

**TOWNSHIP OF HANOVER  
WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING AND REPLACING ORDINANCE NO. 82, ENACTED MARCH 21, 1991, ENTITLED "SUBDIVISION AND LAND DEVELOPMENT REGULATIONS" REGULATING THE SUBDIVISION AND DEVELOPMENT OF LAND FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT; PRESCRIBING PROCEDURES FOR SUBMISSION, APPROVAL AND RECORDING OF PLANS; SETTING FEES; ESTABLISHING STANDARDS FOR THE REVIEW OF PLANS; PRESCRIBING MINIMUM IMPROVEMENTS REQUIRED; AUTHORIZING MODIFICATIONS AND ADMINISTRATIVE PROCEDURES; AND ESTABLISHING REMEDIES FOR VIOLATION.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Hanover, Washington County, Pennsylvania and it is hereby ordained and enacted by and with the authority of the same as follows.

**ARTICLE I  
GENERAL PROVISIONS**

**100 ADOPTION OF REGULATIONS**

The following rules and regulations for the subdivision and development of land in Hanover Township, Washington County, Pennsylvania, are hereby adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, as now or hereafter amended.

**101 EFFECTIVE DATE**

These regulations shall become effective immediately upon adoption by the Board of Supervisors and shall remain in effect until amended or repealed by the Board of Supervisors.

**102 SHORT TITLE**

These regulations shall be known and may be cited as the "Hanover Township Subdivision and Land Development Regulations."

### **103 COMPLIANCE**

No subdivision of any lot, tract or parcel of land shall be effected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out constructed, opened or dedicated to public use or travel or for the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations.

No land development, as defined by this Ordinance, shall be undertaken except in strict accordance with the provisions of these regulations.

### **104 SALE OF LOTS**

No lot in a subdivision may be sold; no permit to erect, alter or repair any building upon land in a subdivision shall be issued; and no building in a subdivision or land development may be erected, unless and until a subdivision or land development plan shall have been approved and recorded and until the improvements required by the Hanover Township Board of Supervisors in connection therewith have either been constructed or guaranteed as hereinafter provided.

### **105 CONFORMITY WITH THE ZONING ORDINANCE**

The provisions of these regulations are established to be in conformance with the Township's Zoning Ordinance and are intended to be used in conjunction with the Zoning Ordinance to regulate development of land within the Township.

### **106 SEVERABILITY**

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

### **107 INTERPRETATION**

The provisions of these regulations shall be held to be the minimum requirements for the protection of the health, safety, morals and general welfare of the residents of Hanover Township.

### **108 REPEAL**

All ordinances, including Ordinance No. 82, as amended, or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

## **ARTICLE II DEFINITIONS**

### **200 INTERPRETATION**

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.

### **201 DEFINITIONS**

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

**APPLICANT:** A landowner or holder of an agreement to purchase land, lessee or other person having a proprietary interest in land or the heirs, successors and assigns of such person who has filed an application for subdivision of land or land development.

**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.

**AS-BUILT PLANS:** Plans and profiles prepared by the applicant’s engineer showing the exact location, size, grade and depth of all required improvements, as constructed.

**AVAILABLE SEWER:** A municipal sewer is available if it is within one thousand (1,000) feet or less from the nearest point of a subdivision.

**BOARD:** The Board of Supervisors of Hanover Township, Washington County, Pennsylvania.

**BUILDING OR STRUCTURE:** Any structure having a roof supported by columns or by walls and designed for shelter or housing of any person, animal or chattel.

**BUILDING LINE:** The line within the property defining the minimum distance required by the Township Zoning Ordinance between any enclosed structure and the adjacent street right-of-way.

**CARTWAY:** That portion of the street right-of-way surfaced for vehicular use, the width of which is determined from the face of curb to face of curb.

**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 street lines.

**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:** A document entitled "Hanover Township 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.

**COUNTY:** Washington County, Pennsylvania.

**CUL-DE-SAC:** A residential street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

**DEDICATED FIRE HYDRANT:** A fire hydrant located on private property, installed and maintained by the developer of a major land development which is used exclusively to support the fire protection and fire fighting apparatus for the site.

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

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

**EASEMENT:** Grant by a property owner to the general public, a corporation or a certain person or persons of the use of a strip of land for a specific purpose or purposes.

**ESSENTIAL SERVICES:** Facilities erected, constructed, altered or maintained by public utilities or municipal departments, commissions or authorities, including buildings, necessary for the furnishing of adequate services for the public health, safety or general welfare.

**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.

**FIRE HYDRANT, DEDICATED:** See DEDICATED FIRE HYDRANT.

**GUARANTEE, IMPROVEMENTS:** 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.

**GUARANTEE, MAINTENANCE:** 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.

**IMPROVEMENTS:** Those physical changes to the land necessary to produce usable and desirable lots from raw acreage or carry out a proposed development, including, but not limited to: grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, cross-walks, street signs, monuments, water supply facilities and sewage disposal facilities.

**IMPROVEMENTS GUARANTEE:** See GUARANTEE, IMPROVEMENTS.

**IMPROVEMENTS, PUBLIC:** All improvements, as defined herein, to be dedicated to or maintained by the Township for which plans and specifications must comply with the Construction Standards of the Township.

**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.

**LAND DEVELOPMENT:** The improvement of one (1) or more contiguous lots, tracts or parcels of land for any purpose involving a group of two (2) or more residential or nonresidential buildings or a single nonresidential building; or the division or allocation of land or space 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; or a subdivision of land.

**LAND DEVELOPMENT, MAJOR:** Any land development, as defined herein, that proposes the disturbance by grading, paving and/or building construction on a lot that comprises a total area of disturbance of one (1) acre or more.

**LAND DEVELOPMENT, MINOR:** Any land development, as defined herein, that proposes the disturbance by grading, paving and/or building construction on a lot that comprises a total area of disturbance of less than one (1) acre.

**LOT:** A tract or parcel of land intended for the transfer of ownership, use or improvement, whether immediate or future, established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

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

**MAINTENANCE GUARANTEE:** See GUARANTEE, MAINTENANCE.

**MAJOR LAND DEVELOPMENT:** See LAND DEVELOPMENT, MAJOR.

**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 LAND DEVELOPMENT:** See LAND DEVELOPMENT, MINOR.

**MINOR SUBDIVISION:** See SUBDIVISION, MINOR.

**MODIFICATION:** Relief from any requirement of this Ordinance granted by the Board of Supervisors, upon recommendation by the Planning Commission and Township Engineer, in cases where equal or better specifications are proposed or in cases of physical hardship.

**MONUMENT:** A survey reference point installed on property as required by this Ordinance.

**OFFICIAL STREET MAP:** The official map of Hanover Township showing existing and recorded streets with supplementary notes that may indicate right-of-way and cartway widths.

**OPEN SPACE:** Any area of land which is predominantly free of structures.

**PAVED:** Finished with a hard, dust-free, durable surface constructed of asphalt, Portland cement, concrete, bricks or other comparable material.

**PERFORMANCE BOND:** See BOND, PERFORMANCE

**PERSON:** Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant or employee of any of them.

**PLAN:** The Comprehensive Plan for Hanover Township adopted by Resolution of the Board of Supervisors.

**PLANNING COMMISSION:** The Planning Commission of Hanover Township.

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

**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.

**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:** See IMPROVEMENTS, PUBLIC.

**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 (1<sup>st</sup>) publication shall be no more than thirty (30) days and the second (2<sup>nd</sup>) notice shall not be less than seven (7) days from the date of the public hearing.

**PUBLIC STREET:** See STREET, PUBLIC.

**RESUBDIVISION OR REPLATTING:** The revision of lot lines, rights-of-way or any other aspect of a plat of subdivision previously recorded in the office of the Washington County Recorder of Deeds.

**RIGHT-OF-WAY:** Any public highway, street or alley accepted by different levels of government for public use recorded in the Washington County Recorder of Deeds Office.

**STREET:** A right-of-way intended primarily for vehicular traffic and usually providing for utilities and pedestrian travel, including highway, thoroughfare, boulevard, parkway, road, avenue, drive, lane or place. Streets may be identified according to type of use as follows:

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

**COLLECTOR STREET:** Public streets providing connection primarily between arterial streets or arterial and local streets.

**LOCAL STREET:** Public streets serving primarily as access to abutting properties and not intended as major arteries carrying 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.

**SUBDIVIDER:** The owner or authorized agent of the owner of the subdivision. (See DEVELOPER)

**SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, provided, however, that the division 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 development for any purpose other than a single family dwelling or 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 or private street, and not involving any new public street 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.

**SUPERVISORS:** The legislative body of Hanover Township; the Hanover Township 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 Hanover, Washington County, Pennsylvania.

**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 or professional corporation duly licensed and authorized to practice law in the Commonwealth of Pennsylvania and the County of Washington 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.).

**YARD:** A required open space located on a lot which is unobstructed by any portion of a principal structure, other than certain projections expressly permitted by the Township Zoning Ordinance.

**YARD, FRONT:** A yard extending between the side lot lines across the full lot width from the street right-of-way line to a line parallel to the front lot line, the minimum horizontal distance required by the Township Zoning Ordinance.

**YARD, REAR:** A yard extending across the rear of the lot between the required side lines parallel to the rear lot line, the minimum horizontal distance required by the Township Zoning Ordinance.

**YARD, SIDE:** A yard extending from the required front building line to the rear lot line parallel to the side lot line, the minimum horizontal distance required by the Township Zoning Ordinance.

**ZONING ORDINANCE:** The Hanover Township Zoning Ordinance No.109 of 2005, as amended.

**ARTICLE III  
APPLICATION APPROVAL AND PLAT REQUIREMENTS**

**300 GENERAL**

The Supervisors shall not approve any application for subdivision or land development except in compliance with the standards set forth in this Article, and only if the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from flood or other hazard.

**301 COMBINED APPROVAL FOR MINOR SUBDIVISIONS AND MINOR LAND DEVELOPMENTS**

The review and approval of a proposed major subdivision or major land development, as defined in Article II, shall require a two-step approval process. Preliminary approval, in accordance with Section 303 shall be prerequisite to filing an application for final approval in accordance with Section 305.

Applicants for a minor subdivision or minor land development, as defined in Article II, may apply directly for approval of the final plat in accordance with Section 305. Upon recommendation of the Township Engineer, the applicant may be required to submit certain data required by Section 303 for a Preliminary Plat, if that information is necessary to adequately review the proposed minor subdivision or minor land development for final approval.

**302 CONCEPT PLAN**

Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent and functioning of the proposed subdivision or land development; but such agreement shall not be legally binding. Time deadlines applicable to the preliminary and final approval shall not apply to concept plans. In the case of a proposed subdivision or land development which proposes development of only a portion of the parcel owned or controlled by the developer, the developer is encouraged to provide a concept plan which clearly delineates the proposed future development of all remaining portions of such parcel. In the case of a concept plan for the remainder of the tract, the concept plan may be submitted concurrent with the preliminary application; however, preliminary approval shall not include approval of the terms of the concept plan.

### 303 PRELIMINARY PLAT REVIEW

- A. Preliminary Application: The preliminary application for a proposed subdivision or land development shall be comprised of an original and ten (10) copies each of a Location Map, a Site Map, a proposed Development Plan and an Engineering Report, as required by Section 304. At the time of filing of the preliminary application, the applicant shall pay to the Supervisors, a fee to defray the cost of reviewing such plans, The fee shall be determined by current Resolution of the Board of Supervisors.
- B. Distribution and Review: The Planning Commission shall file one (1) copy each of the Preliminary Application to the County Planning Commission, the Township Engineer and the Pennsylvania Department of Environmental Protection (PA DEP). The Planning Commission shall not forward its recommendation on the Preliminary Application until reports from each of these agencies have been received or until the expiration of thirty (30) days from the date the copies of the Preliminary Application were forwarded to said agencies.

The Planning Commission shall review the Preliminary Application covering the requirements of this Ordinance point by point and may consult with the Township Engineer, the Code Enforcement Officer and other concerned officials. The Planning Commission will recommend to the Board of Supervisors either approval, approval with conditions or denial.

- C. Action by the Board of Supervisors: The Supervisors shall render its decision not later than ninety (90) days following the date of the first regular meeting of the Planning Commission immediately following the filing of the application.

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

When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and, in each case, cite the provisions of the statute or ordinance relied upon.

- D. 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 Section 303-C, above.

If the applicant does not accept the conditions attached to Preliminary Approval, the applicant shall give 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 rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, the conditions attached to Preliminary Approval shall be presumed to be acceptable.

- E. Failure to Act: Failure of the Supervisors to render a decision and communicate it to the applicant within the time and the manner required 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.

### **304 PRELIMINARY PLATS AND DATA**

Preliminary Plats and data shall include, but shall not be limited to, the following:

- A. Scale: The preliminary development plan shall be drawn at a scale of one hundred feet to the inch or greater.
- B. Content: The plat shall show or be accompanied by the following:
  - 1. Location Map: The location map shall clearly show the location, area and zoning of the tract proposed for development with relation to the area and zoning of adjacent properties and the location and relative distance to existing related streets.
  - 2. Site Map: The site map shall cover the entire tract and all lands within 100 feet of its boundaries and shall clearly and accurately show the following data:
    - (a) Contours at vertical intervals of five feet, or at such intervals as may be necessary for study of the tract as determined by the Township Engineer.
    - (b) The natural features and existing culture such as woods, streams, embankments, retaining walls, structures and existing land use.
    - (c) Existing and proposed streets and rights-of-way including dedicated widths, roadway widths, approximate gradients, types and widths of pavements and curbs and sidewalks.

- (d) Existing and proposed easements, including widths and purposes.
  - (e) The names and owners of properties adjacent to the tract.
  - (f) Utilities, including size, capacity and location of sanitary sewers, storm sewers, drainage facilities, wells, water lines, gas mains and power lines.
  - (g) Area subject to periodic overflow of flood or stormwater.
  - (h) Tract boundary lines by calculated distances and bearings.
  - (i) Title, graphic scale, North point and date.
3. Subdivision Plat: The proposed subdivision plan shall be drawn at a scale no smaller than one hundred feet to the inch and shall include the following:
- (a) Name of the subdivision.
  - (b) Names and addresses of the owner or owners.
  - (c) The name of the registered engineer or surveyor who surveyed the property and prepare the plat.
  - (d) Proposed street pattern, including the names, widths and rights-of-way of streets, the widths of easements and the approximate grades of streets where they exceed eight percent (8%).
  - (e) Building setback lines shall be shown as required by the Township Zoning Ordinance for the zoning district in which the property is located.
  - (f) Parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community use.
  - (g) Layout of lots, including dimensions, numbers and building lines.
  - (h) Key plan, legend, notes, North point, date and graphic scale.
  - (i) Draft of proposed covenants, if any.
  - (j) Wetlands, as identified on the National Wetlands Inventory Maps.

(k) Floodplains, as identified on the Federal Emergency Management Agency (FEMA) Floodplain Maps.

4. Land Development Plan: The proposed land development plan shall be drawn at a scale no smaller than one hundred feet to the inch and shall include the following:

(a) A boundary survey by a professional land surveyor of the lot or lots of record on which the land development is proposed.

(b) If the lot (or lots) on which the land development is (or are) 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 Sections 401 and 402 of this Ordinance.

(c) The proposed name of the land development.

(d) The name, address, certification and seal of the registered surveyor who prepared the survey and the name, address, certification and seal of the registered engineer, architect or landscape architect who prepared the plan.

(e) The name and address of the developer, and, if the developer is not the landowner, the name and address of the landowner.

(f) 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.

(g) The graphic scale, North point and dates of preparation and revision.

(h) The legend and notes.

(i) Existing platting of land immediately adjacent to the site, including names of adjoining landowners.

(j) 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 emergency management Agency (FEMA) and any other significant natural features.

- (k) 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.
- (l) Existing easements, locations, widths and purposes.
- (m) 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.
- (n) The zoning classification of the site and a chart summarizing applicable zoning requirements indicating whether the proposed development meets or exceeds each of those requirements.
- (o) The proposed use, location, area, height and bulk of all existing and proposed structures and dimensions of all yards.
- (p) The design and layout of parking areas and a computation of the number of parking spaces to be provided.
- (q) 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.
- (r) 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.
- (s) Location and specifications for lighting of parking areas and walkways.
- (t) The location and types of proposed landscaping materials.
- (u) Where evidence exists of undermining, strip mining, land-slide prone soils or other geologic hazards, 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.
- (v) A wetlands delineation report, if applicable.
- (w) A Soil Erosion and Sedimentation Control Plan prepared by a person trained and experienced in control methods and



techniques which plan 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.

5. Engineering Report: An engineering report shall include the following data wherever pertinent:
    - (a) Profiles, cross-sections and specifications for proposed street improvements,
    - (b) Profiles and other explanatory data concerning the installation of water distribution systems and a plan of the proposed water distribution system or a plan showing individual wells.
    - (c) General drainage plan for storm water to include proposed directions of flow for stormwater in relation to natural drainage channels.
    - (d) A plan for the proposed sanitary sewage system or a plan, where required, showing the proposed location of on-lot sewage disposal facilities including the following:
      1. Location of all soil profile examinations, both suitable and unsuitable.
      2. Location of all percolation tests, both suitable and unsuitable.
      3. Slope at each test area.
      4. Soil types per U.S. Soil Conservation Mapping and their boundaries.
- C. Other Data: The following additional data shall be submitted upon request by the Planning Commission:
1. Names of abutting property owners.
  2. Subsurface conditions of the tract.
  3. Profiles showing existing and proposed centerline street grades.
  4. Typical cross-sections of footways and sidewalks.
  5. Sizes of water pipes and location of valves and fire hydrants.

6. Location of manholes, invert elevations, grades and sizes of sanitary sewers.

### **305 APPROVAL OF FINAL PLAT**

- A. Final Application: The final application shall include seven (7) prints and one (1) reproducible copy of the final plat and a guarantee of improvements. All final plats and other exhibits required for approval shall be submitted to the Planning Commission within six (6) months after the date of approval of the Preliminary Plan by the Board of Supervisors. Otherwise, such approval shall become null and void unless an extension of time be applied for and granted by the Planning Commission within thirty (30) days following the expiration of the six (6) months.
  1. The Final Plat shall be drawn at a scale no smaller than one hundred (100) feet to the inch and shall show:
    - a. The name of the development, name and address or the owner and developer, sources of title of land as shown by the books of the Recorder of Deeds of the County, graphic scale, North point, date and certificate of approval by the Board of Supervisors.
    - b. Survey date with certification by a registered professional engineer or land surveyor showing calculated distances and bearings of the tract boundaries, lots, utility easements, streets, building lines and parks or other areas reserved for community purposes.
    - c. Location and distances to the nearest established street corners or official monuments and the streets intersecting the boundaries of the subdivision or land development.
    - d. Location, type of material and size of monuments, complete curb data, lot numbers and street names in the subdivision.
    - e. The notice required by the Pennsylvania Municipalities Planning Code that a Highway Occupancy Permit from PennDOT is required prior to use for access from a State road.
    - f. Evidence of review and approval of the Soil Erosion and Sedimentation Control Plan by the Washington County Conservation District for Major Subdivisions and Major Land Developments.

- g. Final construction drawings for all public improvements.
- h. A Final Grading Plan.
- i. In addition to the foregoing, the following items shall be required for a Major Land Development:
  - [1] Final lighting plan, including photometrics.
  - [2] Final landscaping plan.
  - [3] Building elevation drawings.

B. Final Review: The Supervisors, after receiving the recommendation of the Planning Commission, shall render its decision as required by law, no later than ninety (90) days after the first regular monthly meeting of the Planning Commission following the date of filing of the application. When a Preliminary Application has been approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary Application.

C. Notice of Decision: 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 Board of Supervisors' decision. If the application for Final Approval is not approved, the Board of Supervisors shall specify the defects found in the application and cite the requirements of this Ordinance which have not been met.

D. 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 Section 305-C, above.

If the applicant does not accept the conditions attached to the approval, the applicant shall give 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 final approval is granted. If the applicant fails to give written notice to the Township Secretary or his/her authorized designee regarding rejection of the conditions attached to approval within the required thirty (30) days, the conditions attached to Final Approval shall be presumed to be acceptable.

- E. Failure to Act: 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.
- F. Resolution Indicating Approval: when requested by the developer, in order to facilitate financing, the Supervisors shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat, contingent upon the developer obtaining satisfactory financial security. The final plat or record plan shall not be signed by the Township or recorded until the Developers Agreement required by Section 703 of this Ordinance is executed. The Resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Supervisors.
- G. Recording: Upon approval of a Final Plat by the Township, the applicant shall record the Final Plat in the Office of the Washington 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.
- H. Filing of Copies: Upon recording of the Final Plat in the Office of the Washington County Recorder of Deeds, the applicant shall deliver to the Township Secretary or his/her authorized designee, one (1) reproducible mylar and two (2) paper prints of the Final Plat, as recorded, containing all required signatures and dates of approval, including that of the Washington County Recorder of Deeds.
- I. Improvements Guarantee: No plat shall be finally approved unless all improvements required by this Ordinance have been installed in strict accordance with this Ordinance or a guarantee that the improvements shall be subsequently installed by the developer, in the form of a bond or deposit of funds or securities in escrow which are acceptable to the Board of Supervisors and the Township Solicitor are in an amount sufficient to cover the cost of the improvements which may be required. Such bond or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of three (3) years from the date of final approval of the plat. The developer shall, before he proceeds with any construction or installation, present a certified check or money order made payable to the Board of Supervisors in an amount equal to one hundred ten percent (110%) of the engineer's estimate of the cost of the improvements.

The release of such funds shall be as required by the Pennsylvania Municipalities Planning Code.

- J. Procedure to Resolve Disputes: The procedure to resolve disputes over inspection fees or the amount of the performance guarantee shall follow the provisions of Section 701 of this Ordinance.
- K. Inspection: when the plans of streets and other improvements have been approved as provided in this Ordinance, the developer shall first notify the Township Engineer of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least ten (10) working days before any such construction or installation shall commence so as to give the Township Engineer an opportunity to inspect the site prior to commencement of work and to inspect the installation or construction of said streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the Township in inspecting the installation of the improvements required by this Ordinance, the Township shall adopt a Resolution each year establishing a review and inspection fee schedule.
- L. Acceptance of Improvements and Release of Improvements Guarantee: The procedure for acceptance of improvements and release of the improvements guarantee shall comply with the provisions of Sections 704 through 708 of this Ordinance.

### **306 MEDIATION OPTION**

The Board of Supervisors may offer the mediation option as an aid in completing the proceedings authorized by this Article III. 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.

- A. 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:
  - 1. Funding mediation;
  - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
  - 3. Completing mediation, including time limits for such completion;

4. 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;
  5. Identifying all parties and affording them the opportunity to participate;
  6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public;
  7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors/Board of Commissioners/Borough Council pursuant to the procedures for approval set forth in this Article.
- B.** 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 IV MODIFICATIONS**

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.

- A.**     Modifications in Cases of Physical Hardship: The Board of Supervisors may grant a modification of the requirements of one or more provisions of this ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question.

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 and the desirable general development of the neighborhood and the community.

- B.**     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.

- C.**     Procedure to Authorize Modifications:

All requests shall be in writing and shall accompany and be part of the application. The request shall state in full the grounds and facts regarding the equal or better specifications or hardship on which the request is based, the provision of this Ordinance involved and the minimum modification necessary. 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.

In the case of a request to allow equal of better specifications, a recommendation from the Township Engineer 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 V DESIGN STANDARDS

### 500 APPLICATION OF STANDARDS

The following subdivision and land development principles, standards and requirements shall be applied by the Planning Commission in evaluating the plans of proposed subdivisions and land developments and shall be considered minimum requirements.

### 501 LAND REQUIREMENTS

- A. Suitability: Land shall be suitable for the purpose for which it is to be subdivided or developed in accordance with the interest and purpose of the Township's Comprehensive Plan.
- B. Hazards: Land subject to hazards of life, health and safety shall not be subdivided for residential use until such hazards have been removed.
- C. Natural Features: Existing natural features which would add value to the subdivision or land development and the Township such as trees, steep slopes, watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible through careful design of the subdivision or land development.
  - 1. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "reasonable time" shall be interpreted to be within two (2) weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion and siltation to an absolute minimum.
  - 2. On hillsides exceeding twenty-five percent (25%) in slope, no more than twenty percent (20%) of the natural vegetative cover may be removed for construction purposes or any other activity, unless a program approved by the Township for reforestation of disturbed areas is guaranteed by the developer.
  - 3. No cutting, filling or other disturbing of land and natural vegetation is permissible within fifty (50) feet of the edge of any flowing creek or any associated flood plain without permission from the Pennsylvania Department of Environmental Protection.

## 502 PUBLIC STREET REQUIREMENTS

The Supervisors shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access for fire fighting equipment to buildings and provide a coordinated system of streets conforming to the Township's Plan of Streets.

- A. Proposed streets shall be properly related to Township, County and State road and highway plans which have been prepared and officially adopted.
- B. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- C. Minor streets shall be laid out so as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- D. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width shall be platted within the proposed subdivision.
- E. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require a marginal access street, reverse frontage lots or other treatment which will provide protection for abutting properties, reduction of the number of intersections and separation for local and through traffic
- F. Half streets shall be prohibited except to complete an existing half street.
- G. Dead end streets shall be prohibited except as stubs to permit future extension into adjoining tracts. Temporary cul-de-sacs shall be installed where future street extension is possible.
- H. Maximum Grades: Grades shall not exceed six percent (6%) on arterial streets; eight percent (8%) on collector streets; nor twelve percent (12%) on local streets.
- I. Minimum Grades: Minimum grades on all streets shall be not less than 0.5%
- J. Vertical Curves: Vertical curves shall be installed on all street grade changes exceeding one percent (1%).

**K. Alignment:** The minimum centerline radius for horizontal curves shall be as follows:

Arterial Street	Five hundred (500) feet
Collector Street	Two hundred (200) feet
Local Street	One hundred (100) feet

**L. Widths:** Minimum street right-of-way width shall be fifty (50) feet and minimum cartway widths shall be eighteen (18) feet.

**M. Geometric Standards:** Unless approved as a modification, the following geometric standards shall apply:

1. The angle of intersecting streets shall be not less than seventy degrees (70°).
2. The radius for a curb shall not be less than fifteen (15) feet.
3. The distance along the side of a sight triangle shall not be less than twenty-five (25) feet on a local street nor two hundred and fifty (250) feet on a collector or arterial street.
4. The horizontal radius of the centerline shall be not less than two hundred (200) feet.
5. The vertical curve shall provide for a minimum sight distance between approaching cars of not less than two hundred (200) feet.
6. Reverse curves shall have a tangent not less than seventy-five (75) feet separating the curves.

**N. Cul-de-sacs:** Cul-de-sacs are permitted where street length does not exceed six hundred (600) feet and where a turnaround with a right-of-way diameter of ninety (90) feet is provided. Extensions of a cul-de-sac will be permitted to connect to a street system of a new or extended subdivision provided that the maximum street length for blocks and cul-de-sacs are not exceeded. Cul-de-sacs shall be avoided unless it is clear that a through street is not essential to the street system of the area.

**O. Street Intersections:** In the case of subdivisions for commercial, industrial and public purposes, no street giving access upon any arterial street shall be located closer than five hundred (500) feet along the same side of such arterial street, to any other driveway, public or private street in the same or another subdivision.

1. On a corner lot or any point of entry on a public street, nothing shall be erected, placed, planted or allowed to grow in such a manner which obscures vision between the height of one and one-half (1-1/2) feet

and ten (10) feet above ground level as measured from the centerline grades of the intersecting streets and within the area bounded by the sight triangle.

2. Where the grade of any street at the approach to an intersection exceeds five percent (5%), a leveling area shall be provided with a transitional grade not to exceed two percent (2%) for a distance of fifty (50) feet from the nearest right-of-way line of the intersection.
  3. Intersections of more than four (4) streets shall be avoided.
- P. Street Offsets:** Street offsets of less than one hundred twenty-five (125) feet shall be avoided.
- Q. Alleys:** Alleys shall not be permitted in residential districts but may be included in commercial and industrial areas where needed for loading and unloading or access purposes. Alleys, where permitted, shall be paved at least twenty (20) feet in width and shall have a maximum grade no greater than fifteen percent (15%).
- R. Right-of-way requirements** may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by the Supervisors.

### **503 PRIVATE STREETS**

- A. Existing Private Streets.** A subdivision on an existing private street may be approved provided the following requirements are met.
1. An existing private street shall not be extended.
  2. The proposed lot or lots have no other access to a public street.
  3. No more than three (3) lots, including existing lots, shall have frontage on the private street.
  4. Any lot which has frontage on both a public street and the private street shall not be counted as a lot on the private street.
- B. New Private Streets.** A new private street may be proposed in a subdivision, provided the following requirements are met.
1. The proposed lot or lots have no other access to a public street.

2. No more than three (3) lots shall have frontage on a private street.
3. Any lot which has frontage on both a public street and the private street shall not be counted as a lot on the private street.

C. Standards for Private Streets

1. The minimum width of the right-of-way for a private street shall be fifty (50) feet.
2. The minimum width of the cartway required for a private street shall be twelve (12) feet.
3. The cartway of the private street shall be improved with a dust-free all-weather surface.
4. A notation shall be placed on the plat for recording indicating that the Township has no maintenance responsibilities for the private street.
5. The plat for recording shall contain a notation and the deeds for each lot on the private street shall contain a reference to an executed and recorded agreement obligating the property owners to maintain the private street.
6. 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 private 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.
7. The owners of the lots shall pay for 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.

**504 LOTS**

The lot and yard sizes shall conform to the requirements of the Township Zoning Ordinance and lots shall be designed to accord with the following design standards.

- A. Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public or private street system, improved in accordance with this Ordinance and connected to the general street system.

- B.** Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets wherever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design.
- C.** Double frontage lots shall be avoided.
- D.** When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and resubdividing with provisions for adequate utility connections for each subdivision.

## **505 BLOCKS**

- A.** Block lengths shall not exceed sixteen hundred (1,600) feet nor be less than five hundred (500) feet.
- B.** Blocks shall be at least two (2) lots in depth, except for reverse frontage lots.
- C.** Exceptionally long blocks shall be provided with cross walks with a minimum right-of-way reservation of twelve (12) feet and a four (4) foot paved walk.

## **506 EASEMENTS**

Easements for utilities and drainage shall have a minimum width of twenty (20) feet. Where a subdivision or land development is traversed by a watercourse, there shall be provided a storm water easement or drainage right-of-way of width sufficient for the purpose.

- A.** Utility easements shall be a minimum of fourteen (14) feet and placed at the side or rear lot line. When the Township Engineer determines that natural conditions, street or lot design are suitable for essential services, an easement reservation shall be required.
- B.** Anchor easements shall be approximately four (4) feet by thirty (30) feet and placed on dotted lines.
- C.** Aerial easements shall be a minimum of fifteen (15) feet in width.

## **507 SIDEWALKS**

Sidewalks and cross walks, where required, shall be installed by the applicant along public streets or where deemed necessary for public safety, as determined by the Planning Commission.

## **508 RESERVED AREAS**

Reserved strips surrounding the property or areas reserved for any purposes which shall make any area unprofitable for regular or special assessments will not be approved by the Planning Commission.

## **509 STREET NAMES**

The applicant may choose street names subject to the approval of the Planning commission. No street, other than an extension, may be given the name of an existing street in the Township.

## **510 WATER AND SEWER SYSTEMS**

The water supply and sewage disposal systems for the subdivision or land development shall meet the design standards and requirements of the Pennsylvania Department of Environmental Protection.

## **511 FIRE PROTECTION**

The following requirements shall apply to all major land developments.

- A.** Fire Protection Water Supplies. The applicant shall submit an analysis of the required fire flow for the structure being built and the available fire flow. Fire hydrant location shall be indicated on the plan. Fire hydrants shall be spaced so that there is no more than 500 feet between hydrants and no more than 500 feet from any part of a building.
  
- B.** Sprinkler Systems. All hydraulic calculation data shall be current (not more than one year old). The Fire department Connection shall be located in an area approved by the Fire Department with a dedicated fire hydrant, as defined herein, within 75 feet in a straight line or as specified by the Fire Department.

All sprinkler systems shall have a flow alarm consisting of a strobe light and audible water gong. The location of this alarm shall be approved by the Fire Department.

All Fire Department Connections shall be visibly marked.

The Post Indicator Valve for the sprinkler system shall only terminate the flow of water to the sprinkler system. In the event that private hydrants are utilized on the property and feed from the same pit, a separate valve shall be installed and control the hydrant system.

All threads shall be National Standard.

- C.** Fire Apparatus Access. Fire Department access roads shall have an unobstructed minimum width of 20 feet. Fire Department access roads shall be capable of supporting an imposed load of 70,000 pounds.

Turning radius for fire apparatus shall be 90 feet. Dead end Fire Department access roads in excess of 150 feet shall have an approved turnaround.

- D.** Key Boxes. All non-residential structures where 24-hour occupancy is not available or where areas are inaccessible to security shall have a "Knox Box" key box installed in a location shown on the development plan. The Knox Box shall be easily visible from the exterior of the structure and the placement shall be approved by the Fire Department.

Multifamily residential structures with secure public access areas shall have a "Knox Box" key system installed. The Knox Box shall be easily visible and accessible from the exterior of the structure in a location shown on the development plan and placement shall be approved by the Fire Department.



**ARTICLE VI  
IMPROVEMENT AND CONSTRUCTION REQUIREMENTS**

**601 SCHEDULES OF REQUIRED UTILITIES AND STREET IMPROVEMENTS**

**A. Water Supply:**

1. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, applicants shall present evidence to the Planning Commission that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
2. If public water is available or definitely planned for the area, then provisions shall be made for its eventual use.
3. Location of individual wells or project wells for water supply shall be approved by the State Health Officer and a copy of the approval shall be submitted to the Planning Commission.

**B. Storm Sewers:**

1. Storm sewers shall be located in the right-of-way at an edge of the cartway or curb.
2. Storm drains shall have a minimum diameter of fifteen (15) inches and a minimum grade of 0.50 percent.
3. Manholes or cleanouts shall be spaced at intervals of three hundred (300) feet or less for pipes twenty-four (24) inches or under; not more than four hundred fifty (450) feet for pipes larger than twenty-four (24) inches and shall be installed at all grade changes, alignment changes and pipe size changes.
4. Bridges and culverts shall be designed to support expected loads and to carry expected construction the full width of the right-of-way, where deemed necessary by the Planning Commission

5. Drainage plans shall be submitted for approval with the preliminary application.
6. Inspection of storm drainage shall be made by the Township Engineer.

**C. Sanitary Sewers:**

1. Installation of sanitary sewers including house lines, laterals, trunks, manholes and other appurtenances shall comply with the rules and regulations of the Township Engineer or authorized agent and said installations shall be subject to inspection by the same.
2. In areas where a municipal sewer is not available (over 1,000 feet from the nearest point of the subdivision or land development), is not topographically feasible or where an easement cannot be obtained through adjoining property, individual septic tanks or project sewage systems will be permitted subject to approval of drawings and design by the Township Engineer and the Department of Environmental Protection and Sewage Enforcement Officer.
3. In areas where a municipal sewer is available, all properties within the subdivision or land development shall be connected thereto.
4. In areas where a municipal sewer is planned to be available, but not yet built, laterals shall be extended to the center of the street, or into the right-of-way, and trunk lines shall be provided to the edge of the subdivision or land development closest to the municipal trunk location and shall be capped. Until such time as the municipal sewer becomes available, individual septic tanks or a project system must be installed. In the case of a project system, a trunk shall be provided to connect into the municipal system.
5. All individual properties now using sanitary sewage facilities shall be connected to the municipal sewage system when and where it is available.

**D. Streets, Base and Drainage:**

1. Streets are to be graded as established on the preliminary plat and street profiles and as approved by the Township Engineer.
2. Cross Drains: Cross drains shall be a minimum of fifteen (15) inches reinforced concrete or BCCM pipe with paved invert and shall be placed wherever necessary to transfer water across the street to a natural water course and at street intersections where needed. Valley gutters may be used when approved by the Township Engineer.

3. Base Course: Eight (8) inch thick (rolled measurement) native stone, limestone or crushed slag properly graded and meeting the requirements of the current specifications of the Pennsylvania Department of Transportation Publication 408 and subject to their complete tests.
4. Lesser base courses, to a minimum of six (6) inches, may be authorized on advice of the Township Engineer on smaller streets where the character of the drainage of the subgrade, the size of the subdivision and the nature of the traffic warrants.

**E. Curbing, Paving and Sidewalks:**

1. Curbing: Curbing shall be required on all streets in subdivisions where lots average less than one (1) acre in size. Curbing shall be of concrete, either straight, battered or rolled as shown on the accompanying illustration. Molded bituminous curbing may be approved with the recommendation of the Township Engineer and the Planning Commission.
2. Pavement: Paving shall be required on all streets in subdivisions where lots average less than one (1) acre in size. Where paving is required, a 2-1/2 inch bituminous plant-mixed surface shall be placed on the prepared base to meet the requirements of the current specifications of the Pennsylvania Department of Transportation, Publication 408.

Where a six (6) inch base is authorized, a bituminous surface treatment in accordance with an AT-1 specification complying with the Pennsylvania Department of Transportation, Publication 408 may be used.

Where concrete pavement is used, the standard requirements of the Pennsylvania Department of Transportation shall govern and all work shall be performed in the manner prescribed in the standard specification for road construction and shall be approved by the Township Engineer.

Minor streets shall be at least six (6) inches in thickness and conform to other specifications of the Pennsylvania Department of Transportation.

Either type of pavement shall be under the direct supervision of the Township Engineer.

3. Sidewalks: Sidewalks shall be of Portland concrete four (4) inches in thickness except at driveways where they shall be a minimum of six (6) inches. Sidewalks shall be a minimum of four (4) feet in width. Sidewalks may be omitted with the approval of the Planning Commission.
- F.** Street Signs: Street signs shall be installed at each street intersection in accordance with standards established by the Township.
- G.** Street Trees: If the applicant plans to provide trees, their proposed locations, spacing and species shall be submitted for approval by the Planning Commission. On narrow rights-of-way or where the planting strip is less than five (5) feet wide, trees shall not be permitted, but shall be placed inside the property lines.

**ARTICLE VII  
ADMINISTRATION**

**700 REVIEW BY PROFESSIONAL CONSULTANTS**

**A. Application Review Fees:**

1. In addition to an application filing fee which covers the Township's cost of processing the application, an application review escrow deposit in an amount established, from time to time, by Resolution of the Board of Supervisors shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees by the township's professional consultants. 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.
2. 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 professional 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 professional 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.
3. 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.

**B. Inspection Fees:**

1. 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 community, 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.

2. An inspection fee 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 Developers Agreement required by Section 702 of this Ordinance to guarantee payment of the estimated inspection fees required by this Subsection. 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.
3. 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.
4. 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.

## **701 RESOLVING DISPUTES OVER REVIEW AND INSPECTION FEES**

- A. If the Township's professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary in connection with either application review fees or inspection fees, the applicant shall, no later than forty-five (45) days after the date of transmittal of the final bill to the applicant, 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 that 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.

- B.** 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.
- C.** 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.
- D.** 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.

## **702 DEVELOPERS AGREEMENT**

Following approval of the final plat, but prior to execution of the final plat by the Township Supervisors, the developer shall sign a Developers Agreement approved by the Township Solicitor. Before approving any subdivision or land development plan, the Board of Supervisors shall require a written agreement that necessary grading, paving and street improvements, side walks, street lights, fire hydrants, water mains and sanitary sewers, as may be required by the Township, shall be installed in strict accordance with the standards and specifications by the applicant within a specified time period. The written agreement shall include a performance guarantee, as shall be determined by the Township, to guarantee the proper installation of such improvements. If the improvements shall not have been installed within the time required and in accordance with the standards and specifications of the Township, such deposit shall be forfeited to the Township. Upon written certification by the Township Engineer that such improvements have been satisfactorily completed the deposit shall be returned to the developer in accordance with the procedure outlined in Sections 704 through 708 of this Ordinance.

### **703 RECORDING AND FILING OF CERTIFICATE**

Within ninety (90) days after the date of approval of the final plat 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, the developer shall record the Final Plat in the Office of the Washington County Recorder of Deeds and file with the Township Secretary a Recorder's Certificate that the approved plan has been recorded with the Plat Book and Page Number indicated and approval shall not become final and effective until such certificate is filed.

After an approved subdivision plan shall have been officially recorded and the public improvements have been inspected and accepted by the Township, the streets, parks and other improvements shown thereon shall be considered to be a part of the Official Map of the Township.

### **704 FINAL INSPECTION OF IMPROVEMENTS**

- A.** 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 V of this Ordinance and the Township Construction Standards.
- B.** 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.
- C.** 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.



- D. 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 Section 704, 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.
- E. 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 Section 704, shall be followed.
- F. Developer's Rights: Nothing in this Section 704, 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.

## **705 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.

## **706 ACCEPTANCE OF IMPROVEMENTS**

- A. Upon completion of the final inspection and approval of the public improvements in accordance with Section 704, the developer shall notify the Township Engineer that the construction or installation has been completed and shall supply the Township with one (1) reproducible copy of the as-built plans for the street or improvement that has been installed or constructed. The reproducible copy shall show thereon the signatures of all agencies and individuals who have approved the plan and shall contain a notice thereon as to where and when the plan was recorded in the Office of the Recorder of Deeds.

- B.** The portion of the street or improvement which the developer desires to have the Township accept shall be identified on the copy of the plan. Said plan shall clearly designate the number of lineal feet of said street or improvement. In the event that a right-of-way or easement is being dedicated with the street or improvement, a legal description of said right-of-way or easement shall also be submitted.
- C.** Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or other improvement until such time as the same shall have been offered for dedication to the Township and accepted by Ordinance or Resolution or until it shall have been condemned for use as a public street, park or other improvement.
- D.** The request for acceptance shall be submitted in writing at least ten (10) days prior to the regular meeting of the Board of Supervisors. 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 Guarantee required by Section 708 of this Ordinance.

## **707 RELEASE OF PERFORMANCE GUARANTEE**

Upon approval of all of the 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 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 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.

## **708 POSTING OF MAINTENANCE GUARANTEE**

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 Guarantee, as defined by this Ordinance, to insure the structural integrity of the improvements in accordance with the Design Standards of Article V, the Township Construction Standards and the specifications of the Final Plat.

The term of the Maintenance Guarantee 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.

## **709 ENFORCEMENT REMEDIES**

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Supervisors may institute in the name of the Township any appropriate action or proceeding in law or equity to prevent, restrain, correct or abate such building, structure or land, to recover damages, or to prevent, in or about such premises any act, conduct, business or use constituting a violation, or illegal occupancy of a building.

The description by metes and bounds in the instrument of transfer or other document 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 shall have all of the enforcement remedies provided in the Pennsylvania Municipalities Planning Code, Section 515.1.

## **710 PREVENTIVE REMEDIES**

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 or a land development in violation of this Ordinance.

**711 EFFECTIVE DATE**

This Ordinance shall become effective on the date of adoption.

**ORDAINED AND ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.**

**TOWNSHIP OF HANOVER**

\_\_\_\_\_  
**Chairman, Board of Supervisors**

**ATTEST:**

\_\_\_\_\_  
**Township Secretary**