borough Council following review by the Borough Solicitor as to legal form and effect. In cases where Sewickley Hills Borough will not be accepting dedications of alleys, recreation area or common open space, the developer shall provide for an organization, or Homeowner's Association, for ownership and maintenance thereof.
- C. Common Space Maintenance: In the event that the organization established to own and maintain common open space, or any successor thereto, shall at anytime after establishment of the Final Development Plan fail to maintain the common open space, including all alleys, driveways and recreational facilities, in reasonable order and condition in accordance with the Final Development Plan, the Municipality may take remedial action to cause the common open space to be properly maintained, as provided by the Pennsylvania Municipalities Planning Code, as amended.

12.5.5 Permitted Uses:

per Ordinance 2 of 2012

- A. Land and buildings in a Planned Residential Development may be used for the following purposes:
 - (1) Single family, detached dwelling ("B", "C" and "D" Residential Districts).
 - (2) Duplex, triplex, and quadraplex ("D" Residential District).
 - (3) Townhouse - Six (6) per building, maximum "B" and "D" Residential Districts).
 - (4) Apartment - Eight (8) per building, maximum "D" Residential District.
 - (5) Recreation facilities which are for the use of residents of the development and which shall only include hiking, walking or bicycle trails, fennis, paddle tennis, basketball and volleyball courts, putting greens, swimming pool and related facilities; and such additional recreational uses as deemed appropriate by the Borough.
- B. All buildings and structures on the perimeter of the development must be well-screened in a manner approved by the Borough.
- C. Each PRD shall be planned as an entity which includes an acceptable unitary land development plan, usable common open space, site related vehicular and pedestrian circulation systems and preservation of significant natural features.

12.5.6 Parking: Parking shall be provided as follows:

- A. There shall be a minimum of two twenty-two foot (22') wide garage spaces provided for each single-family detached dwelling unit. Such space shall be situated under cover.
- B. There shall be a minimum of one (1) nine by eighteen foot (9' x 18') off-street parking space, excluding driveway for every two (2) dwelling units in the PRD for visitor parking. Placed within one hundred feet (100') of the dwelling units generating the need for such parking.
- C. Visitor parking areas shall be designed to minimize excessive numbers of vehicles in any one (1) area. Continuous rows of more than six (6) vehicles shall be interrupted with a landscaped island.

12.5.7 Circulation:

- A. Vehicular access within the PRD shall be designed to permit smooth traffic flow with the minimum hazard to vehicular or pedestrian traffic at intersections.
- B. A pedestrian circulation or walkway system shall be established where stipulated by the Borough and that system shall be reasonably segregated from vehicular traffic.
- C. Streets and roads in a PRD should be designed and built to Borough specifications and dedicated to public use but may be retained under private ownership. Any such dedication is not binding on the Borough unless and until it is accepted by the enactment of an ordinance to that effect.

Section 12.6 Surety and Improvements

12.6.1 The Borough Council shall request an approved performance bond, irrevocable letter of credit, or such other acceptable security as determined by the Borough Council following review by the Borough Solicitor, in lieu of the completion of improvements proposed, to be furnished and filed with the Borough Secretary. Financial security approved by the Borough Council as to form and content shall be required in the amount of one hundred and ten percent (110%) of the estimated construction costs and engineering for each stage of development and all estimates of cost shall be approved by the Borough Engineer. Such financial security amount shall accompany the request for final approval of the Final Development Plan to insure completion of all public and private site improvements, streets, roads, parking areas, sewers, utilities, recreation facilities, stormwater management facilities, landscaping, plantings and screening.

12.6.2 Before any grading or building permit may be issued in regard to the PRD, all agreements, contracts, deed restrictions, other instruments and sureties shall be in a form acceptable to the Borough.

Section 12.7 Fees

12.7.1 At the time of application for Tentative Approval and/or Final Approval of a PRD or a phase or section thereof, a fee established by the Borough Council for review shall be payable to the Borough of Sewickley Hills.

- 12.7.2 In addition, all applicable building permit fees adopted by the Borough from time to time shall apply and be paid. The developer shall also place into escrow sufficient funds as determined at the time of Final Approval Application, to provide for necessary Borough contracted services including, but not limited to, engineering, legal costs, advertising and stenographic services.

Section 12.8 Enforcement and Modifications

To further the mutual interest of the residents of the planned residential development and of the public in the preservation of the integrity of the development plan, as finally approved, and to insure that modifications, if any, in the development plan shall not impair the reasonable reliance of the said residents upon the provisions of the development plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the development plan as finally approved, whether those are recorded by plat, covenant, easement or otherwise shall be subject to the following provisions:

- 12.8.1 The provisions of the development plan relating to:
- A. The use, bulk and location of buildings and structures;
 - B. The quantity and location of common open space, except as otherwise provided in this article; and
 - C. The intensity of use or the density of residential units;
- shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough, without limitation on any powers of regulations other granted the Borough by law.
- 12.8.2 All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan in accordance with the terms of the development plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.
- 12.8.3 All those provisions of the development plan authorized to be enforced by the Borough under this section may be modified, removed, or released by the Borough, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:
- A. No such modification, removal or release of the provisions of the development plan by the Borough shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this section.
 - B. No modification, removal or release of the provisions of the development plan by the Borough shall be permitted except upon a finding by the provisions of

this Article, that following a public hearing thereon pursuant to public notice called and held in accordance with the provisions of this Article, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

12.8.4 Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Borough to enforce the provisions of the development plan in accordance with the provisions of this section.

