

Franklin Township
Butler County

SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE

2018

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Part 1 - General Provisions

Section 101: Short Title

- A. Short title. This Ordinance shall be known as the "Franklin Township Subdivision and Land Development Ordinance" and/or the "SALDO."

Section 102: Purpose

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

Section 103: Authority

- A. Enabling Authority/Adoption. Franklin Township, in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. 10101 et seq. (MPC), enacts the following Ordinance to regulate the subdivision and development of land in Franklin Township, Butler County.
- B. Separability. Any Section, Subsection, or provision of this Ordinance that is declared to be invalid by a court of competent jurisdiction shall not affect the validity of any other part of this Ordinance or the Ordinance as a whole.

Section 104: Jurisdiction and Liability

- A. Approval Authority. The authority for the control and regulation of subdivision and land development within the Township shall be as follows:
- 1) Submission to the Zoning Officer. The Zoning Officer shall have the authority to receive applications for subdivision or land development, to determine the completeness of the applications, and to forward complete applications to the Township Engineer and others as provided for in Part 3 – Application Procedures and Modifications.
 - 2) Review by the Township Planning Commission. Plans for subdivision or land development shall be submitted to the Township Planning Commission for review and recommendation, as provided for in Part 3 – Application Procedures and Modifications and Part 4 – Submission Requirements. Said filing date shall take place before approval of any plans by the Township Board of Supervisors. However, if such a recommendation is not received from the Township Planning Commission within thirty (30) days after the official filing date, the Board of Supervisors may proceed without the report.
 - 3) Approval by the Board of Supervisors. The Board of Supervisors shall be vested with authority to approve or disapprove all subdivision or land development plans, as provided for in this Ordinance.
 - 4) Review by the Butler County Planning Commission. Plans for subdivision or land development located within the Township shall be submitted to the Butler County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.
- B. Liability. The review or approval of a subdivision or land development by the Township in accordance with the provisions of this Ordinance shall not constitute a guarantee and shall create no liability upon the Township, its officials, or employees.

Section 105: Effect

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

- 2) The removal of any land described on the deed, where the deed is comprised of multiple tracts, lots, parcels, and the like, for the purpose of constructing a new additional deed.
 - 3) The elimination of any deed covenant required to provide or demonstrate compliance with the provisions of this Ordinance.
 - 4) The addition of any deed covenant which conflicts, whether directly or indirectly, with the provisions of this Ordinance.
- C. Approved Applications. No provision of this Ordinance shall adversely affect the right of an Applicant to complete any aspect of a plan that was approved prior to the effective date of this Ordinance in accordance with the terms of such approval within five (5) years from the date of first approval.

Section 106: Interpretation and Relationship to Other Provisions

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

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Part 2 - Definitions

Section 201: General Terms

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

Section 202: Specific Terms

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

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

ACCESS – A means of vehicular approach or entry to or exit from a LOT, SITE, or PARCEL.

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

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

AGRICULTURAL OPERATION – As defined in the Franklin Township Zoning Ordinance.

APPLICANT – A land owner or developer, as herein defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of CONSTRUCTION or

DEVELOPMENT including but not limited to an application for a building permit, for the approval of a SUBDIVISION PLAT or PLAN or for the approval of a DEVELOPMENT PLAN.

ARCHITECT – An architect registered by the Commonwealth of Pennsylvania. See "REGISTERED PROFESSIONAL."

ARTERIAL STREET – See "STREET TYPES."

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

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

BERTH – See "LOADING BERTH."

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

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

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

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

BUFFER – As defined in the Franklin Township Zoning Ordinance, as amended.

BUFFER AREA/ BUFFER YARD/ BUFFER ZONE – As defined in the Franklin Township Zoning Ordinance, as amended.

BUILDING – See "STRUCTURE."

BUILDING CODE – Franklin Township's adopted Uniform Construction Code (UCC) (Ordinance No. 81 adopted June 7, 2004, as amended).

BUTLER COUNTY CONSERVATION DISTRICT – The administrative agency charged with the responsibilities of conserving, promoting, and improving Butler County's natural resources.

BUTLER COUNTY EMERGENCY SERVICES DEPARTMENT – The administrative agency charged with the responsibilities of supporting the citizens and first responders of Butler County.

BUTLER COUNTY PLANNING COMMISSION – The administrative agency charged with the responsibility of planning on behalf of Butler County.

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

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

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

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

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

COLLECTOR STREET – See “STREET.”

COMMON OPEN SPACE – A LOT, PARCEL, or parcels of land or any body of water, portions thereof or a combination thereof within a development site for the use and enjoyment of residents of a development, not including STREETS, OFF-STREET PARKING AREAS, and areas set aside for public facilities.

CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a STRUCTURE, including the placement of MOBILE HOMES.

CONSTRUCTION STANDARDS – The Franklin Township Construction Standards, as adopted by resolution.

COUNTY – The County of Butler, Pennsylvania.

COUNTY PLANNING AGENCY – The Butler County Planning Commission.

CROSSWALKS – A RIGHT-OF-WAY that furnishes a pedestrian connection at locations including street intersections, parking lots, and other locations to provide safe, convenient access for pedestrians to adjacent streets or properties.

CUL-DE-SAC – See “STREET.”

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

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

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

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

DETENTION BASIN – As defined in the Franklin Township Stormwater Management Ordinance, as amended.

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

DEVELOPER’S AGREEMENT – The agreement between Franklin Township and the Applicant which is required for final approval of an application for development that shall state all conditions for development and shall establish the responsibilities of the parties to the agreement including financial security, sequencing, scheduling, and provision of public improvements required prior to release of guarantees.

DEVELOPMENT – See “LAND DEVELOPMENT.”

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

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

DRAINAGE CONVEYANCE FACILITY – As defined in the Franklin Township Stormwater Management Ordinance, as amended.

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

DRAINAGEWAY – As defined in the Franklin Township Stormwater Management Ordinance, as amended.

DRIVEWAY – A private, vehicular passageway that provides access from a public or private street to the parking area of a single-family dwelling, or private garage, or any part of a private abutting lot.

DRIVEWAY, COLLECTOR – A private, vehicular passageway that provides access from a public or private street to townhomes, duplexes, multifamily dwellings, parking lots, or commercial structures.

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

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

ELECTRONIC NOTICE – Notice given by a municipality through the internet of the time and place of a PUBLIC HEARING and the particular nature of the matter to be considered at the HEARING.

ENGINEER – A professional engineer registered by the Commonwealth of Pennsylvania. See "REGISTERED PROFESSIONAL."

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

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

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

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

FEMA – The Federal Emergency Management Agency.

FENCE – As defined in the Franklin Township Zoning Ordinance, as amended.

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

FINAL PLAN – See “PLAN, FINAL.”

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

FLAG LOT – As defined in the in the Franklin Township Zoning Ordinance, as amended. See “LOT, FLAG.”

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

FLOODPLAIN ORDINANCE – Franklin Township’s Floodplain Management Ordinance (No. 38 adopted September 9, 1986, as amended) or any other replacement ordinance that is adopted by the Township.

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

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

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

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

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

GRADING PERMIT – A permit issued by the Township to authorize work to be performed in compliance with, and as required by, this Ordinance.

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

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

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

HEARING – See “PUBLIC HEARING.”

IMPERVIOUS SURFACE OR IMPERVIOUS AREA – As defined in the Franklin Township Stormwater Management Ordinance, as amended.

IMPERVIOUS SURFACE RATIO – The total area of a LOT or SITE occupied by impervious surfaces divided by the LOT or SITE AREA.

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

TYPE OF IMPROVEMENTS:

IMPROVEMENTS, OFF-SITE – Public improvements which are not on-site IMPROVEMENTS and that serve the need of more than one (1) DEVELOPMENT.

IMPROVEMENTS, ON-SITE – An IMPROVEMENT constructed on an Applicant's property, or the improvements constructed on the abutting property necessary for the ingress and/or egress to the Applicant's property, that are required to be constructed by the Applicant pursuant to regulations within this Ordinance.

IMPROVEMENTS, PRIVATE – An IMPROVEMENT or related facilities to be constructed on an Applicant's property that will be operated and maintained by a private entity, but which must be constructed in accordance with the Township's Construction Standards and the provisions of this Ordinance.

IMPROVEMENTS, PUBLIC – All improvements or related facilities to be dedicated and/or maintained by the Township and subject to the Township's Construction Standards and the provisions of this Ordinance.

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

LAND DEVELOPMENT – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous LOTS, tracts, or parcels of land for any purpose involving:
 - a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
2. Subdivision of land.
3. The following shall not be considered a land development in accordance with § 503(1.1) of the MPC, 53 P.S. §10503(1.1), as amended:
 - a) The conversion of an existing single-family detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
 - c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this exemption, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until the initial plans for the expanded area have been approved by the Township.

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

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

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation as required within this Ordinance.

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

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

LANE – See “STREET TYPES.”

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

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

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

LOT LINE TYPES – See the definition provided in the Franklin Township Zoning Ordinance, as amended. Lot lines include front, side, and rear lot lines.

LOT LINE REVISION or REDIVISION – See “SUBDIVISION, LOT LINE REVISION.”

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

LOT TYPES – See the definition and diagram provided in the Franklin Township Zoning Ordinance, as amended. Lot types include corner lots, flag lots, interior lots, and double frontage lots.

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

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

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

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

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

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

MOBILE HOME – Manufactured housing that is a transportable, single family dwelling intended for permanent occupancy 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 (2) or more MOBILE HOME lots for the placement thereon of mobile homes.

MODIFICATION – A change, granted to an Applicant/developer by the Board of Supervisors, to the minimum standards of this Ordinance and in accordance with § 512.1 of the Pennsylvania Municipalities Planning Code. Said change may be granted only when the literal compliance with mandatory provisions of this Ordinance is demonstrated by the developer to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

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

MPC – See “PENNSYLVANIA MUNICIPALITIES PLANNING CODE.”

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

MUNICIPALITY – Franklin Township, Butler County, Pennsylvania.

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

OPEN SPACE – See “COMMON OPEN SPACE.”

OWNER – See “LANDOWNER.”

PA DEP – Pennsylvania Department of Environmental Protection.

PARCEL – See “LOT.”

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

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

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

PERCOLATION (PERC) TEST – See “SOIL PERCOLATION TEST.”

PERFORMANCE GUARANTEE – See “FINANCIAL SECURITY.”

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

PLANNING COMMISSION – The Franklin Township Planning Commission.

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

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

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

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

PRIVATE STREET – See “STREET, PRIVATE.”

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

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

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

PUBLIC IMPROVEMENTS – See “IMPROVEMENTS, PUBLIC.”

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

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

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

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

other parties to any proceeding upon request and copies thereof shall be provided at cost of reproduction.

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

RIGHT-OF-WAY (ROW) – Land set aside for use as a street, alley, or other means of travel, as required by this Ordinance and the Township Construction Standard Details. Also see “EASEMENT.”

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

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

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

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

SIGHT TRIANGLE – See “CLEAR SITE TRIANGLE.”

SIGN – As defined in the Franklin Township Zoning Ordinance, as amended.

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

SITE AREA – The total area in a site as determined by a survey prepared by a registered surveyor. The total site area may include multiple lots. Also see “LOT AREA” as defined in the Township’s Zoning Ordinance.

SITE LAYOUT PLAN or SITE PLAN – Preliminary or final plans for subdivision or land development applications which are prepared by a registered professional licensed to practice in the Commonwealth of Pennsylvania. The site plan shall be prepared in accordance with the requirements and the design standards of this Ordinance. See also “PLAN, FINAL” and “PLAN, PRELIMINARY” as defined within this Ordinance. Preliminary or final site plans are distinct from the “FINAL PLAT” for recording.

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

SOIL PERCOLATION TEST – A test designed to determine the ability of ground to absorb water that is used to determine the suitability of a soil for drainage or for the use of an on-site sewage disposal system. Percolation tests shall conform to the guidelines established by the Sewage Enforcement Officer (SEO) appointed by the Board of Supervisors and licensed by the Pennsylvania Department of Environmental Protection.

STEEP SLOPES – Any land area with a grade that exceeds a ratio of three (3) horizontal to one (1) vertical (3:1) or a percent slope of thirty-three percent (33%).

STORMWATER MANAGEMENT FACILITIES – As defined in the Franklin Township Stormwater Management Ordinance.

STORMWATER ORDINANCE – The Franklin Township Stormwater Management Ordinance (Ordinance No. 88 adopted May 2, 2011, as amended).

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

TYPE OF STREETS:

ALLEY – A private right-of-way that provides secondary access to a property or properties which is not the only means of access for any property, and is not intended for general traffic circulation.

STREET, ARTERIAL – A public street that serves large volumes of high-speed and long-distance traffic and includes facilities classified as main or secondary highways by the Pennsylvania Department Of Transportation. The Board of Supervisors shall establish, from time to time, a list of arterial streets by resolution.

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

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

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

STREET, PRIVATE – A recorded, private RIGHT-OF-WAY that provides vehicular access and that is privately owned.

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

STREET FRONTAGE – See the definition for “LOT FRONTAGE” in the Township Zoning Ordinance.

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

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

SUBDIVISION – The division or redivision of a lot, tract, or parcel of land (by any means), into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose (whether immediate or future) of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres (not involving any new street or easement of access or residential dwellings) shall be exempted.

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

SUBDIVISION, MAJOR – Any subdivision not classified as a minor subdivision that proposes the subdivision or development of six (6) or more lots.

SUBDIVISION, MINOR – A subdivision of a parcel into five (5) or less lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other Township facility.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required IMPROVEMENTS for which financial security was posted pursuant to Part 5 – Financial Security) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

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

SURVEY MARKER – A metal pipe or pin installed to delineate a specific location along a boundary or property line of a parcel of land or development.

SURVEY MONUMENT – A concrete post installed to delineate a specific location along a boundary or property line of a parcel of land or development.

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

UTILITY – Utilities include, but are not limited to, electric, water, stormwater conveyance systems, phone, gas, and cable lines.

WAVIER – See “MODIFICATION.”

YARD – As defined in the Franklin Township Zoning Ordinance, as amended.

ZONING DISTRICT – As defined in the Franklin Township Zoning Ordinance, as amended.

ZONING OFFICER – As defined in the Franklin Township Zoning Ordinance, as amended.

ZONING ORDINANCE – The Franklin Township Zoning Ordinance (as adopted concurrently with this Ordinance).

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

Part 3 – Application Procedures and Modifications

Section 301: General

- A. The purpose of this Part is to specify the procedures for review and approval of proposed subdivisions and land developments. The four (4) types of approvals include:
 - 1) Lot Line Revision Approval
 - 2) Minor Subdivision Approval
 - 3) Major Subdivision or Land Development Preliminary Approval
 - 4) Major Subdivision or Land Development Final Approval
- B. The review of an application for completeness shall not constitute a waiver of any deficiencies, irregularities, or required items not submitted.
- C. All fees for application processing, staff time, and engineering review shall be paid at the time the application is submitted. The application shall be judged incomplete until all such fees, escrow deposits, and guarantees are certified as paid.
- D. All applications shall demonstrate conformance with the design standard requirements of this Ordinance.
- E. After the official filing of an application and while a decision is pending, no change in any zoning, subdivision, or other governing ordinance or plan shall affect the decision on the application adversely to the Applicant. The Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.
- F. The Applicant shall deliver all applications for subdivision and land development to the Butler County Planning Commission for review and report. The Applicant shall pay any fees directly to the county, if required by the Butler County Planning Commission.
 - 1) The Township Planning Commission may require that any application be resubmitted to the Butler County Planning Commission for review if significant revisions are made to the plans after the county report has been issued.
 - 2) The Board of Supervisors shall not approve any such application until the Butler County Planning Commission report has been received or until the expiration of thirty (30) days from the date the application was submitted to the county.

Section 302: Lot Line Revision or Minor Subdivision Approval

- A. Applicability. The procedures in this Section shall be used for applications that fulfill the following requirements:
 - 1) Lot Line Revision

- a) The subdivision only involves the revision of lot lines on previously recorded lots of record either transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.
 - b) The subdivision does not involve any new public or private streets, or the extension of a utility or other public improvements.
- 2) Minor Subdivision
- a) A subdivision of a parcel into five (5) or less lots.
 - b) The subdivision does not involve a planned residential development.
 - c) The subdivision does not involve any new public or private streets or the extension of a utility or other public improvements.
- 3) Exclusions:
- a) Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed a major subdivision with the exception of lot line revisions or minor subdivisions.
- B. Submission requirements. Lot line revisions and minor subdivision applications shall submit all materials as required within Table 1: Submission Requirement Chart and Part 4 – Submission Requirements.
- C. Initial Procedures. Applications for lot line revisions and minor subdivisions shall follow the procedures listed below and shall only require final approval of the application.
- 1) Filing. An application for approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Zoning Officer Completeness Review.
 - a) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
 - (i) The Zoning Officer shall review the application to determine whether all materials as required by Table 1: Submission Requirement Chart and any other relevant Township Ordinances have been submitted by the Applicant.
 - (ii) The Completeness Review shall not include a technical review of the submitted materials.
 - (iii) Incomplete applications shall be returned to the Applicant with a letter detailing the required items not submitted.
 - (iv) Complete applications shall be given an official filing date and may proceed with Section 302.D.

- 3) Official Filing Date. The official filing date for complete approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.

D. Procedures for Complete Applications.

- 1) Zoning Officer. Once deemed complete, the Zoning Officer shall review the application for conformance with the provisions of this Ordinance and forward complete applications to the Township Engineer and Planning Commission for review.
- 2) Township Engineer. The application may also be forwarded to the Township Engineer for review and comment. The Township Engineer shall submit a report and recommendation on the application if requested.
- 3) Township Planning Commission. The Township Planning Commission shall make a written recommendation to the Township Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for approval. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance, or other applicable ordinances that have not been met.
- 4) Board of Supervisors.
 - a) Decision Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer, and the Butler County Planning Commission, the Township Board of Supervisors shall take one of the following actions:
 - (i) Approve the application.
 - (ii) Approve the application with conditions. An application may be granted approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinance. These conditions shall be included in the written communication to the Applicant. In addition, such written communication shall include notification that unless the Applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
 - (iii) Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
 - b) Decision Deadline. The Board of Supervisors shall render its decision and communicate it no later than ninety (90) days following the official filing date.
 - (i) Failure of the Township Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required by law shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time.

- (ii) Time Extension. If the Township Board of Supervisors and Applicant mutually agree to additional time to consider the application for final approval, the Applicant shall be requested to waive the ninety (90) day time limitation established by law and grant the Township Board of Supervisors an additional review period.
 - c) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the Applicant personally or mailed to the Applicant address on the application forms prescribed by the Township no later than fifteen (15) days following the decision.
- 5) Applicant.
- a) Response to Approval with Conditions. Within thirty (30) days of the granting of approval with conditions by the Board of Supervisors, the Applicant shall notify the Township in writing of the acceptance or rejection of the conditions of approval. If the Applicant does not so notify the Township within thirty (30) days of approval, the approval with conditions shall automatically be rescinded without written notice to the Applicant.

Section 303: Major Subdivisions or Land Development Preliminary Approval

- A. Applicability. The procedures in this Section shall be used for all major subdivision or land development applications that fulfill the following requirements:
- 1) Major Subdivision
 - a) The subdivision is not classified as a minor subdivision or is proposing the subdivision of six (6) or more lots.
 - 2) Land Development
 - a) The proposed site improvements qualify as land development, as defined herein.
- B. Submission Requirements. Major subdivision and/or land development applications shall submit all materials as required within Table 1: Submission Requirement Chart and Part 4 – Submission Requirements.
- C. Pre-application Conference/Sketch Plan (Optional).
- 1) Prior to submitting any application, the Applicant may at its option participate in a pre-application conference with Township staff. The purpose of this pre-application conference is to review the proposed development and development site to identify the issues which may need to be addressed in the application for preliminary approval. At the pre-application conference the Applicant may discuss applicable regulations governing the subdivision or land development of the property and the feasibility and timing of the application. No approval or disapproval shall be given.

- 2) The Applicant should provide sufficient information and plans to the Township in order to clearly convey the existing and proposed conditions of the site.
 - 3) A pre-application conference shall not constitute formal filing of any application for approval of a subdivision or land development and shall not bind the Township to approve any concept presented in the pre-application meeting.
- D. Initial Procedures. Applications for preliminary approval of major subdivision and/or land development shall follow the procedures listed below:
- 1) Filing. An application for preliminary approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Zoning Officer Completeness Review.
 - a) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
 - b) The Zoning Officer shall review the application to determine whether all materials as required by Table 1: Submission Requirement Chart and any other relevant Township Ordinances have been submitted by the Applicant.
 - c) Incomplete applications shall be returned to the Applicant with a letter detailing the required items not submitted.
 - d) Complete applications shall be given an official filing date and may proceed with Section 303.E.
 - 3) Official Filing Date. The official filing date for complete preliminary approval applications shall be the date of the next regular Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application for development, the official filing date shall be the thirtieth (30th) day following the day the complete application for development is filed.
- E. Procedures for Complete Applications.
- 1) Zoning Officer. Once deemed complete, the Zoning Officer shall forward complete applications to the Township Engineer and Planning Commission for review.
 - 2) Township Engineer. Upon receipt of the complete application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance. The Township Engineer shall submit a report and recommendation on the application to the Township.
 - 3) Township Planning Commission. The Township Planning Commission shall make a written recommendation to the Township Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for preliminary approval. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for

disapproval shall cite the specific requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance, or other applicable ordinances that have not been met.

4) Board of Supervisors.

a) Public Hearing. Before acting on any application, the Township Board of Supervisors may, or if required, hold a public hearing after public notice.

b) Decision Actions. Taking into consideration the recommendations of the Planning Commission, Township Engineer, and the County Planning Agency, the Township Board of Supervisors shall take one of the following actions:

(i) Approve the preliminary application.

(ii) Approve the preliminary application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the Applicant. In addition, such written communication shall include notification that unless the Applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.

(iii) Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.

c) Decision Deadline. The Board of Supervisors shall render its decision and communicate it no later than ninety (90) days following the official filing date.

(i) Failure of the Township Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time.

(ii) Time Extension. If the Township Board of Supervisors and Applicant mutually agree to additional time to consider the application for preliminary approval, the Applicant shall be requested to waive the ninety (90) day time limitation established by law and grant the Township Board of Supervisors an additional review period.

d) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the Applicant personally or mailed to the Applicant address on the application form prescribed by the Township no later than fifteen (15) days following the decision.

5) Applicant.

a) Response to Preliminary Approval with Conditions. Within thirty (30) days of the granting of preliminary approval with conditions by the Township Board of Supervisors, the Applicant shall notify the Township in writing of the acceptance or rejection of the conditions of approval. If the Applicant does not so notify the

Township within thirty (30) days of approval, the preliminary approval shall automatically be rescinded without written notice to the Applicant.

- b) When an application for preliminary approval has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application and the terms of Section 305: Approval of Phased Subdivision and Land Development Applications. The final plat must comply with the preliminary plan as well as conditions under which the preliminary plan was approved.
- F. Expiration of Preliminary Plan Approval. Preliminary plan approval shall expire after five (5) years in accordance with § 508(4)(ii) of the MPC, as amended.

Section 304: Major Subdivisions and/or Land Development Final Approval

- A. Applicability. The procedures in this Section shall be used for all major subdivision or land development applications if the following criteria apply:
- 1) The major subdivision or land development has previously received preliminary approval from the Township Board of Supervisors.
 - 2) The Applicant only requests final approval of the major subdivision or land development application.
- B. Submission requirements. Final approval applications for major subdivision or land development shall submit all materials as required within Table 1: Submission Requirement Chart. Upon application for final approval, the Applicant shall inform the Township in writing of their intentions regarding the completion of public improvements. See Section 426: Notification of Intent to Bond.
- C. Initial Procedures. Applications for final approval of major subdivision and/or land development shall follow the procedures listed below:
- 1) Filing. An application for final approval shall be filed with the Zoning Officer, on forms as prescribed by the Township, at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission.
 - 2) Zoning Officer Completeness Review.
 - a) Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned, the application shall be assumed to be complete.
 - b) The Zoning Officer shall review the application to determine whether all materials as required by Table 1: Submission Requirement Chart and any other relevant Township ordinances have been submitted by the Applicant.
 - c) Incomplete applications shall be returned to the Applicant with a letter detailing the required items not submitted.

- d) The review of completeness shall not include a technical review of the submitted material.
 - e) Complete applications shall be given an official filing date and may proceed with Section 304.D.
- 3) Official Filing Date. The official filing date for complete applications shall be the date of the next regular Township Planning Commission meeting following the date of receipts and payment of the applicable filing fee for the thirtieth (30th) day following the day the complete application was received, whichever is less.

D. Procedures for Complete Applications.

- 1) Zoning Officer. Once deemed complete, the Zoning Officer shall forward complete applications to the Township Engineer and Planning Commission for review.
- 2) Township Engineer. Upon receipt of the complete application, the Township Engineer shall review the plans for conformance with the provisions of this Ordinance and shall submit a report and recommendation on the application to the Township.
- 3) Township Planning Commission. The Township Planning Commission shall make a written recommendation to the Township Board of Supervisors. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application. The Township Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval shall cite the specific requirements of the Subdivision and Land Development Ordinance, Zoning Ordinance, or other applicable codes which have not been met.
- 4) Board of Supervisors.
 - a) Public Hearing. Before acting on any application, the Township Board of Supervisors may, or if required shall, hold a public hearing after public notice.
 - b) Decision Actions. Taking into consideration the recommendations of the Township Planning Commission, Township Engineer, and the County Planning Agency, the Township Board of Supervisors shall take one of the following actions:
 - (i) Approve the final application.
 - (ii) Approve the final application with conditions. An application may be granted approval subject to specific conditions as related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the Applicant. In addition, such written communication shall include notification that unless the Applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
 - (iii) Disapprove the final application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
 - c) Considerations for Approval.

- (i) Required Fees and Deposits. No final approval shall be granted unless all required fees and deposits have been paid.
 - (ii) Other Permits. At its discretion, the Board of Supervisors may approve plans conditionally upon receipts of other agency permits including, but not limited to applicable federal, state, County, and Township permits.
 - (iii) Developer's Agreement. As a condition of final approval, the Township Board of Supervisors shall require that the Applicant execute a development agreement with the Township, in a form acceptable to the Township Solicitor. Such developer's agreement shall contain provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and to guarantee the proper installation of on-site and off-site improvements related to the subdivision or land development. Said development agreement shall be executed; the required financial security shall be posted or the required public improvements shall be completed; and all required fees shall be paid before the Township Board of Supervisors shall approve and sign the final plat for recording purposes.
- d) Decision Deadline. The Board of Supervisors shall render its decision and communicate it no later than (90) days following the official filing date.
- (i) Failure to Render Decision by Deadline. Failure of the Township Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required by law shall be deemed a final approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time.
 - (ii) Time Extension. If the Township Board of Supervisors and Applicant mutually agree to additional time to consider the application for final approval, the Applicant shall be requested to waive the ninety (90) day time limitation established by law, and grant the Board of Supervisors an additional review period.
- e) Notice of Decision. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the Applicant personally or mailed to the Applicant address on the application form prescribed by the Township no later than fifteen (15) days following the decision.
- 5) Applicant.
- a) Response to Final Approval with Conditions. Within thirty (30) days of the granting of final approval with conditions by the Board of Supervisors, the Applicant shall notify the Township in writing of his or her acceptance or rejection of the conditions of approval. If the Applicant does not so notify the Township within thirty (30) days of approval, the preliminary approval shall automatically be rescinded without written notice to the Applicant.
- E. Expiration of Final Approval. Final plan approval shall expire after five (5) years of being granted by the Board of Supervisors, unless a written extension is requested by the Applicant and granted by the Township Board of Supervisors. Any request for extension

shall be submitted in writing to the Township Board of Supervisors at least thirty (30) days prior to any prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the Township Board of Supervisors that such extension is warranted.

Section 305: Approval of Phased Subdivision and Land Development Applications

- A. Where a subdivision or land development is projected to be completed in stages over a period of years, the Applicant may submit an application(s) for final approval by phase or stage of development, subject to such requirements or guarantees for public improvements in future phases or stages of development as are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
- B. All sections or future phases must conform to the approved preliminary application. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings, or streets previously approved in the preliminary application and does not comply with the approved application for preliminary approval will require a complete resubmission of the preliminary application in accordance with Section 304: Major Subdivisions and/or Land Development Final Approval.
- C. Where the Applicant has submitted an application for preliminary approval calling for the installation of improvements over a period of more than five (5) years, a schedule shall be submitted detailing deadlines within which applications for final plan approval are intended to be filed. The Applicant shall update the final plan submission schedule on an annual basis. Any modification to the original schedule shall be subject to the approval of the Board of Supervisors.

Section 306: Combined Preliminary and Final Plan Approval

- A. Provided that all requirements of Section 303: Major Subdivisions or Land Development Preliminary Approval and Section 304: Major Subdivisions and/or Land Development Final Approval are met, an Applicant may request simultaneous preliminary and final approval of any subdivision or land development application with the following exceptions:
 - 1) Only the initial phase of a phased subdivision or land development may receive combined preliminary and final approval.
 - 2) Later phases of a phased subdivision or land development shall be submitted separately for final approval at the time of development.

Section 307: Recording of Final Plat

- A. No final plat shall be finally approved unless:

- 1) the improvements as required by this Ordinance have been installed in accordance with the standards set forth in Part 7 – Required Improvements and Design Standards. In lieu of the completion of any public improvements, and as a condition for the approval of a final plat, the Applicant shall provide, for deposit with the Township, a financial security, pursuant to Part 5 – Financial Security. Upon approval of a final plat by the Board of Supervisors, the developer shall, within ninety (90) days of such final approval or within ninety (90) days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat with the Butler County Recorder of Deeds in accordance with § 513 of the MPC, 53 P.S. § 10513, as amended.
- B. Inspection and Engineering Fees. Upon approval of a final plat by the Board of Supervisors, the developer shall provide inspection and engineering fees according to the current township fee schedule.
- C. Upon recording of the final plat in the office of the Butler County Recorder of Deeds, the developer shall deliver to the Township the following:
 - 1) One (1) digital PDF copy as recorded and certified by Butler County.
 - 2) The Customer Receipt of Recording Services issued from the Butler County Recorder of Deeds.
- D. The final plat shall be recorded with the Butler County Recorder of Deeds prior to the sale of any lots or property that is the subject of the final plat.
- E. Until final acceptance by the Board of Supervisors at a public meeting, no property or other public improvements shown on the final plat shall be deemed a part of the public improvements of the Township but on the contrary, the same shall be deemed to be private streets, parks, or public improvements until and unless the same have been accepted in accordance with law. No public improvement shall be accepted by the Township unless completed in accordance with Township ordinances.

Section 308: Final Plat Approval after Completion of Public Improvements.

- A. The following provisions outline the process for final plat approval after completion of public improvements:
 - 1) Submission of Application. The Applicant shall notify the Board of Supervisors of the intent to complete the public improvements prior to the completion of the final plat pursuant to Section 425: Final Plat for Recording.
 - 2) If the Applicant's application for final approval, not including final plat, is approved the Applicant shall complete a developer's agreement in accordance with Section 304: Major Subdivisions and/or Land Development Final Approval (G) prior to the start of any construction.
 - 3) If the Applicant's application for final approval, not including final plat, is approved and the Applicant has obtained all other permits required under Township ordinances, and county, state, or federal agencies, the Applicant may proceed to construct the public

improvements and other site improvements seventy-two (72) hours after the pre-construction conference, if held. The Zoning Officer shall then authorize the progress inspections in accordance with Part 6 – Inspection and Acceptance of Public and Private Improvements.

- 4) After the Applicant has completed the public improvements indicated in the application for final approval, the Applicant shall notify the Township, in writing, of such completion. The Applicant shall submit, together with the notification of the completion of the public improvements, the original final plat, as required in by Section 425: Final Plat for Recording, and five (5) copies of final approval application and materials as required by Section 402: Submission Requirements.
- 5) Within ten (10) days after the receipt of the submission, the Township shall authorize the Township Engineer to inspect the public improvements and the final plat and indicate to the Board of Supervisors whether the public improvements comply with applicable codes and statutes and whether the final plat complies with this Ordinance.
- 6) Within thirty (30) days of receiving such authorization, the Township Engineer shall report to the Board of Supervisors in writing, whether the completed public improvements and final plat comply with the requirements of this Ordinance. The report shall indicate approval or rejection of the improvements, whether in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.
- 7) Within forty-five (45) days after the submission of the notice of completion of the public improvements and the final plat in compliance with this Ordinance, the Board of Supervisors shall either approve or disapprove the public improvements. Acceptance of the improvements shall be in accordance with Part 6 – Inspection and Acceptance of Public and Private Improvements and shall be further subject to the posting of a maintenance guarantee required by Section 607: Posting of Maintenance Guarantee. The Board of Supervisors shall notify the Applicant in writing by certified or registered mail of the approval or rejection of improvements.
- 8) Within ninety (90) days of the submission of the final plat, the Board of Supervisors shall either approve, approve with conditions, or disapprove the final plat for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval, approval with conditions, or disapproval shall be sent to the Applicant by regular mail within fifteen (15) days of the date of the decision. If the final plat is not approved, the Board of Supervisors shall specify the defects found in the final plat and shall cite the requirements of this Ordinance, and other applicable Ordinances which have not been met. Approval of the public improvements and final plat authorizes officers of the Township to affix their signatures to the final plat for recording purposes.

Section 309: Modification Application and Approval Procedure

- A. Modification Application Requirements. Any request for a modification of a provision of this Ordinance shall be submitted in writing as part of an application for preliminary or final plan approval. All requests for modification shall be signed by the Applicant. The written request shall include:

- 1) The specific Section of this Ordinance which is requested to be modified.
- 2) The justification for the modification, stating in full the grounds and facts of unreasonableness or hardship on which the request is based, shall discuss the minimum modification necessary.
- 3) Provisions proposed as an alternate to the requirements.

B. Modification Application Procedure.

- 1) An application for a modification shall be filed with the Zoning Officer, on forms as prescribed by the Township, as part of an application for preliminary or final plan approval and at least twenty-one (21) days prior to the regular meeting of the Township Planning Commission. The application shall not be considered complete and properly filed unless or until all items required by Section 309: Modification Application and Approval Procedure (A) above have been received by the filing date.
- 2) The Zoning Officer shall review the application to determine whether all materials required by Section 309: Modification Application and Approval Procedure (A) above and any other relevant Township ordinances have been submitted by the Applicant.
- 3) The Zoning Officer shall submit one (1) copy of the application and any materials submitted therewith to the following entities for review: the Township Engineer; each member of the Board of Supervisors and Planning Commission; and any other appropriate Township personnel or professional consultant.
- 4) Any revisions, supplements, or amendments to an administratively complete application shall be filed with the Zoning Officer at least fourteen (14) calendar days prior to the date of the Planning Commission meeting in order to be considered at that meeting, or at least fourteen (14) calendar days prior to the date of the Board of Supervisors meeting in order to be considered at that meeting.

C. The Township Engineer shall review the application documents to determine compliance with this Ordinance, any other applicable Township regulations, and sound engineering practices. The Township Engineer shall prepare a written report of their findings and recommendations to the Township Board of Supervisors.

D. Township Board of Supervisors Action.

- 1) The Board of Supervisors may approve a modification if the Applicant demonstrates the following:
 - a) The literal enforcement of the subject Section(s) of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question.
 - b) The modification of the subject Section(s) of this Ordinance will not be contrary to the public interest.
 - c) The purpose and intent of this Ordinance is observed.
 - d) An alternative proposal will allow for equal or better results and represents the minimum modification necessary.

- E. In approving a modification application, the Board of Supervisors may, in its sole discretion, impose such reasonable conditions as it deems necessary to secure the objectives and purposes of this Ordinance and to protect the public interest. When a modification is granted with conditions, a statement of the approved modification, including the imposed conditions, shall be provided on the final plan.
- F. A letter indicating approval, approval with conditions, or disapproval shall be in writing and shall be mailed to the Applicant's last known address.
- G. Modifications considered by the Board of Supervisors under this Section shall relate only to the provisions of this Ordinance. All requests for variances of any aspect of the Zoning Ordinance shall remain within the sole jurisdiction of the Zoning Hearing Board.
- H. All modifications shall be listed on the cover sheet of the approved plan set as required by Section 404: Required Statements and Certifications included within Plan Set.

Part 4 – Submission Requirements

Section 401: General

- A. All applications shall include the contents as required within Table 1: Submission Requirement Chart.
- B. All subdivision and/or land development applications shall include the following number of copies of each submission requirement:
- 1) Twelve (12) copies of the formal application and project narrative.
 - 2) Five (5) sets of all required plans in a 24" x 36" format.
 - 3) Two (2) copies of all reports and supplemental material as required by Section 402: Submission Requirements.
 - 4) A digital copy of all submitted material in a PDF format.
 - 5) A digital copy of all plans in a DWG format, if required by the Township Engineer.
- C. All applications shall include any additional information that is required by the Planning Commission, Board of Supervisors, Zoning Officer, or Township Engineer to comply with the intent of this Ordinance.
- D. All plans shall be prepared and sealed by a Professional Engineer, land surveyor, or landscape architect certified and registered by the Commonwealth of Pennsylvania in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law."
- E. Filing/review fees. The fee shall be submitted in the form of a check or money order payable to Franklin Township (fee schedule available at the Township office).
- 1) Review fees shall include the necessary charges by the Township's professional consultants or Township Engineer for review and report to the Township and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer, but in no event, shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on Applicants.
 - 2) In the event the Applicant disputes the amount of any such review fees, Section 503 (1) of the Pennsylvania Municipalities Planning Code shall apply.

Section 402: Submission Requirements

- A. Table 1 establishes the required contents for each application type based on the following legend:
- – Required
 - – Required, if applicable
 - Blank cells – Not required

- B. The Township Engineer shall determine if the “applicable” materials are required with the submission.

Table 1: Submission Requirement Chart

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

Section 403: Formal Application and Project Narrative

- A. All applications for approval of a subdivision plan or land development plan shall be filed with the Zoning Officer, on forms as prescribed by the Township. The application shall include:
- 1) A detailed narrative describing the proposed project and what action is being requested from the Township.
 - 2) Any modification requests as required by Section 309: Modification Application and Approval Procedure.
 - 3) Any applicable deed restrictions, easements and/or protective covenants.
 - 4) Any application for a conditional use permit or approval of a zoning variance and/or special exception.

Section 404: Required Statements and Certifications included within Plan Set

- A. All subdivision and land development plan sets shall include the required certifications and statements listed in Appendix A: Required Certifications and Statements of this Ordinance.
- B. All approved variances and/or modifications shall be noted on the cover sheet of the plan set and the final plat for recording.

Section 405: Existing Conditions Plan and Sealed Survey

- A. The Applicant shall submit a survey of the lot certified by a Professional land surveyor. The survey shall be at a typical engineering scale that is legible on a 24" x 36" sheet. The plan shall be drawn in accordance with standard land surveying practices use standard map symbols, and clearly indicate the following:
- 1) Name of the proposed project.
 - 2) Location map showing the subdivision/land development location within the boundaries of the Township (including major transportation routes, title, north arrow and graphic scale).
 - 3) Existing lot lines, adjacent lot owner(s) names, lot and block numbers, tax parcel identification number, and recorded subdivision name with recording information.
 - 4) Name, address of current land owner(s), Applicant and firm that prepared the survey.
 - 5) Entire existing lot boundary with bearings and distances as surveyed.
 - 6) Total acreage of the entire existing land.
 - 7) Legend depicting all symbols and abbreviations used on the sheet.

- 8) Zoning information to include, but not limited to: district, minimum lot size, and density requirements.
 - 9) Streets abutting the lot, indicating names, right-of-way widths, cartway widths, and ownership (federal, state, county, municipal, or private).
 - 10) Existing and proposed easements indicating location, width, purpose, and lessee.
 - 11) Location of existing buildings, sanitary sewer, storm sewer, water, gas, petroleum, and high pressure gas lines indicating line size, manholes, fire hydrants, utilities, and other visible elements in the system on or adjacent to the lot proposed to be developed.
 - 12) Monument locations.
 - 13) Existing contours at a minimum vertical interval of two (2) feet.
 - 14) A known and established datum to which all contours elevations reference.
 - 15) Description of the lot locating proposed, existing, and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.
 - 16) Location of all existing wetlands as identified in the Wetland Report.
 - 17) All significant existing vegetation on site.
 - 18) All features (including vegetation) that will be removed in accordance with the proposed land development, if applicable.
 - a) The total area in which vegetation will be removed shall be graphically highlighted and noted on the sheet.
 - 19) Slope analysis that depicts the location of all steep slopes as defined in this Ordinance. All areas equal to or exceeding the defined steep slope gradient shall be depicted with grey shading or a pattern.
 - 20) Site location in relation to landslide prone areas as designated by the USDA Soils Report, Geotechnical Report, or available mapping.
- B. Existing conditions data required in Section 405.A (13) through Section 405.A (20) shall be optional for lot line revisions as defined in this Ordinance.

Section 406: Site Layout Plan

- A. The Site Layout Plan shall be provided in an accurate and final form. Site plans shall be submitted on sheets measuring twenty-four (24) inches by thirty-six (36) inches or larger. Surveys shall be prepared in accordance with industry standards.
- B. All site plans shall also include the following elements:

- 1) Title block, legend, name and location of the subdivision or land development, plan date, and dates of any revisions.
 - 2) The name and plan book volume and page numbers of the previously recorded plan, if any.
 - 3) The name and address of the owner of record and the developer.
 - 4) The name, address, and phone number of the firm that prepared the plans, and the name, seal, and registration number of the surveyor who prepared the plan.
 - 5) Sheet number, North arrow, and graphic scale.
- C. Site plan features. All site plans shall include building locations, parking areas, roads, and access drives in accordance with this Ordinance and the Township Zoning Ordinance. In addition, all site plans shall depict the following:
- 1) Balanced and closed tract boundaries, determined by field survey only.
 - 2) Tract boundaries, lots, right-of-way lines of all streets, easements, and other right-of-way lines with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute.
 - 3) Complete curve data for all horizontal curves included in the final plat, including radius, arc length, chord bearing, and chord distance.
 - 4) Location, type, and size of all monuments and lot line markers. State whether found, set, or to be set.
 - 5) Approved street names and street right-of-way widths.
 - 6) Setbacks and yard requirements as specified by the Township Zoning Ordinance.
 - 7) Lot numbers, lot dimensions, and lot areas in square feet.
 - 8) Building setback lines.
 - 9) Tabulation of existing and proposed site data including but not limited to: the total acreage of land to be subdivided, the number of lots, the acreage of individual lots, the acreage of the subdivision, all zoning area requirements, the acreage of proposed open space and recreation areas, the number of required and proposed parking spaces, and the number of accessible parking spaces.
 - 10) Lot and block or tax map identification numbers.
 - 11) All proposed and existing utilities including water sources/wells and any associated setback.
 - 12) Easements and rights-of-way for all public and private improvements and stormwater facilities, including widths, purposes, and limitations, if any.

- 13) Accurate dimensions, acreage, and purpose of any property to be reserved as public or common open space.
 - 14) Indication of platting of adjacent property and the names of the adjacent property owners.
 - 15) All delineated wetlands and oil/gas wells located on the site.
- D. Site plans which require access to a road under the jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required in accordance with the Act of June 1, 1945 known as the "State Highway Law."

Section 407: Phasing Plan and Schedules

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

Section 408: Circulation and Parking Plan

- A. The Applicant shall submit a circulation and parking plan demonstrating how the off-street parking requirements will be met and include the following information:
 - 1) The plan shall illustrate all existing and proposed parking for the development.
 - 2) The plan shall provide parking space counts for each parking area.
 - 3) The plan shall depict the size and location of bays, aisles, barriers, and access points into and out of the parking areas.

- 4) The plan shall depict the proposed direction of movement and illustrate circulation routes and turning radius for all emergency vehicles and any service vehicles that will be entering the development.
 - 5) The preliminary parking plan shall conform to the drawing standards as outlined for the preliminary site plan.
- B. If applicable, a shared parking analysis and/or parking study as identified in the Zoning Ordinance shall be attached to the submission.

Section 409: Grading Plan

- A. The Applicant shall submit a grading plan that illustrates all existing and proposed earthwork. The final grading plan shall also clearly delineate the following:
- 1) The proposed center line gradient of streets, including grades at intersections.
 - 2) Spot elevations and final floor elevations for all proposed improvements.
 - 3) The existing and proposed contours of the lot(s). The grading plan's contour interval shall be as follows:
 - a) Not more than two (2) foot intervals where the slope will be less than fifty percent (50%).
 - b) Not more than ten (10) foot intervals where the slope will be greater than fifty percent (50%).
 - 4) Spot elevations at all existing and proposed catch basins, manholes, headwalls and other drainage structures as shown in the post construction stormwater management plan.
 - 5) Grading within or near a stream bank, floodplain, and/or applicable setback area must be noted and if applicable, the impact the grading will have on the floodplain and its setbacks.

Section 410: Utility Plan

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

Section 411: Erosion and Sedimentation Plan and Report

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

B. NPDES authorization letter shall be provided, upon receipt.

Section 412: Stormwater Management Plan and Report

A. As required by the Township Stormwater Management Ordinance, the post construction stormwater management plans and report shall be submitted.

Section 413: Photometric Plan

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

Section 414: Landscape Plan

- A. A landscape plan shall be provided for all major subdivision and land development applications and shall contain the following:
 - 1) All proposed/existing structures and paved areas.
 - a) Structures and paved areas should be graphically screened on the plan and appear as a background element to the proposed landscaping.
 - 2) All required bufferyards and the proposed vegetation within the bufferyard.
 - 3) All proposed vegetation and planting beds.
 - a) The landscape plan shall accurately identify the location and scale of the proposed species at seventy-five percent (75%) maturity.
 - 4) Any existing trees or vegetation which are to be preserved.
 - 5) A planting schedule that communicates the common name, scientific name, quantity, and condition of all proposed vegetated material.
 - 6) Table(s) that demonstrates compliance with the bufferyard and/or landscaping provisions of this Ordinance.
 - 7) Appropriate landscape details, notes, specifications, and methods of protecting existing vegetation.
 - 8) Construction details that specify the installation of all proposed plant material.

- 9) Clear sight triangles as required by this Ordinance shall be depicted on all landscape plans.

Section 415: Construction Details

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

Section 416: Building Elevations and Other Architectural Drawings

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

Section 417: Evidence of Water Service

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

Section 418: Sewage Facilities Planning Module

- A. Where applicable, a Sewage Facilities Planning Module shall be the responsibility of the Applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.
- B. A copy of the planning module, transmittal letter, and approval shall be provided upon receipt.

Section 419: Traffic Impact Study

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

- b) A description of future levels of service (LOS) and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows:
 - (i) All references to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, current edition, published by the Transportation Research Board. These standards may be modified by the Township if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
 - (ii) Traffic capacity LOS shall be based upon future design year analysis.
 - (iii) New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each approach.
 - (iv) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each approach and overall intersection.
 - (v) All existing unsignalized and signalized intersections impacted by development traffic that do not fall under the criteria of Subsections 419.C(3)(iii) and 419.C(3)(iv) above, shall operate at LOS D or better for each approach.
 - c) A description and analysis of the proposed access plan and site plan including:
 - (i) Access plan including analysis of required sight distances using PennDOT criteria and description of the access ways, location, geometric conditions, and traffic control.
 - (ii) On-site circulation plan showing parking locations and dimensions, loading access circulation, and roadway and traffic control.
 - d) A circulation mitigating action plan that shall include:
 - (i) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
 - (ii) Off-site improvement plan depicting required street and signal installation and signing improvements to meet the minimum level of service requirements.
- D. Final Study Report. A final study report must be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed subdivision, land development, and/or change in use. Provide an executive summary, which provides a concise description of the study area, result of the traffic analysis, and any recommended improvements. The presentation of data and analyses should be accomplished on schematic diagrams of the study area and the use of charts and/or tables. All sources of data and methodologies that were used in the study must be properly referenced and documented. Provide all computer output and calculations in appendices. Provide electronic Portable Document Format (PDF) copies of the report, figures, tables, appendices, as well as electronic versions of the capacity analyses.

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

Section 420: Geotechnical Report and Slope Analysis

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

Section 421: Wetland Report

- A. The Applicant shall submit an absence/presence wetland report for all major subdivision or land development projects signed and certified by a qualified professional.
- B. If a wetland is located on the site as indicated by the absence/presence report, the Applicant shall submit a wetland delineation study prepared by a qualified professional. The purpose of the study shall be to determine the extent of wetlands on the site.
- 1) Qualified professionals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners and geologist are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. Should a state or federal wetland scientist certification program be established, the Township will consider only those certified individuals qualified to perform delineations.
- C. The wetland delineation study shall follow the procedures outlined in the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
- D. Where the study shows the existence of wetland areas, the delineated boundary shall be properly protected, as required by the County Conservation District, throughout the extent of all construction.
- E. All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot that contains wetlands, or to which access may be restricted by wetlands, shall have a note which states that state and federal laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.

- F. If development is proposed within wetlands, the Applicant shall obtain appropriate permits from federal and state regulating agencies.

Section 422: Proof of Submission to Other Agencies

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

Section 423: Profiles

- A. Final vertical alignments and profiles shall be provided for the following items:

- 1) Proposed public or private streets and alleys,
 - 2) Sanitary sewer and water distribution systems, and
 - 3) Storm sewer profiles, as required by the Township Stormwater Ordinance.
- B. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line and the length of all proposed vertical curves for streets.
- C. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.

Section 424: Homeowner's Association By-Laws and Other Related Documents

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

Section 425: Final Plat for Recording

- A. The final application shall include a format and/or such material as is required for recording by Butler County, Pennsylvania.
- B. All final plats shall include the information required in the site layout plan and in addition, shall include:
- 1) All appropriate certifications, affidavits, and approvals as outlined in the Appendix of this Ordinance. (*Appendix A: Required Certifications and Statements*).
 - 2) Certification of plan preparation by a registered professional.
 - 3) All other certifications, dedications, and acknowledgments, as required by the Butler County Planning Commission and/or Butler County Recorder of Deeds.

- C. Final plats shall include notation on the plan of any variances or modifications granted to the provisions of this Ordinance.

Section 426: Notification of Intent to Bond

- A. The Applicant shall inform the Township in writing of their intention to either:
- 1) Construct the public improvements required by this Ordinance prior to the final recording of the plat or
 - 2) Provide financial security subject to this Ordinance. In lieu of the completion of any public improvements prior to final recording, the Applicant shall provide financial security as a condition of approval, pursuant to Part 5 – Financial Security.

Section 427: Evidence of Ownership or Rights to Develop

- A. The Applicant shall furnish to the Township a copy of the most recent deed showing the ownership interest of the Applicant and, if the Applicant is not the owner, a copy of the lease or other instrument granting possessory rights to the Applicant.
- B. The Township may require the submission of corporate, partnership or trust documentation to establish that the individual(s) who are signing applications or other documents have the appropriate authority or authorization to do so.

Part 5 – Financial Security

Section 501: Completion of Public Improvements or Financial Security

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

Section 502: Financial Security

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

Section 503: Approval Resolution

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

Section 504: Partial Release from Improvement Guarantee

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

Section 505: Final Release from Improvement Guarantee

- A. When the Applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Township, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements. See Section 603: Notice of Completion, Section 604: "As-built" Drawings, and Section 605: Final Inspection and Approval with regards to

the final inspection procedures.

- B. Within thirty (30) days of authorization by the Board of Supervisors, the Township Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the Applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.
- C. The Township shall notify the Applicant within fifteen (15) days of receipt of the Township Engineer's recommendation, in writing, by certified or registered mail, of the action by the Board of Supervisors.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The Applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.
- F. Billing, Reimbursements and Disputes. See Pennsylvania MPC § 510, as amended.

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Part 6 – Inspection and Acceptance of Public and Private Improvements

Section 601: Pre-construction Conference

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

Section 602: Construction Observation

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

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

Section 603: Notice of Completion

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

Section 604: "As-built" Drawings

- A. Prior to the final release of the financial guarantee, the developer shall provide the Township with one (1) electronic copy in a PDF format and two (2) prints of the as-built plan. The as-built drawings shall be prepared and bear the seal and signature of a registered surveyor. They shall be drawn at the same scale(s) as the design plans and contain, at a minimum, the following information:
- 1) Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract.

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

Section 605: Final Inspection and Approval

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

the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing, by certified mail, of the action of the Board of Supervisors with respect to the approval or rejection of the public improvements.

- C. Completion of Rejected Public Improvements. If any of the public improvements shall not be approved by the Board of Supervisors, the developer shall proceed to complete the public improvements or rectify any deficiencies and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- D. The Township may prescribe that the developer shall reimburse the municipality for the reasonable and necessary expense incurred in connection with the inspection of improvements and in accordance with § 510(g) of the MPC.

Section 606: Acceptance of Public Improvements

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

Section 607: Posting of Maintenance Guarantee

- A. When the Board of Supervisors accepts the dedication of public improvements the Board of Supervisors may require a maintenance guarantee of all improvements as required by this Ordinance. The purpose of the maintenance guarantee is to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements.
- B. The amount of the maintenance guarantee shall be fifteen percent (15%) of the actual cost of the installation of such improvements for a term not to exceed eighteen (18) months from

the date of the acceptance of public improvements and dedication as provided for in § 509(k) of the MPC.

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Part 7 – Required Improvements and Design Standards

Section 701: General Requirements

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

Section 702: Blocks and Lots

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

private streets.

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

Section 703: Street Access

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

Section 704: Driveways and Shared Driveways

- A. All driveways in new subdivisions and land developments shall conform to the Township Construction Standards.
 - 1) Driveways shall not exceed the permitted slopes depicted in the Township Construction Standards. Driveways with entrances in excess of ten percent (10%) shall be provided with a level area that does not exceed five percent (5%) in any direction and sufficient space to park two (2) vehicles outside the street right-of-way.

- 2) Materials. All driveways shall be constructed of a mud-free surface as approved by the Township Engineer.
- B. Driveways shall be provided on the site where necessary for convenient access to the living units, garage compounds, and/or parking areas.
- C. Location.
- 1) Driveways shall enter the public rights-of-way at safe locations and are subject to the following standards:
 - a) There shall be a minimum seventy-five (75) feet from the centerline of any intersection to the centerline of a proposed driveway.
 - b) A driveway shall provide the minimum sight distances as required in the Township Construction Standards.
 - 2) Driveways shall only be located on the parcel to which it provides access except for shared driveways as permitted by this Ordinance.
- D. Shared driveways shall provide access for a maximum of two (2) residential units.
- 1) When shared driveways are permitted, an access and maintenance agreement shall be provided to the Township and recorded with the Recorder of Deeds. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the common driveway.

Section 705: Collector Driveway

- A. Collector driveways shall be provided on the site where necessary for convenient access to garage compounds, off-street parking areas, service entrances, refuse collection stations, and the following principal uses.
- 1) A collector driveway may provide access to townhomes, duplexes, multifamily dwellings, parking lots, or commercial structures provided that a maintenance agreement is provided to the Township.
 - 2) Collector driveways shall not provide access to single family dwellings.
- B. All collector driveways in new subdivisions and land developments shall conform to the Township Construction Standards.
- 1) The minimum grade permitted for collector driveways shall be one and one half percent (1.5%).
 - 2) The maximum grade permitted for collector driveways shall be fifteen percent (15%).
 - 3) Materials. All collector driveways shall be constructed consistent with the Township Construction Standards.

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

Section 706: General Street Standards

- A. In general, all streets shall be aligned with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic.
- B. New streets shall be logically related to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the sites to be served by such streets.

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

- N. Right-of-Way. The right-of-way shall be measured from lot line to lot line. All private, local, collector, and arterial streets shall provide the minimum right-of-way width as specified in the Township Construction Standards. When required, an additional ten (10) foot utility easement shall be provided outside of the right-of-way.
- O. On-street parking. Where on-street parking is permitted, a parking lane at least eight (8) feet wide shall be added to one or both sides of the required pavement. The parking lane or lanes shall be paved to the satisfaction of Township Engineer.
- P. Alleys. Alleys are prohibited in all Zoning Districts.

Section 707: Horizontal Alignment

- A. All private, local, collector, and arterial streets shall be designed and constructed in accordance with the following alignment standards:
 - 1) Horizontal curves shall be used at all angle changes.
 - 2) Horizontal street alignments shall be measured along the center line. The center line of the street cartway shall correspond with the center line of the street right-of-way.
 - 3) There shall be a tangent of at least 100 feet between reverse curves for all local and collector streets.
 - 4) Horizontal curve center-line radii shall be designed in coordination with vertical geometry and are subject to the following minimum centerline radius:
 - a) Local = 145' @ 25 MPH
 - b) Collector = 340' @ 35 MPH
 - c) Arterial = 650' @ 45 MPH

Section 708: Vertical Alignment

- A. All private, local, collector, and arterial streets shall be designed and constructed in accordance with the following alignment standards:
 - 1) Vertical curves shall be used in all changes of grade.
 - 2) The minimum length of vertical curve for all streets shall be:
 - a) Local = 75' (crest) & 78' (sag)
 - b) Collector = 105' (crest) & 147' (sag)
 - c) Arterial = 183' (crest) & 237' (sag)
 - 3) Notwithstanding the above minimum length of vertical curve, the actual length of vertical

curve shall be based on the formula $L = KA$, where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A," and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based upon those specified in the latest edition of "A Policy on Geometric Design of Highways and Streets," published by the American Association of State Highways and Transportation Officials (AASHTO).

Section 709: Private Streets

- A. A maximum of five (5) single-family residential dwellings shall access a private street.
- B. Private streets shall meet all the design standards for local streets as required by this Ordinance and the Township Construction Standard Details.
- C. Private lanes shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance, and drainage of the accessing street.
- D. Private lanes shall include stormwater management facilities when required by the Township Stormwater Management Ordinance.
- E. The minimum street grade permitted for private streets shall be one and one half percent (1.5%).
- F. The maximum street grade permitted for private streets shall be twelve percent (12%).
- G. A private street must be clearly labeled on the recording plat as a private street. The Township shall have no express or potential liability to maintain the private street or accept dedication of the private street.
- H. Applications which propose a private street shall include an access and maintenance agreement which shall be provided to the Township and recorded with the Recorder of Deeds as part of the final plan. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the private street. This access and maintenance agreement shall establish the conditions under which the private street will be constructed and maintained.
- I. A note to this affect, similar to the following note, shall be affixed to the recording plan in a manner acceptable to the Township: "Private Street restriction. The private street shown on this plan is strictly limited to providing access to no more than five (5) abutting residential lots."

Section 710: Local, Collector, and Arterial Streets

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

be provided to the Township.

- C. All streets shall be graded to the grades shown on the street profiles and cross-section plan submitted and approved with the final plan.
- D. The entire width of the right-of-way of each street in a proposed land development shall be suitably prepared for the installation of paving, drainage structures, curbs, gutters, and sidewalks in accordance with the appropriate standards for the class of street.
- E. Street Grades.
 - 1) The minimum street grade permitted for public streets shall be consistent with the following:
 - a) Local = 1.5 percent
 - b) Collector = 1.5 percent
 - c) Arterial = 1.5 percent
 - 2) The maximum street grade permitted for public streets shall be consistent with the following:
 - a) Local = 10 percent @ 25 MPH
 - b) Collector = 9 percent @ 35 MPH
 - c) Arterial = 6 percent @ 45 MPH
- F. Where the grade of the street is above or below the grade of the abutting parcels, walls or slopes shall be constructed in a manner satisfactory to the Township Engineer and shall be sufficient to support the street or the abutting land.

Section 711: Cul-de-sac Streets

- A. Where any adjacent dead-end street is not proposed for extension as a through street, a cul-de-sac shall be constructed in compliance with the Township Construction Standards.
- B. The use of cul-de-sac streets shall not be permitted when, in the sole opinion of the Township Engineer, the use of through streets or loop streets can be utilized.
- C. The center-line distance of permanent cul-de-sac streets shall be greater than 250 feet in length and shall not exceed 1,600 feet in length.
- D. The length of the cul-de-sac street shall be measured from the center-line intersection of an intersecting street which is not a dead end or cul-de-sac to the center of the cul-de-sac turnaround. The use of internal planted islands is prohibited.
- E. Unless future extension is clearly impractical or undesirable in the opinion of the Township, a temporary cul-de-sac shall be provided. The turnaround right-of-way shall be placed

adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

- F. Temporary cul-de-sacs shall be constructed to the standards as specified in the Township Construction Standards. Temporary easements shall be provided for the affected adjoining properties until such time that the street is extended.
- G. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities installed. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of the street. The barricade shall be designed and constructed in accordance with PennDOT Publication 72, "Standards for Roadway Construction, RC-63."
- H. All permanent cul-de-sacs shall be designed with a snow removal easement at the terminus. The easement shall extend outward from the street right-of-way and be a minimum of 20 feet in width and 10 feet in depth. The easement shall be centered on the projected center line of the street or as otherwise depicted in the Township's Construction Standards. The final plan shall contain a note stating that the easement shall be maintained as open space and no improvements or obstructions such as driveways, mailboxes, fences or landscaping shall be permitted.
- I. Cul-de-sacs shall be crowned consistent with the proposed cartway and shall drain towards multiple inlets.

Section 712: Intersections

- A. Where a proposed street intersects an existing Township road, the proposed street shall be designed to prevent any runoff from entering the Township right-of-way.
- B. At street intersections, there shall be a level area on the proposed street within which no grade shall exceed a maximum of two percent (2%) for a minimum distance of fifty (50) feet (measured from the intersection of the center lines of the streets).
- C. Street name signs shall be installed at all intersections and their design shall be approved by the Township and meet PennDOT standards. All signing shall identify both intersecting streets. Regulatory signs shall be installed at all locations identified by a traffic circulation study prepared by the developer.
 - 1) Standard traffic signs shall be supplied and installed by the Township. The Township shall provide and install all such signage at the developer's expense.
- D. Intersections involving the junction of more than two (2) streets are prohibited.
- E. The minimum distance between the center line of intersections shall be:
 - 1) 1000 feet for any intersection involving an arterial street;
 - 2) 600 feet for any intersection involving a collector street;

- 3) 250 feet for any intersection involving a local or private street;
 - 4) Or as otherwise specified by PennDOT publication number 70M.
- F. Right angle intersections shall be used.
- G. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum curb return radii as follows:
- 1) Local = 35'
 - 2) Collector = 45'
 - 3) Arterial = 50'
- H. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. The Township may require larger radii based on the largest design vehicle using the intersection.
- I. All streets intersecting a state highway shall be subject to the approval of PennDOT.
- J. A clear sight triangle shall be provided and maintained at all intersections. Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
- K. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. Sight distance at street intersections shall be calculated based on PennDOT Pub. 70 as amended and approved by the Township Engineer.

Section 713: Utilities and Easements

- A. A utility easement with a minimum width of ten (10) feet shall be provided for all utilities located outside of the ROW.
- B. A stormwater easement with a minimum width of twenty (20) feet shall be provided for all stormwater facilities, drainage structures, swales, and sanitary sewers.
- C. A shared utility easement with a minimum width of thirty (30) feet shall be provided for all easements containing multiple utilities.
- D. In the case of multiple standards or overlapping easements, the wider standards shall apply from the outside edge of the proposed utilities.
- E. To the fullest extent possible, easements shall be located adjacent to rear lot lines or side lot lines.
- F. Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. This requirement shall be noted on the final plan and shall be included in all deeds for lots which

contain an easement.

- G. Where a site is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural or man-made drainage, or as required by the Township Stormwater Ordinance or other federal, state, or county regulations.
- H. Pedestrian easements shall have a minimum width twice the width of the surface provided for a walkway, sidewalk, or trail.
 - 1) The Applicant shall provide a method of physically delineating pedestrian easements across private lots. Such method may include shrubbery, trees, markers, or other method acceptable to the Township Board of Supervisors.

Section 714: Off-street Parking

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

details.

- 2) Any lighting used to illuminate off-street parking areas shall be directed away from property in a residential area.
- 3) There shall be no direct or sky-reflected glare, whether from floodlights or from high-temperature processes.
- 4) All luminaries shall have a total cutoff angle no greater than ninety (90) degrees from the vertical.
- 5) Illumination shall not exceed one half (0.5) footcandle at all property boundaries and provide a minimum illumination of a two (2) footcandles at the surface, where required. The footcandle illumination shall be measured horizontally on the ground surface.

F. Landscaping.

- 1) All proposed parking lots shall provide the minimum landscape standards as required in Section 725: Landscaping of Parking Areas. A detailed landscape plan shall be submitted.
- 2) Perimeter plantings shall be provided for parking compounds and collector driveways which are adjacent to residential properties. The perimeter planting shall be provided in accordance with Section 725: Landscaping of Parking Areas. Plantings shall not restrict sight distances.

Section 715: Off-street Loading Facilities

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

Section 716: Curbs

- A. Curbs shall be required along all proposed:

- 1) local, collector and arterial streets,
- 2) collector driveways,
- 3) alleys,
- 4) and parking compounds in land developments.

- B. Curbs shall be installed to the dimensions and construction standards of the Township Construction Standard Details or, in lieu of such standards, in accordance with the standards of PennDOT Publication 408, as amended.

- C. Standard vertical concrete curb shall be required along all state highways and along all Township streets when required by the Township. Standard asphalt wedge curb may be used for all other uses where curb is required.
- D. Accessible curb ramps shall be provided at intersections and crosswalks.

Section 717: Survey Monuments and Survey Markers

A. Survey Monuments.

- 1) Concrete survey monuments shall be provided when any land development or subdivision includes the construction or extension of public streets.
- 2) A minimum of four concrete survey monuments shall be placed and located as approved by the Township Engineer. All other markers may be iron pins.
- 3) Survey monuments shall be constructed in accordance with the Township Construction Standards and bonded with the required financial security as required in Part 5 of this Chapter. Alternative monumentation methods will be at the discretion of the Township Engineer.
- 4) The location of all concrete survey monuments shall be certified by a licensed surveyor.

B. Survey Markers.

- 1) Survey markers shall be set at all lot corners and at the points where lot lines intersect curves and/or other property lines.
- 2) Survey markers shall consist of solid metal pins of at least $\frac{5}{8}$ -inch diameter with a minimum length of thirty (30) inches.
- 3) All survey markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.

- C. The survey monuments and survey markers as required shall be shown on the final recorded plat and the "as-built" plans with the distance between them and with sufficient curve data plainly marked.

Section 718: Emergency Access

- A. All major subdivisions and land developments applications shall provide plans to the Township-recognized Volunteer Fire Chief(s) for recommendation and comment and demonstrate the following:
 - 1) Adequate access for emergency vehicles and emergency responders and
 - 2) Adequate fire protection systems including but not limited to hydrant locations in subdivision and land developments where public water is being provided.

Section 719: Stormwater Management and Floodplain Controls

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

Section 720: Water Supply

- A. The developer shall construct a system of water mains and connect with such public water supply where public water supply is available within 1,000 feet of the land development.
- B. If a public water supply system is not available under the conditions stated above, the developer may provide individual wells to each dwelling unit subject to PA DEP approval.

Section 721: Sanitary Sewers

- A. The developer shall construct a sanitary sewer system, connect with a sewer main, and provide lateral connections for each lot where a public or private sanitary sewer main is available within 1,000 feet of the land development.
- B. If a public sanitary sewer main is not available under the conditions stated above, the developer may provide a community disposal system or other satisfactory method as approved by the Township Engineer, PA DEP, and the Pennsylvania Sewerage Facilities Act (Act 537).
- C. If in the opinion of the Pennsylvania Department of Environmental Protection, the Township Engineer and/or the Planning Commission, factors exist which would create a public health and sanitation problem if a certain area is platted, the Planning Commission will not approve the subdivision and platting of such area until such factors are corrected by an adequate sanitary sewer system.
- D. All sanitary sewers shall be constructed and installed according to the standards of the authority or municipal department operating such sewers. Storm water shall not be permitted to enter sanitary sewers.
- E. In areas where a public sewer is planned to be available but not yet built, laterals shall be extended to the center of the street or into the right-of-way, and trunk lines provided to the edge of the subdivision closest to the municipal trunk location and capped. Until such time as a public sewer becomes available, a project system must be installed. In the case of a project system, a trunk line shall be provided to connect into the public system.

- F. In the event that the above sanitary sewage disposal methods are not feasible, consideration may be given to the installation of on-lot sewage disposal systems for the subdivision. In all cases where on-lot sewage disposal is proposed, sewage disposal shall be approved by the PA DEP in accordance with the Pennsylvania Sewage Facilities Act, No. 537, as amended, and any other governing agency that is required. Soil evaluations and percolation tests shall be conducted at such intervals as may be required by the Department of Environmental Protection and/or other agencies. A certification of the above requirements must be submitted prior to the final plan approval.
- G. If a lot does not pass the required tests for on-lot sewage treatment and disposal systems, it shall be considered a non-buildable lot until sold in conjunction with an adjacent lot which has passed the required tests or until such time as public/off-site sanitary sewer system(s) become available to serve the lot. All plans containing non-building lots shall have the following notation placed on the plan prior to approval by the Township:
- 1) "Lot(s) which has/have not passed the required tests for on-lot sewage treatment and disposal systems, and is/are therefore not buildable unless sold in conjunction with an adjacent lot which has passed these tests or until such time as public/off-site sanitary sewer system(s) become available to serve the lot."

Section 722: Sidewalks and Trails

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

- 2) Trails shall link internal common open space areas, nearby neighborhoods, parks, community facilities and elsewhere as recommended by the Township Planning Commission and approved by the Board of Supervisors.
- D. Maintenance. Maintenance of all proposed sidewalks and/or trails shall be the responsibility of the adjacent property owner or homeowners' association which represents the property owners in the development. Appropriate language shall be placed on the recorded plat indicating this maintenance responsibility.

Section 723: General Landscape Standards

- A. All land development applications shall include provisions for landscaping in accordance with the following landscape requirements:
- 1) Landscaping shall be provided in all open areas not covered by buildings, required parking areas, sidewalks, or other impervious surfaces.
 - 2) Landscaping shall provide a mixture of vegetated material that is compatible with the land development and the surrounding land uses.
 - 3) Within the site area, landscaping shall be generally required for the following areas: the building perimeter, parking lots, dumpsters, loading area, and stormwater detention facilities.
- B. Artificial plants are prohibited as a substitute for required landscaping improvements included in this Ordinance.
- C. Sight distance shall not be adversely affected by the location and size of landscaped plantings. Consideration shall be given to future growth potential of all planted materials in reviewing sight distance issues.
- D. Deciduous trees shall be required at the following rates:
- 1) One (1) per dwelling unit in single-family residential developments.
 - 2) One (1) per 5,000 square feet of the total site area in all other residential developments.
 - 3) One (1) per 4,000 square feet of the total site area in non-residential developments.
 - 4) Street trees, Best Management Practice (BMP) tree plantings and trees within parking lot islands shall be counted towards the deciduous tree requirement. Required vegetation within bufferyards shall not fulfill this requirement.
- E. In residential developments, all required deciduous trees shall be located in the front yard, outside of the right-of-way.
- F. Shrubs shall be required at the following rates:
- 1) Six (6) shrubs per 100 linear feet of the frontage and sides of the principal structure in all land development projects except for single-family developments.

- 2) BMP shrub plantings and required vegetation within bufferyards shall not fulfill the shrub requirement.

G. Plant Sizes and Requirements.

- 1) Deciduous Trees. All trees required to be planted shall be a minimum of two (2) inches in diameter at four and one half (4.5) feet above the ground. Dwarfed species shall not be considered deciduous trees.
- 2) Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) foot in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.
- 3) Shrubs. All shrubs required to be planted shall be a minimum of twenty-four (24) inches in height at planting.

H. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60.1, current edition, as amended.

I. No one species shall comprise more than thirty-three percent (33%) of the entire number of plantings in a particular development.

J. Installed plant material should be locally grown, if possible.

K. Plant material shall be selected from the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) native plant publications. Selected plant material shall not include any invasive species identified on the PA DCNR Invasive Plant Database.

L. Landscape Modifications.

- 1) The Board of Supervisors may approve modifications to the landscaping standards of this Ordinance where one or more of the following conditions occurs:
 - a) There is existing healthy vegetation that is sufficient to meet the requirements.
 - b) Landscaping would interfere with utilities, easements, sight distance, desirable vegetation and/or state or federal regulations.
 - c) A required bufferyard would create redundant and/or duplicated bufferyards along abutting lot lines.

M. Posting of Financial Security for Landscaping.

- 1) The landowner and/or developer shall provide the Township with performance security, as required by this Ordinance, during development of the site to guarantee proper installation of the required landscaping and bufferyard materials required by this Ordinance and as shown on the approved landscaping plan.
- 2) Release of the performance security shall be handled consistent with the requirements of this Ordinance.

- N. All required landscape materials are considered a part of the zoning and/or subdivision and land development approval. If any required vegetated material dies and/or is removed at any point after installation and is not replaced during the following planting season, the site will be considered in violation of its zoning and/or subdivision and land development approval.

Section 724: Bufferyard Standards

- A. Applicants shall demonstrate through the submission of a landscape plan that sufficient buffering is provided, when required by the Zoning Ordinance, to minimize impact to adjacent uses.
- B. No structure or uses shall be permitted in the bufferyard, other than stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the bufferyard. Structures or uses not permitted within the required bufferyard include, but are not limited to, buildings, accessory structures, parking spaces, and lighting devices.
- 1) Stormwater management facilities and structures may be maintained within a buffer area but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
- C. When the width of a required buffer area is in conflict with the minimum building setback requirements of the Zoning Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
- D. Minimum Bufferyard Standards.
- 1) At a minimum, bufferyards shall include:
 - a) One (1) deciduous tree and three (3) evergreen trees for every 100 feet of property line where buffering is required.
 - b) Five (5) shrubs shall be provided for every 100 feet of property line where bufferyards are required.
 - 2) A minimum of seventy-five percent (75%) of the plant material shall be grouped in planting beds as opposed to isolated mulch rings.
 - 3) The required plant material shall be distributed over the entire length and width of the buffer area.
 - 4) Buffer plant material shall be arranged asymmetrically and may be grouped to form plant clusters. Informal groupings that reflect the natural character of the region are encouraged.
 - 5) Plants shall be spaced to provide optimum growing conditions.
 - 6) Buffer yards are required to be a minimum of twenty (20) feet in width.

- E. The Township encourages flexibility in design and will entertain alternative bufferyards where the Applicant demonstrates the buffering is equal to or better than the requirements of this ordinance and meets the intent of this Section. The use of decorative walls, decorative fences, and landscape berms are allowable in an effort to meet the requirements of this Section. The Applicant shall demonstrate that the proposed buffering exceeds the minimum requirements by submitting an exhibit(s) that compares the proposed buffering to the requirements listed in this Section.
- F. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
- G. It shall be the responsibility of the owner/Applicant to assure the continued growth and maintenance of all required materials within the bufferyard. Replacement of vegetative material shall be no later than the subsequent planting season.
- H. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required bufferyard to screen the buildings, activities, and parking areas from adjoining residential properties, the Board of Supervisors, upon recommendation by the Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required bufferyard. If such a determination is made and the size of the bufferyard warrants it, the Applicant may be required to record a conservation easement of the depth specified by the Township Planning Commission to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.
- I. The Board of Supervisors may require the location of a buffer yard to be adjusted on a site, if the proposed location of the buffer yard does not provide an adequate visual buffer to the neighboring property due to topographical constraints or other contextual factors.

Section 725: Landscaping of Parking Areas

- A. Interior landscaping shall be required for new parking areas. Where a preexisting parking area is expanded to increase the size to 4,000 or more square feet of area or ten (10) or more parking spaces, interior landscaping shall be provided for the new parking areas.
- B. Minimum Setback.
 - 1) All parking areas and drive aisles shall be setback a minimum of ten (10) feet from a principal structure with the exception of the required loading areas.
 - 2) A ten (10) foot setback area surrounding a principal structure shall be planted and may include sidewalks, as needed for access to the structure.
- C. Landscape Islands.
 - 1) Interior landscape islands shall be equal to the width and the length of the abutting parking stall(s).

- 2) A one (1) internal landscape island shall be provided for every fifteen (15) consecutive parking spaces arranged in a perpendicular or angled layout.
- 3) Each interior landscape island shall, at a minimum contain at least one (1) deciduous tree on single loaded parking aisles. Double loaded parking aisles shall contain two (2) deciduous trees within each landscape island.
- 4) Applicants are encouraged to include BMP and stormwater facilities within landscape islands.
- 5) All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface. Wedge curbing and curb cuts that accommodate drainage into BMP islands are acceptable.

D. Perimeter Plantings.

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

Section 726: Street Trees

A. Deciduous street trees may be provided in all land development projects which include new streets.

B. General Requirements.

- 1) Street trees and plant materials, shall not, at maturity, obstruct overhead utilities, traffic control signals, signs, street intersections, or driveway entrances.
- 2) Street trees shall be selected to minimize future maintenance costs, including but not limited to, pruning, tree removal, and sidewalk repair.
- 3) Street trees shall be located so as to not interfere with underground utilities, sanitary, or stormwater management facilities.
- 4) Street trees shall be adaptable to the specific planting areas to achieve the design objective of the plan.

C. Location.

- 1) Street trees shall be located outside of the right-of-way and/or any easements.
- 2) At intersections, trees shall be located not closer than thirty (30) feet from the intersection of the curb or within the defined clear sight triangle.

D. Size.

- 1) Tree caliper at the time of planting, as measured four (4) feet above ground level, shall be no less than two (2) inches.
- 2) Street trees shall have a canopy of thirty (30) to fifty (50) feet spread at maturity.

Section 727: Street Lights

- A. The Board of Supervisors may require that all new streets and intersections are provided with street lighting.
 - 1) The Applicant shall install, at the Applicant's expense, street lighting serviced by underground conduits in accordance with a plan approved by the Township Engineer.
 - 2) The cost of maintenance and operation shall be the responsibility of a homeowners' association or other approved entity.
- B. Street lighting shall be installed as per the lighting plan approved by the Board of Supervisors.
- C. Street lights locations shall be staggered across the cartway.
- D. Style, height, type, shielding, and manufacturer of the street lighting shall be subject to the approval of the Board of Supervisors and consistent with the service provider's standards.

Section 728: Refuse Collection Stations and Service Structures

- A. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- B. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water, or other natural elements and prevent animals and rodents from entering.
- C. Screening. All refuse collection stations and service structures shall be fully screened by hardscape and vegetative materials.
 - 1) Location of Screening. A continuous fence, wall, or vegetative hedge shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required.
 - 2) The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.
 - 3) When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this Section.

- 4) Plant material required to screen refuse collection stations or service structures shall not count toward the fulfillment of required number of shrubs.

Part 8 – Grading and Earthwork Standards

Section 801: Permit Required

- A. Except as exempted by Section 802: Exceptions, no person shall do any clearing, stripping, grading, construction, or other activity involving the disturbance of natural terrain or vegetative ground cover unless they have applied for and obtained a valid grading permit. Permits shall be issued by the Board of Supervisors upon recommendation of the Township Engineer for all grading proposed or performed by the Applicant. Specifically, the following activities require a grading permit:
- 1) Modifying, disturbing, blocking, diverting, or otherwise adversely affecting the natural overland or subsurface flow of stormwater.
 - 2) Construction, erection, or installation of any drainage dam, ditch, culvert, drainpipe, bridge, or any other structure or obstruction affecting the drainage of any premises.
 - 3) Filling, stripping, excavating, and grading of any land, including stockpiling (temporary or permanent) of excavated or fill material.
- B. Prior to beginning work associated with a grading permit, an Applicant shall provide proof that the Applicant or Applicant's representative has applied for and/or obtained all necessary permits and approvals, including, but not limited to, permits granted by PADEP and/or County Conservation District.
- 1) For development sites equal to or greater than one (1) acre in size, a DEP General Permit or a NPDES Permit pursuant to current regulations under Title 25, Pa. Code Ordinance 102 is required.
 - 2) For all regulated activities, unless specifically exempted in the Township Stormwater Management Ordinance, preparation and implementation of an approved Post-Construction Stormwater Management (PCSM) Report and Plan is required.
- C. Where proposed work relates to a *preliminary* land development plan approved under this Ordinance, the Board of Supervisors may grant a grading permit prior to *final* approval of the land development application.
- D. One grading permit shall cover all of the grading on one site unless the work is to be completed on more than one parcel or under more than one phase of construction.
- 1) If the work is to be completed in multiple phases, the Board of Supervisors may require the Applicant to submit more than one grading permit application.
 - 2) Where major modifications or alterations are proposed for work covered by an existing grading permit, the Board of Supervisors may require that an application for a new grading permit be submitted.

Section 802: Exceptions

A. A grading permit will not be required for any of the following situations:

- 1) An excavation which does not exceed three (3) feet in vertical depth at its deepest point measured from the existing grade and that does not exceed 5,000 square feet in area or 250 cubic yards of volume, provided that the surface of such excavation does not have a slope at any point steeper than three horizontal to one vertical (3:1).
- 2) A fill which does not exceed three (3) feet in vertical depth at its deepest point measured to the existing grade and does not exceed 5,000 square feet in area or 250 cubic yards of volume, provided that the surface of such fill does not have a slope at any point steeper than three horizontal to one vertical (3:1).
- 3) An excavation for a basement, footing of a building, swimming pool, or underground structure authorized by a building permit.
- 4) Authorized Township capital improvement and public works projects; provided, however, that erosion and sedimentation control measures as approved by the Township have been and are being employed.
- 5) Accepted agricultural land management practices, such as plowing, nursery operations, removal and/or transplanting of cultivated sod, shrubs, and trees, and tree cutting at or above existing ground and logging operations leaving the stump, ground cover, and root mat intact.
- 6) Single-family and duplex dwelling sites that do not exceed either of the quantities set forth in the following table, provided that the surface of all graded areas do not have a slope at any point steeper than three horizontal to one vertical (3:1):

Table 2: Residential Grading Permit Exceptions

Lot Size	Maximum Graded Area without Permit	Maximum Excavation or Fill Depth without Permit
Less than ½ acre	5,445 sq. ft.	3 ft.
From ½ acre to 1 acre	10,890 sq. ft.	3 ft.
Greater than 1 acre	16,335 sq. ft.	3 ft.

B. Where a grading plan is not required, the landowner or Applicant shall be responsible for assuring that any grading performed on the property conforms to all grading standards established by this Ordinance.

Section 803: Permit Application

A. To obtain a grading permit, an Applicant shall first file a written application upon forms furnished by the Township and grading plans, as required by Section 409: Grading Plan. The application must be signed by the owner of the property or an authorized agent. If the owner is a corporation, firm, business, partnership, association, limited-liability company, or any other legal entity, it must be signed by the authorized agent thereof.

- B. If the grading application is not related to a preliminary land development plan approved under this ordinance, the application shall also include the following information:
- 1) A description of the land on which the proposed work is to be done by lot, block, tract, tax map identification number, street address, or similar description, which will readily identify and locate the proposed work.
 - 2) A plan of the site, prepared by a professional engineer, surveyor, or landscape architect, drawn to a scale of not less than 100 feet to one (1) inch, showing:
 - a) The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site.
 - b) Existing topography on the site and land adjacent to the site within 100 feet of the site boundary lines, including the location of any buildings, structures, utilities, sewers, water and storm drains, wooded areas, and other significant natural features.
 - c) Proposed improvements on the site, including proposed contours of the land after completion of the proposed grading.
 - d) All drainage provisions, erosion and sediment control measures, vegetative practices or other protective devices to be constructed in connection with or as part of the proposed work.
 - e) Provisions for erosion control during construction. Such provisions shall include a timing schedule and sequence of operations indicating the anticipated start and completion dates of the particular development sequence.
 - f) A soil classification map identifying soils and listing limiting factors of applicable soils.
 - g) The name of the proposed development and names, addresses, and the seal of the design professional who prepared the plan.
 - h) The plans and specifications shall be supported by such supplemental reports, data, and additional information as required by the Township Engineer.

Section 804: Fees

- A. Before issuing a grading permit, the Township shall collect a permit fee from the Applicant as established by the Board of Supervisors from time to time by resolution.
- B. Review fees and expenses. The Applicant/developer shall reimburse the Township for all fees and expenses incurred by the Township related to an application and/or grading permit, including, but not limited to, the reasonable and necessary charges of the Township professional consultants, the Township Engineer, and the Township Solicitor for review and report on an application and/or grading permit and the inspection of improvements and/or work related thereto.

Section 805: Financial Security

- A. Prior to issuance of a grading permit, the Applicant may be required by the Board of Supervisors to provide financial security guaranteeing the completion, timely installation and proper construction of any work related to the grading permit as required by Section 502: Financial Security. Such financial security shall be from a source and in a form acceptable to the Township Solicitor.
- B. After the completion of the work secured by the financial security, and as a prerequisite for the release of such financial security, the Applicant shall request a final inspection by the Township to certify compliance with the applicable Township ordinances and the approved plans and specifications for the grading permit. Within a reasonable time period after receiving a certification that the work secured by the financial security has been completed in compliance with the applicable Township ordinances, approved plans, and specifications for the grading permit, the Township shall release the financial security and return it to the Applicant.

Section 806: Issuance of Permits

- A. The Board of Supervisors may attach conditions to a grading permit as reasonably necessary to prevent danger to property, including any sewer, storm drain, or watercourse, work from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance.
- B. No grading permit shall be issued until grading plans, erosion and sediment control plans, specifications, timing schedule, and a cost estimate are reviewed by the Township Engineer and the Applicant certifies that all work shall be performed pursuant to the approved plans, specifications, and schedules.
- C. After actual work begins, the Township Engineer may require additional or revised controls from time to time in the event that the Township Engineer determines that the originally approved controls are inadequate.
- D. Grading permits issued pursuant to this Ordinance do not relieve the owner of responsibility for securing any and all necessary permits and approvals as required by any other applicable code, ordinance, or regulatory agency.
- E. Neither the issuance of a grading permit nor compliance with this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law, nor impose any liability upon the Township for damages to any person or property.
- F. All modifications to the approved plans, specifications, timing schedule, and cost estimate for a grading permit shall be submitted to the Township for review and approval. There shall be no differentiation between major and minor modifications with respect to this Section. Modifications of the approved plans shall be reviewed and approved in the same manner as the original plan.

Section 807: Denial of Permit Application

- A. If an application for a grading permit does not conform to the requirements of this Ordinance, the Board of Supervisors shall deny the application in writing, setting forth the basis for the denial. The Township staff shall forward the written denial to the Applicant without unreasonable delay.
- B. Where, in the opinion of the Township Engineer, the work as proposed by the Applicant is likely to endanger any person, property or any street or way, create hazardous conditions, or damage the ecology of the area, the application for grading permit shall be denied.

Section 808: Expiration of Permit

- A. Unless otherwise provided by Pennsylvania law, every grading permit shall automatically expire if the authorized work is not commenced within six (6) months or is not completed within one (1) year from the date of such permit issuance.
- B. If the Applicant provides satisfactory evidence in writing that unusual difficulties have prevented the work from being started or completed within the specified time limits, the Board of Supervisors may grant a reasonable extension of time. An Applicant must file an application for the extension of time before the date of expiration of the grading permit.

Section 809: Inspections

- A. The Township Engineer or designated personnel shall inspect the permitted grading at the following times during the construction sequence:
 - 1) Initial inspection. When work on the excavation or fill is about to be commenced.
 - 2) Rough grading. When all rough grading has been completed.
 - 3) Drainage facilities. When drainage facilities are to be installed and before such facilities are backfilled.
 - 4) Special inspection. If at any time conditions are found which are not stated on the permit holder's application.
 - 5) Special structures. When excavations are complete for retaining and other structural supporting walls (e.g., such as crib walls) and when reinforcing steel is in place and before concrete is poured.
 - 6) Final inspection. When all work, including the installation of all drainage and other structures, has been completed.
- B. Following inspection, the Township Engineer shall review any portion of the work that has been completed and notify the Applicant of any portion of the work that fails to comply with the provisions of this Ordinance.

- C. All approved grading plans shall be maintained at the site until the final inspection is completed by the Township Engineer.
- D. The Applicant shall provide notice to the Township seventy-two (72) hours before a required inspection is to be made and request that the designated personnel inspect the site progress.

Section 810: General Grading Standards

- A. All grading shall be set back from property lines at least three (3) feet, or a sufficient distance to prevent any adverse effects on adjacent properties.
- B. Wherever grading will increase the volume or velocity of stormwater flow toward a property line, the Applicant shall install and maintain drainage facilities sufficient to prevent adverse effects on the adjoining property. The construction and operation of these drainage facilities shall not cause any adverse effects on abutting properties.
- C. Where grading creates an abrupt drop-off in contrast to a previously existing gradual change or where a wall is being installed, the Applicant may be required to install a fence or other suitable protective barrier as approved by the Township Engineer.
- D. Lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum two percent (2%) slopes away from structures shall be required.
- E. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting.
- F. Graded slopes whose height equals or exceeds forty (40) feet shall be re-forested consistent with the Township Construction Standards in order to prevent erosion, promote slope stabilization, encourage natural re-vegetation, and reduce the visual impacts of extensive areas of graded slopes.

Section 811: Standards for Excavations

- A. No excavation shall be made with a cut face steeper in slope than three (3) horizontal to one (1) vertical, except under one or more of the following conditions:
 - 1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three (3) horizontal to one (1) vertical and the Applicant submits a soils report signed and sealed by a professional engineer experienced in geological sciences and erosion control. The Township Engineer must review and approve the report prior to the commencement of any such work under the grading permit. The report shall include a statement that the site has been inspected and approved and that the deviation from the required slope will not result in increased risk of injury to persons, damage to property, or damage to receiving streams.

- 2) A retaining wall or other approved structure used to support the face of the excavation is designed, and plans for the structure are signed, sealed, and submitted by a professional engineer.
- B. Excavations adjacent to any footing, foundation, or structure shall not extend below the angle of repose or natural slope of the soil under the nearest point of the same, unless such footing, foundation, or structure is first properly underpinned or protected against settlement.
 - C. No grading shall be permitted in a floodplain or wetland area unless a permit is obtained from the appropriate PADEP office. The Applicant shall be responsible for payment for all costs associated with obtaining said permit and shall produce said permit for inspection upon request of the Township.

Section 812: Standards for Fills

- A. No fill shall be made which creates any exposed surface steeper in slope than three (3) horizontal to one (1) vertical, except under one or more of the following conditions:
 - 1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three horizontal to one vertical and the Applicant submits a soils report signed and sealed by a professional engineer experienced in geological sciences and erosion control. The Township Engineer must review and approve the report prior to the commencement of any such work under the grading permit. The report shall include a statement that the site has been inspected and approved and that the deviation from the required slope will not result in increased risk of injury to persons, damage to property, or damage to receiving streams.
 - 2) A retaining wall or other approved structure used to support the face of the fill slope is designed, and plans for the structure are signed, sealed, and submitted by a professional engineer.
- B. No rock or material in excess of twelve (12) inches in any dimension, or nominal lift thickness, whichever is less, shall be buried or placed in fills.
- C. No organic or frozen materials shall be placed in fills.
- D. No fill of any kind shall be placed over trees, stumps, or other material which would create a nuisance or be susceptible to attracting rodents, termites, or other pests.
- E. Whenever fill is to include materials other than clean soil or earth, the grading permit shall be subject to the following additional limitations and requirements:
 - 1) Clean soil or earth shall be placed over the top of and cover exposed surfaces of the fill to a depth sufficient to conceal all materials, other than clean soil or earth, within the fill. Topsoil must meet Pennsylvania Department of Transportation Publication 408 specifications.
 - 2) Debris or waste shall not be considered as fill material.

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Part 9 – Administration, Fees, and Enforcement

Section 901: General Administration

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

Section 902: Fees and Costs

- A. No application for preliminary or final plan approval shall be filed and processed until the fees and/or escrow deposit, as set forth below, shall have been paid.
- B. The Board of Supervisors shall adopt and amend by resolution a schedule of fees, payable by the Applicant to the Township, for the filing of preliminary and final plans.
- C. The Board of Supervisors shall adopt and amend by resolution a schedule of escrow deposits to be paid by the Applicant to the Township at the time of the filing of an application, sufficient to pay all Township expenditures anticipated in the course of its review and disposition of plans.
- 1) Costs incurred by the Township in excess of the escrowed amount shall be paid by the Applicant prior to the granting of approvals or permits.
 - 2) If costs incurred by the Township are less than the escrowed amount, the difference shall be refunded to the Applicant following disposition of the plans.
- D. Township expenditures subject to escrow as in Section 902: Fees and Costs (C), above, include but are not limited to the following:
- 1) Engineering and other technical services performed by any professional consultants during the plan review.
 - 2) Construction observation and inspection as required by this Ordinance.
 - 3) Any required testing as related to the Township Construction Standards.
 - 4) Services of the Township Solicitor in reviewing and/or preparing documents related to the plan reviews.
- E. Escrow accounts for fees to conduct the necessary inspection and review services provided by the Township during the construction of improvements approved in the final plan shall be established as part of the developers agreement as required in Section 304: Major Subdivisions and/or Land Development Final Approval (G).

Section 903: Disputes

- A. Users should be aware that the following Section is a summary of requirements of the *MPC – Act of 1968, P.L. 805, No. 247*, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. In the event that the Applicant disputes the amount of any such review fee, the Applicant shall, within forty-five (45) days of the billing date or the notice of withdrawal by the Township of an amount held in escrow, notify the Township and their consultant that the fees are disputed. In such case the Township shall not delay or disapprove a subdivision or land development due to the Applicant's request regarding disputed fees. The Applicant shall within thirty (30) days after the transmittal date of a bill for inspection services or forty-five (45) days of the date of transmittal of a final bill for inspection services, notify the Township and their professional consultant that the fees are disputed. The fee dispute process established in the Pennsylvania MPC generally includes the following steps:
- 1) In the event that the Township and the Applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the Township and Applicant shall jointly by mutual agreement, appoint another professional consultant serving as arbitrator to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within fifty (50) days.
 - 2) Appropriate payments or reimbursements shall be made within sixty (60) days following the decision by the arbitrator.
 - 3) If the Township and Applicant cannot agree on an independent professional consultant to serve as arbitrator within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located shall appoint an engineer who shall be neither the Township engineer or any professional engineer who has been retained by, or performed services for the Township or Applicant within the preceding five (5) years.
 - 4) The fee of the appointed arbitrator shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment is less than the original bill by \$5,000 or more, the arbitrator may require part of full payment from the Applicant or professional consultant. In all other cases, the consultant and Township should each pay one half (0.5) of the fees of the professional engineer.

Section 904: Enforcement

- A. Users should be aware that the following Section is a summary of requirements of the *MPC – Act of 1968, P.L. 805, No. 247*, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. Preventative Remedies.
- 1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, to correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building.

- 2) The Township may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, the Township may require compliance with the conditions that would have been applicable to the property at which time the Applicant acquired it. This authority to deny such a permit or approval shall apply to any Applicant as described in § 515.1(b) of the MPC.

C. Civil Enforcement Remedies.

- 1) Any person, partnership, or corporation who or which has violated the provisions of this SALDO shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney fees incurred by the Township as a result thereof.
- 2) No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice.
- 3) If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- 4) 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.
- 5) All fines collected for such violations shall be paid to the Township.
- 6) 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.

Section 905: Remedies to Effect Completion of Public Improvements

- A. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plat, the Township shall pursue remedies provided for in § 511 of the MPC, 53 P.S. § 10511, as amended.

Section 906: Appeals

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

Section 907: Notice to School District

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

Part 10 – Amendments and Validity

Section 1001: Amendment Procedures

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

Section 1002: Validity

- A. Separability: Any Section, Subsection, or provision of this Ordinance that is declared to be invalid by a court of competent jurisdiction shall not affect the validity of any other part of this Ordinance or the ordinance as a whole.

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Part 11 – Mobile Home Parks

Section 1101: General Standards

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

Section 1102: Design Standards

- A. Minimum Area: A mobile home park shall have a gross area of at least fifteen (15) contiguous acres of land and be located in a Zoning District as permitted by the Township Zoning Ordinance.
- B. The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner, in compliance with the Township Stormwater Management Ordinance, as amended.
- C. Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with a compacted, dustless surface, or other solid material, or protected with a vegetative ground cover that is capable of preventing soil erosion.

Section 1103: Permitted Uses

- A. No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing, safety, and welfare of park residents and for the management and maintenance of the park.
- B. Accessory structures incidental to residential dwellings shall be permitted on occupied mobile home lots.
- C. Accessory structures shall be counted towards the maximum lot coverage on a lot and in no case shall exceed the maximum lot coverage for the district in which it is located when considering all structures on the lot.
- D. Not more than one accessory structure by type shall be permitted on an individual lot (e.g. shed, play structure, etc).
- E. Accessory structures shall not exceed the height of the principal structure.

Section 1104: Required Setbacks and Buffers

- A. All mobile homes shall be located not less than fifty (50) feet from the right-of-way line of any public street or highway within the municipality.
- B. A permanent landscape buffer shall be provided along all exterior property boundary lines in accordance with Section 724: Bufferyard Standards.

Section 1105: Lot Requirements

- A. Each mobile home lot shall have direct access to an approved and recorded right-of-way whether privately maintained or offered for public dedication.
- B. Each mobile home shall have its own lot.
- C. Mobile home lots are prohibited from directly accessing onto state, county, or Township roadways. Access to all mobile home lots shall be provided by a road network that is internal to the proposed land development.
- D. Minimum mobile home lot standards shall be as follows:
 - 1) Front setback – Ten (10) feet from the recorded access right-of-way.
 - 2) Lot width – Fifty (50) feet at the front setback line.
 - 3) Lot area – 5,000 square feet.
 - 4) Lot coverage – Fifty percent (50%).

- E. Mobile homes shall be placed on a recorded lot and set back a minimum of ten (10) feet on all sides measured from the closest point of the mobile home, including attachments, to the mobile home lot lines.
- F. A minimum separation of ten (10) feet shall be maintained between any attached accessory structure and the side or rear mobile home lot lines. Attached accessory structures shall require a building permit and only be constructed in compliance with the Township Building Code.
- G. All unattached accessory structures including, but not limited to, storage sheds, satellite dishes, swimming pools, or garages shall be located a minimum of five (5) feet from the side or rear mobile home lot lines.

Section 1106: Streets

- A. All streets contained within the mobile home park shall be private streets constructed to the public, local street standards, intersection requirements, and vertical and horizontal alignment criteria as specified within this Ordinance and the Township Construction Standards.
 - 1) The Township may, but shall not be required to, accept the dedication of any streets within the mobile home park.
 - 2) The Applicant shall provide a turning radius analysis for movement related to the placement and removal of mobile homes on all proposed lots. The turning radius analysis shall be approved by the Township Engineer.
- B. Where feasible as determined by the Township Engineer, two (2) park entrances shall be provided.
- C. Parking shall be prohibited within any street right-of-way.
- D. Dead end streets shall be prohibited unless a cul-de-sac is provided in accordance with the Township Construction Standards.
- E. The Board of Supervisors may require that all streets are furnished with shielded lighting and spaced as to provide one-half (0.5) footcandle of illumination on all internal street surfaces, intersections and park entrances.
 - 1) Street lights shall not exceed twenty-five (25) feet in height.

Section 1107: Off-Street Parking

- A. Two (2) paved off-street parking spaces shall be provided on each mobile home lot.
- B. Visitor parking at a ratio of one-half (0.5) space per mobile home shall be located within a distance of 200 feet from the mobile homes to be served.

Section 1108: Mobile Home Pads

- A. The location of each mobile home pad shall be at such elevation, distance, and angle in relation to the access street so that the placement and removal of a mobile home is practical, easy, and safe.
- B. All mobile homes placed within a mobile home park shall, prior to occupancy or other use, be affixed to their mobile home stands in such a way so as to prevent tilting of the unit and shall be installed in compliance with the Township Building Code. No mobile home shall permanently rest on the wheels used to transport the unit.
- C. The pad where the mobile home is placed shall be a minimum of 14 feet by 65 feet, or 910 square feet in area.
 - 1) A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.
- D. All mobile homes shall be set on a suitable foundation and each mobile home pad shall include anchors as required by the Township Building Code and/or federal requirements.
- E. All mobile homes placed within a mobile home park shall, prior to occupancy or other use, have skirts installed for protection of the utility connections.
- F. The hitch or tow bar attached to a mobile home for transport purposes shall be removed or covered when it is placed on its mobile home stand.

Section 1109: Recreation and Open Space

- A. Not less than twenty percent (20%) of the gross site area of all mobile home parks shall be devoted to recreational facilities or usable open space for active recreation. Recreation areas may include, but are not limited to the following:
 - 1) Space for community buildings.
 - 2) Community use facilities.
 - 3) Multi-purpose fields.
 - 4) Indoor recreation areas.
 - 5) Swimming areas.
- B. Sites selected or reserved for such uses shall be of appropriate topography, location, and dimensions which, in the determination of the Planning Commission, are usable for the purpose intended.
- C. Common open space and other common elements shall be retained in private ownership of the developer of the mobile home park.

- D. Prior to plan approval, provisions acceptable to the Township Solicitor for the maintenance of all common elements which will not be owned and maintained by a governmental agency shall be established.

Section 1110: Utilities and Fire Protection

- A. Water. Where a public water supply system of satisfactory quantity, quality, and pressure is available, connection shall be made thereto and it shall be used exclusively as approved by the Municipal Authority. Where a satisfactory public water supply system is not available, the development of a private water supply system shall be approved by the PA DEP or other authorities having jurisdiction.
- 1) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
 - 2) Individual water-riser pipes shall be located directly below the mobile home at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
 - 3) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.
- B. Fire Protection. All fire safety plans shall be reviewed by the volunteer fire company chief(s) which provides fire protection in the proposed location of the mobile home park.
- 1) Fire hydrants shall be installed as required by the Board of Supervisors.
- C. Sewage. An adequate and safe sewage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities.
- 1) Connection to a public sanitary sewage system shall be designed and constructed in accordance with the Municipal Authority having jurisdiction.
 - 2) Private sewer collector and treatment systems shall be constructed and maintained in accordance with the rules and regulations of the PA DEP.
 - 3) Central toilet or washroom facilities are prohibited.
- D. Underground Utilities. All electric, natural gas, telephone, cable television, and other utility lines shall be placed underground in all mobile home parks and each shall have the necessary shut-off valves and other safety requirements normally associated with safe operations.
- 1) All utility connections shall be appropriately capped for safety purposes whenever a mobile home lot is not occupied.
 - 2) All utilities shall be installed and maintained in accordance with the regulations of the individual authority having jurisdiction.

E. Heating oil or propane tanks shall be installed as required by the Township Building Code.

Section 1111: Refuse Handling

A. A refuse collection station containing a typical six (6) cubic yard dumpster shall be provided for every six (6) lots or mobile home units.

- 1) Refuse collection stations shall be evenly distributed through the mobile home park.
- 2) Garbage service shall be provided as required by the Board of Supervisors.

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

C. All refuse collection stations shall provide screening as required by Section 728: Refuse Collection Stations and Service Structures.

Section 1112: Permits Required and Inspection

A. In those mobile home parks wherein some or all of the mobile home lots will be sold individually (whether totally fee simple, fee simple with a homeowners association, condominium, or cooperative), no lot to be conveyed shall be developed or a mobile home or other structure placed or constructed thereon until the subdivision and/or land development plan has been properly approved and the proper building and construction permits have been issued to the lot in accordance with standard procedures for any building activity in the Township.

B. No mobile home or other structure shall be occupied until a valid occupancy permit has been issued by the Township.

C. Designated Township personnel may inspect a mobile home park after due notice to determine initial and ongoing compliance with this Ordinance.

D. The Applicant or developer shall inform the Township and/or appropriate authority when mobile homes are connected to water supply, sewer, and electrical service to schedule inspection of these connections and to determine that the mobile home is anchored and located in accordance with this Ordinance.

E. Designated Township personnel will not inspect the mobile home unit but shall determine if it bears a label indicating that it complies with the appropriate federal safety standards promulgated by the US Department of Housing and Urban Development and Pennsylvania regulations issued under the "Mobile Housing Construction and Safety Act."

F. All mobile homes shall comply with all regulations of the Pennsylvania Department of Economic and Community Development and the Township Building Code.

Appendix A: Required Certifications and Statements

1. **Owner's Adoption.** The appropriate form of owner's adoption certification is required based on the type of owner or beneficial owner. It may be executed by any person or entity who falls within the MPC definition of "landowner" or "developer."

- a. For an individual owner or owners. All owners must sign. The owner's adoption may be repeated for multiple owners:

"(I/We), (owner(s) or beneficial owner(s)) of the land shown on the (Name of plan), hereby adopt this plan as (my/our) (plan of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plan to the public. Any future acceptance of said public streets or property by the Commonwealth of Pennsylvania, County of Butler, and Township of Franklin, (I, we) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Butler, and Township of Franklin, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public streets or property and the physical grading thereof to any grades that may be established. This adoption and dedication shall be binding upon (my/our) heirs, executors, and assigns."

- b. For a partnership. A general partner must sign:

"The (name of partnership), (owner or beneficial owner) of the land shown on the (name of plan) hereby adopts this plan as its (plan of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plan to the public. Any future acceptance of said public streets or property by the Commonwealth of Pennsylvania, County of Butler, and Township of Franklin, (I, we) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Butler, and Township of Franklin, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public streets or property and the physical grading thereof to any grades that may be established. This adoption and dedication shall be binding upon the partnership and upon its heirs, executors, and assigns.

- c. For a corporation. A corporate officer must sign, and another officer must witness. The corporate seal must be affixed. A managing member of a limited liability corporation may sign in lieu of a resolution, provided a copy of the operating agreement is provided and evidences proper authority:

"By resolution approved on the ____ day of _____, ____ the Board of Directors of the (Name of corporation), incorporated in the state of (Name of state), (owner or beneficial owner) of the land shown on the (Name of plan) adopted this plan as its (plan of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plan to the public. (Name of corporation), hereby covenants and agrees to and by these presents does release and forever discharge said Commonwealth of Pennsylvania, County of Butler and Township of Franklin, their successors or

assigns from any liability for damages arising and to arise from the appropriation of said ground for public streets or property and the physical grading thereof to any grades that may be established. This adoption and dedication shall be binding upon the corporation and upon its successors and assigns.”

2. **Acknowledgement of Notary Public.** The owner's adoption must be acknowledged by a notary public. The black notary stamp must be affixed. The type of acknowledgment of notary public must correspond to the type of owner's adoption.

“This record was acknowledge before me _____ (date) by ____ (name(s) of individual(s)) as _____ (type of authority such as an officer or trustee) who represent that (he, she, or they) are authorized to act on behalf of whom the record was executed.”

Witness my hand and notarial seal this _____ day of _____, _____.

My commission expires the _____ day of _____, _____.

_____ Notary Public

(Seal)

3. **Required Approval Certifications.** The following review and approval statements shall be used:

“The Board of Supervisors of the Township of Franklin hereby give public notice that in approving this plan for recording purposes, the Township of Franklin assumes no obligations, legal or otherwise, to accept all streets and other property identified for dedication on the plan.”

Approved by the Board of Supervisors of the Township of Franklin by Resolution No. _____, effective this _____ day of _____, _____.

_____ Chairperson, Board of Supervisors

(Seal)

Reviewed by the Planning Commission of the Township of Franklin this _____ day of _____, _____.

_____ Chairperson, Planning Commission

Reviewed by the Butler County Planning Commission this _____ day of _____, _____.

_____ Chairperson, Butler County Planning Commission

(Seal)

Recorded in the office of the Recorder of Deeds of the County of Butler,
Commonwealth of Pennsylvania, in Plan Book Volume _____, Page(s)
_____.

Given under my hand and seal this ____ day of _____,
_____.

_____ Recorder of Deeds

(Seal)

4. Surveyor's Certification. Every plan for recording must be prepared by or under the supervision of a registered surveyor, who must certify the accuracy of the survey and affix his seal.

"I certify that, to the best of my knowledge, that the survey and plan shown hereon correctly represents the lots, lands, streets and highways as surveyed and plotted by me."

_____ Name of Surveyor _____ Date

_____ Registration Number

(Seal)

5. Approved Variances and/or Modifications. All approved variances and/or modifications shall be noted on the cover sheet of the plan set and the final plat for recording as indicated by the following text:

- a. "On _____ (add date) a variance was granted by Franklin Township Zoning Hearing Board to Ordinance ____ (provide number), Article ____ (provide number), Section ____ (provide number), Subsection ____ (provide number), to allow ____ (described variance granted)."
- b. "On _____ (add date) a modification was granted by the Franklin Township Board of Supervisors to Ordinance ____ (provide number), Article ____ (provide number), Section ____ (provide number), Subsection ____ (provide number), to allow ____ (described modification granted)."

6. Gas Well Certification. The registered professional submitting the proposed plan(s) shall attest to the following statements and include the following text on the plan set:

- a. "To the best of my knowledge, belief and ability and based upon a visual inspection of the surface of the premises as shown hereon, ____ (select: a gas well exists as shown hereon, or no gas well exists)."

7. Wetland Certification.

- a. With a wetland report completed:

“A wetland exists as shown hereon as delineated in the wetlands delineation report titled ____ (insert title) on ____ (date) by ____ (professional’s name).”

- b. Or, if the wetland report states an absence of wetlands:

“To the best of my knowledge, belief, and ability and based upon a visual inspection of the surface of the property, no wetlands exist on the premises as shown hereon. ____ (date) by ____ (professional’s name)”

8. **Highway Certification.** Section 508(6) of the MPC requires that no plat requiring access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains the following statement:

- a. “A highway occupancy permit is required pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a State highway is permitted.”