

## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **§100 AUTHORITY**

The laws of the Commonwealth of Pennsylvania empower local governments to regulate the subdivision of land. The authority for this function has been established by the General Assembly under the provisions of Act 247, the Pennsylvania Municipalities Planning Code, as amended by Act 170 of 1988.

#### **§101 SHORT TITLE**

This ordinance shall be known and may be cited as the Subdivision and Land Development Ordinance of the Township of New Sewickley, Beaver County, Pennsylvania.

#### **§102 PURPOSES**

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

- A. The coordinated development of land throughout the Township;
- B. Assurance that new subdivisions and land developments will be developed consistent with the maintenance of the health, safety and general welfare of the public;
- C. Necessary public facilities in an amount and size commensurate with the needs of the area to be subdivided and developed and the uses to which the land will be devoted;
- D. Prevention of hazards from flooding, landslides, subsidence or other dangers, by requirements that land subject to such dangers will be made safe for its proposed use or be set aside for uses that will not precipitate dangerous conditions;
- E. Protection of individuals who might otherwise purchase unsuitable land for development purposes;
- F. Protection of the soil, water and other natural environmental resources of the area from the effects of uncontrolled development practices;
- G. Coordination of continuing community growth with respect to overall development consideration, such as sewage disposal, water supply, stormwater management, traffic circulation systems, emergency accessways, retention of open spaces and related factors; and
- H. Equitable administration of all subdivision and land development proposals throughout the Township.

## ARTICLE II

### COMPLIANCE AND APPLICATION

#### §200 SUBJECT PROPERTIES

No subdivision, land development or excavation of any lot, tract or parcel of land shall be affected, no street, sanitary sewer, storm sewer, water main or other facilities and public utilities in connection therewith shall be constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict conformance with the provisions of this Ordinance.

#### §201 SALE OF LOTS

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

## ARTICLE III

### DEFINITIONS

#### §300 INTERPRETATION

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural.
- C. Words used in the plural number shall include the singular.
- D. The word “person” includes a corporation as well as an individual or an association of individuals.
- E. The words “shall” and “will” are always mandatory.
- F. The word “may” is permissive.

#### §301 WORD MEANING

For the purpose of this Ordinance, the following terms shall have the meaning indicated, unless otherwise specifically stated. Words not defined herein shall be observed and applied according to their generally accepted dictionary definitions.

**ACCESS:** Any means for passage of vehicles between property abutting on a Township roadway and the Township roadway. It shall be deemed to include only that part of the driveway that lies within the established right-of-way limits of the Township roadway. It will also include such drainage structures as may be necessary for the proper construction and maintenance thereof.

**ACCESSORY BUILDING:** A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

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

**APPLICANT:** A landowner 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.

**BOARD OF SUPERVISORS:** The duly elected Board of Township Supervisors of the Township of New Sewickley, Beaver County, Pennsylvania.

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

**BUILDING OR STRUCTURE:** An independent and detached structure having a roof supported by columns or walls, or resting on its own foundation, including, but not limited to mobile homes,

garages, greenhouses, and other accessory buildings, and utilized for housing, shelter or enclosure of persons, animals, chattels or activity sites.

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

**CARTWAY (Not right-of-way):** That portion of the total street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb, or from one edge of driving surface to the other edge of driving surface.

**CLEAR SIGHT TRIANGLE:** A triangular area of unobstructed vision on corner lots formed by a seventy-five foot (75') sight line along the centerline of a local street and by a line joining these two (2) sight lines at the greatest distance from their intersection. This entire area is to remain clear of obstruction to sight above a plane established three and one-half feet (3-1/2') in elevation from grade level at the intersection of the street centerline.

**COMMERCIAL:** Engaging in a business, enterprise, public service, civic, religious or other undertaking or activity related to or connected with trade, commerce, services or traffic in general.

**COMMISSION, PLANNING:** The New Sewickley Township Planning Commission, as duly appointed by the Township Board of Supervisors.

**COVENANT:** An obligation defined by law or agreement, the violation of which can be restrained by court action. These are usually stated in the deed.

**CUL-DE-SAC:** A residential, commercial or industrial street open to traffic and pedestrian access with one end permanently terminated by a vehicular turnaround.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

**DECK:** A structure without a roof, directly adjacent to a principal building which has an average elevation of more than thirty inches (30) or greater, from finished grade. A deck may be constructed of any materials.

**DETERMINATION:** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Board of Supervisors.
2. The Zoning Hearing Board.
3. The Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DWELLING UNIT:** A building or portion thereof providing complete housekeeping facilities for one individual or one family, including but not limited to cooking and toiletry facilities.

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

**ENGINEER:** The Engineer of the Township, officially designated by the Board of Supervisors.

**EXISTING PARKS:** A mobile home park previously licensed by the Pennsylvania department with authority to issue such licenses and in actual operation following review and approval by the New Sewickley Township Board of Supervisors.

**FLOODWAY:** The channel of a river, stream or other watercourse and the adjacent land areas required to carry and discharge water volumes of a given anticipated magnitude.

**GROSS ACREAGE:** The entire land area of a tract, as distinguished from net acreage.

**HALF STREET:** A strip of land equal to or less than one-half of the required rights-of-way reserved or proposed for street purposes along the property line. Half streets are prohibited except to complete another half street.

**IMPROVEMENTS:** Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including, but not limited to grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities, sewage disposal facilities and stormwater control facilities.

**LAND DEVELOPMENT:** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) a group of two 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; or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

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

**LICENSE:** Written approval, in proper form, as issued by a Commonwealth or Township department or bureau with the authority to issue such license.

**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 CORNER:** A lot, abutting two (2) or more street or road rights-of-way at their intersection, on which the building setback line for all street and/or road rights-of-way must be observed.

**LOT DEPTH:** The mean horizontal distance between the front lot line and the rear lot line.

**LOT, DOUBLE FRONTAGE:** A lot that has access to a public right-of-way from both the front and back yard. Double frontage lots shall be permitted only where unique physical circumstances that are not created by an appellant are present.

**LOT OF RECORD:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the County Recorder's office containing property tax records.

**LOT, REVERSE FRONTAGE:** A key lot or the first lot to the rear of a corner lot, the front lot line of which is a continuation of the side lot line of the corner lot and fronting on the street that intersects the street upon which the corner lot fronts and/or that faces the street upon which the side of a corner lot abuts.

**LOT WIDTH:** The total horizontal distance across the lot, between the side lot lines, measured at the front setback line, measured from the recorded right-of-way line.

**MASTER PLAN:** An orderly representation of future development plans for a parcel which will be developed by phases over a period of time. This plan is not binding and may be revised periodically as development plans change.

**MINOR LAND DEVELOPMENT:** Any nonresidential development on a lot or lots of five acres (217,800 square feet) or less in area, involving 3,000 square feet of new construction or less, not requiring the extension of existing roads, streets, public water lines or sanitary sewerage lines, and meeting one of the three (3) following criteria:

1. Development on a previously undeveloped lot or lots (MLD 1).
2. Addition or expansion of an existing structure not exceeding one hundred percent (100%) of the existing GFA or 6,000 square feet maximum, whichever is greater, and previously approved as a land development (MLD 2).
3. Addition or expansion of an existing structure not previously approved as a land development to a maximum increase of fifty percent (50%) of GFA up to three thousand (3,000) square feet maximum (MLD 3).

**MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes

**MODIFICATION:** Relief granted by the Board of Supervisors from the literal enforcement of a provision or provisions of this Ordinance where an undue hardship occurs pertaining to peculiar conditions on the land in question.

**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.

**MUNICIPAL ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the consulting engineer for New Sewickley Township.

**MUNICIPALITY:** The Township of New Sewickley, Beaver County, Pennsylvania.

**NET ACREAGE:** The gross acreage of a development site minus the areas utilized for rights-of-way or easements, on-grade utilities and facilities, wetlands, floodplains and similar water surfaces, required open space and parking facilities.

**OFF-SITE WATER SERVICE:** A potable water distribution system in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the limits of the lot being served which may be publicly or privately owned and operated.

**ON-SITE SANITARY SEWER DISPOSAL:** A system of piping, tanks or other facilities serving only a single lot and utilizing the water in whole or in part from a primary source located within the limits of the lots being served. Permits For this type of disposal shall be obtained through the Pennsylvania Department of Environmental Protection (PA DEP).

**OPEN SPACE:** An unoccupied space open to the sky.

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

**PARKING SPACE:** For purposes of this Ordinance, off-street parking and loading areas shall be defined as follows:

- A. An off-street parking space shall be a minimum dimension of nine feet wide by twenty feet long (9' x 20'), for a minimum area of 180 square feet.
- B. A required off-street loading space shall be a minimum dimension of fifteen feet wide by sixty feet long (15' x 60'), for a minimum area of 900 square feet.

**PATIO:** A level surfaced area at ground level, directly adjacent to a principal building which has an average elevation of not more than thirty inches (30"), and without walls or a roof. A patio may be constructed of any materials.

**PERSON:** Any individual, firm, trust, partnership, public or private association or corporation, or other legal entity.

**PLAN, COMPREHENSIVE:** The current Comprehensive Plan of New Sewickley Township.

**PLAN, PRELIMINARY:** A subdivision plan, in lesser detail than a final plan, showing approximate street and lot layout, on a topographic map, as a basis for consideration and review prior to preparation of a final plan.

**PLAN, FINAL:** A complete and exact subdivision or land development plan, prepared by a Registered Professional Engineer, or Registered Professional Land Surveyor for official recording as required by statute, to delineate boundaries, define property rights, proposed streets and all other improvements.

**PLAT:** The map or plan of a subdivision or land development, whether preliminary or final.

**PROFESSIONAL CONSULTANTS:** Persons who provide expert or professional advice, including, but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

**PROPERTY LINE CLEARANCE:** The distance measured along the pavement edge or curb between the property frontage boundary line and the near edge of the driveway.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the Board of Supervisors intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

**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 a 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 hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) calendar days and the second publication shall not be less than seven (7) calendar days from the date of the hearing.

**PUBLIC UTILITY:** Within the terms of this Ordinance, public utility shall be defined to include gas, electric, telephone, sewerage, water and communication cable services.

**RESERVE STRIP:** A parcel of land separating a street from adjacent properties for the purpose of controlling access to the street from adjacent property.

**RESUBDIVISION OR REPLATTING:** The modification of a recorded subdivision in whole or in part, by a redesign of lots, by change of size, area or by street layout.

**RIGHT-OF-WAY:** Land reserved for use as a street, alley, interior walk, or other public purpose and dedicated for public use. All must be recorded in the County Recorder of Deeds office. For purposes of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public right-of-way. When a lot abuts a right-of-way of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

**RURAL AREA:** An area where roadways have been built to typical rural roadway standards without sidewalks and curbs.

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

**SERVICE OR RECREATIONAL BUILDING:** A structure housing operational, office, recreational, park maintenance or other facilities on a parcel developed for a mobile home or recreational vehicle park.

**SEWAGE ENFORCEMENT OFFICER:** The designated official of the Township who issues and reviews sewage permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act, as amended, and the rules and regulations thereunder.

**SEWER CONNECTION:** The sewer connection consists of all pipes, fittings, and appurtenances from the drain outlet of an individual mobile home to the inlet of the corresponding sewer riser pipe on the same mobile home lot.

**SEWER RISER PIPE:** The sewer riser pipe is that portion of the underground sewer lateral which extends vertically to the finished ground elevation and terminates at each mobile home lot.

**SHOULDER LINE:** The intersection of the shoulder slope with the side slope or ditch slope.

**SIDEWALKS:** A permanent hard paved walkway, continuous for a reasonable distance and an integral part of the roadway development, solely for use of pedestrians.

**STEEP SLOPE:** Land areas where the slope exceeds twenty percent (20%).

**STORMWATER MANAGEMENT:** A plan to control the increase and concentration of runoff of stormwater caused by land development or predeveloped conditions.



**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.

**STREET CLASSIFICATIONS:** The following street classifications shall apply to all streets in the Township:

- A. **Expressway:** Expressways are limited access freeways that carry through traffic between major urban centers and to and from points outside of a region with no interference.
- B. **Arterial:** Arterials carry major movements of traffic within or through the community.
- C. **Collector:** Collectors carry the internal traffic movements within the Township and connect developed areas with the arterial system. The collector system simultaneously provides abutting property with road access and accommodates local internal traffic movements.
- D. **Local:** Local streets provide access to immediately adjacent land but normally carry a small portion of the total vehicle miles traveled daily.
- E. **Private:** Any vehicular way that is not dedicated as a public street.

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

**SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the 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 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED:** Where, in the judgment of the municipal engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code) 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.

**TOPOGRAPHIC MAP:** A map showing ground elevations by contour lines, and the location of important natural, manmade and other features.

**TOWNSHIP ROADWAY:** All road and streets taken over by the Township of New Sewickley as Township roadways under provisions of any Act of the Board of Supervisors.

**URBAN AREA:** An area where the roadways have been built to typical city street standards, including sidewalks and curbs.

**USE:** The purpose or activity for which the land or building is designed, arranged or intended, or for which it is occupied or maintained.

**UTILITY:** Within the terms of this Ordinance, a utility shall be defined to include public utilities (see PUBLIC UTILITY above) and stormwater facilities.

**VEHICLE:** Any device in, upon or by which any person or property is or may be transported or drawn upon a public roadway.

**WATER CONNECTION:** The water connection consists of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

**WATER RISER PIPE:** The water riser pipe is that portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

**WATER SERVICE PIPE:** The water service pipe consists of all pipes, fittings, valves, and appurtenances from the water main of the park distributing system to the water outlet of the distribution system with the mobile home.

**YARD, FRONT:** A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar improvements, the depth of which is the least distance between the front lot at the right-of-way line and the building line.

**YARD, REAR:** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line.

**YARD, SIDE:** A yard between the principal structure and the side lot line, extending from the front yard, or from the front line where no front yard is required, to the rear yard. the width of the required side yard is measured horizontally at ninety degrees (90°) with the side lot line, from the nearest part of the principal building.

**ZONING ORDINANCE:** The current New Sewickley Township Zoning Ordinance, as amended from time to time, and which includes use provisions and standards applicable to subdivision and land development applications.

## ARTICLE IV

### SUBDIVISION SUBMITTAL AND REVIEW PROCEDURE

#### §400 PROCEDURES

- A. Prospective applicants shall arrange a preapplication conference with the Township Planning Commission to determine the practical and legal feasibility of the proposed project prior to the development of formal preliminary plan preparation.
- B. Applicants shall present all information and data, as required by this Ordinance, for review and discussion with the Planning Commission. The Planning Commission shall indicate the general suitability of the proposed plan into preliminary plans.
- C. In assessing the suitability of the plan, the Planning Commission shall consider the Township's future land use projections, transportation and circulation plan, community facilities plan, public utilities plan, and any other appropriate plans, including but not limited to proposed streets, recreation areas, stormwater management, and zoning district designations.
- D. Consideration shall also be given to possible hazards to health, safety and welfare. Land shall not be approved for subdivision until such hazards are addressed. Land subject to flooding, slides due to soil type, steep slopes or excavation, excessive erosion, improper drainage, mine subsidence problems, or land unsuited for on-site sewage disposal shall be deemed hazardous to an extent which requires a specific demonstration of measures to remove the identified hazard producing condition.

#### §401 PLANS AND DATA - PREAPPLICATION

Submission of the following information at the preapplication conference is recommended:

- A. General Information: The location, access and zoning designation of the subject parcel, a general description of existing covenants, land characteristics, the availability of community facilities and public utilities. Also, information relating to the proposed subdivision, such as the number of lots, typical lot width, depth, and area, commercial areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utility line extensions, and road and street improvements needed or proposed.
- B. Topographic Map: Existing U.S.G.S. Quadrangle Sheet or other acceptable map in sufficient detail to show topographic features and contours of the site at a minimum of twenty foot (20') contour intervals or as otherwise specified.
- C. Sketch Plan: A simple sketch of the tract boundaries, proposed layout of streets, lots, easements, significant topographic modifications contemplated, and other features in relation to existing conditions.
- D. Timing: A projected timetable for development of the project, including the anticipated schedule of project phasing, where applicable.

#### §402 PRELIMINARY PLANS

- A. Application: Following the preapplication conference, the applicant shall prepare and submit to the Township Planning Commission, by delivery to the Township Secretary at least thirty (30) calendar days prior to the regular monthly meeting of the Planning Commission, eight (8) copies of the preliminary plans of the total land to be ultimately developed. Where three (3) lots or less are proposed, the required number of copies

shall be delivered not later than fourteen (14) calendar days prior to the regular monthly meeting. Upon receipt of the plan, the Planning Commission shall forward copies to the Beaver County Planning Commission for review and report, together with a fee sufficient to cover the costs of the review and report and to the Township Engineer for signature in the certification block. Said fee shall be paid by the applicant. The Township shall not approve such application until the County report is received, or until the expiration of thirty (30) calendar days from the date the application was received by the County. All required actions on an application for preliminary approval shall be completed within ninety (90) calendar days of the date of the first Planning Commission meeting the application was reviewed unless an extension of time has been agreed to by the applicant.

- B. **Planning Commission Review:** The Township Planning Commission shall review the plan submitted using the applicable provisions of this Ordinance point by point, and shall rely on with the Township Engineer's comments and other professional consultants as appropriate. The applicant shall be responsible for all costs for the Township Engineer's review and for other professional consultant's fees as deemed necessary by the Township.
- C. **Planning Commission Action:** The Planning Commission shall notify the applicant of the scheduled meeting place, date, time and agenda. Within thirty (30) calendar days following the scheduled meeting, except where the applicant has requested an extension of time, the Planning Commission shall submit a written report to the Board of Supervisors recommending approval, conditional approval or disapproval, each with reasons for the action.
- D. **Action of the Board of Supervisors:** The Board of Supervisors shall act on the preliminary plan within thirty (30) calendar days of receipt of the Planning Commission report stating its approval, conditional approval or disapproval, giving reasons for each, and shall notify the applicant by return receipt requested mail within fifteen (15) calendar days of their decision. If approved or conditionally approved, the authorization to submit a final plan shall be included with the notification.
- E. **Nature of Approval:** Approval of a preliminary plan shall not constitute approval of a final plan, but rather an expression of approval of the layout submitted on the preliminary plan as a guide to the preparation of the final plan.

#### §403 PLANS AND DATA - PRELIMINARY

All applications for preliminary plan approval submitted to the Township Planning Commission shall include, but not be limited to the following information.

- A. The preliminary plan shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or greater detail.
- B. Adjacent land uses shall be shown for the subject property and adjacent land areas.
- C. A location map shall be included which relates the development site to contiguous communities, highway systems and other significant developments.
- D. The plan shall show or be accompanied by the following:
  - (1) Draft of protective covenants or deed restrictions, if any.
  - (2) Title to include:
    - (a) Name by which the subdivision will be recorded.

- (b) Location by municipality, county and state.
  - (c) Names and addresses of the owner or owners, and county parcel ID number.
  - (d) Name and seal of the Registered Professional Engineer who prepared the plan and the Registered Professional Surveyor who surveyed the property.
  - (e) North point, date and graphic scale.
- (3) Tract boundaries with bearings, distances and area in acres, and tax parcel identification.
  - (4) Existing or recorded easements, their location, width and distance.
  - (5) Tract closures.
  - (6) Contours at vertical intervals of two feet (2') for land areas with slope of five percent (5%) or less, and at five foot (5') intervals for land areas with a slope of greater than five percent (5%). Contour lines must extend one hundred feet (100') on all sides of the tract boundaries.
  - (7) Datum to which contour elevations refer.
  - (8) Bench marks.
  - (9) Existing physical features to include:
    - (a) Watercourses, culverts, bridges and drainage courses.
    - (b) Buildings, sewers, water mains and fire hydrants, water wells and septic facilities.
    - (c) Streets and alleys on or adjacent to the tract, including name, right-of-way widths and cartway widths.
    - (d) Telephone conduit line, electric power transmission lines, petroleum product lines and other significant manmade features.
  - (10) Proposed improvements shall include (in scale dimensions):
    - (a) Location, name and width of all proposed streets and alleys and paved cartways.
    - (b) All rights-of-way and easement dimensions and the purposes for which they are to be established.
    - (c) Lot lines of all parcels.
    - (d) Building setback lines and required yards.
    - (e) Reservations of ground for public or common use.
    - (f) General drainage plan for stormwater and stormwater retention to include proposed flow of stormwater in relation to natural channels and erosion and sedimentation controls.
    - (g) A plan of the proposed public water distribution system or a plan showing the locations of individual wells.
    - (h) A plan of the proposed sanitary sewerage system or a plan, where required, showing the proposed location and type of on-lot sewage disposal facilities.

This plan shall be in accordance with the "Pennsylvania Sewage Facilities Act" (Act 537), as amended.

- (i) Proposed land use of the improvements.
  - (j) Names, addresses and county parcel ID number of abutting property owners.
  - (k) Where the preliminary plan covers only a part of the applicant's entire holding, a sketch shall be submitted of the prospective street layout of the remainder of the land.
  - (l) Certification and signature blocks shall be provided for property owners, governing and planning bodies. If more than one (1) sheet is used, designated spaces shall be provided for certification on each sheet.
- E. The applicant shall provide such additional information as may be required by the Planning Commission, Board of Supervisors, Zoning Officer, Township Engineer, or other Township agency or organization in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Township as a whole. Such information may include:
- (1) Street profiles showing existing ground elevations and proposed centerline street grades.
  - (2) Boundaries of jurisdictional wetlands and subsurface condition of the tract.
  - (3) Typical cross-sections of driveways, roadways and sidewalks.
  - (4) Sizes of water pipes and location of valves and fire hydrants.
  - (5) Location of manholes, invert elevations, grades and sizes of sanitary sewers.
  - (6) If the proposed subdivision, or part thereof, is located in a designated floodplain, base flood elevation data shall be contained in the plan.

#### **§404 FINAL PLANS**

- A. An application for approval of a final plan may be filed with the Township Planning Commission only following approval of a Preliminary Plan by the Board of Supervisors, except that, the Board of Supervisors may exempt the requirement for a preliminary submittal provided that the subdivision contains five (5) lots or less, involves no new street construction or changes in existing streets, complies with all the requirements for final plans and includes information required in Section 501 of this Ordinance.
- B. Application: When filing an application for approval of a final plan, the applicant shall submit to the Township Manager, Zoning Officer or Township Secretary, at least twenty (20) calendar days prior to the regular meeting of the Planning Commission, an original reproducible (mylar) plus eight (8) copies of all plans and information. All final plans and other exhibits required for approval shall be submitted to the Planning Commission within three (3) years after approval of the preliminary plan. Otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.
- C. Disposition of Plans: Four (4) copies of all final plans shall be retained by the Planning Commission, with two (2) copies for the Township's Engineer and other professional consultants, four (4) copies shall be forwarded to the County Planning Commission, one (1) copy shall be retained by the Board of Supervisors.

- D. Planning Commission Review and Action: The Planning Commission shall review the final plan and take action on a recommendation to the Board of Supervisors. The recommendation shall be to approve, approve with conditions or disapprove, with specific reasons for the recommended action. Prior to taking action, the Planning Commission may schedule a special meeting mutually convenient to the applicant and the Planning Commission for consideration of the final plan. If within ten (10) calendar days of receipt of the final plan, a mutually convenient date for such meeting cannot be established with the applicant, consideration of the final plan shall be conducted at a regularly scheduled meeting of the Planning Commission.
- E. The applicant and all Planning Commission members shall be given seventy-two (72) hour written notice of such meeting, the notice to contain the time, place, date and schedule. At the Planning Commission meeting, the applicant shall be given an opportunity to discuss any matters in the final plan which may assist the Planning Commission in making its recommendations to the Board of Supervisors. Unless withdrawn by the applicant at the meeting, the Planning Commission shall review the application and take action on a recommendation to the Board of Supervisors, as scheduled.
- F. Action of the Board of Supervisors: The Board of Supervisors shall render its decision on the final plan and communicate its decision to the applicant not later than ninety (90) calendar days following the date of the regular meeting of the Planning Commission next following the date the application is filed.
- (1) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him, return receipt requested, at his last known address not later than fifteen (15) calendar days following the decision.
  - (2) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements that have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
  - (3) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner specified shall be deemed an approval of the application, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
  - (4) From the time an application for approval of a final plan is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in government regulations.
  - (5) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of

the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

- (6) When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
  - (7) Before acting on any subdivision plan, the Board of Supervisors may hold a public hearing thereon, after public notice, and shall notify adjacent property owners of such public hearing, if scheduled.
  - (8) The Board of Supervisors shall not give their final approval to a final plan until the County Planning Commission report is received, or until the expiration of thirty (30) calendar days from the date the preliminary plan application was forwarded to the County.
  - (9) The Board of Supervisors shall condition their final approval on a final plan upon approval of the required planning modules as specified by the Pennsylvania Department of Environmental Protection.
- G. Nature of Approval: Approval of a final plan shall not constitute authorization to commence construction. Prior to construction start, all necessary permits, approvals, agreements and sureties must be secured by the developer.
- H. Title Certificate: No final plan shall be approved by the Board of Supervisors unless a certificate of title or other proof of a proprietary interest in the land on the part of the applicant is furnished, and required signatures, acknowledgements and certifications are provided.

#### **§405 PLANS AND DATA**

All applications for final plan approval shall include, but not be limited to, the following information:

- A. Shall be drawn on mylar or other comparable permanent and reproducible material, and shall be on sheets of at least seventeen inches by twenty-two inches (17" x 22") but not larger than twenty-four inches by thirty-six inches (24" x 36"), including a border of one-half inch (1/2") on all sides, except the binding edge which shall be one inch (1"). More than one (1) sheet may be used for larger tracts and must be of the same scale and indexed, and provide space for required signatures, acknowledgements, and certifications.



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- B. Shall be drawn with waterproof black ink, and all records, data, entries and statements thereon shall also be made with the same type of ink or reproducible typing, except that contour lines, when shown, shall be drawn with waterproof brown ink or with diluted waterproof black ink, so that the said contour lines will be shown faintly on a print made from the said plan.
- C. Shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or greater and shall be of sufficient size to clearly show all notations, dimensions and entries. All dimensions shall be shown in feet and decimals of a foot.
- D. Shall contain a title block in the lower right corner with the following:
- (1) Name under which the subdivision is to be recorded;
  - (2) Date of plan, graphic scale and location of subdivision;
  - (3) Name of subdivision owner; and
  - (4) Name, seal and address of the Registered Professional Engineer or Registered Professional Land Surveyor preparing the plan.
- E. All final plans submitted shall be drawn according the following:
- (1) Streets and other ways by heavy solid lines;
  - (2) Perimeter property lines of subdivision by heavy dashed and two (2) dotted lines;
  - (3) Lot lines by medium solid lines;
  - (4) Restriction of building lines by medium dashed lines; and
  - (5) Easements or other reserved areas by light dotted lines.
- F. The final plan shall show:
- (1) Primary control points or benchmarks approved by the Township Engineer, or description and ties to which all dimension, angles, bearings, and similar data shall be referred, including tract closure computations with an accuracy of 1:10,000 for each lot proposed, plus any residual tract parcel or lot, sealed by a Professional Land Surveyor;
  - (2) Acreage of each lot or parcel;
  - (3) Tract boundary lines, right-of-way lines of streets, easements and their purpose, and other rights-of-way and property lines of lots and other sites with accurate dimensions, bearing or deflection angles, radii, arcs and central angles of all curves;
  - (4) Name and right-of-way width of each street or road right-of-way;
  - (5) Location, dimensions and purpose of all easements;
  - (6) Number to identify each lot or site;
  - (7) Purpose for which sites other than residential are to be used;
  - (8) Building setback line on all lots and sites;
  - (9) Location and description of survey monuments;
  - (10) Names of recorded owners of adjoining land and land use;

- (11) Certification of Registered Professional Surveyor or Registered Professional Engineer showing name, address, registration number and seal;
- (12) Statement by the owner dedicating streets, rights-of-way, and sites for public use;
- (13) Protective covenants or deed restrictions, if any, in form for recording;
- (14) Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance;
- (15) Certification, acknowledgements and signatures blocks for the appropriate elected officials and planning agencies; and,
- (16) Clear sight triangles and sight distance in both directions at all street intersections.

G. Submitted with the final plan shall be the following additional information:

- (1) Plan and profile sheets for all streets with horizontal and vertical alignments and existing centerline profiles along with the location and size of storm sewers inlets, and invert elevations;
- (2) Typical cross-sections of roadways and sidewalks;
- (3) A plan showing the size and material of water pipes and location of valves and fire hydrants;
- (4) A plan showing the location of manholes, invert elevations, grades and sizes of sanitary sewers;
- (5) A final grading plan;
- (6) A sedimentation and erosion control plan approved by the County Conservation District under authority of the Pennsylvania Department of Environmental Protection rules and regulations, Title 25, Chapter 102, Erosion Control, if needed;
- (7) A sewage disposal plan approved by the Pennsylvania Department of Environmental Protection pursuant to the "Pennsylvania Sewage Facilities Act," (Act 537), as amended, and all supplemental documentation which may be required to update the Township's sewage facilities plan required under said Act;
- (8) A plan for placement of gas, electric, telephone, and cable television service lines, as applicable, pursuant to the rules and regulations of the Pennsylvania Public Utilities Commission;
- (9) If the proposed subdivision is located in a designated floodplain, base flood elevation data shall be contained on the plan; and
- (10) A complete drainage and stormwater drainage plan for the subdivision, which includes all storm sewers and appurtenances, along with the method of disposal of all stormwater collected and the method of drainage for adjacent lands in compliance with Township Ordinance No. 166 of September 7, 2004, and all Beaver County Stormwater management criteria.

#### **§406 RECORDING**

The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Article XVI shall render the subdivision plan and plat application ready for recording.

Upon the approval of a subdivision plan and plat, the developer shall within ninety (90) calendar days of such final approval, or ninety days (90) calendar after the date of delivery of an

approved subdivision plan and plat signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such subdivision plan and plat in the Office of the Recorder of Deeds of Beaver County. Whenever such subdivision plan and plat approval is required by the Township, the Recorder of Deeds of Beaver County shall not accept any subdivision plan and plat for recording, unless such subdivision plan and plat officially notes the approval of the Board of Supervisors and review by the Beaver County Planning Commission. See also Section 505 and Section 1106.

## ARTICLE V

### LAND DEVELOPMENT SUBMITTAL AND REVIEW PROCEDURE

#### §500 APPLICATION

Any proposal to develop land or to prepare land for development other than the act of subdivision shall be subject to the requirements of this Article with the following exceptions:

- A. Erection of a single or two-family detached dwelling (duplex) on its own lot or accessory structures thereon;
- B. Improvements to any building that do not increase the area it occupies on the ground or the need for additional parking spaces;
- C. Expansion of a building to cover additional ground area provided the expansion is not more than eight hundred (800) square feet and is not closer than one hundred feet (100') to any property line abutting a residential property or fifty feet (50') to any other property line;
- D. Expansion of existing buildings or construction of new accessory buildings for agricultural use, including but not limited to housing of livestock, shelter for farm equipment, or the storage of silage, on an active farm or agricultural operation.

#### §501 PLAN SUBMISSION AND REVIEW

- A. The owner/applicant shall provide a sketch plan at a regularly scheduled Planning Commission meeting, for discussion purposes, showing in preliminary form the information required for the formal submission. Any statements made by the Commission members during this preapplication meeting shall not be deemed to be indicative of approval or disapproval of the plan as it will be later presented. The owner/applicant shall inform the Zoning Officer or Planning Commission Secretary at least ten (10) calendar days prior to the meeting, or as otherwise specified, of his intent to present a sketch plan.
- B. For a formal application, the owner/applicant shall provide at least eight (8) copies of the following drawings and data to the Township Manager, Township Zoning Officer or Township Secretary, copies of which shall be distributed for review and comment. All submittal requirements shall be provided at least twenty (20) calendar days prior to a regularly scheduled meeting date. The owner/applicant or his authorized representative shall be in attendance to present the application:
  - (1) Name and address of property owner, and owner/applicant if different from owner; name, address, and seal of the Registered Land Surveyor who has prepared the property survey and seal of the Registered Land Surveyor or Professional Engineer who prepared the plan; scale of the drawing, north arrow, date of drawing and location map relating the site to nearby major roads and landmarks;
  - (2) Boundaries of property, described by bearings and distances;
  - (3) Contours at a vertical interval of two feet (2') for all areas of the site;
  - (4) Existing physical features and dimensions of such features, on or adjacent to the site including, but not limited to, access or utility easements, watercourses, drainage swales, culverts, storm drains, buildings, sewer and water line, manholes and fire hydrants noted, street right-of-way lines, edges of pavement and pavement

- width, location of vehicular entrances across the street from the site, all public utilities proposed, steep slopes, wooded and floodprone areas of the site, any other significant man-made or natural features, and use of abutting properties surrounding the site;
- (5) Proposed improvements to be installed on the site or connecting to off-site services, including, but not limited to, buildings with number of floors, dwelling units indicating number of bedrooms in each and/or rentable commercial floor area, points of access from adjacent road or roads, internal vehicular driveways, parking areas with each parking space shown, walkways, if any, grading and drainage revisions needed to accommodate the project, preliminary landscaping plan, and connection of development to off-site utility lines or means to provide sewer and/or water service on the property;
  - (6) Proposed total development of the property in preliminary form showing phasing of development if the plan presented is for only a part of the total land holding;
  - (7) Design and location of facilities to collect, store, and release stormwater in accordance with the provisions of Article X, and standards and criteria of Ordinance No. 166 of September 2004, as amended from time to time;
  - (8) Facilities to control erosion and collect sediment during construction in accordance with Article X of this Ordinance;
  - (9) A report, if required by the Township, prepared by a Traffic Engineer or Transportation Planner demonstrating the traffic impact of the proposed development on all intersections of the development site, and a traffic impact mitigation plan, to address anticipated decreases in the levels of service at intersections within .5 miles of the development site;
  - (10) A Highway Occupancy Permit Application from PennDOT if the site is to have access to a State Highway;
  - (11) Letters, or approved modules, verifying capacity and access to public sanitary sewer and/or water systems, or a certificate of approval from the Sewage Enforcement Officer if development is to be served by on-lot sewage disposal;
  - (12) Typical cross-sections through access drives and parking areas showing slopes and materials to be used and their thicknesses; and through areas of significant grading, showing means of draining the sloped surfaces;
  - (13) Profiles along centerlines of sanitary and storm sewers or drainage swales, showing connection to off-site systems, and profile along centerline of access drives showing elevation of the surface before and after installations of improvements;
  - (14) A notarized letter addressed to the Board of Supervisors, where applicable, indicating whether or not any toxic or hazardous chemical or other substances regulated by the Pennsylvania Department of Environmental Protection (PaDEP) will be used in connection with the operation of the development, and if so how such use will be controlled and waste materials disposed of.
  - (15) A blasting permit, issued by the Commonwealth agency with jurisdiction, where required.
  - (16) The Township Engineer shall receive and review all data for compliance with the standards of this Section and any applicable Township ordinance and shall report

his findings and recommendations to the Planning Commission within thirty (30) calendar days of receiving the material. In addition, the Township Engineer's certificate shall be completed and signed.

- (17) Prior to making a formal recommendation on an application for land development approval, the Planning Commission may request comments from other professional consultants. All costs for the Township Engineer's and other consultant reviews shall be borne by the applicant.
- C. The Planning Commission may recommend approval, disapproval or approval with conditions to the Board of Supervisors after reviewing the submitted drawings and data. The Board shall vote to approve or disapprove the plan and may modify or accept any or all of any recommended conditions, which shall be noted on the final approved plans. The Board shall make its decision not more than ninety (90) calendar days after the regular meeting date of the Planning Commission at which the application was first formally reviewed. If the owner/applicant chooses not to accept all the conditions attached to approval he shall so inform the Township Manager/Secretary and the application shall be considered as denied, otherwise a final plan of proposed improvements, including additions or corrections to address conditions imposed by the Planning Commission shall be submitted in order to determine the amount of the surety to be posted and prior to the issuance of required local permits.
- D. If the owner/applicant withdraws his plan after having submitted it and prior to any action from the Planning Commission, the review period shall cease and shall start from day one when the plan is resubmitted. If the Planning Commission requests additional information from the owner/applicant that is not provided with the application, the time period shall be held in abeyance until the information is provided and then will commence at the beginning of the ninety (90) calendar day review period on the date the land development plan is first reviewed by the Planning Commission.
- E. Approval of a plan shall constitute an agreement between the owner/applicant and the Township that the site will be developed in accordance with the plan. Any subsequent deviations in the plan shall require review and action by the Planning Commission and the Board of Supervisors. The owner/applicant shall apply for a building permit within six months (180 calendar days) from the date of final plan approval or file a revised development narrative explaining changes to the land development plan submitted.

#### **§502 IMPROVEMENT OR PERFORMANCE BOND**

As a condition of final approval, and consistent with the provisions of Article XI, the Board of Supervisors may require an improvement or performance bond to be purchased by the owner/applicant, or an escrow account to be opened, to the benefit of New Sewickley Township, to cover on-site improvements. Such bond or account shall not exceed one hundred and ten percent (110%) of the value of the improvements to be guaranteed. Such improvements may include, but need not be limited to, construction and paving of driveways, parking areas and walkways, exterior lighting, storm drainage collection, retention and disposal system, and landscaping materials. The Township Engineer shall review cost estimates prepared by the Registered Professional Engineer or a Professional Land Surveyor of the owner/applicant, shall determine the costs of the improvements to be covered, and shall inform the Board of Supervisors and the owner/applicant. If the owner/applicant's Engineer and the Township's Engineer cannot agree on the amount of the financial security, or if the Township's Engineer recommends to the Board of Supervisors that the Board refuse the developer's estimate, the Board and the owner/applicant shall agree to retain and share the expenses of a third

Registered Professional Engineer who shall recalculate the improvements costs and provide a final estimate presumed to be fair and reasonable. The bond or escrow account shall be released as provided for in Article XI. All required improvements for which surety or a performance guarantee are required, shall be inspected by the Township Engineer prior to a partial or complete release, the cost of which shall be borne by the developer.

#### **§503 DESIGN STANDARDS, VEHICULAR CIRCULATION**

- A. Points of access into a land development shall be located to provide maximum visibility for motorists entering and leaving a site. Where possible, points of access shall be directly in line with entrances to development or street intersections on the opposite side of the road abutting the site.
- B. The Planning Commission may recommend the restriction of movements at certain intersections in the interests of safety and may recommend separate right and left turn lanes at exit points.
- C. A transitional grade not to exceed two percent (2%) shall be provided on each access driveway, excluding private residential driveways, between the abutting public road cartway and a line across the driveway not less than twenty-five feet (25') inside the property line measured from the right-of-way line.
- D. Entrance driveways, excluding private residential driveways, shall be constructed to meet the requirements of Article IX, Design Standards, of this Ordinance. No internal driveway designed for public use within a land development shall have a grade in excess of twelve percent (12%).

#### **§504 DESIGN STANDARDS, LANDSCAPING**

- A. Where a proposed commercial, industrial or institutional land development will abut residentially zoned property, landscaping shall be installed in conformance with the provisions of the New Sewickley Township Zoning Ordinance. All plant materials, once in place, shall be maintained by the commercial, industrial or institutional property owner and replaced if necessary to provide a continuous screen.
- B. The Planning Commission may recommend and the Board of Supervisors may require the owner/applicant to post a maintenance bond or establish an escrow account to guarantee survival of all plant materials for a period of not more than two (2) years after the initial planting. The Board may also require the owner/applicant to provide a continuous maintenance program for feeding, spraying and pruning of all plant materials on the site. The owner/applicant shall submit an as-built landscaping plan whether a maintenance bond is posted or not.

#### **§505 RECORDING**

- A. The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Article XVI shall render the land development plan application ready for recording.
- B. Upon the approval a land development plan, the developer shall within ninety (90) calendar days of such final approval, or ninety days (90) calendar after the date of delivery of an approved land development plan signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, submit one mylar and two (2) paper copies of the plan, as approved, for recording such land development plan in the Office of the Recorder of Deeds of Beaver County, by the Township. Whenever such land development plan approval is required by the

Township, the Recorder of Deeds of Beaver County shall not accept any land development plan for recording, unless such land development plan officially notes the approval of the Board of Supervisors and review by the Beaver County Planning Commission. See also Section 1106.



## ARTICLE VI

### MINOR LAND DEVELOPMENTS

#### §600 MINOR LAND DEVELOPMENTS

- A. For the purpose of expediting applications meeting the definition of a minor land development, and reducing site development design and development costs, an informal preapplication conference, where the developer submits a concept plan in accordance with the following requirements shall take place during a regularly scheduled Planning Commission meeting.
- (1) General Information: The developer shall be prepared to discuss the details of the proposed site including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, utilities and street improvements.
  - (2) Location Map: This map shall show the relationship of the proposed development to existing community facilities which serve or influence it and shall include development name, location, existing facilities, title, scale, north arrow and date.
  - (3) Topographic Map: The location of the proposed development shall be shown on the U.S. Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
  - (4) Hazards: Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land with excessive or improper fill material, or land improperly drained.
  - (5) After review and discussion with the developer, the Planning Commission shall indicate the suitability of the plan for further consideration and submission of a final land development application as one of the three (3) established categories.
  - (6) Said application shall consist of information required by Section 601, Subsection (B)(2), of this Article except as waived by the Planning Commission as per the provisions of this Section.
- B. On recorded parcels of less than five acres where the proposed development involves less than three thousand (3,000) square feet of new nonresidential construction and no new public utilities or extension of public roadways or streets, the Planning Commission, at its sole discretion, may waive certain land development submission requirements, including the submission of a stormwater management plan, as deemed appropriate.
- C. Where the proposed land development application also involves action on a subdivision, the Planning Commission shall make recommendations to the Board of Supervisors in compliance with this Section prior to recommendation of approval of the land development application.

#### §601 MINOR LAND DEVELOPMENT SUBMITTAL AND REVIEW PROCEDURE

- A. Applicability: For the purpose of this Article, there are hereby established three (3) categories of minor land developments:

- (1) Minor land developments proposed on undeveloped lots (MLD1);
  - (2) Minor land developments proposed on lots previously approved for a land development and involving an addition or expansion to an existing building to a maximum 100% of existing square footage to a maximum of 6,000 square feet, (MLD2); and
  - (3) Minor land developments proposed on lots which have not been previously approved for a land development involving an addition or expansion to an existing building to a maximum of 50% of existing square footage or a maximum of 3,000 square feet of addition or expansion (MLD3).
- B. Review Procedure: New Sewickley Township recognizes that expediting the approval of certain less intensive land developments which can reduce site design and administrative costs while still providing sustainable development, is in the best interests of the Township. The following administrative review procedure shall be applicable to minor land developments in the MLD 1 and MLD 2 categories as described in this Section:
- (1) Advisory Meeting: The owner/applicant shall be prepared to discuss the details of the proposed site development with Township staff and consultants, including a description of existing covenants and deed restrictions, land characteristics, community facilities and utilities, commercially developed areas, abutting residential areas, abutting industrial areas, proposed open space, proposed protective covenants, utilities and access improvements.
  - (2) General Information: Three (3) copies of a concept plan with sufficient detail to convey the key elements of the proposed minor land development shall be submitted to the Township Zoning Officer in order to conduct an administrative review and to distribute the plan to consultants for comment. The following general information shall be submitted with MLD 1 and MLD 2 minor land development applications.
    - a. The boundaries of the property described by bearings and distances.
    - b. A location map shall show the relationship of the proposed development to existing community facilities which support or serve it and shall include the development name, location, existing facilities including stormwater management facilities, title, scale, North arrow and date.
    - c. The location of adjacent streets, indicating street curbs and street width, as well as existing and/or proposed curb cuts entering the property and streets or curb cuts directly across the street from the property.
    - d. The location of existing structures to remain and proposed buildings or additions, showing distances to property lines, height and use of each building or addition.
    - e. The location and size of existing utility lines to remain and proposed sewer and water service lines, or location of proposed on-lot sewage disposal system and well.
    - f. Arrangement of off-street parking on the property, indicating number of spaces and location of access lanes and interior circulation, as well as truck loading and unloading areas.

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- g. Proposed areas of grading and excavation on the site, indicating steepness of slopes, existing and proposed contours and means to collect and dispose of stormwater, in accordance with the provisions of this Ordinance and Ordinance No. 166 of September 2004, as amended from time to time.
  - h. Proposed landscaping of the site, including a description of planted material proposed, indicating also pedestrian walks, retaining walls, fences and other features.
  - i. The location of the proposed development shall be shown on the United States Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
  - j. Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, subsidence, slides due to excessive slope, excavation or soil type, land of excessive or improper fill material or land improperly drained.
- C. Minor land developments categorized as MLD 3 which exceed 3,000 square feet of addition or expansion shall follow the review and approval process outlined in Article V for major land development submittals.
  - D. Where the proposed minor land development application also involves action on a subdivision, the Planning Commission shall make recommendations to the Board of Supervisors in compliance with this Subdivision and Land Development Ordinance prior to an administrative review of the minor land development application.
  - E. All required federal, state and Township permits and approvals shall be acquired by the owner/applicant prior to the issuance of any zoning/building permits.
  - F. The owner/applicant shall be apprised of the required method of payment for costs associated with consultant review fees, technical reports, inspections and related services. Owner/applicant shall be responsible for all such costs.

## ARTICLE VII

### SUBDIVISIONS OF THREE (3) LOTS OR LESS

#### §700 PROCEDURES

The Board of Supervisors may waive the requirements of Article IV for subdivisions of three (3) lots or less requiring no additional streets or street openings, upon recommendation of the Planning Commission for waiver of said requirements. In the case where a waiver is recommended, an application for final plan approval shall be filed with the Board of Supervisors along with the plans and data required in this Article, and shall be processed according to the provisions of Article IV, Section 403 for final plans, which shall be reviewed as per the provisions of this Article.

#### §701 PLANS AND DATA

Plans recommended for waiver under Section 700 of this Ordinance shall include, but not be limited to the following information:

- A. The proposed plan shall be drawn at a scale of one inch equals one hundred feet (1" = 100') or greater.
- B. The proposed plan shall be legibly drawn on mylar, linen or comparable permanent material of at least seventeen inches by twenty-two inches (17" x 22") and not to exceed twenty-four inches by thirty inches (24" x 30"), including a border of one-half inch (1/2") on all sides, except the binding edge which shall be one inch (1").
- C. Location map.
- D. The plan shall show or be accompanied by the following:
  - (1) Description of covenants;
  - (2) Title to include:
    - (a) Location by municipality, county and state.
    - (b) Names and addresses of the owner or owners.
    - (c) Name and seal of Registered Professional Engineer or Registered Surveyor who surveyed the property and/or prepared the plan.
    - (d) North point, date and graphic scale.
  - (3) Proposed use of the land;
  - (4) Lot lines, dimensions and land area of proposed lots;
  - (5) Existing and proposed streets, alleys and/or easements adjacent to the tract;
  - (6) Available utilities (if public sewer and water, source and sewage disposal system should be indicated);
  - (7) Names of abutting property owners and county tax parcel ID numbers;
  - (8) PennDOT Highway Occupancy Permit referenced on the plat, including date of issuance, or a copy of Township driveway permit, where required, shall be submitted with the building permit application;

- (9) Statement by the owner dedicating streets, rights-of-way, and sites for public use, where applicable; and
- (10) Copy of the Department of Environmental Protection planning module, approved and signed.
- (11) Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance.
- (12) Topo at 5' contour intervals shown on the subject lots;
- (13) The following additional data shall be submitted upon request by the Planning Commission:
  - (a) Subsurface and drainage conditions of the tract including, but not limited to, the identification of areas previously mined, and soil classifications of the area proposed to be disturbed or developed
  - (b) Any other data pertinent to the plan.

### **§702 RESUBDIVIDING OR REPLATTING**

In the combination, recombination or consolidation of lots or portions of previously platted lots, when the resultant lots are increased in street frontage and total area size so that they reach or exceed the standards of this Ordinance, and the street pattern is in conformity to the Township Comprehensive Plan, the procedures and regulations in this Article shall apply where three (3) lots or less are involved.

### **§703 RECORDING**

The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Article XVI shall render the subdivision plan and plat application ready for recording.

Upon the approval of a subdivision plan and plat, the developer shall within ninety (90) calendar days of such final approval, or ninety days (90) calendar after the date of delivery of an approved subdivision plan and plat signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such subdivision plan and plat in the Office of the Recorder of Deeds of Beaver County. Whenever such subdivision plan and plat approval is required by the Township, the Recorder of Deeds of Beaver County shall not accept any subdivision plan and plat for recording, unless such subdivision plan and plat officially notes the approval of the Board of Supervisors and review by the Beaver County Planning Commission. See also Section 505 and Section 1106.

## ARTICLE VIII

### MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

#### §800 MOBILE HOME PARKS

##### A. Review and Approval Procedure

- (1) Preliminary Site Plan: No permit to construct or expand a mobile home park, as required by this Ordinance, shall be issued until such time as a preliminary site plan shall be first submitted to the New Sewickley Township Planning Commission for initial review. Such preliminary site plan need not be to scale, but it shall indicate existing topographical features of the tract of land proposed for use as a mobile home park, its general surroundings, and proximity to both public and private roads, streets and alleys, if any, and a general layout of the proposed mobile home lot sites.
- (2) Permits Required: It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of New Sewickley Township unless he holds a valid permit issued by the Pennsylvania Department of Environmental Protection in connection with the operation of water and sewerage service facilities within the mobile home park.
- (3) Application to Pennsylvania Department of Environmental Protection: All applicants for a permit to layout and construct utility services within a mobile home park in the Township, 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 utility service facilities.
- (4) Application to New Sewickley Township: A duplicate copy of the application submitted to the Pennsylvania Department of Environmental Protection shall be concurrently filed with the New Sewickley Township Board of Supervisors, or its designated official, and the applicant shall also submit an application to the Township, or its designate, upon a form to be furnished by the Township, for a permit to layout and construct or expand a mobile home park in New Sewickley Township.
- (5) Inspection and Issuance of Permit: Upon request of such application, the Township or its authorized representative, shall forthwith inspect the applicant's proposed site to determine its suitability for use as a mobile home park and to determine that the provisions of this Ordinance are being complied with. The cost of such inspection shall be borne by the applicant. Upon a favorable determination thereof, and upon being furnished with a copy of the permit issued by the Pennsylvania Department of Environmental Protection, said Township official shall issue a mobile home park permit to the applicant for the construction, laying out, establishment or expansion of a mobile home park. The permit shall be valid for a period of one (1) year thereafter.
- (6) Renewal Permits: Renewal permits for an additional period of one (1) year shall be issued by the Township, or its designated offices, upon evidence by the applicant that his mobile home park continues to meet the standards prescribed from time to time by the Pennsylvania Department of Environmental Protection and this Ordinance. Any renewal permit requested beyond the second anniversary of the date of issue of applicant's original construction permit, shall be accompanied by an additional permit fee as established from time to time by the Board of Supervisors.

- (7) Extensions, Expansion or Enlargements of Mobile Home Parks: After the effective date of this Ordinance, any proposed extension or enlargement of any mobile home situated in New Sewickley Township, shall be subject to all the provisions of this Ordinance relating to the filing of applications, permits for construction, etc., and the payment of a filing fee as hereafter provided.
- (8) Fees: All original applications for a construction permit shall be accompanied by a permit fee established from time to time by the Township Board of Supervisors.
- (9) Limited Applicability to Existing Parks: Mobile home parks in existence upon the effective date of this Ordinance shall be required to meet only the standards of the Pennsylvania Department of Environmental Protection as a prerequisite to the issuance of a permit, to operate and all other minimum standards prescribed herein shall be applicable only to those parks which are constructed or expanded after the effective date hereof.

**B. Pennsylvania Department of Environmental Protection permit**

- (1) It shall be unlawful for any person to maintain and operate any mobile home park within the limits of New Sewickley Township unless he holds a permit issued annually by the Pennsylvania Department of Environmental Protection for the specific mobile home park. Proof of such permit shall be furnished to the Township no later than February 1 of each year. In addition to the permit issued by the Pennsylvania Department of Environmental Protection to the operator of any mobile home park water distribution or sanitary sewerage treatment facility, shall also apply for and obtain a license to be issued by the Township, as hereinafter provided.
- (2) Every person holding such permit shall file notice in writing to the Pennsylvania Department of Environmental Protection and the Township, within ten (10) calendar days after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile home park. If the Department of Environmental Protection permit is transferred by the Pennsylvania Department of Environmental Protection, proof of such transfer shall be furnished to the Township.
- (3) Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or if any regulations adopted pursuant thereto, the Township shall give notice in writing in accordance with Article XVII to the person responsible for the operation of the mobile home park, advising that person that unless such conditions or practices are corrected within a reasonable period of time specified in the violation notice, the license to operate in New Sewickley Township shall be suspended. At the end of such period, such mobile home park shall be inspected and, if such conditions or practices have not been corrected, the Township shall suspend the license and give notice in writing of such suspension to the person responsible for the operation of the mobile home park.
- (4) Applications for original mobile home park licenses issued under previous Township ordinances shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and shall contain the name and the address of the applicant, the location and legal description of the mobile home park, and a final site plan or survey of the mobile home park showing all mobile home lots, structures, roads, easements, public or private utilities, walkways, street lighting and other service facilities.

- (5) Applications for annual renewal of mobile home park licenses under this Ordinance shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and shall contain any change in information submitted in the original application.
- (6) Fees for original licenses and annual renewals of licenses shall be set from time to time by resolution of the Board of Supervisors.
- (7) Any existing mobile home park in actual operation at the time this Ordinance becomes effective shall be subject to the annual license fee hereinabove provided.

**C. Inspection of Mobile Home Park**

- (1) A representative of New Sewickley Township may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance. The Township's representative for determining compliance with the provisions of this Ordinance may be either the Chief of Police, Township Manager, Township Zoning Officer or other person designated by the Board of Township Supervisors.
- (2) The New Sewickley Township Zoning Officer or other person designated by the Board of Supervisors shall have the authority to inspect the operations and occupancy records of the mobile home park, and upon request at reasonable times.

**D. Environmental, Open Space and Access Requirements**

- (1) **Minimum Park Area:** A mobile home park shall have a gross area of at least ten (10) contiguous acres of land.
- (2) Fifteen percent (15%) of the gross area shall be preserved as passive or active open space and identified on the site plan.
- (3) **Site Location:** The location of all mobile home parks shall comply with the following minimum requirements:
  - (a) The site boundary line shall be a minimum of two hundred (200) linear feet from wetlands, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
  - (b) Not subject to flooding.
  - (c) Not subject to any hazard or nuisance adjacent to the mobile home park, such as excessive noise, vibration, smoke, the storage of toxic material, radiation, heat, odor, or glare.
  - (d) Any lot developed as a site for a mobile home within any mobile home park which has a grade in excess of ten percent (10%) shall have the mobile home unit set parallel to the contour and on a level, graded area no smaller in size than the overall dimensions of the trailer.
- (4) **Site Drainage Requirements:**
  - (a) The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
  - (b) Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection.



- (c) Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.

**(5) Soil and Groundcover Requirements:**

- (a) Exposed ground surfaces in all parts of every 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.
- (b) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests harmful to the occupants.

**(6) Park Areas for Nonresidential 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) Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to public or private utilities.

**(7) Required Setbacks, Buffer Strips and Screening:**

- (a) All mobile homes shall be located not less than forty feet (40') from the right-of-way line of any public street or highway within said Township and not less than twenty feet (20') from any other mobile home park property boundary line.
- (b) There shall be a minimum distance of twenty feet (20') between an individual mobile home, including accessory structures attached thereto, and public structures.
- (c) All mobile home parks located adjacent to industrial or commercial land uses shall be required to provide screening such as fences, or natural growth along the property boundary line separating the park and such adjacent nonresidential uses.

**(8) Erection and Placement of Mobile Homes:**

- (a) Mobile homes shall be separated from each other by at least fifteen feet (15') on all sides measured to mobile home lot lines.
- (b) An enclosure of compatible design and material shall be erected around the entire base of each mobile home from grade to floor elevation. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure. Skirting shall apply to all mobile homes, whether individual on-lot units or situate within a mobile home park site, without regard to whether said park was in existence and in operation prior to the effective date of this standard.
- (c) An accessory structure including, but not limited to, an awning, attached storage shed, cabinet, carport, windbreak, and porch which has a floor area exceeding twenty-five (25) square feet, shall, for purposes of all separation requirements, be considered to be part of the mobile home.

- (d) A minimum separation of nine feet (9') shall be maintained between any attached accessory structure and the side or rear mobile home lot lines.
- (e) All unattached accessory structures including, but not limited to, storage sheds, satellite dishes, swimming pools or garages shall be located a minimum of ten feet (10") from the side or rear mobile home lot lines.
- (f) All Pennsylvania Uniform Construction Code provisions applicable to the erection and placement of manufactured housing shall be complied with.

**(9) Park Street System:**

- (a) **General Requirements:** A safe, convenient, mud-free and dustless vehicular access shall be provided from abutting public streets or roads.
- (b) **Park Entrance:** Entrances to mobile home parks shall be designed and constructed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of one hundred feet (100') from its point of beginning.

**(10) Internal Streets:** Surfaced roadways shall be minimum widths, as specified in this Subsection, to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

- (a) Parking shall be prohibited on all internal streets.
- (b) A minimum cartway width of twenty-four feet (24') shall be required on all mobile home park streets.
- (c) Dead end streets shall be limited to a maximum length of six hundred feet (600'), and shall be provided at the closed end with a turn-around having an outside pavement radius of not less than fifty feet (50'). Where the street is proposed for Township acceptance, a minimum right-of-way radius of not less sixty feet (60') shall also be provided.
- (d) **Required Illumination of Park Street Systems:** All parks shall be furnished with shielded lighting so spaced and placed at such heights as will provide sufficient levels of illumination for the safe movement of pedestrians and vehicles at night. Any exterior lighting system shall require the erection of an outside safety light in front of each mobile home unit.
- (e) **Street Construction and Design Standards:**
  - [1] **Streets:** All streets shall be provided with a smooth, hard and dust-free surface which shall be durable and well-drained under normal use and weather conditions. Street surfaces shall be maintained free of cracks, holes and other hazards. All park streets shall be constructed as per the specifications of Article X, Section 1003, Subsection B(2).
  - [2] **Grades:** Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight percent (8%). Short runs with a maximum grade of ten percent (10%) may be permitted, provided traffic safety is assured by appropriate surfacing and adequate leveling areas.
  - [3] **Intersections:** Within one hundred feet (100') of the centerline of intersecting streets shall be approximately right angles. A distance of

at least one hundred and fifty feet (150') shall be maintained between center lines of offset intersecting streets. Intersections of more than two (2) streets at one point shall be prohibited.

- (11) Off-Street Parking Areas:
  - (a) Off-street parking areas shall be furnished at a rate of at least two (2) car spaces for each mobile home lot.
  - (b) Visitor parking at a ratio of .5 spaces per mobile home shall be located within a distance of two hundred feet (200') from the mobile homes to be served, unless other vehicular access is provided.
- (12) Construction of Mobile Home Lots:
  - (a) Mobile home lots within the park shall have a minimum area of six thousand (6,000) square feet.
  - (b) Each mobile home lot shall be improved so as to provide an adequate foundation for the placement of the mobile home in such a position as to allow a minimum of fifteen feet (15') between the mobile home and the right-of-way line of any mobile home park street which serves said park.
  - (c) The lot upon which each mobile home is installed shall be graded level and the mobile home erected on cement block pillars, each of which said pillar shall have a footer established below the frost level of the ground, or equal foundation, and the mobile home erected thereon shall be at a height not to exceed thirty inches (30") as measured from the ground floor to the ground level at any point. In addition, one tie-down bracket shall be located at each corner thereof and affixed to the mobile home unit, suitable to hold and properly anchor the mobile home to the ground.

#### **E. Water Supply**

- (1) General Requirements: An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities as required by this Article. 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. 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. An emergency or auxiliary water supply of five thousand (5,000) gallons for each twenty (20) mobile homes or less, provided the park has at least two (2) water wells producing a minimum of one hundred and fifty (150) gallons (certified) per day per mobile home unit. For each additional twenty (20) mobile homes or fraction thereof said park shall provide an additional five thousand (5,000) gallons auxiliary water supply. A mobile home park having only one (1) producing water well shall provide an auxiliary or emergency water supply of five thousand (5,000) gallons for each twenty-five (25) mobile homes or less. Such auxiliary or emergency water supply, if in tank or container form, shall have a twelve inch (12") opening on the top thereof with a sealed cover on it.
- (2) Source of Supply:
  - (a) The water supply shall be capable of supplying a minimum of one hundred and fifty (150) gallons per day per mobile home.

- (b) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.
  - (c) No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level, nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
  - (d) Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.
- (3) Water Storage Facilities: All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.
- (4) Water Distribution System:
- (a) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
  - (b) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of back-flow or back-siphonage.
  - (c) The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.
- (5) Individual Water-Riser Pipes and Connections:
- (a) 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.
  - (b) The water-riser pipe shall have a minimum inside diameter of one-half inch (1/2") and terminate at least four inches (4") above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
  - (c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
  - (d) A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-water valves are prohibited unless their type of manufacture and their method of installation are approved.

**F. Sewage Disposal**

- (1) General Requirements: 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. Such system shall be designed, constructed and maintained in accordance with the Pennsylvania Department of Environmental Protection or local health and safety regulations. Each applicant for a mobile home park construction permit, as contemplated by this Article, shall construct, install or cause to be constructed and installed a sewage treatment plant of adequate size and capacity and approved by the Pennsylvania Department of Environmental Protection or a connection to a public sanitary sewerage system designed and built to the specifications of the municipal authority or agency with jurisdiction.
- (2) Individual Sewer Connections:
  - (a) Each mobile home lot shall be provided with at least a three inch (3") diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.
  - (b) The sewer connection shall have a nominal inside diameter of not less than three inches (3"), and the slope of any portion thereof shall be at least one-fourth inch (1/4") per foot. All joints shall be water tight.
  - (c) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
  - (d) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches (4") above finished ground elevation.
- (3) Sewer Lines: All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system. All sewer lines shall be constructed of approved materials by the Pennsylvania Department of Environmental Protection, and shall have watertight joints.
- (4) Sewage Treatment and/or Discharge: Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection prior to construction and a Pennsylvania Department of Environmental Protection license to operate such facility shall be kept current.

**G. Electrical Distribution System**

- (1) General Requirements: Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.
- (2) Power Distribution Lines:
  - (a) Main power lines not located underground, shall be suspended at least eighteen feet (18') above the ground. There shall be a minimum horizontal clearance of three feet (3') between overhead wiring, and any mobile home, service building or other structure.

- (b) All direct burial conductors or cable shall be buried at least eighteen inches (18") below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot (1') radial distance from water, sewer, gas or communication lines.
- (3) Individual Electrical Connections:
- (a) Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts, AC, 100 amperes.
  - (b) Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than twenty-five feet (25') from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used.
  - (c) Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1.
  - (d) Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than fifty (50) amperes.
  - (e) The mobile home shall be connected to the outlet box by an approved type flexible supply cord with a male attachment plug or with pressure connectors.
- (4) Required Grounding: All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

#### H. **Service Buildings and Other Community Service Facilities**

- A. The requirements of this Article shall apply to service buildings, recreation buildings and other community service facilities when constructed including, but not limited to:
- (a) Management offices, repair shops for mobile home repairs, and interior public storage area;
  - (b) Laundry facilities;
  - (c) Indoor and outdoor recreation areas;
  - (d) Nonresidential uses supplying essential services for the exclusive use of park occupants.
  - (e) Maintenance equipment buildings.
- B. Structural Requirements for Buildings:
- (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
  - (b) All rooms containing laundry facilities shall:



- (b) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
  - (c) All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
  - (d) Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.
  - (e) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specially approved by the authority having jurisdiction.
- (3) Fuel Oil Supply Systems:
- (a) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations published in the National Board of Fire Underwriters Code.
  - (b) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
  - (c) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five inches (5") of storage tanks.
  - (d) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet (5') from any mobile home exit.
  - (e) Storage tanks located adjacent to or within fifty feet (50') of a collector street or roadway shall be protected against physical damage.

#### L. Fire Protection

- (1) The mobile home park area shall be subject to the rules and regulations of the New Sewickley Township fire prevention authority where provided, and the National Board of Fire Underwriters Code.
- (2) Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
- (3) Fire Extinguishers: Class A, B, and C fire extinguishers, 5 lb. size, for every ten (10) mobile homes, approved by the National Board of Fire Underwriters, shall be kept available in all public service or maintenance buildings under park control. The Township will provide mobile home park operators with copies of excerpts from the National Board of Fire Underwriters manual.
- (4) Fire Hydrants:
  - (a) Fire hydrants shall be installed if the mobile home park's water supply source can provide adequate residual pressure, in accordance with the following provisions:
    - i. The water supply source shall permit the operation of a minimum of two (2) one and one-half inch (1 ½") hose streams.



- ii. Each of two (2) nozzles, held four feet (4') above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.
- (b) Fire hydrants, if provided, shall be located within six hundred feet (600') of any mobile home, service building or other structure in the park.

**M. Miscellaneous Requirements**

(1) Responsibilities of the Park Management:

- (a) The person to whom an operating license for a mobile home park is issued shall operate the park in compliance with this Article and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The park management shall supervise the placement of each mobile home on its mobile home lot which includes securing its stability and installing all utility connections.
- (c) The park management shall give the Township Manager, Zoning Officer, or Chief of Police free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.
- (d) The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
- (e) The park management shall notify park occupants of all applicable provisions of this Article and inform them of their duties and responsibilities under this Article.

(2) Responsibilities of Park Occupants:

- (a) The park occupant shall comply with all applicable requirements of this Article and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.
- (d) Skirtings, porches, awnings, and other additions shall be installed as per the provisions of this Article. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
  - i. The storage area shall be provided with a base of impervious material.
  - ii. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - iii. The storage area shall be enclosed by skirting.

- (e) The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof and watertight.
- (f) First aid fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

**N. Notices, Orders and Hearings**

- (1) Whenever the Township of New Sewickley determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, or of any regulation adopted pursuant thereto, the Township Manager or Zoning Officer shall give notice of such alleged violation to the person to whom the Department of Environmental Protection permit or Township operating license was issued, as hereinafter provided. Such notice shall:
  - (a) Be in writing.
  - (b) Include a statement of the reasons for its issuance.
  - (c) Allow a reasonable time for the correction of the violation or abatement of the nuisance.
  - (d) Be served upon the owner or his agent as the case may require, provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of the Commonwealth.
  - (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article, or any part thereof, and with the regulations adopted pursuant thereto.
- (2) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Article, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township Board of Supervisors, provided that such person shall file with the Township Manager a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) calendar days after the notice is served. The filing of the request for a hearing shall operate as a stay of the notice and suspension except in the case of an order issued under Section 813E. Upon receipt of such petition, the designated official of the Township of New Sewickley shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) calendar days after the day on which the petition was filed, provided that upon application of the petitioner the designated official of the Township of New Sewickley may postpone the date of the hearing for a reasonable time beyond such ten (10) calendar day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.
- (3) After such hearing the designated official of the Township of New Sewickley shall make findings as to compliance with the provisions of this Article and regulations issued thereunder and shall issue an order in writing sustaining, modifying, or withdrawing the notice which shall be served as provided in Section 813A(4). Upon

failure to comply with any order sustaining or modifying a notice, the operating license of the mobile home park affected by the order shall be revoked.

- (4) The proceedings at such a hearing, including the findings and decision of the Board of Supervisors, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the Township Manager but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the Board of Supervisors may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.
- (5) Whenever the Township Manager finds that an emergency exists which requires immediate action to protect the public health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the Pennsylvania Department of Environmental Protection shall be afforded a hearing as soon as possible. The provisions of Section 813C and 813D shall be applicable to such hearing and the order issued thereafter.

**O. Single Mobile Home Placement**

- (1) Any single on-lot mobile home shall meet the specifications for manufacture of mobile homes as set forth in United States Standards Institute Standards for Mobile Homes, USA Standard A 119.1-1969, NFPA No. 501B-1968, and subsequent modification and amendment to such standards.
- (2) Any single on-lot mobile home shall be installed as to conform with all front yard, side yard and rear yard set back lines applicable to single-family housing in the district or zone, if any, where installed.
- (3) The building permit and Pennsylvania Uniform Construction Code standards and requirements, if any, shall apply for any single on-lot mobile home in accordance with this Section.
- (4) No single on-lot mobile home shall be installed for occupancy and sleeping purposes or attached to any private water sewer or water system except in compliance with this Ordinance.
- (5) No mobile home, whether single on-lot installation or mobile home park installation shall be removed from the Township of New Sewickley without first obtaining a permit from the local tax collector charged with the collection of Township Real Estate taxes.

**§801 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS**

For the purpose of this Article, recreation vehicles and recreational vehicle parks shall be defined as follows:

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- A. Recreation Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own mode of power or is mounted or drawn by another vehicle. The basic versions are: travel trailer, camping trailer, truck camper and motor home.
- B. Recreational Vehicle Park: A plot of land, a minimum of five (5) acres, upon which four (4) or more recreational vehicle sites are located, established or maintained for occupancy by the general public for recreational vehicles as temporary living quarters for recreation or vacation purposes.
- C. The standards set forth under this section are intended for those recreational vehicle parks where lots within the park are for rental, or lease and are to serve the short term placement of recreational vehicles as outlined.
- (1) Review and Approval Procedures: In conjunction with the rules and regulations as herein specified, the recreational vehicle park developer shall submit site plans and specifications to the Pennsylvania Department of Environmental Protection, where required. Such submission shall be in accordance with Title 25, Rules and Regulations Part I; Department of Environmental Protection - Subpart D Environmental Health and Safety, as amended. Prior to final approval of development plans by the Township, the developer shall forward a copy of any permits or required licenses or evidence of the same to the Township.
- (2) Land Development Plan Requirements:
- (a) Persons, firms, or corporations proposing to open a recreational vehicle park in New Sewickley Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the land development plan of the proposed park, according to review and approval procedures outlined in Article V, and has received the necessary approval of the plans from the Pennsylvania Department of Environmental Protection as indicated in this Article.
- (b) Preapplication Procedure: The recreational vehicle park developer shall meet with the Township Planning Commission, prior to formal application, to discuss his plans and shall prepare suitable concept plans sufficient to give a general understanding of the proposal. The Township Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by this Article, if deemed necessary.
- (3) Design Requirements
- (a) Lot Area Requirements: The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:
- i. Lot Area: Recreational vehicle lots shall be a minimum width of thirty feet (30') and shall not be less than one thousand five hundred (1,500) square feet in total area, excluding rights-of-way. Such size is considered to accommodate parking for one (1) recreation vehicle, one (1) automobile parking space, an accessory structure and related outdoor facilities including, but not limited to grill, picnic tables, and benches.
- ii. Setback Requirements: Front setback for recreational vehicle units shall be fifteen feet (15') measured from the right-of-way line of an interior road or street. Structures, such as bathhouses, administration

offices, recreation centers and other ancillary facilities of a permanent nature shall be setback from adjacent or access streets a minimum of thirty feet (30) as measured from the roadway right-of-way line.

iii. Additional Setbacks for Recreational Vehicles:

|              |   |
|--------------|---|
| Side Setback | 5' minimum to closest point of the perimeter of the leased lot area |
| Rear Setback | 5' minimum to closest point of the perimeter of the leased lot area |

(b) Perimeter Requirements:

- i. When abutting residentially developed properties, a buffer strip shall be provided, a minimum of thirty feet (30') in width, parallel to the park property line. When abutting nonresidential properties, the buffer strip shall be twenty feet (20') from the park property line. Existing vegetation or new planting with a 50% to 50% mix of deciduous to evergreen trees on twenty foot (20') centers shall be provided within the buffer strip.
- ii. When abutting an existing dedicated right-of-way, the setback for any recreational vehicles, shall be seventy-five feet (75') as measured from the street or roadway centerline, or twenty-five feet (25') from the existing right-of-way line whichever results in the greater setback distance.

(c) Roadway Design Standards: Recreational vehicle park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system, although privately owned and maintained shall be designed and constructed as follows:

- i. Collector Street: Twenty-two feet (22') minimum width, two-way travel, including a fifty foot (50') right-of-way. Such street shall serve as a collector internal to the development and provide access to park lots, administration and ancillary facilities.
- ii. Such collector streets shall be improved as outlined in Article X, Section 1003.
- iii. No recreational vehicle lot shall be accessed from a roadway other than an interior collector street.

(d) Local streets shall be constructed of select material surfacing as per current PennDOT Highway Specifications (Form 408), as amended, or approved by the Township Engineer as equivalent. Materials used shall be No. 2 R.C. aggregate. The street shall be made from stone, gravel, or bituminous paving material.

i. Construction Requirements:

- a. The aggregate shall be uniformly spread upon the graded areas, without segregation of coarse and fine material, in loose layers a minimum of five inches (5") in depth, and compacted with a 10-ton roller meeting the requirements and specifications of the

- Commonwealth of Pennsylvania Department of Transportation, Form 408.
- b. The surfacing shall be crowned or sloped as specified, and the final compacted depth shall comply with the depth shown on the approved land development plans.
  - c. Satisfactory compaction and stability of the material under the specified compaction equipment, in accordance with Form 408 of the Department of Transportation, shall be determined by the Township Engineer. The Township Engineer shall specify in writing to the developer any additional needs for satisfactory compaction.
- ii. Cul-de-Sac Streets: Shall be provided with a turnaround having an outside pavement radius of not less than forty feet (40').
  - iii. Parking Spaces: Car parking spaces, at a minimum size of nine feet by eighteen feet (9' x 18'), shall be provided in sufficient number to meet the needs of the occupants of the property and their guests. Such facilities shall be provided at the rate of at least one and one half (1 1/2) parking spaces for each recreational vehicle lot, and shall be on the recreational vehicle lot or in designated parking areas - no on-street parking shall be permitted for safety reasons.
  - iv. Recreation (not mandatory): At least five percent (5%) of the total park land area should be reserved for active and passive recreation with appropriate location, dimensions and topographic characteristics which lend themselves to recreational use. Such area shall exclude required buffer areas and setbacks.
  - v. Ancillary Services: The developer may include certain ancillary services including, but not limited to, such as a laundromat, camp store, grocery store, office, bathhouse, caretakers' residence, or maintenance building, provided that such services shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park.
  - vi. Plans and Compliance:
    - a. No persons shall construct, open or dedicate any road, or drainage facilities in connection therewith, for public use or travel within a recreational vehicle park in New Sewickley Township without submitting plans thereof to the Township Planning Commission and Board of Supervisors for review and approval. Such plan shall be prepared in duplicate in accordance with the provisions of Article V. Plans for review and approval shall be accompanied by information as prescribed in Section 501 of this Ordinance.
    - b. Said plans shall show the profiles, course, and structure of such roads, the capacity of any drainage facilities and the method of drainage of the adjacent or contiguous property. Construction shall be in accordance with street specifications as designed and the land development plan as approved.

- c. Subsequent to land development plan approval where new streets are to be constructed and offered for dedication to public use, the streets shall be designed and constructed in compliance with plans prepared as outlined in this Article. Such street shall be inspected by the Township Engineer during construction and be in compliance with the Standard Details attached as Appendix B to this Ordinance.
  - d. No roadway, street or other facility or improvement within a recreational vehicle park shall be approved for adoption by New Sewickley Township unless it is designed and constructed to serve two (2) or more permanent structures and functions as the primary access.
- vii. Excavation and Grading:
- a. Streets shall be excavated and graded as indicated on the approved land development plans to the lines, grades and limits indicated on the drawings or as may be revised by the Township to meet conditions encountered during construction. Excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limit; and the widening of cuts, grading of slopes outside the right-of-way as called for on approved plans. Inspections shall be performed as directed by the Township Board of Supervisors as work progresses and financial security is requested to be released.
  - b. All drainage structures shown on the approved plans shall be designed and constructed as per the provisions of the Article IX and installed to current Commonwealth standards. Culverts may be corrugated metal pipe, concrete, or reinforced concrete according to Pennsylvania Department of Transportation Form 408 specifications.
- viii. Fire Protection:
- a. General - For the safety and welfare of the occupants of the recreational vehicle park, the following fire prevention regulations shall be complied with. All fire safety plans shall be approved by the volunteer fire company chief which company provides fire protection, according to nationally accepted standards (NFPA).
  - b. Fire hydrants shall hereafter be required in any new recreational vehicle park, where the extension of a central distribution system of water lines, whether public or private, are proposed for the recreational vehicle park development.
    - 1. Hydrant size and type: All hydrants installed shall be of a standard size and type as specified by the Township, the volunteer fire company chief and the municipal authority with jurisdiction, where applicable.
    - 2. Spacing: Hydrant spacing shall be adequate to serve all lots within the recreational vehicle park. Hydrants shall be located not more than one thousand feet (1,000') linear

- feet from each other. Where an existing hydrant is less than one thousand feet (1,000') from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined, taking the existing location of the hydrant into consideration.
3. Location: Hydrants shall be located as required by the municipal authority with jurisdiction.
  4. Design: The proposed locations of fire hydrants shall be identified on the submitted plans. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the recreational vehicle park.
- ix. In areas where there are no central water line extensions proposed, the following standards for fire prevention shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
- a. The tank system: Approved underground, static water tanks of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'):
    1. The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.
    2. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inches (24") square covered by either a removable type lid or a hinged type lid.
    3. Each tank shall have an approved outlet above ground, no less than four and one half inches (4 1/2") in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2) two and one half inch (2 1/2") outlets.
  - b. The Pond System: A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be of sufficient size and depth, as determined by the volunteer fire company chief and Township Engineer, according to nationally accepted standards (NFPA), to adequately serve all park lots.
  - c. In addition, a cyclone or steel mesh fence with a lockable gate, at a minimum height of six feet (6') with a single strand of barbed wire on top shall enclose the area of the pond.



## ARTICLE IX DESIGN STANDARDS

### §900 APPLICATION OF STANDARDS

The following minimum subdivision **and design** principles, standards, and requirements will be applied by Township officials in evaluating the plans for a proposed subdivision or land development.

### §901 LAND REQUIREMENTS

- A. Land shall be suited for the purpose for which it is to be subdivided or developed.
- B. Land subject to hazards of life, health and safety, such as strip mine land, quarry land, open ditches and land subject to flooding or subsidence, shall not be subdivided for residential purposes until all such hazards have been eliminated, or unless guarantees are given that adequate safeguards against such hazards are provided by the subdivision or land development plan.

### §902 STREET REQUIREMENTS

- A. Proposed streets shall be properly related to the Township's adopted comprehensive plan, county and state road and highway plans that have been prepared and officially adopted and/or filed as prescribed by law.
- B. Streets shall be logically related to the topography to achieve usable lots and reasonable grades.
- C. Internal subdivision streets shall be laid out to discourage unnecessary through traffic, but provisions to coordinate adjacent area streets will be generally required.
- D. Where a subdivision plan abuts or contains an existing or proposed arterial street, the Board of Supervisors may require local access streets, reverse frontage lots, or such other treatment that will provide protection for abutting properties, reduction in the number of intersecting with arterial streets, and separation of local and through traffic.
- E. New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of this Ordinance, and where, in addition, satisfactory assurance for dedication of the remaining part of the street is secured.
- F. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.
- G. Cul-de-sac streets may be permitted when it is clear that through traffic at such a street end is not essential to the existing or future street system in that district, or to the development of adjacent properties in the area.
  - (1) Such streets, where permitted, shall not exceed one thousand feet (1,000') to the center of the turn-around at the closed end (See Section 1003.F). The Planning Commission may recommend approval of a cul-de-sac longer than one thousand feet (1,000') if it is determined by the Planning Commission that such additional length improves the subdivision design, results in a better relationship of the proposed development to the existing topography, and does not create any hardships for the subdivision's residents or the Township.

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- (2) The turn-around shall have an outside pavement radius of not less than forty feet (40') and a right-of-way radius of not less than fifty feet (50').
  - (3) The minimum grade of the turn-around portion of the cul-de-sac shall be one percent (1%).
  - (4) The maximum grade of the turn-around portion of the cul-de-sac shall be four percent (4%).
- H. If lots resulting from original subdivision are large enough to permit additional subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way, consistent with Table No. 1 of Appendix A, shall be provided as necessary to allow for future development activity.
- I. Reserve strips, restricting or controlling access to adjacent streets or properties shall be prohibited.
- J. The maximum allowable centerline grades are shown in Table No. 1 of Appendix A. Short sections of roadway in excess of those shown in Table No. 1 of Appendix A may be approved by the Board of Supervisors where it is clear that no traffic hazards or maintenance problem will be created.
- K. Minimum grades on all streets shall not be less than one percent (1%).
- L. Vertical Alignment: Vertical curves shall be installed on all street grade changes to provide for the minimum sight distances shown in Table No. 1 of Appendix A.
- M. Horizontal Alignment: All tangent sections shall be connected by horizontal curves to provide for the minimum sight distances shown in Table No. 1 of Appendix A.
- N. Widths: Minimum cartway paving and right-of-way widths are shown in Table No. 1 of Appendix A.
- (1) Except additional right-of-way and cartway width may be required by the Board of Supervisors for the following purposes:
    - (a) To promote public safety and convenience where anticipated traffic flows warrant, or where drainage easements should reasonably parallel thoroughfares.
    - (b) Where a subdivision abuts or contains an existing street of inadequate right-of-way.
  - (2) Where a subdivision abuts a state right-of-way less than the standard in Table No. 1 of Appendix A for a particular roadway classification, the building setback shall be increased by an amount equal to one-half (1/2) the difference between the existing right-of-way width and the standard right-of-way width in Table No. 1 of Appendix A.
- O. Street Intersections:
- (1) All curbs at intersections shall be rounded by a minimum radius shown in Table No. 1 of Appendix A.
  - (2) Grades approaching intersections shall not exceed three percent (3%) for a distance of not less than fifty feet (50') from the nearest right-of-way line of the intersection.
  - (3) Multiple intersections of more than four (4) streets shall be prohibited.

- (4) Minimum street intersection angles shall be in accordance with Table No. 1 of Appendix A.
  - (5) A clear sight triangle shall be maintained at all intersections in accordance with Table No. 1 of Appendix A. No fences, hedges, shrubbery, walls or trees that restrict visibility shall be permitted in the area defined by the clear sight triangle.
  - (6) Intersections of local streets with collector and arterial streets shall be kept to a minimum, consistent with topography and other local conditions. Intersections of less than two hundred feet (200') shall be avoided.
- P. Alleys shall not be permitted in any subdivision.
- Q. Private streets (vehicular rights-of-way not dedicated for public use) shall not be approved nor shall layout or improvements for lots abutting private streets be approved except under the following specific conditions:
- (1) Subdivisions approved with private streets shall be limited to access by a maximum of four (4) lots.
  - (2) All lots abutting private streets shall contain a minimum of one (1) acre in area (43,560 square feet) exclusive of land in any recorded right-of-way.
  - (3) Private streets shall be laid out to meet all dimensional requirements of this Subdivision and Land Development Ordinance.
  - (4) All grading, drainage, base course and other improvements on the right-of-way of any private street authorized under this Ordinance provision shall be carried out in a manner that will accommodate future updating to Township standards with a minimum of cost and modification. All original improvements and subsequent major maintenance involving grading, drainage, base course, or other improvements shall be approved by the Township Engineer prior to installation, and subject to inspection during and after completion. All private streets shall have a minimum dust-free, compacted and mud-free surface.
  - (5) No additional lots to a recorded subdivision shall be approved until the private street providing access is paved and brought into compliance for dedication for public use. Lots for such additions may then be developed consistent with applicable zoning dimensional requirements.
  - (6) Maintenance and liability associated with all private streets approved under this provision shall be, and remain, the responsibility of abutting property owners until such time as the private street is dedicated for public use. Plats and land development plans submitted for final approval shall contain language guaranteeing such maintenance by abutting property owners and holding New Sewickley Township harmless.
  - (7) Private access streets may be approved in conjunction with the transfer of existing internal lots provided that:
    - (a) Deed provisions are made for a fifty foot (50') right-of-way.
    - (b) Not more than one (1) principal structure is permitted on the lot.

R. Streets proposed for commercial or industrial land development purposes shall be laid out to intersect directly with arterial and collector streets. Insofar as possible, traffic circulation patterns for commercial and industrial subdivisions shall be designed in a manner to eliminate or discourage traffic flow through residential areas.

S. Driveways (Site Ingress and Egress):

(8) Any person desiring to construct or lay out such driveway shall make application to the Zoning Officer for approval of the location, design and mode of construction of such driveway, and for permission to proceed. Application forms will be available at the Township office to any applicant upon request. The construction or layout of a proposed driveway will not be started prior to receipt of a written permit approving the location, design and mode of construction thereof, signed by the Township Zoning Officer and containing such reasonable terms and conditions as the Township may deem necessary to impose. The fee for said permit and inspection shall be set from time to time by resolution of the Board of Supervisors.

(a) Location, Design and Construction:

[1] All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the Township roadway.

[2] Access driveways should be located and installed in such manner that they will not cause the following:

i. Interference with the traveling public;

ii. A hazard to the free movement on normal roadway traffic;

iii. Areas of undue traffic congestion on the roadway;

iv. Accumulation, concentration, or discharge of surface waters on to the Township roadway.

[3] Access driveways should not be designed and constructed at locations that would interfere with the placement and proper functioning of roadway signs, signals, detectors, lighting or other devices that affect traffic control.

[4] Where roadway curbs exist, driveway approaches shall be installed one and one-half inches (1-1/2") above the adjacent roadway or gutter grade to maintain the property drainage.

(b) Sight Distance: Access driveways shall be located at a point of optimum sight distance along the roadway within the property frontage limits. The profile of the driveway and the grading of the right-of-way area shall provide a maximum sight distance so that the operator of a vehicle departing from such a driveway will have optimum visibility in either direction along the roadway.

(c) Slope of Access Driveway:

[1] All driveways shall be constructed and maintained in such a manner as not to impair drainage within the roadway right-of-way, alter the stability of the roadway subgrade or materially change the drainage of adjacent areas. Where open shoulders or berms exist, the grade of a paved access driveway(s) shall slope away from the roadway pavement at the same rate as the existing should (unless advised to

the contrary by the authorized Township Representative) for the prevailing width of the shoulder. The gradient of a driveway beyond this point (within the roadway right-of-way) shall be not less than one half inch (1/2") per foot.

- [2] Driveway ramps may extend from the face of the curb up to the outer edge of the sidewalk area in those cases where a planted area occurs between multiple driveways. The rate of slope for such driveway ramps should not exceed one inch (1") per foot. Where conditions are such that the one inch (1") per foot slope is not obtainable, the sidewalk area of the driveway may be lowered sufficiently to obtain the allowable ramp slope and the sidewalk may be ramped up to meet the normal sidewalk grade, at a rate of slope not to exceed three-eighths inch (3/8") per foot.
  - [3] Where a drainage ditch or swallow exists, adequate pipe shall be installed under the driveway (by the permittee) in accordance with Township specifications. Minimum diameter of such drainage pipe shall be twelve inches (12") unless otherwise specified by the authorized Township Representative. Under no circumstances shall the diameter of such drainage pipe be less than twelve inches (12").
- (d) Maintenance: All driveways, adjacent areas and areas between such driveways including channelization, paving, drainage, etc., installed by the property owners or his predecessor in title shall be maintained by the property owner in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the Township roadway or the safe and convenient passage of traffic upon the Township roadway. The term "adjacent area" shall apply only to that area within the property owners property or that area of the Township right-of-way contiguous to the property owner's property.
- (e) Inspection:
- [1] Work authorized by a Road Occupancy Permit for construction of an access driveway shall be performed at such time and in such a manner as to conform to all requirements and standards specified therein. Such work will be inspected by a representative of the Township of New Sewickley upon receipt of the completion notice from the permittee or at the date of the expiration of the permit, which shall be one (1) year from the date of issue.
  - [2] If an inspection of a driveway discloses that it is not being or has not been property maintained in accordance with the standards set forth in this Article, the property owner will be notified, in writing, by the Township of New Sewickley to take immediate steps, at his own expense, toward placing the driveway in such condition as to conform to said requirements and standards.
- (f) Enforcement: Upon determining that a driveway has not been installed or maintained in accordance with the provisions of this Article and/or is unsafe, the authorized Township representative shall serve or cause to be served on the owner a written notice containing a description of the portion of the driveway deemed unsafe or in violation of this Article. A statement of the

particulars in which the driveway is unsafe or in violation of this Article, and an order requiring the same to be made safe and brought into conformity with this Subdivision and Land Development Ordinance, or removed, as may be deemed necessary, shall be included in the written notice. The provisions of Article XVII, Enforcement Remedies, shall dictate the procedure for compliance.

- (9) Commercial and industrial ingress and egress (driveways) shall be designed to provide optimum visibility and to minimize traffic congestion in the vicinity of the development parcel. Traffic access design shall conform to the following requirements:
- (a) In addition to the information and data required by Articles IV and V of this Ordinance, where applicable, all applications for preliminary and final plan approvals of subdivisions for commercial and industrial land development shall contain an interior traffic circulation plan showing: Locations and dimensions of vehicular ingress and egress for each development parcel.
    - i. Location and access provisions for parking and loading for each development parcel.
    - ii. Available sight distances at all intersections with driveways.
  - (b) Defined and dimensioned ingress and egress points shall be required for all commercial and industrial development parcels.
  - (c) Driveway widths shall meet the minimum standards as shown in Table No. 2 of Appendix A.
- (10) All driveways shall be constructed so as provide for surface drainage. Cross drains shall be constructed beneath the driveways where required to provide adequate drainage.
- (11) See Table No. 2 of Appendix A for additional driveway requirements.
- T. General Requirements – All Streets: Minimum right-of-way widths, paving widths, angle of intersection, curb radius distance along the sides of sight triangles, horizontal alignments, vertical alignments and maximum grades shall be in accordance with Table No. 1 of Appendix A.

### **§903 GENERAL DESIGN REQUIREMENTS**

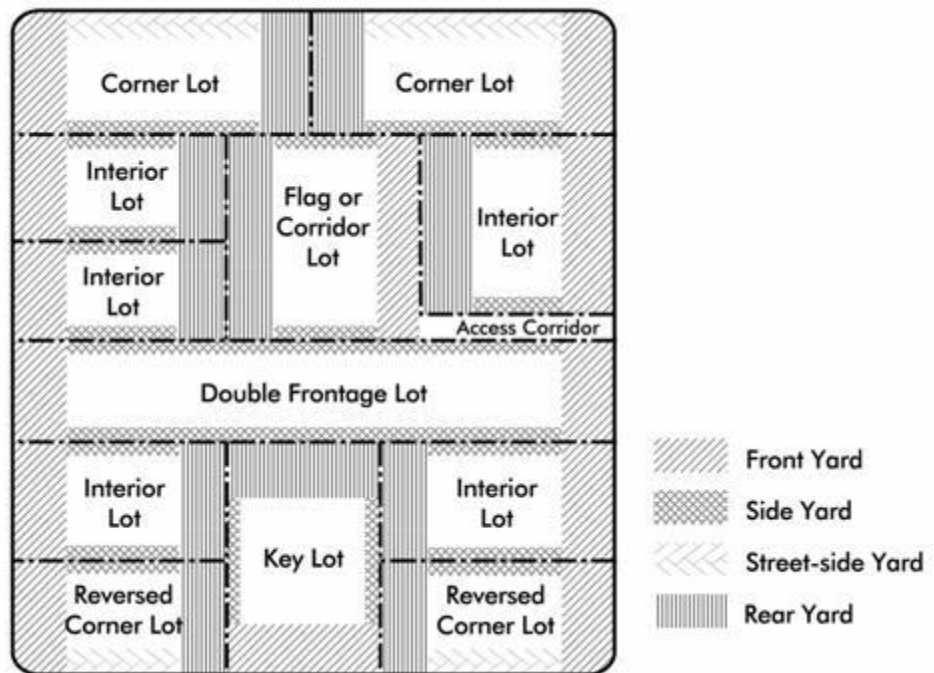
- A. The following general provisions shall apply to all subdivisions of land:
- (1) All lot area requirements and specific minimum yard and setback designations shall be dimensioned from public rights-of-way where applicable. No lot area requirement or setback shall be computed which includes land located within a public right-of-way.
  - (2) The frontage width of lots abutting a cul-de-sac shall be determined as the width at the building line. The minimum side yard and building setback requirements shall be calculated from the midpoint of the structure along the average length of both sides of the structure for each side yard.
  - (3) All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible.

- (4) Lots abutting local streets shall front upon the streets that parallel the long dimension of the block, whenever possible.
  - (5) All lots shall abut by their full frontage on a publicly dedicated street or on a street that has received the legal status of such. Lots abutting on a private street or easement shall not be approved, excepted as provided for in Section 902. Lots developed on private streets in existence prior to the enactment of this Ordinance and recorded may be developed. Private streets shall not be extended to permit additional lot development.
  - (6) No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of one foot (1') for each two feet (2') of horizontal distance between abutting lots, unless a retaining structure is installed in accordance with specifications approved by the Township Engineer and the Board of Supervisors.
  - (7) A modification of front yard setback requirements for single family dwellings, as set forth in the Township Zoning Ordinance where infill development is proposed, may be granted by the Board of Supervisors in predominantly developed areas, provided that:
    - (a) A request for such modification is submitted with the initial application for subdivision approval, and a positive recommendation is made by the Planning Commission.
    - (b) Seventy-five percent (75%) or more of the established structures on the same side of the street have front yard setbacks less than required by the Zoning Ordinance;
    - (c) For purposes of this setback modification, established structures on existing lots shall be interpreted as a block area not exceeding five hundred (500) lineal feet which is situated between either two (2) intersecting streets, or an intersecting street and a cul-de-sac;
    - (d) In the absence of typical block development in open or rural areas, the established structures on existing lots shall be determined as developed parcels within eight hundred (800) lineal feet of the subject property in either direction;
    - (e) Where setback modifications are granted, the front yard setback requirements shall be established as the average setback of all established structures within the areas defined in this Section;
    - (f) The modification of setback requirements authorized by this Section shall be considered only to achieve orderly development in an existing neighborhood and not to circumvent the purpose and intent of this Subdivision and Land Development Ordinance or the Zoning Ordinance.
- B. Lots laid out for residential purposes shall be subdivided in accordance with the provisions of the Township Zoning Ordinance with respect to lot area, lot width, setbacks, yard requirements and other applicable requisites and requirements.
- C. Lots and tracts of land laid out for nonresidential purposes shall be subdivided in accordance with the provisions of the Township Zoning Ordinance with respect to lot area, lot width, setbacks, yard requirements and other applicable requisites and requirements.

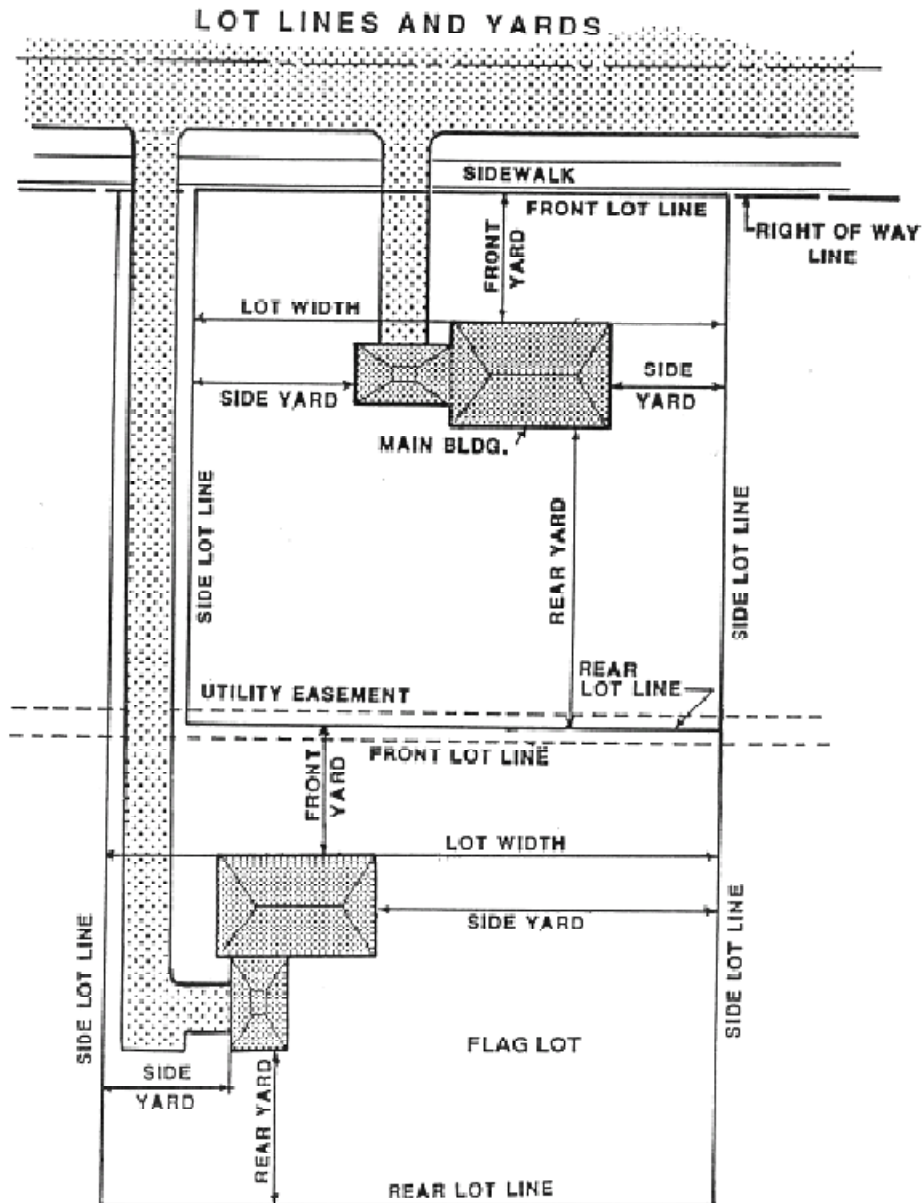
- D. The location of areas designated for structures or the building envelope, internal site accessways, off-street parking and loading areas, proposed easements, and generalized land use proposals shall be included as a part of all Final Plan applications for nonresidential purposes.
- E. The Planning Commission may recommend and the Board of Supervisors may authorize block platting in place of lot platting for nonresidential purposes to provide the developer maximum flexibility, provided that no block shall be subdivided in such a way that any subsequent lots would be smaller than the minimum size authorized by this Ordinance or the Township Zoning Ordinance for residential uses.
- F. The developer shall demonstrate every effort to protect adjacent and existing or potential residential development sites through the provision of guaranteed landscaping or screening or other appropriate design standards or amenities established for the purpose of mitigating adverse influences resulting from the land use characteristics on nonresidentially developed lots.

**§904 BLOCKS**

- A. Block length shall not exceed eight hundred feet (800'), nor be less than five hundred feet (500').
- B. Blocks shall be at least two (2) lots in depth except for reverse frontage lots.
- C. The depth to width ratio of usable lot length shall be at a maximum of two and one-half (2 ½) to one (1).
- D. The following diagrams identify reference points for lot design standards.







**§905 EASEMENTS**

- A. Utility and public utility easements shall have a minimum width of twenty feet (20') and be placed at the side or rear of lots, and underground whenever possible. When the Board of Supervisors determines that conditions are suitable for utilities and/or public utilities, an easement reservation shall be required.
- B. Anchor easements shall be approximately four feet by thirty feet (4' x 30') and placed on a lot line.
- C. Aerial easements shall be in accordance with Commonwealth regulatory agencies having jurisdiction.

- D. Where a subdivision 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 drainage and provide sufficient width for maintenance purposes, but not less than twenty feet (20'). Where available, the Federal Emergency Management Agency (FEMA), Commonwealth and local floodplain maps and data shall be employed to determine the location of easements or rights-of-way required by this Ordinance.

#### **§906 SIDEWALKS**

Sidewalks and crosswalks shall be installed by the applicant or developer along both sides of public streets or at other locations deemed necessary for public safety if determined necessary by the Board of Supervisors.

#### **§907 RESERVED AREAS**

Reserve strips surrounding property, or areas reserved for any purpose that shall make any area unprofitable for regular or special assessments, or that may revert to an untended nuisance area, shall not be approved by the Board of Supervisors.

#### **§908 STREET NAMES AND NUMBERING**

- A. The applicant may choose his street names subject to the approval of the Board of Supervisors. No street, other than an extension, may be given the name of an existing street in the Township's postal service area. Documentation certifying that the street names used are not duplications of street names within the same post office service area shall be filed by the applicant.
- B. All house numbering systems shall be coordinated with the number of existing development in the area and consistent with the Beaver County Emergency Management system standards.

#### **§909 ACCESS**

The subdivision of land shall be done in a manner that will not bar adjacent property owners from access to public streets and/or private rights-of-way or access easements or otherwise preclude the development of surrounding land areas.

#### **§910 PUBLIC USE AND OPEN SPACE AREAS**

- A. When it is determined by the Planning Commission and the Board of Supervisors that adequate public open space and recreation area does not exist within one (1) mile of a proposed residential subdivision site of five (5) acres or more, the Board of Supervisors may request that the applicant provide such open space within the tract proposed for development. This request may also be applied in cases where approved subdivisions of less than five (5) acres are expanded to exceed a total combined subdivided area of five (5) acres or more or a total of ten (10) dwelling units.
- (1) Where requested, a minimum of five percent (5%) of the total subdivided area, exclusive of streets, shall be set aside for park, playground or similar recreational area.
  - (2) Areas reserved for recreational and open space uses shall be suitable for such purposes with respect to topography, size, shape, drainage, location and accessibility.

- B. Provisions for the development and maintenance of any open space and recreation areas set aside as public space shall be guaranteed by appropriate bonds or similar provisions satisfactory to the Board of Supervisors. (See Article XI).
- C. The Board of Supervisors may, at its option, accept recreation and open spaces from the applicant through deeds of dedication conveying title to the Township. If such arrangements are accepted by the Township, guarantees of improvement and maintenance shall not be required from the applicant after the Maintenance Security period (See Article XI, Section 1104).

## **ARTICLE X**

### **IMPROVEMENTS**

#### **§1000 GRADING**

- A. Streets shall be constructed to grades and cross-sections as cited on, and presented with, the preliminary plans and street profiles, in conformance with Township specifications.
- B. Street shoulders shall be graded to the full width of the street right-of-way in accordance with Township construction standards, and thoroughly compacted by rolling all shoulders.
- C. The subgrade of a street shall be brought to the proper grade and contour, and shall be rolled and cross rolled. All soft spots shall be recompacted with a suitable firm material, approved by the Township Engineer, before the placing of any base material.
- D. No base course shall be placed until the subgrade has been proof-rolled, inspected and approved by the Township Engineer.

#### **§1001 UNDERDRAINAGE**

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

#### **§1002 CURBING**

- A. The type of curbs, when specified by the applicant or when required by the Board of Supervisors, are to be determined by the Township Engineer and subject to the Engineer's approval before installation.
- B. The requirements of curbs or curbs and gutters will vary in accordance with the character of the area and density of development involved. The Board of Supervisors may require curbs and gutters to be installed on arterials, collector or local streets if such construction is deemed necessary for public safety, stabilizes the pavement edge, for the control of water runoff or clearly defined driving and parking areas. Curbs shall be required where:
  - (1) Streets are designed to serve areas in which the net residential density of the area surrounding the proposed subdivision equals or exceeds three (3) families or six (6) persons per acre.
  - (2) Lot frontage is less than seventy-five feet (75').
  - (3) Commercial or industrial development exists.
  - (4) Curbs exist on abutting property.

#### **§1003 GENERAL STREET DESIGN STANDARDS**

- A. General Standards:

- (1) Circulation within a subdivision or land development plan shall logically relate to and be an extension of the Township road system, or, if extending beyond the Township boundary, to the road network in the adjacent municipality.
- (2) The layout of streets shall relate as closely as possible to existing topography in order to minimize earth moving, produce usable lots or development areas, create reasonable grades, and preserve the amenities and natural cover of the site.
- (3) The Township may impose higher standards where it is clear that a dangerous situation may be created by the location, grade or intersection of streets or by topographical conditions.
- (4) Local streets shall be designed to discourage use by traffic with no origin or destination within the subdivision plan or land development or extensions thereof.
- (5) Streets shall be extended to the boundaries of a subdivision or land development plan if connection can be made to an existing or recorded street in an adjacent subdivision or plan or if topography or shape of the adjacent unplanned property suggests a logical extension exists to that property.
- (6) The Planning Commission may require an owner/applicant whose land abuts an arterial street to orient his plan away from the street with no lots having access directly to it and to limit his points of access into the subdivision plan or land development to a minimum number with good sight distances.
- (7) Half-streets along the boundary of a proposed plan shall be prohibited except where the plan proposes to complete a half-street existing on an adjacent already subdivided property. In that case the half-street proposed in the plan shall be not less than specified in this Section.
- (8) Alleys shall be prohibited and all streets, roadways, and rights-of-way shall be designed and constructed based on the functional classification of such streets and roadways as per the current edition of the Institute of Transportation Engineers' Trip Generation and applicable provisions of this Ordinance.
- (9) Subject to the Board of Supervisors' approval of the plan construction schedule outlined in the Developer's Agreement, the owner/applicant may construct streets and install other improvements at the same time that buildings in the subdivision plan or land development are being built, but no building within the plan shall be occupied until the street is acceptable to the Township across the front of the lot containing the building to be occupied and extending to completed portions of the road system.
- (10) All road and street design and construction shall comply with standards and methods established in the latest editions of the following:
  - (a) PennDOT Design Manual II;
  - (b) PennDOT Guidelines for Design of Local Roads and Streets;
  - (c) PennDOT Specifications, Publication 408;
  - (d) AASHTO, A Policy on Geometric Design of Highways and Streets; and
  - (e) Provisions of this Ordinance.

If conflicts or discrepancies exist among the respective standards or requirements, the standard or requirement providing the highest level of public safety shall apply.

**B. Street Width:**

- (1) Rights-of-way for all existing streets abutting a subdivision or land development plan, and rights-of-way within subdivision or land development plans shall be in accordance with Table No. 1 of Appendix A.
- (2) Street Pavement Specifications:
  - a. An eight inch (8") compacted thickness subbase shall be constructed in accordance with the Pennsylvania Department of Transportation, Form 408, latest edition, Section 350.
  - b. A four and one-half inch (4 ½") compacted thickness bituminous Superpave 25 mm HMA base course shall be constructed on the prepared subbase course in accordance with the Pennsylvania Department of Transportation, Form 408, latest edition, Section 409.
  - c. A one and one-half inch (1 ½") compacted thickness bituminous Superpave 9.5 mm HMA wearing course shall be constructed on the prepared base course in accordance with the Pennsylvania Department of Transportation, Form 408, latest edition, Section 409.
  - d. The final wearing course shall not be installed until seventy-five percent (75%) of the lots are developed or within two (2) years of the date of issuance of the first plan building permit. The Superpave base course shall be sealed with a one-half inch (1/2") compacted thickness wearing course of FB-1 materials or approved equal by the Township Engineer if the final wearing course is not placed prior to end of the first paving season, in accordance with Pennsylvania Department of Transportation (PaDOT) Form 408, latest edition, Section 439.
  - e. Unsuitable material shall be removed and replaced with coarse aggregate material as approved by the Township Engineer.

**C. Street Alignment:**

- (1) The minimum centerline horizontal radius of a street curve shall be in accordance with Table No. 1 of Appendix A.
- (2) Adjacent horizontal tangents shall be connected by an arc. A tangent shall be required between curves; however, a long radius curve shall be preferred in all cases to a series of curves and tangents. A minimum tangent of one hundred feet (100') shall be required between reverse curves.
- (3) For compound curves the radius of the curve with the greater radius shall be not more than fifty percent (50%) longer than the radius of the adjacent curve, or the transition between curves may be achieved by a three-centered compound curve.
- (4) Curves shall be superelevated on arterial and collector streets when the curve radii are less than six hundred feet (600') and shall be designed in accordance with PaDOT Design Criteria applicable to the class of roadway or street.
- (5) Where horizontal alignment curves around a topographical or other obstruction, there shall be maintained an unobstructed sight distance at all points along the curve of at least one hundred and fifty feet (150') measured three feet six inches (3' 6") above the finished road surface along the road centerline.

- (6) Vertical sag curves or crest curves shall be not less than the standards enumerated in the current edition of AASHTO and as indicated in Table No. 1 of Appendix A.

**D. Street Grades:**

- (1) Centerline grades shall comply with Table No. 1 of Appendix A.
- (2) Minimum grades along centerlines shall be not less than one percent (1%).
- (3) Vertical curves shall be installed on all street grade changes and shall comply with the requirements of Table No. 1 of Appendix A. (See Section 902.L)

**E. Street Intersections:**

- (1) Streets shall be laid out to intersect as nearly as possible at right angles and not less than seventy-five degrees (75°) or more than one hundred fifty degrees (150°). (See Table No. 1 of Appendix A)
- (2) Where two (2) streets intersect, a third street from opposite sides, the distance between the centerlines of the two (2) streets shall be not less than two hundred feet (200), or else they shall intersect the third street directly opposite. (See Section 902 Subsection O)
- (3) Unobstructed sight distances shall be maintained at intersections in accordance with Table No. 1 of Appendix A. A triangular area whose sides are the centerlines of the intersecting streets and are not less than seventy-five feet (75') in length shall be maintained clear of any obstructions so that from any point along either side, objects are visible at three feet six inches (3' 6") above the street surface.
- (4) Grades approaching intersections shall comply with Section 902 Subsection O.2.
- (5) Intersections involving the crossing of more than two (2) streets shall not be permitted.
- (6) Intersecting pavements shall be designed with a radius of not less than twenty-five feet (25') at intersecting local streets, thirty feet (30) at intersecting local and collector streets and fifty feet (50) at intersecting arterial streets.

**F. Cul-de-Sacs and Temporary Dead-End Streets:**

- (1) Streets to be permanently closed at one end (cul-de-sacs) shall not be greater than one thousand feet (1,000') [See also Section 902, Subsection G (1)] to the center of the turnaround nor less than two hundred fifty feet (250') in length measured between the center of the turnaround at the closed end and the centerline of the intersected street at the other end. The turnaround shall have a right-of-way diameter of at least one hundred feet (100') and a paved diameter of at least eighty feet (80') on the outer edge. The paved portion shall be at least twenty-four feet (24') in width and the center of the cul-de-sac need not be paved if it is planted and maintained. If the full width of the cul-de-sac is paved, a paved diameter of eighty feet (80') shall be provided. (See Section 902.G.1)
- (2) Where the one thousand (1,000') linear feet maximum cul-de-sac street length is exceeded by modification, a paved area meeting the requirements of Section 1003.F.1 to allow for the turning and maneuvering of school busses, emergency vehicles, and maintenance equipment shall be provided within a dedicated right-of-way and placed in a location approximately two-thirds (2/3) of the street length as modified, from the centerline of the intersection of the open end of the street, to the terminus of the street right-of-way line.

- (3) Where a subdivision or land development consisting of twenty (20) lots or more is proposed with only one (1) point of public access to an abutting public right-of-way, a paved area meeting the requirements of Section 1003.F.1 to allow for the turning and maneuvering of school busses, emergency vehicles, and maintenance equipment shall be provided within a dedicated right-of-way.
- (4) If a subdivision or land development plan is developed over several stages and streets are to be extended as development proceeds, temporary dead-end streets produced in one stage to be extended in a later stage shall be provided with an all-weather turnaround cul-de-sac meeting the requirements of this Section whose use and maintenance is guaranteed to the public by the owner/applicant.

**G. Private Driveways:** Driveways entering public streets shall be graded to prevent stormwater flowing from the driveway onto the paved portion of the public street. The street's gutter line shall be maintained across the driveway or private street, or stormwater may pass under, provided the gutter alignment is not compromised and the pipe under the driveway or private street is of sufficient size to carry the stormwater flow from the one hundred (100) year storm without creating ponding on the upstream end.

**H. Street Names and Signposts:** Streets that are extensions of existing streets or are substantially in alignment with them shall bear the name of the existing street.

- (1) Street names shall be subject to the approval of the Board of Supervisors and shall not duplicate names already in use within the same postal zip code zone. Naming of streets shall comply with Section 908.
- (2) Approved street name signs shall be placed at all street intersections within the plan or at the intersection of existing streets and streets entering the plan.
- (3) Signs and supports may be provided by the Township at the developer's expense and installed by the owner/applicant, although the Township and owner/applicant may mutually agree on an alternative sign type.

#### **§1004 SIDEWALKS**

- A. Sidewalks, when required by the Board of Supervisors, shall be constructed in conformity with specifications approved by the Township Engineer consistent with local standards.
- B. The minimum width for sidewalks shall be four feet (4') but the Board of Supervisors may require a greater width in the vicinity of intensive urban use and activities.
- C. Sidewalks shall be of Portland cement concrete Pennsylvania Department of Transportation Class A. Sidewalks shall be a minimum of four inches (4") thick except at driveways where they shall be six inches (6") thick. Sidewalks shall be placed on a compacted six inch (6") stone base. Scored construction joints are to be every five feet (5') with expansion joints every twenty feet (20').
- D. All phases of construction shall be in accordance with this Ordinance and design standards established and approved by the Township. The forms shall be inspected prior to pouring, and finished walks shall be inspected by the Township Engineer.

#### **§1005 STORM DRAINAGE AND FACILITIES**

All storm drainage facilities shall be adequately designed for the anticipated runoff when the area is fully developed, using current criteria established in the Pennsylvania Department of



Transportation Design Manual No. 2 or other method approved by the Township Engineer. Storm drainage facilities to be located in any of the Township's MS4 Stormwater Management Districts shall also comply with the requirements of the Township's Stormwater Management Ordinance No. 166. Storm drainage facilities shall comply with, but are not limited to, the following:

- A. Storm sewers shall be located in the street right-of-way or in designated drainage easements. When placed in drainage easements, the easement width shall be a minimum of twenty feet (20') in width.
- B. Storm sewers shall have a minimum diameter of fifteen inches (15") and a minimum gradient of one percent (1%).
- C. Inlets shall be spaced in accordance with the Pennsylvania Department of Transportation Design Manual No. 2, but the spacing shall not exceed three hundred feet (300').
- D. Manholes or inlets are required at all changes in horizontal alignment and vertical grade. Storm sewers shall maintain the same alignment and grade between manholes or inlets.
- E. All storm sewer inlets, manholes, pipes, headwalls, endwalls shall be Pennsylvania Department of Transportation approved materials.
- F. Unless otherwise specified in the Stormwater Management Ordinance, No. 166 of 9-7-04, roof drains shall be extended to the paved gutter of streets and connected to the storm sewer system where accessible. At no time will roof drains or foundation drains be allowed to be connected to the sanitary sewer system.
- G. Any springs encountered during construction shall be piped and connected to the storm sewer system or extended to a natural watercourse as may be approved by the Township Engineer.
- H. Concrete headwalls, endwalls and splash aprons shall be constructed at the outfall of all storm sewers. Where watercourses are piped and filled, concrete headwalls, endwalls and splash aprons shall be constructed at both ends of the pipe.
- I. Whenever construction stops or concentrates the natural flow of surface drainage in such a way as to affect adjoining properties, written approval must be obtained from the adjoining property owners. Where storm drainage is piped onto adjoining properties other than natural watercourses, written permission, a release of damages, and right-of-way must be obtained from the adjoining property owners before the storm sewers will be permitted to be installed or are taken over by the Township. Approval of plans by the Township does not authorize or sanction drainage affecting adjoining properties.
- J. All bridges and culverts shall be designed to support expected loads and to carry expected flows, and shall meet the current specifications and standards of the Commonwealth of Pennsylvania, Department of Transportation.
- K. A complete drainage plan of the subdivision shall be submitted, including all necessary storm sewers and appurtenances, the design of which is based on a ten (10) year storm frequency, except in those areas where in the judgment of the Township Engineer, the likelihood of exceptional damage resulting from stormwater is such that additional design criteria is required. The drainage plan shall show the method of drainage of adjacent and contiguous territory and the method of disposal of all stormwater collected. The drainage plan shall be accompanied by design calculations as prepared, signed and sealed by a Pennsylvania licensed engineer.

- L. The storm drainage system shall be provided as necessary to:
- (1) Discharge stormwater runoff into common natural watercourses.
  - (2) Adequately drain all low points along streets.
  - (3) Intercept street stormwater runoff at intervals related to the extent and grade of the area drained.
  - (4) Provide positive drainage away from sewerage facilities.
  - (5) Handle existing off-site runoff through the subdivision.
  - (6) Insure safe and proper disposal of stormwater where open watercourses are planned, through adequate safety, erosion and aesthetic measures.

### **§1006 MONUMENTS**

Monuments shall be placed at all block corners, angle points, points or curves in streets and intermediate points as determined by the Township Engineer. Monuments shall be either:

- A. Concrete with a minimum dimension of six inches by six inches by thirty inches (6" x 6" x 30"), marked on top with a brad or copper pin; or
- B. Iron or steel bars at least thirty inches (30") long with a minimum diameter of five-eighths inch (5/8").

### **§1007 STREET TREES**

Should the applicant plan to provide trees, their proposed location, spacing and species must be submitted for approval to the Township Engineer. For subdivision plans of ten (10) lots or greater, the applicant shall submit a landscaping plan as prepared by a Registered Landscape Architect. The landscape plan shall be recommended for approval by the Township Planning Commission and approved by the Board of Supervisors

### **§1008 NATURAL CONDITIONS AND EROSION CONTROL**

- A. In wooded areas or where other natural conditions exist in such a manner that their presence adds to the desirability of a subdivision. the Board of Supervisors shall require that the applicant preserve as much of the original vegetation and natural conditions as is economically feasible, and require that a minimum of grading be done other than the grading and excavating that is required in the construction of the improvements, in accordance with the standards included herein.
- B. All development and earthmoving activities required by applicable law under the Pennsylvania Department of Environmental Protection, Title 25, Chapter 103, Erosion Control, shall be complied with:
  - (1) The applicant shall notify the County Conservation District immediately upon receipt of an application for a building permit involving an earthmoving activity that affects the minimum area regulated by the Pennsylvania Department of Environmental Protection, as amended.
  - (2) The Township shall not issue a building permit for a development where it has been determined that the earthmoving activities require a permit (or verification that no permit is required) from the Pennsylvania Department of Environmental Protection, pursuant to Section 102.41 and 102.42 relating to permit requirements of Title 25, Chapter 102, Erosion Control.

**§1009 WATER SUPPLY**

- A. Public water service is deemed to be available where the distance from the end of the existing main to the beginning point of a distribution system for the plan is eight hundred feet (800') or less.
- B. If public water is available or definitely planned for the area by the Township Municipal Authority, the applicant shall extend the main line to serve all lots in the subdivision. This main line extension shall be designed and constructed according to the specifications of, and in consultation with, the utility company or municipal organization which provides public water.
- C. In the absence of public water services, individual wells, community wells, or project wells for water supply shall be approved by the Pennsylvania Department of Environmental Protection and the Board of Supervisors.
- D. Fire hydrants shall be installed within six hundred feet (600') of all lots in subdivisions consisting of five (5) lots or more, if public water service is available.
- E. The applicant shall supply and install all materials associated with the fire hydrant(s) as well as the fire hydrants themselves.
- F. The materials and installation thereof shall comply with the requirements set forth by the local water utility company or municipal authority with jurisdiction.

**§1010 SANITARY SEWERS**

- A. Sanitary sewer service is deemed to be available where the distance from the end of the main to the beginning point of a collection system for the proposed subdivision or land development plan is eight hundred feet (800') or less, unless the service is not topographically feasible without constructing a lift station.
- B. If public sewers are available or definitely planned for the area by the Township Municipal Authority with jurisdiction, the applicant shall extend the main line to serve all lots in the subdivision. This main line extension shall be designed and constructed according to the specifications of the utility or municipal authority which provides sanitary sewer services.
- C. Where municipal sewers are not available, the installation of a private sanitary sewage treatment plant and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Board of Supervisors.
- D. Private sewage disposal systems on individual lots shall be laid out and constructed in compliance with Pennsylvania Department of Environmental Protection regulations.
- E. No building permit will be issued for any construction in an approved subdivision or land development until either an individual sanitary sewage disposal system, a sanitary sewage treatment plant installation or connections to a municipal sewerage system has been approved by the Board of Supervisors and the Pennsylvania Department of Environmental Protection, pursuant to the rules and regulations of the Pennsylvania Sewage Facilities Act (Act 537) as amended.
- F. No subdivision or land development shall be approved for development by the Board of Supervisors until mutually acceptable agreements have been reached between the applicant and applicable utility companies or municipal authorities with jurisdiction relative to sanitary sewage system installations, maintenance, ownership of facilities, tap fees and other related considerations.

**§1011 OTHER UTILITIES**

Gas, electric, cable, fiber optic and telephone, etc. utilities shall be located underground in subdivisions and land developments where possible and in accordance with utility company standards and be approved by the Board of Supervisors.

**§1012 GENERAL REGULATIONS**

- A. No applicant shall proceed with the construction of any utilities or improvements, or make any connection to any existing Township facility or utility system, without proper inspection by the Township Engineer or authorized representative thereof, in accordance with the following procedures. General site grading may be initiated by special permission of the Board of Supervisors.
- B. No person shall dig or make any cuts or changes whatsoever in the cartway, gutters or rights-of-way of any Township, County or Commonwealth road without first the obtaining required permits from the agency with jurisdiction.
- C. No person shall connect to any water line, storm or sanitary sewer without obtaining a permit and paying the processing fee and/or connection charges.
- D. Grade stakes shall be set and cut sheets prepared and a copy furnished to the Township Secretary and Engineer before any work is started.
- E. The applicant shall notify the Township Manager at least forty-eight (48) hours prior to his intention to proceed with the construction or installation of said streets and improvements or any other work related to the improvements.
- F. Inspection reports shall be prepared by the Township's Inspector. The reports shall show the type and quantity of materials installed, weather condition, unusual construction conditions encountered and other data pertaining to the construction.
- G. Upon completion of the required improvements, a plan and profile of the improvements in the subdivision or land development as constructed shall be filed with the Township.
- H. In all respects in which standards for required improvements are not set forth herein or specified by the Board of Supervisors hereunder, the applicable Commonwealth and municipal standard requirements shall govern.

## ARTICLE XI

### CONDITIONS OF ACCEPTANCE

#### §1100 PERFORMANCE REQUIREMENTS

Before approving any subdivision or land development plan, the Board of Supervisors shall require a written and signed developer's agreement that necessary grading, paving and street improvements, sidewalks, street lights, fire hydrants, water mains, storm sewers and sanitary sewers, and other site improvements, as may be required by the Township, shall be installed by the applicant in strict accordance with the design standards and specifications of the Township, within a specified time period. Said agreement shall also provide for site maintenance during construction, and development related activities including, but not limited to maintenance of adjacent streets and roads, hours of operation, temporary signage and inspection schedules.

#### §1101 PERFORMANCE GUARANTEE

The Board of Supervisors shall insure, through receipt of certificates of compliance submitted and attested by the Township Engineer, that the required improvements have been installed according to the final approved plan, or alternately require the posting of adequate surety to cover the cost for such improvements. The Board of Supervisors shall specify one of the following alternatives, or such other alternative as may be acceptable, for guaranteeing compliance with the requirements of this Article. Decision of which alternative shall be required is that of the Board of Supervisors. Final approval of a plan may not be granted until the surety required is fully provided. In any event, the required surety shall be secured along with the written and signed developer's agreement prior to any construction or related activity.

- A. **Completion of Improvements Prior to Final Approval:** Prior to final plan approval, the applicant shall complete, in a manner satisfactory to the Board of Supervisors and the Township Engineer, all improvements required in this Ordinance as specified in the final subdivision or land development plan, and as approved by the Board of Supervisors, and shall dedicate the same to the Township in accordance with these regulations. Final plan approval shall not be granted until the dedication of improvements has been *accepted* by the Board of Supervisors.
- B. **Guarantee of Future Performance:** In lieu of requiring the completion of all improvements prior to final subdivision or land development plan approval, the Township may, but is not required to, elect to enter into an agreement with the applicant whereby the applicant shall guaranty the completion of all required improvements, including but not limited to roads and streets, stormwater management facilities, related drainage facilities, recreational facilities, open space improvements, buffer and screen plantings, or other amenities specified by the Board of Supervisors in a manner satisfactory to the Board of Supervisors. When requested by the applicant in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution adopted by the Board of Supervisors, of the final plat or land development plan contingent upon the applicant obtaining satisfactory financial security. The final plat or record plan or land development plan shall not be signed nor recorded until the written financial improvements agreement is executed and financial security satisfactory to the Board of Supervisors, has been posted. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) calendar days, unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonably withheld and shall be

placed in writing at the request of the applicant. To secure this contract, the applicant shall provide, subject to the approval of the Board of Supervisors, one of the following guarantees:

- (1) **Surety Bond:** The applicant shall obtain a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Township. The amount of financial security shall be equal to one hundred and ten percent (110%) of the cost of the required improvements as estimated by the applicant's design professionals and approved by the Township Engineer. The duration of the bond shall be until such time as the improvements are accepted by the Township in accordance with the requirements of this Ordinance.
- (2) **Escrow Account:** The applicant shall deposit cash, or other instrument readily convertible into cash at face value, either with an escrow agent or in escrow with a bank, pursuant to an escrow agreement satisfactory to the Board of Supervisors. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the Board of Supervisors. The amount of financial security shall be equal to one hundred and ten percent (110%) of the cost of the required improvements as estimated by the applicant's design professionals and approved by the Township Engineer.

In case of an escrow account, the applicant shall file with the Board of Supervisors an agreement between the financial bank and the applicant guaranteeing the following:

- (a) That the funds of said escrow account shall be held in trust in an interest bearing account until released by the Board of Supervisors and may not be used or pledged by the applicant as security in any other matter during the period; and
  - (b) That in the case of a failure on the part of the applicant to complete said improvements, the bank shall immediately make the funds in said account available to the Township for use in the completion of those improvements.
- (3) **Other Financial Security:** The Board of Supervisors shall accept other forms of financial security acceptable to the Township.
  - (4) **Extension of Guarantee:** If the applicant requires more than one (1) year from the date of posting financial security to complete the required improvements, the amount of security may be increased in accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

## §1102 RELEASE FROM IMPROVEMENT BOND

### A. Procedure:

- (1) When the developer has completed all of the required improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to the Township Engineer.
- (2) The Board of Supervisors shall, within ten (10) calendar days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid

improvements. The cost of said inspection shall be borne by the developer. The Township Engineer shall, thereupon, file a report in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) calendar days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors. Said report shall be detailed and shall indicate approval or rejection of said improvements. If any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

- (3) The Board of Supervisors shall notify the developer within fifteen (15) calendar days in writing by certified or registered mail, of the action of the Board of Supervisors with relation thereto.
- (4) If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- (5) If any portion of the required improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and upon completion, the same procedure of notification as outlined herein shall be followed.
- (6) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

**B. Reimbursement Procedure:** The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred in connection with the inspection of improvements. The applicant shall not be required to reimburse the Board of Supervisors 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 Township's Engineer or other professional consultants 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 Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.

- (1) The Board of Supervisors 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 thirty (30) calendar days after the date of transmittal of a bill for inspection services, notify the Township and the Township'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 Township 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 thirty (30) calendar 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 Board of Supervisors a bill for inspection services, specifically designated as a final bill. 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 forty-five (45) calendar 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 fifty (50) calendar 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 sixty (60) calendar days. In the event the Township 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 Township's professional consultant and applicant cannot agree upon the arbitrator to be appointed within twenty (20) calendar 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 Township 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 Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five years.
- (6) The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$5,000), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The Board of Supervisors and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

### **§1103 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

- A. In the event that any improvements that may be required have not been constructed and installed as provided for in the written developer's agreement, or the provisions of this Ordinance, the requirements of the Board of Supervisors or in accordance with the



approved final subdivision or land development plan, the Board of Supervisors shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.

- B. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements, and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
- D. In addition to the required application fee, it is anticipated that additional expenses will be incurred by the Township in processing the preliminary and/or final subdivision plan or land development plan that are submitted or that may be required to be submitted under this Ordinance, for engineer, legal or other professional consultant expenses (Professional Consultant Fees). The applicant is required to reimburse the Township for all such Professional Consultant Fees incurred by the Township in processing the Preliminary and/or Final Plans and/or inspecting improvements in accordance with Section 1501 hereof, at the actual cost of the services incurred by the Township. These services shall be billed at the normal established rate for engineering, legal or other professional services provided to the Township.

#### **§1104 MAINTENANCE SECURITY**

- A. When the Board of Supervisors accepts dedication of all or some of the required improvements following completion, and before the Township Engineer shall issue to the Board of Supervisors a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development, and in compliance with the specifications, standards, ordinances and requirements of the Township, the applicant shall be required to deposit with the Township, a Corporate Maintenance Bond, or other financial security, in such amount, to a maximum of fifteen percent (15%) of the actual cost of installation of said improvements, under such conditions, in such form and with approved surety as shall be required by the Board of Supervisors. Said Maintenance Security is to guarantee the repairs and maintenance by the applicant of the streets, roads, pavements, sidewalks, curbs, gutters, storm drains and facilities, sanitary sewer and facilities, sewage treatment plant and facilities, potable water systems and facilities, and any other improvements constructed and installed in the subdivision or land development, for a period of eighteen (18) months from the date of final and official acceptance of the above said improvements and facilities by the Board of Supervisors.
- B. The repairs and maintenance required to be performed by the applicant shall extend only to making good any inherent defects which become manifested in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the applicant has no control.

#### **§1105 HIGHER STANDARDS**

- A. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Township. The

requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum, and the Board of Supervisors may as it deems advisable, revise said specifications and requirements to secure a higher standard of improvements and community development.

- B. No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system and facilities or any other facilities or improvements will be accepted as a part of the Township's facilities for operation and maintenance unless designed and constructed in strict compliance with all the current standards, specifications, rules, regulations, ordinances and requirements of the Township and/or the Township's Municipal Authority.

### **§1106 RECORDING**

- A. Within ninety (90) calendar days after the date of approval of the final plan, or ninety (90) calendar 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, the applicant shall record an approved duplicate copy of the plat or land development plan in the office of the County Recorder of Deeds, and file with the Secretary of the Township, a Recorder's Certificate that the approved plat or land development plan has been recorded, with the Plan Book and page number indicated, and approval shall not become final and effective until such certificate has been filed.
- B. The applicant shall provide a duplicate tracing of the officially recorded plat or land development plan to the Township Secretary for Township files. The duplicate tracing may be of mylar, linen or some other durable material.
- C. After an approved subdivision plan shall have been officially recorded, the streets, parks, and other public improvements shown hereon shall be so considered to be a part of the official plan of the Township.
- D. Streets, parks, and other public improvements shown on a subdivision or land development plan to be recorded shall be offered for dedication to the Township by formal notation thereof on the plan, or the applicant/owner shall note on such plan that any improvements have not been offered for dedication to the Township.
- E. Every street, park or other improvement shown on a subdivision or land development plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by ordinance or resolution, or until it shall have been condemned for use as a public street, public use area or other improvement.
- F. In the event that an approved subdivision or land development plan is not recorded within the required ninety (90) day period following the completion of conditions as specified, said approval shall be deemed voided and rescinded and the plan must be resubmitted if approval is sought by the applicant.

### **§1107 NO RESPONSIBILITY OF TOWNSHIP WHERE PLANS NOT APPROVED**

If any road or any drainage facility in connection therewith shall be opened, constructed or dedicated for public use or travel, except in strict accordance with plans approved and recorded as herein provided, neither the Board of Supervisors nor any public authority shall place, construct or operate any sewer, drain, water pipe or other facility, or do any work of any kind in or upon such road, and neither the Board of Supervisors nor any other public authority shall have responsibility of any kind with respect to any such facility, notwithstanding any use of the

same by the public. Provided however, that nothing herein contained shall prevent the laying of trunk sewers, storm drains, water or gas mains, if required, by engineering necessity for the accommodating of adjacent lands for future development.

### **§1108 STANDARDS FOR LOCATION AND MANAGEMENT OF OPEN SPACE**

- A. Common open space, when provided, shall be located so as to be consistent with accepted landscape architectural design principles. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.
- B. There shall be provisions that insure that the common open space shall continue as such and be properly maintained. The applicant shall either:
  - (1) Dedicate such land to public use if the Township or another public or private agency has indicated it will accept such dedications;
  - (2) Retain ownership and responsibility for maintenance of such open space; or
  - (3) Provide for and establish one or more organizations for the ownership and maintenance of all common open space.
- C. In the case of Subsections B(2) and B(3) herein, each organization shall be nonprofit homeowners' corporation, unless the applicant demonstrates that a community open space trust is a more appropriate form of organization.
- D. If a homeowners' association or open space trust is formed, it shall be governed according to the following regulations:
  - (1) The organization is organized by the applicant and operated with financial subsidization by the applicant (if necessary) before the sale of any lots within the development.
  - (2) Membership in the organization is mandatory for all purchasers of homes therein and their successors.
  - (3) The organization shall be responsible for maintenance, insurance and taxes on common open space.
  - (4) The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
  - (5) The organization shall hire adequate staff to administer facilities and maintain the common open space.
    - (a) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development, fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition.
    - (b) Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) calendar days thereof, and shall state the date and place of a hearing thereon, which shall be held within fourteen (14) calendar days of the notice. At such hearing, the Township may modify the terms of the

original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

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

## **ARTICLE XII MODIFICATIONS**

### **§1200 MODIFICATIONS**

The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

- A. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved, and the minimum modification necessary.
- B. The request for modification shall be referred to the Township Planning Commission for advisory comments.
- C. The Board of Supervisors and the Planning Commission shall keep a written record of all action on such requests for modifications.

## **ARTICLE XIII AMENDMENTS**

### **§1300 PROCEDURE TO AMEND**

- A. The Board of Supervisors may from time to time amend this Ordinance. Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance as per the provisions of the Pennsylvania Municipalities Planning Code, Section 504. In addition, in case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) calendar days prior to the date fixed for the public hearing on such proposed amendment. Each such amendment to the Subdivision and Land Development shall be submitted to the County Planning Commission thirty (30) calendar days prior to the scheduled public hearing for a review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the person or entity requesting the amendment. The Board of Supervisors shall not approve an amendment to this Ordinance until the County report is received, or until the expiration of thirty (30) calendar days from the date the amendment was forwarded to the County.
- B. Within thirty (30) calendar days of adoption, the Board of Supervisors shall forward a certified copy of any amendment to this Ordinance to the Beaver County Planning Commission.
- C. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than sixty (60) calendar days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the municipal solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - (2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- D. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) calendar days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

- E. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

## **ARTICLE XIV APPEALS**

### **§1400 RECONSIDERATION**

Any person aggrieved by a finding, decision or recommendation of the Board of Supervisors may present additional relevant information and request reconsideration of the original findings, decision or recommendation, upon written request, within thirty (30) calendar days of notification of the Board of Supervisors' decision.

### **§1401 APPROVAL REFUSED BY BOARD**

- A. In a case where the Board of Supervisors shall refuse to approve any plans submitted to them, in accordance with this Subdivision and Land Development Ordinance, any person aggrieved by the action of the Board of Supervisors may, within thirty (30) calendar days after such action, appeal therefrom by petition to the Beaver County Court of Common Pleas.
- B. The action of the Board of Supervisors or of the Beaver County Court of Common Pleas in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the Office of the Beaver County Recorder of Deeds.

### **§1402 MEDIATION OPTION**

The Township may offer a mediation option as an aid in completing proceedings authorized by this Ordinance for approval of subdivision or land development plans. The Township and all mediating parties shall follow the procedures outlined in Section 908.1 of the Pennsylvania Municipalities Planning Code, as amended.

## ARTICLE XV

### FEES

#### §1500 FEE TO ACCOMPANY APPLICATION FOR REVIEW AND APPROVAL OF PLANS

- A. All applications of plans of subdivision and plans of land development, submitted for review and approval, shall be accompanied by a fee, in accordance with a schedule of fees and charges, established, and adopted by resolution of the Board of Supervisors. Such fee will be used to help defray any costs that may be incurred by the Township in viewing and inspecting the site of the subdivision or land development, and the costs of professional consultants in the review of the application data and the plans submitted relative to the same.
- B. The schedule of fees and charges established or to be established shall vary, and be regulated in accordance with the scope and complexity of the plan of subdivision and land development project, such as:
  - (1) Number of parcels or lots in plan,
  - (2) Site development plans,
  - (3) Utility development plans,
  - (4) Applicant's plan of construction and development of the land, structures and facilities thereon, and appurtenant thereto, and
  - (5) The number of times that a plan is submitted or resubmitted by the applicant for review by the professional consultant and a request for approval of the same.
- C. Where a plan of subdivision or land development has for any reason been rejected by the Board of Supervisors, the applicant, when resubmitting plans and application for review and approval of the same, shall be required to pay a fee as set forth in the Township's schedule of fees and charges for such submittals.
- D. All fees shall be made payable to the Secretary of the Township. All fees submitted are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee submitted.
- E. The Board of Supervisors shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than forty-five (45) calendar days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant that such fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within forty-five (45) calendar days shall be a waiver of the applicant's right to arbitration of that bill under Section 510 of the Pennsylvania Municipalities Planning Code, as amended.
- F. In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant



and the Township shall follow the procedure for dispute resolution set forth in Section 510 of the Pennsylvania Municipalities Planning Code, as amended, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

- G. Subsequent to a decision on an application, the Board of Supervisors shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

**ARTICLE XVI**  
**CERTIFICATES, ACKNOWLEDGEMENTS, APPROVALS**

**§1600. CERTIFICATES, ACKNOWLEDGEMENTS, APPROVALS**

The certificates acknowledgements and signature blocks that follow shall be inscribed on the subdivision or land development plan as quoted and shall be properly signed and attested when the plan is submitted to the Board of Supervisors. All certificates shall be placed on the final plan in an arrangement suitable for placement of all required seals.

**OWNER'S ADOPTION**

KNOW ALL MEN BY THESE PRESENTS, that (I, We)

\_\_\_\_\_ of the  
(Name of Owner or Owners)

(City, Borough, Township) of \_\_\_\_\_ County of  
State of \_\_\_\_\_, for (myself, ourselves), (my, our)

heirs, executors, administrators and assigns, do hereby adopt this as (my, our) Plan of Subdivision of (my, our) property, situate in the Township of New Sewickley, County of Beaver and Commonwealth of Pennsylvania, and for divers advantages accruing to (me, us) do hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, streets, lands, rights-of-way, easements, ways and other public highways shown upon the Plan, with the same force and effect as if the same had been opened through legal proceedings and in consideration of the approval of said plan and any future acceptance of said public highways, right-of-way and easements by said County of Beaver and Township of New Sewickley,

(I or We), \_\_\_\_\_  
(Name of Owner or Owners)

hereby agree to and by these presents do release and forever discharge said County of Beaver and said Township of New Sewickley, their successors or assigns, from any liability for damages arising and to arise from the appropriation of said ground for public highways, and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon

\_\_\_\_\_ (my our) heirs, executors,  
(Name of Owner or Owners)

administrators and assigns and purchasers of lots in this plan.

IN WITNESS WHEREOF, (I or WE) HEREUNTO SET (MY, OUR) HANDS AND SEALS THIS \_\_\_\_\_ day of

\_\_\_\_\_, A.D., 20 \_\_\_\_\_

\_\_\_\_\_  
(Owner or Owners) SEAL

\_\_\_\_\_  
(Owner or Owners) SEAL

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ day of \_\_\_\_\_

A.D., 20 \_\_\_\_\_ .

My Commission Expires the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_

The foregoing adoption and dedication is made by

\_\_\_\_\_  
(Name of Individual or Corporate Owner)

with the full understanding and agreement that the approval of the Board of Supervisors of the Township



### CORPORATION ADOPTION

KNOW ALL MEN BY THESE PRESENTS, that \_\_\_\_\_  
(Name of Corporation)

a corporation, by virtue of a resolution of the Board of Directors, thereof does hereby adopt this as its plan of lots of its property situate in the Township of New Sewickley, Beaver County, Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use and for highway purposes, all drives, roads, streets, lands and ways and other public highways shown upon the plan with the same force and effect as if the same has been opened through legal proceedings, and in consideration of the approval of said plan and any future acceptance of said public highways by the said Township of New Sewickley, its successors or assigns from any liability for damage arising and to arise from the appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon

\_\_\_\_\_  
(Name of Corporation)  
its successors and assigns and purchasers of lots in this plan.

IN WITNESS WHEREOF, the said corporation has caused its corporate seal to be affixed by the hand of its president and the same to be attested by its secretary this \_\_\_\_\_ day of \_\_\_\_\_ AD, 20 \_\_\_\_\_

ATTEST: \_\_\_\_\_  
(Name Of Corporation)

\_\_\_\_\_  
(Secretary)

\_\_\_\_\_  
(President)

The foregoing adoption and dedication is made by \_\_\_\_\_

\_\_\_\_\_  
(Name of Individual or Corporate Owner)

with the full understanding and agreement that the approval of the Board of Supervisors of the Township of New Sewickley, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds Office of Beaver County, County Court House, Beaver, Pennsylvania, within ninety (90) calendar days of the date of said approval.







**OWNERS ACCEPTANCE OF RESPONSIBILITY FOR PROVIDING  
STORMWATER DRAINAGE FACILITIES AND CONTROL OF STORMWATER DRAINAGE**

KNOW ALL MEN BY THESE PRESENTS, that (I, We) \_\_\_\_\_  
of the New Sewickley Township, County of Beaver, Commonwealth of Pennsylvania, for ourselves, our heirs, executors,  
administrators and assigns, and for our grantees and their subsequent purchasers, do hereby accept full and complete  
responsibility, liability, expense and provision of facilities for the control of stormwater drainage over, across and through this  
Subdivision of land until such time as (I or We), our heirs, executors, administrators and assigns construct stormwater drainage  
facilities in accordance with the Board of Supervisors specifications and requirements and the same is officially accepted by  
action of New Sewickley Township, and until such formal acceptance (I or We) for ourselves, our heirs, executors,  
administrators, and assigns do hereby release New Sewickley Township from any responsibility in connection therewith. This  
acceptance of responsibility shall be binding upon \_\_\_\_\_  
our heirs, executors, administrators and assigns, and all purchasers of lots in this plan of subdivision.

IN WITNESS WHEREOF, WE HEREUNTO SET OUR HANDS AND SEALS THIS \_\_\_\_\_ day of

\_\_\_\_\_, A.D., 20

\_\_\_\_\_  
(Owner or Owners) SEAL

\_\_\_\_\_  
(Owner or Owners) SEAL

WITNESS MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ day of \_\_\_\_\_

A.D., 20 \_\_\_\_\_ .

\_\_\_\_\_  
(Notary Public) (SEAL)

My Commission Expires the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_ a Professional Land Surveyor of the Commonwealth of Pennsylvania, do hereby certify that this plan correctly represents the lots, lands, streets and highways as surveyed and plotted by me for the owners or agents, and that all property monumentation/iron pins shown on the plan actually exist or will be set in the field.

(SEAL)

\_\_\_\_\_  
(Surveyor)  
\_\_\_\_\_  
(Registration No.)  
\_\_\_\_\_  
(Date)

**HIGHWAY OCCUPANCY PERMIT REQUIREMENT**

This plat requires a Highway Occupancy Permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law." Approval of the New Sewickley Township Planning Commission and Board of Supervisors are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to application for a Highway Occupancy Permit.

**APPROVAL BY TOWNSHIP PLANNING COMMISSION**

Reviewed and approved by the New Sewickley Township Planning Commission this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Secretary) (Chairman)

SEAL:

**APPROVAL BY BOARD OF SUPERVISORS OF NEW SEWICKLEY TOWNSHIP**

The Board of the Township of New Sewickley, Beaver County, Pennsylvania, hereby approves this plan of subdivision for recording purposes only. This approval by the Township of New Sewickley does not constitute an acceptance of the roads, streets, storm and sanitary drainage facilities, easements or rights-of-way, water mains or any other services or improvements shown on this plan, nor an assumption of maintenance responsibility, nor will the same be accepted or maintained until constructed in accordance with all Township specifications and requirements and officially accepted by action of the Board of Supervisors. This approval shall in no way be deemed an authorization to commence construction or related activities. This plan of subdivision approved by resolution of the Board of Supervisors of the Township of New Sewickley, Beaver County, PA, on this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
(Secretary) (Chairman)

SEAL:

**TOWNSHIP ENGINEER'S CERTIFICATE**

I, \_\_\_\_\_, a Registered Professional Engineer, certify that this plan meets applicable engineering and design requirements of the current applicable standards and ordinance provisions of New Sewickley Township, except as departures have been authorized by appointed or elected officials of the Township.

(SEAL)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Registration No.)

\_\_\_\_\_  
(Date)

**ARTICLE XVII**  
**ENFORCEMENT REMEDIES**

**§1700 VIOLATIONS**

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating 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.
  
- B. 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. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**§1701 SEVERABILITY**

- A. Should any section, clause, provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of this Ordinance.
  
- B. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such invalid or unconstitutional provisions not been included herein, and the remaining portions of this Ordinance shall remain in effect as though the portion declared invalid or unconstitutional had never been a part hereof.

**§1702 REPEALER**

All resolutions, ordinances, or part of resolutions or ordinances inconsistent herewith are hereby repealed.

**§1703 EFFECTIVE DATE**

Effective date of this Ordinance, as amended, shall be \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**§1704 ENACTED**

Enacted and ordained into an Ordinance by the Board of Township Supervisors this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_.

ATTEST:

TOWNSHIP OF NEW SEWICKLEY  
BOARD OF SUPERVISORS

\_\_\_\_\_  
(Manager/Secretary)

\_\_\_\_\_  
(Chairman)

\_\_\_\_\_  
(Supervisor)

\_\_\_\_\_  
(Supervisor)

\_\_\_\_\_  
(Supervisor)

\_\_\_\_\_  
(Supervisor)

| <b>TABLE NO. 1 OF APPENDIX A</b>   |  |  |   |
|--|--|--|---|
| <b>TABLE OF STREET SPECIFICATIONS</b>  |  |  |   |
| <b>TYPE</b>  | <b>ARTERIAL<br/>STREETS</b>                          | <b>COLLECTOR<br/>STREETS</b>                         | <b>LOCAL<br/>STREETS</b>                            |
| Right-of-way width (feet)  | 60   | 50   | 50  |
| Cartway paving width (feet) (not including curb width where applicable)        | 30*  | 24*  | 20*   |
| Maximum centerline grade (minimum grade no less than 1% for all streets)       | 6%   | 8%   | 10%   |
| Minimum angle for intersection   | 80   | 80   | 75  |
| Minimum curb radius (feet)   | 45   | 40   | 20  |
| Grades for <u>50</u> feet before intersection                                  | 3%   | 3%   | 3%  |
| Sight triangles (distance along sides of through street/stop street) (feet)*** | 500<br>/30   | 400<br>/30   | 250<br>/25  |
| Horizontal curvature ( <u>centerline radius</u> )                              | 11°-15' max<br>(509'R)<br>4°-15' desired<br>(1348'R) | 21°-00' max<br>(272'R)<br>11°-15' desired<br>(509'R) | 50°-00' max<br>118'R)<br>21°-00' desired<br>(272'R) |
| <u>Vertical curvature</u>  | 150' min<br>(plus **)                                | 100' min<br>(plus **)                                | 50' min<br>(plus **)                                |
| Sight distance (stopping)  | <u>60 mph</u><br>625'                                | <u>50 mph</u><br>525'                                | <u>40 mph</u><br>325'                               |
|  |  |  | <u>30 mph</u><br>215'                               |

\* Add eight foot (8') for a parking lane where off-street parking is not provided

\*\* Vertical curves shall be increased twenty feet (20') in length for each one percent (1%) of grade change exceeding three percent (3%).

\*\*\* Sight triangles for state highways shall comply with PaDOT Design Manual No. 2 and Pub. 282 (Highway Occupancy Permit Handbook).

| <b>TABLE NO. 2 OF APPENDIX A</b>        |                                    |   |         |                                     |         |
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| <b>TABLE OF DRIVEWAY SPECIFICATIONS</b> |                                    |   |         |                                     |         |
| <b>ITEM</b>                             | <b>EXPECTED # VEHICLES PER DAY</b> | <b>SINGLE UNIT TRUCKS &amp; PASSENGER CARS</b>            |         | <b>BUSES AND COMBINATION TRUCKS</b> |         |
|   |                                    | ROADWAY SPEED   |         | ROADWAY SPEED                       |         |
|   |                                    | <45 MPH   | 45 MPH> | <45 MPH                             | 45 MPH> |
| Minimum Driveway Width                  | less than 25                       | 10  | 10      | 12                                  | 12      |
|   | 25-750 one way                     | 10  | 12      | 12                                  | 12      |
|   | 25-750 two way                     | 20  | 20      | 22                                  | 22      |
|   | 750-1,500                          | 24  | 24      | 24                                  | 24      |
|   | >1,500                             | Design as PennDOT High Volume Driveway – Current Criteria |         |                                     |         |
| Minimum Radius                          | less than 25                       | 10  | 10      | 35                                  | 40      |
|   | 25-750 one way                     | 10  | 15      | 35                                  | 45      |
|   | 25-750 two way                     | 10  | 15      | 35                                  | 45      |
|   | 750-1,500                          | 15  | 15      | 45                                  | 50      |
|   | >1,500                             | Design as PennDOT High Volume Driveway – Current Criteria |         |                                     |         |

Additional General Driveway Requirements:

1. Driveways shall enter public or private streets at safe locations, not less than fifty linear feet (50') from the centerlines of any intersecting roadways, and in no case within the curb radius.
2. Driveways shall have a stopping distance, measured twenty feet (20') behind the right-of-way line, with a longitudinal grade not exceeding four percent (4%) wherever possible.
3. Driveway profiles shall be prepared by a Professional Land Surveyor or Registered Professional Engineer and extend from the centerline of the abutting road or street right-of-way to a point twenty-five feet (25') past the recorded right-of-way line toward the building setback line on the abutting lot, tract or parcel.

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