

*South Franklin Township*  
Washington County, Pennsylvania

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
(SALDO)**

**Enacted on May 7, 2013**

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**SOUTH FRANKLIN TOWNSHIP**  
**WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2-2013**

AN ORDINANCE OF SOUTH FRANKLIN TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA,  
ADOPTING A NEW SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, WHICH SHALL  
REPLACE IN ITS ENTIRETY, THE SOUTH FRANKLIN TOWNSHIP SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE OF 1988, AS AMENDED.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Franklin Township  
as follows:

SECTION I. The "Subdivision and Land Development Ordinance of the Township of South  
Franklin, Washington County, Pennsylvania," attached hereto as Exhibit "A" is hereby adopted  
and approved. Said Ordinance shall replace the Subdivision and Land Development Ordinance  
of the Township of South Franklin, Washington County, Pennsylvania of 1988, as amended.



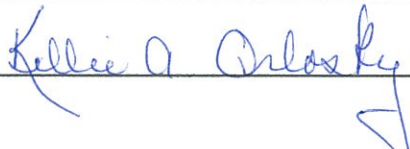
SECTION II. This Ordinance shall become effective May 13, 2013.

ENACTED AND ORDAINED this 7 day of May 2013.

**ATTEST:**

  
\_\_\_\_\_  
Manager

**BOARD OF SUPERVISORS  
SOUTH FRANKLIN TOWNSHIP**

  
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## Article I. General Provisions

### § 163.01. Statutory authority.

(A). In accordance with the laws of the Commonwealth of Pennsylvania that empower local governments to regulate the subdivision of land within their municipality. The Township of South Franklin/Green Hills Borough have enacted this ordinance enabling local review and approval of proposed development plans. The authority for this function has been established by the General Assembly under the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

### § 163.02. Short title.

(A). This chapter shall be known and may be cited as the “Subdivision and Land Development Ordinance of the {Township of South Franklin OR Borough of Green Hills}, Washington County, Pennsylvania.”

### § 163.03. Purpose.

(A). This chapter has been developed to require basic minimum standards for the development of land, including the subdivision thereof into separate lots, and establishes rules and regulations, definitions, application procedures and permits by which the standards may be carried out. These requirements are designed to provide for:

- (1). Assurance that the layout and arrangement of subdivision or land developments shall conform to the South Franklin Township and Green Hills Borough Multi-Municipal Comprehensive Plan and to any regulations, maps, studies, and reports adopted in furtherance thereof.
- (2). Assurance that new subdivisions will be developed consistent with the maintenance of the health, safety and general welfare of the public.
- (3). Necessary public facilities in an amount and size commensurate with the needs of the area to be subdivided and the uses to which the land will be devoted, and assurance that any lands offered for dedication or otherwise reserved for use as public or common grounds shall be of suitable size, configuration, and topographical character for their designated uses.
- (4). The prevention of hazards from flooding, landslides, subsidence or other dangers by requirements that land subject to such dangers will be made safe for its proposed use or be set aside for uses which will not precipitate dangerous conditions.
- (5). The encouragement and promotion of flexibility, economy, and ingenuity in the layout and design of subdivision and land developments, including provisions authorizing the Township/Borough to modify the requirements of this chapter in accordance with concepts and practices consistent with the modern and evolving generally accepted principles of site planning and land development.
- (6). The protection of the soil, water and other natural environmental resources of the area from the effects of uncontrolled development practices.
- (7). The coordination of continuing community growth with respect to overall development considerations, such as sewage disposal, water supply, drainage facilities, traffic circulation systems, emergency accessways, retention of open spaces and related factors.
- (8). The encouragement of subdivisions and land developments in accordance with principles and practices that conserve energy, both during and after construction and that encourage the use of alternative energy sources by the layout of the proposal and the siting of buildings.

## Article I. General Provisions

- (9). The equitable administration of all subdivision and land development proposals throughout the Township.

### § 163.04. Relationship of Comprehensive Plan.

- (A). The layout or arrangement of the subdivision or land development shall conform to the Comprehensive Plan and to any regulations or maps adopted in furtherance thereof.

### § 163.05. Ordinance Contents.

- (A). This chapter contains regulations which include, but are not limited to, the following:
- (1). Provisions for the submittal and processing of plats for subdivision and land developments.
  - (2). Specifications for such plats, including provisions for tentative sketch, preliminary, and final plan processing and approvals, and for processing of final approval by phases of development.
  - (3). Provisions governing the standards by which streets shall be graded and improved, and walkways, curbs, gutters, streetlights, fire hydrants, water, sewage, storm drainage facilities, and other improvements shall be installed as conditions prior to formal approval of plats.

### § 163.06. Compliance required.

- (A). Hereafter, no activity covered by these regulations shall be permitted; no land shall be subdivided; no land shall be developed; no improvements to land aid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings or properties abutting thereon, except in strict accordance with the requirements and procedures of this Chapter.

### § 163.07. Effect of Regulations.

- (A). No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision shall be issued and no building shall be erected in a subdivision unless and until a subdivision plan has been approved and recorded and until the improvements required by the Board of Supervisors in connection therewith have either been constructed or guaranteed as hereinafter provided.
- (B). The division of a lot containing more than one (1) principal structure for the purpose of transferring legal ownership of a structure and the land on which it is situated, which involves no new land development or new streets or the realignment of existing streets, may be considered a minor subdivision by the Board of Supervisors. In such instances, provided that all applicable ordinances and criteria established by the Township are met, the Board of Supervisors may waive such procedures and requirements of the Subdivision and Land Development Ordinance as that body may deem advisable.



## Article I. General Provisions

### § 163.08. Intent of Requirements.

(A). The provisions of this chapter shall be the minimum requirements to meet the above-stated purposes. Where the provisions of this chapter impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this chapter shall prevail. Where the provisions of any other statute, ordinance, or regulations impose greater restrictions than those of this chapter, the provisions of such statute, ordinance, or regulations shall take precedent.



## Article II. Definitions and Terms

### § 163.09. Interpretation.

- (A). For the purpose of this chapter, certain terms and words used herein shall be interpreted or defined as follows:
- (1). Words used in the present tense shall include the future tense.
  - (2). Words used in the singular shall include the plural, and the plural shall include the singular.
  - (3). The word “person” includes a corporation, association, partnership, or individual.
  - (4). The word “lot” includes the word “plot” or “parcel.”
  - (5). The words “shall” and “will” are always mandatory.
  - (6). The word “may” is permissive.
  - (7). The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed,” “to be used or occupied.”
  - (8). The word “building” includes the word “structure.”
  - (9). The word “erected” shall include the word “constructed.”
  - (10). The word “moved” shall include the word “relocated.”

### § 163.10. Definitions.

- (A). For the purpose of this chapter, the following terms shall have the meanings indicated, unless otherwise specifically stated. Words not defined herein shall be observed and applied according to their generally accepted dictionary definitions.

Alley – A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Amenities Bond – Surety, in a form acceptable to the Township and/or Borough that includes cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development plan which are required by this Chapter or are voluntarily proposed by the developer.

Applicant – A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors, and assigns.

Application for Development – Every application, whether preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or the approval of a development plan.

Appointing Authority – The Board of Supervisors of South Franklin Township and/or the Borough Council of Green Hills Borough.

Authority – A political and corporate body created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945.”

Architect – An individual registered by the Commonwealth of Pennsylvania and certified by the American Institute of Architects (AIA) as a licensed architect.

Base Flood – The flood that has a 1-percent probability of being equaled or exceeded in any given year (also referred to as the 50-year, 100-year, or 500-year floodplains).

## Article II. Definitions and Terms

Best Management Practices – Methods measures or practices and facilities to prevent or reduce surface runoff and/or water pollution, including but not limited to, structural and non-structural stormwater management practices and facilities and operation and maintenance procedures.

Block – An area bounded by streets, by utility, railroad, public facility or other rights-of-way, or by easements or other definite barriers.

Board of Supervisors – The elected governing body of the Township of South Franklin; also referred to as the Supervisors.

Buffer Areas – A strip of land adjacent to the boundary of a property or district, not less in width than is designated in this Chapter, that is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no building or structure is permitted except a wall, fence or sign in compliance with this Chapter.

Building – An independent and detached structure having a roof supported by columns or walls or resting on its own foundation, including but not limited to mobile homes, garages, greenhouses and other accessory buildings, and requiring permanent location on the land.

Building Code Official – A construction code official, or the building code official's designee, who manages, supervises and administers the building code enforcement activities (relating to certification category specifications). Duties include but are not limited to management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

Building Line – The line of that face of the building nearest the front line of the lot at the street right-of-way line. This face includes porches, whether enclosed or not, patios and similar construction, but excludes steps.

Canopy Tree – Large shade trees with deciduous foliage (leaves lasting only one growing season, bare in winter), generally reaching at least forty (40) feet in height at maturity.

Caliper – Diameter measurement of nursery stock trees taken six (6) inches above the ground up to and including four (4) inches caliper size, and twelve (12) inches above the ground for larger sizes.

Cartway – That portion of the total street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one (1) edge of the driving surface to the other edge of the driving surface.

Chapter – All references to this “Chapter” refer to the South Franklin Township and / or Green Hills Borough Subdivision and Land Development Ordinance.

Clear Sight Triangle – A triangular area of unobstructed vision on corner lots, formed by a fifty-foot sight line along the center line of a local street and by a line joining these two (2) sight lines at the greatest distance from their intersection. This entire area is to remain clear of obstructions to sight above a plane established three (3) feet in elevation from grade level at the intersection of the street center line.

## Article II. Definitions and Terms

Commission, Planning – The South Franklin Township Planning Commission, as duly appointed by the Board of Supervisors; hereinafter referred to as “the Commission.”

Common Open Space – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan – The adopted public document for South Franklin Township and Green Hills Borough, Washington County, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code (MPC), consisting of maps, charts, and textual material that constitutes a policy guide to decisions about the physical and social development of the Township.

Conversion – The remodeling or alteration of a structure in order to accommodate more leasable or saleable units or a different use than what had originally been intended for the structure. This shall include the alteration of a non-residential structure into a dwelling unit(s) for at least one family, the modification of a single-family structure to accommodate more units than originally intended, the alteration of existing dwellings into a commercial use, and the alteration of an existing dwelling into a mixed commercial and residential use.

Consolidation – The combination of two (2) or more lots, tracts or parcels of land into one (1) lot, tract or parcel for the purpose of sale, lease or development of a building or lot.

County – Washington County, Pennsylvania.

County Planning Commission – The Washington County Planning Commission, Washington County, Pennsylvania.

Covenant – An obligation, defined by law or agreement, the violation of which can be restrained by court action; these are usually stated in the deed.

Crosswalk – A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street cartway.

Cul-de-Sac – A residential street open to traffic and pedestrian access, with one (1) end permanently terminated by a vehicular turnaround.

Cut – The extraction of previously undisturbed earth material in the process of grading.

Deciduous Tree – A woody plant capable of reaching a minimum mature height of twenty (20) feet, which typically bears flowers and has woody stems and broad rather than needlelike leaves; it sheds leaves at the end of a growing season and regrows them at the beginning of the next growing season.

DEP – The Pennsylvania Department of Environmental Protection.

Detention – The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage.

## Article II. Definitions and Terms

Detention Basin – An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

Developable Land – Land proposed for development, excluding portions that have been:

- (1) Dedicated or will be dedicated or devoted for use as public or private streets;
- (2) Dedicated or will be dedicated or devoted to use as public or private improvements, including but not limited to stormwater management facilities;
- (3) Defined by the Pennsylvania Department of Environmental Protection as wetlands;
- (4) Defined by appropriate Federal or State agencies as being within a 100-year floodplain and;
- (5) Defined by the municipal Engineer or other appropriate party as having a slope in excess of twenty-five percent (25%).

Developer – Any person, individual, firm, partnership, association, corporation, estate trust or any other group acting as a unit, who or which makes or causes to be made a subdivision of land or a land development.

Development – Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, and the subdivision of land.

Development Agreement – A written agreement between the developer and the Township setting forth the developer's obligations pursuant to applicable municipal ordinances.

Development of Regional Significance and Impact (DRSI or DRI) – Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

Development Plan – The provisions for development, including a planned residential development, a plat or subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used shall mean the written and graphic materials referred to in this definition.

Diameter at breast height, DBH or dbh – A measure of trunk diameter of existing trees in inches, taken at four and a half (4 ½) feet above the ground. The measured section should be unbranched and representative of the typical age of the tree species.

Double Frontage Lot – A lot extending between and having frontage on two generally parallel streets, excluding service streets.

Drainage – The removal of surface water or groundwater from the land by drains, grading or other means, such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

## Article II. Definitions and Terms

Drainage Facility – Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Easement – A right granted by a landowner to a grantee allowing the use of a private land for stormwater management purposes.

Driveway - A private accessway between a street and a parking area, garage or structure, including principal and accessory structures, within a lot or property.

Dwelling – A building designed exclusively for residential purposes for one or more persons on a permanent basis. For the purposes of this Chapter, the following are the definitions of the various types of dwellings:

- (1) Dwelling, Single-Family Detached – A detached or separate building designed for or occupied exclusively as a residence for one (1) family.
- (2) Dwelling, Single-Family Attached – A dwelling unit having its own independent outside access, with no other dwelling units located directly and totally above or below it, and having party walls in common with at least one adjacent similar dwelling unit, and located in a building comprised of at least three dwelling units. This dwelling type shall include, but not be limited to, dwelling units commonly known as townhouses, rowhouses, patio homes, carriage homes, and villas. The units do not share any common egress or ingress.
- (3) Dwelling, Multi-Family or Multiple Family – A structure containing three (3) or more separate dwelling units for families living independently of each other, which may provide joint services and/or facilities but separate housekeeping, sanitary and cooking facilities.
  - (a) Condominium – Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Pennsylvania Unit Property Act of 1963 or the Pennsylvania Uniform Condominium Act.
  - (b) Conversion Apartment – Conversion of an existing single-family detached dwelling into multiple dwelling units. *See definition for Conversion.*
  - (c) Duplex – A detached or separate building designed for or occupied exclusively by two (2) families living independently of each other, with separate entrances and facilities.
  - (d) Garden Apartment – A multi-family residential building, not exceeding three (3) stories in height, in which units are arranged side to side, back to back or one above another, which may have either private external entrances or common hall access and which may have private exterior yard area for each unit.
  - (e) High-Rise Apartment – An apartment building which is four (4) or more stories in height but not exceeding the height limitations (in feet) of this Chapter that has multiple dwelling units that share a common entrance and/or common interior corridor.
  - (f) Residence over Business – A building, where the bottom floors are used for commercial use while the upper floors are used for residential dwellings, including those dwellings used for some combination of residential and commercial purposes.

Dwelling Unit – A building or portion thereof providing complete housekeeping facilities for one (1) individual or one (1) family.

## Article II. Definitions and Terms

Easement – A grant by a property owner for the use of land, which is given to persons, corporations or the public for purposes such as access, utility placement or similar activities.

Erosion – The removal of surface materials by the action of natural elements.

Escrow Deposit – A cash deposit or irrevocable letter of credit, in a form provided by the Township or otherwise approved by the municipal solicitor, payable to the Township from a commercial bank organized under the Pennsylvania Banking Code of 1965 or the National Banking Act, having its principal place of business in the Commonwealth of Pennsylvania and having unimpaired capital and surplus of at least one hundred (100) times the face amount of the letter of credit.

Evergreen Tree – A woody plant capable of reaching a minimum mature height of twenty (20) feet; with foliage (needles) persistent for more than one full year, resulting in year-round (evergreen) foliage screening capacity.

Excavation – Any cutting, filling, transfer or other movement of soil, rock or related material that alters the topographical profile or drainage patterns of a site, lot, parcel or tract of land.

Fee – The required charge, which shall be payable to the Township and/or Borough, established from time to time by resolution of the Board of Supervisors collected to defray the costs of processing an application, reviewing an application or inspecting the installation of improvements.

FEMA – Federal Emergency Management Agency

Fill – Any act by which earth, sand, gravel, rock or any other material is placed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting there from; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

Final Application – The written and graphic materials specified by this Chapter to be submitted to the Township and/or Borough in order to obtain final approval of a proposed subdivision or land development plan.

Final Plan – A complete and exact subdivision plan, prepared by a registered professional engineer or registered surveyor, for official recording as required by statute, to delineate boundaries and define property rights, proposed streets and all other improvements.

Final Plat – The map or plan of a proposed subdivision or land development containing all the information required by this Chapter for final plat approval by the South Franklin Township Board of Supervisors and/or Green Hills Borough Council and in a form acceptable for recording in the Office of the Washington County Recorder of Deeds.

Flood – A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of this Commonwealth.

Flood Insurance Rate Map (FIRM) – A map of the Township on which FEMA has delineated both the special flood hazard areas and the flood risk premium zones applicable to the Township and/or Borough.



## Article II. Definitions and Terms

Flood Prone Area – Any land area susceptible to being inundated by floodwater from any source.

Floodplain – The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a 100-year frequency flood.

Floodway – The channel of a river, stream or other watercourse and the adjacent land areas required to carry and discharge water volumes of a given anticipated magnitude. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Front Building Line – A line parallel to the front lot line, at a distance measured perpendicular therefrom as prescribed in the South Franklin Township and Green Hills Borough Zoning Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line.

Governing Body – The duly elected Board of Supervisors of the Township of South Franklin, Washington County, Pennsylvania.

Gross Acreage – The entire land area of a tract.

Grade, New or Finished – The resulting level of the ground after final grading where there is a cut, and after normal settlement where there is a fill.

Grading and Drainage Plan – A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface draining facilities, described by grades, contours, and topography.

Ground Cover – Low growing plant materials planted in a manner to provide continuous plant cover of the ground surface; lawn, ivy and other low plant materials are included. Nonplant ground cover may also include bark or wood chips, gravel, and stone provided they are maintained as a continuous previous cover.

Groundwater Recharge – The replenishment of existing natural underground water supplies from rain or overland flow.

Hedgerow – A narrow linear vegetated area with a mix of woody trees and shrubs formed along farm fields and pastures.

Impervious Area – Any surface which prevents the infiltration and percolation of water into the ground. This includes, but is not limited to: buildings, roads, driveways, parking areas, and pavement.

Improvements – Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including but not limited to grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities and sewage disposal facilities; this includes cuts and/or fills.

## Article II. Definitions and Terms

Inspector – The Municipal Engineer or his/her authorized representative assigned by the Township and/or Borough to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by this chapter.

Land Development – Any of the following activities:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (a). A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively; or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b). The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

Land Development Plan – A plan which encompasses a proposed land development, which, in addition to a plat of a subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities, if any. The land development plan shall include all of the written and graphic information required by this chapter.

Landowner – The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase whether or not such option or contract is subject to any condition; a lessee, if he is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in land.

Lot – A tract or parcel of land held in single or separate ownership that is described by reference to a recorded plat or by metes or bounds and is intended as a unit for the transfer of ownership, use, improvement, dedication or development.

- (1) Lot, Corner – A lot, abutting two (2) or more streets at their intersection, on which the building line for all streets must be observed.
- (2) Lot, Flag – A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.
- (3) Lot, Interior – A lot where the side property lines do not abut a street.
- (4) Lot, Through – An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

Lot Area – The area measured on a horizontal plane bounded by the front, side, and rear lot lines, excluding any portion of the lot within a street right-of-way.

## Article II. Definitions and Terms

Lot, Buildable Area of – The portion of a lot bounded by required yards as set forth in the South Franklin Township and Green Hills Borough Zoning Ordinance.

Lot Coverage – The ratio of ground area covered by principal and accessory structures to the total ground area of the lot.

Lot Depth – The mean distance from the right-of-way line of the lot to its opposite rear line measured in a direction parallel to the side lines of the lot. Lot depth for triangular lots shall be the mean distance from the street line to the point of intersection of the side yards.

Lot Line Adjustment. The revision or deletion of one or more lot lines in such a way that all of the following are true:

- (1) no new lots will be created beyond what was previously approved,
- (2) no additional road/street segments or significant changes in alignment are proposed other than what was previously approved,
- (3) no additional nonconformities will be created under the Zoning Ordinance, and
- (4) no new land development will occur.

Lot Line, Front – The line contiguous with the street right-of-way line.

Lot Line, Rear – The line, generally parallel to the front lot line, which defines the rear of the lot.

Lot Line, Side – Any lot line which is not a front lot line or a rear lot line.

Lot of Record – A lot that has been recorded in the Office of the Recorder of Deeds.

Lot Width – The total horizontal distance across the lot, between the side lot lines, measured at the building line.

Major Subdivision – Any subdivision not classified as a minor subdivision, involving the subdivision of land into four (4) or more parcels.

Manufactured Home – A structure that is transportable in one or more sections. In traveling mode, the home is eight feet or more in width and forty feet or more in length. A Manufactured Home is designed and constructed to the Federal Manufactured Construction and Safety Standards and is so labeled. When erected on site, the home is at least 400 square feet; built and remains on a permanent chassis; designed to be used as a dwelling with a permanent foundation built to Federal Housing Administration (FHA) criteria. The structure must be designed for occupancy as a principal residence by a single family.

Mature Tree – Any tree of eight (8) inches or more in dbh, whether standing alone, in tree masses, or woodlands.

Mediation – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement that the parties themselves create and consider acceptable.

Minor Subdivision – A subdivision containing not more than three (3) lots, proposed either for the construction of either detached single-family dwellings, or for the transfer of property between lots which contain existing detached single-family dwellings, all of which have frontage on an improved public street, and which subdivision does not involved the

## Article II. Definitions and Terms

construction or improvement of any public street, sewer line, or water line, and which does not adversely affected the future development of the remainder of the parcel or any adjoining property.

**Mobile Home** – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile homes are those built prior to June 15, 1976 and thereby not produced nor inspected as a manufactured home in accordance with the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards and Regulations during its original construction.

**Mobile Home Lot** – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile Home Park** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**Modification** – A relief from the requirements of this chapter pursuant to Article VII of this chapter.

**Monument** – Concrete markers placed to monument a street on a final plat for recording.

**Municipal Engineer** – A registered professional engineer licensed as such in the Commonwealth of Pennsylvania, with training and experience in civil engineering, duly appointed by the Board of Supervisors to serve as the engineer for South Franklin Township.

**Municipality** – The Township of South Franklin, Washington County, Pennsylvania.

**Municipal Solicitor** – The attorney appointed by the Board of Supervisors to serve as legal counsel for the Township.

**National Pollution Discharge Elimination System (NPDES)** – The federal government’s system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

**Net Acreage** – The total acreage of a development site minus the areas utilized for accessways, on-grade utilities and facilities, lakes, ponds or similar water surfaces and parking facilities.

**Off-Site Sewer Service** – A sanitary sewage connection system in which sewage is carried from an individual lot or dwelling unit by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated.

**Off-Site Water Service** – A potable water distribution system in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the limits of the lot being served which may be publicly or privately owned and operated.

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On-Site Sewer Service – A system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

On-Site Water Service – A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

Open Space – Open space, or “common open space,” is a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed as intended for the use or enjoyment of residents, not including streets, parking lots, driveways, and areas set aside as public grounds.

Owner – The duly authorized agent, attorney, purchaser, devisee or fiduciary or any person having vested or equitable interest in the lot in question.

Patio – An outside surfaced courtyard or an inner area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area.

Parcel – A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth which is intended to be used as a unit for development or transfer of ownership.

Parking – The temporary storage of motor vehicles. For purposes of this Chapter, parking is provided for in the following forms:

- (1) Off-Street Parking – The parking of motor vehicles in an area which has direct access to a street via a driveway or accessway, but which is not located on a street.
- (2) Parking Lot – An open, uncovered area for the temporary storage of motor vehicles.
- (3) Parking Garage – A deck, building or structure, or part thereof, used for the temporary storage of motor vehicles. When there is ground level parking, it is covered by a roof. Multiple tiers of parking shall be subject to the building height limitations of the zoning ordinance.
- (4) Parking Space – A space available for the parking of one motor vehicle exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street, alley, or aisle.

Pennsylvania Municipalities Planning Code (MPC) – Act of 1968, P.L. 805, No. 247 as reenacted and amended.

Performance Guarantee – Any security which may be in lieu of a requirement that certain improvements be made before the Board of Supervisors approves a final subdivision or land development plan, including performance bonds, escrow agreements and other similar collateral or surety agreements.

Person – Any individual, public or private corporation, governmental agency, bureau or department of the state, municipal industry, co-partnership or association.

Plat – The map or plan of a subdivision or land development, whether preliminary or final.

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- Preliminary Application – The written or graphic materials specified by this Chapter to be submitted to South Franklin Township and / or Green Hills Borough in order to obtain preliminary approval of a proposed subdivision or land development.
- Preliminary Plat – The map or plan of a proposed subdivision or land development which contains all of the information required by this Chapter for approval of a preliminary plat.
- Preliminary Plan – A tentative subdivision plan, in lesser detail than a final plan, showing approximate street and lot layout on a topographic map as a basis for consideration and review prior to preparation of a final plan.
- Private Improvements – All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, landscaping and other facilities to be owned, maintained or operated by a private entity such as an individual, partnership, corporation or homeowners' association and constructed in accordance with this Chapter.
- Professional Consultants – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.
- Property – The land, building, all improvements thereon, and all easements, rights and appurtenances belonging thereto, which are subject to the provisions of this Chapter.
- Public Hearing – A formal meeting held pursuant to public notice by the Board of Supervisors, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.
- Public Improvements – All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, landscaping and other facilities to be dedicated to or maintained by the Township and/or Borough for which plans, specifications and construction shall comply with this chapter.
- Public Meeting – A forum held pursuant to notice under 65 Pa. C.S. CH. 7, (relating to open meetings), known as the "Sunshine Act."
- Public Notice – Public notices as defined and published pursuant to the Pennsylvania Township and/or Borough Code, Section 1601 (a) et. seq., and the Pennsylvania Municipalities Planning Code.
- Public Utility – Includes gas, electric, telephone, sewerage, water and communication cable services.
- Recorder – The Recorder of Deeds of Washington County.
- Reserve Strip – A parcel of land separating a street from adjacent properties for the purpose of controlling access to the street from adjacent property.
- Re-subdivision or Re-platting – The modification of a recorded subdivision, in whole or in part, by a redesign of lots, by change of size or area or by street layout.

## Article II. Definitions and Terms

Right-of-Way – An easement for public or private use, usually granting the right to cross over the land of another and / or to install utilities such as sewer or water lines or communications systems.

Runoff – The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Sedimentation – The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity.

Setback – The minimum distance that a structure can be located from a right-of-way or property line or another structure, thereby creating a required open space on a lot.

Sewage Enforcement Officer – The designated official of the township and/or Borough who issues and reviews sewage permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act, as amended, and the rules and regulations thereunder.

Shoulder – The portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

Sight Distance – The extent of unobstructed vision, in a horizontal or vertical plane, along a street.

Site – One (1) or more lots, tracts or parcels which are under single ownership and control and are proposed as a unit for development purposes.

Slope – The face of an embankment or cut section: any ground whose surface makes an angle with the plane of the horizon. Slope is expressed in a percentage based upon vertical difference in feet / 100 feet of horizontal distance.

Soil Erosion and Sediment Control Plan – A plan for controlling erosion and sediment during construction which shall provide for all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

Soil Stabilization – Chemical or structure treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

Special Flood Hazard Area (SFHA) – An area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

Street – A public or private way, other than an alley, that affords the principal means of on-grade access to abutting properties. A "street" may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name.

(1) Street, Private – Any vehicular way which is not dedicated as a public street.

(2) Street, Public – A street including the entire public right-of-way, which has been dedicated to and accepted by the Township, the County, or the State for public use.

(3) Street, Service – A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

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Street Classifications – The following street classifications shall apply to all streets in the township and/or Borough:

- (1) Expressway – Limited-access freeways which carry through traffic between major urban centers and to and from points outside of a region with no local interference.
- (2) Arterial – Carries major movements of traffic within or through the community. Arterial streets typically carry Average Weekday Traffic (AWDT) volumes of greater than 8,000 vehicles per day.
- (3) Collector – Carries the internal traffic movements within the township and/or Borough and connects developed areas with the arterial system. The “collector” system simultaneously provides abutting property with road access and accommodates local internal traffic movements. Collector streets typically carry an AWDT in the range of 3,000 to 7,999 vehicles per day.
- (4) Local – Provides access to immediately adjacent land but normally carries a small portion of the total vehicle miles traveled daily. AWDT volumes are typically less than 3,000 vehicles per day.

Street Maintenance – The procedure applied to new or existing streets or streets under construction, including but not limited to resurfacing, regrading, drainage improvement, pothole repair, dust prevention practices and snow removal.

Subdivider – The owner or authorized agent of the owner of the subdivision.

Subdivision – The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural proposed into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Substantially Completed – Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surveyor – A professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

Swale – A low-lying stretch of land which gathers, or carries, surface water runoff.

Topographic Map – A map showing ground elevations by contour lines and the location of important natural, manmade and other features,

Use – The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

Use, Accessory. A use customarily incidental and subordinate to the principal use of the lot.

Utility – Includes public utilities as defined above and stormwater facilities.



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Watercourse – A permanent stream, intermittent stream, river, brook, creek, channel or ditch which carries water, whether natural or man-made.

Woodland – A biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater. Woodlands can be characterized as containing at least one hundred (100) trees with at least fifty (50) percent of those trees having a two (2)-inch dbh or greater.

Yard – A space on the same lot with a principal structure, open, unoccupied and unobstructed by structures, except as may be otherwise provided in this chapter.

- (1) Yard, Front – A yard extending along the full length of the front lot line, unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements; the depth of which is the least distance between the front lot line at the right-of-way line and the building line. On a corner lot, while the zoning officer may advise, the property owner shall have the authority to determine which yard is the front yard, based upon the predominate pattern in the area.
- (2) Yard, Rear – A yard extending along the full length of the rear lot line between the rear of the principal building and the rear lot line; unoccupied other than by steps, walks, terraces, driveways, lampposts and similar improvements.
- (3) Yard, Side – An area between any building and side lot line, as defined herein, extending from the front yard to the rear yard, or on through lots, from one front lot line to the other lot line. The width of the required side yard is measured horizontally at ninety degrees (90°) with the side lot line from the nearest part of the building.

Zoning Ordinance and Map – The South Franklin Township and Green Hills Borough Zoning Ordinance and Map together with all amendments subsequently adopted.



## **Article III. Application & Procedure for Major Subdivisions and Land Developments**

### **§ 163.11. Applicability**

- (A). The regulations in this Article shall apply to all major subdivisions and land developments as defined herein.

### **§ 163.12. Pre-application Conference**

#### **(A). Procedure.**

- (1). Prior to filing an application for preliminary approval of a major subdivision or land development, the applicant or his/her representative may meet with representatives of the Township, including the manager, zoning officer, and municipal engineer, as warranted, to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- (2). In addition, the applicant may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Manager at least fourteen (14) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference.
- (3). The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his/her representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- (4). A pre-application conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development.
- (5). In assessing the suitability of the plan, the Planning Commission shall consider the Comprehensive Plan, as well as planned future infrastructure improvements, transportation projects, parks and trail facilities, and any other appropriate capital improvement plans, including but not limited to proposed streets, recreation areas, drainage reservations, shopping centers, housing programs and school sites.
- (6). Consideration shall also be given to possible hazards to health, safety and welfare. Land shall not be approved for subdivision until such hazards are properly addressed. Land subject to flooding, slides due to soil type or slope or excavation, excessive erosion, improper drainage, mine subsidence problems or land unsuited for on-site sewage disposal shall be deemed hazardous to an extent which requires a specific demonstration of measures to remove the identified hazard-producing condition.

#### **(B). Plans and data.**

- (1). Submission of the following information at the pre-application conference is recommended but not required:
  - (a). General information: a general description of existing covenants, land characteristics, the availability of community facilities and utilities. Also, information relating to the proposed subdivision, such as the number of lots, typical lot width and depth, commercial areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities and street improvements.

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- (b). Topographic map: existing United States Geological Survey quadrangle sheet or other acceptable map in sufficient detail to show topographic features of the site.
- (c). Sketch plan: a simple sketch of the tract boundaries, proposed layout of streets, lots, significant topographic modifications contemplated and other features in relation to existing conditions.
- (d). Timing: a projected timetable for development of the project, including the anticipated schedule of project phasing.

### **§ 163.13. Preliminary Plans**

#### **(A). Application Requirements.**

- (1). Application. An application for review of a preliminary plan shall be directed to the Township by the applicant of any proposed major subdivision or land development fifteen (15) days prior to the regularly scheduled meeting of the Planning Commission at which the plan is to be filed, on such forms as provided by the Township.
- (2). Application Fee. When a plan has been filed for review, the application shall not be considered to be complete and properly filed unless and until all items, including the application fee as outlined by §163.18 have been received.
- (3). Ownership. All applications shall include evidence of ownership or proprietary interest in the property.
- (4). Copies of Preliminary Plan and Supplemental Information. The applicant shall file ten (10) copies of an application for preliminary approval.
- (5). Receipt of Plan Application. Immediately upon receipt, the Township shall stamp the application with the date of receipt and forward to the applicable entities for review as outlined in §163.13C.

#### **(B). Preliminary Plan Requirements.**

- (1). Format
  - (a). All sheet sizes shall be of a standard size or model and shall be a minimum of twenty-two (22) inches by thirty-four (34) inches.
  - (b). Minimum scale shall be one (1) inch equals fifty (50) feet (1"=50'). In determining the scale of the plan, the legibility of lines and lettering on the plan should be considered.
  - (c). A title block shall be located in the lower right corner of each sheet. Included in the title block shall be:
    - (i). Name of the subdivision or land development
    - (ii). Graphic scale and written scale
    - (iii). Date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised, for each revision, if any (including a notation on the drawing as to what revisions were made)
    - (iv). Name and address of the property owner of record and applicant (developer or subdivider) if different than the owner.
    - (v). Signature and professional seal of the professional surveyor, registered in the Commonwealth of Pennsylvania, which prepared the plan
  - (d). North point in the upper right-hand corner
  - (e). All sheets shall be the same size, and be numbered relative to the total number of sheets (i.e., page 1 of 5, etc.).

### **Article III. Application & Procedure for Major Subdivisions and Land Developments**

- (f). Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided sufficient to show their relationship.
  - (g). Legend sufficient to indicate clearly between existing conditions and proposed improvements.
  - (h). Key map for the purpose of locating the property being subdivided or developed, showing the relationship to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property.
  - (i). Upon preliminary plan approval, the preliminary plan must show:
    - (i). The signature of the applicant certifying his / her adoption of the plan and any changes thereto.
    - (ii). The signatures of the municipal secretary, Chairman of the Board of Supervisors, Planning Commission Chairman, and Planning Commission Secretary certifying that the Board of Supervisors have approved the preliminary plan and changes thereto on the date shown.
- (2). Existing Conditions
- (a). Contours at two (2) foot intervals throughout the property and datum to which the elevations relate.
  - (b). Total tract boundaries of the property, showing bearings and distances, and total acreage of the property.
  - (c). Names of all abutting subdivisions, if any, with the plan book and page numbers recorded; names of owners of adjacent property owners, with deed book and page number.
  - (d). Zoning data, including any changes in the existing zoning to be requested by the applicant (if a zoning district change is being considered or is pending, which might affect the proposed subdivision or development, the Township shall notify the applicant).
  - (e). Zoning classification(s) of all lands abutting the proposal
  - (f). All existing streets, including streets recorded but not constructed, on or abutting the property or within 50 feet of it, including names, surfacing, right-of-way width, cartway width and approximate grades; all existing rights-of-way or easements on or abutting the tract.
  - (g). All existing easements, if any, indicating width, bearings, distances, use and lessee.
  - (h). All existing public sewer, gas and water lines in the property or within fifty (50) feet of it, indicating line size, manholes, invert and top-of-manhole elevations, valves, fire hydrants and other appurtenances.
  - (i). All existing streams and watercourses in the property or within fifty (50) Feet of it, together with culverts and storm drain lines indicating line size, direction of flow, location of culverts and storm inlets.
  - (j). All existing tree masses and other significant natural features within the property.
  - (k). All existing buildings or other structures and other significant man-made features such as driveways or walls within the property or within fifty (50) feet of it.
  - (l). All existing gas and oil wells (with a notation as to whether they are plugged, inactive or active).
  - (m). Mapped limits of soil types from the Washington County Soil Survey and the limitations of each soil for the type of development proposed.

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- (n). Areas with slopes of fifteen (15) percent or greater, as determined from the contours shown on the plan or on any mapping available from the Washington County Planning Commission.
  - (o). Notation of any waivers, variances, or special exceptions and the date they were granted, if any.
- (3). Proposed Improvements.
  - (a). Proposed lot plan indicating minimum lot size in square feet, minimum lot width at front building line, setback line from street right-of-way and lot numbering plan.
  - (b). Proposed street plan, indicating right-of-way width, surfacing, pavement widths, pedestrian circulation and connection to existing public roads; new street names shall be subject to approval by the Township, and in no case shall they duplicate street or road names in the postal zip code zone or other street names in the Township.
  - (c). Proposed location of sewer, water and all other utility lines, including any major facilities related thereto on or near the site and connection to existing systems.
  - (d). A plan of the proposed sanitary sewerage system, including invert elevations and direction of flow, within four hundred (400) feet of the property, as well as the location and size of sanitary and storm sewers, or a plan, where required, showing the proposed location and type of on-lot sewage disposal facilities. This plan shall be in accordance with the Pennsylvania Sewage Facilities Act (Act 537), as amended.
  - (e). Proposed easements, licenses, consents, rights-of-way and other requirements necessary for approval.
  - (f). Proposed solution to surface storm draining showing storm sewers, any necessary easements and major facilities related to drainage, if any.
  - (g). Location and approximate size of area or areas to be set aside for recreational or community use, if any.
  - (h). Proposed grading of the site.
  - (i). Where multi-family or townhouse structures are proposed, the locations of these buildings shall be indicated showing approximate number of dwelling units proposed in each and minimum distances between road right-of-way or property lines and nearest structures and between buildings.
  - (j). Proposed parking plan indicating location of each area to be used for parking, general arrangement of spaces, access lanes and number of cars to be accommodated in each area.
- (4). Land Developments.
  - (a). In addition to the information required by subsection (3) above, the following information shall be provided for all land developments:
    - (i). Location and name of streets abutting the property, showing curbs or edge of paving on both sides of the street, existing curb cuts or access points on both sides, and proposed curb cuts into the property.
    - (ii). Approximate location, in or adjacent to the property, of sanitary sewers, storm sewers, water lines, gas lines and electric lines, with direction of sewer flow, line sizes and location of stormwater inlets, sewer manholes and hydrants shown.

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- (iii). Topography of the site, indicating existing contours and proposed regarding at two (2) foot intervals or, if the property has a fall of less than five (5) feet from high to low point, spot elevations at property corner points.
  - (iv). Location, height and use of all existing structures on the property, labeled “To Remain” or “To Be Removed” as applicable, and proposed structures, and the distances between the proposed structures or additions to existing structures and adjacent property boundary lines, and approximate location of existing structures on adjacent properties within fifty (50) feet of the property boundaries.
  - (v). Paved areas, showing edges of proposed paving and arrangement of parking spaces and aisles, servicing areas, lighting of paved areas, pedestrian walkways and sloping of paved surfaces to storm drainage system.
  - (vi). Traffic circulation on the site, ingress and egress to and from the site and the layout of proposed parking and loading areas.
  - (vii). Storm drainage plan, indicating inlets, storm drain piping, holding ponds where necessary, methods of retarding run-off on the property, and points of entrance into public storm drains, streams and drainage swales, together with calculations prepared by a registered engineer or surveyor justifying the storm drainage plan.
  - (viii). Proposed landscaping and screening plan, showing types of materials to be used and approximate arrangement.
  - (ix). Proposed free-standing signs, including sketch of one face, area of each face, distances to property boundary lines, height to top of sign and method of lighting; and signs to be attached to building or buildings, indicating type of sign, dimensions, sketch of face, location on building and method of lighting.
  - (x). Outdoor garbage container storage area and means of screening.
  - (xi). Architectural sketch of the wall of the principal building which faces the street, indicating building materials and arrangement of door and window openings, as well as architectural features.
- (5). Street Profiles and Cross Sections
- (a). Profile along centerline of each section of street to be constructed showing existing ground elevation, street grades, vertical curves including length of arcs, angle of connected grades and points of tangent extending for fifty (50) feet beyond the property to indicate connection to existing streets.
  - (b). Typical cross-section through street between right-of-way lines showing thickness and widths of materials to be used in construction of roads and sidewalks as well as drainage and grading to be carried out in the right-of-way.
  - (c). Vertical dimensions may be exaggerated in relation to horizontal dimensions but profiles and cross-sections shall be drawn on same size sheet as plan maps.

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**(6). Soil Percolation Test Requirements.**

- (a).** Unless sewage to be disposed of by a public or community sewer system, soil percolation tests shall be performed for all subdivisions or land developments.
- (b).** Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection by either a licensed professional engineer, a Pennsylvania Sewage Facilities Act sewage enforcement officer, or similarly qualified professional.
- (c).** Soil percolation tests shall be performed within the area of the proposed on-site sewage facilities. Soil test pits shall be within ten (10) feet of the absorption area.
- (d).** The results of the percolation tests shall be analyzed in relation to the physical characteristic of tract being subdivided or developed and of the general areas surrounding the tract being subdivided. The final plan lot layout shall be based on this analysis.

**(7). Supplementary Data.**

- (a).** The preliminary plan shall be accompanied by the following supplementary data as applicable:
  - (i).** Preliminary design of any bridges, culverts, or other structures or appurtenances which may be required.
  - (ii).** Completed Planning Modules whenever soil percolation tests are required by subsection (7) below or for sanitary sewers.
  - (iii).** For subdivisions with septic systems:
    - (a).** Show soil types and boundaries;
    - (b).** Show the location of the proposed on-lot system;
    - (c).** Show the location of the proposed well or waterline location.

**(C). Review.**

- (1).** By Washington County Planning Commission. When an application is received by the Township, three (3) copies of the preliminary plan shall be forwarded to the Washington County Planning Commission for review. The Township shall not approve such application until a written county report is received or until the expiration of thirty (30) days from the date the application was forwarded to the county.
- (2).** By Applicable Sanitary Authority. The applicable Sanitary Authority shall review the preliminary plan to determine its conformance to the applicable sanitary sewage disposal standards. Such review shall be transmitted to the Township no later than thirty (30) days from the time the application was forwarded by the Authority.
- (3).** By Municipal Engineer. The municipal engineer shall review the preliminary plan to determine its conformance to this Chapter and accepted engineering practice. The municipal engineer shall present a written report to the Planning Commission that states whether the application complies with the requirements of this Chapter and the report shall be included in the minutes of the Planning Commission meeting at which it is presented. Such report shall be provided to the Township no later than thirty (30) days from the date the application was forwarded to the engineer.
- (4).** By Other Agencies. Other applicable agencies should be requested to comment on preliminary plans when deemed in the public interest. Such



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requests should be made so as to provide the comments from such agencies prior to the Planning Commission's next regularly scheduled meeting.

- (5). By Municipal Planning Commission. The Planning Commission shall review the preliminary plan in a public meeting to determine conformance to the standards contained herein, advisable in the public interest, or as may be required by the comprehensive plan and any regulations or maps adopted thereof.

#### **(D). Action.**

- (1). By Municipal Planning Commission. The Planning Commission shall recommend the approval, conditional approval, or disapproval of the preliminary application at its regularly scheduled meeting.
- (2). The Planning Commission will notify the applicant of the Planning Commission meeting at which the application will be discussed, including the scheduled meeting place, date, time and agenda.
  - (a). Within thirty (30) days following the scheduled meeting, the Planning Commission shall submit a written report to the Board of Supervisors recommending approval, conditional approval or disapproval, each with reasons for the action, and in the case of disapproval, shall cite the specific requirements of this Chapter which have not been met.
- (3). By Governing Body. Before acting on any subdivision and/or land development plan, the Board of Supervisors may hold a public hearing, pursuant to public notice. The preliminary plan may be approved, disapproved, or approved with conditions subject to changes requested by the Board of Supervisors. In such a case, the final subdivision or land development plan shall be prepared to include such changes. In no case shall the Board of Supervisors approve the preliminary plan until the stormwater management plan for the site has been approved.
  - (a). Timeframe. The Board of Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following that date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.
  - (b). Notification. Within fifteen (15) days after the meeting at which action is taken on the preliminary plan by the Board of Supervisors, the Township shall notify the applicant in writing of any actions taken, including any recommendations for conditions and the reason thereof, citing the provisions of this Chapter relied upon.
  - (c). Conditional Approval. The conditions of approval shall be specified, in writing, in the notice of conditional approval required herein. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to preliminary approval within the required thirty (30) days, preliminary approval shall automatically be rescinded without written notice to the applicant.
  - (d). Effect of Approval. Approval of the preliminary plan shall not constitute final acceptance of the major subdivision or land development. The procedures outlined in §163.14 Final Plans must be complied with.

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- (e). Expiration of preliminary approval. Preliminary approval shall expire one (1) year from the date of the grant of preliminary approval by the Board of Supervisors, unless a written extension is submitted by the applicant and approved by the Board of Supervisors. Any request for extension shall be submitted to the Board of Supervisors at least thirty (30) days prior to the prevailing expiration date. Extensions may be granted for one (1) or more six (6) month period(s) upon a finding by the Board of Supervisors that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction.

In the case of phased development, calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the preliminary application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. The applicant shall update the schedule on or before the anniversary of preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by the Board of Supervisors in its sole discretion.

### **§ 163.14. Final Plans**

#### **(A). Application Requirements.**

- (1). Application. After the Board of Supervisors has approved a preliminary application for a major subdivision, the applicant may proceed by filing an application for final approval of a major subdivision. The final application may be submitted for the entire development granted preliminary approval or may be submitted in phases in accordance with §163.13(D)(3)(e) above.
- (a). If the major subdivision proposed any variances from the provisions of the Zoning Ordinance, the decision of the Zoning Hearing Board shall be issued prior to the submission of the application for final approval. If the zoning variances are denied, the final plan shall be revised to show compliance with the zoning requirements at issue. If the final plat is not revised to show compliance with the zoning requirements that are at issue, a new preliminary application is required.
- (2). Application Fee. As may be required by §163.18 of this Chapter.
- (3). Copies of Final Plan and Supplemental Information. The applicant shall file *ten (10)* copies of the final subdivision or land development plan with the Township no later than fifteen (15) days prior to the meeting at which the plan is to be filed.
- (4). Receipt of Plan Application. Immediately upon receipt, the Township shall stamp the application with the date of receipt and forward to the applicable entities for review as outlined in §163.13C.

#### **(B). Final Plan Requirements.**

- (1). Format.
- (a). The final subdivision or land development plan shall conform to the format as established in §163.12B1 of this Chapter.
- (b). Upon final plan approval, the final plan must show:
- (i). The signature of the applicant certifying his / her adoption of the plan and any changes thereto.

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- (ii). The signatures of the municipal secretary, Chairman of the Board of Supervisors, Planning Commission Chairman, and Planning Commission Secretary certifying that the Board of Supervisors have approved the final plan on the date shown.
- (2). Final plan, prepared in accordance with the following requirements:
  - (a). Certificates and acknowledgements on one sheet, including the following as needed:
    - (i). Approval by the Board of Supervisors.
    - (ii). Approval by Planning Commission.
    - (iii). Offers of dedication of public streets and/or land areas for public and community purposes.
    - (iv). Ownership and maintenance of common areas not proposed to be dedicated to the public.
    - (v). Notation of approval of any zoning variances granted or modifications to the provisions of this Chapter granted, if applicable.
    - (vi). Review by Washington County Planning Commission.
    - (vii). All of the following general information shall be shown on the final plan:
      - (a). Perimeter boundary line of the property for which approval of subdivision and/or land development is sought.
      - (b). Street right-of-way lines.
    - (viii). Subdivision lines within the property to be divided.
    - (ix). Building set-back lines from adjacent streets within each lot.
    - (x). Accurate dimensions by bearings and distances of all property, subdivision and easement lines.
    - (xi). Accurate dimensions by bearings and distances of all property, subdivision and easement lines.
    - (xii). Widths of all rights-of-way, streets and easements.
    - (xiii). Names of all streets.
    - (xiv). Numbered lots and blocks to identify each parcel to be subdivided, such numbering system to be continuous over the entire property for which preliminary approval was granted, if different from final approval application.
    - (xv). Location of all monuments and markers, related to an existing official monument by bearings and distances.
    - (xvi). Location of any lands within the property to be dedicated for public use or for use of residents of the plan, such land to be designated for a specific use and dimensioned as for other lots.
    - (xvii). Area of each parcel of land to be subdivided.
    - (xviii). Names and owners of unplatted adjacent property and names of adjacent lot plans or development plans.
    - (xix). Information pertaining to the property to be developed or subdivided, including the boundary shall be shown in heavier ink lines than the information relating to the area surrounding the property.
    - (xx). If applicable, a notation on the plan that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation

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under §420 of the State Highway Law (P.L. 1242, No. 428, of June 1, 1945).

- (xxi). Titles and Approvals. Before final approval can be granted, the applicant shall present to the Township the following documents:
  - (a). Letters from the public suppliers of water and sewage disposal stating that they can handle the requirements of the development plan when completed. Alternatively, the applicant may submit a certificate from the Township Sewage Enforcement Officer attesting that the proposed sewage disposal system to be provided by the applicant meets all State Department of Environmental Protection requirements.
  - (b). Certificate from the Washington County Soil Conservation District or the State Department of Environmental Protection that an acceptable plan for erosion and sedimentation control and stormwater drainage has been submitted and approved by the appropriate agency.
  - (c). Any covenants and/or rights of easement in the form in which they will be filed as legal documents.

#### **(C). Review.**

- (1). Review shall be conducted in the same manner and by the same procedures as set forth in §163.13(C).
- (2). The Board of Supervisors shall not give its final approval to a final plan until the Washington County Planning Commission report is received or until the expiration of thirty (30) days from the date the preliminary plan application was forwarded to the county.

#### **(D). Action.**

- (1). By Municipal Planning Commission. The Planning Commission shall recommend the approval, conditional approval, or disapproval of the final application at its regularly scheduled meeting.
  - (a). The Planning Commission will notify the applicant of the Planning Commission meeting at which the application will be discussed, including the scheduled meeting place, date, time and agenda.
  - (b). Within thirty (30) days following the scheduled meeting, the Planning Commission shall submit a written report to the Board of Supervisors recommending approval, conditional approval or disapproval, each with reasons for the action, and in the case of disapproval, shall cite the specific requirements of this Chapter which have not been met.
- (2). By Governing Body. The final plan may be approved, disapproved, or approved with conditions subject to changes requested by the Board of Supervisors. In such a case, the final subdivision or land development plan shall be prepared to include such changes.
  - (a). Timeframe. The Board of Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following that date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

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- (b). Notification. Within fifteen (15) days after the meeting at which action is taken on the final plan by the Board of Supervisors, the Township shall notify the applicant in writing of any actions taken, including any recommendations for conditions and the reason thereof, citing the provisions of this Chapter relied upon.
- (c). Conditional Approval. If the final plan is approved subject to conditions, these conditions must be set forth either with note(s) on the recorded plan or in a subdivision agreement, in which case the applicant shall sign the plan and/or agreement within twenty-one (21) days of the Board of Supervisors' action on the plan to indicate acceptance of all conditions. Applicant's failure to sign within 21 days shall result in the automatic rescinding of Board of Supervisors' approval of the plan.
- (d). Effect of approval. Approval of a final plan shall not constitute authorization to commence construction. Prior to construction start, all necessary permits, approvals, agreements and sureties must be secured by the developer.
- (e). From the time an application for approval of a final plan is duly filed as provided in this Chapter and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.

  - (i). However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in government regulations. When an application for approval of a plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development, in accordance with the terms of such approval, within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- (f). Phased approval. In a case of a preliminary plan calling for the installation of improvements beyond the five (5) - year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan approval of each section are intended to be filed.

  - (i). Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval has been granted to the final section.
  - (ii). Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors at its discretion.

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- (iii). Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors at its discretion.
- (iv). For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial five (5) -year period, the protections of Subsection (A) (5) (d), et. seq., above, shall also apply to each subsequent section for an additional term of three (3) years from the date of final plan approval of each section.
- (g). A final plan shall not be approved until the Board of Supervisors is assured that:
  - (i). The plan conforms to the approved preliminary plan.
  - (ii). All engineering and other technical details have been resolved to the satisfaction of the municipal engineer, and other technical advisors when needed.
  - (iii). All financial guarantees and legal agreements have been reviewed and found satisfactory by the municipal solicitor. When requested by the applicant, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory financial security.
  - (iv). The plan complies in all respects with applicable municipal ordinances or that appropriate variances or waivers have been granted for features that do not comply.
  - (v). All necessary permits have been obtained from the applicable regulatory agencies, authorities, or departments.

#### **§ 163.15. Recording of Final Plan.**

- (A). Three (3) paper copies of the municipally approved final plan shall be submitted to the Washington County Planning Commission for its stamp and seal. At least one (1) copy shall be mylar.
- (B). Within ninety (90) days following final plan approval, the applicant shall record the final plan in the office of the Record of Deeds of Washington County.
- (C). In accordance with the Pennsylvania Municipalities Planning Code, whenever final plan approval is required by a municipality, the Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of the municipal governing body and certification of review by the Washington County Planning Commission.

#### **§ 163.16. Reinstatement of Approval.**

- (A). In the event that the plat has not been recorded within the required ninety (90) days, the Township is authorized to reinstate the signatures of the of the proper officers of the Township indicating approval and all the requirements of this Chapter regarding posting of and execution of an escrow deposit or amenities bond, and further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of final approval by the Board of Supervisors. Any request for reinstatement of final approval which is submitted after one hundred eighty (180) days from the date of the original

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granting of final approval by the Board of Supervisors shall be required to resubmit an application for final approval in conformance with the requirements of this Chapter.

**§ 163.17. Filing of Copies.**

- (A). Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the applicant shall deliver to the Township, one (1) reproducible mylar and one (1) copy in electronic format on a CD of the Final Plat as recorded, containing all required signatures and dates of approval. The following layers shall be created on the CD: property lines, right-of-way lines, centerline of streets, easements, lot numbers, street names, pavement, buildings, text general (title block, notes, clauses, etc.), metes and bounds, utilities (storm and sanitary on separate layers), drainage (creeks and streams), monuments and markers, building setbacks, adjoining property lines, contours, elevation spots, walls.

**§ 163.18. Fee Schedule.**

- (A). All filing, inspection, and professional consulting fees shall be submitted to the Township.
- (B). Plan Filing Fee. A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the Township. The Board of Supervisors shall create by resolution a schedule of fees to be paid to the applicant to defray the cost of administering and processing of plans. The schedule of fees may be changed from time to time by resolution of the Board of Supervisors.
- (C). Inspection and Professional Consulting Fees. The applicant shall pay the appropriate fees as fixed from time to time by separate resolution of the Board of Supervisors for the following services:
- (1). Reviewing the engineering details of the plan
  - (2). Inspecting the layouts of the site for conformance to the survey and plan
  - (3). Reviewing the results of the soils tests
  - (4). Preparing the cost estimates of required improvements
  - (5). Inspecting required improvements during installation
  - (6). Final inspection on completion of installation of required improvements
- (D). An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The professional consulting fees required to be paid shall be promptly submitted to the Township by the applicant upon the submission of bills thereof to the applicant from time to time by the Board of Supervisors.
- (E). In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date notify the Board of Supervisors that such fees are disputed, in which case the Board of Supervisors shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- (F). In the event that the Township and the applicant cannot agree on the amount of review fees that are reasonable and necessary, then the fees shall be recalculated and recertified by another professional consultant licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developers. The estimate certified by the third consultant shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.





## Article IV. Application & Procedure for Minor Subdivisions

### § 163.19. Applicability

- (A). The reduced submission requirements listed in this section shall apply, together with the procedural requirements, if any the following apply:
- (1). The application is for a minor subdivision;
  - (2). The application only involves a lot line adjustment;
  - (3). The application only involves a merger or consolidation of lots (also referred to as a reverse subdivision) including two or more lots merging into one; or
  - (4). The application is for a land development that only involves *the addition of less than* 1,000 square feet of building floor area on one lot without any additional dwelling units.

### § 163.20. Pre-application Conference

- (A). Prior to filing an application for the approval of a minor subdivision, the applicant or his/her representative may meet with representatives of the Township, including the manager, zoning officer, and municipal engineer, as warranted, to obtain application forms and to discuss application procedures and applicable ordinance requirements.
- (B). In addition, the applicant may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Township Manager at least fourteen (14) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference.
- (C). The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his/her representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
- (D). A pre-application conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development.

### § 163.21. Submission and Review Procedure.

#### (A). Preliminary Plan Requirements.

- (1). A preliminary plan is not required for a submittal under this Article IV.

#### (B). Final Application Requirements.

- (1). Application. An application for review of a minor subdivision shall be directed to the municipality by the applicant of any proposed minor subdivision fifteen (15) days prior to the regularly schedule meeting of the Planning Commission at which the plan is to be filed, on such forms as provided by the municipality.
- (2). Application Fee. When a plan has been filed for review, the application shall not be considered to be complete and properly filed unless and until all items, including the application fee as outlined by §163.27 have been received.
- (3). Ownership. All applications shall include evidence of ownership or proprietary interest in the property.
- (4). Copies of Preliminary Plan and Supplemental Information. The applicant shall file *ten (10)* copies of an application for minor subdivision.

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- (5). Receipt of Plan Application. Immediately upon receipt, the municipality shall stamp the application with the date of receipt and forward to the applicable entities for review as outlined in Article III §163.13C.

### § 163.22. Final Plan Requirements.

#### (A). Format

- (1). All sheet sizes shall be of a standard size or model and shall be a minimum of twenty-two (22) inches by thirty-four (34) inches.
- (2). Minimum scale shall be one (1) inch equals fifty (50) feet (1"=50'). In determining the scale of the plan, the legibility of lines and lettering on the plan should be considered.
- (3). A title block shall be located in the lower right corner of each sheet. Included in the title block shall be:
  - (a). Name of the subdivision or land development
  - (b). Graphic scale and written scale
  - (c). Date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised, for each revision, if any (including a notation on the drawing as to what revisions were made)
  - (d). Name and address of the property owner of record and applicant (developer or subdivider) if different than the owner.
  - (e). Signature and professional seal of the professional surveyor, registered in the Commonwealth of Pennsylvania, which prepared the plan
- (4). North point in the upper right-hand corner
- (5). All sheets shall be the same size, and be numbered relative to the total number of sheets (i.e., page 1 of 5, etc.).
- (6). Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided sufficient to show their relationship.
- (7). Legend sufficient to indicate clearly between existing conditions and proposed improvements.
- (8). Key map for the purpose of locating the property being subdivided or developed, showing the relationship to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within 1,000 feet of any part of the property.
- (9). Upon plan approval, the plan must show:
  - (a). The signature of the applicant certifying his / her adoption of the plan and any changes thereto.
  - (b). The signatures of the municipal secretary, Chairman of the Board of Supervisors, Planning Commission Chairman, and Planning Commission Secretary certifying that the Board of Supervisors have approved the final plan and changes thereto on the date shown.

#### (B). Existing Conditions.

- (1). Total tract boundaries of the property, showing bearings and distances, and total acreage of the property.
- (2). Names of all abutting subdivisions, if any, with the plan book and page numbers recorded; names of owners of adjacent property owners, with deed book and page number.
- (3). Zoning data, including any changes in the existing zoning to be requested by the applicant (if a zoning district change is being considered or is pending, which might affect the proposed subdivision or development, the municipality shall notify the applicant).

## Article IV. Application & Procedure for Minor Subdivisions

- (4). Zoning classification(s) of all lands abutting the proposal
  - (5). All existing streets, including streets recorded but not constructed, on or abutting the property or within 50 feet of it, including names, surfacing, right-of-way width, cartway width and approximate grades; all existing rights-of-way or easements on or abutting the tract.
  - (6). All existing easements, if any, indicating width, bearings, distances, use and lessee.
  - (7). All existing public sewer, gas and water lines in the property or within fifty (50) feet of it, indicating line size, manholes, invert and top-of-manhole elevations, valves, fire hydrants and other appurtenances.
  - (8). All existing buildings or other structures and other significant man-made features such as driveways or walls within the property or within fifty (50) feet of it.
  - (9). All existing gas and oil wells (with a notation as to whether they are plugged, inactive or active).
  - (10). Notation of any waivers, variances, or special exceptions and the date they were granted, if any.
- (C). Additional Information. The Planning Commission may require that a plan under this section include the submission of specific additional information that would be required if the plan would be a final minor subdivision plan, if such specific information is necessary to determine compliance with this ordinance.
- (D). Proposed Layout.
- (1). Layout and dimensions of all lots, including the net lot area and the number of lots
  - (2). All building setback lines
  - (3). Location of areas reserved for future access, noted on the plan
- (E). Review and Action.
- (1). The review and action taken on the final plan shall be conducted in the same manner and by the same procedures as set forth in Article III.

### § 163.23. Recording of Final Plan.

- (A). Three (3) paper copies of the municipally approved final plan shall be submitted to the Washington County Planning Commission for its stamp and seal. At least one (1) copy shall be mylar.
- (B). Within ninety (90) days following final plan approval, the applicant shall record the final plan in the office of the Record of Deeds of Washington County.
- (C). In accordance with the Pennsylvania Municipalities Planning Code, whenever final plan approval is required by a municipality, the Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of the municipal governing body and certification of review by the Washington County Planning Commission.

### § 163.24. Re-subdividing or Re-platting.

- (A). In the combination or recombination of lots or portions of previously plotted lots, when the resultant lots are increased in street frontage and total area size so that they reach or exceed the standards of this chapter and the street pattern is in conformity with the Comprehensive Plan, the procedures and regulations heretofore described shall be followed except as they may be modified and approved by the Board of Supervisors.

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### § 163.25. Reinstatement of Approval.

(A). In the event that the plat has not been recorded within the required ninety (90) days, the municipality is authorized to reinstate the signatures of the of the proper officers of the municipality indicating approval and all the requirements of this Chapter regarding posting of and execution of an escrow deposit or amenities bond and execution of a development agreement have been met, and further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of final approval by the Commission. Any request for reinstatement of final approval which is submitted after one hundred eighty (180) days from the date of the original granting of final approval by the Commission shall be required to resubmit an application for final approval in conformance with the requirements of this Chapter.

### § 163.26. Filing of Copies.

(A). Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the applicant shall deliver to the municipality, one (1) reproducible mylar and one (1) copy in electronic format on a CD of the Final Plat as recorded, containing all required signatures and dates of approval. The following layers shall be created on the CD: property lines, right-of-way lines, centerline of streets, easements, lot numbers, street names, pavement, buildings, text general (title block, notes, clauses, etc.), metes and bounds, utilities (storm and sanitary on separate layers), drainage (creeks and streams), monuments and markers, building setbacks, adjoining property lines, contours, elevation spots, walls.

### § 163.27. Fee Schedule.

- (A). All filing, inspection, and professional consulting fees shall be submitted to the municipality.
- (B). Plan Filing Fee. A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the municipality. The Board of Supervisors shall create by resolution a schedule of fees to be paid to the applicant to defray the cost of administering and processing of plans. The schedule of fees may be changed from time to time by resolution of the Board of Supervisors.
- (C). Inspection and Professional Consulting Fees. The applicant shall pay the appropriate fees as fixed from time to time by separate resolution of the Board of Supervisors for the following services:
- (1). Reviewing the engineering details of the plan
  - (2). Inspecting the layouts of the site for conformance to the survey and plan
  - (3). Reviewing the results of the soils tests
  - (4). Preparing the cost estimates of required improvements
  - (5). Inspecting required improvements during installation
  - (6). Final inspection on completion of installation of required improvements
- (D). An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The professional consulting fees required to be paid shall be promptly submitted to the municipality by the applicant upon the submission of bills thereof to the applicant from time to time by the Board of Supervisors.
- (E). In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date notify the Board of Supervisors that such fees are disputed, in which case the Board of Supervisors shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

## **Article IV. Application & Procedure for Minor Subdivisions**

- (F). In the event that the municipality and the applicant cannot agree on the amount of review fees that are reasonable and necessary, then the fees shall be recalculated and recertified by another professional consultant licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developers. The estimate certified by the third consultant shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.



## Article V. Required Improvements

### § 163.28. Applicability

- (A). The regulations in this Article shall apply to all subdivisions and land developments as defined within the context of this Chapter.

### § 163.29. General Requirements.

- (A). All required improvements to land must be completed in strict accordance with the Zoning Ordinance (Chapter 168), the Stormwater Management Ordinance, and all other ordinances as applicable.
- (B). The final plat shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to the Township is provided.
- (C). All of the required improvements specified in this Ordinance shall be constructed and installed by the developer at no expense to the Township and in accordance with all applicable municipal, county and state regulations.
- (D). Street improvements and the installation of waterlines, sanitary sewers and storm drainage facilities within the limits of the Township shall be made in full compliance with specifications and requirements of those regulations and shall be subject to the approval of the municipal engineer. Installation of waterlines, individual wells, private water supply systems, sanitary sewers and individual or collective sewage disposal facilities shall be made in accordance with the standards and requirements of the state and other authorities having jurisdiction over such installments. No person shall connect to any water line, storm or sanitary sewer without obtaining a permit and paying the proper connection charge.
- (E). No developer shall proceed with the construction of any utilities or improvements or make any connection to any existing municipal facility or utility system without proper inspection by the municipal engineer or authorized representative thereof in accordance with the following procedure. General site grading may be initiated by special permission of the Board of Supervisors.
- (F). No person shall dig or make any cuts or changes whatsoever in the cartway, gutters or rights-of-way of any Township, county or state road without first obtaining required permits.
- (G). Grade stakes shall be set and cut sheets prepared and a copy furnished to the Township and engineer before any work is started.
- (H). The developer shall notify the Township at least twenty-four (24) hours prior to his intention to proceed with the construction or installation of said streets and improvements or any other work related to the improvements.
- (I). Inspection reports shall be prepared by the inspector and countersigned by the developer. The reports shall show the type and quality of materials installed, weather condition, type of soil encountered and all other data pertaining to the construction.
- (J). Upon completion of the required improvements, a plan and profile of the improvements in the subdivision or land development as constructed shall be filed with the Township.
- (K). In all respects in which standards for required improvements are not set forth herein or specified by the Board of Supervisors hereunder, the applicable state and municipal standard requirements shall govern.

## Article V. Required Improvements

### § 163.30. Compliance with standards required.

- (A). No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Township. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum, and the Board of Supervisors may, as it deems advisable, revise said specifications and requirements to secure a higher standard of improvements and community development.
- (B). No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system and facilities or any other facilities or improvements will be accepted as a part of the Township's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Township.

### § 163.31. Street Improvements

#### (A). Grading.

- (1). Streets shall be constructed to grades and cross sections as cited on and presented with the preliminary plans and street profiles, in conformance with Township specifications.
- (2). Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum two (2) percent slopes away from structures shall be required.
- (3). Lot grading shall be of such design as to carry surface waters to the nearest practicable street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one (1) percent or more than four (4) percent. The swales shall be sodded, planted, or lined as required. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions.
- (4). No final grading shall be permitted with a cut face steeper in slopes than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:
  - (a). The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control to that effect is submitted to the municipal engineer and approved by him. The statement shall state that the sites has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
  - (b). A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the municipal engineer for review and approval is provided.
- (5). No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:
  - (a). The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining properties, streets, alleys, or buildings



## Article V. Required Improvements

- (b). A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the municipal engineer.
  - (c). A wall is constructed to support the face of the fill.
  - (6). The subgrade of a street shall be brought to the proper grade and contour and shall be rolled and cross-rolled. All soft spots shall be removed. These soft spots shall be recompacted with a suitable firm material approved by the municipal engineer before the placing of any base material.
  - (7). The top or bottom edge of slope shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property, or shall meet the current International Building Code standards (IBC). All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height, shall be protected by a protective fence no less than three (3) feet in height approved by the municipal engineer.
  - (8). No base course shall be placed until the subgrade has been inspected and approved by the Township.
  - (9). All lots shall be free of any debris or nuisances whatsoever.
- (B). Street base course.**
- (1). The base course and subbase course shall be constructed to the lines, grades, and cross sections as approved. The base course shall consist of at least eight (8) inches of crushed aggregate of native stone, limestone, or crushed slag properly graded and meet the requirements of the then-existing specifications of the Pennsylvania Department of Transportation.
  - (2). Construction shall be started with one (1) inch of fine slag or limestone for an inverted choke. The base course shall be topped with one (1) inch of fine slag or limestone for top choke.
  - (3). A lesser base course of six (6) inches, with bottom and top one-inch slag or limestone choke may be authorized by the Board of Supervisors for streets in low-density subdivisions that meet the following criteria:
    - (a). No lot in the subdivision shall be less than one and fifty hundredths (1.50) acres [sixty-five thousand three hundred forty (65,340) square feet] and the average size of all lots within the subdivision shall be a minimum of two (2) acres [eighty-seven thousand one hundred twenty (87,120) square feet] or each lot shall have a minimum frontage of one hundred forty (140) feet.
    - (b). The number of lots served by the street for which a lesser base course is requested shall not exceed twenty (20) on said street.
    - (c). The street shall be designed and utilized exclusively for the purpose of providing access to the lots within the subdivision and shall not be integrated into the local circulation system as a collector or arterial facility.
  - (4). Except as stated above the base course shall be installed in accordance with the specifications enumerated by the Board of Supervisors pursuant to resolution and/or the addendum thereto.

## Article V. Required Improvements

### (C). Street pavement wearing course

- (1). A bituminous pavement wearing course shall be constructed to the lines, grades and cross sections as approved, with all materials used and all construction requirements performed in conformity with municipal specifications the Township shall have the right to request specific additional documentation to assure that proper pavement, design, soil condition and drainage requirements are met.
- (2). The bituminous pavement wearing course and required binding courses shall be installed in accordance with the specifications enumerated by the Board of Supervisors.
- (3). A lesser pavement wearing course consisting of a tar and chip application, installed in accordance with Township standards, shall be authorized by the Board of Supervisors for streets and low-density subdivisions that meet the criteria enumerated in § 163.31 (B) (3) of this chapter.
- (4). The final wearing course shall not be applied until after all improvements have been installed and approved by the Board of Supervisors.
- (5). All specifications shall be as enumerated by the Board of Supervisors pursuant to addendum and/or resolution.

### (D). Drainage.

- (1). In areas where springs, poor soil drainage conditions or wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement, there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Township specifications, subject to approval of drawings and design by the municipal engineer.
- (2). If during construction unknown poor drainage conditions are encountered by the owner, he shall notify the municipal engineer and correct such conditions encountered at the direction of the municipal engineer.

### (E). Curbs.

- (1). The types of curbs used, when specified by the developer or when required by the Board of Supervisors, are to be determined by the municipal engineer and subject to the engineer's approval before installation.
- (2). The requirements of curbs or curbs and gutters will vary in accordance with the character of the area and density of development involved. The Board of Supervisors may require curbs and gutters to be installed on arterial, collector or local streets if such construction is deemed necessary for public safety, control of water runoff or clearly defined driving and parking areas. Curbs shall ordinarily be required where:
  - (a). Streets are designed to serve areas in which the net residential density of the area surrounding the proposed subdivision equals or exceeds three (3) families per acre.
  - (b). Lot frontage is less than seventy-five (75) feet.
  - (c). Commercial development or other similar intensive urban uses exist.
  - (d). Curbs exist on abutting property.
- (3). Where curbs are not required, roadways may be designed with a shoulder section. Shoulder sections shall have stabilized shoulders that may be paved, gravel, or sodded grass surface. Shoulders shall meet PennDOT slope requirements.

### (F). Acceptance.

- (1). Streets not constructed or installed in accordance with this Chapter shall not be accepted by the Township.

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### (G). Street trees.

- (1). Street trees shall be planted for any subdivision or land development where suitable street trees as defined in Appendix C do not exist, when determined appropriate by the Board of Supervisors.
- (2). The size and species of said street trees shall conform to the Planting List in Appendix C.
- (3). The number of street trees required shall be determined based on twenty-five (25) feet on center for each side of the street, except along primary streets where they may be up to fifty (50) feet on center spacing. Informal groupings of more closely spaced plants which reflect the natural character of the site are encouraged. Required street trees which are not planted on the property shall be placed at the direction of the Township.
- (4). Street trees shall be planted a minimum distance of five (5) feet outside and parallel to the right-of-way line, unless otherwise approved by the Township. Trees located at intersections shall respect the sight triangle.
- (5). In no instance shall street trees encroach upon the right-of-way. Street trees shall be located so as not to interfere with the maintenance of utilities, required sight distances, and visibility of street and traffic signs.
- (6). The cost of the tree and its planting shall be the responsibility of the developer or the adjacent lot owner as specified in the developers' agreement or by the Township at the time of application for a building permit.

### (H). Sidewalks.

- (1). Sidewalks shall be provided:
  - (a). On all existing and proposed streets and parking compounds located within or abutting multi-family and apartment building developments.
  - (b). On all existing and proposed streets within or abutting subdivisions or land developments in the Special Development District (SD) of the Green Hills Borough and South Franklin Township Joint Zoning District, in which the average lot size of all lots containing houses is one-half (1/2) acre or less and at least 50 dwelling units or as an extension of an existing network.
  - (c). Sidewalks shall be located in multi-family apartments, nonresidential and other areas so as to provide safe and efficient access between parking areas and residential buildings and between parking areas and nonresidential buildings.
- (2). Minimum requirements.
  - (a). The minimum width for sidewalks shall be five (5) feet.
  - (b). Sidewalks shall be of poured cement concrete, a minimum four (4) inches thick at driveway crossings and a minimum of two percent (2%) transverse slope from property line to curb to facilitate drainage.
  - (c). All phases of construction shall be in accordance with this chapter and design standards established and approved by the Township; the forms shall be inspected prior to pouring, and finished walks shall be inspected by the Municipal Engineer.

### (I). Trails.

- (1). Trails shall be required on one side of all proposed and existing streets within industrial/business parks.
- (2). Minimum requirements:
  - (a). Trails shall be constructed at a width of six (6) feet.
  - (b). Trails shall be constructed of asphalt and according to the specifications as determined by the Municipal Engineer.

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### § 163.32. Monuments.

- (A). Monuments shall be installed by a registered professional land surveyor as shown on the subdivision plan.
- (B). When siting monuments, consideration should be given to the accessibility of the monuments and the likelihood of possible damage due to surrounding land uses.
- (C). In minor subdivisions, the Board of Supervisors, upon recommendation by the Municipal Engineer, may waive the requirement for the number of monuments.
- (D). Monuments shall be placed at all block corners, angle points, points or curves in streets and intermediate points as determined by the municipal engineer. Monuments shall be either concrete with a minimum dimension of six by six by thirty (6 x 6 x 30) inches, marked on top with a brass or copper pin; or iron or steel bars at least fifteen (15) inches long, with a minimum diameter of three-fourths (3/4) inch.

### § 163.33. Water supply.

- (A). The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Department of Environmental Protection with satisfactory provision for the maintenance thereof; except that, when such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Department of Environmental Protection.
- (B). Public water service is deemed to be available where the distance from the end of the main to the beginning point of a distribution system for the plan is eight hundred (800) feet or less.
- (C). If public water is available or definitely planned for the area, the developer shall extend the main line to serve all lots in the subdivision. The plans for installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected shall be submitted to the Township. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the Township.
- (D). If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Township that water to the subdivision is to be supplied by a certified public utility, or by a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- (E). Fire hydrants shall be installed within six hundred (600) feet of all lots in subdivisions consisting of five (5) lots or more, if public or semipublic water service is available. The Township and Volunteer Fire Department shall be consulted to determine the location of any proposed fire hydrants.
  - (1). The subdivider or developer shall supply and install all materials associated with the fire hydrant(s), as well as the fire hydrant(s) themselves.

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- (2). The materials and installation thereof shall comply with the requirements set forth by the local water utility company.

### § 163.34. Sanitary sewer systems.

#### (A). Public sewer systems.

- (1). Sanitary sewer service is deemed to be available where the distance from the end of the main to the beginning point of a collection system for the plan is eight hundred (800) feet or less, unless the service is not topographically feasible.
- (2). When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Township. Where required, Pennsylvania Department of Environmental Protection Planning Module approval shall also be obtained for final plan approval.

#### (B). Private sewer systems.

- (1). When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Township from the Department of Environmental Protection certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the Township.

#### (C). On-lot sewage disposal.

- (1). In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided as approved by the Department of Environmental Protection, and the Township or authority or other public body responsible for the collection, conveyance, and treatment of sanitary sewage.

#### (D). Capped sewer system.

- (1). Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the applicant shall install new sewer lines, including lateral connections, in order to provide service to each lot.
- (2). The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures.
- (3). When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required.
- (4). If any planned construction of extensions to the existing sanitary sewer system is under contract or scheduled to occur within six (6) months of the application date, the applicant may reduce the size of any required septic system drain fields or septic tank by fifty (50) percent.

- (E). No building permit will be issued for any construction or subdivision development until a public sewer system, private sewer system, or on-lot sewage disposal system has been approved by the Board of Supervisors and the Pennsylvania Department of Environmental Protection (DEP), pursuant to the rules and regulations of the Pennsylvania Sewage Facilities Act (Act 537), as amended.

- (F). No subdivision shall be approved for development by the Board of Supervisors until mutually acceptable agreements have been reached between the developer

## Article V. Required Improvements

and applicable utility companies or municipal utility authorities relative to utility system installations, maintenance, ownership of facilities, tap fees and other related considerations.

### § 163.35. Utilities and Easements.

- (A). Easements required to be obtained by developers shall provide for the maintenance, repair, and replacement of the facilities including the right of passage for such work. The Township shall have the right of review and correction of all easements obtained by developers from other property owners that shall be turned over to the Township.
- (B). No right-of-way nor easement for any purpose shall be recited or described in any deed unless the same has been shown on the approved plan. Any error found in a deed shall be immediately corrected and recorded in the Office of the Recorder of Deeds for Washington County, at the sole expense of the developer.
- (C). Electric utility lines. In accordance with the Pennsylvania Public Utility Commission Order of July 8, 1970, as amended, all electric utility distribution lines shall be installed underground in subdivision or land developments that have a density of two units per acre or greater. In addition, the following design standards shall be observed:
  - (1). Telephone and cable television utilities shall be installed underground.
  - (2). Whenever practicable, trenches through utility easements shall be occupied jointly by electric and communication utilities.
  - (3). A plan for providing utility service to the proposed subdivision or land development shall be prepared by the developer in cooperation with the appropriate public utility companies and governmental agencies.
- (D). Utility easements.
  - (1). Anchor easements shall be approximately four by thirty (4 x 30) feet and placed on a lot line.
  - (2). Aerial easements shall be in accordance with state regulatory agencies having jurisdiction.
  - (3). Utility easements shall be provided for wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements. Local utility companies shall be consulted by the developer when locating utility easements.
  - (4). Other utility easements shall be located either:
    - (a). Abutting the street right-of-way, in which case a minimum easement width of ten (10) feet shall be required; or
    - (b). Along rear or side lines, in which case a minimum easement width of twenty (20) feet, ten (10) feet on each side of the lot lines, shall be provided; where the lot lines coincides with the subdivision boundary, a minimum easement width of twenty (20) feet may be required by the Board of Supervisors. For high-power transmission lines, the easement width shall be as required by the utility company.
- (E). Energy transmission lines.
  - (1). No company intending to install any petroleum, petroleum products or natural gas transmission line shall be allowed to construct the line on less than a fifty-foot right-of-way. The line shall be installed in the center of the right-of-way and comply with the applicable standards imposed by state and federal laws and regulations.

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- (2). There shall be a minimum distance of twenty-five (25) feet, measured from the right-of-way line, between any proposed building and any petroleum, petroleum products or natural gas transmission lines which traverse the subdivision.
- (F). Streets, Sidewalks, and Utilities
  - (1). Utilities shall be constructed in the most perpendicular manner as possible in regards to streets and sidewalks.
- (G). Drainage Easements.
  - (1). Drainage easements shall be required along natural water courses with a minimum width of fifty (50) feet. Such easements may be used for storm drainage systems, sanitary sewer lines, and open space. Where conditions warrant, such as in floodplains, additional width may be required.

### § 163.36. Conditions of Acceptance.

#### (A). Performance requirements.

- (1). Before approving any subdivision plan, the Board of Supervisors shall require a written agreement that necessary grading, paving and street improvements, sidewalks, streetlights, fire hydrants, water mains, storm sewers and sanitary sewers, as may be required by the township, shall be installed by the applicant in strict accordance with the design standards and specifications of the Township, within a specified time period.

#### (B). Performance guarantee.

- (1). The Board of Supervisors shall ensure, through receipt of certificates of compliance submitted and attested by the Municipal Engineer, that the required improvements have been installed according to the specifications of the final plan or alternately require the posting of adequate surety to cover the cost for such improvements. The Board of Supervisors shall specify one (1) of the following alternatives, or such other alternatives as may be acceptable, for guaranteeing compliance with the requirements of this section. Decision of which alternative shall be required is that of the Board of Supervisors. Final approval of a plan may not be granted until the surety required is fully provided. In any event, the required surety shall be secured, along with the written agreement, prior to any construction or related activity.
- (2). In lieu of the completion of any improvements required for final plan approval, financial security in an amount sufficient to cover the costs of any improvements or common amenities shall be provided to the Township in accordance with this Section.
- (3). The acceptable types of guarantees are as follows:
  - (a). Performance bond with an acceptable surety and form satisfactory to the Township,
  - (b). Certified check payable to the Township,
  - (c). Deposit of cash or other acceptable security in a bank account payable only upon order of the Township,
  - (d). Escrow agreement, between the applicant, the Township, and a bank; said agreement shall provide for the payment of all or a portion of the proceeds from the sale of lots into an escrow account until sufficient funds are deposited to cover the cost of the improvements remaining to be installed; and
  - (e). Any other form of guarantee acceptable to the Township; e.g., Federal or Commonwealth chartered lending institution irrevocable letters of credit.

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- (4). The amount of the financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer.
- (5). The amount of financial security required shall be based upon an estimate of the costs of completion of the required improvements submitted by an applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause.
- (6). Such financial security shall provide for and secure to the public the completion of all subdivision improvements for which such security is being posted on or before ninety (90) days following the date fixed in the subdivision plan or subdivision agreement for completion of such improvements.
- (7). If the applicant requires more than one year from the date of posting of the financial security to complete the required improvements, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost of the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. After this adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals one hundred and ten (110) percent of the cost of completion.
- (8). In the case where development is projected over a period of years, the Township may authorize submission of final plats by sections or stages of development, subject to such requirements or guarantees as to improvements in future sections or stages of development.
- (9). As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release, or authorize the release from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said 45-day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.
- (10). Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not



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to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

- (11). If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance there of shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- (12). If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted on the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings.

### **(C). Inspection of work and materials.**

- (1). The municipal engineer shall be notified at least five (5) business days in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the Township. Construction and installation operations shall also be subject to inspection by municipal officials during the progress of the work. The applicant shall pay for all inspections.
- (2). The municipal engineer shall, thereupon, file a report, in writing, with the Board of Supervisors and with Planning Commission and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the engineer of the aforesaid authorization from the Township; said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- (3). All required road improvements shall be constructed in accordance with the applicable provisions of the latest edition of PennDOT Publication 408, including the latest revisions and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications.

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- (4). The specifications will be furnished to the applicant by the Township. If any of the specifications are unavailable at the Township building, the municipal engineer shall provide the applicable specifications.
  - (5). During, or after, construction of any required improvement, should the Township require a sample of materials, said sample shall be furnished by the appropriate contractor, in form specified by the municipal engineer.
- (D). Maintenance bond for public improvements.**
- (1). Before the municipal engineer shall issue to the Board of Supervisors a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, ordinances and requirements of the township, the developer shall be required to deposit with the township a maintenance bond for up to 100% of the contract price or other such amount as deemed adequate by the Board of Supervisors. Said maintenance bond is to guarantee the repairs and maintenance by the developer of the streets, roads, pavements, sidewalks, curbs, gutters, storm drains and facilities, sanitary sewer and facilities, sewage treatment plant and facilities and any other public improvements constructed and installed in the subdivision or development for a period of two (2) years from the date of final and official acceptance of the above said improvements and facilities by the Board of Supervisors. In cases where it is shown that such a maintenance bond is not commonly available, the Board of Supervisors may waive this requirement.
  - (2). The repairs and maintenance required to be performed by the developer shall extend only to making good any inherent defects which become manifested in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the developer has no control.
- (E). Release from improvement bond.**
- (1). When the developer has completed all of the required improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the municipal engineer.
  - (2). The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the municipal Engineer to inspect all of the aforesaid improvements. The municipal engineer shall thereupon file a report, in writing, with the Board of Supervisors 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 thirty (30) days after receipt by the municipal engineer of the aforesaid authorization from the Board of Supervisors. Said report shall be detailed and shall indicate approval or rejection of said improvements. If any portion thereof shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
  - (3). The Board of Supervisors shall notify the developer within fifteen (15) days, in writing, by certified or registered mail, of the action of the Board of Supervisors with relation thereto.
  - (4). If the Board of Supervisors or the municipal engineer 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 his performance guaranty bond.

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- (5). If any portion of the required improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as outlined herein shall be followed.
  - (6). Nothing herein, however, shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the municipal engineer.
- (F). Remedies to effect completion of improvements.**
- (1). In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this chapter or the requirements of the Board of Supervisors or in accordance with the approved final plan, the Board of Supervisors shall enforce any corporate bond or other security by appropriate legal and equitable remedies.
  - (2). If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.
  - (3). All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.
- (G). Off-site improvements.**
- (1). Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. The municipal solicitor shall render final judgment in any instances where a dispute arises as to the direct cause relationship for the improvement(s).
  - (2). The developer may be required to cover costs which must be incurred by the Township or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those prescribed in Section 163.36(B).

### § 163.37. Recording of plan.

- (A). Within ninety (90) days after the date of approval of the final plan, the developer shall record an approved duplicate copy of the plan in the office of the County Recorder of Deeds and file with the Township a recorder's certificate that the approved plan has been recorded, with the plan book and page numbers indicated, and approval shall not become final and effective until such certificate has been filed. The developer shall provide a duplicate tracing of the officially recorded plan to the Township. The duplicate tracing may be of Mylar, linen or some other durable material.
- (B). After an approved subdivision plan shall have been officially recorded, the streets, parks and other public improvements shown thereon shall be so considered to be a part of the official plan of the Township.

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- (C). Streets, parks and other public improvements shown on a subdivision plan to be recorded shall be offered for dedication to the township by formal notation thereof on the plan, or the owner shall note on such plan that any improvements have not been offered for dedication to the Township.
- (D). Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by ordinance or resolution or until it shall have been condemned for use as a public street, park or other improvement.
- (E). In the event that an approved subdivision plan is not recorded within the required ninety-day period, said approval shall be deemed voided and rescinded, and the plan must be resubmitted if approval is sought by the developer.

### **§ 163.38. Responsibility of Township where plans not approved.**

- (A). If any road or any drainage facilities in connection therewith shall be opened, constructed or dedicated for public use or travel, except in strict accordance with plans approved and recorded as herein provided, neither the Board of Supervisors nor any public authorities shall place, construct or operate any sewer, drain, water pipe or other facilities or do any work of any kind in or upon such road; and neither the Board of Supervisors nor any other public authorities shall have any responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public; provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains if required by engineering necessity for the accommodating of other territory.

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### § 163.39. Applicability

- (A). The Board of Supervisors and Planning Commission will apply the following principles, standards, and requirements in evaluating plans for proposed subdivision and land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the applicant may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with objectives of this Chapter.

### § 163.40. General requirements.

- (A). Land shall be suited for the purpose for which it is to be subdivided, whether for residential, business, industrial, or recreational use.
- (B). Land subject to hazards of life, health and safety, such as strip mine land, quarry land, open ditches and land subject to flooding or subsidence, shall not be subdivided for residential purposes until all such hazards have been eliminated or unless guaranties are given that adequate safeguards against such hazards are provided by the subdivision plan.
- (C). The development of proposed subdivision shall take into consideration the possibility of future and existing adjacent development.
- (D). Subdividing land shall be done in a manner that will not bar adjacent property owners from access to streets and ways of alignment or otherwise preclude the development of surrounding land areas.
- (E). The following principles of subdivision and land development, general requirements, and minimum standards of design shall be observed by the applicant in all instances:
  - (1). All portions of a tract being subdivided shall be designated as lots, roads, public lands or other land uses.
  - (2). Whenever possible, applicants shall preserve scenic points, historic sites and other community assets and landmarks, as well as natural amenities such as mature trees and waterways.
  - (3). Subdivisions and land developments should be laid out so as to avoid excessive cut or fill.
  - (4). Applicants shall observe the ultimate rights-of-way for contiguous existing roads as prescribed in this Article. Additional portions of the corridors for such roads shall be offered to the government agency having jurisdiction at the time the subdivision or land development is consummated. Applicable building setback lines, as defined by the South Franklin Township and Green Hills Borough Joint Zoning Ordinance, shall be delineated as measured from the ultimate right-of-way lines.
  - (5). The standards of design in this Article will be used to judge the adequacy of subdivision and land development proposals. The standards included in these regulations are minimum design requirements. The Township reserves the right, in any case, to request that development features exceed these standards if conditions so warrant.
  - (6). The Township may modify or adjust the standards of this Article to permit reasonable utilization of property while securing substantial conformance with the objectives of the regulations.
  - (7). Floodplain land shall not be subdivided or developed except in accordance with the floodplain regulations set forth in the South Franklin Township and Green Hills Borough Joint Zoning Ordinance.

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- (8). Improvement construction requirements will be completed under specification of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and other appropriate agencies. In the event of conflict, the specification contained in the Article shall govern.
- (9). The developer or builder shall construct and install, at no expense to the Township, the roads, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, fire hydrants, road and street signs, shade trees, monuments and other facilities and utilities specified in this Article. Construction and installation of such facilities and utilities shall conform to municipal engineering standards, where applicable, and shall be subject to inspection by appropriate municipal officials during the progress of the work; the subdivider shall pay for these inspections.
- (10). Only one (1) residential structure (notwithstanding any permitted accessory structures) shall be permitted per one (1) lot, pursuant to the requirements regarding dwellings set forth in the South Franklin Township and Green Hills Borough Joint Zoning Ordinance.

### § 163.41. Lots and Blocks.

#### (A). Lots.

- (1). All lot area requirements and specified minimum yard and setback designations shall be dimensioned from public rights-of-way where applicable. No lot area requirement or setback shall be computed from within a public right-of-way.
- (2). The frontage width of lots abutting a cul-de-sac shall be determined as the width at the building line. The side yard and setback requirements will be calculated from the midpoint of the structure along the average length of both sides of the structure.
- (3). All lot lines shall be set perpendicular or radial to the center line of the street whenever possible.
- (4). Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- (5). All lots shall abut by their full frontage on a publicly dedicated street or on a street that has received the legal status of such. Lots abutting on a private street or easement shall not be approved, except that lots developed on private streets in existence prior to the enactment of this chapter may be approved. Private streets normally shall not be extended to permit additional lot development.
- (6). No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one (1) foot for each two (2) feet of horizontal distance between abutting lots, unless a retaining structure is installed in accordance with specifications approved by the municipal engineer and the Board of Supervisors.
- (7). The literal application of front yard setback requirements for single-family dwellings as set forth in the South Franklin Township and Green Hills Borough Zoning Ordinance may be relaxed by the Board of Supervisors in predominantly developed areas, provided that:
  - (a). Seventy-five percent (75%) or more of the established structures on the same side of the street in the immediate vicinity have front yard areas less than required by the South Franklin Township and Green Hills Borough Zoning Ordinance.

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- (b). For purposes of this setback relaxation, “immediate vicinity” shall be interpreted as a block area not exceeding eight hundred (800) linear feet which is between either two (2) intersecting streets or an intersecting street and a cul-de-sac.
  - (c). In the absence of typical block development in open or rural areas, the “immediate vicinity” shall be determined as developed parcels within five hundred (500) linear feet of the subject property.
  - (d). Where setback relaxations are granted, the front yard setback requirements shall be established as the average setback of all existing structures in the immediate vicinity.
  - (e). The relaxation of setback requirements under the authorization of this subsection shall be employed only to achieve orderly development and not to circumvent the purpose and intent of the Subdivision and Land Development Ordinance or of the Zoning Ordinance.
- (8). Lots laid out for residential purposes shall be subdivided in accordance with the provisions of the South Franklin Township and Green Hills Borough Zoning Ordinance with respect to lot area, lot width, setbacks, yard requirements and other applicable requisites and requirements.
- (9). Every lot shall contain a building envelope suitable for the type(s) of development proposed.
- (10). Nonresidential lots.
- (a). Lots and tracts of land laid out for nonresidential purposes shall be subdivided in accordance with the provisions of the South Franklin Township and Green Hills Borough Zoning Ordinance with respect to lot area, lot width, setbacks, yard requirements and other applicable requisites and requirements.
  - (b). The location of areas designated for structures, internal site accessways, off-street parking and loading areas and generalized land use proposals shall be included as a part of all final plan applications for nonresidential purposes.
  - (c). The Planning Commission may recommend and the Board of Supervisors may authorize block platting in place of lot platting for nonresidential purposes to provide the developer maximum flexibility, provided that no block shall be subdivided in such a way that any subsequent lots would be smaller than the minimum size authorized by this chapter for residential uses.
  - (d). The developer shall demonstrate every effort to protect adjacent existing or potential residential development sites through the provision of guaranties or other appropriate procedures or amenities designed and established for the purpose of mitigating adverse influences resulting from business activities.
- (11). Rear lots.
- (a). Rear or “flag” lots, as defined herein, may be permitted by the Board of Supervisors under certain circumstances, in accordance with the following standards and criteria:
    - (i). To preserve existing farmland and/or rural appearance and character by locating new development remote from existing road frontage, especially when new development can be screened from view by intervening topographic features such as hills and/or wooded areas.

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- (ii). To permit reasonable subdivision of land which is physically constrained by unusual configuration of the tract or limited road frontage, and which could not be subdivided in a desirable manner using conventional streets and lotting patterns.
  - (iii). To permit an alternative to the use of local access streets where such streets cannot be justified in terms of the number of lots served, volumes of traffic generated, and/or the need to extend, supplement, or otherwise support or reinforce an established road pattern or traffic circulation plan for the area surrounding the proposed subdivision.
  - (iv). Rear lots shall be comprised of two parts, the access strip and the body of the lot, in compliance with the following standards:
    - (a). The access strip shall be a minimum of fifty (50) feet wide for its entire length, including that portion which abuts a public street right-of-way for access.
    - (b). When necessary or desirable for grading, drainage, or preservation of natural features, such as trees, the access strip shall be widened beyond the fifty (50)-foot minimum as necessary.
    - (c). The access strip shall be a fee simple part of the rear lot, and shall not be a separate parcel of easement.
    - (d). No access strip should exceed three (3) times the lot depth described above, unless the primary purpose of the additional length is to preserve farmland or other land for preservation of agriculture or rural character, by locating new development remote from road frontage.
    - (e). No structures are permitted in the access strip and a note shall be included on the final subdivision plan that this area is non-buildable.
    - (f). The body of a rear lot shall comply with all the minimum dimensional requirements of the zoning district in which it is located. The area of the access strip shall not be counted toward the minimum lot area requirement.
- (12). Blocks.
- (a). Block length shall not exceed eight hundred (800) feet nor be less than five hundred (500) feet.
  - (b). Blocks shall be at least two (2) lots in depth, except for reverse frontage lots.
  - (c). The depth-to-width ratio of usable lot length shall be at a maximum of two and one-half to one (2 ½: 1).



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### § 163.42. Natural features.

- (A). The design and development of all subdivisions and land developments shall preserve, wherever possible, existing features such as the natural terrain of the site, woodland areas, large trees, vegetative corridors for wildlife movement, watercourses and bodies of water, wetlands, rock outcroppings and scenic views.
- (B). **Floodplain Protection.**
- (1). The developer shall consult floodplain engineering studies done for the Township in order to delineate floodplain areas within the proposed subdivision or land development tract.
- (2). With the exception of a privately developed water body or watercourse, proposed subdivision or land development tracts which include rivers, lakes, streams or other significant watercourses or bodies of water shall adhere to the requirements of the Floodplain District requirements contained in the Zoning Chapter.
- (C). **Wetland, Lake and Stream Frontage Preservation.**
- (1). Lake and stream frontage shall be preserved as open space whenever possible. In smaller minor subdivisions or land developments, lake and stream frontage may be preserved through conservation easements.
- (a). Access points to the water and maintenance easement areas shall be provided at intervals of no more than one-half (1/2) mile. These access points shall be no less than twenty-five (25) feet in width.
- (b). No disturbance is permissible within 25 feet of the edge of any flowing stream, lake or wetlands
- (D). **Tree preservation and planting.**
- (1). Trees eight (8) inches or more in diameter [measured at a height of four and one-half (4 1/2) feet above grade] shall not be removed unless they are located within the proposed cartway or sidewalk portion of a street right-of-way, within twenty-five (25') feet of the foundation area of a new building or within an area where regrading is necessary to achieve acceptable site development. Where possible, existing open space areas should be utilized for such facilities to minimize necessary disturbance of existing wooded areas. Areas in which trees are retained shall remain undisturbed and at the original grade level wherever possible. Registered Bicentennial Trees or older shall not be removed unless the applicant proves the property is incapable of development without removal.
- (2). For all non-residential, mobile home park and multifamily developments, a landscape plan shall be prepared. The plan shall show the plant cover which exists and, on the same or separate sheet, that which will exist when the landscaping is completed, including trees, shrubs and ground cover. A landscape plan shall be prepared and submitted prior to approval of a building permit. In the case of staged development or developments of individual parcels by separate owners, the landscape plan may be submitted in stages coinciding with the application for final plan approval for each stage.
- (E). **Topography**
- (1). The natural terrain of all proposed subdivision or land development tracts will be retained wherever possible. Cut and fill should be kept to a minimum necessary to achieve acceptable street grades, parking areas or building sites where no feasible alternative exists or where it will be used to enhance the site, such as berms or swales, which add visual interest or perform a function such as drainage or screening.

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(2). Blasting operations using explosives are not permitted in conjunction with any grading or excavating activity, including, but not limited to, earthmoving or trenching operations.

**(F). Topsoil Protection.**

(1). Topsoil shall be removed from the areas of construction and stored separately. The topsoil shall be stabilized to minimize erosion during storage. Upon completion of initial road construction including final wearing course, the topsoil must be uniformly redistributed on the site at a depth not less than four inches and the site shall be seeded and mulched in a manner that is deemed appropriate by the Township.

**§ 163.43. Standards for location and management of open space.**

- (A). Common open space, when provided, shall be located so as to be consistent with accepted design principles. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.
- (B). There shall be provisions which ensure that the common open space shall continue as such and be properly maintained.
- (1). 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; or
  - (c). Provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space.
- (C). In the case of Subsection B(1)(b) and (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.
- (D). If a homeowners' association or open space trust is formed, it shall be governed according to the following regulations:
- (1). The organization is organized by the developer and operated with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
  - (2). Membership in the organization is mandatory for all purchasers of homes therein and their successors.
  - (3). The organization shall be responsible for maintenance of and insurance and taxes on common open space.
  - (4). The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
  - (5). The organization shall have to hire adequate staff to administer facilities and maintain the common open space.
    - (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 development, 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 of the development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.
    - (b). Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof and shall state the date and

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place of a hearing thereon, which shall be held within fourteen (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 corrected.

- (c). If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said thirty (30) days or any extension thereof, the township may enter upon said common space and maintain the same for a period of one (1) year.
- (d). Said maintenance by the township shall not constitute a taking nor vest in the public any rights of use.
- (e). Before the expiration of said year, the township shall, upon its initiative or upon the request of the organization therefore responsible for maintenance, call a public hearing upon notice to such organization or to the residents of the development. At the hearing, such organization or the residents of the development shall show cause why such maintenance by the township shall not, at the option of the township, continue for a succeeding year.
- (f). If the Board of Supervisors determines that such organization is ready and able to maintain said common space in reasonable condition, the township shall cease maintenance at the end of said year.
- (g). If the Board of Supervisors 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 maintenance during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
- (h). The cost of maintenance by the township shall be assessed against the properties within the 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 such lien in the office of the Prothonotary of the county upon the properties affected by such lien within the development.

### § 163.44. Streets.

#### (A). Layout and design.

- (1). Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.
- (2). Proposed streets shall further conform to such applicable State road and highway plans as have been prepared, adopted, or filed as prescribed by law
- (3). Streets shall be related to the topography so as to produce usable lots and acceptable grades.
- (4). Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to municipal specifications.
- (5). Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic, and where possible, arterial streets shall be designed for use by through traffic.

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- (6). Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or limited access highway and the marginal access streets. The Township may also require rear service areas, double frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets and separation of local and through traffic.
  - (7). New reserve strips, including those controlling access to streets, shall be forbidden
  - (8). Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.
  - (9). If lots resulting from original subdivision are large enough to permit additional subdivision or if a portion of the tract is not subdivided, adequate street rights-of-way shall be provided as necessary to allow for future development activities.
  - (10). No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other Township except with the specific approval of the Board of Supervisors and upon such conditions as they may impose. If the street is proposed to serve a commercial area, an industrial area, or a residential area of fifty (50) dwelling units or more located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the municipality are adequate to handle the anticipated volume.
  - (11). All streets shall have a uniform width through their respective lengths except where otherwise required.
  - (12). Alleys shall not be permitted in any subdivision.
- (B). Requirements for new streets and extensions of existing streets.**
- (1). All new streets and extensions and widening of existing streets:
    - (a). Shall be offered for dedication to the Township; state roads shall first be offered to the State, County roads shall first be offered to the County;
    - (b). Shall provide appropriate access between abutting tracts of land for immediate or future use;
    - (c). Shall create a road hierarchy among interior subdivision and land development streets and exterior streets to insure proper through-traffic flow, local access, and internal traffic distribution and flow;
    - (d). Shall be related closely to existing topography to assure reasonable grades, alignment and drainage, appropriate access to lots, and to minimize regarding and removal of vegetation;
    - (e). Shall be designed to continue existing streets at equal or greater right-of-way and cartway width, as recommended by the municipal engineer and Board of Supervisors.

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- (2). Street classifications.
  - (a). Functional classifications for all roads in the Township shall fall into one of the categories outlined in Article II: Definitions and Terms, of this Chapter. They shall be one of the following: arterial, collector, or local.
  - (b). The design of a street system shall include the classification of streets based on their functions and projected traffic as determined by the municipal engineer.
  - (c). Each street shall be designed for its entire length to meet the standards for its classification.
  - (d). The classification of each street shall be based upon the projection of traffic volumes ten (10) years after its completion. Traffic volumes shall be calculated in accordance with trip generation rates published in the most recent edition of the Institute of Transportation Engineer's (ITE) "Trip Generation Manual" or alternate source acceptable the municipal engineer and shall consider all traffic likely to use each street.
- (3). Maximum allowable grades.
  - (a). The maximum allowable grades at the center line of streets shall be as follows:
    - (i). Arterial streets: seven percent (7%).
    - (ii). Collector streets: seven percent (7%).
    - (iii). Local streets: twelve percent (12%).
  - (b). Grades in excess of the standards cited herein may be approved by the Board of Supervisors where it is clear that no traffic hazards or maintenance problems will be created.
- (4). Minimum grades on all streets shall not be less than one percent (1%).
- (5). Vertical curves shall be installed on all street grade changes to provide for the following minimum sight distances:
  - (a). Arterial streets: four hundred (400) feet.
  - (b). Collector streets: two hundred (200) feet.
  - (c). Local streets: one hundred fifty (150) feet.
- (6). Alignment.
  - (a). Whenever street lines are deflected in excess of two degrees (2°), connection shall be made by horizontal curves.
  - (b). The minimum radius at the centerline for horizontal curves on collector and arterial streets shall be three hundred (300) feet, and for local streets the minimum radius shall be one hundred (100) feet.
  - (c). On local access streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets, the minimum tangent shall be at least two hundred-fifty (250) feet.
  - (d). Minimum vertical sight distance measured four (4) feet above grade shall be three hundred (300) feet for collector and arterial streets and one hundred (100) feet for local access streets.
- (7). Right-of-way widths.
  - (a). Minimum widths for each type of public street shall be as follows:

**Table VI.1: Minimum Right-of-Way Widths**

Type of Street	Cartway (feet)	Right-of-Way (feet)
Local	20	50
Collector	24	50
Arterial	30	60

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- (8). Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Chapter, sufficient additional width for right-of-way shall be provided and dedicated to the meet the foregoing standards.
  - (9). Additional right-of-way and cartway widths may be required by the Board of Supervisors:
    - (a). To promote public safety and convenience.
    - (b). To provide additional circulation and parking space in commercial and industrial development areas and in areas of high-density residential development.
    - (c). Where a subdivision abuts or contains an existing street of inadequate right-of-way in conformance with the above standards.
- (C). Cul-de-sac streets.**
- (1). To facilitate traffic flows and to promote increased fire-fighting and emergency vehicle safety and more efficient snowplowing, the Township discourages the use of cul-de-sac streets; however, the Township will permit the use of cul-de-sac when justified due to property shape and topography.
  - (2). Cul-de-sac streets, permanently designed as such, shall not exceed 1,200 feet in length and shall furnish access to not more than 25 dwelling units, unless topography factors justify a greater distance or whereby intersecting side streets provide additional access to this cul-de-sac street.
  - (3). Cul-de-sac streets shall terminate in a circular right-of-way with a minimum radius of 50 feet and a one-hundred-foot diameter to the outer pavement edge or curbline or the outer edge of travelway.
  - (4). The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by a right-of-way arc having a radius of not less than 30 feet.
  - (5). The circular paving of the cul-de-sac shall be connected to the approach paving by an easement arc having a radius of not less than 40 feet.
  - (6). That portion of a cul-de-sac street before the bulb shall have a right-of-way width of 60 feet and a cartway width of 40 feet.
  - (7). No physical obstructions shall be located within six (6) feet of the right-of-way upon a cul-de-sac, including but not limited to, mailboxes, utility poles, utility transformer boxes and/or similar above grade obstructions.
  - (8). An easement for the purpose of snow removal, having a size of not less than thirty-five (35) feet in length and 15 (fifteen) feet in depth, shall be provided upon the front yard areas of lot or lots located at the end of a cul-de-sac.
  - (9). Unless future extension is clearly impractical, the turnaround right-of-way shall be placed adjacent to property line and right-of-way of the same width as the street shall be carried to the property line such a way as to permit future extension of the street into the adjoining tract.
  - (10). Any street which is terminated, with planned future access to an adjoining property or because of authorized stage development, shall be provided with a temporary, all-weather turning circle. The turning circle shall be completely within the boundaries of the subdivision and/or land development, and the use of the turn around shall be guaranteed to the public until such time as the street is extended.

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### (D). Street intersections.

- (1). Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.
- (2). Streets proposed for commercial or industrial land development purposes shall, if possible, be laid out to intersect directly with arterial and collector streets. Insofar as possible, traffic circulation systems for commercial and industrial subdivisions shall be designed in a manner to eliminate or discourage traffic flow through residential areas.
- (3). The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than one hundred fifty (150) feet unless the streets are directly opposite each other.
- (4). Intersections of more than two (2) streets at one (1) point shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- (5). Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than seventy-five (75) degrees. The intersection of two (2) local streets shall not be at an angle of less than sixty (60) degrees.
- (6). Minimum curve radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least twenty-five (25) feet.
- (7). Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having a grade of not greater than four (4) percent for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
- (8). No fences, hedges, shrubbery, walls, planting, or other obstructions, except for trees and grass shall be located within the right-of-way. A clear-sight triangle of seventy-five (75) feet shall be provided and maintained at all intersections, as measured in all directions from the point of intersection.
- (9). All intersections with municipal roads must have a minimum sight distance as described below in Tables VI.2 and VI.3 and corresponding to PennDOT regulations Title 67 Section 441.h, as re-enacted and amended. The present regulations are as follows and should be adhered to:

**Table VI.2: Sight Distances At Intersections For Passenger Cars and Single Unit Trucks Exiting from Street onto Two Lane Roads**

Posted Speed (mph)	Safe Sight Distance (Left)	Safe Sight Distance (Right)
25	250'	195'
25	250'	195'
35	440'	350'
45	635'	570'
55	845'	875'

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**Table VI.3: Safe Sight Distances At Intersections For Buses And Combinations From Streets Onto Two Lane Roads**

Posted Speed (mph)	Safe Sight Distance (Left)	Safe Sight Distance (Right)
25	400'	300'
25	400'	300'
35	675'	625'
45	1225'	1225'
55	2050'	2050'

**(E). Private streets.**

- (1). New private streets may be allowed to serve proposed lot(s) within a subdivision or land development providing that the proposed private street meets:
  - (a). Municipal construction standards
  - (b). Minimum right-of-way standards that would normally apply to a public street.
  - (c). Safety requirements as set forth by the Board of Supervisors
  - (d). PennDOT's requirement (if applicable) for a Highway Occupancy Permit
- (2). Proposals for private streets shall be accompanied by provisions for maintenance as established by recorded covenant(s) or agreement(s). Recorded documents shall include provisions for:
  - (a). Equitable cost allocation to adjoining lot owners or lessees for the repair, maintenance and seasonal attention necessary to keep the private street(s) in an open and accessible condition.
  - (b). A dedicated maintenance account controlled by the lot owners or home owners association may be required by the Board of Supervisors.
  - (c). Collection of repair and maintenance monies from adjoining lot owners and lessees, with provision for enforcement action.

**(F). Street names and signs.**

- (1). Names.
  - (a). Proposed streets which are in alignment with other already existing and named streets shall bear the names of the existing streets.
  - (b). In no case shall the name of a proposed street duplicate or be similar in sound and spelling to an existing street name in the Township or the postal districts of the Township, irrespective of the use of the suffix street, "avenue," "boulevard," "drive," "place," "court," "lane," etc.
  - (c). All street names shall be subject to the approval of the Board of Supervisors.
  - (d). The Supervisors of South Franklin Township, pursuant to the Second Class Township Code are hereby authorized and empowered to name and/or provide the names of any and all streets, roadways, alleys, thoroughfares or the like within South Franklin Township, be it or they township or state roads. Furthermore, the Supervisors shall have the exclusive power and authority to name and/or designate the name of any street, roadway, thoroughfare or the like which should hereinafter come into existence, be it state or township.
- (2). Signs.
  - (a). The Township shall install street name signs and traffic control signs at all street intersections.





## Article VI. Design Standards

- (D). Following evaluation by the Board of Supervisors, the applicant may submit plans to the State or Township for formal approval and issuance of permits.
- (E). No driveway location, classification, or design shall be considered finally approved until permits have been granted by the State and/or Township and preliminary plan approval has been granted by the Township for the subdivision and/or land development which the driveway(s) will serve.
- (F). Driveways shall be designed to accommodate the type and volume of traffic anticipated to be generated and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth and free from mud, dust, or standing water.
- (G). Driveway crossings shall be designed in compliance with the engineering standards of the Township.
- (H). The following standards shall apply to driveways which intersect public or private streets, in order to facilitate safe and efficient access between streets and driveways.
  - (1). Location.
    - (a). Driveways shall be so located as to provide adequate sight distance at intersections with streets in accordance with the criteria set forth in § 163.66 (Q) (14) above.
    - (b). Driveways shall be located in a manner which will not cause the following:
      - (c). Interference to the traveling public;
      - (d). A hazard to the free movement of normal highway traffic; or
      - (e). Areas of traffic congestion on the highway.
    - (f). Driveways shall be located, designed, and constructed in such a manner as not to interfere with or be inconsistent with the design, maintenance, and drainage of the highway. Driveway culverts shall be utilized as necessary to convey highway ditch drainage under driveways.
  - (2). Driveways shall be located as far from street intersections as is reasonable possible, but not less than the following distances from center line to center line:
    - (a). Individual residential lots: fifty (50) feet.
    - (b). Multifamily residential and non-residential: one hundred (100) feet.
  - (3). When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless the Supervisors for reasons of sight distance, incompatibility of traffic, grading, drainage, or other major reasons waive this requirement.
  - (4). Number of Driveways.
    - (a). Properties with frontages of one hundred (100) feet or less shall be limited to one (1) curb cut.
    - (b). Not more than two (2) curb cuts may be permitted for any single property, tract, or lot, for each street frontage.
    - (c). More than two (2) curb cuts per street frontage may be permitted only if anticipated traffic volumes warrant more than two (2), and when supported by a traffic study prepared by a qualified traffic engineer.
  - (5). Provisions for drainage and stormwater runoff shall comply with engineering standards for the Township.
  - (6). Regardless of the driveway classification, all driveways shall be provided with a stopping area within which the grade shall not exceed five (5) percent. The stopping area shall be measured as follows:

## Article VI. Design Standards

- (a). The length of stopping area shall be a minimum of twenty (20) feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.
- (b). Stopping areas shall be measured from the edge of paving or curb line for all roads.
- (7). Clear sight triangles shall be provided where driveways intersect streets in accordance with PennDOT standards. The dimensional standards shall be determined by the classification of street that the driveway intersects.

### § 163.46. Bridges and culverts.

- (A). All bridges and culverts shall be designed to meet current PennDOT standards to support the expected load and to carry expected flows. They shall be constructed to the full width of the right-of way.
- (B). Approvals or waivers shall be obtained from DEP for all bridges, culverts, and storm drainage pipes unless the Township has determined that such application would not be necessary.
- (C). Extensions, construction, or reconstruction of bridges, culverts, and pipes which are a part of the County or State roadway system shall require their approval before final plan approval by the Township.



## Article VII. Administration & Enforcement

### § 163.47. Waiver of Application Requirements for Certain Applications

- (A). Minor Subdivisions.
  - (1). In subdivisions which exceed the number of lots specified in the definition of minor subdivision in this chapter but which meet all other aspects of the definition of minor subdivision, and where all adjoining property is recorded in a plan of subdivision, the Board of Supervisors may allow the applicant to follow the procedures of Article IV. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this Section shall submit a written request when submitting an application for preliminary approval.
- (B). Land Developments.
  - (1). In the case of a land development which proposes the change of use of an existing building, an addition to an existing building, or the construction of a single non-residential building on which new construction is less than one thousand (1,000) square feet of gross floor area, the Board of Supervisors may allow the applicant to follow the procedures of Article IV.
- (C). The Board of Supervisors may grant such a waiver, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable Washington County or Commonwealth of Pennsylvania law or regulation.

### § 163.48. Modifications

- (A). The Board of Supervisors may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. A modification shall apply only to the particular subdivision or land development for which it is granted.
- (B). All requests for modification shall be in writing on a form provided by the Township, shall accompany the application for development, and be accompanied by a fee to be set by the Township. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved, and the minimum modification necessary.
- (C). All requests for modification shall be referred to the Planning Commission for advisory comments.
- (D). No modification shall be granted except after a public hearing pursuant to public notice.
- (E). The Board of Supervisors shall keep a written record of all action on all requests for modification.

### § 163.49. Amendments.

- (A). The Board of Supervisors may from time to time amend this chapter. Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice. Each such amendment to this chapter shall be submitted to the County Planning Commission at least thirty (30) days prior to the scheduled public hearing for a review and report if a fee is required, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the person or entity requesting the amendment. The Board of Supervisors shall not approve an amendment to this chapter until the county

## Article VII. Administration & Enforcement

report is received or until the expiration of thirty (30) days from the date the amendment was forwarded to the county.

### § 163.50. Appeals.

- (A). Request for reconsideration.
  - (1). Any person aggrieved by a finding, decision or recommendation of the Board of Supervisors may present additional relevant information and request reconsideration of the original findings, decision or recommendation upon written request within thirty (30) days of notification of the Board of Supervisors' decision.
- (B). Refusal to approve; recording of action.
  - (1). In a case where the Board of Supervisors shall refuse to approve any plans submitted to it in accordance with this chapter, any person aggrieved by the action of the Board of Supervisors may, within thirty (30) days after such action, appeal there from by petition to the County Court of Common Pleas, which Court shall hear the matter de novo and, after hearing, may enter a decree affirming, reversing or modifying the action of the Board of Supervisors as may appear just on the premises. The Court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested.
  - (2). The action of the Board of Supervisors or of the Court of Common Pleas in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the office of the County Recorder of Deeds.
- (C). Mediation Option.
  - (1). The Township may offer the mediation option as an aid in reaching decisions on applications for approval of subdivisions or land developments and as an alternative to appeals from such decisions. Mediation shall supplement, not replace, those procedures once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting the Township's police powers or as modifying any principle of substantive law.
  - (2). Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Board of Supervisors shall assure that, in each case, the mediating parties, assisted by the mediator, as appropriate, develop terms and conditions for:
    - (a). Funding mediation.
    - (b). Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision and land development procedures and demonstrated skills in mediation.
    - (c). Completing mediation, including time limits for such completion.
    - (d). Suspending time limits otherwise authorized in this chapter, provided there is written consent by the mediating parties, or by the Board of Supervisors if either is not a party to the mediation.
    - (e). Identifying all parties and affording them the opportunity to participate.
    - (f). Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
    - (g). Assuring that mediation solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors pursuant to the procedures for approval contained in this chapter.

## Article VII. Administration & Enforcement

- (3). No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.
- (4). Any person aggrieved by a decision of the Board of Supervisors concerning application for approval of a subdivision or land development may appeal the decision in accordance with the procedures specified in Article X-A of the PA MPC.

### § 163.51. Records.

- (A). The Board of Supervisors shall keep a record of its findings, decisions, and recommendations relative to all subdivision and land development plans filed with it for review.
- (B). All such records shall be public records.

### § 163.52. Fees.

- (A). The Board of Supervisors shall establish, by resolution, a collection procedure and schedule of fees to be paid by the applicant and shall accompany all applications submitted for the review and approval of plans of subdivision and plans of land development.
- (B). All fees submitted are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee submitted.
- (C). Where a plan of subdivision or land development has for any reason been rejected by the Board of Supervisors, the applicant, when resubmitting plans and application for review and approval of the same, shall be required to pay a fee as set forth in the schedule of fees and charges for such submittal.
- (D). The schedule of fees shall be made available in the municipal office, upon request.
- (E). No final plan shall be signed and sealed by the Board of Supervisors until all fees and charges have been paid in full.
- (F). All judgment costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township.

### § 163.53. Enforcement.

- (A). Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the township, pay a judgment of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, be levied or made payable until the date of the determination of a violation by the District Justice.
- (B). If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that the violation continues shall constitute a separate violation.

## **Article VII. Administration & Enforcement**

- (C). In addition to other remedies, the Township may institute and maintain appropriate actions, by law or in equity, to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (D). The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. Such refusal shall apply to any of the following applicants:

  - (1). The owner of record at the time of such violation.
  - (2). The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (3). The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (4). The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (E). As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
- (F). Nothing herein shall prevent the Township from taking such other action as is necessary to prevent or remedy any violation.



**Appendix A – Subdivision Plan Form**

**Format for “Approval” Spaces.**

The following format shall be used in “Approval” spaces on Final Subdivision Plans:

Reviewed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and found to meet the requirements for a Final Plan as stated in the South Franklin Township Subdivision and Land Development Ordinance

\_\_\_\_\_ South Franklin Township Engineer

---

Recommended for Approval by the South Franklin Township Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
\_\_\_\_\_

---

Recommended for Approval by the South Franklin Township Board of Supervisors this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
\_\_\_\_\_

---

Reviewed by the Washington County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
\_\_\_\_\_

---

**OWNER’S STATEMENT**

It is hereby certified that the undersigned has legal or equitable title to the land shown. All roads or streets shown hereon, if not previously dedicated, are hereby offered for public use.

\_\_\_\_\_

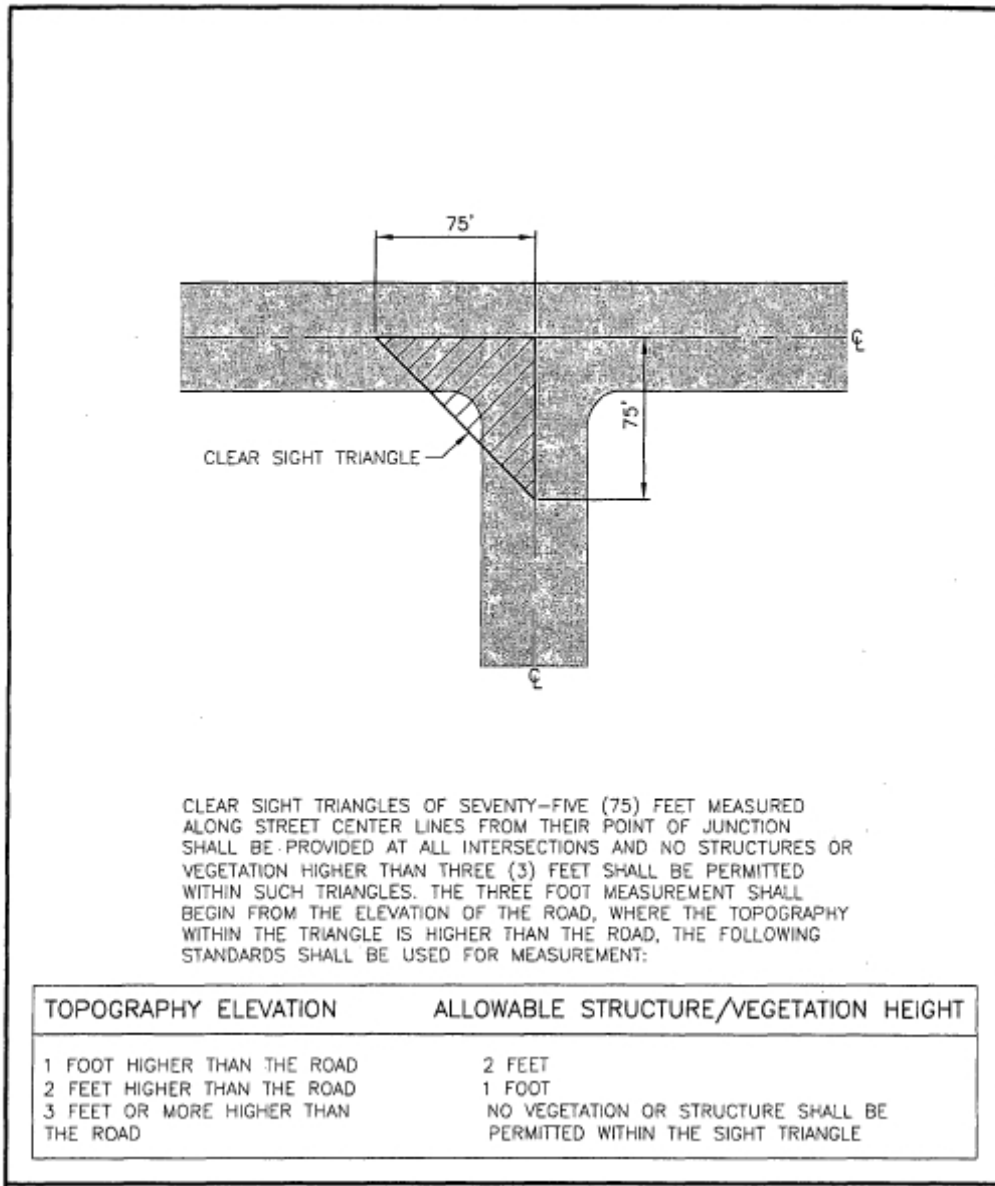
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RECORDED IN PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

Note: Plan size for recording purposes shall not exceed 18” x 24.”



**Figure 1. Clear Sight Triangle.**



**Figure 2-A. Lot Definitions.**

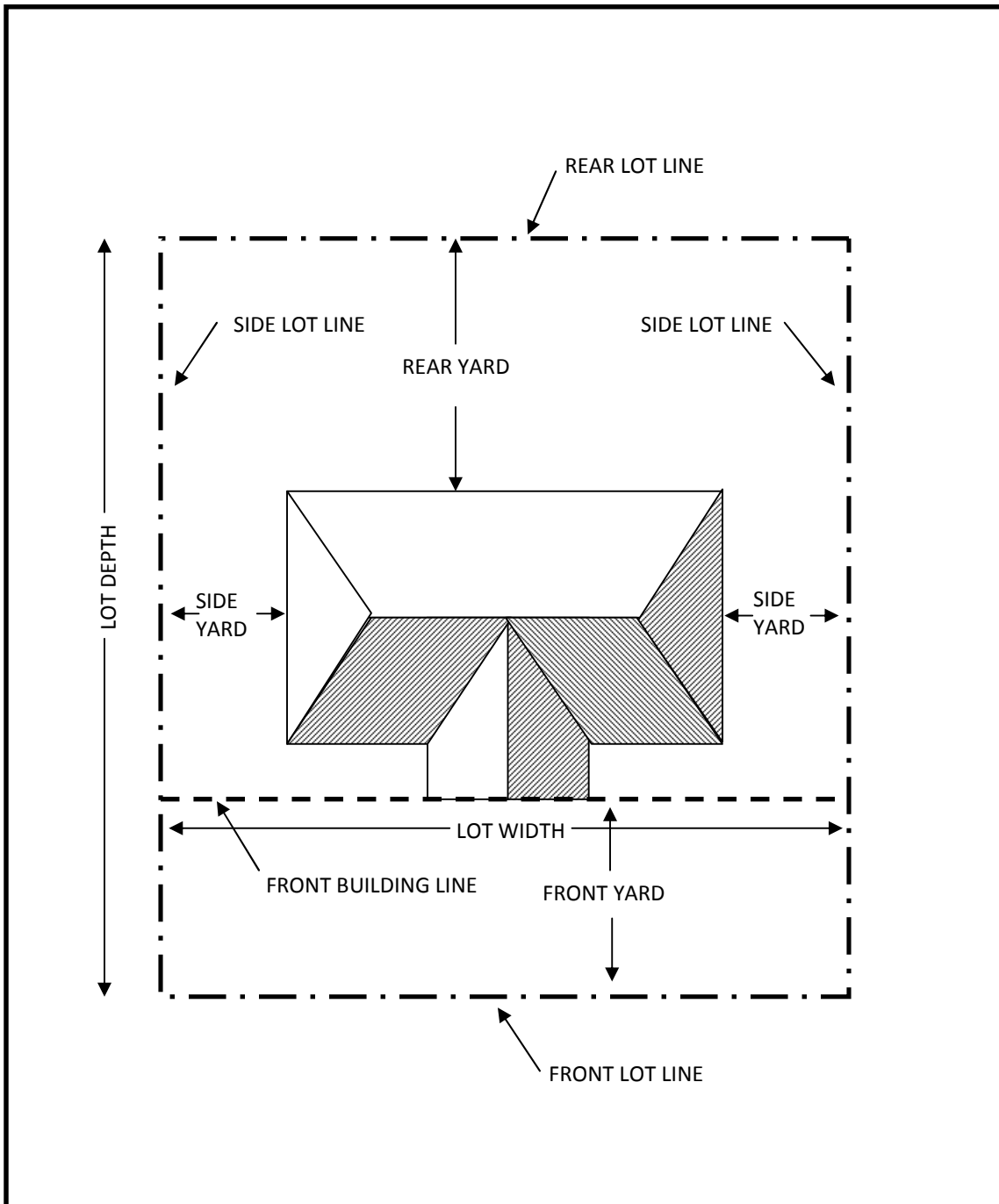
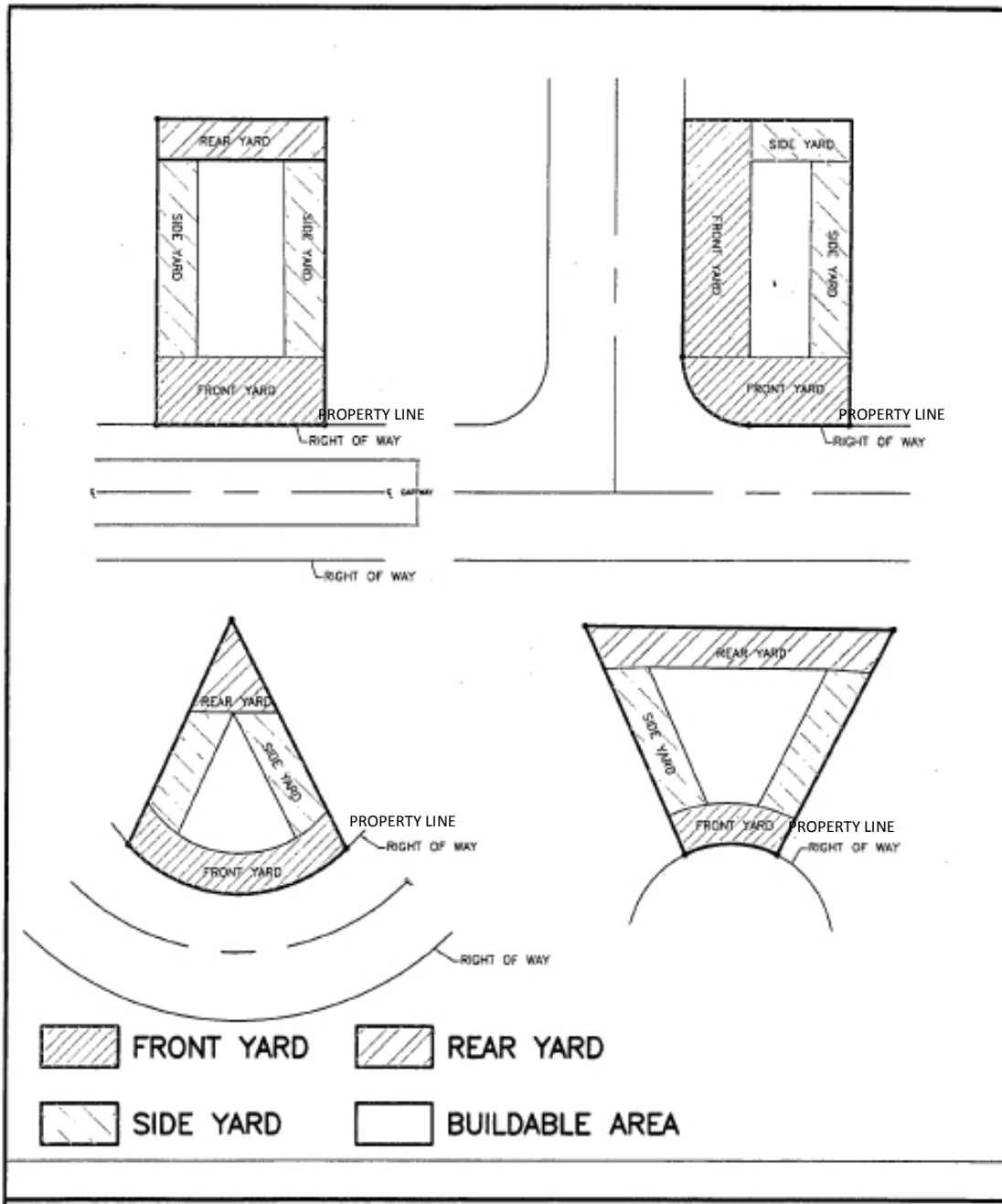


Figure 2-B. Area and Bulk Regulations.





## Appendix C – Recommended Plant Listing

Canopy trees; minimum three-and-one-half-(3 ½ ) inch caliper (see Table 1-1).

Table 1-1: Canopy Trees	
Scientific Name	Common Name
<i>*Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Betula nigra</i>	River birch
<i>*Celtis occidentalis</i>	Hackberry
<i>Cladrastis lutea</i>	Yellow wood
<i>*Corylus colurna</i>	Turkish filbert
<i>Fagus grandifolia</i>	American beech
<i>*Fraxinus americana</i>	White ash
<i>*Fraxinus pennsylvanica var. lanceolata</i>	Green ash "Marshall's seedless"
<i>*Ginkgo biloba (male only)</i>	Ginkgo
<i>*Gleditsia triacanthos var. inermis</i>	Thornless honey locust
<i>Gymnocladus dioicus</i>	Kentucky coffee tree
<i>*Koelrueteria paniculata</i>	Goldenrain tree
<i>*Liquidambar styraciflua</i>	Sweetgum
<i>*Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Ostrya virginiana</i>	Hop hornbeam
<i>*Phellodendron amurense</i>	Amur corktree
<i>*Platanus acerifolia cv. Bloodgood</i>	Bloodgood London plane-tree
<i>*Quercus acutissima</i>	Sawtooth oak
<i>*Quercus alba</i>	White oak
<i>*Quercus bicolor</i>	Swamp white oak

## Appendix C – Recommended Plant Listing

Table 1-1: Canopy Trees	
Scientific Name	Common Name
<i>*Quercus coccinea</i>	Scarlet oak
<i>*Quercus macrocarpa</i>	Bur oak
<i>*Quercus palustris</i>	Pin oak
<i>*Quercus phellos</i>	Willow oak
<i>*Quercus rober</i>	English oak
<i>Quercus rubra (borealis)</i>	Red oak
<i>*Sophora japonica</i>	Japanese pagodatree
<i>Taxodium distichum</i>	Baldcypress
<i>*Tilia cordata</i>	Littleleaf linden
<i>*Tilia x euchlora</i>	Crimean linden
<i>*Ulmus americana libertas</i>	American liberty elm
<i>*Ulmus parviflora</i>	Chinese lacebark elm
<i>*Zelkova serrata</i>	Japanese zelkova



## Appendix C – Recommended Plant Listing

Small understory trees: minimum two-and-one-half (2 ½) inches in caliper or eight (8) feet in height (see Table 1-2).

Table 1-2: Small Understory Trees			
Scientific Name	Common Name	Scientific Name	Common Name
<i>*Acer campestre</i>	Hedge maple	<i>*Eucommia ulmoides</i>	Hardy rubber tree
<i>*Acer ginnala</i>	Amur maple	<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Amelanchier canadensis</i>	Shadblow serviceberry	<i>Magnolia stellata</i>	Star magnolia
<i>Amelanchier laevis</i>	Allegheny Serviceberry	<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Carpinus betulus</i>	European hornbeam	<i>*Malus floribunda</i>	Japanese flowering crapapple
<i>Carpinus caroliniana</i>	American hornbeam	<i>*Malus cv. Donald Wyman</i>	Donald Wyman crabapple
<i>Chionanthus virginicus</i>	White fringetree	<i>*Malus cv. Centurian</i>	Centurian crab apple
<i>Cornus florida</i>	Flowering dogwood	<i>Metasequoia glyptostroboides</i>	Dawn redwood
<i>Cornus kousa</i>	Kousa dogwood	<i>Oxydendrum arboreum</i>	Sourwood
<i>Cornus mas</i>	Cornelian cherry	<i>*Prunus sargentii</i>	Sargent cherry
<i>Cotinus coggygria</i>	Smoke tree	<i>*Prunus yedoensis</i>	Yoshino cherry
<i>*Crataegus phaenopyrum</i>	Washington hawthorn	<i>Styrax japonica</i>	Japanese snowbell tree
<i>*Crataegus toba</i>	Toba hawthorn	<i>*Syringa reticulata</i>	Lilac
<i>*Crataegus viridis cv. winter king</i>	Winter king hawthorn		

## Appendix C – Recommended Plant Listing

Evergreen trees for buffers; minimum height of eight (8) feet; not for use as street trees; may be used for buffers along streets, if a minimum width of ten (10) feet is available (see Table 1-3).

Any locally grown shrubs with a minimum height of three feet that are free of insects, pests and disease, in conformity with the standards of the American Association of Nurserymen and which are either native or well-adapted to southeastern Pennsylvania may be planted in buffers or other landscape areas.

Table 1-3: Evergreen Trees	
Scientific Name	Common Name
<i>Cedrus atlantica</i>	Atlas cedar
<i>Chamaecyparis obtusa</i>	Hinoki cedar
<i>Chamaecyparis pisifera</i>	Sawara false cypress
<i>Ilex opaca</i>	American holly
<i>Picea abies</i>	Norway spruce
<i>Picea omorika</i>	Siberian spruce
<i>Picea orientalis</i>	Oriental spruce
<i>Pinus bungeana</i>	Lace Bark pine
<i>Pinus strobus</i>	White pine
<i>Pinus thunbergii</i>	Japanese black pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Taxus cuspidata var. capitata</i>	Japanese yew
<i>Thuja occidentalis cv. nigra</i>	Dark green arborvitae
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Tsuga caroliniana</i>	Carolina hemlock

## Appendix C – Recommended Plant Listing

Native plant materials.

Deciduous shade trees: minimum one-and-one-half-inch caliper (see Table 1-4).

Table 1-4: Deciduous Shade Trees	
Scientific Name	Common Name
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Carya ovata</i>	Shagbark hickory
<i>Fagus grandifolia</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Platanus occidentalis</i>	American sycamore
<i>Quercus alba</i>	White oak
<i>Quercus borealis</i>	Northern red oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus palustris</i>	Pin oak
<i>Quercus velutina</i>	Black oak
<i>Tilia Americana</i>	Basswood, American linden

## Appendix C – Recommended Plant Listing

Shrubs and small trees: shrubs, thirty-six (36) -inch minimum height; small trees, minimum eight (8) -foot height and two (2) to two and one half (2 ½) inches in caliper (see Table 1-5).

Table 1-5: Shrubs and Small Trees	
Scientific Name	Common Name
<i>Amelanchier canadensis</i>	Downy shadbush
<i>Amelanchier laevis</i>	Smooth serviceberry
<i>Cercis canadensis</i>	Redbud
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus alternifolia</i>	Alternate leaf dogwood
<i>Cornus amomum</i>	Silky dogwood
<i>Hamamelis virginiana</i>	Common witch hazel
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Myrica pennsylvanica</i>	Northern Bayberry (semievergreen)
<i>Rhododendron maximum</i>	Rhododendron
<i>Sambucas canadensis</i>	Elderberry
<i>Vaccinium corymbosum</i>	Highbush blueberry
<i>Viburnum acerifolium</i>	Mapleleaf viburnum
<i>Viburnum dentatum</i>	Arrowwood
<i>Viburnum prunifolium</i>	Blackhaw

## Appendix C – Recommended Plant Listing

Evergreen trees: minimum height, eight (8) feet (see Table 1-6).

Table 1-6: Evergreen Trees	
Scientific Name	Common Name
<i>Ilex opaca</i>	American holly
<i>Pinus strobus</i>	Eastern white pine
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Juniperus virginiana</i>	Eastern red cedar

Vegetation Not Suitable for Landscape.

Vegetation listed in Table 1-7 shall not be installed as landscape material because they are invasive or prone to pests and disease:

Table 1-7: Vegetation Not Suitable for Landscape	
Scientific Name	Common Name
<i>Acer platanoides</i>	Norway maple
<i>Acer pseudoplatanus</i>	Sycamore maple
<i>Acer saccharinum</i>	Silver maple
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Pyrus calleryana</i>	Callery pear
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Populus spp.</i>	Poplars
<i>Puerarie thunbergiana</i>	Kudzu
<i>Ulmus pumila</i>	Siberian elm