

OFFICIAL  
TOWNSHIP OF LEET  
ORDINANCE NO. 2017- 03

AN ORDINANCE OF THE TOWNSHIP OF LEET,  
COUNTY OF ALLEGHENY AND COMMONWEALTH  
OF PENNSYLVANIA PROVIDING REGULATIONS  
AND GUIDELINES FOR APPROVAL OF PLANNED  
RESIDENTIAL DEVELOPMENTS.

WHEREAS, it is the desire of the Leet Township Board of Commissioners to enact the within Ordinance to provide regulations and guidelines for the approval of Planned Residential Developments (“PRD”s) in order to encourage innovations in residential development, to better meet modern housing demands, to create variety in the type, design and arrangement of housing units, to conserve and permit economies in providing public services, to reflect changes in the technology in land development, and to relate the development of land to the specific site.

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

**Section I.** – That the following language be added to the Township of Leet Code of Ordinances:

**§100 Short Title:**

This chapter shall be known as the “Township of Leet Planned Residential Developments Ordinance.”

**§101 Purposes:**

In order to encourage innovations in residential development, to better meet modern housing demands, to create variety in the type, design and arrangement of housing units, to conserve and permit economies in providing public services and to reflect changes in the technology in land development and to relate the development of land to the specific site, a Planned Residential Development (PRD) may be approved under the provisions of this Ordinance if, and only if, they accomplish the foregoing purposes and they comply with all other ordinances and regulations of the Township or the County or State not inconsistent herewith, except as to procedure, and with the following standards and provisions. The requirements for approval of a Planned Residential Development plan under this Article shall be an exception to and in lieu of the

provisions of the Subdivision and Land Development Ordinance No. 262, as the same may be amended.

**§102 Application and Review Procedures:**

**A. APPLICATION FOR TENTATIVE APPROVAL:**

The application for tentative approval shall include a preliminary development plan and other information as may be required by this Ordinance. The application shall be submitted to the Township with no less than seven (7) copies, six (6) to the Township one (1) to the Township Engineer, of the plans, traffic studies, Environmental Impact Statements (EIS), storm water drainage calculations and any other special studies associated with the development plan and shall be accompanied by the escrow deposit as determined by the Township Board of Commissioners.

The Planning Commission shall be the responsible review agency for the Township Board of Commissioners. However, all applications for approval (both tentative and final) will be acted on by the Township Board of Commissioners.

**B. PRE-APPLICATION CONFERENCES:**

Each applicant should confer with the Zoning Officer and Township Engineer in connection with the preparation of the PRD application and prior to the submission of such application. The purpose of pre-application conferences is to benefit the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys, and other data.

**C. DEVELOPMENT PLAN:**

The preliminary development plan shall be an overall plan for the entire tract proposed for development, in the form of maps and written development narrative, setting forth the unique design features and methods of open space preservation and shall include:

1. A vicinity map with a North arrow and a graphic scale of one inch (1") equals two thousand feet (2,000') showing enough of the surrounding area

to demonstrate the relationship of the development to adjoining uses is required;

2. The location, size and topography of the site and other pertinent natural features such as tree cover, existing gas, oil, and water wells, landslide prone areas, red clay soils and any type of mining activities;

3. The overall and net density of land use to be allocated to the specific areas of the tract to be developed must be illustrated and noted on the plan's zoning schedule;

4. The location and size of the open space and the form of organization proposed to own and maintain the open space;

5. The use and approximate height, bulk, and location of buildings and other structures must be illustrated and noted on the plan's zoning schedule;

6. The feasibility of proposals for the disposal of sanitary waste and storm water and the approval of the servicing municipal authority must be illustrated and noted on the plan's zoning schedule;

7. The substance of covenants, easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures, including proposed easements or rights of ways for public utilities;

8. The provisions for the parking of vehicles and the location of the width of proposed streets, alleys, and public ways must be illustrated and noted on the plan's zoning schedule;

9. The required modifications of land use regulations otherwise applicable to the subject property;

10. In the case of a development plan that calls for the development over a period of years, a schedule showing the proposed phases within which each application for final approval of all sections of the PRD are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the project is complete and accepted by the Board of Commissioners; and

11. The application for tentative approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Township Comprehensive Plan for its overall land use development

**D. REVIEW OF APPLICATION FOR TENTATIVE APPROVAL:**

The Township Board of Commissioners or its designated assignee shall forward copies of the application for tentative approval to the Township's Planning Commission, its selected professional consultants, as deemed appropriate, and the township engineer. Applicant shall forward a complete set of plans to the Allegheny County Department of Economic Development.

The Township Board of Commissioners shall not approve the application for tentative approval until the reports from each of the reviewers and review agencies have been received or until the expiration of thirty (30) days from the date said reviewers and review agencies received the copies of the application for tentative approval.

**E. PUBLIC HEARING:**

The Township Board of Commissioners shall hold a public hearing following required public notice, within sixty (60) days of the filing of a complete application for tentative approval.

**F. CRITERIA FOR TENTATIVE APPROVAL:**

The Township Board of Commissioners may grant tentative approval to a

proposed development plan when it is found to meet the following criteria:

1. The proposed PRD complies with all applicable community development objectives of this Article.
2. Where the proposed PRD provides standards varying from those in this Article and the subdivision regulations otherwise applicable to the subject property, a statement that such departure shall be in the public interest and will promote the health, safety, and general welfare of the public.
3. The proposal and methods for the maintenance and conversion of any proposed common open space are reliable, 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 development plan adequately provides for internal traffic circulation, and parking, light, air, recreation, and conservation of natural amenities, green ways, and open spaces.
5. The tract of the PRD is harmonious and consistent with the neighborhood in which it is located. The flexibility of design innovation and unique treatment of the site is consistent with the purpose of the Zoning District and adjacent land uses.
6. The proposed PRD will afford a greater degree of protection of natural resources such as slide prone areas, water courses, riparian buffers, flood prone areas and flood plains, dense vegetative cover, trees having calipers of eight inches (8") measured three feet (3') or higher above the ground, than if the property in question were developed in accordance with the Township Subdivision and Land Development Ordinance.
7. In the case of a PRD that proposes development over a period of years,

the phased development schedule is sufficient to protect the interests of the public and of the residents of the PRD.

**G. GRANT OR DENIAL OF TENTATIVE APPROVAL:**

The Township Board of Commissioners shall render their decision no later than sixty (60) days after the conclusion of the public hearing or one-hundred and eighty (180) days of the filing of the application, whichever occurs first.

1. The decision of the Township Board of Commissioners shall be in writing and sent to the landowner personally or delivered by mail to the applicant at the last known address no later than five (5) days following the decision.

2. The Leet Township Board of Commissioners may:

a. Grant tentative approval of the development plan as submitted;

b. Grant tentative approval subject to specific conditions not included in the development plan as submitted, or

c. Deny tentative approval to the development plan.

3. The grant or denial of tentative approval shall include findings of fact related to the proposed development plan as submitted for approval, and the reasons for the decision of denial shall set forth exactly what particular circumstances of the development plan would or would not be in the best interests of the public, including, but not limited to, each of the criteria listed in this Article.

4. In the event that the development plan is granted tentative approval with or without conditions, the Township Board of Commissioners may set forth in the official written communication the time within which the 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 phase thereof shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months, and in the case of a development planned over a period of years, the time between applications for final approval of each part or phase of the plan shall not be less than twelve (12) months.

**§103 Status of Plan After Tentative Approval:**

The official written communication provided for in this Article shall be certified by the Township Manager and shall be filed in his/her office, and a certified copy shall be mailed to the landowner. Where tentative approval is granted, it shall be deemed an amendment to the Zoning Map, effective on final approval, and the same shall be noted on the Township Zoning Map.

Tentative approval of a development plan shall not qualify a plat of the PRD for recording nor authorized development or issuance of any building permits. A development plan which has been given tentative approval as submitted or which has been tentatively approved with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of tentative approval) shall not be modified, revoked or otherwise impaired by the actions of the Township Board of Commissioners, provided that an application for the final approval is filed, or, in the case of a development over the course of years, provided that applications are filed, within the periods of time specified in the official written communication granting tentative approval.

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 and shall so notify the Township in writing, or in the event the landowner shall fail to file an application for final approval within the required period of time, the tentative approval shall be revoked and all of the area included in the development plan for which final

approval has not been given shall be subject to the Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township Zoning Map and in the records of the Township.

**§104 Applications for Final Approval:**

An application for final approval may be for all the land in the proposed development plan, or to the extent set forth in the tentative approval, for a section thereof. Said application shall be filed with the Township within the time or times specified by the written communication following the grant of tentative approval. The Township Board of Commissioners may grant time extensions upon written request from the applicant. The application for final approval shall include all data required for final plan or plat approval as specified in the Township Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication granting tentative approval.

**§105 Guarantees of Improvements**

No development plan shall be given final approval unless a guarantee that the required improvements to be installed by the landowner is given to the Township Board of Commissioners in the form of a performance bond, certified irrevocable letter of credit, certificate of deposit, or escrow held in an account that is equal to the amount of one hundred and ten percent (110%) of the cost of the improvements that may be required. Said guarantee shall provide security to the public for completion of any or all proposed improvements for the phase submitted for approval within the time period established from the date of final approval.

**§106 Final Review:**

The Township Board of Commissioners shall not approve the plans until comments from the Planning Commission and Township Engineer are received or until the forty-five (45) days from the date of the copies of the final application are filed.

**§107 Final Approval:**

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 Board of Commissioners shall, within 45 days from the date of the Planning Commission meeting following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.

B. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Commissioners may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of the Planning Commission, following the date the application is filed, 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. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

1. Re-file his application for final approval without the variations objected;  
or
2. File a written request with the approving body 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 described in this article for public hearings on applications for tentative approval.

Within 30 days after the conclusion of the hearing, the approving body 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 article. Failure of the Board of Commissioners to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

C. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township Board of Commissioners and shall be filed of record in the Allegheny County Department of Real Estate before any development shall take place in accordance therewith.

**§108 Recording:**

The landowner shall record the approved plan in the Allegheny County Department of Real Estate within ninety (90) days of the date of final approval, or ninety (90) days after the date of delivery of an approved plat signed by the governing body following completion of conditions imposed for such approval, whichever is later, as required by §513(a) of the PA MPC, before any development shall take place in accordance therewith.

**§109 Revocations:**

Please see the PA MPC.

**§110 Development Standards:**

The site for any planned residential development plan shall meet the following requirements:

**A. OWNERSHIP:**

The developer shall control the entire site for the development.

**B. MINIMUM SIZE:**

The site shall not be less than ten (10) contiguous acres.

**C. FRONTAGE:**

The minimum frontage abutting a public right-of-way shall not be less than fifty feet (50').

**D. ACCESS:**

The site must provide for direct access from an arterial or collector street (as identified in the Township Comprehensive Plan) indicated on the development application for tentative approval in order to assure the proper convenient and safe access to the development plan without causing excessive congestion or pedestrian or vehicular traffic hazards on adjacent streets and intersections.

**E. PERMITTED USES:**

A mixture of residential dwellings, recreational facilities, open space, green ways, putting greens, swimming pools, and accessory uses incidental to residential may be permitted in a PRD, provided that their arrangement, design, landscaping, pedestrian circulation plan, construction and public utility requirements established in this Section are met and the facilities are intended to be used for and by the owners, tenants and guests only.

**F. PERMITTED DENSITIES AND BULK REQUIREMENTS:**

1. The Permitted Densities are defined in the following table (Table IV-A).

<b>TABLE IV-A</b>				
<b>PRD PERMITTED DENSITIES</b>				
(Dwelling Units/Acre)				

	<b>AAA</b>	<b>AA</b>	<b>A</b>	<b>B RES.</b>
Single Family Dwelling (SFD)	2	2	4	4
2 Family Dwelling	-----	2	6	6
Multiple Family Dwelling	-----	6	8	8

2. The Bulk and Area requirements are defined in the following table (Table IV-B).

<b>TABLE IV-B</b>				
<b>PRD BULK AND AREA REQUIREMENTS</b>				

	<b>AAA</b>	<b>AA</b>	<b>A+B</b>	
Single Family Dwelling (SFD)	<b>Set Back Feet</b>	<b>Set Back Feet</b>	<b>Set Back</b>	<b>Feet</b>
			Front 30	Front 25
2 Family Dwelling	-----	<b>Set Back Feet</b>	<b>Set Back</b>	<b>Feet</b>
			Front 20	Rear 20
Multiple Family Dwelling	-----	<b>Set Back Feet</b>	<b>Set Back</b>	<b>Feet</b>
			Front 20	Rear 20

G. COMMON OPEN SPACE:

No less than twenty percent (20%) of the Development shall be set aside for Common Open Space

**H. COMMON OPEN SPACE MAINTENANCE:**

Open space created by the application of the provisions of this Article are required to be dedicated or otherwise preserved and maintained as to always remain open. The land used for active and passive recreation must be acceptable according to the following provisions:

The land shall be deeded to an organization representing the property owners of the development; the organization shall covenant to operate and maintain the land or;

The land shall be dedicated to the Township for township park use, provided the Township accepts the same.

**I. BUFFER AREA:**

A twenty-five foot (25') buffer of land around the perimeter of the development site in which no development may take place.

**J. IMPERVIOUS COVERAGE:**

The total combined building and impervious surface for the entire site may not exceed fifty percent (50%).

**K. BUILDING GROUPING:**

Each building used for multi-family dwellings and their accessory use buildings, shall be oriented in such a manner as to ensure proper air, light, and exposure for walls with windows. Each building shall be so arranged to avoid unnecessary exposure to large-scale parking and loading facilities and shall be so situated that there is privacy between buildings and audible privacy (noise) to and from adjacent lots. Any building used, as a dwelling unit shall be sited so emergency vehicles can access it.

L. MINIMUM BUILDING SPACING:

No structure shall be located closer than twenty-five feet (25') from any other structure in the development.

M. HOMEOWNERS ASSOCIATIONS:

1. In cases where the Township Board of Commissioners specifies that the municipality is not accepting open spaces or areas used for recreation and storm water detention and areas between buildings, the landowner shall provide an organization (complete with Articles of Incorporation and Bylaws), homeowner's association or trust for such maintenance. Before disposing of any of the property owned by the homeowner's association or trust, the Township must first be offered the opportunity to take the property in question by dedication before it is sold or transferred to a like agency.

a. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township Board of Commissioners may serve written notice upon such organization or upon the residents of the planned residential 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 corrected 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 Board of Commissioners may modify the terms of the original notice as to the deficiencies and may give an extension of time within which

they shall be corrected.

b. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential 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 maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

c. 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 of the planned residential development, to be held by the governing body or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township Board of Commissioners shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township Board of Commissioners shall determine that such organization is not ready and able to maintain said common open space in a 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.

d. The decision of the Township Board of Commissioners shall be subject to appeal to court in the same manner, and within the same time limitation, as provided for zoning appeals by the PA MPC.

e. 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 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 lien in the Allegheny County Office Department of Court Records, upon the properties affected by the lien within the planned residential development.

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 and in accordance with the terms of the development plan, and to the 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.

3. All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township, 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 Township 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 Township shall be permitted except upon a finding by the Township Board of Commissioners or the Planning Commission, following a public hearing thereon pursuant to public notice called and held in accordance with the PA MPC, 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.

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 Township to enforce the provisions of the development plan in accordance with the provisions of this section.

**N. ROADS AND PARKING:**

Access to any PRD shall be provided by a public street. The dimensions and construction of alleys, bikeways, roads, streets and parking areas provided within the PRD will comply with the standards of the Township at the time the application is approved whether the areas are dedicated to the Township or not. If a developer can justify the density of the development and the flow of its traffic, pedestrian and bikeways do not conform to such requirements, the Township Board of Commissioners may allow for lesser standards which shall not be contrary to the community goals and objectives (Article I, Section 104) and the Township Comprehensive Plan. Every single-family dwelling unit is required to have access to a street or public right-of-way.

**O. HEIGHT LIMITATIONS:**

All structures located within the PRD shall not exceed thirty-five feet (35') in height measured from the finished first floor elevation and the highest peak of the roof. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than ten feet (10').

**P. PHASED DEVELOPMENT:**

In no instance shall the density (dwelling units per acre) of any phase of the development exceed the allowable net density as permitted by this Article.

**§111 Enforcement and Amendment:**

To ensure the integrity of the development plan and guarantee that modifications in the plan do not have an adverse impact on the environment, the Township or its residents, the enforcement and modification of the development plan as finally approved, where those are recorded by

plat, covenant, easement or otherwise legally permissible, shall be subject to the following provisions:

**A. PROVISIONS IN FAVOR OF THE TOWNSHIP:**

All provisions of the development plan relating to the use, bulk, and location of buildings and structures, the quantity and location of common open space, except as otherwise provided in this Article, and the intensity of the use or the density of residential units shall run in favor of the Township, and as provided by law, these provisions shall be enforceable by law or in equity without limitation on any powers of regulation otherwise granted by law.

**B. PROVISIONS IN FAVOR OF RESIDENTS:**

All provisions of the development plan shall run in favor of the residents of the PRD but only to the extent expressly provided in the development plan. Furthermore, these provisions, whether recorded by plat, covenant, easement or otherwise legally permissible, may be enforced at law or in equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf. No provisions of the development plan shall, however, be implied to exist in favor of the residents of the PRD except as to those portions of the development plan, which have been finally approved and recorded.

**C. RELEASE OF RIGHTS:**

Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, move, or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Article.

**Section II.** –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 Township of Leet that this Ordinance would

have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section III.** - Effective Date. This Ordinance shall take effect immediately.

**ORDAINED** and **ENACTED** by the Board of Commissioners of Leet Township,  
Allegheny County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST

LEET TOWNSHIP BOARD OF  
COMMISSIONERS

\_\_\_\_\_  
Wayne E. Hyjek, Manager

By: \_\_\_\_\_  
Gary L. Bradel, President