

PENN TOWNSHIP
BUTLER COUNTY

SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE

FINAL DRAFT
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ADOPTED: 07-10-18

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Part 1 - General Provisions

§101: Short Title

- A. Short Title. This Ordinance shall be known as the "Penn Township Subdivision and Land Development Ordinance." For purposes of the Code of Penn Township, Butler County, Pennsylvania, this Ordinance shall be known as the "Subdivision and Land Development Ordinance" and/or the "SALDO."

§102: Purpose

- A. General Purpose. It is the purpose of this Ordinance to protect and promote the public health, safety and welfare through the establishment of uniform standards and procedures for the review and approval of subdivisions and land development in Penn Township.
- B. Objectives. The provisions of this Ordinance are intended to achieve the following specific objectives:
- 1) To promote and protect the public health, safety, and welfare.
 - 2) To prevent development which may be hazardous because of the physical character of land and to protect and preserve valued natural, historic and cultural features of the environment.
 - 3) To ensure the provision of public improvements which are necessary and appropriate for the development and which are coordinated with nearby areas.
 - 4) To establish provisions governing the standards by which all improvements shall be installed as a condition of final approval.
 - 5) To provide standards and procedures for the uniform preparation and recording of plans so that the land records of the Township are accurate, complete and legible.

§103: Authority

- A. Enabling Authority/Adoption. Penn Township, in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. 10101 et seq. (MPC), enacts the following Ordinance to regulate the subdivision and development of land in Penn Township, Butler County.

§104: Jurisdiction and Liability

- A. Approval Authority. The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

- 1) Submission to the Zoning Officer. The Zoning Officer shall have the authority to receive applications for subdivision and/or land development, to determine the completeness of the applications, and to forward complete applications to the Township Engineer and others as provided for in Part 3 of this Ordinance.
 - 2) Review by the Township Planning Commission. Plans for subdivision and land development shall be submitted to the Township Planning Commission for review and recommendation, as provided for in Parts 3 and 4 of this Ordinance. Said submission shall take place before approval of any plans by the Board of Supervisors. However, if such a recommendation is not received from the Township Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.
 - 3) Approval by the Board of Supervisors. The Board of Supervisors shall be vested with authority to approve or disapprove all subdivision and land development plans, as provided for in this Ordinance.
 - 4) Review by the Butler County Planning Commission. Plans for subdivision and land development located within the Township shall be submitted to the Butler County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.
- B. Liability. The review or approval of a subdivision or land development by the Township in accordance with the provisions of this Ordinance does not guarantee that the subdivision or land development will serve its intended purpose and Township approval shall not impose liability upon the Township, its officials or employees.

§105: Effect

- A. General. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance and of any applicable municipal ordinance.
- B. Redivision. Any redivision, replotting or resubdivision of land, including a change of a recorded deed, shall be considered a new subdivision or land development and shall comply with the provisions of this Ordinance. A change of a recorded deed shall include:
- 1) The removal or re-description of any portion of land described on the deed, where the deed contains a single boundary description, for the purpose of constructing a new additional deed.
 - 2) The elimination of any deed covenant required to provide or demonstrate compliance with the provisions of this Ordinance.
 - 3) The addition of any deed covenant which conflicts, whether directly or indirectly, with the provisions of this Ordinance.

- C. Approved Applications. No provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this Ordinance in accordance with the terms of such approval within five (5) years from the date of first approval.

§106: Interpretation and Relationship to Other Provisions

- A. Interpretation. The provisions set forth herein shall be held to be the minimum requirements necessary to meet the stated purpose of this Ordinance and the general purposes of the Pennsylvania Municipalities Planning Code, as amended.
- B. Conflict with other Laws/Regulations. If any provision of this Ordinance imposes restrictions which are different from those imposed by any other applicable ordinance, regulation or provision of law, the provision that is more restrictive or which imposes higher standards shall control.
- C. Conflict with Private Provisions. If the requirements of this Ordinance are different from those contained in deed restrictions, covenants or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise lawful.

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Part 2 - Definitions

§201: General Terms

- A. Unless otherwise expressly stated, the following terms shall have the meaning indicated below:
- 1) Words and phrases used in the singular include the plural, and words and phrases used in the plural include the singular.
 - 2) Gender specific pronouns or references shall refer to all genders.
 - 3) The word "person" indicates any person or any corporation, unincorporated association, partnership, estate or other legal entity.
 - 4) The word "lot" includes the word "plot" or "parcel."
 - 5) The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof."
 - 6) The word "may" is permissive; the words "shall" and "will" are mandatory.
 - 7) Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days."
 - 8) Words in the present tense include the future tense.

§202: Specific Terms

As used in this Ordinance, the following terms shall have the following meanings:

ABUTTING – Having a common border with, or being separated from such common border, by an alley or easement.

ACCESS – A means of vehicular approach or entry to or exit from a lot, a site or a parcel.

ACCESS POINT – Any vehicular entrance or exit to a street. The distance between such access points shall be measured from the termination of one curb cut to the establishment of an adjacent curb cut.

ADMINISTRATOR – The Zoning Officer shall be that person appointed as prescribed in the Municipal Planning Code, as amended.

AGRICULTURAL OPERATION – An enterprise that is actively engaged in the commercial production and preparation for market crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and

procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

APPLICANT – A land owner or developer, as hereinafter defined, who has filed an application for 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 start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

ARCHITECT – An architect, registered by the Commonwealth of Pennsylvania. See "registered professional."

ARTERIAL STREET – See "street types."

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

BERM – A mound of soil, either natural or man-made, used to obstruct views.

BERTH – See "loading berth."

BICYCLE LANE – A lane at the edge of a road reserved and marked for the exclusive use of bicycles.

BICYCLE PATH – A pathway usually separated from the road, designed specifically to satisfy the physical requirements of bicycling.

BLOCK – A unit of land containing one or more lots, bounded by existing or proposed streets, waterways, railroads, public lands or other barriers to contiguous development.

BOARD OF SUPERVISORS – The duly elected representatives of Penn Township, Butler County, Pennsylvania.

BUFFER – See the definition provided in the Penn Township Zoning Ordinance, as amended.

BUFFER AREA/ BUFFER YARD/ BUFFER ZONE – See the definition provided in the Penn Township Zoning Ordinance, as amended.

BUILDING – See "structure."

BUILDING CODE – The Unified Construction Code (UCC) as adopted and amended by Penn Township, Butler County.

CALIPER – A measurement of the size of a tree equal to the diameter of its trunk measured four and a half (4½) feet above natural grade.

CAPPED SYSTEM – A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

CARTWAY – The paved area of a street or alley designed for vehicular traffic use. This does not include curbs, shoulders or surface areas outside the lane(s) of travel.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at a street intersection defined by lines of sight between specific points on the center lines of the intersecting streets. See the Township Construction Standards.

CLEARING – The clearing, grubbing, scalping, removal of trees or stumps and removing and disposing of all vegetation and debris within the site, including the conditions resulting therefrom.

COLLECTOR STREET – See “street.”

COMMON OPEN SPACE – A lot, parcel, or parcels of land or any body of water, portions thereof or a combination thereof within a development site for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a structure, including the placement of mobile homes.

CONSTRUCTION STANDARDS – The Penn Township Construction Standards, as amended and adopted by resolution by the Board of Supervisors.

COUNTY – The County of Butler, Pennsylvania.

COUNTY PLANNING AGENCY – The Butler County Planning Commission.

CROSSWALKS – A right-of-way, which furnishes a pedestrian connection at locations including street intersections, parking lots and other locations to provide safe, convenient access for pedestrians to adjacent streets or properties.

CUL-DE-SAC – See “street.”

CULVERT – Any structure not classified as a bridge and designed to convey a water course under a road or pedestrian walk. A culvert shall not be incorporated into a closed drainage system.

CURB – Concrete, bituminous concrete, or other improved boundary material usually marking the edge of a roadway, parking lot, or other paved area. See the Township Construction Standards.

DEDICATION – The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

DEED – A written instrument whereby an estate in real property is conveyed.

DETENTION BASIN – See the definition provided in the Township’s Stormwater Management Ordinance, as amended.

DEVELOPER – Any land owner, agent of such land owner, or tenant with the permission of such land-owner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPER’S AGREEMENT – The agreement between Penn Township and the applicant which is required for final approval of an application for development and which shall state

all conditions for development and shall establish the responsibilities of the parties to the agreement including financial security, sequencing, scheduling, and provision of public improvements required prior to release of guarantees.

DEVELOPMENT – See “land development.”

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

DRAINAGE – The removal of surface water or groundwater from land by drains, grading, or other means.

DRAINAGE CONVEYANCE FACILITY – See the definition provided in the Township’s Stormwater Management Ordinance, as amended.

DRAINAGE EASEMENT – A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

DRAINAGEWAY – See the definition provided in the Township’s Stormwater Management Ordinance, as amended.

DRIVEWAY – A private, vehicular passageway providing access between a street and a single residence or private garage, but does not provide access to any other lot or parcel under separate ownership than that of the residence or private garage.

DRIVEWAY, COLLECTOR – A private driveway that provides access between a public right-of-way and a parking lot or non-single family dwellings.

DRIVEWAY, SHARED – A shared driveway is a private driveway serving two (2) residential dwelling units.

EASEMENT – Grant by a property owner for the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation or a certain person or persons. Also see “right-of-way.”

ELECTRONIC NOTICE – Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENGINEER – A professional engineer registered by the Commonwealth of Pennsylvania. See “registered professional.”

ENVIRONMENTALLY SENSITIVE AREAS – Lands, which because of their characteristics or locations, are limited with regard to development activities. Environmentally sensitive characteristics include but are not limited to steep slopes, flood plain areas, wetlands,

EROSION – The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

EROSION AND SEDIMENTATION CONTROL PLAN – A narrative and set of plans developed to minimize accelerated erosion and prevent sedimentation damage. In accordance with the PA DEP Erosion and Sediment Pollution Control Program Manual, these plans are prepared in conjunction with construction staging plans, detailing what erosion control measures must be in place at all times during various construction stages and phases.

ESCROW – A deed, a bond, money, or a piece of property delivered to a third person to be held by the third person and released to the grantor only upon the fulfillment of a condition. Also see “financial security.”

EXCAVATION – Any act by which earth, sand, gravel, rock, coal or any other similar material is cut into, dug, quarried, uncovered, removed, displaced or relocated, including the conditions resulting therefrom.

FEMA – The Federal Emergency Management Agency.

FENCE – See the definition provided in the Penn Township Zoning Ordinance, as amended.

FILL – The depositing of land, whether submerged or not, and gravel, earth, or other materials of any composition whatsoever.

FINAL PLAN – See “plan, final.”

FINANCIAL SECURITY – Any financial security which may be accepted in lieu of certain improvements being made prior to approval and recording of a final plan, pursuant to §509 of the Pennsylvania Municipalities Planning Code, as amended.

FLOODPLAIN – Land adjoining a river or stream that has been or may be expected to be inundated by the flood waters of the river or stream; or any area subject to the unusual and rapid accumulation of surface waters from any source. Floodplains include any areas delineated within the one-hundred-year flood boundary or as a special flood hazard area on a map prepared by the Federal Emergency Management Agency (FEMA).

FLOODPLAIN MANAGEMENT ORDINANCE – Penn Township’s Floodplain Management Ordinance (Ordinance No. 79 of 1986, as amended).

FOOTCANDLE – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

FRONTAGE – See “street frontage.”

GEOTECHNICAL ENGINEER – A professional engineer licensed as such by the Commonwealth of Pennsylvania who has training and experience in geotechnical engineering.

GLARE – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility so as to jeopardize health, safety or welfare.

GRADE – The inclination of the land's surface from the horizontal, as it exists or as rendered by cut and/or fill activities. Road grade refers to the rate of rise and fall of a road surface, measured along the center line of the cartway.

GRADING – An excavation or fill or any combination thereof (either initially or repeatedly), including the conditions resulting from any excavation or fill.

GRADING PLAN – A plan prepared by a registered professional which depicts all existing and proposed ground features as described by materials, grades, contours and topography.

GROUND COVER – A planting of low-growing plants that in time forms a dense mat covering the surface of the land, preventing soil from being blown or washed away.

GUTTER – A shallow drainage channel made of concrete or similar construction materials. Gutters are typically set along a curb or the pavement edge of a road for purposes of catching and carrying runoff water.

HEARING – See “public hearing.”

IMPERVIOUS SURFACE OR IMPERVIOUS AREA – See the definition provided by Penn Township’s Stormwater Management Ordinance, as amended.

IMPERVIOUS SURFACE RATIO – The total area of a lot or site occupied by impervious surfaces, divided by the lot or site area.

IMPROVEMENT – Physical changes to land including, but not limited to, grading, removal of vegetation, buildings, landscaping, pavement, curbs, gutters, storm sewers and drains, changes to existing watercourses, sidewalks, street signs, monuments, water supply facilities and sewage disposal facilities.

TYPE OF IMPROVEMENTS:

IMPROVEMENT, OFF-SITE – Public improvements which are not on-site improvements and that serve the need of more than one development.

IMPROVEMENT, ON-SITE – All improvements constructed on an applicant’s property, or the improvements constructed on the abutting property necessary for the ingress and/or egress to the applicant’s property, and required to be constructed by the applicant pursuant to regulations within this Ordinance.

IMPROVEMENT, PRIVATE – All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be owned, maintained or operated by a private entity as an individual, corporation or homeowners’ association for which plans and specifications must comply with the provisions of this ordinance, the Township Construction Standard Details, and all other Township ordinances.

IMPROVEMENT, PUBLIC – All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated and accepted by or maintained by the Township for which plans and specifications must comply with the provisions of this ordinance, the Township Construction Standard Details, and all other Township ordinances.

ISLAND – A raised area in a street, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signs or lighting.

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 nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - 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. Subdivision of land.
3. The following shall not be considered a land development in accordance with §503(1.1) of the MPC, 53 P.S. §10503(1.1), as amended:
 - a) The conversion of an existing single-family detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this exemption, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until the initial plans for the expanded area have been approved by the Township.

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 land owner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See "registered professional."

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials and vegetation. The requirements of a landscape plan are identified in the Municipality's Subdivision and Landscape Ordinance.

LANDSLIDE PRONE AREA – Land that is susceptible to movement or sliding, as identified in the Soil Survey of Butler County, prepared by the Soil Conservation Service of the United States Department of Agriculture; or as identified on the Landslide Susceptibility Map of Butler County; or as established by geotechnical investigation.

LAND USE ORDINANCES – Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC.

LANE – See "type of streets" within the street definition provided below.

LATERAL – Pipes for utilities connecting individual buildings to larger pipes, mains, trunks or interceptors that typically are located in street rights-of-way.

LOADING BERTH OR LOADING SPACE – Any off-street space or berth, abutting a street, way or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT LINE TYPES – The diagram found within the Penn Township Zoning Ordinance illustrates terminology used in this ordinance with reference to corner lots, interior lots and double frontage lots. The lots are lettered to show the lot types indicated by definitions lettered A through C below.

- A. **CORNER LOT:** A lot abutting two streets that intersect next to one corner of the lot.
- B. **INTERIOR LOT:** A lot other than a corner lot with only one frontage on a street other than an alley.
- C. **DOUBLE FRONTAGE LOT (also called "Through Lot"):** A lot that has frontage on two public streets that do not intersect adjacent to the lot.

LOT LINE REVISION or REDIVISION – See “subdivision, lot line revision.”

LOT OF RECORD – A lot described in a deed, or shown on a plan of lots, which has been recorded in the office of the Recorder of Deeds of Butler County, Pennsylvania

LOT TYPES – See the definitions provided in the Penn Township Zoning Ordinance, as amended. Lot types include; corner lots, interior lots, and double frontage lots.

MAILED NOTICE – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MAIN – The principal artery of a continuous piping system to which branches may be connected.

MAINTENANCE GUARANTEE – A guarantee of facilities, improvements or work to insure the correction of any failures of any improvements required pursuant to this Ordinance.

MARKER – A metal pipe or pin installed to delineate a specific location within a parcel of land or development.

MEDIAN – A portion of a divided roadway separating lanes of traffic proceeding in opposite directions.

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 which the parties themselves create and consider acceptable.

MOBILE HOME – A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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 HOME LOT – A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MONUMENT – A concrete post installed to delineate a specific location within a parcel of land or development.

MPC – See “Pennsylvania Municipalities Planning Code.”

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

MUNICIPALITY – The Township of Penn, Butler County, Pennsylvania.

NONCONFORMING LOT – Any lot, the area or dimension of which was lawful prior to the adoption or amendment of the Township Zoning Ordinance, but fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

OPEN SPACE – See “common open space.”

OWNER – See “landowner.”

PA DEP – The Pennsylvania Department of Environmental Protection or any agency successor thereto.

PARCEL – See “lot.”

PARKING SPACE – A portion of a parking area, surface or garage, designed for the parking of one (1) motor vehicle in accordance with the requirements of this Ordinance.

PAVING – Concrete or bituminous surfaces consistent with the Township Construction Standards. “Paving” shall not include tar and chip and other similar practices.

PENNDOT – The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended December 21, 1988, by Act of 1988, P.L. 1329, No. 170.

PERCOLATION (PERC) TEST – See “soil percolation test.”

PERFORMANCE GUARANTEE – See “financial security.”

PERSON – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the Township or to any department or agency of the Township.

PLANNING MODULE COMPONENTS (PMC) – An application for sewage facilities planning for all land development requiring revision of the Comprehensive Official Sewage Facilities Plan which is submitted to the PA DEP, the Butler County Planning Commission and the Township.

PLAN, FINAL – The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance.

PLAN, PRELIMINARY – The plan of a proposed subdivision or land development, including all supplementary information required by this Ordinance or applicable municipal ordinance to obtain preliminary approval.

PLAT – A map, layout or plan of a subdivision or land development, whether preliminary or final.

PRIVATE STREET – See “street, private.”

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.

PUBLIC – Owned, operated or controlled by a federal, state, county or local government agency.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and/or the Pennsylvania Municipalities Planning Code.

PUBLIC IMPROVEMENTS – See “improvements, public.”

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE – A notice published once (1) each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall be not more than thirty (30) days and the second (2nd) publication shall not be less than seven (7) days from the date of the public hearing.

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RETAINING WALL – A vertical structure composed of approved building materials and constructed for the purpose of supporting a cut or filled embankment which is more than three (3) feet in height, as measured on the exposed vertical surface of the wall.

RIGHT-OF-WAY – The right of passage or of way is a servitude imposed by law or by convention, and by virtue of which one has a right to pass on foot or in a vehicle through the estate of another. Also see “easement.”

SEDIMENTATION – A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

SERVICE STRUCTURE – An accessory structure in the form of a propane tank, dumpster, air conditioning unit and condenser, electrical transformer, and other similar equipment or element providing service to a building or lot.

SEWAGE DISPOSAL SYSTEM, ON-SITE – An installation on an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction, as permitted by PA Department of Environmental Protection (DEP).

SEWAGE, PUBLIC – The collection of sewage by underground pipes draining to a disposal plant in a system operated by a public authority.

SIGHT DISTANCE – The maximum distance of unobstructed vision in a horizontal or vertical plane from within an automobile located at any given point on a street.

SIGHT TRIANGLE – See “clear site triangle.”

SIGN – See the definition provided in the Penn Township Zoning Ordinance, as amended.

SITE – The total land area which is the subject of an application for development.

SITE AREA – The total area in a site as determined by a survey prepared by a registered surveyor. The total site area may include multiple lots.

SKETCH PLAN – A draft plan of a proposed subdivision or other development outlining general, rather than detailed, development intentions and describing the basic parameters of a major development proposal, rather than giving full engineering details.

SLOPE – The degree of deviation of a surface from the horizontal, usually expressed as a percentage or feet per one hundred (100) feet of horizontal distance.

SOIL PERCOLATION TEST – A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of an on-site sewage disposal system. Percolation tests shall conform to the guidelines established by the PA Licensed Sewage Enforcement Officer (SEO).

STEEP SLOPES – Any land area with a grade that exceeds a percent slope of thirty-three percent (33%).

STORMWATER MANAGEMENT FACILITIES – See the definition provided by the Penn Township Stormwater Management Ordinance.

STORMWATER MANAGEMENT ORDINANCE – Penn Township's Stormwater Management Ordinance (Ordinance No. 154 of 2011, as amended).

STREET – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The term shall not include the word "driveway."

TYPE OF STREETS:

ACCESS ROAD – A private collector driveway that provides access between a public or private street and a parking lot that provides parking for non-residential uses. See "driveway, collector."

ALLEY – A private right-of-way which provides secondary access to a property or properties which is not the only means of access for any property, and is not intended for general traffic circulation. Alleys are prohibited in all new land developments (see §712 of this Ordinance).

STREET, ARTERIAL – A public street which serves large volumes of high-speed and long-distance traffic, and includes facilities classified as main or secondary highways by PennDOT. The governing body of the municipality shall establish, from time to time, a list of arterial streets by resolution. The list of arterial streets shall be available to the public in the municipality's Zoning Office.

STREET, COLLECTOR – A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic from minor streets to community facilities and a major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments. The governing body of the municipality shall establish, from time to time, a list of collector streets by resolution. The list of collector streets shall be available to the public in the municipality's Zoning Office.

STREET, CUL-DE-SAC – A street with a single means of ingress and egress and a turnaround.

STREET, LOCAL – Public streets that are used primarily to provide access to abutting properties, and which accommodate low volumes of traffic.

STREET, PRIVATE – A recorded private right-of-way which affords means of vehicular access to abutting property, generally to the back or side of properties otherwise abutting a street.

STREET, PUBLIC – A public right-of-way dedicated and open for public use which has been adopted by the Township, County, Commonwealth or other governmental body.

STREET FRONTAGE – The length of a lot line directly bordering and adjacent to a street that is open to vehicular traffic.

STRIPPING – Any activity which removes or significantly disturbs the vegetative surface cover.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means, into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, 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 purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted.

SUBDIVISION, LOT LINE REVISION – A subdivision that only involves the revision of lot lines on previously recorded lots of record either transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.

SUBDIVISION, MAJOR – Any subdivision not classified as a minor subdivision or is proposing the subdivision or development of five (5) or more lots.

SUBDIVISION, MINOR – A subdivision of a parcel into three (3) or four (4) lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other Township facility.

SUBDIVISION, SIMPLE – The division of one (1) parcel into two (2) lots both of which are located on a public street, have the area and frontage required by the Zoning Ordinance and can be serviced by all necessary public utilities. Such subdivision does not involve any new street or the extension of utilities or other municipal facilities.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required Improvements for which financial security was posted pursuant to Part 5 of this Ordinance) 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.

SURVEY – A precise legal description of a lot and the graphic delineation of precise lot boundaries; lot dimensions and areas; all easements and public and private rights-of-way; and north point and graphic scale, affecting the lot, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania.

TRAFFIC IMPACT STUDY – A study completed by a traffic engineer or planner, at the request of the Township Planning Commission or as required by this Ordinance, which evaluates the impacts a development will have on the transportation system.

YARD – See the definition provided in the Penn Township Zoning Ordinance, as amended.

ZONING DISTRICT – See the definition provided in the Penn Township Zoning Ordinance, as amended.

ZONING OFFICER – See the definition provided in the Penn Township Zoning Ordinance, as amended.

ZONING ORDINANCE – The Penn Township Zoning Ordinance (Ordinance No. 160), as amended.

ZONING PERMIT – A document issued by the Zoning Officer, indicating that a proposed use or development will comply with all applicable requirements of the Township Zoning Ordinance, and authorizing the applicant to proceed to obtain all required Building Permits.

Part 3 – Application Procedures and Modifications

§301: General

- A. The purpose of this Part is to specify the procedures for review and approval of proposed subdivisions and land developments. The five (5) types of approval include:
- 1) Lot Line Revision Approval
 - 2) Simple Subdivision Approval
 - 3) Minor Subdivision Approval
 - 4) Major Subdivision and/or Land Development Preliminary Approval
 - 5) Major Subdivision and/or Land Development Final Approval
- B. The review of an application for completeness shall not constitute a waiver of any deficiencies, irregularities or required items not submitted.
- C. All fees for application processing, staff and engineering review shall be paid at the time the application is submitted. The application shall be judged incomplete until all such fees, escrow deposits and guarantees are certified as paid. The Township Fee Schedule is available at the Township Building.
- D. All applications shall demonstrate conformance with the design standard requirements of this Ordinance.
- E. After the official filing of an application and while a decision is pending, no change in any zoning, subdivision or other governing ordinance or plan shall affect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.
- F. The Zoning Officer shall forward all applications for subdivision and land development to the Butler County Planning Commission for review and report. Such application may include a fee, if required by the Butler County Planning Commission, in an amount sufficient to cover the cost of the review and report. The municipality shall not approve any such application until the Butler County Planning Commission report has been received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

§302: Lot Line Revision and Simple Subdivision Approval

- A. Lot Line Revision Applicability. The following procedure shall be used for all lot line revision applications that fulfill the following requirements:
- 1) The subdivision only involves the revision of lot lines on previously recorded lots of record either transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.

- 2) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- B. Simple Subdivision Applicability. The following procedure shall be used for all simple subdivision applications that fulfill the following requirements:
- 1) The subdivision proposes to divide one (1) parcel into two (2) lots both of which are located on a public street, have the area and frontage required by the Zoning Ordinance and can be serviced by all necessary public utilities.
 - 2) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- C. Submission requirements. Applications for lot line revision and simple subdivisions shall submit all materials as required within Table 4-1 (§402).
- D. Procedures. Applications for lot line revisions and simple subdivisions shall follow the procedures listed below and shall only require final approval of the application:
- 1) An application for lot line revision or simple subdivision shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Board of Supervisors.
 - 2) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
 - a) The Zoning Officer shall review the application to determine whether all materials as required by Table 4-1 (§402) and any other relevant Township ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.
 - 3) The official filing date for a complete lot line revision and simple subdivision application shall be the date of the next regular Board of Supervisors meeting following the receipt of the application and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
 - 4) Lot line revision and simple subdivision applications shall be reviewed by the Zoning Officer for conformance with the provisions of this Ordinance. The Zoning Officer shall submit a report and recommendation on the application to Board of Supervisors at the next regular Board of Supervisors meeting.
 - 5) The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the

planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

- 6) Notice of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.

§303: Minor Subdivision Approval

- A. Applicability. The following procedure shall be used for all minor subdivision applications that fulfill the following requirements:
 - 1) A subdivision of a parcel into three (3) or four (4) lots.
 - 2) The subdivision does not involve a planned development.
 - 3) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- B. Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed a major subdivision.
- C. Submission requirements. Minor subdivision applications shall submit all materials as required within Table 4-1 (§402).
- D. Procedures. Applications for minor subdivision shall follow the procedures listed below and shall only require final approval of the application:
 - 1) An application for minor subdivisions shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Board of Supervisors.
 - 2) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
 - a) The Zoning Officer shall review the application to determine whether all materials as required by Table 4-1 (§402) and any other relevant Township ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.

- 3) The official filing date for complete minor subdivision applications shall be the date of the next regular Board of Supervisors meeting following the receipt of the application and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
- 4) The Zoning Officer shall forward the complete minor subdivision application to the Township Engineer for review.
- 5) Upon receipt of the minor subdivision application, the Township Engineer shall review the plan for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation on the application to the Board of Supervisors at the next regular Board of Supervisors meeting.
- 6) The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.
- 7) Notice of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.

§304: Major Subdivisions and/or Land Development Preliminary Approval

- A. Applicability. The following procedure shall be used for all major subdivision or land development applications that fulfill the following requirements:
 - 1) The subdivision is not classified as a minor subdivision or is proposing the subdivision of five (5) or more lots.
 - 2) The proposed site improvements qualify as land development, as defined herein.
- B. Submission requirements. Major subdivision and/or land development applications shall submit all materials as required within Table 4-1 (§402).
- C. Pre-application Conference/Sketch Plan (Optional)
 - 1) Prior to submitting any application, the applicant may at its option participate in a pre-application conference with Township staff. The purpose of this pre-application conference is to review the proposed development and development site to identify the issues which may need to be addressed in the application for preliminary approval. At the pre-application conference the applicant may discuss applicable regulations governing the subdivision or land development of the property; and the feasibility and timing of the application. No approval or disapproval shall be given.

- 2) The applicant should provide sufficient information and plans to the Township in order to clearly convey the existing and proposed conditions of the site.
 - 3) A pre-application conference shall not constitute formal filing of any application for approval of a subdivision or land development and shall not bind the Township to approve any concept presented in the pre-application meeting.
- D. Procedures. Applications for preliminary approval of major subdivision and/or land development shall follow the procedures listed below:
- 1) An application for preliminary approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
 - a) The Zoning Officer shall review the application to determine whether all materials as required by Table 4-1 (§402) and any other relevant Township ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.
 - 3) The official filing date for complete preliminary approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
 - 4) The Zoning Officer shall forward complete applications to the Township Engineer and Planning Commission for review.
 - 5) Upon receipt of the complete application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation on the application to the Board of Supervisors.
 - 6) The Township Planning Commission shall make a written recommendation to the Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for preliminary approval. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance or other applicable codes which have not been met.

- 7) Public Hearing. Before acting on any application, the Board of Supervisors may hold a public hearing after public notice, however a public hearing is not required.
 - 8) The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.
 - 9) Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer and the County Planning Agency, the Board of Supervisors shall take one of the following actions:
 - a) Approve the preliminary application.
 - b) Approve the preliminary application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
 - c) Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
 - 10) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
 - a) Time Extension. If the Board of Supervisors desires additional time to consider the application for final approval, the applicant shall be requested to waive the ninety-day (90) time limitation established by law, and grant the Board of Supervisors an additional review period.
 - 11) Notice of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.
- E. Within thirty (30) days of the granting of preliminary approval with conditions by the Board of Supervisors, the applicant shall notify the Township in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the Township within thirty (30) days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
- F. Expiration of preliminary plan approval. Preliminary plan approval shall expire after five (5) years in accordance with §508(4)(ii) of the MPC, as amended.

- G. When an application for preliminary approval has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application and the terms of §305 of this Ordinance. The final plat must comply with the preliminary plan as well as conditions under which the preliminary plan was approved.

§305: Major Subdivisions and/or Land Development Final Approval

- A. **Applicability.** The following procedures shall be used for all major subdivision or land development applications if the following criteria apply:
- 1) The major subdivision or land development has previously received preliminary approval from the Board of Supervisors.
- B. **Submission requirements.** Final approval applications shall submit all materials as required within Table 4-1 (§402).
- 1) At the time of the final submission, the applicant shall inform the Township in writing their intentions regarding the completion of the public improvements (see §425).
- C. **Procedures.** Applications for final approval of major subdivision and/or land development shall follow the procedures listed below:
- 1) An application for final approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned, the application shall be assumed to be complete.
 - a) The Zoning Officer shall review the application to determine whether all materials as required by Table 4-1 (§402) and any other relevant Township ordinances have been submitted by the applicant.
 - b) Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c) The review of completeness shall not include a technical review of the submitted material.
 - 3) The official filing date for complete final approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
 - 4) The Zoning Officer shall forward complete applications to the Township Engineer and Planning Commission for review.

- 5) Upon receipt of the application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation to the Board of Supervisors.
- 6) The Township Planning Commission shall make a written recommendation to the Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance or other applicable codes which have not been met.
- 7) Public Hearing. Before acting on any application, the Board of Supervisors may hold a public hearing after public notice, however a public hearing is not required.
- 8) The Board of Supervisors shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.
- 9) Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer and the County Planning Agency, the Board of Supervisors shall take one of the following actions:
 - a) Approve the final application.
 - b) Approve the final application with conditions. An application may be granted preliminary approval subject to specific conditions as related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
 - c) Disapprove the final application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
- 10) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a final approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
 - a) Time Extension. If the Board of Supervisors desires additional time to consider the application for final approval, the applicant shall be requested to waive the ninety-day (90) time limitation established by law, and grant the Board of Supervisors an additional review period.

- 11) Notice of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.
- D. Within thirty (30) days of the granting of final approval with conditions by the Board of Supervisors, the applicant shall notify the Township in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the Township within thirty (30) days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
- E. No final approval shall be granted unless all required fees and deposits have been paid.
- F. The Board of Supervisors at its discretion may approve plans conditionally upon receipt of permits of other agencies including, but not limited to applicable Federal, State, County and Township permits.
- G. Developer's Agreement. As a condition of final approval, the Board of Supervisors shall require that the applicant execute a development agreement with the Township, in a form acceptable to the Township Solicitor. Such developer's agreement shall contain provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and to guarantee the proper installation of on-site and off-site improvements related to the subdivision or land development. Said development agreement shall be executed; the required financial security shall be posted or the required public improvements shall be completed; and all required fees shall be paid before the Board of Supervisors shall approve and sign the final plat for recording purposes.
- H. Expiration of Final Approval. Final plan approval shall expire after five (5) years of being granted by the Board of Supervisors, unless a written extension is requested by the applicant and granted by the Board of Supervisors. Any request for extension shall be submitted in writing to the Board of Supervisors at least thirty (30) days prior to any prevailing expiration date. Extensions may be granted for one or more six-month (6) periods upon a finding by the Board of Supervisors that such extension is warranted.

§306: Approval of Phased Subdivision and Land Development Applications

- A. Where a subdivision or land development is projected to be completed in stages over a period of years, the applicant may submit an application(s) for final approval by phase or stage of development, subject to such requirements or guarantees for public improvements in future phases or stages of development as are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
- B. All sections or future phases must conform to the preliminary application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings, or streets previously approved in the preliminary application and does not comply with the application for preliminary approval will require a complete resubmission of the preliminary application in accordance with §304.
- C. Where the applicant has submitted an application for preliminary approval calling for the installation of improvements over a period of more than five (5) years, a schedule shall be

submitted detailing deadlines within which applications for final plan approval are intended to be filed. The applicant shall update the final plan submission schedule on an annual basis. Any modification to the original schedule shall be subject to the approval of the Board of Supervisors.

§307: Combined Preliminary and Final Plan Approval

- A. Provided that all requirements of §304 and §305 are met, an applicant may request simultaneous preliminary and final approval of any subdivision or land development application with the exception of phased subdivisions and/or land developments.

§308: Recording of Final Plat

- A. No final plat shall be finally approved unless:
- 1) The required improvements as required by this Ordinance have been installed in accordance with the standards set forth in Part 7.
 - 2) In lieu of the completion of any public improvements, as a condition for the approval of a final plat, the applicant shall provide, for deposit with the Township, a financial security, pursuant to Part 5.
- B. Upon approval of a final plat by the Board of Supervisors, the developer shall, within ninety (90) days of such final approval or within ninety (90) days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat with the Butler County Recorder of Deeds in accordance with §513 of the MPC, 53 P.S. § 10513, as amended.
- C. Inspection and Engineering Fees. Upon approval of a final plat by the Board of Supervisors, the developer shall provide inspection and engineering fees according to Township resolution as updated time to time (the fee schedule is available at the Municipal Office).
- D. Upon recording of the final plat in the office of the Butler County Recorder of Deeds, the developer shall deliver to the Township the following:
- 1) Two (2) paper prints of the final plat as recorded and certified by the Butler County Recorder of Deeds.
 - 2) One (1) Mylar of the final plat as recorded and certified by the Butler County Recorder of Deeds.
 - 3) One (1) electronic version/file of the final plat in a Township-compatible format.
- E. The final plat shall be recorded with the Butler County Recorder of Deeds prior to the sale of any lots or property that is the subject of the final plat.
- F. Until final acceptance and dedication by ordinance has been duly enacted, no property or other public improvements shown on the final plat shall be deemed a part of the public

improvements of the Township but on the contrary, the same shall be deemed to be private streets, parks or public improvements until and unless the same have been accepted in accordance with law. No public improvement shall be accepted by the Township unless completed in accordance with Township Codes.

§309: Final Plat Approval after Completion of Public Improvements.

- A. The following provisions outline the process for final plat approval after completion of public improvements:
- 1) Submission of Application. The applicant shall notify the Board of Supervisors of the intent to complete the public improvements prior to the completion of the final plat pursuant to §425.
 - 2) If the applicant's application for final approval, not including final plat, is approved the applicant shall complete a developer's agreement in accordance with §305.G of this Ordinance prior to the start of any construction.
 - 3) If the applicant's application for final approval, not including final plat, is approved and the applicant has obtained all other permits required under the Township's ordinances, and County, State or Federal agencies, the applicant may proceed to construct the public improvements and other site improvements seventy-two (72) hours after the pre-construction conference. The Zoning Officer shall then authorize the progress inspections in accordance with Part 6 of this Ordinance.
 - 4) After the applicant has completed the public improvements indicated in the application for final approval, the applicant shall notify the Township, in writing, of such completion; and the applicant shall submit, together with the notification of the completion of the public improvements, the original final plat, as required by §424 and twelve (12) copies to the Township for final approval.
 - 5) Within ten (10) days after the receipt of the submission, the Board of Supervisors shall authorize the Township Engineer to inspect the public improvements and the final plat and indicate to the Board of Supervisors whether the public improvements comply with applicable codes and statutes and whether the final plat complies with this Ordinance.
 - 6) Within thirty (30) days of receiving such authorization, the Township Engineer shall report to the Board of Supervisors in writing, whether the completed public improvements and final plat comply with the requirements of this Ordinance. The report shall indicate approval or rejection of the improvements, whether in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.
 - 7) Within forty-five (45) days after the submission of the notice of completion of the public improvements and the final plat in compliance with this Ordinance, the Board of Supervisors shall either approve or disapprove the public improvements. Acceptance of the improvements shall be in accordance with Part 6 of this Ordinance and shall be further subject to the posting of a maintenance guarantee required by §607. The Board of Supervisors shall notify the applicant in writing by certified or registered mail of the approval or rejection of improvements.

- 8) Within ninety (90) days of the submission of the final plat, the Board of Supervisors shall either approve, approve with conditions or disapprove the final plat for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval, approval with conditions, or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision. If the final plat is not approved, the Board of Supervisors shall specify the defects found in the final plat and shall cite the requirements of this Ordinance, and other applicable ordinances which have not been met. Approval of the public improvements and final plat authorizes officers of the Township to affix their signatures to the final plat for recording purposes.

§310: Waiver or Modification Application and Approval Procedure

- A. Waiver and Modification Application Requirements. Any request for a waiver or modification of a provision of this Ordinance shall be submitted in writing as part of an application for preliminary or final plan approval. All requests for modification shall be signed by the applicant. The written request shall include:
 - 1) The specific section of this Ordinance which is requested to be waived or modified.
 - 2) The justification for the waiver or modification, stating in full the grounds and facts of unreasonableness or hardship on which the request is based and shall discuss the minimum modification necessary.
 - 3) Provisions proposed as an alternate to the requirements.
- B. Waiver or Modification Application Procedure.
 - 1) An application for a waiver shall be filed with the Zoning Officer, on forms as prescribed by the Township, as part of an application for preliminary or final plan approval and at least twenty-one (21) days prior to the regular meeting of the Planning Commission. The application shall not be considered complete and properly filed unless or until all items required by §309.A above, have been received by the filing date.
 - 2) The Zoning Officer shall review the application to determine whether all materials required by §309.A above and any other relevant Township ordinances have been submitted by the applicant.
 - 3) The Zoning Officer shall submit one (1) copy of the application and any materials submitted therewith to the following entities for review: the Township Engineer; each member of the Board of Supervisors and Planning Commission; and any other appropriate Township personnel or professional consultant.
 - 4) Any revisions, supplements or amendments to an administratively complete application shall be filed with the Zoning Officer at least fourteen (14) calendar days prior to the date of the Planning Commission meeting in order to be considered at that meeting, or at least fourteen (14) calendar days prior to the date of the Board of Supervisors meeting in order to be considered at that meeting.

- C. The Township Engineer shall review the application documents to determine compliance with this Ordinance, any other applicable Township regulations and sound engineering practices. The Township Engineer shall prepare a written report of their findings and recommendations, to the Board of Supervisors, thirty (30) days from the official filing date.
- D. Board of Supervisors Action. The Board of Supervisors may approve a waiver or modification application if the applicant proves all of the following:
- 1) The literal enforcement of the subject section(s) of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question.
 - 2) The waiver or modification of the subject section(s) of this Ordinance will not be contrary to the public interest.
 - 3) The purpose and intent of this Ordinance is observed.
 - 4) An alternative proposal will allow for equal or better results and represents the minimum modification necessary.
- E. In approving a waiver or modification application, the Board of Supervisors may, in its sole discretion, impose such reasonable conditions as it deems necessary to secure the objectives and purposes of this Ordinance and to protect the public interest. When a waiver is granted with conditions, a statement of the approved waiver, including the imposed conditions, shall be provided on the final plan.
- F. A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be mailed to the applicant's last known address.
- G. Modifications or waivers considered by the Board of Supervisors under this section shall relate only to the provisions of this Ordinance. All requests for variances of any aspect of the Zoning Ordinance, shall remain within the sole jurisdiction of the Zoning Hearing Board.

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Part 4 – Submission Requirements

§401: General

- A. All applications shall include the contents as required within Table 4-1.
- B. All lot line revision, simple and minor subdivision applications shall include the following number of copies of each submission requirement:
 - 1) Five (5) copies of the formal application and project narrative
 - 2) Five (5) sets of all required plans in a 11" x 17" format
 - 3) Two (2) sets of all required plans in a 24" x 26" format
 - 4) Two (2) copies of all required reports
 - 5) A digital copy of all submitted material in a PDF format
- C. All preliminary and final subdivision and land development applications shall include the following number of copies of each submission requirement:
 - 1) Five (5) copies of the formal application and project narrative
 - 2) Five (5) sets of all required plans in a 11" x 17" format
 - 3) Two (2) sets of all required plans in a 24" x 26" format
 - 4) Two (2) copies of all required reports
 - 5) A digital copy of all submitted material in a PDF format
- D. All applications shall include any additional information that is required by the Planning Commission, Township Board of Supervisors, Zoning Officer, or Township Engineer to comply with the intent of this Ordinance.
- E. All plans shall be prepared and sealed by a Professional Engineer, Professional Land Surveyor or Professional Landscape Architect certified and registered by the Commonwealth of Pennsylvania in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law."
- F. Filing/review fees. The fee shall be submitted in the form of a check or money order payable to Penn Township (fee schedule available at Township office).
 - 1) Review fees shall include the reasonable and necessary charges by the Township professional consultants or engineer for review and report to the Township and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, but in no event, shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.

- 2) In the event the Applicant disputes the amount of any such review fees, Section 503 (1) of the Pennsylvania Municipalities Planning Code shall apply.

§402: Submission Requirement Chart

Figure 1: Submission Requirement Table

<i>Submission Requirements</i>		Ordinance Section	Lot Line Revisions, Simple & Minor Subdivisions	Major Subdivisions and Land Development Preliminary Applications	Major Subdivisions and Land Development Final Applications
1	Formal Application & Project Narrative	§403	✓	✓	✓
2	Existing Conditions Plan & Sealed Survey	§404	✓	✓	✓
3	Site Layout Plan	§405		✓	✓
4	Phasing Plan and Schedules	§406			✓
5	Circulation and Parking Plan	§407		✓	✓
6	Grading Plan	§408		✓	✓
7	Utility Plan	§409			✓
8	Erosion and Sedimentation Plan and Report	§410		✓	✓
9	Stormwater Management Plan and Report	§411		✓	✓
10	Photometrics Plan	§412			✓
11	Landscape Plan	§413			✓
12	Construction Details	§414		✓	✓
13	Building Elevations and Other Architectural Drawings	§415		✓	✓
14	Evidence of Water Service	§416			✓
15	Traffic Impact Study	§417		✓	✓
16	Sewage Facilities Planning Module	§418			✓
17	Geotechnical Report and Slope Analysis	§419			✓
18	Wetland Report	§420			✓
19	Proof of Submission to Other County, State, and Federal	§421			✓
20	Profiles	§422		✓	✓
21	Homeowner's Association By-Laws and other related documents	§423			✓
22	Final Plat for Recording	§424			✓
23	Notification of Intent to Bond	§425			✓
24	Butler County Planning Commission Application & Fee	§426	✓	✓	✓
25	Evidence of Ownership	§427	✓	✓	✓

§403: Formal Application and Project Narrative

- A. All applications for approval of a subdivision plan or land development plan shall be filed with the Zoning Officer, on forms as prescribed by the Township. The application shall include;
- 1) A detailed narrative describing the proposed project and what action is being requested from the Township.
 - 2) Any waiver or modification requests as required by §310.
 - 3) Any applicable deed restrictions, easements and/or protective covenants.
 - 4) Any application granting approval of any zoning variance, exception, and/or conditional use permit.

§404: Existing Conditions Plan and Sealed Survey

- A. The Applicant shall submit a survey of the lot certified by an Engineer or Professional Land Surveyor. The survey shall be at a typical engineering scale that is legible on a 24" x 36" sheet. The plan shall be drawn in accordance with standard land surveying practices, and using standard map symbols to clearly indicate the following:
- 1) Name of the proposed project.
 - 2) Location map showing the subdivision/land development location within the boundaries of the Township (including major transportation routes, title, north arrow and graphic scale).
 - 3) Existing lot lines, adjacent lot owner(s) names, lot and block numbers and recorded subdivision name with recording information.
 - 4) Name, address of current land owner(s), Applicant and firm that prepared the survey.
 - 5) The entire existing lot boundary with bearings and distances as surveyed.
 - 6) The total acreage of the entire existing land.
 - 7) Zoning information legend (to include, but not limited to: district, minimum lot size, density, requirements) showing both required and proposed conditions.
 - 8) Streets abutting the lot, indicating names, right-of-way widths and cartway widths and ownership (federal, state, county, municipal or private).
 - 9) Existing and proposed easements, indicating location, width, purpose and lessee.
 - 10) Location of existing buildings, sanitary sewer, storm sewer, water, gas, petroleum and high pressure gas lines indicating line size, manholes, fire hydrants, utilities and other visible elements in the system on or adjacent to the lot proposed to be developed.
 - 11) Existing contours at a minimum vertical interval of two (2) feet.

- 12) A description of the lot locating proposed, existing and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.
- 13) The location of all existing wetlands as identified in the Wetland Report.
- 14) Where practical, datum to which contour elevations refer shall refer to known, established elevations.
- 15) Monument locations.
- 16) All existing vegetation on site.
- 17) All features (including vegetation) that will be removed in accordance with the proposed land development, if applicable.
- 18) A slope analysis that depicts the location of slopes that exceed twenty-five percent (25%) in gradient. All areas exceeding twenty-five percent (25%) shall be depicted with grey shading or a pattern.
- 19) An Applicant shall review and note their site location in relation to landslide prone areas as designated by the Commonwealth of Pennsylvania's available mapping.

§405: Site Layout Plan

- A. The Site Layout Plan shall be provided in an accurate and final form. Site Plans shall be submitted on sheets measuring twenty-four (24) inches by thirty-six (36) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final site plans shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.
- B. All Site Plans shall also include the following elements:
 - 1) Title block, the name and location of the subdivision or land development, the plan date and the date of any revisions.
 - 2) The name and plan book volume and page numbers of the previously recorded plan, if any.
 - 3) The name, address and phone number of the owner of record and the developer.
 - 4) The name, address and phone number of the firm that prepared the plans, and the name, seal and registration number of the surveyor who prepared the plan.
 - 5) Sheet number, North arrow and graphic scale.
- C. Site plan features. All site plans shall include building locations, parking areas, roads and access drives in accordance with this Ordinance and the Township Zoning Ordinance. In addition, all site plans shall depict the following:

- 1) Tract boundaries, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Surveys shall be prepared in accordance with the Butler County standards.
 - 2) Complete curve data for all horizontal curves included in the final plat, including radius, arc length, chord bearing and chord distance.
 - 3) Location, type and size of all monuments and lot line markers. State whether found, set or to be set.
 - 4) Approved street names and street right-of-way widths.
 - 5) All setbacks and yard requirements as specified by the Township's Zoning Ordinance.
 - 6) Lot numbers, lot dimensions, lot areas in square feet and building setback lines.
 - 7) Tabulation of site data, total acreage of land to be subdivided, the number of lots, the acreage of individual lots; the acreage of the subdivision and the acreage of proposed open space and recreation areas.
 - 8) Lot and block or tax map parcel numbers.
 - 9) All proposed and existing utilities.
 - 10) Easements and rights-of-way for all public and private improvements, including widths, purposes and limitations, if any.
 - 11) Accurate dimensions, acreage and purpose of any property to be reserved as public or common open space.
 - 12) Indication of platting of adjacent property and the names of the adjacent property owners.
- D. Site plans which require access to a road under the jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required in accordance with the Act of June 1, 1945, known as the "State Highway Law."
- E. Site plans shall include notation on the plan of any modifications or waivers granted to the provisions of this Ordinance.

§406: Phasing Plan and Schedules

- A. If the Applicant intends to develop land in phases, a Phasing Plan shall be required showing total lot phasing. If a subdivision and/or land development is planned as a phased development, the plan shall specify how many phases, phasing boundaries and the proposed time frame necessary to complete each phase.

- B. Where the Applicant proposes the development of a subdivision or land development in separate phases over a period of years, the Township authorizes submission of the final plan applications subject to guarantees that public improvements will be provided in future phases.
- C. All applications for final approval of future phases must conform to the preliminary plan application as previously approved by the Township. Any phase that contains substantive changes to the previously approved in the preliminary plan will represent a major modification to the application and will require complete resubmission of the preliminary plan application in accordance with this Ordinance.
- D. Each phase, except for the last phase, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary site plan unless the Township approves a lesser percentage for one (1) or more of the phases.

§407: Circulation and Parking Plan

- A. The Applicant shall submit a preliminary parking plan demonstrating how the off-street parking requirements will be met. The preliminary parking plan shall utilize the preliminary site plan as a background and shall illustrate all existing and proposed parking for the development. Parking space counts shall also be provided for each parking area. The location and design of off-street parking areas showing size and location of bays, aisles, and barriers and the proposed direction of movement shall be provided as well as access points into and out of the parking areas. The preliminary parking plan shall conform to the drawing standards as outlined for the preliminary site plan. If applicable, a shared parking analysis as identified in this Ordinance shall be attached to the submission.

§408: Grading Plan

- A. A Grading Plan, illustrating final grades of all lots and a surface drainage plan by arrows showing the direction of runoff on each lot. The final grading plan shall also clearly delineate the following:
 - 1) Proposed center line grade of streets with percent of grade of tangents, including grades at intersections.
 - 2) The existing and proposed contours of the lot(s). The grading plan's contour interval shall be as follows:
 - a) Not more than one (1) foot intervals where the slope will be equal to or less than ten percent (10%).
 - b) Not more than two (2) foot intervals where the slope will be greater than ten percent (10%) and less than fifty percent (50%).
 - c) Not more than ten (10) foot intervals where the slope will be greater than fifty percent (50%).

- 3) Existing and proposed catch basins, manholes, headwalls and other drainage structures with top and invert elevations on the applicable Storm Water Management Plan.
- 4) Existing and proposed buildings, structures, roads, sidewalks, curbs, parking areas and any other physical improvements.
- 5) Grading within or near a stream bank must be noted.
- 6) Grading within or near a floodplain area must be noted and if applicable, the impact the grading will have on the floodplain.

§409: Utility Plan

- A. A utility plan shall be provided indicating all proposed and existing utility locations and related easements. Utilities include, but are not limited to, electric, water, stormwater conveyance systems, phone, gas, and cable lines.

§410: Erosion and Sedimentation Plan and Report

- A. As required by PA DEP, a copy of the erosion and sedimentation plan and report as filed with the County Conservation District including a copy of the transmittal letter shall be provided. NPDES authorization letter shall be provided, upon receipt.

§411: Stormwater Management Plan and Report

- A. The post construction stormwater management plans and report shall be submitted as required by the Township's Stormwater Management Ordinance.

§412: Photometric Plan

- A. The Photometric Plan shall depict the average illumination value of all proposed and existing lighting fixtures measured at the final proposed grade. The plan shall include a computer-generated lighting model with point-by-point illumination of all areas within a proposed land development site. The lighting model shall include buildings, structures, parking areas and lot lines and shall be provided at the same scale as the site plan.

§413: Landscape Plan

- A. A landscape plan shall be provided for all land development applications and shall contain the following:
 - 1) All proposed/existing structures and paved areas.

- a) Proposed and existing elements depicted on the site plan shall be screened and added as a background element.
- 2) All required bufferyards and the proposed vegetation within the bufferyard.
- 3) All proposed vegetation and planting beds.
 - a) The landscape plan shall accurately identify the location and scale of the proposed species at seventy-five percent (75%) maturity.
- 4) Any existing trees or vegetation which are to be preserved.
- 5) Any existing trees or vegetation which will be removed.
- 6) A planting schedule that communicates the common name, scientific name, quantity, and condition of all proposed vegetated material.
- 7) Table(s) that demonstrates compliance with the bufferyard and/or landscaping provisions of this Ordinance.
- 8) Appropriate landscape details, notes, specifications, and methods of protecting existing vegetation.
- 9) Construction details that specify the installation of all proposed plant material.

§414: Construction Details

- A. Construction details shall be provided for all construction in accordance with the Township Construction Standards. Details shall include, but not be limited to utilities, pavement, walls, and landscaping.

§415: Building Elevations and Other Architectural Drawings

- A. Building elevations and other architectural drawings shall be provided for all proposed buildings other than single family residential.
- B. Elevations and drawings shall be illustrated to scale and show the front, rear and side facades of all proposed buildings including building's architectural features, exterior building materials, colors and/or finishes.
- C. The drawings or elevations shall indicate the height of the building in feet and number of stories and the building's relationship to the finished grade immediately surrounding the building.
- D. Architectural plans shall depict the interior arraignment and use of all proposed structures.

§416: Evidence of Water Service

- A. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision and/or land development, applicants shall present evidence to the Board of Supervisors that the subdivision and/or land development is to be supplied by an appropriate public or private entity.

§417: Traffic Impact Study

- A. A traffic impact study shall be submitted to the Township pursuant to the requirements of this section when:
- 1) A proposed land development or subdivision is expected to generate, on average: (1) One hundred (100) or more peak hour trips on any adjacent street; or (2) 1,000 or more average daily trips (ADT) on any adjacent street. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Township.
 - 2) In the opinion of the Township Engineer, the proposed development or change in use is expected to have a significant impact on street-related safety or traffic flow, necessitating further evaluation.
- B. Study Requirements.
- 1) When a traffic impact study is required by this Ordinance or any other Township ordinance, the study shall comply with the requirements of this section. The study scope, study area and methodology shall be approved by the Township Traffic Engineer prior to the initiation of the study. A scoping meeting may be required as determined by the Township Traffic Engineer or if required by PennDOT.
 - 2) The traffic impact study shall be conducted by an engineer that has verifiable experience in traffic engineering and preparing traffic impact studies. The traffic impact study shall be prepared in accordance with: the ITE's Recommended Practice Traffic Access and Impact Studies of Site Development, current edition; PennDOT Publications 201, 282 and the Policy and Procedures for Transportation Impact Studies, current editions; and the requirements contained in this section.
 - 3) The full cost of completing the traffic impact study and of all reviews by the Township Traffic Engineer and other Township officials and professional consultants shall be borne by the applicant.
 - 4) Upon submission of a draft study, the Township may review the data sources, methods, and findings and provide comments in written form. The applicant will then have the opportunity to incorporate the necessary revisions prior to submitting a final study
- C. Study Contents. The traffic impact study shall include the following, if appropriate as determined by the Township:
- 1) A brief description of the proposed project in terms of land use and magnitude.

- 2) An inventory and analysis of existing roadway and traffic conditions in the area of the site
- 3) Proposed site-generated traffic volumes in terms of:
 - a) An analysis of future traffic conditions:
 - b) A description of future levels of service (LOS) and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows:
 - (i) Traffic capacity LOS shall be based upon future design year analysis.
 - (ii) New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each approach.
 - (iii) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each approach and overall intersection.
 - (iv) All existing unsignalized and signalized intersections impacted by development traffic, which do not fall under the criteria of subparagraphs (2) and (3) above, shall operate at LOS D or better for each approach.
 - (v) All references to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, current edition, published by the Transportation Research Board.
 - (vi) These standards may be waived by the Township if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
 - c) A description and analysis of the proposed access plan and site plan including:
 - (i) Access plan including analysis of required sight distances using PennDOT criteria and description of access ways, location, geometric conditions and traffic control.
 - (ii) On-site circulation plan showing parking locations and dimension, loading access circulation roadway and traffic control.
 - d) Traffic circulation mitigating action plan shall include:
 - (i) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
 - (ii) Off-site improvement plan depicting required street and signal installation and signing improvements to meet the minimum level of service requirements.
- D. Final Study Report. A final study report must be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed subdivision, land development, and/or change in use. Provide an executive summary, which provides a concise description of the study area, result of the traffic analysis and any recommended improvements. The presentation of data and analyses should be accomplished on schematic diagrams of the study area and the use of charts and/or tables. All sources of data and methodologies that were used in the study must be properly

referenced and documented. Provide all computer output and calculations in appendices. Provide electronic Portable Document Format (PDF) copies of the report, figures, tables, appendices, as well as electronic versions of the capacity analyses.

- E. Completion of Traffic Control Devices and Other Traffic Improvements. Whenever, as a result of additional traffic generated by a proposed land development, subdivision, and/or change in use, the traffic impact study determines the need for traffic signal(s), regulatory sign, traffic control device(s), additional traffic lane(s) (including, but not limited to, acceleration, deceleration or turning), and/or other traffic improvements, to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition of approval, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Township, reimburse the Township for the cost of the improvements.

§418: Sewage Facilities Planning Module

- A. Where applicable, if an exemption from the Sewage Facilities Planning Module has been requested or granted in accordance with the rules and regulations of the PADEP, the completed or approved forms shall be submitted with the application.
- B. Where applicable, a Sewage Facilities Planning Module shall be the responsibility of the Applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

§419: Geotechnical Report and Slope Analysis

- A. A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability analysis of proposed cut slopes and fill embankments that exceed 2:1. At its discretion, the Board of Supervisors may require the applicant to provide a geotechnical report if, additional subsurface conditions are present on the site area.

§420: Wetland Report

- A. The applicant shall submit a wetlands study with the submittal of all major subdivision and land development plans. The purpose of the study shall be to determine the presence and extent of wetlands on the site.
- B. The study shall be performed by a qualified wetland scientist. Qualified individuals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners and geologist are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. The Township reserves the right, in as much as no recognized certification program exists for wetland scientists, to determine the qualification of those preparing wetland

delineations. Should a state or federal wetland scientist certification program be established, the Township will consider only those certified individuals qualified to perform delineations.

- C. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced off to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of five (5) feet outside the delineated boundary, prior to any construction or issuance of building permits. The fence must be properly maintained until all occupancy permits have been used and/or for the extent of all construction.
- D. If development is proposed within wetlands, Applicant shall obtain appropriate permits from federal and state regulating agencies.

§421: Proof of Submission to Other Agencies

- A. A listing of the necessary approvals and permits that will be required for the proposed development from the Township, County, Commonwealth or Federal agencies shall be submitted.
- B. Approval of the application by the Board of Supervisors may be conditioned upon receipt of approvals from County, State or Federal agencies.
- C. Proof of submission of review requests/responses and permit applications may include, but is not limited to:
 - 1) Pennsylvania Department of Transportation Highway Occupancy Permits.
 - 2) Pennsylvania Department of Transportation Traffic Signal Permits.
 - 3) Pennsylvania Department of Environmental Protection Sewerage Planning Module (or Exemption if applicable).
 - 4) Pennsylvania Department of Environmental Protection National Pollutant Discharge Elimination System Permits.
 - 5) Pennsylvania Department of Environmental Protection Water Obstruction and Encroachment Permits.
 - 6) Pennsylvania Department of Economic Development and/or Federal Emergency Management Agency Floodplain Permits.
 - 7) County Conservation District Proof of Submission.
 - 8) Water Authority Proof of Submission.
 - 9) Include proof that the PA Department of Community and Economic Development, the Federal Insurance Administrator, or other applicable local/state/federal agency, has been notified whenever any such activity is proposed that impacts an identified flood-prone area.

- 10) Federal Aviation Administration and PennDOT Bureau of Aviation approvals where required.

§422: Profiles

- A. Final vertical and horizontal alignment for proposed public or private streets and alleys, sanitary sewer and water distribution systems. In addition storm sewer profiles shall be submitted for all subdivision and land development applications, as required by the Township's Stormwater Ordinance. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.

§423: Homeowner's Association By-Laws and Other Related Documents

- A. Provisions within any Homeowners' Association Bylaws shall include procedures related to:
 - 1) Association Membership.
 - 2) Board of Directors.
 - 3) Association and Election Voting Rules.
 - 4) Officers.
 - 5) Books and Records.
 - 6) Amendments to Bylaws.
 - 7) Adoption of Bylaws.

§424: Final Plat for Recording

- A. The final application shall include a format and/or such material as is required for recording by Butler County.
- B. All final plats shall include the information required in the site layout plan and in addition, shall include:
 - 1) All required municipal certifications, which shall include the municipal engineer.
 - 2) Certification of plan preparation by a registered professional.
 - 3) All other certifications, dedications and acknowledgments, as required by Butler County.

- C. Site plans shall include notation on the plan of any modifications or waivers granted to the provisions of this Ordinance.

§425: Notification of Intent to Bond

- A. The applicant shall inform the Township in writing of their intention to either construct the public improvements required by this Ordinance prior to the final recording of the plat or provide financial security. In lieu of the completion of any public improvements prior to final recording, the applicant shall provide financial security as a condition of approval, pursuant to Part 5.

§426: Butler County Planning Commission Application

- A. A copy of the Butler County Planning Commission application and application made out to the Butler County Treasurer.
- B. The Township may require the applicant to deliver the County Application and Fee directly to the Butler County Planning Commission.

§427: Evidence of Ownership or Rights to Develop

- A. The applicant shall furnish to the Township a copy of the most recent deed showing the ownership interest of the applicant and, if the applicant is not the owner, a copy of the lease or other instrument granting possessory rights to the applicant.

Part 5 – Financial Security

§501: Completion of Improvements or Financial Security

- A. No plan shall be given final approval by the Township Board of Supervisors unless the public improvements required by this Ordinance have been installed in accordance with the standards set forth in Part 7.
- B. In lieu of the completion of any improvements(s) required prior to, and as a condition for, final approval, the Applicant shall deliver to the Township a financial security in the amount of 110 percent of the cost to complete all improvements required by this Ordinance.

§502: Financial Security

- A. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s).
 - 1) The amount of the financial security shall be sufficient to cover the costs of public improvements and common amenities including, but not limited to, roads, stormwater detention and/or retention basins, and other related drainage facilities, recreational facilities, open space improvements, landscaping, and buffers or screen plantings which may be required in accordance to §509(a) if the MPC.
 - 2) The amount of financial security to be posted for the completion of the public improvements shall be equal to 110 percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant. The amount of the financial security shall be based on a cost estimate submitted by the applicant and prepared by a registered professional engineer licensed in Pennsylvania. The cost estimate shall be certified as being "a fair and reasonable estimate" of the cost of public improvements.
 - 3) The cost estimate shall be sealed by a Professional Engineer.
 - 4) The Township Engineer shall review the proposed estimate and make a recommendation to the Township Manager or appointed representative as to acceptance and may provide an estimate if deemed unacceptable.
 - 5) The amount of the financial security may be adjusted annually in accordance with §509(f) of the MPC.
- B. If the Applicant and the Township cannot agree upon an estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the Applicant and the Township. The estimate by the third engineer shall be deemed as the final estimate.
 - 1) If a third engineer is selected, the fees for services shall be evenly divided between the Applicant and the Township.

§503: Approval Resolution

- A. At the request of the applicant and in order to facilitate financing, the Township shall furnish the applicant with a signed copy of a resolution indicating approval of the applicant's final plat contingent upon the obtaining of a satisfactory financial security. The final plat shall not be signed by the Township Board of Supervisors until a satisfactory financial security is presented. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security is not presented within ninety (90) days, unless a written extension is granted by the Township Board of Supervisors in accordance §509(b) of the MPC.

§504: Partial Release from Improvement Guarantee

- A. As the work of installing the required improvements proceeds, the Applicant 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 or contractors performing the work.
- B. Any such requests must be in writing and describe the portion of the work that has been completed in accordance with the approved plat and the amount of security requested to be released.
- C. The Township shall have forty-five (45) days from receipt of such request to have the Township Engineer certify in writing to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed, or if the Township fails to act within said forty- five (45) day period the release of funds shall be deemed approved. Notwithstanding anything to the contrary, the Township may, prior to final release at the time of completion and certification by its appointed Engineer, require retention of ten percent (10%) of the estimated cost of improvements.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The Applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.

§505: Final Release from Improvement Guarantee

- A. When the Applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Township, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements. See sections 603, 604 and 605 of this Ordinance with regard to the final inspection procedures.

- B. Within thirty (30) days of authorization by the Township Board of Supervisors, the Township Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the Applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.
- C. The Township shall notify the Applicant within fifteen (15) days of receipt of the engineer's recommendation, in writing, by certified or registered mail, of the action by the Township Board of Supervisors.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The Applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.
- F. Billing, Reimbursements and Disputes. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred in connection with the inspection of improvements. The applicant shall not be required to reimburse the governing body for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipality's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the municipality for comparable services when fees are not reimbursed or otherwise imposed on applicants.
- 1) The governing body shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the municipality and the municipality's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under this section.
 - 2) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the governing body a bill for inspection services, specifically designated as a final bill, which the governing body shall submit to the applicant. The final bill shall include inspection fees incurred through the release of financial security.

- 3) If, the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
- 4) The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment
- 5) In the event that the municipality's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.
- 6) The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.
- 7) In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:
 - a) award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and
 - b) impose a surcharge of 4% of the amount found as unreasonable or excessive to be paid to the party that paid the disputed fee.
- 8) A municipality or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.

Part 6 – Inspection and Acceptance of Improvements

§601: Pre-construction Conference

- A. After final approval has been granted by the Township Board of Supervisors but before the start of construction, a pre-construction conference shall be held at the Township offices. Those required to be in attendance at this meeting are Township Engineer, Township Staff, the developer, and the prime contractor.
- B. Prior to the start of construction, the Township shall be provided with three (3) sets of construction drawings and specifications. The sets shall be completed in every detail, comprised of the latest revisions and identical to those being used by the contractor(s). It will be the developer's responsibility to provide paperwork for any revisions, change orders, etc., to the construction drawings, specifications, reports, etc. Any delays in administration or construction, additional costs of administration or construction or any other problems resulting from any party utilizing inconsistent construction drawings will be the responsibility of the developer.

§602: Construction Observation

- A. The Township Engineer and/or the appropriate authority shall provide construction observation and document the implementation of the provisions of this Ordinance and the accompanying design standards. The developer shall pay the cost of any such construction observation activities in accordance with the provisions of Article V of the MPC.
- B. The developer shall notify the Township Engineer at least seventy-two (72) hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the Township Engineer at least seventy-two (72) hours prior to the time that the following required progress inspections are desired:
 - 1) General site construction:
 - a) Upon completion of preliminary site preparation (including stripping of vegetation, stockpiling of topsoil, and construction of the initial erosion and sedimentation control devices), but prior to further consideration.
 - b) Upon completion of rough grading of any improvement, but prior to placing topsoil and seeding or other permanent ground covers.
 - c) During the construction and prior to backfilling of any storm sewer, retaining wall foundation, culvert, inlet, manhole or other underground facility.
 - d) During the construction and prior to backfilling of any sewer line, waterline, or appurtenance, or any other underground utility not under jurisdiction of an authorized municipal authority.
 - e) Upon final completion of permanent stormwater management facilities, including the establishment of ground covers and plantings.

- f) After review of as-built drawings, but prior to release of the financial guarantee for any of the improvements.
- 2) Street construction:
- a) After preparation and compaction of the subgrade but prior to placement of subbase. The developer or agent should be present. In addition to verification of grade and crown, proof rolling will be performed. The developer shall supply a fully loaded tandem axle dump truck for the duration of the proof rolling.
 - b) After placement of the subbase material, but prior to the placement of the binder/base course. This observation, including proof rolling, will be performed in the same manner as that for subgrade.
 - c) During the placement of the binder/base course. The ambient temperature and bituminous material temperature need to be within acceptable limits. The Township may require paperwork to verify the materials conform to PennDOT standards.
 - d) During the placement of the wearing course. The requirements for placement of the binder/base course shall be followed.
- C. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations should be made at the frequency desired by the Township. At the time of any of the above-listed observations, all ongoing construction (i.e., storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported.
- D. The Township Engineer shall prepare a written report of all inspections. Copies shall be provided to the Township and one (1) copy shall be retained by the Township Engineer.

§603: Notice of Completion

- A. When the Applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Township, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements.

§604: "As-built" Drawings

- A. Prior to the final release of the financial guarantee, the developer shall provide the Township with one (1) electronic copy in a PDF format, one (1) electronic copy in a DWG format, and two (2) prints of the as-built plan. The as-built drawings shall be prepared and bear the seal and signature of a registered surveyor. They shall be drawn at the same scale(s) as the design plans and contain, at a minimum, the following information:

- 1) Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract.
- 2) Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- 3) Actual cul-de-sac radius.
- 4) Actual location of cartway center line versus right-of-way center line.
- 5) Actual location of floodplain areas by elevation and dimension from property line.
- 6) Actual location and cross section of swales and accompanying easements.
- 7) Actual horizontal and vertical location of stormwater management facilities, including type and size of storm drainage pipes, culverts, inlets and other features.
- 8) Actual horizontal and vertical locations, pipe sizes, materials and appurtenances of all sewer lines and waterlines.
- 9) Actual location of all fire suppression systems including the location of any hydrants.
- 10) Actual location of all street lights, sidewalks, street trees or other improvements constructed as part of the streetscape.
- 11) The following information for detention basins:
 - a) Information to verify the volume of the basin.
 - b) Actual outlet structure details, including, but not limited to, type, size and inverts of outlet pipes.
 - c) Actual elevation and width of the embankment and emergency spillway.
 - d) Information to verify the stage/storage/discharge curve for the constructed conditions.
 - e) The horizontal location of the above items.
- 12) All other public or private improvements and easements not listed but required to be included by the Township in order to illustrate compliance with all approved drawings, specifications, etc.

§605: Final Inspection and Approval

- A. Township Engineer's Report. The Township Engineer shall perform a final inspection of the public improvements in the plan. Within thirty (30) days of receiving the notice of completion, the Township Engineer shall file a report, in writing, with the Township Board of Supervisors indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall file a report, in writing, with the Township and shall promptly mail a copy of the same to developer by certified or registered mail in accordance to §510(a) of the MPC, as

amended.

- B. Notification of Developer by the Township Board of Supervisors. The Township Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing, by certified mail, of the action of the Township Board of Supervisors with respect to the approval or rejection of the public improvements.
- C. Completion of Rejected Public Improvements. If any of the public improvements shall not be approved by the Township Board of Supervisors, the developer shall proceed to complete the public improvements or rectify any deficiencies and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- D. The Township may prescribe that the developer shall reimburse the municipality for the reasonable and necessary expense incurred in connection with the inspection of improvements and in accordance with §510(g) of the MPC.

§606: Acceptance of Public Improvements

- A. No property or public improvement shown on a final plat shall be considered to have been accepted by the Township until the dedication thereof has been officially accepted by adoption of an ordinance of the Township, duly enacted and advertised in accordance with the law.
- B. Prior to the acceptance of the public improvements, and the return of any remaining application and review fees, the developer shall submit to the Township the following:
 - 1) Written report certified by the Township Engineer that all required public improvements are completed according to specifications including roads, sidewalks, utilities and stormwater management facilities.
 - 2) Evidence certified by the Township Zoning Officer that all permanent street signs and other signs required by this Ordinance, the developer's agreement or any other applicable code have been installed.
 - 3) As-built drawings of completed improvements to the Township Board of Supervisors.
 - 4) Required Maintenance guarantees for all publicly dedicated infrastructure or other improvements as required by this Ordinance.
- C. Upon completion of the final inspection and approval of the public improvements, the developer shall request in writing, that the Township Board of Supervisors formally accept the dedication of the public improvements. The request for acceptance shall be accompanied by a legal description of all rights-of-way and property, to be dedicated to the public.

§607: Posting of Maintenance Guarantee

- A. When the Township Board of Supervisors accepts the dedication of public improvements the Township Board of Supervisors shall require a maintenance guarantee of all improvements

as required by this Ordinance. The purpose of the maintenance guarantee is to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements.

- B. The amount of the maintenance guarantee shall be fifteen percent (15%) of the actual cost of the installation of such improvements for a term not to exceed eighteen (18) months from the date of the acceptance of public improvements and dedication as provided for in §509(k) of the MPC.

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Part 7 – Required Improvements and Design Standards

§701: General Requirements

- A. Minimum standards. The standards and requirements contained in this Part of the Ordinance and the Township's Construction Standards shall apply as minimum design standards for subdivisions and/or land developments in the Township. The Township may require additional standards in unique situations to promote the purposes of this Ordinance as specified in §102.
- B. Township Engineer review. The Township Engineer shall review all land development applications, as required in Part 3 of this Ordinance, for technical compliance with the Township Construction Standard Details and all other applicable Township Ordinances and regulations.
- C. Required improvements. Where the provisions of this Part of the Ordinance require the developer and/or landowner to construct and/or improve public streets, sewers, traffic control devices and other public and/or private improvements as a result of a subdivision and/or land development, the developer and/or landowner shall, as a condition of final approval of the subdivision and/or land development plan, agree to construct these improvements at the developer's/landowner's cost.

§702: Blocks and Lots

- A. Blocks.
 - 1) The length, width, and shape of blocks shall be determined with regard to:
 - a) Provision of adequate sites for type of building proposed.
 - b) Topography.
 - c) Requirements for safe and convenient vehicular and pedestrian circulation and access.
 - d) Bulk requirements as stipulated in the Township Zoning Ordinance.
 - 2) Blocks shall have a maximum length of 1,200 feet and, as far as practicable, a minimum length of 500 feet. In design of blocks longer than 800 feet, special consideration should be given to the requirements for satisfactory fire protection.
 - 3) No remnants of land shall exist after subdividing; all portions of a plan shall be incorporated into existing or proposed lots unless special usage is applied as part of a land development proposal.
- B. Lots.
 - 1) Every lot shall abut on a public street with the exception of suitably designed residential courts or other planned developments having acceptable means of access provided by

private streets.

- 2) Lots fronting directly on existing or proposed arterial streets or collector streets shall be avoided. Access to such lots shall be limited to the provisions of §703.
- 3) Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- 4) Lots for nonresidential uses shall be of such size and shape as may be suitable for their prospective use and to provide sufficient space for off-street parking and loading, and water supply and sanitary sewage disposal (if either or both are to be provided by individual on-lot facilities).
- 5) Lot dimensions and areas shall not be less than specified by provisions of the Township Zoning Ordinance.
- 6) Lots shall be laid out and graded to provide positive drainage away from buildings and water wells.
- 7) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.

§703: Street Access

- A. Residential lots are prohibited from directly accessing onto arterial or collector streets. Access to all residential lots shall be provided by a road network that is internal to the proposed land development.
- B. All points of access to a street shall be so located, designed and constructed as to provide an acceptable sight distance, as determined by the Township Engineer.
- C. All lots shall be provided with direct access to a public or private right-of-way.
 - 1) Direct access to a public or private right-of-way shall not be provided through adjacent lots which otherwise would require an easement.

§704: Driveways and Shared Driveways

- A. All driveways in new subdivisions and land developments shall conform to the Township Construction Standards.
 - 1) Driveways shall not exceed the permitted slopes depicted in the Township Construction Standards. Driveways with entrances in excess of ten percent (10%) shall be provided with leveling areas of sufficient space to park two vehicles outside the street right-of-way.
 - 2) Materials. All driveways shall be constructed to create a mud-free surface.

- B. Driveways shall be provided on the site where necessary for convenient access to the living units, garage compounds, and/or parking areas.
- C. Location.
- 1) Driveways shall enter the public rights-of-way at safe locations and are subject to the following standards:
 - a) There shall be a minimum ten (10) foot tangent distance between the intersection radius and the radius of the first permitted driveway.
 - b) A driveway shall provide the minimum sight distances as required in the Township's Construction Standards.
 - 2) Driveways shall only be located on the parcel which it provides access.
- D. Shared driveways shall provide access for a maximum of two (2) residential units.
- 1) A shared driveway shall be located equally on both parcels which it provides access.
- E. When shared driveways are permitted, an access and maintenance agreement, in a form acceptable to the Township, shall be recorded with the Recorder of Deeds. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the common driveway.

§705: Collector Driveway

- A. Collector driveways shall be provided on the site where necessary for convenient access to garage compounds, off-street parking areas, service entrances, collection of refuse, and all other necessary services.
- B. All collector driveways in new subdivisions and land developments shall conform to the Township Construction Standards.
- 1) A collector driveway shall provide access to townhomes, duplexes, or multifamily dwellings or commercial structures provided that a maintenance agreement is provided and approved by the Township Solicitor.
 - 2) Collector driveways shall not provide access to single family dwellings.
 - 3) The minimum grade permitted for collector driveways shall be one and one half percent (1.5%).
 - 4) The maximum grade permitted for collector driveways shall be fifteen percent (15%).
 - 5) Materials. All collector driveways shall be constructed consistent with the Township Construction Standards.
 - 6) Collector driveways do not require a specific right-of-way; however, the following standards for cartway width shall apply:

- a) One (1) lane shall provide a minimum cartway width of sixteen (16) feet
 - b) Two (2) lanes shall provide a minimum cartway width of twenty-four (24) feet
 - c) Three (3) lanes shall provide a minimum cartway width of thirty-six (36) feet
- C. There shall be no parking located on the cartway of a collector driveway.
- D. The horizontal and vertical alignments of collector driveways shall conform to street requirements outlined in §707 and §708.
- E. Location.
- 1) Collector driveways shall enter the public rights-of-way at safe locations, subject to the following standards:
 - a) Collector driveways shall provide adequate sight distances as specified in the Township Construction Standards and approved by the Township Engineer.
 - b) A collector driveway shall not be located within 150 feet of another collector driveway.
- F. All access drives shall be designed to provide adequate access for emergency vehicles and emergency responders.
- G. A highway occupancy permit or other applicable permit shall be obtained for each collector driveway from the government entity having jurisdiction over the street which intersects with the access drive (PennDOT, Butler County and/or the Township).
- H. Where a collector driveway is proposed to intersect an existing or proposed curbed street, the curbing shall be removed along the entrance and replaced by curbed radii. The curbing shall be the same material as that along the street for the length of the radii.

§706: General Street Standards

- A. In general, all streets shall be aligned with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
- B. New streets shall be logically related to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the sites to be served by such streets.
- C. Where abutting land is undeveloped, new subdivisions shall make provision for the extension of streets into such abutting undeveloped land by continuing the rights-of-way of proposed streets to the boundaries of the site being subdivided.
- D. New half or partial streets will not be permitted. Wherever a parcel to be subdivided borders an existing half (or partial) street, the remaining portion of the street shall be secured and platted within the new subdivision.

- E. Dead-end streets shall be prohibited, unless provided with a permanent or temporary cul-de-sac turnaround as specified in §711.
- F. Where streets continue into abutting municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in public improvements provided.
- G. Where a land development abuts an arterial street or a collector street, the land development shall minimize the number of points of access.
- H. Areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. A sketch plan and/or other information may be required to demonstrate the feasibility of future expansion of the street system. Streets within the reserved areas shall be constructed to the full standards of this ordinance, including extensions of underground utilities, unless a waiver is granted. If a waiver to construct the cartway is granted, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.
- I. No fences, hedges, shrubbery, walls, plantings or similar obstructions that obscure visibility shall be located within the street right-of-way.
- J. The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.
- K. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill banks shall not exceed a maximum of two to one (2:1) slope.
- L. Streets, collector driveways, and parking compounds shall be designed to preclude or minimize the need for a guide rail. The Township may, however, require a guide rail to be placed for protection on embankments when a barrier is indicated, as warranted in Design Manual Part 2, Highway Design, by PennDOT, as amended, or where otherwise deemed necessary.
- M. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Subdivision plans and road plans creating new streets shall provide proof of the following in a form acceptable to the Township Engineer and Township Zoning Officer, prior to final plan approval:
 - 1) Approval of proposed street names from the Butler County Department of Emergency Services; and
 - 2) Approval of proposed address numbers from the Butler County Department of Emergency Services.
- N. Right-of-Way. The right-of-way shall be measured from lot line to lot line. All private, local, collector, and arterial streets shall provide the minimum right-of-way width as specified in the Township Construction Standards.
- O. On-street parking. Where on-street parking is permitted, a parking lane at least eight (8) feet

wide shall be added to one or both sides of the required pavement. The parking lane or lanes shall be paved to the satisfaction of Township Engineer.

- P. When any land development project requires construction within an existing or proposed street right-of-way and requires a roadway opening to install any below grade utility and/or stormwater facility, the contractor shall repair the roadway consistent with the Township's Construction Standards.
- Q. The final wearing course of any proposed street shall not be installed until a commercial or industrial land development project is substantially complete. In the case of residential land development projects, the final wearing course shall not be installed until ninety percent (90%) of all residential units are complete including any future phases of the development that would require access across the roadway surface.
- 1) All catch basin inlets located in a proposed street shall be set flush with the initial wearing course elevation and shall be operational throughout all construction phases. The contractor shall install inlet grate risers at the time the final wearing course is installed.

§707: Horizontal Alignment

- A. All private, local, collector, and arterial streets shall be designed and constructed in accordance with the following alignment standards:
- 1) Horizontal curves shall be used at all angle changes.
 - 2) Horizontal street alignments shall be measured along the center line. The center line of the street cartway shall correspond with the center line of the street right-of-way.
 - 3) There shall be a tangent of at least one hundred (100) feet between reverse curves for all local and collector streets.
 - 4) Horizontal curve center-line radii shall be designed in coordination with vertical geometry, subject to the approval of the Township Engineer. Generally, however, the minimum acceptable center-line radii shall be 150 feet.

§708: Vertical Alignment

- A. All private, local, collector, and arterial streets shall be designed and constructed in accordance with the following alignment standards:
- 1) Vertical curves shall be used in all changes of grade.
 - 2) The minimum length of vertical curve for all streets shall be 250 feet.
 - 3) Notwithstanding the above minimum length of vertical curve, the actual length of vertical curve shall be based on the formula $L = KA$, where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A," and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based upon those specified in the

latest edition of "A Policy on Geometric Design of Highways and Streets," published by the American Association of State Highways and Transportation Officials (AASHTO).

§709: Private Streets

- A. A private street is limited to providing access to no more than six (6) abutting lots that are utilized for single-family detached dwellings and/or agricultural operations.
- B. Private streets shall meet all the design standards for local streets as required by this Ordinance and the Township Construction Standard Details.
- C. Private streets shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance and drainage of the accessing street.
- D. Private streets shall include stormwater management facilities when required by the Township's Stormwater Management Ordinance.
- E. The minimum street grade permitted for private streets shall be one and one half percent (1.5%).
- F. The maximum street grade permitted for private streets shall be fifteen percent (15%).
- G. A private street must be clearly labeled on the recording plat as a private street. The Township shall have no express or potential liability to maintain the private street or accept dedication of the private street.
- H. Applications which propose a private street shall include an access and maintenance agreement, in a form acceptable to the Township, which shall be recorded with the Recorder of Deeds as part of the final plan. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the private street. This access and maintenance agreement shall establish the conditions under which the private street will be constructed and maintained.
- I. A note to this affect, similar to the following note, shall be affixed to the recording plan in a manner acceptable to the Township: "Private Street restriction. The private street shown on this plan is strictly limited to providing access to no more than six (6) abutting residential lots and/or agricultural operations."

§710: Local, Collector, and Arterial Streets

- A. All streets shall be designed and constructed in accordance with Township Construction Standard Details and PennDOT specifications, including, but not limited to, Publication No. 72 and Publication No. 408, as amended.
- B. All materials, as required by the Township Construction Standard and used for construction, shall be supplied from PennDOT preapproved manufacturers or suppliers; verification shall be provided to the Township.

- C. All streets shall be graded to the grades shown on the street profiles and cross-section plan submitted and approved with the final plan.
- D. The entire width of the right-of-way of each street in a proposed land development shall be suitably prepared for the installation of paving, drainage structures, curbs, gutters and sidewalks in accordance with the appropriate standards for the class of street.
- E. Street Grades.
 - 1) Minimum street grade permitted for all streets shall be one and one half percent (1.5%), but streets constructed at this grade shall be closely monitored and strict attention paid to construction techniques to avoid ponding.
 - 2) No street grade shall exceed the following with due allowance for reasonable vertical curves:
 - a) Arterial streets: four percent (4%)
 - b) Collector streets: ten percent (10%).
 - c) Local streets: twelve percent (12%).
 - d) Private streets: fifteen percent (15%).
- F. Where the grade of the street is above or below the grade of the abutting parcels, walls or slopes shall be constructed in a manner satisfactory to the Township Engineer and shall be sufficient to support the street or the abutting land.

§711: Cul-de-sac Streets

- A. Where any adjacent dead-end street is not proposed for extension as a through street, a cul-de-sac shall be constructed in compliance with the Township Construction Standards.
- B. The use of cul-de-sac streets shall not be permitted when, in the sole opinion of the Township Engineer, the use of through streets or loop streets can be utilized.
- C. The center-line distance of permanent cul-de-sac streets shall be greater than 250 feet in length and shall not exceed the following lengths:
 - 1) For cul-de-sac streets serving single-family detached dwellings: 800 feet in length; and
 - 2) For cul-de-sac streets serving all other uses: 1,600 feet in length.
- D. The length of the cul-de-sac street shall be measured from the center-line intersection of an intersecting street which is not a dead end or cul-de-sac to the center of the cul-de-sac turnaround. The use of internal planted islands is prohibited.
- E. Unless future extension is clearly impractical or undesirable, in the opinion of the Township, a temporary cul-de-sac shall be provided. The turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line

to permit extension of the street at full width.

- F. Temporary cul-de-sacs shall be constructed to the standards as specified in the Township Construction Standards. Temporary easements shall be provided for the affected adjoining properties until such time that the street is extended.
- G. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities installed. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of the street. The barricade shall be designed and constructed in accordance with PennDOT Publication 72, "Standards for Roadway Construction, RC-63."
- H. All permanent cul-de-sacs shall be designed with a snow removal easement at the terminus as depicted in the Township Construction Standards. The easement shall be centered on the projected center line of the street and centered on a lot line. The final plan shall contain a note stating that the easement shall be maintained as open space and no improvements or obstructions such as driveways, mailboxes, fences or landscaping shall be permitted.
- I. Cul-de-sacs shall be crowned consistent with the proposed cartway and shall drain towards multiple inlets.

§712: Alleys

- A. Alleys shall be prohibited in all new land developments.

§713: Intersections

- A. Where a proposed street intersects an existing Township road, the proposed street shall be designed to prevent any runoff from entering the Township right-of-way.
- B. At street intersections, there shall be a level area on the proposed street within which no grade shall exceed a maximum of eight percent (8%) for a minimum distance of 100 feet (measured from the intersection of the center lines of the streets).
- C. Street name signs shall be installed at all intersections, and their design shall be approved by the Township and meet PennDOT standards. All signing shall identify both intersecting streets. Regulatory signs shall be installed at all locations identified by a traffic circulation study prepared by the developer. Standard traffic signs shall be approved by the Township, meet PennDOT standards, and shall be supplied and installed in accordance with Township regulations.
- D. Intersections involving the junction of more than two (2) streets are prohibited.
- E. The minimum distance between the center line of intersections shall be
 - 1) 1000 feet for any intersection involving an arterial street;

- 2) 600 feet for any intersection involving a collector street;
 - 3) 250 feet for any intersection involving a local or private street;
 - 4) Or, as otherwise specified by PennDOT publication number 70M.
- F. Right angle intersections shall be used.
- G. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of:
- 1) Thirty-five (35) feet for local streets, private lanes or alleys; and
 - 2) Fifty (50) feet for intersections involving arterial and collector streets.
- H. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. The Township may require larger radii based on the largest design vehicle using the intersection.
- I. All streets intersecting a state highway shall be subject to the approval of PennDOT.
- J. There shall be provided and maintained at all intersections a clear sight triangle. Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
- K. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. Sight distance at street intersections shall be calculated based on PennDOT Pub. 70, as amended and approved by the Township Engineer.

§714: Utilities and Easements

- A. Easements with a minimum width of twenty (20) feet (or as otherwise required) shall be provided for all stormwater facilities, drainage structures, swales, sanitary sewers and other utilities. In the case of multiple standards or overlapping easements, the wider standards shall apply from the outside edge of the proposed utilities.
- 1) Shared utility easements shall be a minimum of thirty (30) feet wide.
- B. To the fullest extent possible, easements shall be located adjacent to rear lot lines or side lot lines.
- C. Nothing shall be placed, planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain an easement.
- D. Where a site is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural or man-made drainage, or as required by the Township

Stormwater Ordinance.

- E. Pedestrian easements shall have a minimum width of ten (10) feet.
- 1) The applicant shall provide a method of physically delineating pedestrian easements across private lots. Such method may include shrubbery, trees, markers, or other method acceptable to the Township Supervisors.

§715: Off-Street Parking

- A. Off-street parking areas shall be provided in accordance with the requirements and standards of the Township Zoning Ordinance.
- B. The layout of every parking area shall be such as to permit safe and efficient internal circulation in accordance with the accepted traffic engineering principles and standards, including truck traffic where applicable.
- 1) Not less than a five (5) foot radius of curvature shall be permitted for horizontal curves in parking areas.
 - 2) Every off-street parking area shall include sufficient stacking space to accommodate entering and exiting vehicles without overflowing into adjacent streets.
 - 3) All parking facilities shall be designed to provide adequate access for emergency vehicles and emergency responders. The applicant shall provide a turning radius analysis that demonstrates the parking facilities provides entry and egress and for all emergency vehicles.
 - 4) All parking facilities shall include provisions for fire lanes, as required by the designated fire code official and/or the Township's Building Code.
- C. Dead-end parking areas shall provide a maximum of ten (10) parking spaces.
- 1) All dead-end parking areas shall be designed to provide sufficient area for backing and turning movements from the end parking spaces of the parking area.
- D. Painted lines, arrows, dividers and signage shall be provided and maintained to control parking when necessary to direct vehicular circulation.
- E. Parking lot lighting. Parking compounds, collector driveways, pedestrian walkways, and main entrances and exits which are open to the public shall be sufficiently illuminated so as to provide safe movements on site.
- 1) A photometric plan shall be provided to show the locations of all lighting fixtures or standards, including the delineation of isolux lighting lines and all specifications and details.
 - a) Lighting shall provide a minimum of one half (1/2) footcandle measured at ground level for all required lighting areas.

- 2) Any lighting used to illuminate off-street parking areas shall be directed away from property in a residential area.
- 3) There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes.
- 4) All luminaries shall have a total cutoff angle no greater than ninety (90) degrees from the vertical.
- 5) Illumination shall not exceed one (1) footcandle at all property boundaries. The one-footcandle illumination shall be measured horizontally on the ground surface.

F. Landscaping.

- 1) Interior landscaping shall be required for new parking areas. Where a preexisting parking area is expanded to increase the size to 4,000 or more square feet of area or ten (10) or more parking spaces, interior landscaping shall be provided for the new parking areas.

G. Landscape Islands.

- 1) Interior landscaping islands shall be equal to the width and the length of the abutting parking stall(s).
- 2) One internal landscape island shall be provided for every ten (10) consecutive parking spaces arranged in a perpendicular or angled layout.
- 3) Each interior landscaping island shall, at a minimum contain at least one (1) deciduous tree.
- 4) Applicants are encouraged to include BMP and stormwater facilities within landscape islands.
- 5) All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface. Wedge curbing and curb cuts that accommodate drainage into BMP islands are acceptable.

H. Perimeter Plantings.

- 1) All parking areas, collector driveways, and private streets adjacent to residential areas shall provide a perimeter planting hedge that shields vehicle headlights.
- 2) All perimeter buffers shall be planted with evergreen shrubs that will provide a continuous hedge and a minimum of height of thirty-six (36) inches at maturity.

- I. A detailed landscape plan shall be submitted to demonstrate compliance with all landscape requirements.

§716: Off-Street Loading Facilities

- A. All loading facilities shall conform to the standards and regulations of the Township Zoning Ordinance and shall be designed to minimize conflicts with pedestrian and with passenger automobile circulation.

§717: Curbs

- A. Curbs shall be required along all proposed:
- 1) local, collector and arterial streets;
 - 2) collector driveways;
 - 3) and parking compounds in land developments; and along all existing streets in and abutting both subdivisions and land developments where road improvements are warranted by §713.
- B. Curbs shall be installed to the dimensions and construction standards of the Township Construction Standard Details or, in lieu of such standards, in accordance with the standards of PennDOT Publication 408, as amended.
- C. Standard vertical concrete curb shall be required along all state highways and along all Township streets when required by the Township. Standard asphalt wedge curb may be used for all other uses where curb is required.

§718: Monuments and Markers

- A. Monuments.
- 1) Permanent reference monuments shall be located at the surrounding boundary corners of all subdivisions.
 - 2) Permanent reference monuments shall be accurately placed along at least one (1) side of each street at the beginning and end of all curves and at all angles.
 - 3) Monuments shall be constructed in accordance with the Township Construction Standards. Alternative monumentation methods will be at the discretion of the Township Engineer.
- B. Markers.
- 1) Markers shall be set at all lot corners and at the points where lot lines intersect curves and/or other property lines.
 - 2) All lot corners shall be located with solid metal pins of at least five-eighth inch ($\frac{5}{8}$ " diameter with a minimum length of thirty (30) inches.

- C. All monuments and markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- D. The monuments and pins as required shall be shown on the final recorded plat and the "as-built" plans with the distance between them and with sufficient curve data plainly marked.

§719: Emergency access

- A. All major subdivisions and land developments shall provide plans to the Township Police Chief and Volunteer Fire Chief for recommendation and comment. The applicant shall demonstrate:
 - 1) Adequate access for emergency vehicles and emergency responders; and
 - 2) Adequate fire hydrant locations in subdivision and land developments where public water is being provided.

§720: Stormwater Management and Floodplain Controls

- A. All stormwater management, collection, conveyance, erosion control and floodplain considerations shall be accomplished in accordance with the provisions of the Township Stormwater Management Ordinance, as amended.
- B. Floodplain areas shall be established and preserved as provided by the Township Floodplain Management Ordinance, as amended.

§721: Sidewalks and Trails

- A. Sidewalks may be required as a part of any development at the discretion of the Board of Supervisors.
- B. If a developer chooses and/or is required to install sidewalks within a proposed development, the sidewalk shall be designed and constructed based on the following requirements:
 - 1) Sidewalks shall be constructed in accordance with the Township Construction Standard Details.
 - 2) A grass planting strip, a minimum of three (3) feet wide, shall be provided between the curb and sidewalk.
 - 3) Sidewalks shall be located within a street right-of-way or provided pedestrian easement acceptable to the Township.
 - 4) Curb ramps for persons with physical disabilities shall be provided in accordance with PennDOT's Roadway Construction Standards - Curb Ramps and Sidewalks (RC-76M), latest revision.

- C. Trails. If a developer chooses to install trails within a proposed development, the trail shall be designed and constructed based on the following requirements:
- 1) Trails shall be constructed in accordance with the Township Construction Standard Details.
 - 2) Trails shall link internal common open space areas, nearby neighborhoods, parks, community facilities and elsewhere as recommended by the Planning Commission and approved by the Board of Supervisors.
- D. Maintenance. Maintenance of all proposed sidewalks and/or trails shall be the responsibility of the adjacent property owner or homeowners' association which represents the property owners in the development. Appropriate language shall be placed on the recorded plat indicating this maintenance responsibility.

§722: Steep Slopes and Landslide Prone Areas

- A. The purpose of the steep slope and landslide prone provisions are to conserve and protect those areas having steep slopes landslide prone soils from the following:
- 1) Inappropriate development and excessive grading;
 - 2) To prevent potential dangers caused by erosion;
 - 3) Stream siltation and soil failure;
 - 4) To promote uses that are compatible with the preservation of existing natural features, including vegetative cover, by restricting grading of steep slope areas; and
 - 5) To promote the preservation of steep slope areas and landslide prone areas as open space.
- B. Steep Slope Areas. The steep slope area shall be those areas having an original, unaltered slope of thirty-three percent (33%) or greater. The establishment of slopes shall be made by a topographic survey performed by a registered surveyor or other means acceptable to the Township.
- 1) Isolated pockets of steep slopes containing less than 2,000 square feet of surface area shall be exempt from the provisions of this section, unless they are a portion of all steep slope areas within the lot or property where the sum of all steep slope areas exceed 2,000 square feet.
 - 2) All uses permitted in the underlying zoning district are permitted in steep slope areas if conducted in accordance with the following provisions:
 - a) At least sixty percent (60%) of the original ground cover must remain undisturbed during the establishment, alteration or maintenance of the permitted use or activity.
- C. Landslide Prone Areas. The establishment of landslide prone areas shall be based on a soils report as required by the Township.

- 1) The soils report shall be prepared by a geologic expert, based on an investigation of the site and the proposed use or development.
 - 2) The soils report shall include a recommendation as to whether the site can be made safe for the proposed use, including any specific recommended construction or control techniques.
- D. No grading, filling or other alteration of the original undisturbed slopes on a property may be performed with the intent to circumvent the provisions of this section. Unauthorized grading performed within a steep slope area in order to circumvent these regulations shall be considered a violation of this Ordinance.
- E. All applications for subdivision or land development plans which contain areas of steep slopes or landslide prone soils shall include the following:
- 1) The plans shall include a delineation of the steep slope area and landslide prone soils, as defined herein.
 - 2) The final plan shall be recorded with a steep slope easement. The easement shall be comprised of at least sixty percent (60%) of the total existing area and located within the original boundaries of the steep slope area. Allocations of the easement should be made as evenly as possible throughout the lots to allow each lot adequate room for additional grading, accessory structures, etc.
 - 3) The final plan shall note that no structures shall be located within the easement and that no excavation, grading, filling or other disturbance of the existing ground cover is permitted within the easement.
 - 4) All deeds for lots created by subdivision shall contain language detailing the easement's location and the restrictions imposed.

§723: General Landscape Standards

- A. All land development applications shall include provisions for landscaping in accordance with the following landscape requirements:
- 1) Landscaping shall be provided in all open areas not covered by buildings, required parking areas, sidewalks or other impervious surfaces.
 - 2) Landscaping shall provide a mixture of vegetated material that is compatible with the land development and the surrounding land uses.
 - 3) Within the site area, landscaping shall be generally required for the following areas: the building perimeter; parking lots; dumpsters; loading area; and stormwater detention facilities.
- B. Artificial plants are prohibited as a substitute for required landscaping improvements included in this ordinance.

- C. Sight distance shall not be adversely affected by the location and size of landscaped plantings. Consideration shall be given to future growth potential of all planted materials in reviewing sight distance issues.
- D. Deciduous trees shall be required at the following rates:
- 1) One (1) per dwelling unit in single-family residential developments.
 - 2) One (1) per 5,000 square feet of the total site area in all other residential developments.
 - 3) One (1) per 4,000 square feet of the total site area in non-residential developments.
 - 4) Street trees, BMP tree plantings and trees within parking lot islands shall be counted towards the deciduous tree requirement. Required vegetation within bufferyards shall not fulfill this requirement.
- E. Shrubs shall be required at the following rates:
- 1) Six (6) shrubs per 100 linear feet of the frontage and sides of the principal structure in all land development projects except for single-family developments.
 - 2) BMP shrub plantings shall be counted towards the shrub requirement. Required vegetation within bufferyards shall not fulfill the shrub requirement.
- F. Plant Sizes and Requirements.
- 1) Deciduous Trees. All trees required to be planted shall be a minimum of two (2) inches in diameter at 4.5 feet above the ground. Dwarfed species shall not be considered deciduous trees.
 - 2) Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) foot in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
 - 3) Shrubs. All shrubs required to be planted shall be a minimum of twenty-four (24) inches in height at planting.
- G. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60.1, current edition, as amended.
- H. No one species shall comprise more than thirty-three percent (33%) of the entire number of plantings in a particular development.
- I. Installed plant material should be locally grown, if possible.
- J. Plant material shall be selected from the PA DCNR native plant publications. Selected plant material shall not include any invasive species identified on the PA DCNR Invasive Plant Database.
- K. Landscape Modifications.

- 1) The Township Board of Supervisors may modify or waive the landscaping standards of this ordinance where one (1) or more of the following conditions occurs:
 - a) There is existing healthy vegetation that is sufficient to meet the requirements.
 - b) Landscaping would interfere with utilities, easements, sight distance or other vegetation.
 - c) A required bufferyard would create redundant and/or duplicated bufferyards along abutting lot lines.
- L. Posting of Financial Security for Landscaping.
 - 1) The landowner and/or developer shall provide the Township with performance security, as required by this Ordinance, during development of the site to guarantee proper installation of the required landscaping and bufferyard materials required by this ordinance and as shown on the Township-approved landscaping plan.
 - 2) Release of the performance security shall be handled consistent with the requirements of the Subdivision and Land Development Ordinance.
- M. All required landscape materials are considered a part of the zoning and/or subdivision and land development approval. If any required vegetated material dies and/or is removed at any point after installation and is not replaced during the following planting season, the site will be considered in violation of its zoning and/or subdivision and land development approval.

§724: Street Trees

- A. Deciduous street trees may be provided in all land development projects which include new streets.
- B. General Requirements.
 - 1) Street trees and plant materials, shall not, at maturity, obstruct overhead utilities, traffic control signals and signs, street intersections or driveway entrances.
 - 2) Street trees shall be selected to minimize future maintenance costs, including but not limited to, pruning, tree removal and sidewalk repair.
 - 3) Street trees shall be located so as to not interfere with underground utilities or stormwater management facilities.
 - 4) Street trees shall be adaptable to the specific planting areas to achieve the design objective of the plan.
- C. Location.
 - 1) Street trees shall be located outside of the right-of-way and/or any easements.

- 2) At intersections, trees shall be located not closer than thirty (30) feet from the intersection of the curb.

D. Size.

- 1) Tree caliper at the time of planting, as measured four (4) feet above ground level, shall be no less than:
 - 2) Two (2) inches in residential areas.
 - 3) Two and one-half (2 ½) inches in nonresidential areas.
 - 4) Street trees shall have a canopy of thirty (30) to fifty (50) feet spread at maturity.

§725: Street Lights

- A. The Board of Supervisors may require that all new streets and/or intersections are provided with street lighting.
 - 1) Where required, the applicant shall install, at the applicant's expense, street lighting serviced by underground conduits in accordance with a plan approved by the Township Engineer.
 - 2) When street lighting is required, the cost of maintenance shall be the responsibility of a homeowners' association or other approved entity.
- B. Street lighting shall be installed as per the lighting plan approved by the Board of Supervisors.
- C. The spacing of street lights shall be based on a photometric plan that demonstrates adequate lighting is provided at grade.
- D. The maximum height of street lights shall not exceed the maximum height permitted in the Zoning District or twenty-five (25) feet, whichever is less.
- E. The shielding of lighting shall provide proper lighting without hazard to drivers or nuisance to residents.
- F. Style, type, shielding and manufacturer of street lighting shall be subject to the approval of the Board of Supervisors.

§726: Refuse Collection Stations and Service Structures

- A. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- B. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc., from entering.

C. Screening. All refuse collection stations and service structures shall be fully screened.

- 1) Location of Screening. A continuous planting, hedge, fence, or wall shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required.
- 2) The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.
- 3) When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.
- 4) Whenever refuse collection stations or service structures are screened by plant material, the plant material may count toward the fulfillment of required number of shrubs.

Part 8 – Grading Standards

§801: General Standards for Grading

- A. No grading, stripping of topsoil, excavation or any other earth disturbance activity which changes the existing contours of the land; and no clearing, grubbing or any other activity which results in the removal of existing vegetation (other than the removal of dead or diseased plant material) shall be permitted except in conjunction with a finally approved land development or subdivision plan unless:
- 1) The proposed excavation does not exceed five (5) feet in vertical depth at its deepest point measured from the existing grade and does not exceed 5,000 square feet of total area.
 - 2) The proposed fill does not exceed five (5) feet in vertical depth at its deepest point measured to the existing grade and does not exceed 5,000 square feet of total area, provided that the surface of such fill does not have a slope at any point steeper than three(3) horizontal to one (1) vertical.
 - 3) The proposed grading activity includes accepted agricultural land management practices, such as plowing, nursery operations, removal and/or transplanting of cultivated sod, shrubs and trees and tree cutting at or above existing ground and logging operations leaving the stump, ground cover and root mat intact.
- B. No final approval of the application for development shall be given until all required State and County and sedimentation and erosion control permits have been issued and submitted to the Township.
- C. No building sites shall be designated or improved in landslide prone or steep slope areas except as permitted by §724 of this Ordinance.
- D. Proposed grading shall be accomplished so that post-development stormwater runoff does not cause any harm and/or potential drainage problems to abutting properties.

§802: Excavations and Fills

- A. The top and bottom edges of cut or fill slopes shall be kept back from property or right-of-way lines three (3) feet plus one-fifth (1/5) the height of the cut or fill, which total distance need not exceed ten (10) feet.
- 1) Cut and fill shall not endanger adjoining property.
- B. No excavation shall be made with a face steeper than three (3) horizontal to one (1) vertical, except under the following conditions:
- 1) A retaining wall approved by the Township Engineer and constructed in accordance with approved standards is provided to support the face of the excavation.

- 2) A geotechnical engineering report documents soil stability for the proposed slopes in excess of three to one (3:1) on this site and the Township Engineer approves the proposed slopes and the proposed method of construction.
 - a) All such investigations and reports shall incorporate design recommendations and may be required as conditions for preliminary approval and/or final approval.
- C. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
- D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- E. Fills shall not encroach on natural watercourses or constructed channels.
- F. Fills abutting natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

§803: Reforestation of Steep Slopes

- A. As required, graded slopes shall be re-forested in order to prevent erosion, promote slope stabilization, encourage natural re-vegetation, and reduce the visual impacts of extensive areas of graded slopes.
- B. The following slopes shall be re-forested:
 - 1) Graded slopes that equal or exceed forty (40) feet in total elevation change (height) or;
 - 2) Graded slopes that equal or exceed a three to one (3:1) ratio.
- C. Grade slope which require reforestation shall be planted as specified in the Township Construction Standards.
 - 1) The use of hardy, self-propagating indigenous species is recommended.
 - 2) Invasive plants are prohibited.
 - 3) Bare-root trees, whips and seedling are prohibited.

§804: Erosion and Sedimentation Controls

- A. Grading and erosion and sedimentation control procedures and structures shall comply with all applicable regulations and all required approvals shall be granted prior to final approval of the proposed subdivision or land development.
 - 1) No changes shall be made to the contour of the site, and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the site, shall be commenced until such time as a plan for minimizing erosion and sedimentation has been processed, and reviewed by the County Conservation District and the proposed land

development has received a NPDES permit.

- B. Final approval of plans and specifications by the County Conservation District for the control of erosion and sedimentation shall be concurrent with the approval of the plans of subdivision or land development, and become a part thereof. Final plans for minimizing erosion and sedimentation, as approved, will be incorporated in the Developer's Agreement and Performance Guarantee, as required by the Township.

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Part 9 – Administration, Fees, and Enforcement

§901: General Administration

- A. All provisions of this ordinance shall be administered by the Board of Supervisors or their officially designated representatives. All matters relating to this ordinance shall be submitted to the Zoning Officer who will handle the matter in accordance with current municipal policies, procedures, and guidelines established by the Board of Supervisors.

§902: Fees and Costs

- A. No application for preliminary or final plan approval shall be filed and processed until the fees and/or escrow deposit, as set forth below, shall have been paid.
- B. The Board of Supervisors shall adopt and amend by resolution a schedule of fees, payable by the applicant to the Township for the filing of preliminary and final plans.
- C. The Board of Supervisors shall adopt and amend by resolution a schedule of escrow deposits to be paid by the applicant to the Township at the time of the filing of an application, sufficient to pay all Township expenditures anticipated in the course of its review and disposition of plans.
- 1) Costs incurred by the Township in excess of the escrowed amount shall be paid by the applicant prior to the granting of approvals or permits.
 - 2) If costs incurred by the Township are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.
- D. Township expenditures subject to escrow as in §902 (C), above, include but are not limited to the following:
- 1) Engineering and other technical services performed by any professional consultants during the plan review.
 - 2) Construction observation, inspection, and the testing of materials.
 - 3) Services of the Township Solicitor in reviewing and/or preparing documents related to the plan reviews.
 - 4) Actual costs of recording if, not paid directly to the Butler County Recorder of Deeds by the applicant.
 - 5) An administrative charge of fifteen percent (15%) of the total costs described in the previous four (4) subsections.
- E. Escrow accounts for fees to conduct the necessary inspection and review services provided by the Township during the construction of improvements approved in the final plan shall be established as part of the developers agreement required in §305.G of this Ordinance.

§903: Disputes

- A. Users should be aware that the following section is a summary of requirements of the *MPC – Act of 1968, P.L. 805, No. 247*, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the municipality and the municipality's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under this section.
- 1) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the governing body a bill for inspection services, specifically designated as a final bill, which the governing body shall submit to the applicant. The final bill shall include inspection fees incurred through the release of financial security.
 - 2) If, the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
 - 3) The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment
 - 4) In the event that the municipality's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

- 5) The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.
- 6) In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:
 - a) award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and
 - b) impose a surcharge of 4% of the amount found as unreasonable or excessive to be paid to the party that paid the disputed fee.
- 7) A municipality or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.

§904: Enforcement

- A. Users should be aware that the following section is a summary of requirements of the *MPC – Act of 1968, P.L. 805, No. 247*, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. Preventive Remedies.
 - 1) In addition to other remedies, the municipality 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.
 - 2) A municipality 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 any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - a) The owner of record at the time of such violation.
 - b) 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.
 - c) 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.
 - d) 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. 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 municipality 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.

C. Enforcement Remedies.

- 1) Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- 2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- 3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

§905: Remedies to Effect Completion of Public Improvements

A. Remedies to Effect Completion of Improvements.

- 1) In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat the governing body of the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If 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 governing body of the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. 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.

§906: Appeals

- A. Any person aggrieved by a decision of the Township concerning an application of approval of a subdivision of land development may appeal the decision in accordance with the procedures specified in Article X-A of the MPC.

§907: Notice to School District

- A. As per §508.1 of the MPC, as amended, each month the Township shall notify in writing the superintendent of a school district in which a plan for a residential development was finally approved by the Township during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

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Part 10 – Amendments, Validity, and Repealer

§1001: Amendment Procedures

- A. The Board of Supervisors may, from time to time, amend, supplement, change, modify, or repeal this Ordinance by proceeding in accordance with the Pennsylvania Municipalities Planning Code.
- B. Referral to the Planning Commission.
 - 1) All proposed amendments before adoption shall be referred to the Township Planning Commission at least thirty (30) days prior to the public hearing, for recommendation and report, which shall be advisory.
- C. Referral to the County Planning Agency.
 - 1) All proposed amendments shall be referred to the County Planning Agency at least thirty (30) days prior to the public hearing, for recommendation and comment.
 - 2) As per §304(b) of the MPC, the Board of Supervisors may not take any action on a proposed amendment until the County Planning Agency's comments are received, or the forty-five (45) day review period has passed.

§1002: Validity

- A. Should any section of this Ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

§1003: Repealer

- A. All Ordinances and parts of Ordinances inconsistent herewith are repealed upon the legally effective date of this Ordinance.

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Part 11 – Mobile Home Parks

§1101: General Standards

- A. In accordance with the provision of the Pennsylvania Municipalities Planning Code, as amended, mobile home parks are governed as subdivisions or land developments, and are subject to the procedures and standards of this Ordinance.
- B. The standards and procedures as prescribed herein shall be applicable to those mobile home parks which are constructed, remodeled, altered or expanded after the effective date of this Ordinance.
- C. No approval to construct or expand a mobile home park shall be granted until such time as a land development application is submitted for review subject to the provisions of Part 3 of this Ordinance.
- D. All applicants for approval to layout, construct and operate utility services within a mobile home park shall in addition to the requirements of this Ordinance, apply for and obtain any and all permits that may be required by the Pennsylvania Department of Environmental Protection in connection with the establishment of utility service facilities.
 - 1) A duplicate copy of the application submitted to the Pennsylvania Department of Environmental Protection shall be concurrently filed with the Township.
- E. The person to whom all required state and federal permits for a mobile home park is issued shall operate the mobile home park in compliance with this Ordinance and all applicable regulations.

§1102: Design Standards

- A. Minimum Area. A mobile home park shall have a gross area of at least ten (10) contiguous acres of land and be located in a Zoning District as permitted by the Township Zoning Ordinance.
- B. The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner, in compliance with the Township's Stormwater Management Ordinance, as amended.
- C. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with a compacted, dustless surface, or other solid material, or protected with a vegetative groundcover that is capable of preventing soil erosion.

§1103: Permitted Uses

- A. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and safety and welfare of park residents and for the management and maintenance of the park.

- B. Accessory structures incidental to residential dwellings shall be permitted on occupied mobile home lots.
- C. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the district in which it is located when considering all structures on the lot.
- D. Not more than one (1) accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, etc.).
- E. Accessory structures shall not exceed the height of the principal structure.

§1104: Required Setbacks and Buffers

- A. All mobile homes shall be located not less than fifty (50) feet from the right-of-way line of any public street or highway within the municipality and not less than thirty-five (35) feet from any other mobile home park property boundary line.
- B. A permanent buffer shall be provided along all exterior property boundary lines in accordance with §726 of this Ordinance.

§1105: Lot Requirements

- A. Each mobile home lot shall have direct access to an approved and recorded right-of-way whether privately maintained or offered for public dedication.
- B. Mobile home lots are prohibited from directly accessing onto State, County, or Township Roadways. Access to all mobile home lots shall be provided by a road network that is internal to the proposed land development.
- C. Minimum mobile home lot standards shall be as follows:
 - 1) Front setback – ten (100 feet from the recorded access right-of-way
 - 2) Lot width – seventy (70) feet at the front setback line
 - 3) Lot area – 15,000 square feet
 - 4) Lot coverage – fifty percent (50%)
- D. Mobile homes shall be placed on a recorded lot and set back a minimum of ten (10) feet on all sides measured from the closest point of the mobile home, including attachments, to the mobile home lot lines.
- E. A minimum separation of ten (10) feet shall be maintained between any attached accessory structure and the side or rear mobile home lot lines.

- F. All unattached accessory structures including, but not limited to, storage sheds, satellite dishes, swimming pools or garages shall be located a minimum of five (5) feet from the side or rear mobile home lot lines.

§1106: Streets

- A. All streets contained within the mobile home park shall be private streets constructed to the public, local street standards, intersection requirements, and vertical and horizontal alignment criteria as specified within this Ordinance and the Township's Construction Standards.
- 1) The Township may, but shall not be required to, accept the dedication of any streets within the mobile home park.
 - 2) The applicant shall provide a turning radius analysis for movement related to the placement and removal of mobile homes on all proposed lots. The turning radius analysis shall be approved by the Township Engineer.
- B. Where feasible as determined by the Township Engineer, two (2) park entrances shall be provided.
- C. Parking shall be prohibited within any street right-of-way.
- D. Dead end streets shall be prohibited unless a cul-de-sac is provided in accordance with the Township Construction Standards.
- E. All streets shall be furnished with shielded lighting and spaced as to provide a one half (1/2) footcandle of illumination on all internal street surfaces, intersections and park entrances.
- 1) Street lights shall not exceed twenty-five (25) feet in height.

§1107: Off-Street Parking

- A. Two (2) paved off-street parking spaces shall be provided on each mobile home lot.
- B. Visitor parking at a ratio of one half (1/2) spaces per mobile home shall be located within a distance of 200 feet from the mobile homes to be served.

§1108: Mobile Home Pads

- A. The location of each mobile home pad shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of a mobile home is practical, easy and safe.
- B. All mobile homes placed within a mobile home park shall, prior to occupancy or other use, be affixed to their mobile home stands in such a way so as to prevent tilting of the unit. No mobile home shall permanently rest on the wheels used to transport the unit.

- C. The pad where the mobile home is placed shall be a minimum of fourteen (14) feet by sixty-five (65) feet, or 910 square feet in area.
 - 1) A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.
- D. All mobile homes shall be set on a suitable foundation and each mobile home pad shall include anchors as required by the Township's Building Code and/or Federal requirements.
- E. All mobile homes placed within a mobile home park shall, prior to occupancy or other use, have skirts installed for protection of the utility connections.
- F. The hitch or tow bar attached to a mobile home for transport purposes shall be removed or covered when it is placed on its mobile home stand.

§1109: Recreation and Open Space

- A. Not less than ten percent (10%) of the gross site area of all mobile home parks shall be devoted to recreational facilities or usable open space for active recreation. Recreation areas may include, but are not limited to the following:
 - 1) space for community buildings;
 - 2) community use facilities;
 - 3) multi-purpose fields;
 - 4) indoor recreation areas; and
 - 5) swimming areas.
- B. Sites selected or reserved for such uses shall be of appropriate topography, location and dimensions which, in the determination of the Planning Commission, are usable for the purpose intended.
- C. Common open space and other common elements shall be retained in private ownership of the developer of the mobile home park.
- D. Prior to plan approval, provisions acceptable to the Township Solicitor for the maintenance of all common elements which will not be owned and maintained by a governmental agency shall be established.

§1110: Utilities and Fire Protection

- A. Water. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and it shall be used exclusively as approved by the regulatory authority. Where a satisfactory public water supply system is not available, the

development of a private water supply system shall be approved by the Pennsylvania Department of Environmental Protection or other authorities having jurisdiction.

- 1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
 - 2) Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
 - 3) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.
- B. Fire Protection. All fire safety plans shall be reviewed by the fire company chief that provides fire protection to the proposed location of the mobile home park.
- 1) Fire hydrants shall be installed as required by the Township's Building Code.
- C. Sewage. An adequate and safe sewage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities.
- 1) Connection to a municipal sanitary sewage system shall be of such design, construction and shall be maintained in accordance with the Municipal Authority having jurisdiction.
 - 2) Private sewer collector and treatment systems shall be constructed and maintained in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
 - 3) Central toilet or washroom facilities are prohibited.
- D. Underground Utilities. All electric, natural gas, telephone, cable television and other utility lines shall be placed underground in all mobile home parks and each shall have the necessary shut-off valves and other safety requirements normally associated with safe operations.
- 1) All utility connections shall be appropriately capped for safety purposes whenever a mobile home stand is not occupied.
 - 2) All utilities shall be installed and maintained in accordance with the regulations of the individual authority having jurisdiction.
- E. Heating oil or propane tanks shall be installed as required by the Borough's Building Code.

§1111: Refuse Handling

- A. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Protection regulations governing mobile home parks.

- B. All refuse collection stations shall provide screening as required by Part 7 of this Ordinance.

§1112: Permits Required and Inspection

- A. In those mobile home parks wherein some or all of the mobile home lots will be sold individually (whether totally fee simple, fee simple with a homeowners association, condominium, or cooperative), no lot to be conveyed shall be developed or a mobile home or other structure placed or constructed thereon until the subdivision and/or land development plan has been properly approved and the proper building and construction permits have been issued to the lot in accordance with standard procedures for any building activity in the Township.
- B. No mobile home or other structure shall be occupied until a valid occupancy permit has been issued by the Township.
- C. Designated Township personal may inspect a mobile home park after due notice to determine compliance with this Ordinance.
- D. The applicant or developer shall inform the Township and/or appropriate authority when mobile homes are connected to water supply, sewer, and electrical service to schedule inspection of these connections and to determine that the mobile home is anchored and located in accordance with this Ordinance.
- E. Designate Township personal will not inspect the mobile home unit but shall determine if it bears a label indicating that it complies with the appropriate federal safety standards promulgated by the US Department of Housing and Urban Development and Pennsylvania regulations issued under the "Manufactured Housing Construction and Safety Act."

*Penn Township, Butler County
Subdivision and Land Development Ordinance*

Enacted and Ordained at a regular meeting of the

Board of Supervisors of Penn Township

on this 10 day of July, 2018.

This Ordinance shall take effect immediately.

<u>Samuel M. Sald</u>	_____
(Name)	(Title)
<u>Don A. L...</u>	<u>Vice Chair</u>
(Name)	(Title)
<u>Wilbert J. Mowry Jr.</u>	_____
(Name)	(Title)

Attest:

Linda D. Zerfass
(Secretary)

I hereby certify that the foregoing Ordinance was advertised in the Butler Eagle [newspaper] on 06-28-18 [date], a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of the Board of Supervisors held on 07-10-18 [date].

Linda D. Zerfass
(Secretary)

