

TOWNSHIP OF UPPER BURRELL

ORDINANCE NO. 2 of 2007

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER BURRELL, WESTMORELAND COUNTY, PENNSYLVANIA REPEALING AND REPLACING ORDINANCE NO. 1 OF 1964, AS AMENDED, SUBDIVISION ORDINANCE TO: (1) PROVIDE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS; (2) ESTABLISH GENERAL REQUIREMENTS FOR SUBDIVISIONS AND LAND DEVELOPMENTS; (3) ESTABLISH PRE-APPLICATION PROCEDURES; (4) ESTABLISH REGULATIONS FOR PRELIMINARY PLATS AND FINAL PLATS; (5) ESTABLISH PRINCIPLES AND STANDARDS OF CONSTRUCTION FOR IMPROVEMENTS; (6) ESTABLISH STREET DESIGN STANDARDS AND TOWNSHIP STANDARDS OF CONSTRUCTION; (7) PROVIDE FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS; (8) PROVIDE FOR MODIFICATIONS AND EXCEPTIONS; (9) PROVIDE FOR ADMINISTRATION AND ENFORCMENT; (10) PROVIDE FOR AMENDMENTS; AND (11) PROVIDE PENALTIES FOR VIOLATIONS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Upper Burrell, and it is hereby ordained and enacted by and with the authority of the same as follows:

ARTICLE I

GENERAL PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Township of Upper Burrell Subdivision and Land Development Ordinance" or just the "Subdivision Ordinance."

SECTION 102 GRANT OF POWER

This Ordinance is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. 10101, et. seq.).

SECTION 103 PURPOSE

The purpose of this Ordinance is to regulate land subdivision, resubdivision, consolidation and land development activities in the Township by providing for a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land; the proper design of streets to accommodate projected traffic and facilitate fire protection; and the provision of adequate easements or rights-of-way,

gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities; and proper design of land developments in accordance with the requirements of this Ordinance and the Township Zoning Ordinance.

SECTION 104 GENERAL INTENT AND COMMUNITY DEVELOPMENT OBJECTIVES

These subdivision regulations are made in accordance with the community development objectives set forth in the Township Zoning Ordinance and the Township Comprehensive Plan and are intended to achieve the following goals:

- A.** To promote, protect and facilitate one (1) or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of recreation, open space and harmonious design; the provision of adequate light and air, police protection, vehicle parking and loading spaces, transportation, water, sewerage, schools, public grounds and other public requirements; and

- B.** To prevent one (1) or more of the following: over-crowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

ARTICLE II

DEFINITIONS

SECTION 201 INTERPERTATION

The word “person” includes a corporation, whether or not for profit, an association, unincorporated association, partnership, individual or any other entity. The words “shall” and “will” are mandatory; the word “may” is permissive. The word “building” includes a structure or any part thereof. Words used in the present tense include the future tense. Words in the masculine gender include the feminine gender.

SECTION 202 DEFINITIONS

The following words and phrases shall have the particular meaning specified for the purpose of interpreting this Ordinance:

ACCESSORY BUILDING: An attached building located on the same lot with, a principal building housing an accessory use to the principal building, including, but not limited to, private garages, storage sheds and the like.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

AMENITIES BOND: Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or a corporate performance guarantee from a Pennsylvania licensed surety company that guarantees the satisfactory completion of those private improvements in a subdivision or land development plan that are required by this Ordinance or are voluntarily proposed by the developer.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT: Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for the approval of a subdivision or land development.

ARTERIAL STREET: See STREET, ARTERIAL.

BLOCK: A tract of land bounded by streets, public lands, railroad rights-of-way, waterways or municipal boundary lines.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of Upper Burrell, Westmoreland County, Pennsylvania.

BOND, AMENITIES: See AMENITIES BOND.

BOND, MAINTENANCE: See MAINTENANCE BOND.

BUILDING LINE: See FRONT BUILDING LINE.

CARTWAY: That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and curbs.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersection of the center lines of streets. (See Illustration in Appendix II.)

CODE ENFORCEMENT OFFICER: The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer and enforce this Ordinance, the Township Zoning Ordinance and such other ordinances as the Board of Supervisors ordains.

COLLECTOR STREET: See STREET, COLLECTOR.

COMMON PRIVATE DRIVEWAY: See DRIVEWAY, COMMON PRIVATE.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Township that guides the physical development of the Township and that consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

CONDOMINIUM: A development where each dwelling unit or structure is individually owned and the owner of each dwelling unit or structure has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

CONSOLIDATION: The combination of two (2) or more lots, tracts or parcels of land for the purpose of a land development. For purposes of this Ordinance, a consolidation shall be considered a subdivision.

CONSTRUCTION STANDARDS: See TOWNSHIP CONSTRUCTION STANDARDS.

COOPERATIVE: A multifamily dwelling where a corporation holds title to the building and each resident purchases shares in the corporation and, in return, receives a lease granting occupancy of a specific dwelling unit in the building and where each resident pays a proportionate share of operating expenses and debt service on the building based on the amount of stock held in the corporation.

CORNER LOT: See LOT, CORNER.

COUNTY: County of Westmoreland, Pennsylvania.

COUNTY PLANNING COMMISSION: Westmoreland County Planning Commission.

CROSS-WALK: A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb, across a public or private street cartway or where there are no curbs, from the edge of the cartway to the opposite edge of the cartway.

CUL-DE-SAC: A street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

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

DOUBLE FRONTAGE LOT: See LOT, DOUBLE FRONTAGE.

DRIVEWAY, INDIVIDUAL PRIVATE: A vehicular access route serving only one (1) parcel or lot that provides access to a public street, but that does not provide access to any other lot or parcel under separate ownership.

DRIVEWAY, COMMON PRIVATE: A vehicular access route serving two (2) or more residential lots or parcels or two (2) or more businesses on a single lot that provides access to a public street.

DWELLING, SINGLE FAMILY: A detached residential building containing one (1) dwelling unit that is the only principal building on the lot, except in the case of condominiums.

DWELLING, TWO-FAMILY: A detached residential building containing two (2) independent dwelling units, each having a separate entrance.

DWELLING, MULTIFAMILY: A residential building or portion thereof containing three (3) or more dwelling units, including triplexes, fourplexes, townhouses and garden apartments.

DWELLING UNIT: One (1) or more rooms that are designed as living quarters for one (1) family and having permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and for the use by the public, a corporation or any other person within which no permanent structure may be erected, the use of which shall not be inconsistent with the rights of the grantee.

ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania. The use of the word “engineer” shall not exclude the practice of topographic surveying as provided for in the laws of the Commonwealth of Pennsylvania.

EVIDENCE OF PROPRIETARY INTEREST: Any contract, whether subject to any condition or not, or a certificate of title or other legal document whereby a person shall have the legal or equitable rights of the landowner in all matters relating to an application filed under this Ordinance.

FAMILY: One (1) or more persons related by blood, marriage, adoption or foster placement, including not more than two (2) boarders, roomers or lodgers and any domestic servants; or a group of not more than three (3) unrelated persons living together in a dwelling unit and maintaining a common household or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et seq., as now or hereafter amended), living together in a group living arrangement with supervision.

FEE: The required charge, payable to the Township, established from time to time by Resolution of the Board of Supervisors collected to defray the costs of processing an application, reviewing an application or inspecting the installation of public improvements pursuant to this Ordinance.

FINAL APPLICATION: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

FINAL PLAT: The map or plan of a proposed subdivision or land development containing all the information required by this Ordinance and any subdivision regulations or other requirements adopted by the County of Westmoreland for final plat approval and in a form acceptable for recording in the Office of the Westmoreland County Recorder of Deeds.

FLAG LOT: A lot that does not have the minimum required lot width at the street frontage, but rather has a strip of land that provides as an access corridor to the buildable area of the lot which is located behind another lot that has its full frontage on the public street. The layout of a flag lot is such that the access corridor appears to be the “flagpole” and the wider buildable area behind the forward lot is the “flag”. (See Illustration in Appendix III.)

FRONT BUILDING LINE: A line parallel to, or concentric with, the front lot line at a distance therefrom which is equal to the depth of the front yard required by the Township Zoning Ordinance for the Zoning District in which the lot is located.

IMPROVEMENTS, PRIVATE: See PRIVATE IMPROVEMENTS.

IMPROVEMENTS, PUBLIC: See PUBLIC IMPROVEMENTS.

INDIVIDUAL PRIVATE DRIVEWAY: See DRIVEWAY, PRIVATE INDIVIDUAL.

INSPECTOR: The Township Engineer or any other authorized representative assigned by the Board of Supervisors to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by this Ordinance.

INTERIOR LOT: See LOT, INTERIOR.

LAND DEVELOPMENT: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively; or
 - b. A single non-residential building on a lot or lots, regardless of the number of occupants or tenure, including any change of use or building alteration; or
 - c. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Developments authorized to be excluded from the regulations of land development by Section 303 of this Ordinance.

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

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

LANDSLIDE-PRONE AREA: An area characterized by unstable slopes and land surfaces whose history, geology, soil, bedrock structure and climate indicate a potential for landslides as identified by the U.S. Geological Survey or the Upper Burrell Township Engineer.

LOT: A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

LOT AREA: That area measured on a horizontal plane bounded by the front, side and rear lot lines, excluding any portion of the lot within a street right-of-way.

LOT, CORNER: A lot at the intersection of, and fronting on, two (2) or more streets or vehicular rights-of-way.

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

LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear street frontage.

LOT, FLAG: See FLAG LOT.

LOT OF RECORD: Any lot or parcel which individually, or as a part of a subdivision plan, has been recorded in the Office of the Recorder of Deeds of Westmoreland County.

LOT WIDTH: The straight line distance between the points of intersection of the front building line with the side lot lines.

MAINTENANCE BOND: Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or corporate bond from a surety company licensed to do business in the Commonwealth of Pennsylvania and approved by the Township Solicitor which guarantees the repair or maintenance of the improvements required by this Ordinance for a specified period after their completion and acceptance by the Township.

MAJOR SUBDIVISION: See SUBDIVISION, MAJOR.

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.

MINOR SUBDIVISION: See SUBDIVISION, MINOR.

MULTIFAMILY DWELLING: See DWELLING, MULTIFAMILY.

OFFICIAL DATE OF FILING: The date of the regular meeting of the Planning Commission following the date that the application is filed.

ORDINANCE: All references to “Ordinance” or “this Ordinance” refer to the Township of Upper Burrell Subdivision and Land Development Ordinance.

OWNER See LANDOWNER.

PARCEL: See LOT.

PEDESTRIAN WALKWAY: An area, other than a sidewalk, reserved by easement for pedestrian circulation across private property which is improved with a dust-free, all-weather surface.

PENN DOT FORM 408: Standard specifications for construction developed by the Pennsylvania Department of Transportation or any other such form subsequently developed by PennDOT or its successor agency which serves that purpose.

PERFORMANCE GUARANTEE: Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from a surety company licensed to do business in the Commonwealth of Pennsylvania and approved by the Township Solicitor which guarantees the satisfactory completion of improvements required by this Ordinance.

PLANNING COMMISSION: The Township of Upper Burrell Planning Commission.

PLAT: A map or plan, either preliminary or final, indicating the subdivision or consolidation of land or a land development.

POSITIVE DRAINAGE: Drainage of stormwater or underground water away from any improvement to prevent damage to life and property and to minimize disruption of land use.

PRELIMINARY APPLICATION: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

PRELIMINARY PLAT: The map or plan of a proposed subdivision or land development which contains all of the information required by this Ordinance for approval of a preliminary plat.

PRINCIPAL BUILDING: The building or buildings on a lot in which the principal use or uses are conducted.

PRINCIPAL USE: The primary or predominant use of any lot or structure.

PRIVATE IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be owned, maintained or operated by a private entity such as an individual, corporation or homeowners' association.

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 HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and any other authorizing statute.

PUBLIC IMPROVEMENTS: All grading, paving, curbs, streets, walkways, gutters, stormwater management facilities, sewers and other facilities to be dedicated to or maintained by the Township for which plans and specifications must comply with the Construction Standards of the Township.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".

PUBLIC NOTICE: Notice of a public hearing 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 public hearing. The first publication shall be no more than thirty (30) days and the second notice shall not be less than seven (7) days from the date of the public hearing.

RIGHT-OF-WAY: An easement or an area of land reserved or dedicated for public purposes to provide access across private property.

SIGHT DISTANCE: The maximum unobstructed vision along a street from a vehicle located at a given point on a street.

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY.

SLOPE: The degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise or descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SOLICITOR, TOWNSHIP: See TOWNSHIP SOLICITOR.

STREET: All land between right-of-way lines, whether public or private, and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway, throughway, thoroughfare, parkway, freeway, road, lane, place or other vehicular way.

STREET, ARTERIAL: A public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region.

STREET, COLLECTOR: A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

STREET, LOCAL: A public street, other than an arterial or collector street, designed to provide access to abutting lots and to discourage through traffic.

STREET, PRIVATE: A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have frontage on a public street and which require access to a public street through the private street.

STREET, PUBLIC: A street, including the entire public right-of-way, which has been dedicated to and accepted by the Township or which has been devoted to public use by legal mapping, use or other means.

STREET, SERVICE: A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

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

SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land or consolidations of parcels 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 any residential dwelling, shall be exempted.

SUBDIVISION, MAJOR: Any subdivision containing four (4) or more lots or any subdivision, containing less than four (4) lots, that proposes the dedication and/or construction of any public street or private street or the extension or construction of any other public improvements, including, but not limited to storm sewers or sanitary sewers.

SUBDIVISION, MINOR: A subdivision containing no more than three (3) lots, proposed for single family dwellings, all of which have frontage on an improved public street, and not involving any new street or road or the extension or creation of any municipal facilities or public improvements and which does not adversely affect the future development of the remainder of the parcel or any adjoining property.

SUBSTANTIALLY COMPLETED: Where in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted) 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.

SUPERVISORS: See BOARD OF SUPERVISORS.

SURVEY: A plan prepared by a registered surveyor indicating the precise metes and bounds of a lot or parcel, showing all easements and rights-of-way of record and all other existing conditions which represent encumbrances or restrictions on the use of the property.

SURVEYOR: A registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

TOWNSHIP: The Township of Upper Burrell, Westmoreland County, Pennsylvania.

TOWNSHIP CONSTRUCTION STANDARDS: A document entitled "Township of Upper Burrell Construction Standards" prepared by the Township Engineer, adopted and amended from time to time by Resolution of the Board of Supervisors upon recommendation of the Township Engineer, copies of which are on file in the office of the Township Secretary or his/her authorized designee.

TOWNSHIP ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

TOWNSHIP SOLICITOR: Any attorney or a law firm, partnership, association of professional corporation duly licensed and authorized to practice law in the Commonwealth of Pennsylvania and the County of Westmoreland and appointed by the Board of Supervisors to serve as its legal counsel in accordance with the Second Class Township Code, as amended. (65 P.S. 65101 et. seq.)

TWO FAMILY DWELLING: See DWELLING, TWO FAMILY.

WATERCOURSE: A stream, intermittent stream, river, creek, channel or ditch, whether natural or man-made, which carries water.

ZONING OFFICER: The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer and enforce this Ordinance and the Township Zoning Ordinance.

ZONING ORDINANCE: The Upper Burrell Township Zoning Ordinance enacted on September 29, 1970, as amended.

ARTICLE III

APPLICABILITY OF REGULATIONS

SECTION 301 APPROVAL REQUIRED

A subdivision plat, consolidation plat or land development plan approved in accordance with these Subdivision Regulations shall be required for:

- A.** Any land development, as defined by this Ordinance, other than those excluded by Section 303 of this Ordinance;
- B.** Any subdivision, as defined by this Ordinance;
- C.** The consolidation, as defined by this Ordinance, of two (2) or more lots, tracts or parcels of land for the purpose of development or transfer of ownership; and
- D.** Any development in which the developer proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use.

SECTION 302 COMPLIANCE REQUIRED

No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued unless and until such subdivision or land development shall have been approved and properly recorded and until such improvements as required by this Ordinance shall have been constructed or guaranteed, as provided for by this Ordinance.

The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Ordinance.

SECTION 303 EXCLUSION OF CERTAIN LAND DEVELOPMENTS

The following types of land development are hereby excluded from the provisions of this Ordinance governing land developments, as defined herein:

- A.** The conversion of an existing single family dwelling or two-family dwelling into not more than three (3) residential dwelling 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 any existing agricultural or residential principal dwelling; or

- 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 subclause, 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 initial plans for the expanded area have been approved by proper authorities.
- D.** The construction of a single family dwelling or two-family dwelling on a single lot shall not be considered a land development.

ARTICLE IV

APPROVAL PROCEDURE

SECTION 401 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary Approval, the applicant may meet with the Township Zoning Officer and/or Township Secretary to obtain application forms and procedural guidelines and to discuss application procedures and applicable ordinance requirements. The Zoning Officer and/or Township Secretary may invite other Township or Authority representatives to attend, if warranted.

In addition, prior to filing an application for Preliminary Approval, the developer may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing the subdivision and/or development of the property and the feasibility and timing of the application. The applicant shall contact the Township Secretary or his/her authorized designee at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference that shows the location of the property and any special features such as streams floodplains or other conditions that may affect the development of the property. Readily available resources that may be used include the deed for the property, a property survey, the Tax Maps prepared by the Westmoreland County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U. S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filing of any application for approval of a subdivision or land development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the pre-application conference and the official date of filing of an application for Preliminary Approval of a subdivision or land development under the terms of this Ordinance.

SECTION 402 PROCEDURE FOR MINOR SUBDIVISIONS

402.1 Applications for Approval of a Minor Subdivision

Applications for approval of a Minor Subdivision, as defined by this Ordinance, shall be filed with the Township Secretary at least ten (10) working days prior to the regular meeting of the Planning Commission. The application shall include the following information:

- a.** A minimum of eight (8) copies of the completed application form supplied by the Township.
- b.** Application filing and application review fees, as required by Section 1001 of this Ordinance.
- c.** Evidence of proprietary interest acceptable to the Township Solicitor.
- d.** A minimum of eight (8) copies of the Final Plat, as required by Section 407-P of this Ordinance, prepared in CAD format acceptable to the Township.
- e.** A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom; title, scale and North point.
- f.** A boundary survey prepared by a registered professional land surveyor and any other data required by Section 404-D of this Ordinance for a Preliminary Plat, deemed necessary by the Planning Commission to properly review the application. Contours shall not be required, unless deemed necessary by the Planning Commission. A slope map shall not be required.
- g.** If the proposed subdivision is a re-subdivision of property in a previously recorded plan, reference to the lot or parcel numbers being revised and the name of the previously recorded plan shall be provided in the title block.

The applicant shall file a minimum of eight (8) copies of an application for Preliminary and Final Approval of a Minor Subdivision to the Township Secretary including the form provided by the Township at least ten (10) working days prior to the regular meeting of the Planning Commission. The Township Secretary may require additional copies of the application in the case where reviews by agencies other than those specified in this Section are warranted. The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by this §402.1 of this Ordinance, including the Application Fee, have been received.

In the event that an application is not timely filed prior to the regular meeting of the Planning Commission, the applicant shall be scheduled for a pre-application conference with the Planning Commission at the next regular meeting immediately following the filing and shall be scheduled for consideration at the next regular meeting of the Planning Commission following the pre-application conference.

Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary or his/her authorized designee. Upon receipt, copies of the application shall be distributed to each member of the Planning Commission.

The Township Secretary or his/her authorized designee shall submit one (1) copy of the application to the Westmoreland County Planning Commission for review and comment within five (5) days of receipt subject to payment of the County review fee by the applicant.

If, after reviewing the application at a public meeting, the Planning Commission identifies deficiencies in the application, the Planning Commission may table consideration of the application until the next regular meeting of the Planning Commission to give the applicant the opportunity to address the deficiencies.

If, after review, the Planning Commission deems it necessary, the application may be referred to the Township Engineer for review and comment.

If the applicant requires additional time to address the deficiencies, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application. In the event that the applicant does not adequately address the deficiencies, the Planning Commission may recommend that the Board of Supervisors deny approval, in which case, the Planning Commission shall provide a written recommendation citing the specific provisions of this Ordinance that have not been met.

In all cases, the official date of filing of the Application for Preliminary and Final Approval shall be the date of the Planning Commission meeting at which the Planning Commission first considers the application.

402.2 Approval of a Minor Subdivision

If the Minor Subdivision is part of a larger tract that can be further subdivided in the future, any future subdivision of the remaining parcel shall not be eligible for consideration as a Minor Subdivision, regardless of the number of lots proposed. The landowner shall not take any action to divide the original tract or transfer ownership of any part of the original tract for the sole purpose of avoiding the requirement to submit an application for a Major Subdivision.

Preliminary and Final Approval may be granted simultaneously for a Minor Subdivision and the procedure for simultaneous Preliminary and Final Approval of the Final Plat shall be in accordance with the requirements of §408.1, §408.2 and §408.5 of this Ordinance. Final Approval of a Minor Subdivision further shall be subject to Sections 410, 413, 414 and 415 of this Ordinance.

In the event that Preliminary and Final Approval of a Minor Subdivision are not granted simultaneously, Preliminary Approval shall be granted first in accordance with the requirements of Section 405 of this Ordinance governing Preliminary Approval for a Major Subdivision.

SECTION 403 PRELIMINARY APPLICATION SUBMISSION FOR MAJOR SUBDIVISIONS

The applicant shall file a minimum of eight (8) copies of an application for Preliminary Approval of a Major Subdivision to the Township Secretary or his/her authorized designee, including the form provided by the Township at least ten (10) working days prior to the regular meeting of the Planning Commission. The Township Secretary or his/her authorized designee, may require additional copies of the application in the case where an application requires review by the Township's traffic consultant, geotechnical consultant or other applicable review agency. The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 404 of this Ordinance, including the Application Fee, have been received.

In the event that an application is not timely filed prior to the regular meeting of the Planning Commission, the applicant shall be scheduled for a pre-application conference with the Planning Commission at the next regular meeting immediately following the filing and shall be scheduled for consideration at the next regular meeting of the Planning Commission following the pre-application conference.

Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary or his/her authorized designee. Upon receipt, copies of the application shall be distributed to the Township Engineer and each member of the Planning Commission.

The Township Secretary or his/her authorized designee shall submit one (1) copy of the application to the Westmoreland County Planning Commission for review and comment within five (5) days of receipt subject to payment of the County review fee by the applicant.

The Township Engineer will perform a completeness review. If the application is found to be incomplete, a written report shall be provided to the Planning Commission with a copy to the applicant, indicating the deficiencies in the application and citing the specific sections of this Ordinance that have not been met.

In the event that the applicant fails to submit a revised application in adequate time for the Township Engineer to review it or the revised application fails to adequately address the deficiencies cited in the completeness review, the Planning Commission may table consideration of the application until the next regular meeting of the Planning Commission. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application.

In all cases, the official date of filing of the Preliminary Application shall be the date of the Planning Commission meeting at which the Planning Commission first considers the application.

SECTION 404 PRELIMINARY APPLICATION CONTENT FOR MAJOR SUBDIVISIONS

All applications for Preliminary Approval of a subdivision shall include the following:

- A.** A minimum of eight (8) copies of the completed application form supplied by the Township;
- B.** Application filing and application review fees, as required by Section 1001 of this Ordinance;
- C.** Evidence of proprietary interest acceptable to the Township Solicitor;
- D.** A minimum of eight (8) copies of a Preliminary Plat, all drawings on sheets not exceeding twenty-two inches by thirty-four inches (22" x 34"), containing the following information:
 - 1.** A boundary survey prepared by a registered professional land surveyor and a topographical survey of the total proposed subdivision by a registered professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat shall include the total tract.
 - 2.** The proposed name of the subdivision.
 - 3.** If the proposed subdivision is a re-subdivision of property in a previously recorded plan, reference to the lot or parcel numbers being revised and the name of the previously recorded plan shall be provided in the title block.
 - 4.** The name, address, certification and seal of the registered engineer or registered surveyor who prepared the plat and the registered surveyor who did the survey shown on the plat.

5. The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
6. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom; title, scale and North point.
7. The graphic scale, North point and date.
8. The legend and notes.
9. The existing platting of land adjacent to the site and all existing sewers and on-site sewage treatment facilities, water mains, private water wells and any other privately owned utilities, culverts, petroleum or gas lines and fire hydrants on or within one hundred (100) feet of the site shall be shown.
10. Existing watercourses, wetlands, tree masses and other significant natural features.
11. Areas subject to periodic flooding, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.
12. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
13. A slope map showing the location and the area in square feet of all land in two (2) slope categories of 25% - 40% and 41% or greater, including certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading of these slopes, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties demonstrating compliance with the requirements of §703.4 of this Ordinance.
14. Existing streets and rights-of-way on or adjoining the site within two hundred (200) feet of the boundaries of the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
15. Existing and proposed easements, locations, widths and purposes.

16. Location, width and approximate grade of all proposed streets, parking areas and loading areas.
 17. The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.
 18. Front building lines.
 19. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semi-public or community purposes, if any. Parcels shall be lettered A, B, C, etc. and the area of each parcel in acres shall be shown.
 20. Tabulation of site data, either on the plan or on an 8 ½" x 11" sheet of paper attached to the plan, including total acreage of land to be subdivided, the number of residential lots, typical lot size, the acreage in the subdivision and the acreage in any proposed recreation or other public areas.
 21. Proposed public improvements. The size of each proposed improvement should be shown and the location of, or distance to, each existing utility indicated.
 22. The size, type and location of proposed private improvements, if any.
 23. If required by law, evidence that Soil Erosion and Sedimentation Control Plans have been submitted to the Westmoreland County Conservation District and that the applicant has paid all applicable review fees.
 24. Written or graphic evidence that all plans conform to the Upper Burrell Township Construction Standards.
 25. A soils map identifying soils which are landslide prone or which have hydric components or wetlands, if any.
 26. A wetlands delineation report for all jurisdictional wetlands within the development site, if any.
 27. Evidence that all earthmoving activities shall conform to the Upper Burrell Township Grading Ordinance.
- E.** For all applications that propose seventy-five (75) or more additional trips during the adjacent roadway's peak hours. Trip generation calculations for the proposed development shall be based on the Institute of Transportation Engineers (ITE) trip generation ratios for its land use category. A Traffic Report prepared by a qualified traffic engineer shall be submitted detailing the nature

and extent of trip generation expected to result from the proposed development. The report shall utilize the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers (ITE). The report shall include the following:

- 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 site environs, including:
 - a.** Roadway network and traffic control
 - b.** Existing traffic volumes in terms of peak hours and average daily traffic (ADT)
 - c.** Planned roadway improvements by others
 - d.** Intersection levels of service
 - e.** Other measures of roadway adequacy, i.e. lane widths, traffic signal warrants, vehicle studies, etc.
- 3.** Projected site generated traffic volumes in terms of:
 - a.** Peak hours and ADT (by development phase, if required)
 - b.** Approach/departure distribution including method of determination
 - c.** Site traffic volumes on roadway
- 4.** An analysis of future traffic conditions including:
 - a.** Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic)
 - b.** Intersection levels of service
 - c.** A pavement analysis of roadways which are projected to experience significant increases in ADT volumes off-site
 - d.** Other measures of roadway adequacy, i.e., lane width; traffic signal warrants; vehicle delay studies, etc.
 - e.** When access is onto a State road, the analysis of future conditions shall be consistent with Penn DOT requirements.

- 5.** A description of future levels of service 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. All reference to levels of services (LOS) shall be as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

 - a.** Traffic capacity LOS shall be based upon a future design year which coincides with completion of the development.
 - b.** Unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Township.
 - c.** Signalized intersections shall be designed for LOS C or better. Existing intersections impacted by development traffic shall maintain a minimum LOS D or, if future base LOS E or F, then degeneration in delays shall be mitigated. A future design year without the proposed development shall be completed for comparison purposes.
 - d.** Streets shall be designed for a minimum LOS C.
- 6.** A description and analysis of the proposed access plan and site plan, including:

 - a.** Access plan including analysis of required sight distances using Penn DOT criteria and description of access roadway, location, geometric conditions and traffic control.
 - b.** On-site circulation plan showing parking locations and dimension, loading access, circulation roadway, pedestrian circulation and traffic control.
- 7.** Traffic Circulation Mitigating Action Plan shall include:

 - a.** Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
 - b.** Off-site improvement plan, depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.

Based on the scope of work and the complexity of the project, the Township may require the Traffic Study to be reviewed by a Traffic Consultant selected by the Township. In such case, the applicant required to submit the Traffic Study shall be required to pay for the cost of the consultant review. No permits for construction or occupancy of a development site shall be issued until said consultant fees are paid.

SECTION 405 PRELIMINARY APPLICATION APPROVAL FOR MAJOR SUBDIVISIONS

405.1 Planning Commission Recommendation

The Township Engineer shall present a written report to the Planning Commission with a copy to the applicant which states whether an application complies with the requirements of this Ordinance. The Township Engineer's report shall include a copy of the Township Zoning Officer's review indicating compliance with the Township Zoning Ordinance. The reports shall be referenced in the minutes at the Planning Commission meeting.

At the first (1st) regular meeting of the Planning Commission ten (10) working days or more after the date of filing of a Preliminary Application, the Planning Commission shall either accept the application as properly filed and begin its review or table the application until any deficiencies identified by the Township Engineer's review have been addressed by the applicant. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application. If the applicant fails to grant such an extension, the Planning Commission may recommend disapproval of the application based on the deficiencies identified.

Within sixty (60) days of the official date of filing of the Preliminary Application the Planning Commission shall make a written recommendation to the Board of Supervisors for approval, approval with conditions or disapproval of the Preliminary Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

405.2 Board of Supervisors Action

The Board of Supervisors shall render its decision on the application no later than ninety (90) days following the Planning Commission's regular meeting next following the date that the application is filed, provided that should the next regular meeting of the Planning Commission occur more than thirty (30) days following the filing of the application, the ninety (90) days shall be measured from the thirtieth day following the day the application had been filed.

The Board of Supervisors shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting. The recommendation of the Planning Commission and the Planning Commission minutes shall be made a part of the record at the meeting.

The Township Engineer shall submit a written review of the application to the Board of Supervisors. The Township Engineer's report shall be made part of the record at the meeting where the application is considered for approval. The Board of Supervisors shall not act until the review has been received from the Westmoreland County Planning Commission or until thirty (30) days has passed since the date that the application was submitted to the County for review.

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 Preliminary Application is not approved, the Board of Supervisors shall specify the defects found in the Preliminary Application and cite the requirements of this Ordinance which have not been met.

405.3 Conditional Approval

If the Board of Supervisors determines that certain conditions are warranted to be attached to Preliminary Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by §405.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary Approval by giving written notice to the Township Secretary or his/her authorized designee within thirty (30) days of the date of the meeting of the Board of Supervisors at which Preliminary Approval is granted. If the applicant fails to give written notice to the Township Secretary or his/her authorized designee regarding acceptance or rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, Preliminary Approval shall automatically be rescinded without written notice to the applicant.

405.4 Deemed Approval

Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary or his/her authorized designee. Upon receipt, copies of the application shall be distributed to the Township Engineer, members of the Planning Commission and the Chairman of the Board of Supervisors.

406.2 Final Application Including Final Plat Approval

A Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 407 of this Ordinance, including the Application Fee, have been received.

406.3 Final Applications Without Final Plat Approval

In the case of a Final Application which does not include final plat approval, the Performance Guarantee required by Section 407-I shall not be required; however, all other materials required to complete a Final Application, including the Final Plat required by Section 407-P, shall be submitted. The application filing fee shall be submitted at the time of filing the Final Application Without Final Plat Approval and additional filing fees shall not be charged at the time of the request for final plat approval, if the request for final plat approval is submitted within twelve (12) months of the date of submission of the final application without plat approval. However, the application review fees required by §1001.2 shall be charged both at the time of filing of the Final Application and at the time of submission of the Final Plat.

406.4 Final Applications Requiring Zoning Variances

Any application for Final Approval of a Major Subdivision which requires a variance to any requirement of the Township Zoning Ordinance shall not be submitted until an executed copy of the Zoning Hearing Board's decision is available for submission with the application.

SECTION 407 FINAL APPLICATION CONTENT FOR A MAJOR SUBDIVISION

All applications for Final Approval of a Major Subdivision shall include the following:

- A. A minimum of eight (8) copies of the completed application form supplied by the Township;
- B. Application filing and application review fees, as required by Section 1001 of this Ordinance;
- C. Evidence of proprietary interest acceptable to the Township Solicitor;
- D. One (1) copy of the approved Preliminary Plat;

- E.** Four (4) copies of Construction Plans for public improvements prepared by a Registered Professional, as provided by the Commonwealth of Pennsylvania's Registration Law, drawn on sheets measuring twenty-two by thirty-four inches (22" x 34") showing the following:
- 1.** Conformity with the Design Standards specified in Article VII of this Ordinance and the Township Construction Standards;
 - 2.** Street plan and profile of each street in the plan, including the terminus of all streets in the plan and any area beyond the limits of the plan where grading is proposed to construct the street. Street plan and profile drawings shall include all drainage easements over property, location of catch basins, inlets, manholes, headwalls and endwalls of the stormwater system. Top and invert elevations shall be shown along with the pipe size. Profile of storm pipes shall show any crossing sanitary sewer lines and may be placed on a separate drawing. Lot lines and lot numbers shall be included in the street plan view;
 - 3.** At least three (3) cross sections at intervals not to exceed one hundred (100) feet and extending fifty (50) feet on each side of the street centerline or twenty-five (25) feet outside of the street right-of-way, whichever is greater; however, the Township Engineer may recommend a modification to this requirement in accordance with the provisions of Article IX based on existing physical conditions on the site;
 - 4.** Whether the system is public or private, a sanitary sewer plan and profile drawing which shall include lot lines and lot numbers on the plan view. The location of the sanitary sewers, manholes and location of each "Y" proposed for installation shall be shown. The grade line, distance and pipe size of each line shall be indicated on the plan and profile. The top and invert elevation of each manhole plus pipe invert grades at fifty foot (50') intervals shall be provided. The system shall be designed in accordance with PA Department of Environmental Protection (PA DEP) design standards for collection systems;
 - 5.** All construction drawings shall be prepared according to accepted engineering and construction standards and in accordance with the standard sanitary and storm sewer details available from the Township.
- F.** Final Grading Plan which demonstrates compliance with the Township Grading Ordinance;
- G.** Copies of all required local, County, State and Federal permits and approvals;
- H.** Plans showing compliance with recommendations of the Soils Report or Wetlands Delineation Report, if applicable;

- I. Performance Guarantee to guarantee proper installation of public improvements as required by Section 411 of this Ordinance, except in the case of Final Applications Without Final Plat Approval, as provided for in §406.3 of this Ordinance;
- J. Amenities Bond, if required by Section 412 of this Ordinance;
- K. Development Agreement, required by Section 413 of this Ordinance;
- L. Final covenants and restrictions applicable to the plan, if any;
- M. Homeowner's Association By-Laws and Management Plan, if applicable;
- N. Evidence of cross-easements and maintenance agreements for shared driveways or private streets, if applicable;
- O. An executed copy of the Zoning Hearing Board's decision in the case where any zoning variances are required;
- P. A minimum of eight (8) copies of the Final Plat in accurate and final form for recording in CAD format acceptable to the Township which clearly delineates the following:
 - 1. The name of the subdivision;
 - 2. If the proposed subdivision is a re-subdivision of property in a previously recorded plan, reference to the lot or parcel numbers being revised and the name of the previously recorded plan shall be provided in the title block;
 - 3. The name and address of the developer, and, if the developer is not the landowner, the name and address of the landowner;
 - 4. The name, address, certification and seal of the registered land surveyor who prepared the plat;
 - 5. The North point, graphic scale and date;
 - 6. Accurate boundary lines, with dimensions and bearings;
 - 7. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat;
 - 8. Lot numbers and dimensions;
 - 9. Final building lines;

10. Easements for public improvements and any limitations on such easements;
11. Dimensions and bearings of any property to be reserved for public, semi-public or community use;
12. Street names;
13. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are non-radial or non-tangential should be so noted;
14. Street lines with accurate dimensions in feet and hundredths of feet.
15. If application, a notation on the plat that access to a State highway shall only be authorized by a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
16. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of Section 601 of this Ordinance and the County Planning Commission and an indication of whether they were found or set.
17. Certification clauses required by the Westmoreland County Subdivision and Land Development Regulations, including a clause for certification of Township Ordinance compliance by the Township Engineer.

SECTION 408 FINAL APPLICATION APPROVAL FOR A MAJOR SUBDIVISION

408.1 Final Applications Including Final Plat Approval

The Township Engineer shall present a written report to the Planning Commission with a copy to the applicant which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Planning Commission meeting.

At the first regular meeting of the Planning Commission after the date of filing of a Final Application, the Planning Commission shall either accept the application as properly filed and begin its review or table the application until any deficiencies identified by the Township Engineer's review have been addressed by the applicant. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application. If the applicant fails to grant such an extension, the Planning Commission may recommend disapproval of the application based on the deficiencies identified.

Within sixty (60) days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to the Board of Supervisors for approval or disapproval of the Final Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

The Township Engineer shall present a written report to the Board of Supervisors which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Board of Supervisors' meeting where the application is considered for approval. The Board of Supervisors shall not act until the review has been received from the Westmoreland County Planning Commission or until thirty (30) days has passed since the date that the application was submitted to the County for review.

The Board of Supervisors shall either approve, approve with conditions or disapprove the Final Application at a public meeting. The Planning Commission's recommendation and the Planning Commission minutes shall be made a part of the record at that meeting.

The Board of Supervisors shall render its decision on the application no later than ninety (90) days following the Planning Commission's regular meeting next following the date that the application is filed, provided that should the next regular meeting of the Planning Commission occur more than thirty (30) days following the filing of the application, the ninety (90) days shall be measured from the thirtieth (30th) day following the day the application has been filed.

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 Application is not approved, the Board of Supervisors shall specify the defects found in the Final Application and cite the requirements of this Ordinance which have not been met.

408.2 Conditional Approval

If the Board of Supervisors determines that certain conditions are warranted to be attached to Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by §408.1 of this Ordinance. The applicant shall accept or reject the conditions attached to Final Approval either by giving written notice to the Township Secretary or his/her authorized designee or by executing the Development Agreement required by Section 413 of this Ordinance within thirty (30) days of the date of the meeting of the Board of Supervisors at which Final Approval is granted. If the applicant fails to give written notice to the Township Secretary or his/her authorized designee regarding acceptance or rejection of the conditions attached to

Final Approval or fails to execute the Development Agreement within the required thirty (30) days, Final Approval shall automatically be rescinded without written notice to the applicant.

408.3 Final Applications Without Final Plat Approval

Final Applications Without Final Plat Approval shall be approved or disapproved in accordance with the procedures specified in §408.1 for Final Applications Including Final Plat Approval. If the developer's Final Application Without Final Plat Approval has been approved and the developer has obtained all necessary permits and approvals from the Township and County, State or Federal agencies, if any are required, the developer may proceed to construct improvements as indicated in the Final Application seventy-two (72) hours after the developer has notified the Township Engineer by certified mail. The Township Engineer shall then authorize the Progress Inspections required by Section 501 of this Ordinance. The installation of all improvements shall be subject to the Progress Inspections required by Section 501.

408.4 Final Plat Approval After Completion of Improvements

Upon completion of the improvements contained in the Final Application, the developer shall notify the Township, in writing, of the completion and shall submit five (5) copies of the Final Plat, as required by Section 407-P of this Ordinance, with the notice of completion. Within ten (10) days of the receipt of the notice of completion and submission of the Final Plat, the Board of Supervisors shall authorize the Township Engineer to inspect the improvements and review the Final Plat to determine whether the Final Plat is in conformance with the previously approved Final Application and all applicable requirements of this Ordinance and whether the proper officers of the Township can affix their signatures to the Final Plat for recording purposes.

Within thirty (30) days of receiving such authorization, the Township Engineer shall report to the Board of Supervisors, in writing, whether the completed improvements comply with the requirements of this Ordinance and the Township Construction Standards and whether the Final Plat complies with all applicable requirements of this Ordinance. The Township Engineer's report shall indicate approval or rejection of the improvements, either in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.

Within forty-five (45) days of receipt of the notice of completion of improvements, the Board of Supervisors shall notify the developer, in writing, by certified or registered mail, of the approval or rejection of the improvements. Acceptance of the improvements shall be in accordance with the requirements of Section 505 of this Ordinance and shall be further subject to the posting of the Maintenance Bond required by Section 506 of this Ordinance.

Within forty-five (45) days of the submission of the Final Plat, the Board of Supervisors shall either approve 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 or disapproval shall be sent to the developer 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 which have not been met.

408.5 Deemed Approval

Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

408.6 Phased Approval

In the case where development of a subdivision or land development is projected over a period of years, the Township authorizes submission of Final Applications by sections or phases of development, subject to such requirements or guarantees for public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

All sections or phases shall conform to the Preliminary Application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the Preliminary Application shall require complete resubmission of the Preliminary Application in accordance with Section 403, 404 and 405 of this Ordinance prior to consideration of any phase containing substantive changes for Final Approval.

**SECTION 409 PROCEDURE FOR PRELIMINARY AND FINAL APPROVAL OF
A LAND DEVELOPMENT, OTHER THAN A SUBDIVISION**

409.1 Application Submission

The applicant shall file a minimum of eight (8) copies of an application for Preliminary and Final Approval of a Land Development to the Township Secretary or his/her authorized designee, including the form provided by the Township, at least ten (10) working days prior to the regular meeting of the Planning Commission. The Township Secretary or his/her authorized designee may require additional copies of the application in the case where an application requires review by the Township's Traffic

Consultant, geotechnical consultant or other applicable review agency. The Preliminary and Final Application shall not be considered to be complete and properly filed unless and until all items required by §409.2 of this Ordinance, including the application filing and application review fees, have been received.

In the event that an application is not timely filed prior to the regular meeting of the Planning Commission, the applicant shall be scheduled for a pre-application conference with the Planning Commission at the next regular meeting immediately following the filing and shall be scheduled for consideration at the next regular meeting of the Planning Commission following the pre-application conference.

Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary or his/her authorized designee. Upon receipt, copies of the application shall be distributed to the Township Engineer and each member of the Planning Commission.

The Township Secretary or his/her authorized designee shall submit one (1) copy of the application to the Westmoreland County Planning Commission for review and comment within five (5) days of receipt subject to payment of the County review fee by the applicant.

The Township Engineer will perform a completeness review. If the application is found to be incomplete, a written report shall be provided to the Planning Commission with a copy to the applicant, indicating the deficiencies in the application and citing the specific sections of this Ordinance that have not been met.

In the event that the applicant fails to submit a revised application in adequate time for the Township Engineer to review it or the revised application fails to adequately address the deficiencies cited in the completeness review, the Planning Commission may table consideration of the application until the next regular meeting of the Planning Commission. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application.

In all cases, the official date of filing of the Preliminary Application shall be the date of the Planning Commission meeting at which the Planning Commission first considers the application.

409.2 Preliminary and Final Application Content for a Land Development, Other Than a Subdivision

All applications for Preliminary and Final Approval of a Land Development shall include the following information:

- A. A minimum of eight (8) copies of the completed application form supplied by the Township;

- B.** Application filing and application review fees, as required by Section 1001 of this Ordinance;
- C.** Evidence of proprietary interest acceptable to the Township Solicitor;
- D.** Evidence that the lot or lots on which the land development is proposed are lots of record;
- E.** If the lot or lots on which the land development is proposed is not a lot of record or is proposed to be resubdivided or consolidated, an application for Preliminary and Final Approval of a Minor Subdivision required by Section 402 of this Ordinance;
- F.** A minimum of eight (8) copies of a land development plan, as defined by this Ordinance, which includes the following information:
 - 1.** A boundary survey by a registered professional land surveyor of the lot or lots of record on which the land development is proposed.
 - 2.** The proposed name of the land development.
 - 3.** The name, address, certification and seal of the registered surveyor who prepared the survey and the name and address of the registered engineer, architect or landscape architect who prepared the plan.
 - 4.** The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
 - 5.** A location map showing the plan name and location, major existing thoroughfares related to the site, including the distance therefrom, title, scale and North point.
 - 6.** The graphic scale, North point and date.
 - 7.** The legend and notes.
 - 8.** Existing platting of land immediately adjacent to the site, including names of adjoining landowners.
 - 9.** Existing watercourses, wetlands, tree masses, steep slopes, areas subject to periodic flooding as identified on the current Official Map for the Township issued by the Federal Insurance Administration and other significant natural features.

10. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
 11. A slope map showing the location and the area of land in square feet which has a slope of twenty percent (20%) or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading of these slopes, the stability of the finished slopes, measures to mitigate landslides, soil erosion and sedimentation, stormwater runoff and potential impacts on adjacent properties.
 12. Existing easements, locations, widths and purposes.
 13. Existing streets and other rights-of-way on or adjoining the site, including dedicated widths, cartway widths, gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
 14. The zoning classification of the site.
 15. The proposed use, location, area, height and bulk of all existing and proposed structures and dimensions of all yards.
 16. The design and layout of parking areas and a computation of the number of parking spaces to be provided.
 17. Patterns of pedestrian and vehicular circulation on the site, ingress, egress and circulation into and out of the site, including pavement markings and/or directional signs.
 18. Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheelstops, stormwater management facilities and the like.
 19. Location and specifications for lighting of parking areas and walkways.
 20. The location and types of proposed landscaping materials.
 21. Dates of preparation and dates of all revisions to the plan.
 22. A chart or table summarizing applicable zoning requirements and indicating whether the proposed development meets or exceeds each of those requirements.
- G.** An executed copy of the Zoning Hearing Board's decision in the case where zoning variances are required;

- H.** A landscaping plan showing compliance with all applicable buffer area and landscaping requirements of the Township Zoning Ordinance;
- I.** A site lighting plan showing compliance with Section 711 of this Ordinance;
- J.** Final Grading Plan which demonstrates compliance with the Township Grading Ordinance;
- K.** Where evidence exists of undermining, strip mining, land-slide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any;
- L.** A copy of a report from the U.S. Soil Conservation Service concerning soil conditions and water resources and a Wetlands Delineation Report, if applicable;
- M.** A Soil Erosion and Sedimentation Control Plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection (PA DEP) governing Erosion Control and evidence of review and approval by the Westmoreland County Conservation District, if required by law;
- N.** A Traffic Report that complies with the requirements of Section 404-E for all land developments that propose seventy-five (75) or more additional trips during the adjacent roadway's peak hours.
- O.** Copies of all required local, County, State and Federal permits and approvals;
- P.** Performance Guarantee required by Section 411 of this Ordinance if public improvements are proposed;
- Q.** Amenities Bond required by Section 412 of this Ordinance;
- R.** Development Agreement required by Section 413 of this Ordinance;
- S.** Homeowner's Association By-Laws and Management Plan or Condominium Declaration Plan, if applicable.
- T.** Evidence of cross-easements and maintenance agreements for shared parking or shared driveways, if applicable.

409.3 Applications Requiring Zoning Variances

Any land development plan which requires a variance to any regulation of the Township Zoning Ordinance shall be considered for Preliminary Approval only, subject to the granting of the necessary variances by the Zoning Hearing Board in its sole discretion. If the variances are not granted, Preliminary Approval shall be void and a new application for Preliminary Approval shall be submitted in accordance with the requirements of §409.1.

Filing of a variance application stays all action on the application under this Ordinance and tolls all time period requirements for action by the Planning Commission and Board of Supervisors.

An application for Final Approval of a Land Development which requires a zoning variance shall not be submitted unless and until an executed copy of the Zoning Hearing Board's decision granting the variance is submitted with the application for Final Approval.

409.4 Applications Which Do Not Require Zoning Variances

Any land development plan which does not require a zoning variance may be considered for simultaneous Preliminary and Final Approval, provided all of the application requirements of §409.2 are met. In the event that all of the required information is not submitted, or the information submitted is not in sufficient detail to determine compliance with the requirements of this Ordinance or the Township Zoning Ordinance, the application shall be considered for Preliminary Approval only.

The procedure for simultaneous Preliminary and Final Approval of a land development shall be the same as the requirements of §408.1, §408.2, §408.5 and §408.6 of this Ordinance for Final Approval of a Major Subdivision. Final Approval further shall be subject to Sections 410, 411, 412, 413, 415 and 416 of this Ordinance.

In the event that Preliminary and Final Approval of a land development are not granted simultaneously, Preliminary Approval shall be granted in accordance with the procedural requirements of Section 405 of this Ordinance governing Preliminary Approval of a Major Subdivision.

409.5 Procedure for Land Developments Which Involve a Subdivision, Consolidation or Resubdivision

Land developments which involve subdivision, resubdivisions or consolidations of the lot or lots on which they are proposed shall be processed concurrently with the application for Preliminary and Final Approval of a Minor Subdivision required by Section 402 of this Ordinance. The requirement to record a Final Plat shall apply only to the subdivision and not to the land development plan.

The land development plan shall be approved in accordance with the requirements of §409.3 or §409.4, above.

409.6 Procedure for Land Developments on Lots of Record Which Do Not Involve a Subdivision, Redivision or Consolidation

If a land development is proposed on a lot of record, as defined by this Ordinance, and there are no changes in lot lines, easements or rights-of-way shown on the lot of record, the requirements to prepare and record a Final Plat shall not apply.

The land development plan shall be approved in accordance with the requirements of §409.3 or §409.4, above.

SECTION 410 RESOLUTION INDICATING APPROVAL

When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security and executing the Development Agreement required by Section 413. The Resolution shall specify any conditions that have not been met at the time of Final Plat Approval. The Resolution shall specify a reasonable time within which the developer shall post financial security, execute the Development Agreement and meet outstanding conditions of approval that can be reasonably met prior to recording of the final plat. The Resolution shall specify that Final Plat Approval shall expire and shall be deemed to be revoked if financial security is not posted and the Development Agreement is not executed and all conditions of approval which can be reasonably met prior to recording of the Final Plat are not met within the time period specified. This time deadline shall constitute the time deadline for the developer to deliver an approved plat for signature by the Board of Supervisors required by §314 of this Chapter.

The proper officers of the Township are not authorized to sign the plat for recording until the terms of the Resolution are satisfied.

Upon good cause shown, the Board of Supervisors may extend the time deadline specified in the Resolution by adoption of an amendment to that Resolution, upon written request of the developer stating the reasons for the extension requested. Such extension shall not be unreasonably withheld.

SECTION 411 POSTING OF PERFORMANCE GUARANTEE

In lieu of the completion of any improvement required prior to and as a condition for approval of a plat, the applicant shall deposit a Performance Guarantee, as defined by this Ordinance, in favor of the Township, in an amount equal to one hundred ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the Performance Guarantee by comparing the actual cost of

the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the Performance Guarantee equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Subsection.

The amount of the Performance Guarantee required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

If the party posting the Performance Guarantee requires more than one (1) year from the date of posting of the Performance Guarantee to complete the required improvements, the amount of the Performance Guarantee may be increased by an additional ten percent (10%) for each one-year period beyond the first (1st) anniversary date from posting of the Performance Guarantee or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the Performance Guarantee required by this Section.

SECTION 412 AMENITIES BOND

In all subdivisions or land developments where private improvements are required by this Ordinance or are voluntarily provided by the developer, an Amenities Bond shall be required as a condition of granting Final Approval. The procedure for posting the Amenities Bond shall be the same as that required by Section 411 of this Ordinance for posting a Performance Guarantee.

SECTION 413 DEVELOPMENT AGREEMENT

As a condition of granting Final Approval of a subdivision or land development that requires the installation of public improvements or to which conditions are attached to the grant of Final Approval, the Board of Supervisors shall require that the developer execute a Development Agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of on-site and off-site improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.

Said agreement shall be executed, the required Performance Guarantee shall be posted and all required fees shall be paid before the Township Secretary or his/her authorized designee shall affix his or her signature and the Township Seal to the Final Plat for recording purposes.

The Development Agreement shall contain any conditions of approval that are not met at the time of final approval.

If the Development Agreement is not executed within the time specified in the Resolution Indicating Approval adopted pursuant to Section 410, final approval shall expire automatically, unless extended by the Board of Supervisors upon written request of the applicant for good cause shown.

SECTION 414 RECORDING OF FINAL PLAT

Upon approval of a Final Plat by the Township, the developer shall record the Final Plat in the Office of the Westmoreland County Recorder of Deeds within ninety (90) days of such Final Approval or within ninety (90) days of 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.

SECTION 415 FILING OF COPIES

Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the applicant shall deliver to the Township Secretary or his/her authorized designee, one (1) paper print of the Final Plat, as recorded, containing all required signatures and dates of approval, including those of the County Recorder of Deeds. In addition, for Major Subdivisions, the applicant shall deliver to the Township Secretary or his/her authorized designee, a CD-ROM containing the Final Plat in digitized format acceptable to the Township.

SECTION 416 THE MEDIATION OPTION

The Township Supervisors may offer the mediation option as an aid in completing the proceedings authorized by this Article. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting Township police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In offering the mediation option, the Board of Supervisors shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- A.** Funding mediation;
- B.** Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
- C.** Completing mediation, including time limits for such completion;
- D.** Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or the Board of Supervisors, if either is not a party to the mediation;
- E.** Identifying all parties and affording them the opportunity to participate;
- F.** Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
- G.** Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors pursuant to the procedures for approval set forth in this Article.

No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

ARTICLE V

INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

SECTION 501 PROGRESS INSPECTIONS

The developer shall notify the Inspector 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 Inspector at least seventy-two (72) hours prior to the time that the following required progress inspections are desired:

- A.** Inspection of sub-grade of streets prior to laying of base;
- B.** Inspection of base prior to final paving of streets;
- C.** Inspection on installation of water lines, sanitary sewer lines, storm sewers and drainage facilities before they are covered.

At the Township Engineer's discretion, an inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with §1001.3 of this Ordinance.

The Inspector shall maintain a daily report of all inspections. The daily reports shall be turned over to the Township Engineer upon completion of the project.

SECTION 502 NOTICE OF COMPLETION

When the developer has completed the required public improvements in a plan, the developer shall notify the Township Secretary or his/her authorized designee, in writing, by certified or registered mail and shall send a copy thereof to the Township Engineer. Within ten (10) days of the receipt of such notification, the Board of Supervisors shall authorize the Township Engineer to conduct a final inspection of the public improvements in the plan to determine compliance with the Design Standards specified in Article VII of this Ordinance and the Township Construction Standards.

SECTION 503 FILING OF AS-BUILT PLANS

Upon completion of the public improvements in a plan, "as-built" plans, profiles and calculations for the public improvements, as constructed, shall be filed with the Township by the developer within ten (10) days of the mailing of the Notice of Completion. Paper prints and an electronic copy in CAD format acceptable to the Township of each "as-built" drawing shall be submitted. "As-built" plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances. Horizontal angles between sanitary sewer manholes shall be shown.

SECTION 504 FINAL INSPECTION AND APPROVAL

504.1 Township Engineer's Report

Upon authorization by the Board of Supervisors, the Township Engineer shall perform a final inspection of the public improvements in the plan. Within thirty (30) days of receiving the authorization by the Board of Supervisors, 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 promptly mail a copy of said report to the developer by certified or registered mail.

504.2 Notification of Developer by the Board of Supervisors

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

504.3 Failure of Township to Comply

If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained in this Article, all public improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the Performance Guarantee posted with the Township.

504.4 Completion of Rejected Public Improvements

If any portion of the public improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined in this Article, shall be followed.

504.5 Developer's Rights

Nothing in this Article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

504.6 Release of Performance Guarantee

Upon approval of all of the public improvements in the plan, the developer shall be released from any liability pursuant to the Performance Guarantee posted to guarantee the proper installation of those improvements.

From time to time, during the installation of the public improvements, the developer may request partial release of the Performance Guarantee in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of this Ordinance and the approved Final Plat.

Upon such certification by the Township Engineer, the Board of Supervisors shall authorize release of an amount as estimated by the Township Engineer which fairly represents the value of the improvements completed. The Board of Supervisors shall require retention of ten percent (10%) of the estimated cost of such improvements until such time as all improvements have been installed and the Performance Guarantee is released in its entirety.

SECTION 505 ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of the final inspection and approval of the public improvements, the developer shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall be submitted at least ten (10) days prior to the regular meeting of the Board of Supervisors and shall be accompanied by deeds of dedication and legal descriptions for all easements and rights-of-way. At the regular meeting, the Board of Supervisors shall enact an Ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the Maintenance Bond required by Section 506 of this Ordinance.

In addition, if construction is not substantially completed on ninety percent (90%) of the lots in the plan at the time that the public improvements are accepted, the developer shall post a bond in an amount determined by the Township Engineer to guarantee installation of the final wearing course on the public streets in the plan.

No property or public improvements shown on a Final Plat shall be considered to have been finally accepted by the Township until the dedication thereof has been officially accepted by adoption of an Ordinance of the Township, duly enacted and advertised in accordance with law.

SECTION 506 POSTING OF MAINTENANCE BOND

When the Board of Supervisors accepts the dedication of all or some of the required public improvements in a plan, following their completion, the Board of Supervisors shall require the posting of a Maintenance Bond, as defined by this Ordinance, to insure the structural integrity of the improvements in accordance with the Design Standards of Article VII, the Township Construction Standards and the specifications of the Final Plat.

The term of the Maintenance Bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Board of Supervisors. The amount of the Maintenance Bond shall be fifteen percent (15%) of the actual cost of installation of the public improvements.

SECTION 507 REMEDIES TO EFFECT COMPLETION OF PUBLIC IMPROVEMENTS

In the event that the public improvements required to be installed by the provisions of this Ordinance are not installed in accordance with the requirements of this Ordinance or the approved Final Plat prior to the expiration of the Performance Guarantee, the Board of Supervisors shall have the power to enforce the Performance Guarantee by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the Performance Guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such Performance Guarantee, the Board of Supervisors may, at its option, install part of such improvements in all or in part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such Performance Guarantee and not for any other municipal purpose.

SECTION 508 INSPECTION OF PRIVATE IMPROVEMENTS

The developer shall notify the Code Enforcement Officer at least seventy-two (72) hours prior to initiating the installation of any of the private improvements. Upon completion of the private improvements, the developer shall request a final inspection by the Inspector. If deficiencies are found, the Code Enforcement Officer shall notify the developer in writing. If the installation of private improvements has been satisfactorily completed in accordance with this Ordinance and the approved plan, the Code Enforcement Officer shall issue a Certificate of Completion of Site Improvements which shall be prerequisite to release of the Amenities Bond and issuance of a Certificate of Occupancy under the Township Zoning Ordinance.

SECTION 509 RELEASE OF AMENITIES BOND

Upon issuance of a Certificate of Completion of Site Improvements by the Code Enforcement Officer, the Township shall release the Amenities Bond. Approval by the Code Enforcement Officer of private improvements for which an Amenities Bond has been posted and final release of that Amenities Bond shall only indicate compliance with the specifications shown on the approved subdivision or land development plan.

Such approval and release of the Amenities Bond shall not imply approval by the Township of the method of construction or the structural integrity of the private improvements, nor shall there be any liability associated with or responsibility for maintenance of those private improvements by the Township. A Maintenance Bond shall not be required to be posted for private improvements as a condition of release of the Amenities Bond.

ARTICLE VI

REQUIRED IMPROVEMENTS

SECTION 601 SURVEY MONUMENTS, BENCH MARKS AND LOT PINS

Permanent concrete monuments as described in the Township Construction Standards shall be set at all tract boundary corners, angle points of boundary and such intermediate points of a subdivision as may be required by the Township Engineer. All other new or re-established corners, or reference monuments for inaccessible corners, within a subdivision shall require semi-permanent monuments and are encouraged at inter-visible points between corners. Set monuments shall be made of durable material and set firmly into the ground. All lot corners shall be staked and plainly marked with pipes, metal pins or other markers of durable material. Wooden stakes shall not be approved as a durable material. Pipes shall have a minimum outside diameter of one inch (1") while metal pins shall have a minimum outside diameter of five-eighths inch (5/8") and both shall have a minimum length of thirty inches (30"). Other markers shall have a minimum cross-sectional area of one-half square inch and shall be made of durable material, identifiable and unique. Natural objects chosen for corners shall be durable, unique and easily identifiable. Bench marks shall be established on all monuments in the streets based on the U.S. Coast and Geodetic Sandy Hook Datum.

All rebars, metal pins, pipes and other markers, except natural objects, shall have caps bearing the Registered Land Surveyor's license number or company name.

The installation and certification shall be made by a Registered Land Surveyor prior to the approval of a subdivision. In lieu of such prior installation, the applicant shall furnish a monument escrow deposit at the time of filing the final application in an amount established from time to time by Resolution of the Board of Supervisors to guarantee the proper installation of the required monuments and bench marks. Upon installation and certification by a Registered Land Surveyor and verification by the Township Engineer, the deposit shall be refunded to the applicant.

The location and tie-in dimensions of all monuments shall be shown on the plan for recording. No public improvements shall be accepted by the Township until all monuments have been set and their placement certified to by a Registered Land Surveyor. In the event that public improvements are accepted before ninety percent (90%) of the lots in the plan are occupied, the monument escrow deposit shall not be released until at least ninety percent (90%) of the lots are occupied and the Township Engineer verifies the existence of the monuments certified by the Registered Land Surveyor.

SECTION 602 UTILITIES

Each lot shall be served by public water and public sanitary sewers or a private system approved by the Pennsylvania Department of Environmental Protection (DEP) and the developers shall be responsible for obtaining all necessary approvals and entering into a Developer's Agreement with the New Kensington Water Authority, its successors or assigns or any other agency or authority created to provide such services now or in the future, to provide such facilities in accordance with its rules and regulations.

In areas where the New Kensington Water Authority, its successors or assigns or any other agency or authority created to provide such service now or in the future, has determined that immediate connection to that agency's or authority's water supply and distribution system is not feasible, individual water supply or, in some cases, centralized wells shall be required. Centralized wells shall be approved by the Pennsylvania Department of Environmental Protection (PA DEP) and the Township Board of Supervisors. Where individual wells are proposed, the wells shall be subject to all applicable Federal, State and County regulations. When, in the opinion of the Township Engineer, the underground water supply is known to be inadequate or hazardous for human consumption, the Township may require the applicant to drill a test well and submit plans, provisions and written agreements guaranteeing the construction of an adequate and potable water supply.

In those areas where public sewers are not yet available due to lack of treatment capacity or lack of availability of collection facilities, on-site sewage treatment systems shall be provided subject to the approval of the Sewage Enforcement Officer.

In those areas where the extension of public sanitary sewer trunklines have been programmed within the next five (5) years to serve the proposed subdivision or land development, the Township shall require that laterals and feeder lines be extended within the proposed subdivision or land development to the right-of-way closest to the proposed trunkline location. The end of said laterals and feeder lines shall be capped until the connection to the trunklines can be made.

Storm sewers and drainage facilities shall be provided by the developer in each plan and shall be constructed in accordance with the Design Standards of Article VII and the Township Construction Standards. If required by Section 708 of this Ordinance, Stormwater Management facilities shall be constructed in accordance with the Township's requirements.

The developer shall be responsible for contracting with private utility companies and for providing any easements required by those utility companies to guarantee that each lot shall be served by telephone, gas and/or electricity and cable TV.

All telephone, gas, electric and cable TV lines shall be installed underground in any subdivision which consists of five (5) or more lots, in any multifamily development which contains five (5) or more dwelling units and in any non-residential land development in

excess of ten (10) acres. The design standards for such lines shall be in accordance with the specifications of the applicable regulatory agency. All installations shall be made prior to paving of the street.

SECTION 603 STREETS

603.1 Public Street Frontage Required

Each lot shall have frontage on a public street, as defined by this Ordinance, which is constructed in accordance with the Design Standards of Article VII and the Township construction Standards, unless an exception or modification to this requirement is granted in accordance with the provisions of Article VII of this Ordinance.

603.2 Private Street Exception

In submitting a request for a private street exception, the applicant shall demonstrate compliance with the following minimum requirements:

- a. The proposed lot or lots have no other access to a public street.
- b. No more than three (3) lots shall front on any private street.
- c. If the original parcel from which the subdivision is created has its principal vehicular access from the private street, it shall be counted as a lot on the private street, even though it has legal frontage on a public street.
- d. An existing private street shall not be extended, however, additional lots may be recorded with frontage on the existing private street, provided the total number of lots fronting on the private street shall not exceed three (3) lots.
- e. The minimum right-of-way width required for a new private street shall be fifty (50) feet.
- f. The minimum width of the cartway required for a private street shall be eighteen (18) feet.
- g. The cartway for a private street shall be improved to meet the Township Construction Standards for a public street, unless a modification to one (1) or more of those requirements is granted in accordance with Article IX of this Ordinance.
- h. A notation shall be placed on the plat for recording indicating that the Township has no maintenance responsibilities for the private street.

- i. The plat for recording shall contain a notation and the deeds for each lot shall contain a reference to an executed and recorded agreement obligating the property owners to maintain the private street.
- j. The plat for recording and the deeds for each lot shall contain a statement that any future request by the lot owners to have the street accepted by the Township as a public street shall be subject to the owners assuming the total cost of improving the private street to the current Township Construction Standards for a public street.
- k. House numbers for dwellings located on private streets shall be placed at the intersection of the private street and the public street and shall be visible from the public street.
- l. The owners of the lots shall provide signage approved and installed by the Township in the public right-of-way to indicate the name of the street, that the street is private and that there is no outlet.

SECTION 604 FIRE HYDRANTS

Fire hydrants shall be located in the public street right-of-way and the placement and spacing of the hydrants shall be subject to review and approval by the Township Fire Chief.

SECTION 605 STREET SIGNS

The developer shall install street names signs, approved by the Township, at all street intersections. The cost of the street signs and posts shall be assumed by the developer. Street signs shall be installed in accordance with the Township Construction Standards.

SECTION 606 SIDEWALKS OR PEDESTRIAN WALKWAYS

Sidewalks shall be required in subdivisions or residential land developments containing fifty (50) or more lots or dwelling units and in commercial land developments to provide pedestrian access between buildings and parking areas. In residential subdivisions, sidewalks shall be provided on one (1) side of the street and shall be located to maximize pedestrian safety and convenience and to minimize contacts with vehicular traffic, with street crossings being held to a minimum.

Sidewalks shall be a minimum of four (4) feet in width and shall be constructed in accordance with the Township Construction Standards. Maintenance responsibility shall be the responsibility of the landowner or shall be incorporated in Homeowners' Association or condominium documents, if such an association is proposed, and/or shall be recorded as a restriction within the deed for the property.

SECTION 607 REFUSE COLLECTION FACILITIES

607.1 Multi-family Developments

Within a subdivision or land development proposed for multi-family dwellings, each dwelling unit shall be located within one hundred fifty (150) feet of a refuse collection facility intended for disposal of household garbage, trash and recyclable materials. The required one hundred fifty (150) feet shall be measured along the pedestrian or vehicular travel ways between the entrance to the dwelling unit and the refuse collection facility.

607.2 Non-Residential Developments

Within a subdivision or land development proposed for non-residential uses, refuse collection facilities shall be located within two hundred (200) feet of each proposed building or within two hundred (200) feet of each tenant space within a building, if a building contains more than one (1) tenant. The required two hundred (200) feet shall be measured along the pedestrian or vehicular travel ways between the entrance to the building or tenant space and the refuse collection facility.

607.3 Screening of Refuse Collection Facilities

Each refuse collection facility shall be screened by a fence, wall or hedge at least six (6) feet in height or by an enclosure within a building.

607.4 Location of Refuse Collection Facilities

Refuse collection facilities shall be located so as to provide safe and convenient pick-up by refuse collection agencies. No refuse collection facility shall be located in a designated loading space, parking space, parking aisle, driveway or access drive. Refuse collection facilities shall be located a minimum of fifty (50) feet from any property line adjoining a single family or two-family residential use or zoning classification.

ARTICLE VII

DESIGN STANDARDS

SECTION 701 APPLICABILITY

Any application for development shall conform to the standards set forth in this Article. The standards specified in this Article are minimum design requirements.

SECTION 702 REVIEW BY TOWNSHIP ENGINEER

In reviewing any application for development, the Planning Commission and the Board of Supervisors shall refer the application for development to the Township Engineer for a recommendation concerning technical compliance with these Design Standards and the Township Construction Standards.

SECTION 703 SITE DEVELOPMENT

703.1 Grading, Filling, Removal of Topsoil, Erosion and Sedimentation Control

All grading, filling, removal of topsoil and erosion and sedimentation control shall be performed in accordance with the requirements of the Township Grading Ordinance, as amended or replaced.

703.2 Planting and Cutting of Trees; Removal of Debris

Large shade trees shall be adequately protected from injury and shall be preserved to the extent practical.

All lot areas which slope towards streets or adjacent lots shall be required to be seeded with grass or planted with ground cover so as to prevent washing and erosion.

During construction, the developer shall remove and dispose of all uprooted trees, stumps, brush, rubbish, unused construction materials and debris promptly in the interest of public safety.

703.3 Flood-prone Areas

Land identified as flood-prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program and shall comply with the provisions of the Township Flood Plain Management Ordinance, as now or hereafter amended

703.4 Steep Slopes

The following requirements shall apply to all development sites containing five (5) acres or more. Steep slopes shall include those areas on the development site having a slope of twenty-five percent (25%) or greater. All such slope areas shall be calculated by the developer's engineer and shall be shown on the preliminary plan submitted for approval of a subdivision or land development. In reviewing the preliminary plan, the Township Engineer shall determine compliance with the following regulations:

- a.** Steep slopes within the area of a lot intended for construction of a single family dwelling shall meet the following requirements:
 - 1.** The top or toe of the steep slope shall be located at least seventy (70) feet behind the front building line.
 - 2.** If the steep slopes are altered by grading during preparation of the lots for construction, the resulting finished slope shall be fifty percent (50%) or less.

- b.** Steep slopes between twenty-five percent (25%) and forty percent (40%) on any development site may be disturbed by grading, alteration or removal of vegetation, provided that a geotechnical report prepared by a civil engineer registered in the Commonwealth of Pennsylvania with experience in geotechnical engineering shall be submitted with the subdivision or land development plan that indicates the following:
 - 1.** Slide-prone soils do not exist in the area proposed for grading, alteration or removal of vegetation.
 - 2.** The finished slopes after excavating or grading will be stable and will not create hazards for adjoining property from erosion, sedimentation or stormwater runoff.
 - 3.** The foundations of any structures proposed to be erected in any natural steep slope areas or any steep slope areas which have been disturbed will be structurally sound, including recommendations for special foundation design, if warranted.
 - 4.** Restoration of all slopes from which cover has been removed shall be finished and seeded within a reasonable time after such clearance activity. The phrase "a reasonable time" shall mean within thirty (30) days after grading and/or construction activities are completed, unless those activities are completed between November 1st and April 1st. In such cases, the required seeding or sodding shall occur by May 1st. In all cases, erosion and sedimentation control measures shall be maintained on the site until replacement cover can be accomplished.

- c.** Steep slopes in excess of forty percent (40%) shall not be disturbed by excavation, grading or removal of vegetation, except in the following cases:
1. To reclaim areas which were previously strip mined, provided the restoration complies with the Township Grading Ordinance to create slopes which are a maximum of fifty percent (50%).
 2. To alter man-made slopes in accordance with the Township Grading Ordinance to create new slopes which are a maximum of fifty percent (50%).
 3. To construct, extend or maintain public or private streets, stormwater management facilities or essential services within any public or private right-of-way or easement.
 4. To provide access to or develop recreational facilities within common open space in a Planned Residential Development (PRD) or residential subdivision for the benefit of the residents which is owned and maintained by a homeowners' association.
 5. To create a parking area or building pad in any nonresidential zoning district.
- d.** In all of the cases listed in Subparagraph "c", above, where disturbance of slopes in excess of forty percent (40%) is proposed, a geotechnical report and grading plan prepared by a civil engineer registered in the Commonwealth of Pennsylvania with experience in geotechnical engineering shall be submitted with the subdivision or land development plan that indicates the following:
1. Slide-prone soils do not exist in the area proposed for grading, alteration or removal of vegetation.
 2. No more than fifty percent (50%) of the entire area designated as having steep slopes in excess of forty percent (40%) shall be disturbed.
 3. The finished slopes after excavating or grading will be stable and will not create hazards for adjoining property from erosion, sedimentation or stormwater runoff.
 4. The foundations of any structures proposed to be erected in any natural steep slope areas or any steep slope areas which have been disturbed will be structurally sound, including recommendations for special foundation design, if warranted.

5. Restoration of all slopes from which cover has been removed shall be finished and seeded within a reasonable time after such clearance activity. The phrase “a reasonable time” shall mean within thirty (30) days after grading and/or construction activities are completed, unless those activities are completed between November 1st and April 1st. In such cases, the required seeding or sodding shall occur by May 1st. In all cases, erosion and sedimentation control measures shall be maintained on the site until replacement cover can be accomplished.

SECTION 704 STREETS

704.1 Layout

Streets shall be planned to conform with the layout of existing and planned streets and shall be located so as to allow proper development of surrounding properties. Local streets shall be laid out so as to discourage through traffic. Collector streets shall be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets.

704.2 Secondary Means of Access

In all residential subdivisions or land developments containing one hundred (100) or more dwelling units, the applicant shall provide a second entrance/exit to and from the plan, unless the applicant can demonstrate to the satisfaction of the Planning Commission and Board of Supervisors that there is no feasible means to provide such access, considering length of street frontage, street grades, topography, sight distance and other relevant factors such as public health and safety. The secondary means of access may be provided by a proposed street connection to an existing street or the extension of street right-of-way with a temporary turnaround that abuts adjoining undeveloped property where a future street connection is physically feasible, provided a written agreement with the adjoining property owner is presented that guarantees a future connection through the adjoining property to an existing public street within a specified period of time that is acceptable to the Township.

If a residential subdivision or land development is proposed to be phased, the requirement to provide a secondary means of access may be met by providing a right-of-way to the property line of a future phase, provided that phase will connect to an existing public street. In such case, the Board of supervisors may require revisions to the phasing schedule and/or posting of a Performance Guarantee in the prior phase to guarantee timely construction of the secondary means of access.

704.3 Topography

Proposed streets shall be planned to conform to the contour of the land, in order to provide buildable lots, to have a suitable alignment and grade and to allow proper drainage.

704.4 Grading

The shoulders shall be graded to six (6) feet behind the curb and provisions shall be made for protection of slopes beyond the right-of-way.

704.5 Street Grades

Minimum and maximum grades shall be provided on all streets in accordance with the Design Standards specified in Appendix I. Grades shall be measured along the centerline of the street. Vertical curves shall be used in changes of grade exceeding one percent (1%) and should be designed in accordance with the Design Standards specified in Appendix I. Intersections shall be approached on all sides by leveling grades for a distance of twenty-five (25) feet within which no grades shall exceed the Design Standards specified in Appendix I. The grade of actual intersections shall not exceed six percent (6%) in any direction.

704.6 Rights-of-Way and Paving Widths

Minimum widths of rights-of-way and minimum widths of paving shall be provided in accordance with the Design Standards specified in Appendix I. All streets shall be paved in accordance with Township Construction Standards.

704.7 Cul-de-sacs

A cul-de-sac shall not be approved when a through street is practical. A cul-de-sac shall not be more than twelve hundred (1,200) feet in length, unless a modification to this requirement is granted under Article IX of this Ordinance. The length of the cul-de-sac shall be measured from the nearest point of its intersection with another public street to the terminus of the cul-de-sac right-of-way. A cul-de-sac shall have a minimum right-of-way radius and an outer minimum paving radius as specified in the Design Standards in Appendix I.

704.8 Temporary Turnarounds

A temporary turnaround may be required where a road is constructed to an adjoining property line or where the terminus of a road adjoins property in a future phase of the plan. The right-of-way width required for a temporary turnaround shall be a minimum of one hundred (100) feet and the outer paving radius of the temporary turnaround shall be forty (40) feet.

704.9 Visibility

No fence, trees, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right-of-way and no such obstruction shall obscure visibility at any intersection. Existing trees may remain in the right-of-way, provided they do not obstruct visibility or interfere with the location or maintenance of public utilities.

A clear sight triangle, as defined by this Ordinance shall be maintained free of any obstructions at intersections so that there shall be a minimum clear sight triangle measured along the centerline from the points of intersection in accordance with the requirements specified in Appendix I. The clear sight triangle shall be shown on the final plat for recording.

704.10 Handicapped Accessibility

Where required by the Americans with Disabilities Act (ADA), public streets shall be designed to comply with all applicable requirements of the Act.

704.11 Street Names

All new street names shall be approved by the Township. Names of new streets shall be sufficiently different in sound and spelling from existing names of streets in the Township so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name. Street signs shall be provided in accordance with Section 606 of this Ordinance.

704.12 Sidewalks

The width of sidewalks, where provided, shall conform to the standards specified in Appendix I. Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located a minimum of three (3) feet from the edge of any curb or paving. Sidewalks shall be constructed in accordance with Township Construction Standards.

704.13 Pedestrian Walkways

If required, pedestrian walkways, other than sidewalks, shall be surfaced with a stable, durable, dust-free and non-slip material. The final design of the pedestrian walkway shall be subject to approval by the Township Engineer. Construction shall conform to the Township Construction Standards.

Pedestrian walkways which provide access to the general public across private property shall be located within an easement which has a minimum width of fifteen (15) feet.

SECTION 705 SERVICE STREETS

Service streets, as defined by this Ordinance, shall not be permitted in residential developments, but may be provided in commercial and industrial developments where needed for loading, unloading or secondary access. Service streets shall be constructed in accordance with Township Construction Standards and shall meet the minimum design standards shown in Appendix I for local streets.

SECTION 706 EASEMENTS

Easements for sanitary sewers, water lines and stormwater management facilities shall be required to have a minimum width of twenty (20) feet. Where a subdivision or land development is, or will be, traversed by a watercourse, there shall be provided a stormwater or drainage easement of a width sufficient for the purpose, but not less than twenty (20) feet.

SECTION 707 LOTS

The following standards shall apply to all lots proposed to be subdivided or developed in accordance with this Ordinance:

707.1 Area

Minimum lot areas shall conform to the requirements of the Township Zoning Ordinance. In the case of townhouse dwellings which are proposed to be sold in fee simple, the minimum lot area recorded for each dwelling unit may be less than any minimum lot area per dwelling unit required by the Township Zoning Ordinance, provided the maximum dwelling unit density approved at the time of construction under the terms of the Township Zoning Ordinance is not exceeded on the entire parcel proposed for subdivision.

In the case of duplexes, triplexes and fourplexes, the dwelling units may be subdivided along the common walls for the purpose of conveying the units in fee simple after construction even though the resulting lots are less than the minimum required by the Township Zoning Ordinance, provided the original lot containing the duplex, triplex or fourplex structure meets the lot width and lot area required for the dwelling type at the time of construction.

707.2 Frontage

All lots created by a subdivision shall have frontage along the right-of-way of a public street and the width of the frontage shall conform to the requirements of the Township Zoning Ordinance, except in the case of a rear lot subdivision which meets all the requirements of §707.4 of this Ordinance or a plan that meets the requirements of §603.2 for a private street exception.

707.3 Double Frontage

Double frontage lots shall be discouraged; however, where a double frontage lot is the only practical alternative, vehicular access shall be provided from the frontage on the street with the lower traffic volume. Where a double frontage lot has frontage on an arterial or collector street, access to the lot from the arterial or collector street shall be prohibited and such prohibition shall be indicated by a notation on the plat for recording.

707.4 Flag Lots

A flag lot, as defined herein, shall only be approved under the following circumstances:

- a. Flag lots shall not be permitted in a major subdivision.
- b. Only one (1) flag lot shall be permitted in a minor subdivision.
- c. The access corridor shall have a minimum width of twenty (20) feet at the street right-of-way line and for its entire length. The access corridor shall be legally described as part of the flag lot and shall be owned in fee simple by the owner of the flag lot. An access easement across property owned by others shall not be permitted.
- d. In the case where the proposed flag lot has adequate lot area that it can be further subdivided or where the flag lot adjoins undeveloped acreage to the rear, the Township may require a fifty (50) foot right-of-way for a future public street in lieu of the twenty (20) foot fee simple access corridor.
- e. The front yard setback for a flag lot shall be measured from the property line in common with the forward lot (the base of the flag) and most nearly parallel to the street right-of-way, regardless of which way the dwelling is proposed to face.
- f. The rear yard setback shall be measured from the farthest property line that is most nearly parallel to the street right-of-way (the top of the flag).
- g. All other setbacks shall be side yards.
- h. Access to the forward lot from the twenty (20) foot fee simple corridor shall not be permitted unless an easement is granted by the owner of the flag lot or reserved by the subdivider and a maintenance agreement is submitted to the Township.

707.5 Side Lines

Whenever practicable, the side lines of a lot shall be at right angles or radial to the right-of-way lines of streets.

707.6 Building Lines

Building lines of lots shall conform to the minimum requirements of the Township Zoning Ordinance and shall be shown on the Final Plat.

707.7 Grading

Lots shall be graded to provide drainage away from buildings and, where practical, water shall be drained to the street rather than to adjoining property. The developer shall be required to provide drains or other drainage facilities, as approved by the Township Engineer, to drain off surface water within the development.

707.8 Driveways

An individual private driveway, as defined herein, which serves one (1) single family or one (1) two-family dwelling shall not be required to be paved; however, in lieu of paving, the driveway shall have a covering of slag or stone at least two (2) inches thick over a minimum four (4) inch stone base for a distance of thirty (30) feet from the right-of-way of the street. All common private driveways, as defined herein, and all individual private driveways serving residential uses, other than a single family or two-family dwelling, shall be paved in accordance with the Township Construction Standards and/or the Pennsylvania Department of Transportation Design Manual, Part 2, Chapter 18.

Driveways entering on to a State road shall be subject to a Highway Occupancy Permit from the PA Department of Transportation (Penn DOT). Driveways entering on to a County road shall be subject to a permit from Westmoreland County. Driveways entering onto Township streets shall be subject to a driveway permit issued under the Township Driveway Ordinance, as now or hereafter amended.

707.9 Emergency Access

Where more than one (1) building exists on the same lot, a minimum distance of twenty (20) feet shall be maintained between the buildings in order to provide access for public safety and emergency vehicles. All buildings shall be designed so that fire-fighting equipment has reasonable access to all sides of the building. All other emergency vehicles shall have reasonable access to the principal entrance to the building. All non-residential buildings and garden apartments shall maintain a fire lane which is clearly marked to prohibit the parking or standing of vehicles, other than emergency vehicles, on driveways immediately adjacent to the building, subject to approval of the Fire Marshal.

707.10 Handicapped Accessibility

Where required by the laws of the Commonwealth or Federal law or regulation, subdivisions and land developments shall be designed to meet the current standards with respect to handicapped accessibility.

707.11 House Numbers

House numbers shall be assigned by the Township, subject to the approval of the U.S. Postal Service, and shall be posted at each house so as to be easily visible and readable from the street.

SECTION 708 STORMWATER MANAGEMENT

Stormwater management facilities shall be provided for subdivisions and land developments in accordance with the requirements of the Township Stormwater Management Ordinance, as now or hereafter amended.

SECTION 709 STORM SEWERS AND DRAINAGE FACILITIES

709.1 Size and Grade

Storm drains shall be adequate for the anticipated run-off when the area is fully developed. The minimum diameter of storm sewers shall be fifteen (15) inches, and the minimum grade shall be one percent (1%), unless approved by the Township Engineer.

709.2 Manholes

For pipe sizes of twenty-four (24) inches or less, manholes shall be spaced at a maximum of four hundred (400) feet and for larger pipe sizes, the maximum distances between manholes shall be six hundred (600) feet. In addition, manholes shall be installed at all points of abrupt changes in horizontal alignment and vertical grade. Inlets may be substituted for manholes where practical.

709.3 Inlets

Inlets of the type shown in the Township Construction Standards shall be installed. Inlets at street intersections shall be placed on the tangent and not on the curved portions.

709.4 Castings

Manholes and inlet castings shall conform to the Pennsylvania Department of Transportation (Penn DOT) Form 408 and Penn DOT Standards for Roadway Construction. Inlet grates shall be bicycle safe.

709.5 Stormwater Roof Drains

In Major Subdivisions of twenty-five (25) lots or more, all roof drains shall discharge to an on-lot sump or to a storm sewer system which is controlled by a detention pond. Outlets from roof drain sumps shall not discharge directly onto fill slopes. Outlets shall not discharge directly to the gutter line of any street.

All pipe from roof drains shall be a minimum four (4) inch Schedule 40 ABS, PVC or SDR 35 pipe. Four (4) inch Schedule 40 PVC or ABS pipe is required for a distance of five (5) feet from the foundation of the dwelling. No stormwater drainage system shall be permitted to discharge into any sanitary sewer system. No pipes shall be permitted to be constructed through any curbing on any public street.

709.6 Unnatural Drainage

All points of concentrated flow discharge shall outlet directly to a well-defined drainage channel. Whenever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing. Approval of plans by the Township shall not authorize or sanction drainage affecting adjoining properties.

709.7 Water Courses

Open water courses shall not be permitted within the rights-of-way of streets. The stopping, filling up, confining or other interference with, or changing the course of, drains, ditches, streams and water courses in the Township shall not be permitted unless approval in writing is obtained from the Board of Supervisors. A permit must be obtained from the Department of Environmental Protection (DEP) of the Commonwealth of Pennsylvania for construction or changes in a water course subject to the regulations of the Pennsylvania Department of Environmental Protection.

709.8 Bridges and Culverts

All bridges and culverts shall be designed to support expected loads and to carry expected flows and shall be designed to meet current standards of the Pennsylvania Department of Transportation. All bridges and culverts shall be subject to all permits required by the Pennsylvania Department of Environmental Protection, Bureau of Dams and Encroachments.

709.9 Intersections of Private Driveways and Public Streets

Stormwater drainage facilities shall be placed where each private driveway intersects with a public street. The design shall be approved by the Township Engineer and shall meet the requirements of the Township Driveway Ordinance, as now or hereafter amended.

SECTION 710 SANITARY SEWERS

710.1 Installation

Installation of sanitary sewers and appurtenances shall be in accordance with the Township Construction Standards and the standards of the PA Department of

Environmental Protection (PA DEP) and shall be subject to the approval of the Township Engineer. All utility stubs shall be extended to the street right-of-way line.

710.2 Minimum Size and Grade

The minimum diameter and minimum grade of sanitary sewers shall be in accordance with the PA Department of Environmental Protection (PA DEP), Bureau of Water Quality Protection publication entitled "Domestic Wastewater Facilities Manual."

710.3 Laterals

Lateral connections, where required, shall be installed in accordance with the PA Department of Environmental Protection (PA DEP), Bureau of Water Quality Protection publication entitled "Domestic Wastewater Facilities Manual."

SECTION 711 TESTING

All sanitary sewer lines shall be lamped and air tested by the developer in the presence of the Township Engineer or Inspector in accordance with the PA Department of Environmental Protection (PA DEP), Bureau of Water Quality Protection publication entitled "Domestic Wastewater Facilities Manual."

All construction materials used in sewers, streets, sidewalks and other required improvements shall be tested by a qualified testing laboratory, if required by the Township Engineer. The cost for such tests shall be borne by the developer.

SECTION 712 SITE LIGHTING

The lighting of any parking spaces, parking areas, parking aisles, standby/stacking lanes, loading and unloading spaces and areas, access drives and driveways shall be required if such facilities are open and accessible to the general public when or where there is no natural light.

712.1

The lighting system shall be so designed to produce a minimum average maintained light level of from one (1) to two (2) footcandles on the horizontal surface of the entire parking, loading or unloading facility, including, but not limited to: parking spaces, parking areas, parking aisles, standby/stacking lanes, loading and unloading spaces and areas, access drives and driveways. Parking areas accessory to a single family or two family dwelling on an individual lot shall be excluded from this requirement.

712.2

No lighting shall be designed to illuminate (direct or reflected) adjacent or adjoining properties which results in a lighting level in excess of more than 0.2 minimum average maintained horizontal footcandle on the adjacent or adjoining properties.

712.3

Lighting standards shall not be located on lines delineating parking spaces or in areas hazardous to traffic movements.

ARTICLE VIII

MOBILE HOME PARKS

SECTION 801 PURPOSE

This Article is enacted to promote the public health, safety and general welfare; to prevent the overcrowding of land and hazard and congestion in travel and transportation in mobile home parks; to secure safety from fire, panic and other dangers and to assure adequate light and air, vehicle parking, roadways, water, sewerage, open space for passive and active recreational purposes, and recreational and service facilities in mobile home parks.

SECTION 802 INTERPRETATION

This Article is intended to supplement the Zoning Ordinance of the Township of Upper Burrell by establishing standards, conditions, regulations, and procedures governing the design, construction, alteration, extension and maintenance of mobile home parks where permitted under the Zoning Ordinance of the Township of Upper Burrell. This Article is not intended to repeal, abrogate or annul the Zoning Ordinance of the Township of Upper Burrell. It is hereby declared to be the intention of the Board of Supervisors of the Township of Upper Burrell that in those instances where this Article may be directly conflicting with the Zoning Ordinance of the Township of Upper Burrell, the provisions of this Article shall control. The provisions of this Article are hereby declared to be and shall be construed as the minimum requirements governing mobile home parks.

SECTION 803 DEFINITIONS

The following words when used in this Article unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Section:

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a mobile home park, designed and intended for the common use or enjoyment of residents of the mobile home park, but not including streets, off-street parking areas, and areas set aside for service facilities.

DEVELOPMENT PLAN: The provisions for development of a mobile home park, including a plat thereof all covenants relating to use, location and bulk of the mobile home park, its streets and parking and recreational facilities, service facilities and common open space. The phrase "provisions of development plan" when used in this Article shall mean the written and graphic materials referred to in this definition.

MOBILE HOME: A transportable single family dwelling intended for permanent occupancy contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing which

arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

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

MOBILE HOME PARK: A parcel or contiguous parcels of land so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

MOBILE HOME STAND: That part of the mobile home lot which has been reserved for placement of the mobile home.

PARKING SPACE: The off-street area required for parking one (1) automobile which shall measure not less than nine (9) feet in width and not less than twenty (20) feet in length.

PATIO: A surfaced outdoor living space upon a mobile home lot designed to supplement the mobile home living area.

SCREEN PLANTING: A vegetative material of sufficient height and density to conceal the structures and/or uses of a mobile home park from the view of occupants of adjoining land.

SERVICE OR RECREATIONAL BUILDING: A structure housing operational, office, recreational, park maintenance and other facilities.

SIGN: Any device of visual communication designed for commercial advertising or used for commercial advantage or profit.

STREET: Any roadway intended for the common use and enjoyment of residents of the mobile home park, and/or the traveling public, whether or not dedicated to public use and whether or not accepted as part of the Township Highway System, but not including off-street parking areas or driveways upon mobile home lots.

STRUCTURE: Anything constructed or erected in or upon a fixed location of ground or attached to something having a fixed location in or upon the ground including, without limitations: mobile homes, buildings, signs, electrical transmission towers and poles, antennas, water towers and swimming pools.

YARDS: The required areas of open space on a mobile home lot lying between the lot lines and the mobile home stands; such areas may not be encumbered by any structure including, without limitation: enclosed patios, expandable rooms, garage or other additions.

SECTION 804 APPLICATION FOR DEVELOPMENT PERMITS

Applications for Development Permits shall be filed by or on behalf of the landowner with the Secretary of the Township of Upper Burrell. The fee required by §1001.1 of this Article shall accompany the application. Such application, to be filed in triplicate, shall be sworn to by the applicant and shall provide the following information:

- A.** Evidence of the landowner's proprietary interest in the land proposed to be developed as a mobile home park.
- B.** Plats, to be incorporated in the application by reference, showing the location, size, topography of the park site, site planning and improvements, size and location of mobile home lots, distances between mobile home stands and structures, location and width of proposed streets, provisions for off-street parking, drainage facilities, service and recreational buildings, density of land use to be devoted to residential uses and the location and area of open space to be maintained for the active and passive recreation use of the occupants of the mobile home park;
- C.** Details of the construction of a sewage collection and disposal system including, where applicable, the capacity and type of proposed sewage treatment plant;
- D.** Details for the construction of a water supply system for fire protection purposes and for the transmission and distribution of an adequate supply of safe water of satisfactory quality under adequate pressure to all mobile home lots and service and recreational buildings; if government-owned water supply is not available, the expected capacity and size of well, pump rating, water storage facilities and housing for pump and storage tank.
- E.** Statement of an architect or engineer licensed to practice in the Commonwealth of Pennsylvania that the development plan fully complies with Chapter 4, Article 415 of the Rules and Regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania governing mobile home parks and such revisions or amendments thereof as may then be prevailing, or that any deficiency therefrom which may later come to the attention of said Architect or Engineer in making application for Commonwealth of Pennsylvania approval will forthwith be related to the Upper Burrell Township Planning Commission;
- F.** Statement of an architect or engineer licensed to practice in the Commonwealth of Pennsylvania that the development plan fully complies with the Mobile Home Park Development Standards (HPMC-FHAG 4200.74) of the Department of Housing and Urban Development of the United States, and such revision or amendment thereof as may then be prevailing or that any deficiency therefrom which may later come to the attention of said architect or engineer in making application for FHA mortgage insurance will forthwith be related to the Upper Burrell Township Planning Commission;

- G. The estimated capital value of the proposed mobile home park and the rental income it is expected to produce;
- H. Such other information as the Upper Burrell Township Planning Commission or Board of Supervisors may reasonably require to determine compliance with the provisions of this Article.

SECTION 805 CONDITIONAL APPROVAL

Following review of said Application for Development Permit, the Planning Commission shall either reject or conditionally approve the same. Should conditional approval be granted, the applicant shall be required to obtain similar conditional approval from the Department of Environmental Protection (PA DEP) of the Commonwealth of Pennsylvania and, in the event that FHA mortgage insurance is proposed to be sought, similar conditional approval from the Department of Housing and Urban Development of the United States prior to the submission of said application to the Board of Supervisors for final approval.

SECTION 806 FINAL APPROVAL

Following review of said application, the Board of Supervisors shall either deny or grant the Development Permit. In granting the Development Permit, the Board of Supervisors may attach such reasonable conditions and safeguards as may appear necessary to implement the purposes of this Article. Such conditions and safeguards may include, without limitation, the continuing right to impose additional reasonable restrictions and limitations, as the circumstances may require, governing the maintenance of the mobile home park.

SECTION 807 APPEALS

Any decision of the Township Planning Commission rejecting an Application for a Development Permit, or any decision of the Board of Supervisors denying a Development Permit or imposing additional restrictions and limitations upon a mobile home park shall be subject to review and appeal as provided in Article X of the Pennsylvania Municipalities Planning Code (53 P.S. 11001 et. seq.), as amended.

SECTION 808 DEPARTMENT OF ENVIRONMENTAL PROTECTION ANNUAL PERMIT

It shall be unlawful for any person, partnership or corporation to operate any mobile home park within the corporate limits of the Township of Upper Burrell if a current certificate of approval or license from the Department of Environmental Protection of the Commonwealth of Pennsylvania has not been issued therefor or during any period that such certificate or license may be suspended or revoked by said Department.

**SECTION 809 STANDARDS, CONDITIONS AND REGULATIONS GOVERNING
MOBILE HOME PARKS**

The standards, conditions and regulations hereinafter set forth shall govern mobile home parks. Such standards, conditions and regulations are hereby declared to be and shall be construed as the minimum requirements governing mobile home parks. It is the declared intention of the Board of Supervisors of the Township of Upper Burrell that this Article is to be read in conjunction with Chapter 4, Article 415 of the Rules and Regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania and the Mobile Home Park Development Standards (HPMC-FHAG 4200.7A) of the Department of Housing and Urban Development of the United States, and such revisions or amendments thereto as may then be prevailing, and wherever such agencies, standards, conditions or regulations may be more stringent than those hereinafter set forth, the most stringent standards, conditions or regulations shall control.

SECTION 810 NONRESIDENTIAL USE

Any nonresidential use of the mobile home park shall be subordinate to the residential use and residential character of the development. Any commercial use of the mobile home park shall be primarily for the use of or service to the occupants of the development.

SECTION 811 MOBILE HOME STANDS

Mobile home stands shall be constructed of concrete or bituminous pavement adequate for the support of the maximum anticipated gross load of the mobile home.

SECTION 812 MOBILE HOME LOTS

The following requirements shall apply only to mobile home lots in a mobile home park and shall not apply to a single mobile home proposed as a single family dwelling to be placed on a single lot of record when authorized by the Township Zoning Ordinance.

Mobile home lots in mobile home parks shall contain a minimum area of seven thousand two hundred (7,200) square feet. The minimum lot width for each mobile home lot shall be sixty (60) feet. Not more than six (6) mobile home lots per gross acre shall be permitted. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes or markers.

The minimum depth of the front yard of each mobile home lot shall be ten (10) feet; the minimum depth of the rear yard of each mobile home lot shall be ten (10) feet. The minimum depth of each side yard of each mobile home lot shall be ten (10) feet.

Each mobile home lot shall be provided with a patio for private outdoor living and service space. Said patio shall be partially paved for garden furniture. The patio shall contain a minimum area of one hundred fifty (150) square feet with a least dimension of ten (10) feet; the paved area of the patio shall not be less than fifty (50) square feet with a least dimension of five (5) feet.

SECTION 813 PLACEMENT OF MOBILE HOMES

All mobile homes shall be located at least twenty (20) feet from any park boundary line, adjoining pavement of any park street, adjoining service and recreational buildings, or adjoining common open space.

SECTION 814 COMMON OPEN SPACE REQUIREMENTS

Not less than ten percent (10%) of the gross area of the mobile home park shall be devoted to common open space. Such open space may be improved in part or in whole for passive and active neighborhood-oriented or common recreational uses and, for such purposes, enclosed buildings and structures may include, without limitation: aviaries, conservatories, pavilions, orchestra and theatrical bowls, tennis courts, swimming pools, bath houses, public restroom facilities, ice skating rinks and picnic shelters.

SECTION 815 LOCATION OF COMMON OPEN SPACE

In order to achieve flexibility of development, the precise location and proposed uses of common open space shall be subject to the approval of the Planning Commission, having due regard for the economics to be secured by the efficient use of land, the need and desirability of common open space for the passive and active recreational needs of the residents of the mobile home park and the resulting impact, beneficial or adverse, the location of such recreational uses may have upon existing neighborhood residential developments.

SECTION 816 PARK STREETS

All entrance streets and other collector streets within the mobile home park shall have a minimum pavement width of twenty-six (26) feet; all other streets within the mobile home park shall have a minimum pavement width of twenty (20) feet. Dead-end streets shall be provided with a paved vehicle turning circle at least eighty (80) feet in diameter. No parking shall be permitted on any park street which is less than twenty-four (24) feet in width.

SECTION 817 STREET LIGHTING

All streets in the mobile home park shall be illuminated; all street lighting fixtures shall be energized by underground electrical service.

SECTION 818 PARKING AREAS

Off-street parking for at least two (2) motor vehicles shall be required for each mobile home lot.

SECTION 819 IMPROVEMENT STANDARDS

The standards for the location, construction and surfacing of streets, construction of storm drainage facilities, requirements for easements and rights-of-way for drainage and public utilities within the mobile home park shall be the same as those contained in Articles VI and VII of this Ordinance. Underground installation shall be required of all electrical and telephone service lines.

SECTION 820 WATER SUPPLY

Wherever feasible, connection shall be made to a government-owned water system. Wherever connection to a government-owned water system is not feasible, the water supply and distribution system shall be constructed in accordance with the then prevailing requirements of the Department of Environmental Protection of the Commonwealth of Pennsylvania and the Mobile Home Park Development Standards of the Department of Housing and Urban Development of the United States or their successor agencies. The water supply system shall meet the standards for adequate fire protection established by the National Fire Protection Association Standards NFPA No. 501A and the Fire Prevention Ordinance of the Township of Upper Burrell.

SECTION 821 SEWAGE DISPOSAL

Wherever feasible connection shall be made to a government-owned sewerage system. Whenever connection to a government-owned sewerage system is not feasible, a package sewage treatment plant shall be provided. The sewage disposal and treatment system shall be constructed in accordance with the then prevailing requirements of the Department of Environmental Protection of the Commonwealth of Pennsylvania and the Mobile Home Park Development Standards of the Department of Housing and Urban Development of the United States or their successor agencies.

SECTION 822 APPLICATIONS FOR OCCUPANCY PERMITS

822.1 Applications to Use or Occupy Mobile Homes Erected or Placed Upon a Mobile Home Lot

Every application shall contain the names of all the adult occupants who intend to reside in the mobile home, their last prior residence address, the term of the leasehold, the date of arrival of the mobile home, and the manufacturer and serial number of the mobile home. The application shall be submitted in duplicate and shall be sworn to by the applicant.

822.2 Applications to Use or Occupy Other Structures

Every application shall contain the name of the owner of the premises upon which the structure is erected, the location and tax parcel number of the premises, the intended use of the structure, the estimated capital value of the structure and its actual cost of construction. The application shall be accompanied by a plat or survey showing the exact size and location of the structures sought to be used or occupied and such other information as the Zoning Officer may reasonably require to determine compliance with the terms of this Ordinance. The application and all required or requested accompanying matter shall be submitted in duplicate and shall be sworn to by the applicant. One (1) complete set shall be returned to the applicant upon approval or rejection of the Occupancy Permit; one (1) copy shall be retained in the permanent files required to be maintained by the Zoning Officer.

822.3 Use of Vacant Land

No vacant land may be used or occupied for a Mobile Home Park until a Zoning Permit therefor has been issued by the Zoning Officer. A Zoning Permit shall not be issued for any vacant land, unless the land is included in a Mobile Home Park Development Permit approved in accordance with the requirements of Sections 804 and 805 of this Ordinance.

ARTICLE IX

WAIVERS AND MODIFICATIONS

SECTION 901 APPLICABILITY

This Article shall apply to all applications submitted for approval under this Ordinance. The applicant may submit a request for modification to any of the provisions of this Ordinance for consideration in accordance with the provisions of this Article. In no case shall any provision of the Township Zoning Ordinance be considered for modification under the terms of this Article. Relief from any requirement of the Township Zoning Ordinance can be obtained only through granting of a variance by the Zoning Hearing Board in their sole discretion.

SECTION 902 MODIFICATIONS IN CASES OF PHYSICAL HARDSHIP

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Board of Supervisors may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance of the desirable general development of the neighborhood and the community in accordance with the Township's Comprehensive Plan.

SECTION 903 MODIFICATIONS TO ALLOW EQUAL OR BETTER SPECIFICATIONS

When, an equal or better specification is available to comply with the Township Construction Standards or Design Standards of this Ordinance, the Board of Supervisors may make such reasonable modifications to such requirements of this Ordinance to allow the use of the equal or better specification, upon recommendation of the Township Engineer, provided such modification will not be contrary to the public interest. In approving such modification, the Board of Supervisors may attach any reasonable conditions which may be necessary to assure adequate public improvements and protect the public safety.

SECTION 904 PROCEDURE FOR AUTHORIZING MODIFICATION

Any request for a modification to this Ordinance authorized by this Article shall be submitted in writing by the applicant as part of the application for approval of a Preliminary or Final Application, stating the specific requirements of this Ordinance which are to be modified and the reasons and justification for the request.

The request for modification to this Ordinance shall be considered by the Board of Supervisors at a public meeting. If warranted, the Board of Supervisors may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.

If the Planning Commission has not made a recommendation on the request for modification, the Board of Supervisors may refer the request to the Planning Commission for a recommendation. In all cases where the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting. The reasons relied upon by the Board of Supervisors in approving or disapproving the request also shall be entered into the minutes of the meeting and any Resolution or Ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.

If approved, the Final Plat shall contain a notation indicating the substance of the modification granted and the date of approval by the Board of Supervisors.

ARTICLE X

ADMINISTRATION AND ENFORCEMENT

SECTION 1001 APPLICATION REVIEW AND INSPECTION

1001.1 Application Filing Fees

Application filing fees shall be established, from time to time, by Resolution of the Board of Supervisors. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable to the Township at the time of submission of the application.

An escrow deposit in an amount established, from time to time, by Resolution of the Board of Supervisors also shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees required by §1001.2, below. The actual amount of the review fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Township. Any monies remaining in the escrow account after all review fees have been paid shall be returned to the applicant. Failure to pay the required escrow deposit or any additional review fees required by §1001.2 shall cause the application to be determined to be incomplete and all application materials shall be returned to the applicant for resubmission.

1001.2 Application Review Fees

Application review fees shall include reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report on the application to the Township. Such review fees shall be based upon a schedule established, from time to time, by Resolution of the Board of Supervisors. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or other consultants for similar service in the Community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or other consultants to the Township when fees are not reimbursed or otherwise imposed on applicants. Fees charged to the Township relating to the appeal of any decision on an application shall not be considered review fees and shall not be charged to the applicant.

The Board of Supervisors shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or Township escrow or other security requirements. In the event that the applicant disputes the amount of any such review fees, the applicant shall, not later than forty-five (45) days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay

or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under this Section.

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

In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution for inspection fees set forth in §1001.3 of this Ordinance, provided the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

1001.3 Inspection Fees

The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established, from time to time, by Resolution of the Board of Supervisors. The applicant shall not be required to reimburse the Township for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be reasonable and in accordance with the ordinary and customary fees charged by the Township's professional consultant for work performed for similar services in the Township, but in no event shall the fees exceed the rate or cost charged by the Township's professional consultant to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.

An escrow deposit in an amount established, from time to time, by Resolution of the Board of Supervisors shall be payable at the time of execution of the Development Agreement required by Section 413 of this Ordinance to guarantee payment of the estimated inspection fees required by this Section. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Township. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant. Failure to pay the required escrow deposit or any additional inspection fees required by this Section shall cause the Township to defer the applicant's request for acceptance of the public improvements for which the inspection fees are required until such time as the required fees are paid in full.

The Board of Supervisors shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task.

Subsequent to the final release of the Performance Guarantee for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the Board of Supervisors, a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of the Performance Guarantee.

In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than thirty (30) days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary, and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a request for release of the Performance Guarantee, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under this §1001.3.

If the Township's professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within forty-five (45) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within sixty (60) days. In the event that the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within sixty (60) days reimburse the excess payment.

In the event that the Township's professional consultant and applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located or if at the time there be no President Judge, then the senior active judge then sitting shall

appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$5,000), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The Board of Supervisors and the professional consultant whose fees are the subject of the dispute shall be parties to the proceedings.

SECTION 1002 PROCEDURE FOR AMENDMENTS

The Board of Supervisors may, from time to time, amend this Ordinance in accordance with the following provisions:

1002.1 Planning Commission Review

In the case of amendments other than those prepared by the Township Planning Commission, the Board of Supervisors shall submit the proposed amendment to the Planning Commission for recommendation at least thirty (30) days prior to the date fixed for the public hearing on the proposed amendment.

1002.2 County Planning Commission Review

The proposed amendment shall be submitted to the Westmoreland County Planning Commission for review and recommendation at least thirty (30) days prior to the public hearing on the amendment.

1002.3 Public Hearing

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice, as defined herein.

1002.4 Publication, Advertisement and Availability of Ordinance

Proposed amendments shall not be enacted unless public notice, as defined herein, of the proposed enactment is given, including the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include

either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- a. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
- b. An attested copy of the proposed amendment shall be filed in the County Law Library or other County office designated by the County Supervisors, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- c. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- d. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded herein.

1002.5 Filing After Enactment

Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the Westmoreland County Planning Commission.

SECTION 1003 APPEALS

Any party aggrieved by the decision of the Board of Supervisors regarding a subdivision or land development plan may appeal such decision within thirty (30) days of the date of entry of the decision of the Board of Supervisors to the Westmoreland County Court of Common Pleas.

SECTION 1004 PREVENTIVE REMEDIES

In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following applicants:

- a. The owner of record at the time of such violation.
- b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

SECTION 1005 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) 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.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 1006 CONFLICT OF LAWS

Whenever there is a difference between a minimum standard or dimension specified in these Subdivision Regulations and those contained in another official regulation, Resolution or Ordinance of the Township or any other restriction or covenant, the most restrictive standard shall apply. If a question of conflict arises between various portions of these Subdivision Regulations, the most restrictive term shall apply.

SECTION 1007 SEPARABILITY

If any provision of these Subdivision Regulations, or the application of any provision thereof to particular circumstances, is held invalid, the remainder of these Subdivision Regulations, or the application of such provision to other circumstances, shall not be affected.

SECTION 1008 EFFECTIVE DATE

These Subdivision Regulations shall become effective immediately upon enactment by the Board of Supervisors of the Township of Upper Burrell.

ORDAINED AND ENACTED into law this 5th day of September, 2007.

**TOWNSHIP OF UPPER BURRELL
BOARD OF SUPERVISORS**

By: _____
Chairman

Vice Chairman

ATTEST:

Township Secretary

**TOWNSHIP OF UPPER BURRELL
SUBDIVISION ORDINANCE
APPENDIX I
STREET DESIGN STANDARDS**

	<u>TYPE OF STREET *</u>		
	<u>Arterial Street</u>	<u>Collector Street</u>	<u>Local Street</u>
Right-of-Way Widths (Radius)	80'	60'	50'
Cul-de-Sac Right-of-Way Radius	NA**	NA**	80'
Angle of Street Intersection	90°	75°-90°	60°-90°
Cartway Paving Width (Back of Curb to Back of Curb)	32'	28'	25'
Cul-de-Sac Paving Radius	NA**	40'	40'
Minimum Street Grade	1.5%	1.5%***	1.5%***
Maximum Street Grade	6.0%	10.0%	12.0%
Maximum Leveling Grade (For 25' before nearest right-of-way of street being intersected)	6.0%	6.0%	6.0%
Curb Return Radius	40'	30'	25'
Clear Sight Triangle (Main to Side Street)	500'/30'	200'/25'	200'/25'
Horizontal Curves			
Minimum Center Line Radius	500'	200'	125'
Vertical Curves	****	Must provide 200' sight distance	
Sidewalk Width (where provided)	5'	5'	5'
Curb Width, wedge type	1.5'	1.5'	1.5'
Residential Subdivision	1,600' maximum distance between street intersections 250' minimum distance between street intersections		
Maximum Grade, Cul-de-Sac	5% with a minimum grade at the gutterline of 1.5%.		

* See definitions of street types in Section 105 of this Ordinance.

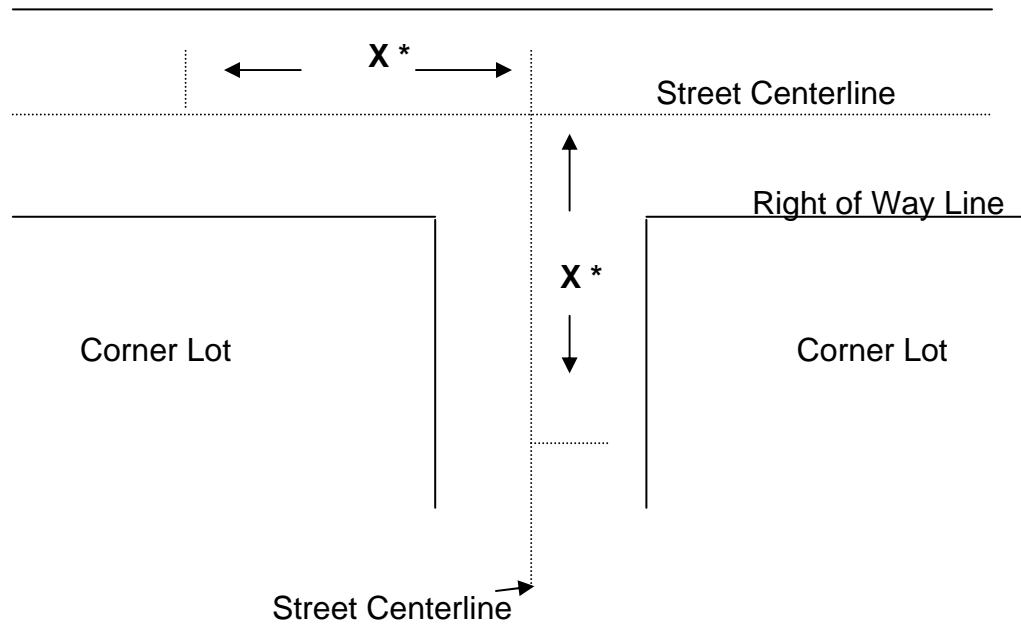
** NA = Not Applicable

*** Less than 1.5%, but not less than 1%, can be provided by waiver in accordance with the requirements of Article IX.

**** At stop intersections, can be reduced by waiver in accordance with the requirements of Article IX.

APPENDIX II

ILLUSTRATION OF CLEAR SIGHT TRIANGLE



* X = The Distance Required By the Ordinance

VISIBILITY AT INTERSECTIONS

APPENDIX III

ILLUSTRATION OF FLAG LOT

