

# West Nantmeal Township



## Subdivision and Land Development Ordinance of 2013



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West Nantmeal Township 2013**

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**Article 1: Title, Purpose, Control, and Interpretation**

**Section 101: Short Title**

This Ordinance shall be known as, and may be cited as the "West Nantmeal Township Subdivision and Land Development Ordinance of 2013."

**Section 102: Purpose**

The purpose of this Ordinance is to:

- A. Provide for harmonious, orderly, efficient and integrated growth of the Township.
- B. Assure that land to be developed shall be of such character that it can be used safely without danger to health, peril from fire, flood, erosion, excessive noise and smoke or other menace.
- C. Provide for drainage, water supply, sewage disposal and other appropriate utility services.
- D. Provide for the coordination of existing streets, parks, highways and land uses with probable streets, parks, highways and land uses.
- E. Provide for a safe, convenient and functional system for vehicular traffic on streets of such width, grade and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.
- F. Provide for arrangement of building lots, blocks and streets so as to afford adequate light, view and air and to facilitate fire protection.
- G. Assure land will be developed with due regard to topography and geologic conditions so that the natural beauty of the land, vegetation and historical structures shall be protected and enhanced.
- H. Provide for adequate open space for recreation, wildlife, light and air and for adequate sites for schools, parks, playgrounds, pathways/greenways and other community services, which shall be located so as to provide pedestrian and/or vehicular access to such facilities for residents of all neighborhoods.
- I. Secure equitable handling of subdivision and land development plans by providing uniform procedures and standards for observance of both developers and of Township officials.

**Section 103: Scope**

- A. From and after the effective date of this Ordinance, any subdivision and/or land development in West Nantmeal Township shall be in conformity with this Ordinance and all standards and specifications adopted as part of such Ordinance.
- B. No lot, tract, or parcel of land shall be subdivided, and no land may be developed, and no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the use of occupants of any building abutting or to abut on them, except in strict accordance with the provisions of this Ordinance and other applicable Township ordinances.
- C. In a subdivision or land development, no lot may be used or sold, no building permit may be issued, and no building or other structure may be erected unless and until a final subdivision or land development plan has been approved and duly recorded in accordance with this Ordinance, and where required the proposed

improvements have been completed or their completion has been assured by a completion guarantee pursuant to and in accordance with the Pennsylvania Municipalities Planning Code.

#### **Section 104: Interpretation**

In the interpretation and application of the provisions of this Ordinance, said provisions shall be the minimum requirements for the promotion and protection of the public health, welfare and safety. Where the provisions of this Ordinance and all standards and specifications adopted under it impose greater restrictions than those of any other ordinance, statute or regulation, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any statute or other ordinance or regulation impose greater restrictions than this chapter, the provisions of such statute, ordinance or regulation shall be controlling.

#### **Section 105: Waivers and Modifications**

- A. The Board may grant a waiver or modification of the requirements of one or more provisions of this Ordinance in the following circumstances;
- (1) When literal compliance with such provisions is shown to the satisfaction of the Board to be unreasonable or cause undue hardship because of peculiar conditions pertaining to the land in question,
- OR**
- (2) When an alternative standard or requirement is demonstrated to the satisfaction of the Board to provide equal or better results as the provision or provisions sought to be waived or modified; provided, however, that such waiver or modification shall not be contrary to the public interest, safety and general welfare and that the purpose and intent of this Ordinance shall be observed.
- B. All requests for a waiver or modification shall be in writing and shall accompany and be a part of the application for subdivision or land development. The request shall state in full, where applicable, the grounds and facts of unreasonableness or hardship on which the request is based, the pertinent provision or provisions of this Ordinance, the minimum waivers or modifications necessary, and the alternative standards or requirements proposed.
- C. All requests for a waiver or modification shall be referred to the Township Planning Commission for review and advisory comments and recommendations to the Board. If deemed necessary or desirable by the Board, a request for a waiver or modification may also be referred to the Chester County Planning Commission for its review and advisory comments and recommendations to the Board.
- D. The Board shall keep a written record of all actions on all requests for waivers or modifications.
- E. Requested waivers or modifications, if approved, shall be depicted and shown on the final plan.



## *Article 2: Definitions*

### **Section 201: General Interpretation.**

- A. Certain terms and words are defined in this Ordinance. The following guidelines shall be utilized to interpret the terminology of this Ordinance:
- (1) Words used in the present tense shall include the future tense.
  - (2) Words in the singular shall include the plural and words in the plural shall include the singular.
  - (3) Words in the masculine shall include the feminine and the neuter.
  - (4) The words “shall”, “must” or “will” are mandatory.
  - (5) The words “may” or “should” are permissive.
  - (6) The word "person" includes “individual”, “corporation”, “partnership”, “organization”, “association”, “trust”, or other similar entities.
  - (7) The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for".
  - (8) The word "building" shall be construed as if followed by the phrase "or part thereof".
  - (9) The word “structure” includes “building” and shall be construed as if followed by the phrase “or part thereof”.
  - (10) The word “street” includes “expressway”, “arterial”, “highway”, “thoroughfare”, “avenue”, “boulevard”, “court”, “lane” and “road”.
  - (11) The word “watercourse” includes “channel”, “creek”, “ditch”, “drain”, “dry run”, “spring”, “stream” and “swale”.

### **Section 202: Specific Terms**

The terms or words used in this Ordinance shall be construed as defined below. When terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

**Abut:** The state of being side by side, next to or adjoining one another.

**Accelerated Erosion:** The removal of the surface of the land through the combined actions of man and natural processes at a rate which is greater than would occur from the natural process upon disturbed land.

**Access Drive:** An improved cartway or paved service road designed to provide vehicular access between the public road and the off-street parking area for the designated use.

**Access Point:** A clearly defined point of ingress and egress for vehicles at the street line.

**Accessory Building or Structure:** A building or structure subordinate to the principal building or principal structure on a lot and used for purposes customarily incidental to those of the principal use.

**Acre:** Forty-three thousand five hundred sixty (43,560) square feet.

**Act:** The Pennsylvania Municipalities Planning Code, as amended and codified.

**Act 247:** The Pennsylvania Municipalities Planning Code, as amended and codified.

**Act 537:** The Pennsylvania Sewage Facilities Act, as may be amended from time to time.

**Act 537 Plan:** The West Nantmeal Township Sewage Facilities Plan, as adopted by the Board in accordance with Pennsylvania Act 537, as amended.

**Adjacent:** The state of being side by side, next to or adjoining one another.

**ADT (Average Daily Traffic):** The average number of vehicles that pass over a given point per day.

**Agent:** Any person other than the developer, who, acting for the developer, submits to the Board subdivision or land development plans for the purpose of obtaining approval thereof.

**Alley:** A right-of-way providing secondary vehicular access to the side or rear of a lot or lots.

**Alluvium:** Clay, silt sand, gravel, or similar detrital matter deposited by running water.

**Alteration(s):** Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, such as bearing walls, columns, beams, girders, joists, rafters, headers, or enclosed walls, or any enlargement or modification thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another, or any other change of use of a building or a lot. All permitted alterations shall comply with the appropriate building codes adopted by West Nantmeal Township.

**Applicant:** A landowner, equitable landowner, developer or authorized agent of the landowner, who has filed an application for development including his heirs, successors and assigns.

**Application for Development:** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**Appointing Authority:** The West Nantmeal Township Board.

**Architect:** An architect registered by the Commonwealth of Pennsylvania.

**Basement:** That portion of a building that is partly or completely below the grade plane. A basement shall be considered a story above grade plane when the finished surface of the floor above the basement is as follows: more than six (6) feet above the grade plane; more than six (6) feet above the finished ground level for more than 50 percent of the total building perimeter; and/or more than twelve (12) feet above the finished ground level at any point.

**Block:** A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of West Nantmeal Township, or by any combination of the above.

**Board/Board of Supervisors:** The Board of Supervisors of West Nantmeal Township, Chester County, Pennsylvania.

**Building:** Any combination of material forming any structure, which is erected on the ground and designed to be affixed thereto, whereas the framed components or structural parts are designed for the complete enclosure (with walls and a roof) and support for individuals, animals or property of any kind.

**Building Area:** The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions. The definition of “building area” should not be considered synonymous or be compared with the subordinate definitions for “lot area” including “lot area (building)”.

**Building Coverage:** The percentage of a lot covered by principal and accessory buildings.

**Building Envelope:** The area of a lot that has no building or construction restrictions such as, building set back requirements, rights-of-way, easements, floodplains, wetlands, slopes over 20 percent in grade, or similar restrictions as defined in the West Nantmeal Township Zoning Ordinance.

**Building Frontage:** The front of a building considering the location of the main entrance and the public street providing access. For corner lots, the building frontage shall be established along both streets to which the building has frontage or access.

**Building Height:** The vertical distance measured from the grade plane to the average roof height, as further defined by the West Nantmeal Township Building Code.

**Building Length:** The longest horizontal dimension of a building, as measured in a single straight direction.

**Building Setback:** The minimum distance a building or structure must be set back from the ultimate street right-of-way line (where it exists) or from the street legal right-of-way line (where the ultimate right-of-way does not exist) of the street immediately adjacent thereto.

**Building Setback Line:** The line within a property establishing the minimum required distance between any building or structure, or portions thereof, to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line, which abuts the property, and the building setback line shall be parallel to said right-of-way line.

**Caliper** – Diameter of a tree trunk as measured at six (6) inches from base.

**Cartway:** The portion of a street right-of-way, whether paved or unpaved designed for vehicular use.

**Clear Sight Distance (Safe Sight Stopping Distance):**

- A. For all purposed streets and driveways – The longest required line of unobstructed vision along a street cartway measured from a point three and one-half (3.5) feet above the centerline to an object three and one-half (3.5) feet above the proposed new intersecting pavement measured ten feet back of the existing pavement edge. Refer also to Article VI of this Ordinance.
- B. AASHTO’s “A policy on Geometric Design of Highways and Streets” – Latest edition, at the time of any application, shall govern all sight distance situations, unless the Township requires more stringent control to improve known or potentially hazardous conditions.

**Clear Sight Triangle:** An area of unobstructed vision at a street intersection, as prescribed by West Nantmeal Township and/or the Pennsylvania Department of Transportation, which shall be measured between 30 inches above the ground elevation and 10 feet above ground elevation, which is further defined by a line of sight between points at the centerlines of a street at the point of intersection of the proposed street.

**Commercial Use:** A use or activity that includes, but not limited to, retail sales, businesses, offices, personal services, banks, financial institutions, restaurants, communications, recreation, and other similar commercial uses as determined by the Zoning Officer.

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water, within a development, designed and intended for use or enjoyment of all residents of the development in which it is located.

**Common Parking Area:** A designated area for the parking of vehicles serving a multi-family residential development or a planned non-residential development containing more than one (1) use.

**Comprehensive Plan.** The West Nantmeal Township Comprehensive Plan, or any part thereof, as adopted by the West Nantmeal Township Board of Supervisors.

**Conditional Use:** A use in a particular zoning district which is approved by the Board of Supervisors in accordance with the specific criteria set forth in the West Nantmeal Township Zoning Ordinance.

**Construction:** The placement of materials and equipment in a defined area to be assembled, built, applied and/or demolished in a temporary or permanent manner, as approved by the designated officials of West Nantmeal Township.

**County:** The County of Chester, Commonwealth of Pennsylvania.

**County Planning Commission:** The Chester County Planning Commission.

**Curb Line:** The point where the face of the curb meets the edge of the cartway. If no curb exists, the curblines shall be considered the edge of the improved cartway.

**Curative Amendment:** A proposed zoning amendment that is filed with the Board of Supervisors by any landowner/applicant who desires to challenge on substantial grounds the validity of an ordinance which prohibits or restricts the use or the development of land in which the landowner/applicant has an interest.

**Deck:** An open or partially enclosed structure attached or connected to a permitted use, which is constructed in accordance with the building codes of West Nantmeal Township.

**Dedication:** The deliberate appropriation of land by its owner for general public use.

**Deed:** A written document whereby an estate in real property is described, conveyed and recorded.

**Deed Restriction:** Clauses included in a deed or other recorded document, which restricts, controls or limits the general use of a defined parcel of land or development.

**Density:** The total number of residential dwelling units per acre or lot area.

**Design Standards:** Minimum standards set forth at Article VI of this Ordinance providing for the design of subdivisions and land developments.

**Detention Basin:** An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

**Developer:** Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

**Development:** Any man made change to improved or unimproved land, including but not limited to buildings or other structures, the installation of utilities, filling, grading, paving, excavation, mining, dredging or drilling operations.

**Development Plan:** A proposal for the development of land, prepared in accordance with the provisions specified by West Nantmeal Township, including a plan for subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

**Diameter at Breast Height (DBH):** The diameter of a tree trunk, as measured forty- eight (48) inches from the ground surface.

**Drainage Facility:** Any Structure or improvement designed, intended or constructed for the purpose of diverting surface or ground water from or carrying surface or ground water off streets, right-of-way, or any subdivision or land development.

**Driveway:** A privately owned and improved access drive, which provides vehicular access between a public road or an approved private road into the lot or parcel of land.

**Driveway, Common:** A private driveway (when permitted) serving two or more lots or properties, the use and maintenance of which is shared between or among the property owners.

**Dwelling:** A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling. The following dwelling types are further defined as follows:

**Single-Family Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for one family and having no common wall with an adjacent building.

**Single-Family Semi-Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for two families, one family living on each side of a vertical common wall.

**Multi-Family Dwelling:** A building arranged, designed and intended to be occupied exclusively as a residence for three or more families. Individual dwelling units may share up to three common or party walls with other units and either have a common outside access areas or have individual outside access areas. Types of such buildings shall include townhouses, apartments and/or condominiums.

**Townhouse:** A building arranged, designed and intended to be occupied exclusively as a residence for one family, which is one of a group of three or more such buildings, placed side by side and separated by unpierced vertical common walls, each dwelling having at least one separate entrance from the outside.

**Apartment Building:** A building on a single lot arranged, designed and intended to be occupied as a residence for two or more families, and in which the dwelling units may be separated horizontally and/or vertically.

**Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended, or the Pennsylvania Uniform Condominium Act, as amended.

**Manufactured Home:** A structure that is transportable in one or more sections built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the United States Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

**Modular Home:** A structure designed primarily for residential occupancy, which is wholly or partially made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site.

**Accessory Apartment for Relatives:** An attached component or living area of a permitted single-family dwelling, located on a conforming lot, which is occupied by a relative of the occupants of the single-family dwelling.

**Dwelling Unit:** A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Earth Disturbance Activity:** A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, land development, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Easement:** A defined parcel area of land or right-of-way granted or conveyed for the limited use of land for public, quasi-public or private purposes.

**Easement, Conservation:** An easement precluding future or additional development of an area of land.

**Egress:** A point of exit from a property.

**Elevation:** The horizontal alignment of a surface above mean sea level, as it exists in pre-development conditions or as it is proposed in post development conditions.

**Centerline Elevation:** The elevation of the street at the midpoint of the street.

**First Floor Elevation:** The elevation of the level of living space at the main entrance of the building.

**Garage Elevation:** The elevation of the garage floor at the center of the garage door.

**Engineer:** A professional engineer, licensed by the Commonwealth of Pennsylvania.

**Enlargement:** An addition to the floor area of an existing building, an increase in the size of a structure, or an increase in that portion of a lot occupied by an existing use.

**Environmental Impact Assessment Report:** A detailed written report that provides discussion of significant environmental impacts and provides reasonable alternatives, which would avoid or minimize adverse impacts or enhance the quality of the environment.

**Erosion:** The removal of soil, rock or surface particles by the action of water, wind, ice or other agents.

**Essential Services:** The erection, construction, alteration, or maintenance by a public utility, municipality or governmental agency for general utility services including gas, electric, steam, water, sewage disposal, telephone and similar utility services, excluding telecommunication and wireless communication providers.

**Facade:** The front of a building facing a public or private street or any other building face that is given special architectural treatment.

**Fence:** A manmade barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

**Fire Apparatus Access Road:** A road that provides fire apparatus access from the fire station to a facility, building, land area, or portion thereof in accordance with the provisions of the International Fire Code. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

**Flood Hazard Overlay District:** A conservation overlay of land and water, which have been defined within the Flood Insurance Study, as prepared by the Federal Emergency Management Agency, which principally include areas located along the major creeks and waterways. The Flood Hazard Overlay District including all subordinate definitions are further defined and regulated in the West Nantmeal Township Zoning Ordinance.

**Garage, Private Residential:** An accessory building or a part of a principal building used for the storage of motor vehicles owned and used by the landowners or tenants of the premises for the storage of not more than three motor vehicles.

**Governing Body:** The West Nantmeal Township Board of Supervisors, Chester County, Pennsylvania.

**Guarantee, Improvements:** Financial security approved by the Township which may be required of the applicant by the Township as a condition of final plan approval to provide for and secure to the public the completion and installation of improvements, as shown on and in accordance with the final plan and with the applicable provisions of this Ordinance.

**Guarantee, Maintenance:** Financial security approved by the Township which may be required of the applicant by the Township where the Township accepts dedication of some or all improvements, following the completion and installation thereof, in order to secure the structural integrity and operation of the accepted improvements in accordance with the design and specifications as depicted on the final plan.

**Gutter:** That portion within a street right-of-way designed for surface drainage, whether paved or otherwise.

**Height:** The vertical distance measured from the average elevation of the ground or finished grade to the highest point of a structure, other than a building. To measure building height, refer to the definition for Building Height.

**Highway Access Point:** A place of ingress/egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the centerline of one such point to the centerline of another such point.

**Historical Resource or Historical Site:** A place, building, structure or site, whereas because of its local, state or national significance is considered as a historical site or resource. All such historical resources and sites are identified by: the National Register of Historical Places, the Pennsylvania Historical and Museum Commission, and/or the West Nantmeal Township Comprehensive Plan.

**Hydric Soil:** A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are identified within the Soil Survey of Chester County and the West Nantmeal Township Comprehensive Plan.

**Impervious Coverage:** The percentage of lot area covered by an impervious surface.

**Impervious Surface:** A surface which has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration by water including, but not limited to, structures such as roofs, buildings, storage sheds, other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, swimming pools, tennis or other paved courts, or athletic playfields comprised of synthetic turf materials. For the purposes of determining compliance with this Ordinance compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Existing surfaces that were designed to allow filtration (i.e. areas of porous pavement) will be considered on a case-by-case basis by the Township Engineer based on appropriate documentation and condition of the material, etc.

**Improvements:** Any type of structure, paved area and/or physical changes to the land, including, but not limited to, grading, paving, stormwater management facilities, sidewalks, street signs, traffic control devices, monuments, utilities, water supply facilities and sewage disposal facilities.

**Improvements, Public:** Those facilities which are designed for and available to the public, which may be offered for dedication including, but not limited to, streets, storm drainage facilities, sidewalks and utilities.

**Improvement Setback:** The minimum distance an improvement must be set back from a street right-of-way and/or property line.

**Industrial Use:** A use or activity that includes, but not limited to, assembling, manufacturing, distributing, processing, storing or warehousing of products and materials, and similar industrial uses as determined by the Zoning Officer.

**Ingress:** A point of entrance to a property.

**Institutional Use:** A use or activity that includes, educational uses, religious uses, assisted living care facilities, convalescent homes, nursing homes, and other similar uses as determined by the Zoning Officer.

**Interior Circulation Roads:** Vehicular ways within a parking lot which provide access to the individual parking spaces and the road network.

**Jurisdictional Determination (JD)** - A site survey and review performed by the United States Army Corps of Engineers to assess and officially determine whether or not a defined parcel of land or water body is subject to wetlands regulations.

**Land Development:** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with the provisions established by West Nantmeal Township and the Pennsylvania Municipalities Planning Code.

**Landowner:** The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition). An equitable owner or lessee who has written authorization of the landowner of record shall be deemed to be a landowner for the purpose of this Ordinance.

**Landscape Architect:** A landscape architect registered by the Commonwealth of Pennsylvania.

**Loading Space:** A defined space located within a lot or parcel of land, which has accessibility to a public street, for temporary use of commercial vehicles while loading or unloading merchandise and materials to the principal use and building contained on the lot or parcel of land.



**Lot:** A designated parcel, tract, or area of land, established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, regardless of size or ownership, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term “lot” shall also mean parcel, plot, site or any similar term.

**Corner Lot:** A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty five (135) degrees. The front yard and lot width requirements shall apply to each street to which the corner lot has frontage. The other yards shall be designated as side yards.

**Interior Lot:** A lot other than a corner lot, the sides of which do not abut a street.

**Reverse Frontage Lots:** Lots that have frontage on two public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.

**Through Lot:** An interior lot having frontage on two parallel or approximately parallel streets.

**Flag Lot or Keyhole Lot:** An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land locked interior parcel.

**Lot Area (Gross):** The total land area contained within the lot lines.

**Lot Area (Net):** The total land area contained within the lot lines excluding the following land and water areas:

- A. 100 percent of all areas exclusively contained within the existing and ultimate limits of street rights-of-way;
- B. 100 percent of all areas exclusively designated as an easement to accommodate utilities and/or stormwater improvements;
- C. 100 percent of the lands designated as the floodway;
- D. 100 percent of the land delineated as wetlands; and
- E. 100 percent of lands classified as Category 2 Slopes.

Pursuant to the terms of this definition, the following formula for calculating the net lot area is hereby specified:

$$GLA - 100\% \text{ of ROW} - 100\% \text{ of ESM} - 100\% \text{ of FLD} - 100\% \text{ of WET} - 100\% \text{ of C2S} = \text{NLA}$$

- GLA = Gross Lot Area
- ROW = Total area exclusively within the limits of the existing, future and ultimate street right-of-way
- ESM = Total area exclusively designated as an easement for utilities and/or stormwater improvements
- FLD = Total area exclusively within the defined limits of the floodway.
- WET = Total area exclusively delineated as wetlands.
- C2S = Total area exclusively classified as Category 2 Slopes.
- NLA = Net Lot Area

The net lot area for all proposed lots shall be no smaller than the required minimum lot size for the zoning district in which the lot is located. The net lot area calculations shall utilize the order or hierarchy of features specified by the formula; whereas, land and water areas shall not be calculated or classified in more than one (4) category. If required by West Nantmeal Township, special studies, delineations and/or calculations shall be completed by the applicant in order to accurately verify the limits of the natural features.

**Lot Coverage:** The percentage of the net lot area covered by all impervious surfaces as determined by the Township Engineer or Zoning Officer. Refer to the definition of “impervious surface” for further clarification.

**Lot Depth:** The mean average horizontal distance between the front and the rear lot lines.

**Lot Frontage:** That portion of a lot, which fronts on a single street.

**Lot Line:** The property line forming the front, rear or side boundary of a lot.

**Front Lot Line:** The line separating a lot from the street line. The front lot line is also the street line.

**Rear Lot Line:** The lot line which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten (10') feet long.

**Side Lot Line:** Any lot line other than a front or rear lot line.

**Lot of Record:** A lot or parcel of ground recorded in the Office of the Recorder of Deeds of Chester County, Pennsylvania.

**Lot Width:** The width of a lot measured at the street line.

**Made Land:** Areas within the natural soil cover that have been covered by other materials or from which the soil has been moved about or removed to provide materials for development.

**Manufactured Home Parks:** A parcel or contiguous parcels of land, which has been developed and improved to contain two or more manufactured home lots for sale, lease or rent.

**Manufacture or Manufacturing Use:** The assembling, creating, cleaning, fabricating, processing, testing, recycling, packaging, converting, distributing and/or repairing of raw materials with the use of labor and machinery of products that will be made available for sale. The term “manufacture” shall not include retail sales, personal services, solid waste disposal, truck distribution, mineral extraction, woodland extraction, forestry, exportation of groundwater, warehousing, or similar uses determined by the Zoning Officer.

**Marker:** A metal pipe or pin at least 1 inch in diameter and at least 36 inches in length.

**Mature Tree:** A deciduous tree with a diameter at breast height (DBH) greater than or equal to 12 inches or a coniferous tree at least 6 feet tall.

**Mixed-Use Commercial and Residential Developments:** A combination of uses within a building or group of buildings, which includes a permitted commercial use occupying the first floor and no more than two residential apartment units occupying the second floor, as regulated in the West Nantmeal Zoning Ordinance.

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

**Mobile Home Lot or Site:** 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 Pad:** a concrete pad at least 6 inches in thickness with at least six tie-down rings to which the mobile home shall be secured, equal in length and width to the dimensions of the mobile home to be placed thereon.

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

**Monument:** A stone or concrete monument with a flat top at least four inches across and at least 36 inches in length.

**Motor Home:** A self-propelled vehicular structure designed to be used as a temporary dwelling for travel, recreational or vacation uses.

**MPC:** The Pennsylvania Municipalities Planning Code, as amended and codified.

**Municipality:** West Nantmeal Township, Chester County, Pennsylvania.

**Municipal Use:** A use owned and maintained by West Nantmeal Township for public recreation area, park, swimming pool, golf course, spectator sports, municipal offices, emergency services operation, water and sewage facilities, utilities, community centers, solid waste disposal areas, recycling centers, composting facilities, road materials and equipment storage and similar governmental or municipal uses.

**Obstruction:** Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, structure, fence, stockpile, refuse, fill or other matter, which may impede, retard or change the normal direction or path of air, water or any modes of transportation.

**Off-Street Loading:** A designated area within the lot lines designed to accommodate trucks and commercial vehicles which require accessibility to the principal use of the property.

**Off-Street Parking:** A designated area within the lot lines designed to accommodate automobiles and other motor vehicles which require accessibility to the principal use of the property.

**Official Map:** A legally adopted map that depicts the location of existing and proposed streets, public utilities, public facilities and/or public areas, which may be adopted by the West Nantmeal Township Board of Supervisors in accordance with the provisions of Article 4 of the Pennsylvania Municipalities Planning Code.

**Official Zoning Map:** The Zoning Map of West Nantmeal Township.

**Open Space:** Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities. This term shall not be synonymous with the term "common open space".

**PA:** The Commonwealth of Pennsylvania.

**Parent Tract:** A parcel of land or lot of record, which was held by the landowner or his predecessor in title prior to the adoption of this Subdivision and Land Development Ordinance.

**Park:** A tract of land designed and utilized by the general public for active and/or passive recreation purposes.

**Parking Lot:** An off-street area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

**Parking Perimeter:** The external limits of the permitted or approved off-street parking area.

**Parking Space:** A reasonably level space, available for the parking of one motor vehicle, not less than 10 feet wide, 20 feet deep, and having an area of not less than 200 square feet, exclusive of passageways or other means of circulation or access.

**Patio:** An area or courtyard, which is not covered by a roof or permanent awning, and is designed for seasonal outdoor living purposes as an accessory use to the principal structure or building.

**Paved Area:** The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall. Refer to the definition of “impervious surface” for further clarification.

**PennDOT:** The Pennsylvania Department of Transportation.

**Permit:** A document issued by the proper regulatory agency authorizing the applicant to undertake certain activities as specified on the application or permit.

**Building Permit:** A permit issued for a specific building, structure or land use which indicates that the proposed construction, alteration, development, reconstruction, or similar activities are in accordance with the appropriate construction provisions established by West Nantmeal Township, and authorizes an applicant to commence with the activities specified on the application or the provisions of the permit.

**Certificate of Occupancy:** A statement issued and enforced by the authorized Zoning Officer and/or Building Code Official upon the completion, conversion, extension or modification of a new building or existing building indicating that the building can be lawfully occupied for the intended use or activity.

**Demolition Permit:** A permit issued to demolish, remove, destroy and/or eliminate a building or structure.

**Seasonal or Temporary Permit:** A permit issued for a specific building, structure or land use which indicates that the seasonal, special use or temporary activities are in accordance with the appropriate provisions established by West Nantmeal Township, and authorizes an applicant to commence with the seasonal or temporary activities for a defined period of time, not to exceed 180 cumulative days within a calendar year or as specified on the permit.

**Sign Permit:** A permit issued for a specific on-premises or off-premises sign.

**Special Permit:** A permit issued for a specific use and event on land owned or leased by the applicant for a defined period of time, not to exceed 180 cumulative days within a calendar year and as specified on the permit. Such permitted uses may include carnivals, circuses, bazaars, fairs, seasonal sales or other non-profit fund raisers.

**Permitted Use:** A use permitted in a particular district to occupy or use land for a specific purpose in accordance with the West Nantmeal Zoning Ordinance when such use is permitted by right, special exception or conditional use.

**Person:** The term shall be construed to include an individual, partnership, public or private association or corporation, limited liability company, firm, trust, business trust, estate, foundation, municipality, governmental entity, public utility, other association or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**Plan:** A proposal for development, subdivision or land development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities which complies with the provisions established by West Nantmeal Township.

**Plan, As-built:** Engineering or site plans or drawings maintained by the contractor as he constructs the project and upon which he documents the actual locations of the improvements, building components and changes to the original contract documents. These documents, or a copy of same, are submitted to the Township at the completion of the project, as per the requirements of this Ordinance. Also referred to as “record plans”.

**Plan, Conservation:** A plan accompanying and forming a part of the preliminary and final plans detailing the developer’s provisions to mitigate impacts on stream channels, major trees and other important natural features, and for erosion, surface water runoff, and sediment control which includes all information required under this Ordinance.

**Plan, Development:** The provisions for development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or facilities, common open space and public facilities. The phrase “provisions of the development plan” when used herein shall mean the written and graphic materials referred to in this definition.

**Plan, Final Subdivision:** A complete and exact subdivision plan, prepared~~as~~ for official recording, to define property rights, proposed streets and other improvements in accordance with the requirements of this Ordinance.

**Plan, Preliminary Subdivision:** A subdivision plan showing the salient existing features of a tract and its surroundings and approximate street and lot layout as a basis for consideration prior to preparation of a final plan in accordance with the requirements of this Ordinance.

**Plan, Profile:** A plan prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania showing the vertical section of the existing and proposed grade along the centerline and right-of-way lines of any proposed street and improvements.

**Plan, Record:** A final plan approved by the Township and prepared for recording by a registered engineer or surveyor, showing the ultimate right-of-way widths of streets, lot lines, easements and all other relevant information pertaining to the subdivision and/or land development as required by this Ordinance.

**Plan, Sketch:** An informal plan, not necessarily to exact scale, clearly indicating salient features of a tract and its surroundings and the general layout of a proposed subdivision or land development which includes all the information required under this Ordinance.

**Plan, Sketch – Agricultural Preservation Option:** A sketch plan for an agricultural preservation subdivision, as noted in the Township Zoning Ordinance used to determine eligibility only. After eligibility is approved, a final subdivision plan meeting all requirements of this Ordinance shall be required.

**Plan, Utilities:** A plan showing all the locations, sizes, and types of all water, gas, and electric lines, all sanitary sewer mains, profiles and laterals, all storm sewers and gradients, all street lights, fire hydrants, all service connections, and all other data pertaining to existing or proposed facilities which is prepared in accordance with this Ordinance.

**Planning Commission:** The West Nantmeal Township Planning Commission, Chester County, Pennsylvania.

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

**Preservation or Protection:** When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**Principal Building:** A building in which a principal use on a lot is carried on.

**Principal Use:** The main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of the West Nantmeal Zoning Ordinance.

**Professional:** An occupation practiced or performed by an individual who has been formally educated or trained for such occupation and who is typically, but not necessarily, licensed or certified in such occupation.

**Public Grounds or Land Areas:** All such areas including: parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

**Public Meeting:** A forum held pursuant to notice under the requirements of this Subdivision and Land Development Ordinance, the Pennsylvania Municipalities Planning Code and the “Pennsylvania Sunshine Law”.

**Recreation Area (Active):** Land area containing recreational facilities, which may require visitors or participants to become involved in physical or energetic functions, primarily group functions. Active recreation areas may include, but are not limited to: athletic fields; basketball courts; baseball fields; softball fields; football fields; soccer fields; tennis courts; playgrounds; tot lots; community centers; golf courses; hockey rinks; skateboard parks, swimming pools; and volleyball courts, and other similar active recreation areas as determined by the Zoning Officer.

**Recreation Area (Passive):** Land area containing recreation facilities, which may require visitors or participants to become involved in quiet functions that do not require physical or energetic functions. Passive recreation areas may include, but are not limited to: open space; trails for walking or bicycling; surface water for canoeing or fishing; land preserve areas for hunting; pavilions; picnic areas; cultural centers; scenic vistas; and amphitheaters.

**Recreation Facilities:** Land, water, buildings, structures, apparatuses and/or equipment, which are required to accommodate recreational uses.

**Residential Use:** A use within a permitted dwelling unit, designed and utilized as the living quarters for one (1) or more families living independently of each other. Residential uses may be permitted within single family detached units, single family semi-detached units, two family attached units, mobile homes, apartment units, townhouse units, and secondary housing units, provided the type of dwelling unit is a permitted use within the zoning district to which it is located, and provided that the dwelling unit is designed to comply with the standards and specifications referenced by this Subdivision and Land Development Ordinance.

**Retail Use:** A commercial establishment devoted to the sale of products and services to patrons within an enclosed building. Retail uses may include establishments selling food, groceries, beverages, clothing, business or office supplies, entertainment items, furniture, home improvement supplies, household products, personal care supplies, building supplies, sporting goods, equipment, machines, computers, electronics, pet supplies, medical supplies, agricultural supplies, automobile supplies, firearms, and other similar retail uses as determined by the Zoning Officer.

**Retention Basin:** A structure in which stormwater is stored and not released during the storm event. Retention basins are designed for infiltration purposes and do not have an outlet.

**Review:** An examination of the Sketch Plan, Preliminary Plan and/or Final Plan by any one or more of the following to determine compliance of the same with this Ordinance (including, without limitation, the administrative regulations, design standards, improvement specifications and intent hereof,) the Zoning Ordinance, and all other applicable Township ordinances, codes regulations, plans and maps: Board of Supervisors, Township Engineer, other Township officials, representatives and bodies, and the Chester County Planning Commission.

**Right-Of-Way:** The width or area of land, which is dedicated or reserved to accommodate streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes, street lights, and other public improvements.

**Legal Right-Of-Way:** The existing width or area of land, which is currently owned and maintained by West Nantmeal Township, the Commonwealth of Pennsylvania, and/or other public agency or authority.

**Ultimate or Required Right-Of-Way:** The width or area of land, which is determined necessary to reserve and/or dedicate in order to accommodate future public improvements.

**Sanitary Facilities:** The required plumbing fixtures within a permitted use including a sink, toilet, bathtub or shower, which are functioning and compliant with the provisions of West Nantmeal Township.

**Sanitary Sewage Disposal System:** A system designed to collect, convey, treat and dispose of sewage from users in compliance with local, county, state and federal regulations.

**On-Lot System:** A sewage disposal system which collects, conveys, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.

**Community System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.

**Public or Municipal System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.

**Optional System Requirement:** A special or unique use of land, which because of its wastewater disposal requirements may have the option to utilize on-lot sewage disposal methods or connect to a private, community, public or municipal treatment system. The selected method for wastewater collection, conveyance and treatment shall be consistent with the West Nantmeal Township Act 537 Plan, the West Nantmeal Township Sewer Use Ordinance, and Pennsylvania Sewage Facilities Act.

**Screen:** A strip of vegetation matter sufficient to provide an effective screen, having an initial height of not less than 5 feet, a height at maturity of no less than 8 feet, and consisting of not less than 50 percent evergreen vegetation distributed throughout the length of the strip.

**Seasonal Pool:** An essential and unique wetland habitat which is typically small, shallow, ephemeral water bodies, and has no permanent inlet or outlet. Seasonal pools are filled by rain and snow melt which typically dry-up for a period of time during the summer season. They are considered essential since they support a number of species that require temporary wetland habitats for survival.

**Sediment:** Soil or other materials transported by, suspended in or deposited by surface water as a product of erosion.

**Sensitive Environmental Features:** Natural features which perform a beneficial function, such as reducing erosion or which if disturbed may cause hazards or stress to life and property such as steep slopes. For the purposes of this Ordinance, sensitive environmental features include, but are not limited to, the following: slopes in excess of 15 percent; soils classified as highly erodible, subject to erosion or as having a high water table; wetlands; hydric soil area; mature stands of native vegetation; aquifer recharge and discharge areas; flood plains; and lands incapable of meeting percolation requirements for on-site sewage disposal systems.

**Setback Requirements:** The setback requirements as established for any building or structure within the applicable Zoning District for which it is located.

**Sewage Facilities Plan:** The West Nantmeal Township Sewage Facilities Plan, as adopted by West Nantmeal Township in accordance with the Pennsylvania Sewage Facilities Act (PA Act 537), as amended from time to time.

**Shade Tree:** A deciduous tree which normally grows with a single trunk and has a canopy which screens and filters sunshine during specific seasons during the year.

**Shed:** A small utility or storage building, which is classified as an accessory structure to a principal use in accordance with the provisions of the West Nantmeal Zoning Ordinance.

**Silo:** A tall cylindrical structure that is typically located on a farm for non-residential uses.

**Single and Separate Ownership:** The ownership of a lot by one or more persons, whereas the ownership is separate and distinct from that of any adjoining land areas.

**Slope:** Topographic conditions in which the percentage of vertical to horizontal relief is computed utilizing standard rise over run calculations.

**Soil Percolation Test:** A field test, conducted according to the requirements of the Pennsylvania Department of Environmental Resources, that measures absorptive capacity of soil to determine whether the soil is suitable for on-site sewage disposal facilities.

**Soils, Alluvial:** Soils which have been deposited by the action of flowing water.

**Solicitor:** The legal consultant or attorney appointed by the West Nantmeal Township Board of Supervisors.

**Solid Waste:** Waste, including solid, liquid, semi-solid or contained gaseous materials.

**State:** The Commonwealth of Pennsylvania and its designated agencies.

**Steep Slopes:** Areas of land in which the topographical conditions exceed a certain slope in pre-development conditions, as further defined in the West Nantmeal Zoning Ordinance. The following slope categories are hereby defined as part of the Steep Slope Overlay District:

**Category 1 Slopes:** All land areas in which the topographical conditions have a range of slope between 15 and 25 percent in slope in pre-development conditions, as measured 100 feet in any straight-line direction.

**Category 2 Slopes:** All land areas in which the topographical conditions exceed a slope of 25 percent in pre-development conditions, as measured 100 feet in any straight-line direction.

**Steep Slope Overlay District:** A conservation overlay of land which has been defined in the West Nantmeal Zoning Ordinance.

**Steeple:** A tall tapering architectural feature of a structure that is located on the roof of or is part of the superstructure of a permitted non-residential use.

**Stormwater:** Drainage runoff from the surface of the land resulting from precipitation in the form of rain, snow, sleet, hail or ice.

**Stormwater and Erosion Control Ordinance (SECO):** The West Nantmeal Township Stormwater Management and Erosion Control Ordinance, as adopted by the Board of Supervisors and amended from time to time.

**Stormwater Management:** A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a defined area or development, while promoting the protection and conservation of surface water, groundwater and groundwater recharge.

**Stormwater Management Facilities:** Those controls and measures including, but not limited to, berms, terraces, bridges, dams, storm sewers, basins, infiltration systems, swales, watercourses, and floodplains used to implement the storm water management regulations of West Nantmeal Township.

**Street:** A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms. The functional classification of existing streets has been defined as follows:

**Expressways:** Routes providing for corridor movements that represent substantial statewide, interstate, or regional travel and movements between major urban areas. Expressways contain the most heavily traveled routes (10,000 to 100,000 trips per day) including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds



(50 to 65 MPH) with a minimum of interference to through traffic. Expressways facilitate truck transport by providing optimum conditions. Mobility is the principal function and accessibility should be limited to carefully planned interchanges to preserve the functional classification of expressways.

**Arterials (Minor and Major Arterial):** Routes providing for corridor movements that represent substantial statewide or regional travel and movements between major urban areas. Arterial routes contain heavily traveled routes (5,000 to 25,000) including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (35 to 55 MPH) with a minor interference to through traffic. Arterial routes facilitate truck transport by providing favorable conditions. Mobility is the major function and accessibility should be limited to preserve the functional classification.

**Collectors (Minor and Major Collector):** Routes that serve primarily regional or intra-county trips and represent those routes with shorter travel distances than arterial routes. Collector roads contain well-traveled roads (500 to 10,000 trips per day) leading to specific destinations or to expressways and arterial routes. The system is designed for moderate speeds (25 to 45 MPH) with some interference with designed intersections to permit through traffic. Depending upon its structural integrity and design, collector routes can facilitate lightweight truck transport. Mobility is a significant function and accessibility should be limited to street intersections and driveways in order to preserve the functional classification of collector roads.

**Minor Streets or Local Access Streets:** Roads that primarily serve local trips and represent those routes with shorter travel distances than collector routes. Local roads contain low volume to moderately traveled roads (less than 500 trips per day) leading to collector and arterial routes. The system is designed for lower speeds (25 to 35 MPH) with interference with a number of designed intersections. Local roads are typically designed to facilitate lightweight truck transport for local deliveries. Mobility is a minor function and accessibility to street intersections, driveways and adjacent land areas is significant for local roads.

**Marginal Access Roads:** Roads that serve specific land uses which are parallel or adjacent to an expressway, arterial or major collector roads. Marginal access roads are typically designed to accommodate the use(s) they directly serve. Accessibility between selective points is an essential design element with control at the point of destination. Many marginal access roads are privately owned and maintained.

**Cul-De-Sac Street:** A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.

**Internal Street:** A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.

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

**Public Street:** A dedicated right-of-way that is owned and maintained by West Nantmeal Township or the Commonwealth of Pennsylvania.

**Private Street:** A defined right-of-way that is not owned and maintained by West Nantmeal Township or the Commonwealth of Pennsylvania.

**Pedestrian Path:** An improved lane, sidewalk, trail or path, which is specifically designated for pedestrian use either along a street or contained within a park, common open space area, off-street parking area and/or other areas approved for community use.

**Bicycle Lane:** An improved travel lane, trail or path, which is specifically designated for persons riding bicycles and other permitted non-motorized vehicles.

**Street Frontage:** The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

**Street Line:** The limits established by the legal right-of-way line.

**Street Tree:** A plantation of deciduous hardwood trees within or adjacent to a street right-of-way, such trees to be approved as to type by the Board of Supervisors, and having a caliper of not less than 2 ½ inches.

**Structure:** Any manmade object having an ascertainable stationary location on land or water, whether or not affixed to the land. The term structure shall include, but not be limited to, buildings, stormwater management facilities, signs, fences, walls, towers, swimming pools, porches, garages, flagpoles, windmills, water towers, silos, solar energy collectors, and similar structures as determined by the Zoning Officer.

**Permanent Structure:** A structure to be utilized for a specific purpose for more than 180 days.

**Temporary Structure:** A structure to be utilized for a specific purpose for less than 180 days.

**Subdivision:** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. 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 and Land Development Ordinance:** The West Nantmeal Township Subdivision and Land Development Ordinance, as adopted by the West Nantmeal Township Board of Supervisors.

**Subdivision/Land Development Improvements Agreement:** The written agreement provided under and by this Ordinance.

**Subdivision, Minor:** A subdivision in which:

1. No street is to be constructed or widened;
2. No other improvement that requires a bond or escrow as a performance guarantee is to be constructed; and
3. No earthmoving activities will take place except those normal to construction of a single-family dwelling on a lot.

**Subdivision, Major:** Any subdivision other than a minor subdivision and any land development that does not involve subdivision.

**Subgrade:** Any finished surface or elevation of compacted fill or natural earth upon which materials of construction are placed.

**Substantial Damage:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its previous condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, addition, reconstruction, rehabilitation, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started.

**Substantially Completed:** Where, in the judgment of the Township Engineer, at least 90 percent (based on the cost of the required improvement for which financial security was posted) of 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.

**Subsurface Conditions:** Conditions below the ground surface which may affect the design of improvements and structures including the cut slope stability and foundation stability of soils and rock types, location and extent of faults, and the ground water quantity and quality.

**Surveyor:** An individual registered with the Commonwealth of Pennsylvania, as authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

**Swale:** An artificial or natural waterway or low-lying stretch of land that gathers and conveys stormwater or runoff, and is generally vegetated for soil stabilization, stormwater pollutant removal, and infiltration.

**Topsoil:** Natural and friable loam containing sufficient nitrogen, phosphorous, and potassium to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses.

**Township:** West Nantmeal Township, Chester County, Pennsylvania.

**Township Engineer:** The West Nantmeal Township Engineer appointed by the West Nantmeal Township Board of Supervisors.

**Tract:** One or more lots assembled for the purposes of subdivision or land development.

**Use:** The specific purpose for which land, water, signage, structures, or buildings are designed, arranged, or intended, to be utilized, occupied or maintained, or any activity, occupation, residence, business or operation, which may be carried on thereon or therein.

**Water Supply System:** A system designed to transmit water from the source to users in compliance with the requirements of the appropriate state agencies and the Township.

**Watercourse** – A permanent or intermittent stream or other body of water, whether natural or man-made, which gathers or carries surface water.

**Watershed** - Land area that drains to a common water body. As used within this Ordinance, the term “watershed” refers to the land areas draining to the 21 regionally recognized named streams illustrated within the West Nantmeal Township Stormwater Management Ordinance.

**Wetlands** - Land areas that are inundated or saturated by surface or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (wetlands generally include swamps, marshes, bogs, and similar areas); or areas that are defined and delineated in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, and as may be amended from time to time; or as further defined and delineated by the United States Army Corps of Engineers, the United States Environmental Protection Agency, or the Pennsylvania Department of Environmental Protection.

**Wetlands and Hydric Soil Overlay District:** A conservation overlay of land and water, which include areas of wetlands, hydric soils and high water table soils with hydric components, as further defined and regulated in the West Nantmeal Zoning Ordinance.

**Woodlands:** An area of land in which one (1) or more contiguous acres are mostly occupied or covered by healthy mature trees (12 inches in caliper). The area of the woodlands shall be measured from the drip line of the outer trees.

**Woodland Extraction:** The clear cutting of healthy mature trees (12 inches or more in caliper) to provide area for development on an individual lot.

**Woodland Protection and Management Overlay District:** A conservation overlay of woodlands and forested areas which includes separate provisions for the following activities: woodland extraction and replacement;

forestry; timber harvesting; tree harvesting and logging; tree protection and replacement; and other activities, which are further defined and regulated in the West Nantmeal Zoning Ordinance.

**Working Drawing:** A dimensional layout and construction plan for all improvements, at scale not smaller than one 1 inch equals 100 feet, prepared by, or in collaboration with, a registered engineer or surveyor, including complete information sufficient in detail to obtain bona fide bids and for construction, including such as-built corrections after construction as may be applicable.

**Yard:** An open space on the same lot with a structure(s), which lies between the structure(s) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

**Front Yard:** A yard extending the full width of the lot between the principal building and the front lot line. On lots abutting more than one public street other than an alley, the front yard requirement shall apply for every public street the lot abuts.

**Rear Yard:** A yard extending the full width of the lot between the principal building and the rear lot line.

**Side Yard:** A yard extending from the front yard to the rear yard between the principal building and the nearest side lot line.

**Zoning Map:** The West Nantmeal Township Zoning Map.

**Zoning Officer:** The agent or official designated by the governing body to administer and enforce the West Nantmeal Zoning Ordinance, as appointed by the West Nantmeal Township Board of Supervisors.

**Zoning Ordinance:** The West Nantmeal Township Zoning Ordinance of 2010, as adopted by the West Nantmeal Township Board of Supervisors, as may be amended from time to time.

## ***Article 3: Processing Procedures***

### **Section 301: General**

- A. All subdivisions and land developments in the Township shall be submitted for approval and processed in accordance with the procedures set forth in this Article, other provisions of this Ordinance, and the Pennsylvania Municipalities Planning Code.
- B. All applications for approval of any subdivision and/or land development plan shall be referred to and reviewed by the Township Planning Commission and the Chester County Planning Commission; provided, however, that sketch plans need not be referred to and reviewed by the Chester County Planning Commission.
- C. All preliminary and final subdivision and/or land development plans shall be approved or disapproved by the Board of Supervisors in accordance with the procedures set forth in this Article, other provisions of this Ordinance, and the Pennsylvania Municipalities Planning Code.
- D. Except to the extent otherwise provided by law, approvals of any subdivision and/or land development, not in accordance with the procedures and requirements of this Ordinance, shall be null and void and of no effect.
- E. No application for approval of a subdivision and/or land development shall be accepted for filing and/or considered complete, filed, or accepted by the Township until the official application form is completed, all filing and other applicable fees are paid, the required number of copies are filed, and all required supporting information, plans and other documents which must be filed with the preliminary plan pursuant to this Ordinance are filed with the Township.
- F. The official application form or forms for the review and approval of subdivision and land developments shall be those forms the Board of Supervisors shall adopt from time to time by resolution.
- G. Whenever an application for any major subdivision and/or any land development is proposed which may affect adjacent municipalities or other governmental agencies, reviews and reports from such municipalities or other governmental agencies may be requested by the Board of Supervisors for its use in considering, reviewing and deciding the application.

### **Section 302: Plan Classification**

All subdivision applications shall be classified for the purposes of procedure as either minor or major. Applicants shall apply for and secure approval in accordance with the following procedures:

#### **A. Minor Subdivision Proposal**

(1) Definition. A minor subdivision consists of:

- (a) A subdivision involving only lot line adjustments and no development; or
- (b) A subdivision in which: (i) no road (public or private) is to be constructed or widened; (ii) no other improvements (including, but not limited to, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water, mains, sanitary sewers or storm drainage facilities) requiring a performance bond or escrow are to be constructed; and (iii) no earth moving activities except those incidental to construction of a single-family dwelling on each proposed lot will take place. No more than three minor subdivisions shall be approved for any parent tract or parcel of ground. When more than three minor subdivisions have been submitted or approved for any original parcel, each succeeding submission shall be submitted as a major subdivision.

- (2) Procedure
  - (a) Sketch Plan (optional) and;
  - (b) Final Plan

**B. Major Subdivision and all Land Development Proposals**

- (1) Definition. A major subdivision means:
  - (a) Any land development application; or
  - (b) Any subdivision proposal involving a subdivision not defined as a minor subdivision under this Ordinance.
- (2) Procedure
  - (a) Sketch Plan (optional);
  - (b) Preliminary Plan; and
  - (c) Final Plan.

**Section 303: Submission of Sketch Plan**

- A. All applicants for subdivision or land development are encouraged to submit a sketch plan to the Township Planning Commission for review prior to submission of a formal application. Submission of a sketch plan does not constitute an official application for subdivision or land development, but provides the opportunity for dialogue and a more efficient review of official plan submissions.
- B. For information purposes, six (6) copies of the sketch plan are recommended to be submitted to the Planning Commission. The applicant is encouraged to include the information outlined in this Ordinance as part of a sketch plan submission.
- C. No fee nor application is required for submission of a sketch plan.
- D. The sketch plan shall be submitted at least seven calendar days prior to a regular meeting of the Township Planning Commission in order to be placed on the agenda of that meeting.

**Section 304: Review of Sketch Plan**

- A. The Planning Commission shall consider the plan at a regularly scheduled meeting and provide informal dialogue with the applicant. Any recommendation by the Planning Commission may be deferred until the next regular meeting.
- B. The applicant shall be responsible for explaining the development of the land and its relationship to the extension of streets, access points, arrangement and density of proposed use, the compatibility of the proposal with the surrounding land uses, and consistency with the West Nantmeal Zoning and Subdivision and Land Development Ordinances.
- C. The applicant may, but need not, request further review of the sketch plan by the Board of Supervisors. Upon receiving request by the applicant, the Board may consider the sketch plan. The Board may meet with the applicant and may advise the applicant as to the concerns of the Board; provided however, the Board is not required to review the sketch plan nor submit comments to the applicant if the Board does review the plan.

### **Section 305: Submission of Preliminary Plan**

- A. All preliminary plans submitted pursuant to this Ordinance shall conform to the requirements of West Nantmeal Township regulations.
- B. All preliminary plan applications shall be submitted to the Township Secretary at least twelve (12) calendar days prior to the next regular meeting of the Planning Commission. The Township Secretary shall determine whether the application represents a complete submission.
- C. Preliminary plan applications shall include the following items:
  - (1) Two (2) copies of the official Township application for preliminary subdivision review form.
  - (2) A minimum of twelve (12) prints of the preliminary plan and one (1) digital copy in .PDF format and one (1) digital copy in .DGN, .DXF or .DWG format on compact disc (CD).
  - (3) A minimum of three (3) copies of all required supporting information and plans including, but not limited to, Traffic Impact Study (if required), a water supply study and any other water supply information required by this Ordinance;
  - (4) Payment of required application fees, engineering review fees, legal fees, and escrow deposits as determined by resolution of the Board; and
  - (5) Six (6) copies of the Planning Module for Land Development as required by the Pennsylvania Sewage Facilities Act and/or the rules and regulations thereunder of the Pennsylvania Department of Environmental Protection, concerning sewage facilities proposed to serve the subdivision and/or land development. All items of the Planning Module, except those requiring signatures of Township officials and those indicating approval or disapproval by the Township, shall be fully prepared and completed by the applicant.
- D. The Township Secretary shall note and stamp the date of receipt of the application, fees and any escrow deposits. The application shall not be deemed to be submitted until a complete application and required fees have been submitted.
- E. Upon receipt of all items comprising a complete and official submission, the Township Secretary shall accept the application and shall distribute or retain copies of the application and supporting information and plans as follows:
  - (1) Four (4) copies of the preliminary plan, supporting information and plans, and official Township application form to the Township Planning Commission;
  - (2) One (1) copy of the preliminary plan, supporting information and plans, and official Township application form to the Township Engineer;
  - (3) One (1) copy of the preliminary plan, County referral form, and accompanying fee to the County Planning Commission;
  - (4) Two (2) copies of the preliminary plan, completed Planning Module for Land Development, and appropriate fee to the County Health Department;
  - (5) Two (2) copies of the preliminary plan, supporting information and plans, and official Township application forms to be retained by the Township Secretary for Township records.
  - (6) An electronic copy PDF and an electronic copy as DGN, DXF, or DWG to the Township and copied to Township Engineer.

## **Section 306: Review of Preliminary Plan**

### **A. Official Review Period**

- (1) The Township shall have 90 calendar days in which to review and take action on the preliminary plan.
- (2) The 90 calendar day period shall commence on the date of the next regularly scheduled Planning Commission meeting following the date a complete and official submission of a preliminary plan application was filed with the Township Secretary.
- (3) Whenever the next regularly scheduled meeting of the Planning Commission occurs more than 30 calendar days following the filing of a complete and official submission, the said ninety-day period shall be measured from the 30<sup>th</sup> calendar day following the day the application is filed.
- (4) An extension of the 90 calendar day review period shall occur only when requested by the applicant and approved by the Board.

### **B. Township Planning Commission**

- (1) The Township Planning Commission shall review all plans referred to it and shall consider any recommendations made by the Chester County Planning Commission and Conservation District, the Township Engineer, and any other persons or agencies who shall have submitted comments with respect to any such application.

### **C. Township Engineer**

- (1) The review by the Township Engineer shall include, but shall not be limited to, an examination of the engineering feasibility and reasonableness of the various schemes presented for lot layout and configuration, and for the location, alignment, grade of streets, stormwater drainage, stormwater detention, erosion/sediment control, sanitary sewers, water supply, surface water drainage facilities, and easements related thereto in accordance with the standards and regulations and other provisions of this Ordinance and the Zoning Ordinance.
- (2) The Township Engineer shall forward his/her comments regarding the plan to the Township Planning Commission, together with any related or supporting documentation and materials received.

### **D. Board of Supervisors**

- (1) When a preliminary plan review has been officially submitted to the Board by the Planning Commission, such plan review shall be placed on its agenda for review or other action at its next regularly scheduled meeting.
- (2) Before acting on any preliminary subdivision or land development plan, the Board may hold a public hearing thereon after public notice.
- (3) In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the Planning Commission, Township Engineer, County Planning Commission, and all other reviewing agencies, to determine conformity of the application to the standards of this and any other applicable ordinance. The Board may specify conditions, changes, modifications, or additions to the application which the Board deems necessary and may make a decision to grant preliminary approval subject to such conditions, changes, modifications, or additions, citing provisions of the statute or ordinance (including, without limitation, the Pennsylvania Municipalities Planning Code, this Ordinance, and the Zoning Ordinance) relied upon to support the changes, modifications, or additions.



- (4) Whenever the Board approves a preliminary plan subject to any conditions, the applicant shall indicate whether such conditions are accepted or rejected within 15 calendar days of receipt of notice of the decision of the Board. If the applicant does not accept the conditions of approval, the plan shall be deemed denied.
- (5) In the event that the preliminary plan is not approved by the Board as filed, the decision of the Board shall specify the defects found in the preliminary plan, describe the requirements which have not been met, and shall, in each case, cite the provisions of the statute or ordinance (including, without limitation, the Pennsylvania Municipalities Planning Code, this Ordinance, and the zoning Ordinance) relied upon.
- (6) The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to the applicant at his last known address not later than 15 calendar days following the decision. The form and content of the decision shall comply with the applicable requirements of the Pennsylvania Municipalities Planning Code.
- (7) Whenever the approval of a preliminary plan is subject to conditions, such conditions shall be stated in whole on the plan prior to signature by the Board.

### **Section 307: Submission of Final Plan**

- A. The final plan shall conform to the terms of approval of the preliminary plan.
- B. The Board may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan, but in no case (except for the last section) shall any section include less than 25 percent of the total number of lots or units as depicted on the approved preliminary plan unless a lesser percentage is approved by the Board in its discretion.
- C. All final plan applications, together with and/or including the items listed below and otherwise required by this Ordinance, shall be submitted to the Township Secretary at least 12 calendar days prior to the next regular meeting of the Planning Commission.
- D. Final plan applications shall include the following items:
  - (1) Two (2) copies of the official Township application for final subdivision review form.
  - (2) A minimum of twelve (12) prints of the final plan and one (1) digital copy in PDF format and one (1) digital copy in DGN, DXF or DWG format on compact disc (CD).
  - (3) A minimum of three (3) copies of all required supporting information and plans including, but not limited to, Traffic Impact Study (if required), and a water supply study and other water supply information required by this Ordinance;
  - (4) Payment of required application fees, engineering review fees, legal fees, and escrow deposits, as determined by resolution of the Board; and
  - (5) A Planning Module for Land Development as required by the Pennsylvania Sewage Facilities Act and/or the rules and regulations thereunder of the Pennsylvania Department of Environmental Protection, concerning sewage facilities proposed to serve the subdivision and/or land development. All items of the Planning Module, except those requiring signatures of Township officials and those indicating approval or disapproval by the Township, shall be fully prepared and completed by the applicant.
- E. The Township Secretary shall note and stamp the date of receipt of the application, fees and any escrow deposits. The application shall not be deemed to be submitted until a complete application and required fees have been submitted.

- F. Upon receipt of all items comprising a complete and official submission, the Township Secretary shall accept the application and shall distribute or retain copies of the application and supporting information and plans, as follows:
- (1) Four (4) copies of the final plan, supporting information and plans, and official Township application form to the Township Planning Commission;
  - (2) One (1) copy of the final plan, supporting information and plans, and official Township application form to the Township Engineer;
  - (3) One (1) copy of the final plan, County referral form and accompanying fee to the County Planning Commission;
  - (4) Two (2) copies of the final plan, completed Planning Module for Land Development and appropriate fee to the County Health Department;
  - (5) One (1) copy of the final plan to the Chester County Conservation District at the discretion of the Township, for review of matters relating to drainage, NPDES eligibility, and soil erosion management; and
  - (6) Two (2) copies of the final plan, supporting information and plans, and official Township application forms to be retained by the Township Secretary for Township records.
  - (7.) An electronic copy PDF and an electronic copy as DGN, DXF, or DWG to Township and copied to Township Engineer.
- G. Where the final plan is for minor subdivision, the Township Secretary shall forward copies of the plan to the Township Planning Commission, the County Planning Commission, the Township Engineer and, where required, to any other agency listed in Section 307.F. above.

### **Section 308: Review of Final Plan**

A. Official Review Period:

- (1) The Township shall have 90 days in which to review and take action on the final plan.
- (2) The 90 day period shall commence on the date of the next regularly scheduled Planning Commission meeting following the date a complete and official submission of a final plan application was filed. The Planning Commission shall be responsible for confirming a complete submission of the final plan and start of the 90 day period.
- (3) Whenever the next regularly scheduled meeting of the Planning Commission occurs more than 30 days following the filing of a complete and official submission, the said ninety-day period shall be measured from the 30<sup>th</sup> day following the day the application is filed.
- (8) An extension of the 90 calendar day review period shall occur only when requested by the applicant and approved by the Board.

B. Township Planning Commission:

- (1) The Planning Commission shall review the final plan submitted and shall consider any recommendations of the Township Engineer, and any other reviewing agency submitting comments.
- (2) After such review, the Secretary of the Planning Commission shall provide the Board with notice of its recommendation through transmittal of the official minutes or a separate letter.

C. Township Engineer:

- (1) The review by the Township Engineer shall include, but shall not be limited to, a comparison of the Final Plan with the approved Preliminary Plan, and an examination of the engineering feasibility and reasonableness of the various schemes presented for lot layout and configuration, and for the location, alignment, grade of streets, stormwater drainage, sanitary sewers, water supply, surface water drainage facilities, stormwater detention, erosion/sediment control, and easements related thereto in accordance with the standards and regulations and other provisions of this Ordinance and the Zoning Ordinance.
- (2) The Township Engineer shall forward comments on the plan to the Planning Commission together with any related or supporting documentation and materials that are received.

D. Board of Supervisors:

- (1) Upon receipt of the Planning Commission's recommendation and other agency reviews and supporting information, the Board shall, at one or more regular or special public meetings, review the final plan and shall within the time limitations set forth herein below, either approve or disapprove the plan.
- (2) Before acting on any final subdivision or land development plan, the Board may hold a public hearing thereon after public notice.
- (3) The Board shall render a decision, in writing, on all final plans, and shall communicate the decision to the applicant personally or mail the same to him at his last known address not later than 15 days following the decision. The form and content of the decision shall comply with the requirements of the Pennsylvania Municipalities Planning Code.
- (4) In the event that the final plan is not approved as filed, the decision of the Board shall specify the defects found in the final plan and describe the requirements which have not been met, and shall, in each case, cite the provisions of the statute or ordinance (including, but not limited to, the Pennsylvania Municipalities Planning Code, this Ordinance, and the Zoning Ordinance) relied upon.
- (5) Copies of the final plan as finally approved, with the appropriate endorsement of the Board shall be distributed as follows:
  - (a) At least three (3) copies, one of which shall be recorded in accordance with this Ordinance, to the applicant;
  - (b) One (1) copy to be retained by the County Planning Commission; and
  - (c) Two (2) copies to be retained in the Township files, together with one copy of all supporting materials.

E. Every final plan approval shall be subject to the following conditions:

- (1) The applicant, together with the bonding company or financial institution posting escrow for the public improvements, shall execute, acknowledge and deliver to the Township a Financial Security Agreement and the applicant shall execute, acknowledge and deliver to the Township a Subdivision/Land Development Improvements Agreement in accordance with this Ordinance.
- (2) The applicant shall provide an improvements guarantee in accordance with this Ordinance.
- (3) The applicant agrees, if agreed to by the Board to tender a deed of dedication to the Township for such streets, any and all easements for sanitary sewers, water lines, or storm sewers, and public improvements, including street paving, sidewalks, shade trees, water mains, any fire hydrants, sanitary and storm sewers, as are required for the promotion of public welfare, after all said improvements are completed and such completion as certified as satisfactory by the Township Engineer. The Board may require that the applicant

supply a title insurance certificate from a reputable company evidencing that the property to be dedicated is clear and free of all liens before dedication of any property is accepted for the Township.

- (4) If the development is to be carried out in progressive stages, each stage shall be planned so that all requirements, conditions, and the intent of this Ordinance shall be fully complied with at the completion of any stage.
- (5) Whenever the applicant is providing open space as part of the subdivision or land development, a deed or agreement granting an easement in perpetuity which provides for and describes such open space and restricts the same against further subdivision or development, and which shall run to the benefit of the Township and the lot purchasers in the subdivision or land development shall be executed, acknowledged and delivered by the applicant and the land owner, or by such other person or organization acceptable to the Township. The form and contents of the deed or agreement of easement shall be in recordable form and shall be acceptable to and approved by the Township and shall be recorded with the Record Plan.
- (6) The applicant shall have applied for all required permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as, but not necessarily limited to, PaDEP or the United States Army Corps of Engineers for wetlands and/or flood plains, the Pennsylvania Departments of Transportation and Environmental Protection, the Public Utility Commission, and the Chester County Health Department.
- (7) The recording of the final plan and other documents by the applicant shall be in accordance with Section 309 of this Ordinance.

### **Section 309: Recording of Final Plan**

- A. Upon completion of the procedures outlined under this Article, all endorsements shall be indicated on the Record Plan and on at least seven (7) copies of the final plan. Such endorsements shall include: the approval endorsement of the Board, the signatures and acknowledgements of the applicant and landowner, and the signatures and certifications of the engineer and/or surveyor who prepared the final plan.

The signatures and acknowledgements of the applicant and landowner shall include, without limitation, a certification of their respective acceptances of the plan and a statement concerning any offer of dedication of public improvements. The certification of the engineer or surveyor who prepared the plan shall include, without limitation, a certificate as to the accuracy of the subdivision and/or land development plan, that the monuments shown thereon exist as located, and that all dimensions and other physical details are correct.

After, the endorsements have been indicated on the record plan and copies of the final plan, as provided in Section 309.A, the applicant shall record the record plan in the Office of the Recorder of Deeds in and for Chester County within ninety (90) days of the date of approval of the final plan by the Board unless the Board approves an extension of time to record the plan. Thereafter, the applicant shall provide the Township Secretary with a time stamped copy of the record plan which indicates the date of the recording and the plan number.

- B. Where a deed or agreement of easement is provided under this Ordinance, such deed or agreement shall also be recorded with the record plan and a time-stamped copy shall be provided to the Township Secretary.

### **Section 310: Subdivision and Land Development Improvements Agreement**

- A. Every applicant for approval of a final subdivision or land development plan shall execute and acknowledge, as hereinafter provided, and shall deliver to the Township, a Financial Security Agreement and a Subdivision/Land Development Improvements Agreement containing such terms and in such recordable and other form as shall be provided by or approved by the Township. No final plan shall be finally approved by the Board and released to the applicant for recording until these Agreements are executed, acknowledged and delivered. The Financial Security Agreement shall be executed and acknowledged by the applicant and the landowner, and by a bonding

company or financial institution which is posting the financial security for the public improvements. The Agreement shall include, but shall not be limited to, the following:

- (1) The applicant agrees that he will properly and accurately layout, construct and install all streets and other improvements, including, without limitation, grading, paving, sidewalks, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas, and erosion and sediment control measures in accordance with the approved final plan and supporting or related documentation and other materials.
- (2) The applicant and/or landowner guarantee completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in the MPC.
- (3) The applicant and/or landowner agree to have prepared a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, and other public improvements, provided that the Township shall not be required to accept dedication of any such improvements if the Board believes it in the best interest of the Township not to accept dedication, or if the Board elects to accept dedication of any such improvements, that the Township shall not be obligated to finally accept the same until their completion is certified as satisfactory by the Township Engineer.
- (4) Whenever an applicant proposes to establish or continue a street which is not offered for dedication to public use, and to cover those situations in which the Board declines to accept dedication of a street, the applicant and landowner, on behalf of themselves and their respective heirs, successors, and assigns, agrees to establish conditions under and by which the street shall be repaired and maintained and by which the street may be later offered for dedication and accepted by the Township, including, without limitation, the following:
  - (a) That an offer to dedicate the street or other facility shall be made only for the street or facility as a whole;
  - (b) That the Township shall not be responsible for repairing or maintaining, or having any other obligation with respect to any undedicated or dedicated street or facility, unless and until such time as the Township formally accepts dedication thereof, and that unless and until such acceptance of dedication, the applicant and landowner shall be responsible for such repair and maintenance;
  - (c) That the method of assessing repair and maintenance costs of undedicated and dedicated facilities and street, prior to their formal acceptance by the Township, shall be stipulated and set forth in recorded deed restrictions so as to be binding upon the applicant, landowner, and their respective heirs, successors and assigns; and
  - (d) That, if dedication is to be sought, the street or facility shall conform to Township specifications as shall then be current (unless otherwise provided by the Pennsylvania Municipalities Planning Code) or that the owners of the abutting lots shall, at their own expense, construct, reconstruct and/or restore the street to conform with such specifications.

### **Section 311: Commencement of Development**

- A. With the exception of soil or percolation testing, well drilling for testing purposes, and similar engineering and/or surveying activities, no construction or land disturbance activities in a subdivision or land development shall be commenced until the applicant submits to the Township secretary a time-stamped copy of the record plan and any other documents and materials required by this Ordinance to be recorded therewith.
- B. No building or other permit under the Zoning Ordinance shall be issued for any building or other structure in any subdivision or land development until the final plans for the subdivision or land development have been

approved and recorded as provided in this Ordinance and until the terms, conditions and other provisions of this Ordinance have been satisfied.

- C. No water system or sewer system, including extensions to proposed future Township systems or new systems employing sewage treatment plants, shall be constructed prior to the review and approval by the Township and the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection or from federal or local agencies, as required.

### **Section 312: Plan Amendments**

Modifications to an approved subdivision or land development plan shall be resubmitted and reprocessed in the same manner as the original plan. All construction and all land and other site disturbance activities shall cease pending approval of the modified plan, provided, however, that activities involving the maintenance of stormwater management, sedimentation and erosion control facilities and devices shall and must be fully continued.

## *Article 4: Plan Content*

### **Section 401: General**

All subdivision and land development plans, supporting plans and information shall be prepared by a licensed engineer, land surveyor or landscape architect in accordance with applicable licensing laws in Pennsylvania. The standards in this Article, for drafting, scale, type of drawing, and minimum information to be shown, shall be followed when submitting such plans for approval.

### **Section 402: Sketch Plan**

- A. To facilitate the fullest possible response from the Planning Commission in its review of the sketch plan and dialogue with the applicant, the applicant is encouraged to submit the following items:
- (1) Name, address, telephone number, and email address of the applicant, and, if the applicant is not the owner of record, the name, address and telephone number of the record owner and the nature of the applicant's interest in the subject property whether as beneficial owner, or otherwise.
  - (2) Name, address, telephone number, and email address of the person who prepared the plan.
  - (3) Written and graphic scale (however, the plan need not be to exact scale, nor are precise dimensions required).
  - (4) The title: "Sketch Plan".
  - (5) Approximate deed tract boundaries and area of the tract in acres.
  - (6) North arrow, date of original preparation and all revision dates.
  - (7) Location map at suggested scale of 1"=2,000'.
  - (8) Streets on and adjacent to the tract.
  - (9) Significant topographical and physical features, including contours (maximum 10-foot intervals which may be taken from the latest USGS Quadrangle).
  - (10) General location of wooded areas, probable wetland areas, and watercourses.
  - (11) Proposed general lot, building, and street layout and stormwater management concept proposals.
  - (12) In the case of land development plans, proposed general layout, including building locations, parking areas and parking lots, and open spaces.
  - (13) Whether the property is located either entirely or partially within or adjacent to a designated Flood Plain District, and if so, the location of the boundaries of such Flood Plain District.
  - (14) Existing and proposed methods of water supply and sewage disposal and stormwater management.
  - (15) Zoning requirements and the degree to which the plan conforms to the same including: (1) applicable zoning districts; and (2) any variance, special exceptions, conditional uses, and/or amendments (including, without limitation, curative amendments) to the Zoning Ordinance (including the Zoning Map) which have been granted or will be required for the proposed subdivision and/or land development.

- B. Drafting of the sketch plan may be done using a CAD program, freehand ink, or pencil to scale on tracing paper, showing entire property boundaries. The scale shall be at the option of the applicant, but is recommended at not more than 200 feet to the 1inch.
- C. Photographs of the Tract to be subdivided or developed.

### **Section 403: Preliminary Plan**

A preliminary plan shall consist of and be prepared in accordance with the following minimum standards:

#### **A. Drafting Standards**

- (1) The plan shall be drawn to a scale of no less than 1inch = 50 feet.
- (2) Dimensions shall be set in feet and decimal feet, bearings in degrees, minutes, and seconds, with errors of closure not to exceed one part per ten thousand (10,000).
- (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (4) The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (5) The original drawing, and all submitted prints thereof, shall be made on sheets of twenty-four (24") by thirty-six inches (36").
- (6) If the preliminary plan requires more than one sheet, a master sheet at a scale not smaller than 1 inch = 400 feet showing the location of each section as it relates to the entire tract shall accompany the plan.
- (7) Drafting shall be legible, not be freehand and must show the entire property boundary.
- (8) Each sheet shall bear an appropriate title, north arrow, written and graphic scale, and key map showing the location within the Township of the proposed subdivision.
- (9) Plan certifications by the Board, Chester County Planning Commission, Recorder of Deeds, and the Certificate of Accuracy by project professional must be affixed to the cover sheet of each plan set to be recorded.
- (10) A note stating the total number of drawings in the plan set must be placed on the Cover Sheet of each application.
- (11) Sensitive environmental features, as defined in this Ordinance, shall be represented using shading, tinting, and other methods of symbolization which clearly differentiate between categories and degree of hazard or constraint associated with each feature.

#### **B. Site Design and Layout Standards**

- (1) A location map for the purpose of locating the tract to be subdivided or developed, at a scale of 1,000 to 2,000 feet to the inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within 1,000 feet of any part of the tract which is the subject of the subdivision and/or land development.
- (2) A map or series of maps of existing conditions, prepared in accordance with this Ordinance with accompanying narrative as needed, showing the following:
  - (a) Proposed subdivision or land development name or other identifying title;



- (b) Name, address, telephone number, and email address of the applicant and, if the applicant is not the owner of record, the name, address, telephone number, and email address of the owner of record and the interest of the applicant in the subject tract, whether beneficial owner or otherwise. The deed book and page number reference of the deed by which the record owner of the subject property holds title, as well as applicable Chester County tax parcel number or numbers assigned to the tract;
  - (c) Name, address, telephone number, email address, signature and seal of the registered professional engineer and land surveyor responsible for the plan;
  - (d) Zoning information with respect to the subject tract and adjacent properties including: applicable zoning districts including designated flood plain districts; any zoning district boundary lines which traverse or are within 200 feet of the tract, relevant lot area, lot width, yard, lot coverage and height requirements, with an indication as to conformance to the same; and any variances, special exceptions, conditional uses, and/or amendments (including, without limitation, curative amendments) to the Zoning Ordinance (including the Zoning Map) which have been granted or which will be required for the proposed subdivision and/or land development;
  - (e) The date of original preparation and all revision dates, with concise description of each revision;
  - (f) Bearings and distances of all boundaries of the tract and along all existing rights-of-way within and adjacent to the tract, noting all monuments or markers (pins) existing in the ground;
  - (g) Total acreage of the tract to the nearest square foot, and the acreage of the tract for both total (gross) and net lot area;
  - (h) The names and addresses of the record owners of all adjacent tracts (together with the deed book and page number references of their respective deeds by which they hold title, and the Chester County tax parcel number or numbers assigned thereto), the names of all proposed and existing adjacent subdivisions, and the locations and dimensions of any streets, right-of-way easements, and existing deed restrictions;
  - (i) The locations and dimensions of all existing streets, railroads, water wells, storm drains, sewers and sewage systems, stormwater management facilities, water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, wetlands and other significant features within the property, and such driveways, intersections and utilities within 100 feet of any part of the property proposed to be developed or subdivided;
  - (j) The locations, widths, and condition of any public or private streets, ways or places, as the same may be shown on an adopted local, county, or state plan, if such plan exists for the area to be subdivided and or developed.
  - (k) Locations of all existing structures on the tract, and distance thereof from lot lines;
  - (l) Contour lines at vertical intervals of not more than 2 feet. Actual field surveying or aerial photo interpretation shall be required when public improvements are proposed; and
  - (m) Location and elevation of the datum to which contour elevations refer. Datum used shall be a known, established bench mark.
- (3) A full plan of proposed subdivision or land development, prepared in accordance with this Ordinance including as a minimum:
- (a) A layout plan of proposed streets, accessways, entrances, exits, and rights-of-way, located to scale, showing all radii, points of curve and points of tangent on centerlines, and scaled stationing at

intervals of 100 feet. Names of streets, and proposed widths of rights-of-way, shoulders, and cartways with a statement of ownership, maintenance responsibilities, and any condition governing their use, shall be shown.

- (b) The location and arrangement of off-street parking, driveways, and any loading facilities, indicating the number of spaces and dimensions, sidewalks and other pedestrian ways indicating the width and surfacing.
  - (c) Scaled locations of all lot lines, easements existing or proposed, with scale dimensions of each. Each block shall be numbered, and each lot shall be numbered consecutively in a clockwise direction and separately for each block. Proposed building setback lines shall be shown, with dimensions indicated. Lot area (gross and net), in both acres and square feet, shall be shown for each proposed lot. Wetlands must be depicted.
  - (d) Indication of such land to be offered or dedicated for public use and any lots which are intended for commercial or other nonresidential use with a statement of the intended use of all such lots, giving the approximate areas in each case. Proposed parks, playgrounds and other open space areas to be dedicated or reserved for public use shall include a statement of conditions governing such use, ownership and maintenance.
  - (e) Stormwater management systems, showing locations of inlets, sizes of pipe gradients, points of discharge, with indication of surface drainage, percent of slope, shall be indicated on all streets by arrows. These items may be shown as part of the Conservation Plan as specified in this Ordinance.
  - (f) Sanitary sewers, if required, with the size and material indicated, and any proposed connections with existing or new facilities shall be shown. These items shall be shown as part of the Utilities plan as specified in this Ordinance.
  - (g) The location, size and species of trees and screen plantings to be planted as required for buffering and screening by this Ordinance.
  - (h) The nature, type and location of water supply systems to serve the subdivision and/or land development, and each lot thereof.
- (4) The Preliminary Plan shall be accompanied by the following supplementary data:
- (a) Tentative profiles along centerline and pavement edge of each proposed street indicated on the preliminary plan, showing existing profile dotted and proposed profile solid, at horizontal scale of 1 inch = 40 feet, with stationing corresponding with the layout plan. Locations of curbs and/or swales, stormwater inlets and culverts, and all existing pipe lines indicating, depths, where applicable, shall be shown.
  - (b) Typical street cross-sections, scale 1 inch = 10 feet.
  - (c) Where the preliminary plan covers only a portion of the land owned by the applicant, the applicant shall indicate his or her intent for the use of the remaining land which is not subject to the application. In the case of planned continued and similar development, tentative streets shall be indicated to show intended overall circulation.
  - (d) Where the subdivision lies partially or completely within any designated flood plain district, or wetland area, or where the same borders on any designated flood plain district, the preliminary plan shall include a map with the following information:
    - (i) the location and elevation of proposed roads, utilities, building sites, fills, flood or erosion protection facilities;

- (ii) the areas within and spot elevations of one hundred year flood elevations; and
- (iii) areas subject to special deed restrictions.
- (iv) All such maps shall show contours at intervals of two feet (2') and identify accurately the boundaries of the designated flood district.
- (e) When specifically required by the Township Supervisors or the Township Planning Commission due to concerns about geologic conditions of the tract subsurface conditions shall be shown.
- (f) Notes describing all proposed deed restrictions shall be shown.
- (g) A utilities plan as required by and in accordance with this Ordinance.
- (h) A traffic impact study as required by and in accordance with this Ordinance.
- (i) A water supply study and other water supply information as required by and in accordance with the Ordinance.

#### **Section 404: Final Plan**

Final plans shall show all information requested by the Township Planning Commission during review of the preliminary plan (unless otherwise specified by the Board) and all information required by the Board as a condition of approval of the preliminary plan, all the information shown on the approved preliminary plan, and all additional information required by this Ordinance. A final plan shall consist of and be prepared in accordance with the following:

##### **A. Drafting Standards**

- (1) The plan must be submitted in the form of paper prints made from original drawings on reproducible paper or mylar and shall show the entire area for which construction approval will be requested. Drafting shall not be freehand and drawing shall contain sufficient details and specifications for actual construction.
- (2) Final plans shall be made on sheets of twenty-four inches (24") by thirty-six inches (36"). Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two or more sections, accompanied by a key diagram showing relative locations of the sections. The scale shall not be less than 50 feet to the inch. All dimensions shall be shown in feet and hundredths of a foot.

##### **B. Site Design and Layout Standards**

- (1) The final plan shall contain and be prepared in accordance with the standards for a preliminary plan specified in this Ordinance, except that all data shown shall be accurately calculated with adequate dimensions, and existing contours at 2 foot intervals shall be based upon an accurate ground or aerial topographic survey. The name and seal of the registered engineer and surveyor responsible for preparation of, or who collaborated in, the preparation of the final plan shall be shown.
- (2) The final plan shall indicate the following for each lot in the subdivision:
  - (a) All straight lot lines and chords and radii of curved lot lines shall be shown and defined in feet and hundredths of a foot by distances, and in degrees, minutes and seconds either by magnetic bearings or by angles of deflection from other lot and street lines.

- (b) Lot numbers, lot areas both gross and net area in both acres and square feet, and a statement of the total number of lots and parcels, together with post office addresses, as established by Board, shall be shown for each lot.
  - (c) A statement of the intended use of all nonresidential lots. A statement of restrictions of any type which exist as covenants in the deed(s) for all lots contained wholly or in part in the subdivision and, if covenants are recorded, including the deed book and page number.
  - (d) All proposed building setback lines and yard requirements for each lot, the proposed placement of each building, and the proposed location of on-site water and sewer facilities (where applicable).
- (3) The following items shall be shown in the final plan and may be indicated as part of the utilities plan as specified by this Ordinance:
- (a) All water main and laterals, with pipe sizes and with type and location of all fire hydrants, where public water or community water system is to be installed.
  - (b) All storm and sanitary sewer mains and laterals, with pipe gradients and sizes, and with the location, type, invert and rim elevations for all manholes, where public sewers are to be installed.
  - (c) All gas and electric mains and laterals or leads. (May be shown on "As-Built" Plan only, if practical.)
- (4) The following items pertaining to street layout and design shall be shown on the Final Plan:
- (a) Stationing, on centerlines of all streets and corresponding to those shown on the profile, shall be indicated at 50 foot intervals.
  - (b) Finished grades shall be shown for: (i) all rights-of-way and tops of curbs (where paving and curbs are to be installed), at all points of curvature and points of tangency, as well as at the intersection of the projected gradient of tops of curb (where curbs are to be installed) at all street intersections, slopes and ramp elevations; (ii) all rim and invert elevations of structures involved in stormwater control or sanitary sewerage; and (iii) all lot corners coincident with the street line.
  - (c) Location, size and species of street trees to be planted.
  - (d) Location and widths of all proposed curb cuts for individual driveways.
  - (e) Profile on centerline and rights-of-way of all streets at horizontal scale of 1 inch = 40 feet and vertical scale of 1 inch equals 4 feet, showing the following information:
    - (i) existing profile shall be shown dotted, and proposed profile shall be shown solid, with stationing corresponding to the horizontal plane, locating all points of vertical curvature and points of tangency.
    - (ii) where public sanitary sewers are to be installed: all sanitary manholes with rim and invert elevations; all pipe sizes; gradients for mains; and locations for all slants for individual house services.
    - (iii) where stormwater drainage is involved profiles of all pipes; sizes and gradients; locations and rim and invert elevations of all manholes, inlets, catch basins or discharge structures; and, locations, inverts and gradients of all culverts.

- (f) Cross-sections, typical for each type of street, showing the following information:
    - (i) existing grade shown as a dashed line; finished grade shown as a solid line; one (1) typical cross-section shall be shown where street is in cut, and one (1) shall be shown where is on fill.
    - (ii) existing and proposed right-of-way width, and width of cartway;
    - (iii) type, thickness and crown of paving;
    - (iv) type and size of curb;
    - (v) location of street trees; location, thickness and width of sidewalks (if to be installed); and the methods by which the street will meet the existing grade at, or beyond, the right-of-way line; and
    - (vi) typical location, size and depths of sewers and utilities if such are to be installed.
  - (g) Details as appropriate, including:
    - (i) typical manholes, catch basins, and inlets, with type and specifications for frames and grates or solid covers;
    - (ii) where storm and/or sanitary sewers are involved: all sizes and types of pipe; gradients; details of manholes; pipe bedding for crossings; and discharge details.
- (5) Where the subdivision or land development is entirely or partially within a designated flood plain district:
- (a) A map showing the exact location and elevation of all proposed buildings, structure, roads, and public utilities to be constructed within any designated Flood Plain District. All such maps shall show contours at intervals of 2 feet and identify accurately the boundaries of the designated Flood Plain Districts.
  - (b) Where any alteration or relocation of a stream or watercourse is proposed, submission of the final plan shall be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Protection, and appropriate local, state or federal agencies. Additionally, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation.
- (6) All plans, requiring access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, shall contain a notice that a highway occupancy permit is required pursuant to the State Highway Law, Act of June 1, 1945, P.L. 1241, No. 428, as amended, 36 P.S. §670-420, before driveway access to a State highway is permitted. The Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Pennsylvania Department of Transportation.
- C. Record Plan. Such plan for recording shall conform in all respects to the approved final plan and shall be in the form of paper prints made from original drawings on reproducible paper or mylar, and shall meet all the requirements for recording set by the Chester County Recorder of Deeds, after approval by the Board, and shall show the following in addition to such other information as required by this Ordinance.
- (1) An appropriate title.
  - (2) Courses and distances sufficient for legal description of all lines shown on the plan. The error of closure shall not be greater than one part in ten thousand (10,000). Omission of any data necessary for

closure shall not be permitted. All lots shall be described to the sides of rights-of-way of proposed streets so that a single deed may be drawn to the Township for possible dedication of the street and other areas by the applicant and landowner.

- (3) Names of abutting owners; names, locations, widths and other dimensions of streets, including centerlines, and location tie-ins by courses and distances to the nearest intersections of all existing planned, approved or recorded streets, and easements, rights-of-way, recreational areas and other public improvements, within the land to be subdivided.
- (4) Evidence that the plan is in conformity with all applicable Township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that a waiver, modification, variance or other authorization for such non-conformity has been officially granted.
- (5) Signatures of the Board, signifying approval of the plan, and signed statement by the applicant and landowner, duly acknowledged, concerning any offer of dedication.

### **Section 405: Utilities Plan**

Where a separate utilities plan is more practical or has been requested by the Township, the plan shall conform to the following standards:

- A. Drafting shall be in accordance with standards specified in this Ordinance.
- B. All proposed utilities, easements or rights-of-way where provided for or owned by public or private services and any limitations on such easements or rights-of-way shall be shown. Proposed utilities and rights-of-way and points of tie-in with existing utilities shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plans. Easements should be located in cooperation with the appropriate public utilities.
- C. The plan shall show compliance with this Ordinance and approval of the respective utility company involved.
- D. Type, location, and area of illumination of all lighting standards, type and location of all fire plugs, manholes, inlets and other storm drainage structures; all sanitary sewers with complete data, and all other information pertaining to utilities necessary for the approval of the Board shall be shown.

### **Section 406: Conservation Plan**

- A. The conservation plan is required to accompany all major subdivision plans, as defined in this Ordinance, and all land developments. The conservation plan shall be clearly drawn to the same scale as the preliminary plan.
- B. The conservation plan shall be designed in accordance with and shall contain the drawings and calculations required by the West Nantmeal Township Stormwater and Erosion Control Ordinance of 2013.
- C. The conservation plan shall contain a map or maps prepared in accordance with this Ordinance which depict the following features as indicated:
  - (1) Proposed lot layout and building envelopes for each lot and, in the case of a land development, the proposed building locations.
  - (2) Location of the tree masses and individual trees within a tree mass having a diameter of twenty-four inches (24") or greater at a height of three and one-half (3-1/2) feet above ground;
  - (3) Historic resources, including without limitation, structures, ruins, sites, traces, and relationship to the bounds of any National Register Historic District.

- (4) Existing structures and other improvements.
- (5) Existing paths and trails.
- (6) For final plan applications; site design shall be provided for any parcel which exhibits slope conditions, in the area of the parcel proposed for structures or improvements that exceed fifteen percent (15%) in order to demonstrate the ability of the parcel to accommodate the proposed use. The site design for such parcels shall include:
  - (a) The building location;
  - (b) Finished floor elevations and grading; and
  - (c) The location of driveways and sidewalks indicating the finished grading of these improvements.
- (7) Notations indicating all trees or portions of tree masses proposed to be cleared as part of the proposed subdivision or development plan, together with reasons for such clearing.
- (8) Notations indicating all proposed alterations of the natural grade, whether by cut or by fill, exceeding two feet (2'), together with reasons for such alterations.

**Section 407: Traffic Impact Study**

- A. The Board, upon recommendation by the Township Planning Commission and Township Engineer, shall require a traffic impact study as part of the application for subdivision and land development under the following situations:
  - (1) Where the proposed project abuts or is within 1,000 feet of an existing hazardous street or intersection condition, as determined by the Township's Comprehensive Plan or Act 209 Study.
  - (2) Any subdivision or land development proposal which may generate a potential of 300 one-way trips per day based on the standards of the Institute of Traffic Engineers.
  - (3) Any subdivision or land development proposal which has the potential to increase the existing average daily trips by more than 10 percent for projects accessing an arterial road, more than 25 percent for projects accessing a collector road, and more than 50 percent for projects accessing local roads. Where a project proposes accesses on roads of different function, a Traffic Impact Study shall be required when the total trip generation of the project increases the existing average daily trips on either road by the percentages listed above for the functional classification of either road.
  - (4) Any subdivision and land development within the Transportation Capital Plan area per the Act 209 Impact Study as adopted by the Board and amended from time to time.
- B. Traffic impact studies shall be prepared by a qualified traffic consultant in compliance with the rules and regulations of the Pennsylvania Department of Transportation. The cost of said study shall be the total responsibility of the applicant. The study shall contain as a minimum, the following items, subject to review by the Township Engineer or Traffic Consultant to the Township:
  - (1) Study purpose and objective;
  - (2) Description and map of the study site and analysis area;
  - (3) Existing traffic conditions and level of service in the analysis area;
  - (4) Traffic generation and road access points of anticipated development adjacent to the proposed project;

- (5) Proposed project trip generation, trip distribution, including peak hour and average daily trips;
  - (6) Projected future traffic volumes and level of service for roadways and intersections in the analysis area;
  - (7) An assessment of the change in roadway operating conditions resulting from traffic generated by the proposed project;
  - (8) An analysis of emergency access; and
  - (9) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and beyond the proposed project site at an acceptable and safe level of service. The Traffic Impact study shall conclude with a list of required improvements, including the estimated costs, timing, and who shall be responsible for such installation.
- C. The analysis area of the traffic impact study shall be determined by the Board upon recommendation of the Planning Commission in consultation with the Township Engineer, but shall include as a minimum the roadways and intersections within a one-quarter mile radius of the tract being subdivided or developed.
- D. The traffic impact study shall be submitted by the applicant as part of preliminary and final plans for review by the Township Engineer. The study shall comply fully with all requirements of this Ordinance and shall constitute a principal element to be considered by the Board in determining whether or not to approve the preliminary and final plans.
- (1) Projects within the Transportation Service Area, as determined by the West Nantmeal Township Act 209, as amended are subject to the Transportation Capital Impact Fee Schedule.
  - (2) Projects outside of the Transportation Service Area that demonstrate a drop in Level of Service below a level C may require mitigation as recommended by the Planning Commission and Township Engineer, The Level of Services is determined by the "Highway Capacity Manual, Special Report 209, published by the Research Board, Nation Research Council, Washington D.C., latest edition. If an existing intersection is functioning at a Level of Service D or lower prior to the development, a reduction in Level of Service is not permitted.



## ***Article 5: Approval and Dedication of Improvements***

### **Section 501: Required Improvements**

- A. The applicant shall construct, install and complete, at no cost to the Township, all streets and other improvements required and proposed in the subdivision and/or land development. All work shall be performed and completed in strict accordance with the approved final plans, with the standards, specifications and requirements of this Ordinance, other applicable ordinances, and the Land Development Improvements Agreement, and, in the absence of any such standards, specifications and requirements, with the applicable provisions of the latest standards, specifications and requirements of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection and/or such other governmental agency or body which issues standards, specifications and requirements relevant to the work.
- B. No subdivision and/or land development plan shall be finally approved unless either the streets and other improvements have been constructed, installed and completed as aforesaid, or, in lieu of such construction, installation and completion, the applicant deposits with the Township an improvements guarantee in accordance with this Ordinance.

### **Section 502: Conditions of Acceptance of Streets and Other Public Improvements**

Notwithstanding any provision of this Ordinance to the contrary, the Board shall have no obligation to accept dedication of, and/or otherwise take over and make public, any street or other improvement in and/or abutting a subdivision and/or land development. In the event that the Board elects to consider acceptance of dedication of any improvement, the following conditions shall apply to any offer of dedication and the acceptance thereof:

- A. All required or proposed improvements (including those not offered for dedication), all utility mains and laterals, and monuments, as shown on the approved plan or plans (including, without limitation, the final subdivision and/or land development plan, the final utilities plan, the final conservation plan, and the final site analysis plan) shall have been constructed, installed and completed in accordance with the approved plan or plans and with all applicable specifications and requirements, all as certified by the Township Engineer.
- B. The approved final plan documents shall have been revised to an approved "as-built" condition, in accordance with this Ordinance, showing actual dimensions and conditions of all streets and other improvements as actually constructed, all of the foregoing to be certified by a professional engineer.
- C. A maintenance guarantee, with respect to the dedicated improvements, shall have been posted in accordance with the Article.
- D. A deed or deeds of dedication for the dedicated improvements, containing such terms and in such form as shall be acceptable to the Township Solicitor, which have (has) been prepared, executed and duly acknowledged by all owners and other holders of interest in and of the land upon which the dedicated improvements are situated along with a policy of title insurance.
- E. The dedication of public roads may only occur between April 1<sup>st</sup> and August 31<sup>st</sup> of any calendar year.

### **Section 503: Public Utilities**

All water, gas, sewers and other utilities, and all pipes, conduits, slants, laterals and service connections and appurtenances related thereto, which are planned for installation under the cartway, shall be installed prior to the paving of the street, with service connections extended to the street line. All electrical, telephone, television and other cable laid under the cartway shall be placed in approved "pull-through" conduit.

## **Section 504: Inspections of Work and Materials, and Cease and Desist Order**

- A. All work and materials for the construction of required improvements shall be subject to inspection by a duly authorized official of the Township, or the Township Engineer. If such inspection reveals that work and/or materials is/are not in accordance with approved plans, with the provisions of this or other applicable ordinance, with other applicable standards, specifications and requirements, with the terms of the permit issued therefor, or that erosion and sediment controls are failing to prevent accelerated erosion or waterborne sediment from leaving the site of construction, then said official is empowered to require corrections to be made, to suspend or revoke building or other applicable permits, and/or to issue a cease and desist order which may include, without limitation, any or all of the following until the cease and desist order is terminated as hereinafter provided:
- (1) That no lot in the subdivision shall be conveyed.
  - (2) That all or a portion of the construction or other development on any lots, or any other part of the subdivision or land development, for which a building or other permit has been issued, shall cease.
  - (3) That no further building or other permits for any lots or other parts of the subdivision or land development shall be issued.
- B. Resumption of Construction. The said cease and desist order shall be terminated upon determination by the Board that the said defects or deviations in the work and/or material have been corrected.
- C. Schedule of Inspections.
- (1) Notice shall be given to the Township Engineer at least 48 hours in advance of any construction operation to provide for required inspections.
  - (2) No underground pipes, structures, subgrades, or base courses shall be covered until inspected and approved by the Township Engineer. If a developer fails to comply with this regulation, he may be required to uncover such work at his expense to permit the required inspection.
  - (3) The following inspections by a duly authorized official of the Township shall be required. These inspections by such official shall be effected in accordance with this section and shall occur at the following intervals:
    - (a) Prior to clearing and rough grading (for erosion control inspection);
    - (b) Upon completion of rough grading, but prior to placing top soil, installing permanent drainage or other site improvements, or establishing covers;
    - (c) Upon excavation and completion of subgrade;
    - (d) Upon excavation, installation, and completion of drainage facilities and structures; community sewage systems, or water supply systems as applicable;
    - (e) Before placing stone base courses, or before initial layer of screening;
    - (f) Before binder course;
    - (g) Before wearing course; and
    - (h) At final inspection.

## **Section 505: Improvements Guarantee**

- A. In lieu of the construction, installation and completion of any improvements required as a condition for the final approval of a subdivision and/or development plan, the applicant shall deposit with the Township financial security in an amount sufficient to cover the costs of constructing, installing and completing the improvements and common amenities including, but not limited to, streets, walkways, curbs, gutters, street lights, fire hydrants, shade trees, street trees, water mains, sanitary sewers, storm sewers, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, and buffer or screen plantings.
- B. When requested by the applicant, in order to facilitate financing, the Board shall furnish the applicant with a signed copy of a resolution or a letter indicating approval of the final plan contingent upon the applicant obtaining satisfactory financial security. The final plan or record plan shall not be signed by the Board nor recorded until the Subdivision/Land Development Improvements Agreement and Financial Security Agreement, providing for the financial security, are executed as provided herein.
- C. Without limitation as to other types of financial security which the Board may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the applicant, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- E. Such financial security shall provide for, and secure to the public, the construction, installation and completion of the improvements on or before the date fixed in the formal action of the Board approving the final subdivision and/or land development plan, or in the Subdivision/Land Development Improvements Agreement.
- F. The amount of financial security shall be equal to 110 percent of the cost of completion of the improvements estimated as of 90 days following the date scheduled for completion. Annually, the Board may adjust the amount of the financial security 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 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Board may require the developer to post additional security in order to assure that the financial security equals said 110 percent. Any additional security shall be posted by the applicant in accordance with this subsection.
- G. The amount of financial security shall be based upon an estimate of the cost of completion of the improvements, submitted by the applicant and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Board, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Board are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Board and the applicant. 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.
- H. If the applicant requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the improvements as reestablished on or about the, expiration of the preceding one-year period by using the above cost-of-completion estimating procedure.

- I. In the case where the subdivision or land development is projected over a period of years, the Board may authorize submission of final plans by sections or stages of subdivision or development subject to such requirements or guarantees as to improvements in future sections as the Board finds essential for the protection of any finally approved section or stage of the subdivision or development.
- J. As the work of installing the improvements proceeds the applicant may request the Board to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board, and the Board shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board that such portion of the work upon the improvements has been completed in accordance with the approved final plan.

Upon such certification, the Board shall authorize release by the bonding, company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board fails to act within said 45-day period, the Board shall be deemed to have approved the Release of funds as requested. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvements.

- K. 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 financial security as otherwise required by this section.
- L. Final release of and from the improvements guarantee shall be in accordance with this Ordinance.

### **Section 506: As-Built Plans**

Within 30 days after completion and approval by the Township Engineer of all improvements, the applicant shall submit two copies of an "As-Built" plan showing the actual locations, dimensions, and conditions of streets and other improvements, including easements, and geometry and monument locations, all as certified by a registered professional engineer to be in accordance with actual construction.

- A. Review: The Township Engineer shall review the As-Built Plan including all corrections and shall make recommendations for any corrections that are required.
- B. The applicant shall submit two (2) copies of plans upon acceptance by the Township Engineer for the Township Records.

### **Section 507: Township Responsibility to Accept Improvements**

- A. The Township shall have no responsibility with respect to any open space, street, or other improvements, notwithstanding the use of the same by the public, unless dedication, in accordance with this Ordinance, of such open space, street or other improvement is accepted by ordinance or resolution duly enacted and adopted by the Board.
- B. The Board may require that maintenance and repair of stormwater retention and/or detention basins or other improvements, dedication of which is not offered or has not been accepted, shall be and remain the responsibilities of individual lot owners, a property owners association or similar entity, or other organization capable of carrying out such maintenance and repair responsibilities.

## **Section 508: Release from Improvements Guarantee**

- A. When the applicant has completed all of the improvements which are the subject of the improvements guarantee, the applicant shall notify the Board in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board, and shall promptly mail a copy of the same to the applicant by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Board. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, the report shall contain a statement of reasons for such non-approval or rejection.
- B. The Board shall notify the applicant within 15 days of receipt of the Township Engineer's report in writing by certified or registered mail of the action of the Board with relation thereto.
- C. If the Board or the Township Engineer fail to comply with the time limitation provisions contained herein, all improvements, subject to the improvements guarantee, shall be deemed to have been approved and the applicant shall be released from all liability pursuant to the improvements guarantee.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Board, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as provided hereinabove, shall be followed.
- E. Nothing herein shall be construed as a limitation of the applicant's right to contest or question, by legal proceedings or otherwise, any determination of the Board or the Township Engineer.

## **Section 509: Remedies to Effect Completion of Improvements**

In the event that any improvements have not been constructed, installed and completed, as provided in this Ordinance, or in accordance with the approved final subdivision and/or land development plans and supplemental materials, and/or the Land Development Improvements Agreement, the Board shall have the power to enforce the financial security, provided under the improvements guarantee, or such other available corporate bond or other security, by appropriate legal and/or equitable remedies. If the proceeds of the security are insufficient to pay the cost of construction, installing or completing, or of making repairs or corrections to, all the improvements covered by said security, the Board may, at its option, construct, install, complete, repair and/or correct part of such improvements in all or part of the subdivision and/or land development, and may institute appropriate legal or equitable actions to recover monies necessary to construct, install, complete, repair and/or correct the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable actions brought against the applicant, or both, shall be used solely for the construction, installation, completion, repair, and/or correction of the improvements covered by the security, and not for any other municipal purpose.

## **Section 510: Maintenance Guarantee**

- A. Where the Board accepts dedication of all or some of the improvements following completion (whether dedication is of fee, easement or other interest), the Board shall require the posting of maintenance security to secure the structural integrity of the said improvements and the functioning of the same in accordance with the design and specifications as depicted on the approved final plan for a term of 18 months from the date of acceptance of dedication. The maintenance security shall be of an amount equal to 15 percent of the actual cost of installing said improvement.

- B. Where maintenance and repair of stormwater retention and/or detention facilities, streets, and other improvements are the responsibilities of individual lot owners, a property owner's association or similar entity, or other organization capable of carrying out maintenance and repair responsibilities, the Board may require that such responsibilities be set forth in perpetual covenants or deed restrictions, running with the land and binding upon the landowner's successors in interest, and may further require that a fund for the initial maintenance and repair be established in a reasonable amount.

## *Article 6: Design Standards*

### **Section 601: General**

- A. The following standards shall apply to all subdivision and land development proposals and are intended as a minimum for the promotion of public health, safety, and welfare.
- B. All proposed subdivisions and land development plans shall comply fully with the applicable provisions of the Zoning Ordinance. No lot or other parcel of land shall be created in a proposed subdivision or land development, either by inclusion or exclusion, which cannot be properly utilized for a use permitted under the Zoning Ordinance.
- C. Improvements to the property being subdivided and/or developed shall be provided, constructed, installed and completed as shown on the approved final plan and in accordance with Article IV and other applicable provisions of this Ordinance.
- D. The design of all improvements in a subdivision or land development shall be in accordance with the design specifications, standards, and requirements, as set forth in this Article and other provisions of this Ordinance and/or other applicable Ordinances, or, in the absence of the foregoing, in accordance with applicable provisions of the latest design specifications, standards, and requirements of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and/or such other governmental agency or body which promulgates or otherwise issues design standards, specifications, and requirements relevant to the work. In the event that there are no design specifications, standards, or requirements, as aforesaid, applicable to the design of any improvements, or parts thereof, in a subdivision or land development, the design, and the specifications, standards and requirements proposed by the applicant, for such improvements, shall be subject to approval of the Township Engineer.
- E. All portions of a tract being subdivided shall be utilized in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- F. When only a portion of a tract or single holding is the subject of a subdivision or land development application, a sketch layout shall be included for the balance of the tract.
- G. Applicants shall make every effort to preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.
- H. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill unless specifically warranted by terrain or location.
- I. All-purpose community water supply systems must follow the guidelines of the Delaware River Basin Commission and must be approved by the Department of Environmental Protection if applicable. If a Pennsylvania Public Utility commission franchise approval is required, evidence of such approval shall be required prior to Final Plan approval.
- J. Where the subdivision or land development is inaccessible to future sanitary sewers, the Supervisors shall require the applicant to obtain from the Chester County Health Department and the Pennsylvania Department of Environmental Protection, prior to final plan approval, certificates of approval of the sewage disposal facilities.
- K. Applicants shall observe and meet the ultimate rights-of-way for contiguous existing streets. Additional portions of the right-of-way for such streets shall be irrevocably offered to PADOT or to the Township at no public cost. At the time of approval of the subdivision or land development, such agency shall have the right to accept any offer in accordance with the law. Applicable building setback lines as specified by the West Nantmeal Township Zoning Ordinance shall be delineated as measured from the ultimate right-of-way line.

- L. Proposed subdivision and land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- M. Improvement construction requirements shall be completed under current Publication 408 specifications of the Pennsylvania Department of Transportation, Rules and Regulations of the Pennsylvania Department of Environmental Protection, the Chester County Conservation District, or other appropriate agencies, or the specifications included herein, whichever specifications shall be more stringent.
- N. The applicant shall construct and install at no expense to the Township, the streets, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, fire hydrants, street signs, shade trees, monuments and other facilities and utilities specified in this Ordinance. Construction and installation of such facilities and utilities shall be subject to inspection by appropriate Township officials or their agents during the progress of the work and the applicant shall pay for such inspections.
- O. In all proposed subdivisions the lots shall have the specified lot width at the street line and shall abut a proposed or existing public or private street meeting the specifications of this Ordinance to provide safe ingress and egress. In any proposed new subdivision involving four (4) or more new residential lots or units, all such lots and/or units shall be designed so as to abut a new public or private street to provide safe ingress and egress and to reduce the number of new driveways entering existing Township roads or State highways.
- P. The standards of design in this Article should be used to judge the adequacy of subdivision proposals. Wherever, in the opinion of the Planning Commission, the literal application of these standards in certain cases would serve to create an undue hardship, be plainly unreasonable to the applicant, or be contrary to the public health, safety, welfare, the Township Planning Commission may recommend to the Board such reasonable waiver as will not be contrary to the public interest. The Supervisors may, at their discretion, modify or adjust the standards to permit utilization of property while securing substantial conformance with the objectives of these regulations.
- Q. All proposed improvements and the use of land shall be suited to the purposes for which the land is to be subdivided or developed and shall conform to the Township Zoning Ordinance and the Township Comprehensive Plan. No subdivision or land development shall be designed in a manner which is topographically unsuitable or would increase danger to health, life or property, or aggravate existing erosion or flood hazards.
- R. The standards included in these regulations are minimum design requirements. The Supervisors reserve the right in any case to require that development features or facilities exceed these standards if conditions so warrant.
- S. To the maximum possible extent, storm water shall be retained on site and ultimately percolated into the ground rather than permitted to drain off in order to minimize the flood-enhancing potential of a subdivision or land development and to maximize the recharge of ground water supplies within West Nantmeal Township.

### **Section 602: Blocks**

- A. Length: Blocks in excess of 1,600 feet in length shall not be permitted in the absence of special conditions deemed by the Board to warrant greater length.
- B. Width: Blocks shall have a depth of two lots in width and, except for lots located at street intersections, no single lot shall have two street frontages with the exception of corner lots and reverse frontage lots which are in accordance with this Ordinance.
- C. Crosswalks: In blocks over 1,000 feet in length, and when required for access to open space, a dedicated right-of-way with a minimum width of 15 feet shall be provided for a crosswalk at or near the middle of such blocks



in such instances as may be deemed by the Board to be necessary for the safety and convenience of the public. All crosswalks must meet accessibility standards by ANSI A117.1 or as amended for width and slope.

### **Section 603: Lots**

- A. Lot Area and Lot Width; Building Setback Line. The minimum area, width, and building setback lines for lots shall be as provided in the area, width, and yard regulations of the Zoning Ordinance for the applicable district.
- B. Lot Frontage. All lots in a subdivision shall front upon a public street or a private street constructed in accordance with the provisions of this Ordinance, and the length of such frontage measured along the street line shall be equal to the required minimum lot width at the street line as provided by and in accordance with the Zoning Ordinance. Any proposed new subdivision involving 4 or more lots shall require lot frontage on a new public or private street.
- C. Reverse Frontage Lot.
  - (1) Any proposed lots abutting a designated arterial or major collector street in the Township shall be designed as reverse frontage lots having access to an interior street with a lower function. This requirement may be waived by the Board if, in its judgment:
    - (a) The advantages to the Township of compliance with this standard are outweighed by the inability of the applicant to meet other requirements of this Ordinance or the Zoning Ordinance;
  - And**
  - (b) Compliance would be unreasonable or impractical due to the size of the proposed development, configuration of the site, and other characteristics unique to the site of the proposed development.
  - (2) All residential lots using reverse frontage shall have a rear yard with a minimum depth of 75 feet, measured from the shortest distance from the proposed dwelling unit to the ultimate right-of-way, and shall, within such rear yard and immediately adjacent to the right-of-way, have a buffer and effective screen of at least 10 feet in width (notwithstanding any other provision of this Ordinance to the contrary).
- D. Lot Dimensions. Excessively deep lots shall be avoided where practicable, and the depth of residential lots shall generally not be less than one or more than three times the lot width.
- E. Lot Lines. Wherever practicable, the side lot lines shall be perpendicular to straight street lines, and radial to curved street lines and cul-de-sac turnarounds. Where feasible, lot lines shall follow municipal boundaries rather than, cross them, in order to avoid jurisdictional problems.
- F. Building Numbers. The numbers for all dwellings, buildings and other structures shall be assigned by the Board in accordance with Chester County Emergency Management numbering systems.
- G. Flag Lot(s). Flag lots shall meet the requirements of the definition of such in this Ordinance. Each proposed flag lot access strip shall be separated from any other proposed such access strip by a minimum distance of 200 feet.

### **Section 604: Monuments and Lot Pins**

- A. Monuments of 4 inch by 4 inch by 30 inch concrete shall be placed at tract perimeter corners, street intersections, angle points, beginning and ending of all curves, and at such other locations along the right-of-way lines as the Township Engineer shall designate. All such monuments shall be shown on the preliminary plan, final plan and Record plan.
- B. Lot pins of not less than three quarter inch (3/4") iron pipe three feet in length shall be placed by the applicant at all lot corners and driven flush with the ground.

C. All monuments and pins shall be shown on the required as-built plans.

## **Section 605: Sewage Treatment and Disposal**

### **A. General Requirements**

- (1) Each lot shall have approved sewage facilities in accordance with the provisions of the Pennsylvania Department of Environmental Protection and the Chester County Health Department.
- (2) All sanitary sewer facilities shall be subject to the requirements of the Pennsylvania Sewage Facilities Act and the rules and regulations there under of the Pennsylvania Department of Environmental Protection including without limitation, those at 25 Pa.Code, Chapters 71, 72, and 73, as amended and the rules and regulations of the Chester County Health Department.
- (3) The applicant shall provide the highest type of sanitary sewage disposal facility consistent with existing physical, geographical; and geological conditions of the site. The highest type of facility is considered to be a facility which provides adequate protection against pollution of the environment over the lifetime of the development.
- (4) All lots which cannot be connected with an operational public or operational community sanitary sewage disposal system at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system which shall, as a minimum requirement, meet the design standards of prevailing regulations of the Pennsylvania Department of Environmental Protection and the Chester County Department of Health.
- (5) All subdivisions and land developments proposing individual or community subsurface or land application sewage systems shall provide either an alternative disposal area for a community sewage system or an alternative disposal area for each individual lot for on-lot disposal systems, which meet the required horizontal isolation or setback distances and other requirements under the rules and regulations of Pennsylvania Department of Environmental Protection. The applicant shall clearly indicate these areas on the preliminary and final plan for each lot requiring such a system in the proposed subdivision or land development.
- (6) In no case shall sanitary sewers and storm sewers be combined. No on-site sewage disposal system shall be connected with a capped sewer.
- (7) If any individual on-lot sewage system is approved by DEP or the Chester County Health Department which results in stream discharge of a treated sewage effluent, such discharge shall be to a stream located on the lot or tract. Otherwise, off-lot easements for such effluent flow shall be obtained to the point of discharge.

### **B. Sanitary Sewage Disposal Systems**

- (1) Wherever an applicant proposes that individual onsite sanitary sewage disposal systems shall be utilized, the applicant shall either install such facilities or shall require by deed restriction or other means and/or manner acceptable to the Board, as a condition of the sale or lease of each lot, that such facilities shall be installed by the purchaser of such lot or parcel at the time that the first principal building is constructed, and in accordance with these regulations.
- (2) Where studies by the Township indicate that start of construction or extension of sanitary trunk, sewers to serve the property being subdivided or developed appears probable within a period of five years, the Board may require the installation and capping of sanitary sewer mains and all laterals to the street right-of-way line. All mains shall be terminated at manholes or suitably capped as directed by the Township Engineer.

- (3) Where any buildings are to be occupied or conveyed prior to the extension of a sewer system to the subdivision of land development, the applicant shall, install approved on-site sewage disposal facilities or require as a condition of sale that such facilities shall be installed in accordance with this Section in addition to the provision of capped sewers as required in this Ordinance. The cost of such installation shall be the responsibility of the applicant.
- (4) All sanitary sewer systems to be located in any designated flood plain district shall comply with the provisions of this Ordinance.

C. Soil Suitability Analysis Requirements.

- (1) Deep hole and percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection and the Chester County Health Department.
- (2) The results of the above tests shall be analyzed in relation to the physical characteristics of the tract being developed and of the general area surrounding the tract. The lot layout of the preliminary and final plan shall be based on this analysis. The analysis shall indicate that each lot to be served by on-site sanitary sewage disposal facilities is of a size and shape to accommodate the necessary size of absorption area and alternate area at a safe isolation distance from water supply wells and proposed and existing buildings, in accordance with the isolation distance rules and regulations of the Pennsylvania Department of Environmental Protection, as administered by the Chester County Health Department. The location of the deep hole tests, the location and size of existing and proposed on-site sanitary sewage disposal facilities, and the location of existing and proposed buildings and water supply wells shall be shown on the preliminary and final plans.
- (3) Backfilling of all percolation test holes and related test pits shall be accomplished within the time period specified in accordance with the Pennsylvania Sewage Facilities Act and/or the rules and regulations thereunder of the Pennsylvania Department of Environmental Protection. All test holes must be secured overnight for safety.

D. Community Systems.

In such cases where public sanitary sewage disposal facilities are not available and onsite facilities are not approved, the applicant shall provide a complete community sanitary sewage disposal system. The design and installation of any community system shall be subject to the approval of the Township and the Pennsylvania Department of Environmental Protection (DEP), and such systems shall be further subject to satisfactory provisions for the maintenance thereof. A copy of the approval of such, system shall be submitted with the final plan application or as soon as permitted by the DEP.

## **Section 606: Water Supply**

A. Purpose

The following are the purposes of this section which are not in limitation of but are in expansion of the purpose of this Ordinance set forth at Section 102:

- (1) To protect the public health and welfare by monitoring and evaluating the demands of development on the water supply and fire fighting capabilities.
- (2) To establish reasonable standards when applicants for subdivisions must submit a detailed study on the impact of their subdivision and/or land development on the water resources and fire fighting capabilities in the Township.

- (3) To recognize that West Nantmeal Township may be designated as a Ground Water Protection Area (GPA) requiring applicants to prove they are in conformance with Delaware River Basin Commission withdrawal regulations.
- (4) To otherwise ensure that subdivisions and land developments incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.

B. General Requirements

- (1) Water supply shall in all cases be in accordance with the requirements of the DEP and the Chester County Health Department.
- (2) For any subdivision and land development which involves more than twenty-five (25) residential dwellings of any type or for any land development plan involving commercial and/or industrial building(s) exceeding twenty thousand square feet (20,000 sq. ft.) in gross floor area, the applicant shall provide evidence that each such dwelling unit, commercial, or industrial building shall be connected to an adequate supply of central, potable water meeting:
  - (a) The water quality standards established and administered by county, state and federal agencies; and
  - (b) The fire protection and domestic water supply standards established by this Ordinance.
- (3) For any subdivision or land development proposing an average monthly water withdrawal of ten thousand gallons per day (10,000 gpd) or more from a single well, the applicant may be required to show evidence of compliance with the Delaware River Basin Commission Ground Water Protection Areas regulations, as required by this Ordinance.
- (4) Any water system to be located in any designated flood plain district shall comply with the provisions of the West Nantmeal Township Zoning Ordinance.
- (5) In the event that water is to be provided to a subdivision or land development by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence to the Board that water to the subdivision or land development is to be supplied by a private water association, by a certificated public utility, by a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission 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. Such evidence shall be submitted as part of the preliminary plan submission of the subdivision or land development.

C. On-Site Water Facilities.

- (1) On-site water systems shall be designed and, installed in accordance with all the applicable standards of the Pennsylvania Department of Environmental Protection and the Chester County Health Department.

D. Central (Public), Water Facilities.

- (1) Each central water system shall comply with the regulations of the Pennsylvania Public Utilities Commission (PUC), where applicable, and the Pennsylvania Department of Environmental Protection.
- (2) If the applicant proposes that the subdivision or land development be served by a central water supply system, the applicant shall submit a proposed water supply study as evidence of sufficient water quality and quantity. The contents of this study shall include those specific items as described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection. Where the water supply system occurs under the jurisdiction of the PUC, the water supply study shall also include those items of

information required by the PUC. Said study shall be submitted and reviewed as part of a preliminary plan submission.

- (3) The design and installation of a central water system shall be subject to the review by the Township and shall be subject to the approval of the Pennsylvania Department of Environmental Protection, and such system shall be further subject to satisfactory provisions for the maintenance thereof. Standards and materials for the construction of any central water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection and the rules and regulations of that Department at 25 Pa. Code, Chapter 109, and shall be subject to the approval of the Township Engineer.
  - (4) Where a permit is required by the Pennsylvania Department of Environmental Protection, it shall be presented as evidence of Department review and approval before construction commences.
  - (5) Fire Hydrants. Wherever a public or non-public water system is provided, the Supervisors may require, where necessary to ensure public safety, fire hydrants (or dry hydrants connected to ponds) suitable for coupling of fire fighting equipment serving the Township. The location of hydrants shall be approved by the Township and shall be located and installed in accordance with the regulations in the West Nantmeal Township Fire Code or this Ordinance, whichever is more stringent.
- E. Evidence of Ground Water Protected Area Compliance. If and when West Nantmeal Township is designated as a GPA, the applicant shall submit with the final plan evidence of compliance with Ground Water Protection Area (GPA) regulations. Where the rules and regulations of GPA do not apply to the subdivision or land development, the applicant shall include as evidence a statement to this effect on the final plan. Where rules and regulations of GPA do apply to the subdivision or land development, the applicant shall submit a copy of a completed and approved GPA permit to the Township with the final plan including the following:
- (1) A map showing local existing wells and perennial streams;
  - (2) A hydrogeologist's report indicating the effects of the proposed withdrawal on existing wells, flows of perennial streams and long-term lowering of ground water levels;
  - (3) A log indicating the type of subsurface material found during exploration or installation of wells;
  - (4) Results from the pump test which must extend for 48 to 72 hours and drawdown results from local existing wells during tests; and
  - (5) Withdrawals in excess of one hundred thousand gallons per day (100,000 gpd) shall also indicate compliance with Article III of the Delaware River Basin Commission rules and regulations.
- F. Additional Regulations. Any subdivision or land development which involves more than twenty five (25) residential dwellings of any-type or any industrial-or commercial building(s) exceeding 20,000 sq. ft. in gross area may be required to provide a proposed public water supply study in accordance with the following:
- (1) The applicant shall submit with the preliminary plan, five (5) copies of documentation which shall be designated as "Proposed Public Water Supply Study."
  - (2) The water supply study shall contain the name, address, and telephone number of the proposed public water supplier (the company, public utility, association, or municipal corporation or authority proposed by the applicant to supply water to the subdivision or land development.) In addition, there shall be provided a complete description of the source of the water supply, the quantity of water available, from the source or sources, the capacity of existing or proposed reservoirs and their locations, and other pertinent data if surface water is to be utilized.

- (3) If wells are to be utilized as part of the proposed water supply system, the following shall be supplied with or as part of the water supply study: the number of wells, the pumping capacity of each well, the number of hours per day that each well pump operates, the depth of each well, depth of water table in each well, diameter of well casing, drawdown rated capacity of each well, and the maximum sustained yield from the well test, together with a copy of the well test data.
- (4) The study shall outline the size of proposed water mains to be utilized for the subdivision or land development and the number and location of proposed fire hydrants within or near the development. Further, the study shall contain the number of residential customers on the existing system (if any), the number of proposed new residential, commercial or industrial customers, and the estimated number of gallons required to service both the existing (if any) and proposed system when the subdivision or land development plan is completed.
- (5) Within the study, a description shall be provided outlining the service area of customers to be provided. If the utility is regulated by the Public Utilities Commission of the Commonwealth of Pennsylvania, notations shall be made as to whether the proposed subdivision or land development falls within the supplier's approved franchise area. If it is necessary to obtain PUC approval to extend a franchise area to the site to be covered, such approval shall become a condition precedent to final subdivision or land development approval.
- (6) The proposed public water supply study submitted by the applicant shall be reviewed by the Township Engineer in conjunction with the preliminary plan. The Township Engineer shall make a recommendation to the Board with respect to the applicant's compliance with this section of this Ordinance. The Board reserves the right in its sole discretion to require a further independent engineering study as to the adequacy of the proposed water supply system in the event the Township Engineer recommends that a further study is warranted. The applicant shall bear the cost of such independent engineering study. A final subdivision or land development plan shall not be approved unless and until all requirements of this Ordinance are fully met.
- (7) With regard to minimum water supply requirements, each residential dwelling shall be provided with a minimum domestic pressure of thirty (30) pounds per square inch at the house connection and a minimum of three hundred (300) gallons of potable water per dwelling unit per day. For each commercial or industrial use, a minimum pressure of 30 pounds per square inch shall be provided which meets all potable water supply requirements for the intended use. In addition, each commercial or industrial use must provide sufficient water for fire flow for a minimum duration of two hours of not less than 500 gallons per minute at residual pressures of 20 pounds per square inch.
- (8) Fire hydrants for residential, commercial or industrial development shall be spaced at intervals as required by the Township Fire Code, or at intervals of every 600 feet within the proposed development when fire storage is required, whichever is more stringent.
- (9) All required potable water shall meet the water quality standards as established by the Chester County Health Department.

### **Section 607: Other Utilities**

- A. All other utility lines including, but not limited to, electric, gas, street light supply, cable television, and telephone shall be placed underground and within appropriate easements or rights-of-way. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township, any duly formed municipal authority, or other public utility concerned. All such underground utilities shall be approved before the streets are constructed, where such utilities lie under the proposed cartway, and before any person is permitted to occupy any building to be served by such utilities. Utilities shall be installed before the base and screenings are put into place within the cartway, with service connections extended to the street line.

- B. In accordance with the provisions of Act of December 10, 1974, P.L. 852, No. 287, as amended, 73 P.S. §176 et seq., any applicant shall contact all applicable utilities and accurately determine the locations and depths of all underground utilities within the boundaries of the tract proposed for development prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review, and proof of contact shall be presented to the Township prior to final plan approval.
- C. All electrical, telephone, television and other cable laid under the cartway shall be placed in approved "pull-through" conduit.

## **Section 608: Stormwater Management, Erosion and Sedimentation Control**

### **A. General Requirements**

- (1) No grading, excavating, removal or other movement of the topsoil and no removal or destruction of trees or other vegetative cover of the land shall commence until such time that a conservation plan as required by this Ordinance has been reviewed by the Township Planning Commission and approved by the Board, or until a determination that such plan is not necessary has been made by the Board upon recommendation of the Planning Commission.
- (2) No subdivision or land development plans shall be approved unless either (i) there has been a plan approved by the Board that provides for minimizing erosion and sedimentation consistent with this Section and an improvements guarantee in accordance with the regulations of West Nantmeal Township, which will ensure the installation and completion of the required improvements, is deposited, or (ii) there has been a determination by the Board that a conservation plan for minimizing erosion and sedimentation is unnecessary, according to the procedure for waivers outlined in this ordinance.
- (3) Subdivision or land development plans shall preserve salient natural features, keep cut-and fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle surface water runoff.
- (4) Stormwater Management Regulations are governed by the West Nantmeal Township Stormwater Management and Erosion Control Ordinance of 2013 which includes the provision of the Act 167 Chester County Water Resources and Conestoga Watershed Act 167, as amended.

## **Section 609: Community Facilities and Public Open Spaces**

- A. Provision shall be made for reservation and/or dedication of suitable areas for parks, playgrounds or other recreation areas (or fees in lieu of such provisions according to Resolution 168, or as amended).
- B. In reviewing any subdivision plan, the Planning Commission and the Board will consider the adequacy of existing open space or proposed community facilities to serve the additional dwellings proposed by the Subdivision.
- C. Land provided or reserved for such community facilities should be adequate to provide for active and passive open space, building sites, landscaping and off-street parking as appropriate to the use proposed. Such areas should be located in a manner to best serve the public likely to use the same and to utilize, to the greatest extent, any topographical features.
- D. For any subdivision exceeding 25 lots, an open space/recreational area shall be set aside on the basis of 10 percent of the gross site area. As a minimum, 60 percent of such open area shall: have slopes of less than 7 percent; be free of all flood hazards and wet soils; be free of rock outcrops; and shall generally be suitable for the intended use. Ownership and maintenance of such open space shall be determined by the Board prior to final plan approval. The Board shall not be obligated to accept open space areas, tracts or parcels. Any offer of such dedication, if accepted by the Board, shall be clearly indicated on the final plan. A fee in lieu of open space

(according to Resolution 168, or as amended) shall be required if the Board determines that the quality of open space proposed is inadequate.

## **Section 610: Landscaping and Screening**

- A. Screening. A screen as defined in this Ordinance shall be required in the following situations:
- (1) When a proposed non-residential use in any zoning district abuts an existing residential use in any zoning district or a residential zoning district boundary (R-1, R-2 and R-3)
  - (2) When a residential use proposal of greater density abuts an existing residential use or residential zoning district boundary.
- B. Screening Requirements. A landscape screen with a minimum width of ten feet shall be installed to separate the incompatible uses. The screen shall be composed of evergreen and deciduous trees spaced in two alternating rows on 10 foot centers. The plantings shall be so placed that at maturity they will be no closer than 3 feet from any street or right-of-way line.
- (1) Earthen Berm. In the event such plantings do not alone provide an effective screen, the Board, upon recommendation of the Township Planning Commission, may require plantings to be placed on an earthen berm having a height from 3 feet to 5 feet to increase the effectiveness of the screen.
  - (2) Use of Existing Vegetation. Wherever possible existing tree lines, stands of trees, individual trees, and specimen trees shall be preserved and incorporated into the screen.
- C. Landscaping. Any part or portion of a lot or tract which is not occupied by buildings nor used for loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped in accordance with a landscape plan, prepared and approved as part of applicable subdivision/land development plan(s). The landscape plan shall be prepared by a registered landscape architect.
- (1) Landscape plans shall be submitted at the time when all other required applications and/or plans are submitted (i.e., preliminary subdivision or land development plan submission, conditional use approval application where applicable, etc.).
  - (2) The landscape plan shall depict all proposed plantings required to compliment, screen or accentuate buildings, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures.
  - (3) All landscape plans shall be designed in conformance with the provisions of West Nantmeal Township Natural and Historic Features Protection standards of the Zoning Ordinance regarding conservation of woodlands and riparian buffer areas. Applicants shall make all reasonable efforts to harmonize their plans with the conservation of existing vegetation and natural features. Care shall be exercised to protect remaining vegetation from damage during construction.
- D. Minimum Planting Standards. All required plantings shall meet the minimum planting standards, criteria for selection of plant material, and design standards of this Section.
- (1) The total number of plantings required in a subdivision or land development shall be no less than the total calculated from all columns in Table 6-1. The total number of required plantings may be dispersed throughout the tract to meet the objectives of this Section subject to the approval of the Township Engineer. Additional plantings may be provided.



**Table 6-1  
Minimum Plant Standards**

<b>Improvement/Conditions</b>	<b>Deciduous Trees</b>	<b>Evergreen Trees</b>	<b>Shrubs</b>
per 1,000 sq. ft. gross building area, ground floor only (building "footprint")	2	1	8
per 2,000 sq. ft., off street parking or loading area, excluding driveways less than 18 ft. wide	1	1	4
per 100 linear ft. of new and existing public or private road frontage, measured on both sides where applicable	2	1	5
per 100 linear ft. of existing tract boundary, where not coincident with existing or proposed road frontage	1	2	8

- (2) Where calculation of the minimum number of plantings required above results in fractions of plants required, the minimum number of plants required shall be rounded up to the nearest whole number.
- (3) Plantings used to comply with the minimum number of plantings required as above shall be:
  - (a) *Deciduous trees* - 2½ inch caliper, minimum.
  - (b) *Evergreen trees* - 8 feet in height, minimum.
  - (c) *Shrubs* - 24-30 inches in height, minimum.
- (4) Plantings and their measurement shall conform to the standards of the publication "American or U.S.A. Standard for Nursery Stock," ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown within the same USDA hardiness zone as the site, shall be free of disease, and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this Section.
- (5) Additional plantings may be provided to further the purposes of this Section. Plantings provided in excess of the minimum required need not comply with the dimensional standards herein. Use of linear measurements for purposes of calculation is not intended to specify linear arrangement of plantings. Groupings of plantings are encouraged in lieu of linear arrangement, consistent with the provisions of this Section.

E. Landscape Design Standards.

- (1) Consistent with the terms of this Section, the applicant shall plant trees and shrubs and make other landscape improvements (e.g., berms, fencing) as necessary to mitigate any adverse impacts, including visual impacts, which applicant's proposed subdivision or land development will have on his property, adjoining properties, and the Township in general, and otherwise address landscape issues identified through review of the required plans.
- (2) Plantings and other landscape improvements shall be provided in arrangements and locations in response to specific site conditions and which best mitigate impacts of the applicant's proposed land disturbance actions. Consideration of the type, quantity and arrangement of plantings must consider the mature plant size and lifecycle. Plans shall be submitted by a professional register landscape architect with current license in the Commonwealth of Pennsylvania.

- (3) **Earthen Berms.** If berms are used as a landscape or screening feature, plantings are to be installed on both sides of the berm, not solely at the ridgeline or top of the berm, and shall be subject to the review and approval of the Township. Side slopes shall not exceed a 4:1 ratio, and berms shall be designed to blend with adjoining property topographic conditions or similarly landscaped buffered areas rather than end abruptly at the property line.
  - (4) **Streets Trees.** Shade trees of varying species shall be planted as street trees along all streets, located five (5) feet outside of the ultimate right-of-way line, spaced not less than forty (40) feet nor more than fifty (50) feet apart, staggered where appropriate, along both sides of all existing streets adjoining the subject property and all proposed streets.
  - (5) No trees shall be planted closer than fifteen (15) feet from fire hydrants, street lights, or stop signs.
  - (6) **Off-Street Parking.** All off-street parking areas, except those intended solely for use by individual single family residences, shall be landscaped with trees and shrubs of varying species, in accordance with the following:
    - (a) Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to ameliorate storm water drainage problems; to replenish the groundwater table using bioretention islands; to provide for a more attractive setting; to protect the character and stability of residential, business, institutional, and industrial areas; and to conserve the value of land and buildings on surrounding properties and neighborhoods.
    - (b) Planting areas shall be placed so as to facilitate snow removal and to provide for safe movement of traffic without interference of proper surface water drainage. Planting areas shall be bordered appropriately to prevent erosion or damage from automobiles. Bollards may be used to afford protection of trees from vehicular movement.
    - (c) The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than 20 spaces in which the following shall apply.
      - (i) Landscaped areas at least 10 feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary access ways, to prevent the encroachment of moving vehicles into parking areas.
      - (ii) Landscaped islands at least 10 feet wide shall be provided between each set of two parking bays.
      - (iii) Landscaped islands at the end of each parking bay shall be provided and shall be the length of two parking spaces and at least 10 feet in width.
      - (iv) Permitted parking lots not conforming to the criteria listed above shall be planted with the same ratio of trees to parking spaces as conventional parking lots but these may be planted in more varied configurations.
      - (v) All parking lots shall be designed to provide for safe, reasonable pedestrian access. Parking lots with more than 50 spaces shall include paved pedestrian walkways. Pedestrian walkways may be located along or through landscaped islands or other landscaped areas adjacent to the parking lot.
- F. **Criteria for Selection of Plant Material.** Species selected by the applicant shall reflect careful evaluation of the required existing features plan and in particular the following considerations:
- (1) Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.

- (2) Specific functional and design objectives of the plantings, which may include but not necessarily, be limited to provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.
- (3) Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.
- (4) Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), an applicant is strongly urged to conform to the requirements of this Section through the use of nursery grown native trees and shrubs. A suggested plant list is included in Table 6-2.
- (5) Species for shade trees, including street trees, shall be selected with particular emphasis on hardiness, growing habit for pedestrian and vehicle passage, minimal need for maintenance, and compatibility with other features of the site and surrounding environs.
- (6) For the purposes of promoting disease protection, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the applicant is encouraged to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to those where the trees and shrubs are to be planted.
- (7) Plant list will be verified against the Department of Conservation of Natural Resources Invasive Plant List as amended. Any proposed plants that are listed on the Invasive Plant List must be removed from the plan.

**Table 6-2  
Suggested Plant List**

<b>Evergreen Trees and Shrubs</b>			
<i>Scientific Name</i>	<i>Common Name</i>	<i>Mature Height</i>	<i>Native</i>
Juniperus virginiana	Eastern Red Cedar	50' to 75'	Yes
Pinus strobus	Eastern White Pine	75' to 100'	Yes
Rhododendron maximum	Rosebay Rhododendron	4' to 15'	No
<b>Deciduous Shade Trees</b>			
<i>Scientific Name</i>	<i>Common Name</i>	<i>Mature Height</i>	<i>Native</i>
Acer rubrum	Red Maple	75' to 100'	Yes
Acer saccharum	Sugar Maple	75' to 100'	Yes
Carya ovata	Shagbark Hickory	75' to 100'	Yes
Catalpa speciosa	Northern Catalpa	40' to 60'	No
Fagus grandifolia	American Beech	75' to 100'	Yes
Fraxinus americana	White Ash	75' to 100'	Yes
Fraxinus pennsylvanica	Green Ash	50' to 75'	Yes
Gleditsia triacanthos	Thornless Honey Locust	30' to 70'	Yes
Liquidambar styraciflua	American Sweet Gum	75' to 100'	Yes
Liriodendron tulipifera	Tulip Poplar	75' to 100'	Yes
Phellodendron amurense	Amur Corktree	30 to 45'	No
Platanus acerifolia	London Plane Tree	75' to 100'	No
Platanus occidentalis	American Sycamore	75' to 100'	Yes
Prunus serotina	Black Cherry	50' to 75'	Yes
Quercus alba	White Oak	75' to 100'	Yes
Quercus rubra	Northern Red Oak	60' to 95'	Yes
Quercus coccinea	Scarlet Oak	50' to 75'	Yes
Tilia americana	American Basswood	60' to 100'	Yes
<b>Small Street Trees</b>			
<i>Scientific Name</i>	<i>Common Name</i>	<i>Mature Height</i>	<i>Native</i>
Ostrya virginiana	Ironwood	35' to 50'	Yes
Oxydendrum arboreum	Sourwood	35' to 50'	Yes

<b>Medium to Large Street Trees</b>			
<i>Scientific Name</i>	<i>Common Name</i>	<i>Mature Height</i>	<i>Native</i>
Acer rubrum	Red Maple	75' to 100'	Yes
Acer saccharum	Sugar Maple	75' to 100'	Yes
Fraxinus americana	White Ash	75' to 100'	Yes
Fraxinus pennsylvanica	Green Ash	50' to 75'	Yes
Juniperus virginiana	Eastern Red Cedar	50' to 75'	Yes
Liquidambar styraciflua	American Sweet Gum	75' to 100'	Yes
Prunus serotina	Black Cherry	50' to 75'	Yes
Quercus alba	White Oak	75' to 100'	Yes
Quercus coccinea	Scarlet Oak	50' to 75'	Yes
<b>Small Trees and Shrubs</b>			
<i>Scientific Name</i>	<i>Common Name</i>	<i>Mature Height</i>	<i>Native</i>
Acer ginnala	Amur Maple	15' to 18'	No
Amelanchier arborea	Shadbush/Serviceberry	15' to 20'	Yes
Cercis canadensis	Redbud	20 to 30'	No
Cornus florida	Flowering Dogwood	25' to 50'	Yes
Crataegus phaenopyrum	Washington Hawthorn	25' to 30'	No
Ginkgo biloba	Ginkgo (male only)	50' to 80'	No
Ilex mantana	Mountain Winterberry	30' to 40'	No
Ostrya virginiana	Ironwood	35' to 50'	Yes
Oxydendrum arboreum	Sourwood	35' to 50'	Yes
Vaccinium corymbosum	Highbush blueberry	6' to 12'	Yes
Viburnum dentatum	Arrowwood	6' to 12'	Yes
Viburnum obovatum	Small Leaf Viburnum	6' to 15'	No

G. Site Maintenance and Guarantee.

- (1) All landscape improvements to be provided in accordance with this Section, shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, as appropriate, but not necessarily be limited to, provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering.
- (2) Applicant shall make arrangements acceptable to the Township that all landscape improvements installed in accordance with this Article shall be guaranteed and maintained in a healthy and/or sound condition, or otherwise be replaced with equivalent improvements, for a period of at least eighteen (18) months. After installation and prior to Township acceptance of the site improvements, representatives of the Township shall perform an inspection of the finished site for compliance with approved landscape plan(s).
- (3) Installation of landscape improvements shall be guaranteed along with all other site improvements in accordance with provisions of this ordinance. The costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required. At the Township's discretion, the applicant may be required to provide a letter of credit, escrow sufficient additional funds, or provide a bond with surety, for the maintenance and/or replacement of landscape improvements during the eighteen (18)-month replacement period. In addition, a letter of credit or escrow may be required for the removal and replacement of specimen vegetation damaged during construction. At its sole discretion, the Township may remedy failure to complete installation or to maintain required landscape improvements in accordance with the provisions of this Article.

**Section 611: Construction Standards**

- A. Stripping, Piling, Replacement or Removal of Topsoil. Construction on the tract subdivided or developed shall consist of stripping and piling of topsoil from all areas planned to be disturbed. Upon completion of other construction the entire amount of topsoil stripped shall be replaced on the tract subdivided or developed. No topsoil shall be disposed of, by sale or otherwise, off the site of the tract subdivided or developed. Subsoil may be disposed of at the option of the applicant.
- B. Cut and Fill Regulations.
- (1) Cut and fill slopes shall be a maximum of 3:1.
  - (2) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills.
  - (3) No cuts or fills shall endanger adjoining property and shall be located a minimum of five feet (5') from any adjacent property line.
  - (4) Fill shall be placed and compacted so as to minimize sliding, slumping, and erosion of the soil.
  - (5) Fills shall not encroach upon or be placed adjacent to wetlands, natural water courses or constructed channels.
- C. Disposal of Debris. All debris such as tree roots, leaves, branches, stones exceeding one foot (1') in diameter, and miscellaneous construction debris, shall be removed from the site prior to finished grading and seeding of the site.
- D. Natural Features Protection
- (1) Purpose. The purpose of this regulation is to maintain the supply of natural vegetation, prevent erosion of the topsoil on the site and surrounding properties, foster retention of ground water supply, preserve aesthetic and cultural resources of the Township, and to generally promote the health, safety, and welfare of citizens.
  - (2) Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets, which, if preserved, will add attractiveness and value to the remainder of the subdivision or land development. Trees shall be preserved wherever possible.
  - (3) If, in the opinion of the Township Planning Commission, a subdivision or land development proposes streets or building development which will unnecessarily destroy existing tree growth or other natural features whether by reason of street alignment, grading, or otherwise, the Planning Commission shall either:
    - (a) Refuse to recommend approval of the subdivision or land development plan; or
    - (b) Suggest alternate methods of subdivision or land development which would preserve as many of the existing trees as possible which measure six inches (6") caliper in diameter and above; or
    - (c) Recommend to the Board that as a condition of their approval the applicant be required to plant one (1) new tree of not less than two inch (2") caliper for every existing tree measuring twelve inches (12") in diameter and above which will be destroyed, such new trees to be planted on the lots and not as street trees, as directed by the Board.
  - (4) Where a proposed subdivision or land development necessitates the clearing of trees or portions of tree masses, applicants shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing:

- (a) Aesthetic values, including autumn coloration, type of flowers and fruit, bark and crown characteristics, amount of dieback present;
  - (b) Susceptibility of tree to insect and disease attack and to air pollution;
  - (c) Species longevity;
  - (d) Resistance to wind and the existing soil characteristics for supporting trees;
  - (e) Existence of and resistance to disease, rot or other tree damage; and
  - (f) Protection of buildings including, but not limited to, the removal of dead and large limbs hanging over buildings.
- (5) Developers shall exercise care to protect trees from damage during construction. Tree removal shall be limited to the actual construction site necessary to build and to move construction equipment.

E. Grading and Excavation Regulations

- (1) Grading and excavation operations shall not result in the diversion of water or the deposit of sediment onto public streets.
- (2) Grading and construction equipment shall not be allowed to cross flowing streams. Culverts and bridges used for stream crossings shall be designed in accordance with the Stormwater Management and Erosion Control Ordinance of West Nantmeal Township, and all applicable county and state regulations.

**Section 612: Street Design**

A. The following provisions shall apply to the design and construction of streets, curbs, bridges, culverts, and lot access associated with subdivision and land development applications and are intended as the minimum standards for the promotion of public health, safety and welfare. Any proposed subdivision involving or proposing four (4) or more new residential lots or units shall provide lot frontage and access to such lots by way of a proposed new public or private street.

B. Street Arrangement.

- (1) Location. A proposed street shall not be centered upon a boundary line of a tract to be subdivided or developed unless the owner of the adjoining property shall enter into joint or simultaneous application for the subdivision or land development of his land. Location of a proposed street abutting and parallel to a boundary line of a tract to be subdivided or developed will be discouraged.
- (2) Interconnection of Streets. Residential or local streets shall be laid out so as to discourage through traffic, but provisions for street connections into and from adjacent areas may be required by the Supervisors where circulation patterns warrant such connection.
- (3) Alignment Relative to Surrounding Residential Streets. Where a proposed subdivision or land development abuts an existing subdivision having a dedicated residential street dead-ending at or near a common property line, the proposed subdivision or land development shall make provision for extension of such dedicated residential street within the proposed subdivision or land development.
- (4) Alignment Relative to Surrounding Collector Streets. A proposed subdivision or land development shall make provision for continuation of the width, gradient, general alignment and direction of traffic flow of an existing street.

- (5) Relationship to the Site. Thoughtful and sensitive design of streets and their relationship to the site and arrangement of lots is required. Streets shall be logically related to the topography so as to produce optimum safe access to lots, reasonable grades, proper alignment and drainage, and to provide for adequate sight distance.
- (6) Future Streets. If lots resulting from original subdivision or land development are of sufficient size to permit resubdivision or further development or when a portion of the tract is not subdivided or developed, adequate street rights-of-way to permit further subdivision shall be provided to be no less than the rights-of-way required for collector, residential or local streets, as applicable.
- (7) Traffic Control Signs. The applicant shall provide standard PADOT approved traffic control signs for all streets within a subdivision or land development. The proposed street signs shall be provided in accordance with this Ordinance and the locations of such signs shall be shown on the final plan.
- (8) Relationship to Existing or Proposed Collector Streets. Where a subdivision or land development abuts or contains an existing or proposed collector or arterial street, the Board, to the extent permitted by law, may require dedication of additional right-of-way to meet the minimum right-of-way specified hereinafter.
- (9) Grid-Iron Street Pattern. A rigid "grid-iron" pattern of straight, parallel streets which disregards topography shall be discouraged where some variation in alignment or sweeping curves with tangents would be more compatible with topography. Tangents which are up to three times the length of connecting curves are to be encouraged, but shall not be mandatory.
- (10) Single access streets shall not be utilized if a through street is practical.

#### C. General Street Requirements

- (1) Obstructions. No fences, hedges, free-standing walls, or planting (except approved street trees) shall be located or remain within the right-of-way of a street.
- (2) Street Lights. Poles and standards for street lights with appropriate shielding and underground "parkway" cable service lines shall be furnished and installed by the applicant, when and wherever required by the Board, and shall be approved by the Board as to type and location along each right-of-way, spaced not more than 500 feet apart and each providing with 0.2-foot candles of illumination.
- (3) Street Trees. Deciduous street trees shall be planted by the applicant 15 feet behind the ultimate right-of-way line, staggered, where appropriate, along both sides; spaced not less than 40 feet nor more than sixty feet (60') apart. Street tree planting shall be required along all new or existing streets where quality trees do not currently exist. Such trees must be properly balled and burlapped. Tree caliper at time of planting shall be no less than two and one-half (2-1/2") inches. Applicants may use Table 6-2 Suggested Plant List or propose alternative for approval.
- (4) Fire Hydrants. Where public water supply is available, the applicant shall install fire hydrants in locations required by the West Nantmeal Township Fire Code or this Ordinance, whichever is more stringent.
- (5) Street Names and Signs. Street names shall be approved by the County 911 Coordinator prior to the presentation to Board for approval. Duplication shall be avoided unless as a continuation of an existing street or projection of same. The applicant shall install sign posts, street name plates, and such other signs as approved and required by the Board. At least one (1) street name sign shall be erected at each street intersection. With respect to cul-de-sacs, the applicant shall also install, at each street intersection thereof, a "dead end" or "no outlet" sign.

#### D. Street Design.

- (1) Safe Sight Stopping Distance. A minimum sight distance, measured along an unobstructed line of sight within the paved area of the road surface with the height of driver and the height of object being viewed

each being measured 3.5 feet above the pavement surface, shall be provided as follows, with respect to horizontal or vertical alignment:

- (a) Arterial Street. Shall be in accordance with minimum standards of the Pennsylvania Department of Transportation (PennDOT), but in no case less than five hundred feet (500'); and
  - (b) Collector Streets. Shall not be less than four hundred feet (400');
  - (c) Residential or Local Streets. Shall not be less than two hundred and fifty feet (250');
  - (d) Single Access Streets. Shall not be less than two hundred and fifty feet (250').
- (2) Horizontal Curves. Horizontal curves shall have a minimum radius on the centerline, as follows:
- (a) Arterial Street. In accordance with minimum standards of the Pennsylvania Department of Transportation;
  - (b) Collector Streets. Three hundred feet (300');
  - (c) Residential or Local Streets. One hundred and fifty feet (150');
  - (d) Single Access Streets. One hundred feet (100').
  - (e) Tangents with a maximum difference in bearing of five degrees (5°) may intersect at the centerline of intersection with cross streets; otherwise such intersections shall not be permitted and in addition, reverse curves shall be separated by tangents of not less than one hundred feet (100'), and superelevation shall be provided on collector streets having horizontal curves of less than six hundred feet (600') radius and on residential streets for less than three hundred feet (300') radius. Sweeping curves of comparatively long radius are preferable to tangents connecting curves leading in the same direction.
  - (f) A combination of minimum radius horizontal curve and maximum grade is not permitted.
- (3) Vertical Curves. Vertical curves shall be used in all changes in gradient of more than one percent (1%), and the length at such changes shall be twenty-five feet (25') for each one percent (1%) change in grade or not less than that required for a thirty-five mile per hour (35 mph) design speed for all residential streets. All other roads shall be in accordance with the Pennsylvania Department of Transportation requirements for the respective functional class of road.



- (4) Gradients. The following shall be the maximum and minimum gradients, measured on the centerline, for all vehicular traffic ways:

		<b>Maximum</b>	<b>Minimum</b>
<b>b.</b>	Residential and Single Access Streets	8% (Ten percent (10%) for up to 200 feet if approved by the Board.)	1%
<b>c.</b>	Collector Streets	7%	1%
<b>d.</b>	Driveway entrances within street rights-of-way	4%	1%
<b>e.</b>	Intersections.	4%	1%
<b>f.</b>	Private driveways	10%	

- E. Street Right-of-way, Paving and Shoulder Widths. The minimum widths of rights-of-way, cartway, and shoulders shall not be less than those widths of an existing street of which a new street is to be a continuation, but in no case less than the widths set forth below:

- (1) Minimum Width of Right-of-Way, Paving and Shoulders.

		<b>Right-of-Way</b>	<b>Cartway</b>	<b>Shoulders (each)</b>
1	<b>Streets</b>			
	A. Arterial Street	PennDot Standard	PennDot Standard	PennDot Standard
	B. Collector Street	60ft	24ft	10 ft
	C. Residential Street	50ft	24ft	10 ft
2	<b>Single Access</b> (cul-de-sac)	50ft	24ft	10 ft
3	<b>Private Driveway</b> (One-way not more than one/lot)	As required	10-12ft	Four (4) feet for driveway exceeding 100 ft in length.

- (2) Additional right-of-way, shoulder, and cartway widths may be required by the Board for the following purposes:

- (a) To promote public safety and convenience;
- (b) To provide parking space in commercial districts and in areas of high-density residential development;
- (c) To provide for turning movements, as needed; and
- (d) To accommodate special topographic circumstances which may result in cut/fill slopes extending beyond the standard right-of-way in all circumstances to assure accessibility for maintenance and operations; and
- (e) To provide for proper drainage and snow removal.

- (3) Rights-of-way of lesser width than prescribed in this section shall not be permitted.

- (4) Subdivision and land developments abutting existing streets shall provide the minimum right-of-way widths for those streets in accordance with the provisions of this section for dedication.

- (5) Where a subdivision or land development abuts an existing street with a cartway or right-of-way width or alignment, which is insufficient and/or does not otherwise comply with the provisions of this Ordinance, the Board, to the extent permitted by law, shall require the dedication of land sufficient to widen the street, construct a shoulder, or correct the alignment, and shall further require the escrow of funds where deemed necessary in order to improve said cartway and its appurtenances.
- (6) Proper sight lines shall be maintained at the intersections of all streets. A required clear sight triangle shall be measured along the center lines of intersecting streets to a point seventy-five feet (75') from the center of intersection where a street is controlled by a stop sign and to a point two hundred feet (200') from the center of intersection on all other streets. At the discretion of the Board, a clear sight triangle of seventy-five feet (75') may be required at the intersection of potentially dangerous or hazardous intersections of private driveways with any public street or road.
- (7) All driveways must be designed and construction must be paved from the cartway to a minimum of twenty-five (25) feet of paved material past the designated right-of-way for erosion control.

E. Intersections (Streets).

- (1) No more than two streets shall cross at the same point.
- (2) Right angle (90°) intersections shall be used whenever practical, especially when collector or residential streets empty into major collector or arterial streets. There shall be no intersection created with an angle of less than seventy-five degrees (75°), or more than one hundred and five degrees (105°).
- (3) Right-of-Way. Wherever practicable right-of-way lines shall intersect at ninety degrees (90°), but in no case less than seventy-five degrees (75°), and shall be rounded by a tangential arc having a minimum radius of thirty feet (30').
- (4) Curbs. When curbs are required, curb radii shall be either concentric with rights-of-way radii or shall conform with the minimum edge of pavement curve radii as defined in this Ordinance, and the grid lines of such curb shall meet at a common point of elevation if projected.
- (5) Grade. The intersection area and approach areas, within one hundred feet (100') of the center of the intersection, shall be designed with a relatively flat grade; the maximum grade on the approach leg shall not exceed two percent (2%) where practical but may average four percent (4%) in difficult terrain. Where the potential for hazardous conditions caused by ice and snow exist due to shaded conditions or northern exposures, the desirable grade on the approach leg should be one percent (1%), but in no case shall exceed two percent (2%) where practical.
- (6) To the fullest extent possible, intersections with arterial and collector streets shall be located not less than one thousand feet (1,000') apart, measured centerline to centerline. Exceptions shall be those cases deemed by the Board to require close spacing without endangering the safety of the public.
- (7) Streets entering from opposite sides of another street shall either be directly across from each other or offset by at least one hundred and fifty feet (150') for residential and collector streets, and three hundred feet (300') on arterial streets, measured centerline to centerline.

(8) Intersection Design. The minimum edge of pavement for intersections shall be designed according to the following standards:

	<b>Residential, Collector and, Single Access Streets</b>	<b>Simple</b>	<b>Arterial Streets</b>	<b>Curve Radius with Taper</b>
<u>Angle of Turn</u>	<u>Simple Curve Radius (ft.)</u>	<u>Radius</u>	<u>Offset</u>	<u>Taper (Ft:ft)</u>
60 or 120	40	95'	3.0	15:1
75 or 105	35	65'	3.0	15:1
90	30	60'	4.0	15:1

(9) Safe Sight Stopping Distance. A safe sight stopping distance shall be provided at all new street and driveway intersections. No wall, fence, tree, building, other structure or vegetation, or any other obstruction whatsoever, shall be erected, planted, altered and/or maintained, in this area which obstructs, or may ultimately obstruct, sight in accordance with the following standards.

(a) Safe sight stopping distance shall be measured from a point in the minor road or driveway at least ten feet (10') from the edge of the major road pavement and measured from a height of eye at 3.5 feet on the minor road to a height of object at 3.5 feet on the major road. Sight distance at intersections shall be provided in accordance with the following standards:

	<b>Existing Road Design Speed (mph)</b>	<b>Safe Intersection Sight Distance</b>
(1)	55	845
(2)	45	635
(3)	35	440
(4)	25	250

(b) The Board upon recommendation of the Township Engineer, may allow modifications to the foregoing standards, provided the applicant demonstrates that the standards cannot be achieved and the applicant agrees to install traffic control devices to mitigate the lack of adequate sight distance.

F. Single Access Streets, (Cul-de-Sac and Loop Roads).

(1) General Requirements.

(a) A single access street shall not be more than one thousand feet (1,000') long and shall not furnish access to more than twenty (20) dwelling units unless clearly impractical due to tract dimensions or topography. The measurement of said length shall be taken between the end of the street or turnaround and the edge of the cartway of the through street to which it connects. The Board may allow additional dwelling units to be served by the street or an extension of the street length beyond the aforesaid maximum requirements upon the recommendation of the Planning Commission and after consideration of the feasibility of a through street, the land uses adjacent to the parcel, lot dimensions, topography and drainage.

(b) The Board may, upon recommendation by the Planning Commission, require the following for single access streets:

(i) Provision of constructed street stub(s) extending to the end of the tract where appropriate to provide future connection with adjoining lands.

- (ii) Provision of emergency access designed to the satisfaction of the Supervisors.
  - (iii) Right-of-way for future interconnection.
  - (c) The Supervisors may require, as a condition of approval and to be noted on the plan of record, that parcels with access only by a single access street which are capable of further subdivision or land development under current zoning regulations, shall not be further subdivided and/or developed until the single access street becomes a through street.
  - (d) Any single access street shall have no less than two hundred fifty (250) linear feet of cartway if it is to be offered for dedication as a public street.
- (2) Cul-de-Sacs
- (a) All standards for single access streets shall apply to cul-de-sacs.
  - (b) Upon recommendation by the Planning Commission and when required by the Supervisors, the turnaround of a cul-de-sac shall extend to the boundary of the tract. The Planning Commission shall consider the existing or proposed land uses of adjoining lands and the topography, drainage and other site characteristics affecting the cul-de-sac design.
  - (c) Any cul-de-sac street serving more than two (2) families shall be provided with a vehicular turnaround having a minimum diameter, or a minimum side if square, of one hundred feet (100') for the right-of-way and eighty feet (80') for the cartway.
  - (d) Dead-end streets are prohibited unless designed as permanent cul-de-sac streets in accordance with the provisions of this Ordinance.
  - (e) Whenever a future extension of the cul-de-sac is found to be practical by the Supervisors and Planning Commission, a fifty-foot (50') wide easement, extending from the cul-de-sac to an adjacent property line, shall be provided with an offer of dedication thereof, to the extent permitted by law, to allow such extension.
  - (f) Drainage of cul-de-sac streets shall preferably be towards the open end.
  - (g) The centerline grade on a cul-de-sac street shall not exceed eight percent (8%) and the grade of the diameter of the turnaround shall not exceed four percent (4%).
  - (h) Temporary Cul-de-Sac. Where streets are temporarily terminated at a property line or phase line with a temporary vehicular turnaround, thus forming a cul-de-sac until such time as such street is extended, all regulations pertaining to cul-de-sac streets shall apply, except that the temporary cartway turnaround need not be curbed.

G. Construction of Paving. All street paving must conform to the specifications incorporated in this section and the applicable requirements of the Pennsylvania Department of Transportation Specifications, Publication 408 as most recently published, and shall be approved by the Township Engineer prior to acceptance by the Board. All design standards, including but not limited to grades, horizontal curves, vertical curves, intersections, sight distances, and tangents shall conform to the requirements established by this Ordinance and shall be subject to the approval of the Township Engineer.

Street paving shall have a minimum total compacted depth of ten inches, consisting of a 2-inch subbase of 2A type "C" stone, a 5-inch bituminous concrete base course, and a 3-inch bituminous surface course Superpave 9.5 mm.

- (1) Subgrade. Wherever practical, the subgrade shall be in cut, or undisturbed subsoil, and in no case shall the subgrade be made of filled or undisturbed topsoil or frozen soils. All deleterious material such as tree roots, leaves, branches, trash, stones exceeding six inches (6") in diameter, and miscellaneous construction debris shall be removed from the subgrade. Compaction shall be accomplished by sheep's-foot, smooth wheel, or rubber tired roller, at the discretion of the Township Engineer. Subgrade shall be compacted to a minimum of ninety-five percent (95%) of its determined density, tight and dry, and shall not be soft and spongy under the roller. Compaction of the subgrade shall exceed by eight inches (8") the full width of the cartway, including the width to be occupied by shoulders. The required road crown shall be built into the shaped subgrade.
- (2) After the excavation for rough grading has been performed and all drains have been constructed, the subgrade shall be fine graded and shaped to the proper cross-section. It shall be brought to a firm unyielding surface by rolling the entire area with an approved three-wheel power roller having a metal weight of not less than ten tons. Solid rock, boulders, soft clay and all spongy material which will not consolidate under the roller shall be removed from the subgrade to a depth to be determined by the Township Engineer or other person designated by the Township Supervisors. The space shall be filled with suitable material from the excavation and the subgrade rerolled until it presents a smooth and firm surface of the proper shape and cross-section.
- (3) Screenings. Before placement of the base course, the subgrade shall be covered with a cushion course of sand, stone screenings or cinders, at the discretion of the Township Engineer and meeting the requirements of PennDOT Publication 408.A, No. 10, of fine material and having a minimum thickness of two inches (2") after placement. Compaction of screenings layer is not required.
- (4) Subbase. The subbase shall be a 2A Type "C" stone placed to a compacted thickness of two inches (2"). The subbase shall be solidly compacted to a firm and unyielding surface by rolling the entire area with a ten-ton, or larger, power roller and shall extend in width eight inches (8") beyond the width of finished surface course paving. Subbase will be checked by the Engineer for lines, grade, crown and contour before any succeeding courses are placed. Proper compaction will be determined by the Engineer based on non-movement of the material under the specified compaction equipment.
- (5) Bituminous Concrete Base Course.
  - (a) The bituminous concrete base course shall have a compacted thickness of six (6) inches and shall extend in width eight inches beyond the width of finished surface course paving. It shall be mixed, delivered, placed and protected in accordance with the requirements of Pennsylvania Department of Transportation Specifications, Form 408, as revised. The base course shall be primed with PA DL-2 bituminous material. The amount of primer required shall be determined by the Township Engineer. The priming of the base course shall be allowed to cure for a minimum of forty-eight hours (weather permitting) before the surface course is applied. No traffic shall be permitted to travel over the base course during the curing period.
  - (b) Base course
    - (i) Base course shall consist of five (5") inches of 3A aggregate premixed at the plant to be applied in two lifts and rolled uniformly and thoroughly with a ten-ton vibratory roller or its equivalent. Rolling shall continue until the material does not creep or wave ahead of the roller wheels. Base and subbase shall be six (6") inches wider on each side than finished macadam cartway expect when curbs are installed.
    - (ii) After compaction of the above alternative base stone, five (5") inches of bituminous concrete base course shall be applied in two lifts which shall be thoroughly rolled and does not exhibit any creep ahead of the roller wheels. The second lift of the BCBC may be utilized as a binder course when additional asphalt is added at the plant. When this option is used, the normal binder course may be eliminated and a one and one-half (1/2") inch wearing course applied composed of ID-2A.

- (6) Pavement shall consist of minimum of 4 ½” inches of Superpave PG 64-22 25mm binder course and 1 1/2” Superpave PG 64-22 wearing 9.5mm or the latest material specification as approved by the Pennsylvania Department of Transportation. All construction and materials shall conform to the requirements of PennDOT Publication 408, as amended from time to time.
- (7) All wearing courses shall be sealed to the concrete curb (if required) with a one-foot (1') wide Grade BM-1 or A-1 bituminous gutter seal (where applicable).
- (8) Duplicate delivery slips for all materials will be required. These slips will become the property of West Nantmeal Township.
- (9) Crown. All Township roads shall have a crown of one-quarter inch (1/4") per foot sloping away from the centerline unless otherwise directed by PennDOT or the Township Engineer. Crown board and straight edge shall be used for checking street construction. Maximum tolerance shall not exceed one-quarter inch (1/4") in the finished surface.
- (10) Shoulders. Earth shoulders, ten (10) feet wide shall be graded having a cross slope of three quarters (3/4) of an inch per foot away from the edge of pavement. Supporting shoulder shall be constructed on all sections or projects where a base course of pavement is to be constructed without other permanent support along the sides. All shoulder shall be thoroughly compacted and graded to provide drainage from the macadam surface. Where concrete curbing has been waived by the Board and is not to be constructed, shoulders are to be constructed adjacent to the paving of the proposed road. The width and type of construction, grade, and construction methods of these shoulders is to be determined by or must meet the approval of the Township Engineer or other person designated by the Board.
- (11) Finished Grading of Streets. The finished grading for a street or cul-de-sac shall extend the full width of the required right-of-way. The maximum slope between the right-of-way line and top of curb shall be three quarters of an inch (3/4") per foot, unless otherwise directed by the Board.
- (12) Seeding. All unpaved areas between the street line and the curb or shoulders (as the case may be) shall be covered with not less than four inches (4") of topsoil, fertilized, seeded, and mulched in manner and materials approved by the Board.
- (13) Failure to adhere to the above specifications shall give the Board cause to refuse to accept streets for dedication.

### **Section 613: Curbing Construction**

Approved type of curbs meeting A.D.A. requirements shall be required on all streets and/or at other locations deemed necessary by the Board. Rolled concrete curb and gutters or battered face curbs, shall be constructed in accordance with the following:

- A. Curbing shall be rolled curb-and-gutter type [except on streets where grade exceeds six percent (6%)] for all residential, collector, and single access streets. For any street with grades exceeding six (6%) percent, an 18” vertical curb with a 7” reveal shall be formed in place. No precast curbing shall be permitted. The transition from one type of curb to another shall be made only at a street intersection.
- B. Concrete for curb construction shall be plant mix certified to three thousand (3,000) pounds per square inch at twenty-eight (28) days.
- C. Depressed curbs at driveways shall be between one and one-half inches (1-1/2") above the finished street surface. Pipes, grates, wood planks or other materials shall not be placed in the gutter to form a driveway ramp.
- D. Where it is necessary to replace existing vertical curbs with depressed curbing, two ten-foot (10') long sections of existing curb shall be removed down to the subgrade without disturbing the adjacent cartway paving. The

depressed curb shall then be formed and poured in place. Any portions of the cartway disturbed during curbing removal or installation shall be repaired to new condition.

- E. When curbing must be cut for depressed curb installation, the length of the remaining section shall be no less than four feet (4') between expansion joints and the cut shall be made in a neat manner with a power saw equipped with a proper masonry cutting blade.
- F. Any depressed curb sections that are unused when a subdivision or land development or phase of a subdivision or land development is completed, shall be completely removed and replaced with full section upright curbing to line and grade of adjacent curbing. Forming and pouring vertical curbing on top of an existing curb depression shall not be permitted.

#### **Section 614: Sidewalks**

- A. Criteria. Paved sidewalks meeting ANSI A117.1, or successor standards adopted by the Commonwealth shall be provided when recommended by the Township Planning Commission and required by the Board of Supervisors in the following circumstances: (i) on at least one (1) side of all collector streets; (ii) within a subdivision or land development; (iii) on all streets within one thousand feet (1,000') of and leading to a school; and (iv) at such other locations deemed by the Board to be necessary for the safety and convenience of the public.
- B. Location. Paved sidewalks shall be placed within the street right-of-way parallel to and three feet (3') from the street line. Gradient and paving of sidewalks shall be continuous across all private driveways. Sidewalks shall be maintained by the abutting property owner.
- C. Construction. Where required, sidewalks shall not be less than four feet (4') in width and four inches (4") in thickness, except for crossing driveways where the minimum thickness shall be eight inches (8") and shall be constructed of plant mix certified to three thousand (3,000) pounds per square inch at twenty-eight (28) days.
- D. Curb ramps are required at street intersections and as recommended by the Township Planning Commission or Board. The grade and construction of curb ramps shall be in compliance with the current PennDOT standards.

#### **Section 615: Bridges and Culverts**

Bridges and culverts and other water obstructions shall be designed in accordance with the regulations of West Nantmeal Township and shall meet the requirements and approval of the Township Engineer with regard to adequacy and location. Whenever required, a permit for such bridges, culverts and other water obstructions shall be obtained from the Pennsylvania Department of Environmental Protection and submitted to the Board who shall make appropriate notation of receipt of same upon and prior to approval of the final plan. In no case shall a bridge, culvert or other water obstruction reduce the effective width of the cartway.

#### **Section 616: Access Design**

To minimize traffic congestion and hazard, control street access and encourage orderly development of street or highway frontage, the following regulations shall apply:

- A. General
  - (1) Lots which abut two or more streets shall have direct access only to a street of lesser functional classification.
  - (2) All vehicular access points to any street shall be located at least one hundred feet (100') from any intersection of a street, measured from centerline to centerline, except for commercial uses on corner lots as provided for in this Section.

- (3) Driveways on residential corner lots shall be no closer than forty feet (40') to the point of radius of the curb at the corner.
- (4) Each proposed non-residential use with less than one hundred feet (100') of frontage on any one street shall have only one access to that street; and no non-residential use with one hundred feet (100') or more of frontage on any one street shall have more than two (2) accessways to that street for each four hundred feet (400') of street frontage.
- (5) A common access point for two (2) or more commercial or industrial uses is encouraged where practical to minimize vehicular access points along streets other than rural and residential streets. Common access points, where permitted, shall be in accordance with this Ordinance.
- (6) Provision shall be made for safe and efficient ingress and egress to and from public streets, without undue congestion or interference with normal traffic flow within the Township.
- (7) The applicant shall be responsible for the design and construction, including costs thereof, of any necessary traffic control devices and highway modifications required by the Board or the Pennsylvania Department of Transportation.
- (8) All driveways shall be paved for the first twenty feet (20') from the right of way.

B. Access Design for Multi-Family, Commercial and Industrial Uses. Where any proposed subdivision or land development for multi-family dwellings, townhouses, mobile home park, shopping center, or industrial or commercial uses propose vehicular access to and from an arterial or collector street, all vehicular entrances and exits shall be provided with deceleration and acceleration lanes as approved by the Board and/or the Pennsylvania Department of Transportation. In no event shall vehicles be permitted to back directly into any street from an off-street parking area. Interior drives for such uses shall be in accordance with this Ordinance.

C. Access Design for Single-Family Use.

(1) Driveways for Single-Family Residences.

- (a) Private driveways on corner lots shall be located at least forty feet (40') from the point of intersection of the nearest street right-of-way lines.
- (b) In order to provide a safe and convenient means of access, grades on private driveways should not exceed six percent (6%), unless specifically authorized by the Board, and in no case shall the grade exceed four percent (4%) for the first thirty feet (30') of driveway as measured from the road cartway.
- (c) Safe Sight Stopping Distance must be measured from a point on the driveway ten feet (10') from the edge of the public road cartway upon which the driveway opens and meet the standards in this Ordinance.
- (d) In order to provide safe and convenient ingress and egress, private driveway entrances shall be rounded at a minimum radius of five feet (5'), or shall have a flare constructed that is equivalent to this radius, at the point of intersection with the cartway edge (curb line).

(2) Driveways for Multiple Residences

- (a) Privately-owned (undedicated) driveways shall be permitted to provide access to not more than two single-family dwellings. However, in unusual circumstances, the Board may approve, in writing, the design of a portion of a subdivision in which up to four (4) single-family dwellings may be served by a private driveway. In such event, the paving width, thickness and intersection details must be approved by the Township Engineer.



- (b) Driveways for two or more residences will require a recorded access easement and maintenance agreement to be reviewed and approved by the Township.

(3) Private Streets

The Board shall have the sole authority in unusual circumstances to approve private streets intended for the use of more than two (2) families in a subdivision or land development, or in a commercial development where usage by the occupants requires a private street. Such driveways shall be privately owned, and the Township shall have no maintenance obligation with respect thereto; maintenance in such case shall be the responsibility of a single person or entity, such as the landlord, or a homeowners' association or similar large association. Such responsibility shall not be fragmented among co-owners or easement right owners.

Construction specifications for private streets, shall conform to the same standards, for public streets.

**Section 617: Interior Circulation Design**

The following regulations shall apply to all uses except single-family detached dwellings, unless otherwise specified.

A. Design of Access Aisles and Drives.

- (1) Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery, and other service vehicles, and areas for the use of automobile parking or pedestrian ways, shall be arranged as to prevent blocking or interfering with accessways and shall have adequate turnaround surface so egress to the street is in a forward direction.
- (2) Accessways, parking areas and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers, and landscaped islands so that operators of vehicles intending to use such accessway areas and loading areas shall not impede traffic as a result of any confusion as to the location of entrances and exits and manner of reaching them.
  - (a) To assist in traffic channelization, islands shall be placed at the ends of parking bays so that the end of the bay adjacent to a driving aisle or ring road is clearly delineated. Such islands shall be landscaped, but shall be designed so as not to impair visibility needed for traffic flow and turning movements.
  - (b) Traffic channelization shall be planned in such a way that a main driving aisle, from which vehicles can flow off the street and into the site and parking bays, is remote from the primary building(s) so as to avoid traffic conflicts in front of the primary building(s).
  - (c) Parking areas shall be designed so that a vehicle within a parking area will not have to enter a street to move from one location to any other location within a parking lot. Adequate turnaround surface shall be provided so that egress to the street is in a forward direction.
- (3) All interior drives and accessways shall be paved with an approved all-weather surface, and shall be graded, properly drained and maintained in good condition. Interior drives shall have a maximum grade of four percent (4%), measured along the centerline, for a distance of not less than fifty feet (50') from the street right-of-way. Beyond that point, interior roads and drives shall have a maximum grade of six percent (6%).
- (4) Minimum Interior Drive Cartway Widths (with no abutting parking).

Use	Two Lane Two-Way Drives	One Lane One-Way Drives
Multi-Family	24 feet	15 feet
Commercial/Office	24 feet	15 feet

Industrial		24 feet	15 feet
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- (5) Common or shared access driveways to parking and loading areas are encouraged for commercial, office, and industrial uses, provided that the landowners involved submit a site plan and agreement that designates an access easement for all parcels involved and which specifies shares of ownership and maintenance responsibilities corresponding to each lot.

**Section 618: Mail Box Positions**

- A. In any residential subdivision in which a single or split driveway access is proposed to serve two or more single family residential units (shared driveway), the mailboxes serving the residences shall share a single position and shall be installed and permanently maintained together in one location.
- B. All mailboxes shall be set back from the paved cartway surface of the public or private street a minimum distance of 2 feet measured from the leading edge of the mailbox. The post supporting the mailbox shall in no event be closer than 3 feet from the paved cartway surface. A paved blacktop pull-off area shall be provided and maintained directly in front of each such mailbox position between the cartway and the mailbox.

## ***Article 7: Regulations for Manufactured Home Parks***

### **Section 701: Purpose**

In accordance with the provisions of the MPC separate provisions regulating and controlling the design, construction, and operation of manufactured home parks are herein incorporated within this Ordinance.

### **Section 702: General Requirements**

The following general requirements shall apply to any manufactured home park:

- A. A manufactured home park shall be permitted as a conditional use within the C-1 Village Commercial Zoning District per Section 611 of the Zoning Ordinance of West Nantmeal Township, as amended.
- B. The definitions contained within the West Nantmeal Township Zoning Ordinance, and this Ordinance shall apply to any permitted manufactured home park. If conflicts exist between such ordinances, the most stringent interpretation of such definitions shall apply.
- C. The application procedures for review and approval of a manufactured home park shall be in accordance with Article III of this Ordinance. Each manufactured home park or portion thereof proposed shall be submitted as a major land development plan meeting all requirements of Article III herein, and all other applicable articles of this Ordinance.
- D. The land development plan for each manufactured home park shall meet all requirements of Article IV, Plan Content, of this Ordinance with the exceptions that:
  - (1) All land within a manufactured home park shall remain in single ownership and lots shall not be designed for fee simple conveyance;
  - (2) All streets within a manufactured home park shall be private and shall not be offered for dedication to West Nantmeal Township;
  - (3) Land development agreements and performance guarantees shall be applicable to all private facilities (roads, utilities, drainage facilities, sidewalks, sanitary sewage facilities, etc.) and may be released in accordance with procedures specified in this Ordinance.
- E. The General Design Standards contained in Article VI of this Ordinance shall be applicable to each manufactured home park unless specifically modified within this Article.

### **Section 703: Specific Design Requirements**

- A. Each manufactured home park shall meet the following requirements:
  - (1) No unit can have direct access to a public street or road.
  - (2) Fuel Supply and Storage
    - (a) Liquefied Petroleum Gas Systems - The design, installation, construction, and maintenance of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to provisions of Act of December 27, 1951, P.L. 1793, as amended, and to the regulations promulgated pursuant thereto by the Pennsylvania Department of Labor and Industry, its successor, or other governmental agency having jurisdiction thereof.

(b) Fuel Oil Supply Systems

- (1) All fuel oil supply systems provided for manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the Township Building Code, other Township Ordinances or state regulations of the ordinance.
- (2) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be securely, but not permanently, fastened in place.
- (3) All fuel oil supply systems provided for manufactured homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.
- (4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any manufactured home exit, and not less than three (3) feet from any window.
- (5) Storage tanks located in areas subject to traffic shall be protected against physical damage and screened from the street.

(3) Fire hydrants shall be located within 600 feet of each manufactured home.

B. Each manufactured home site, pad or lot shall be provided with the following:

- (1) Off-street parking for at least two (2) motor vehicles shall be provided at each manufactured home site. Each parking stall shall be at least ten (10) feet by twenty (20) feet and shall be of either gravel or macadam construction. In addition to the requirements of the Zoning Ordinance, common parking (off-street) shall be provided at the rate of one (1) space for each two (2) manufactured home units.
- (2) Off-street parking shall be prohibited on internal roads and it shall be the duty of the owner or operator of the manufactured home park to enforce this provision.
- (3) All manufactured home parks shall provide safe, convenient, asphalt or concrete pedestrian walkways at least four (4) feet in width as common walks connecting to a paved street and connecting the park streets and all community facilities provided for park residents.
- (4) Illumination of Streets. All manufactured home park lots shall be furnished with lighting fixtures so spaced and so equipped with luminaries as will provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians, at night.

C. The street system within a manufactured home park shall consist only of private streets, as follows:

- (1) The entrance roads or area connecting the park with a public street or road shall have a minimum pavement width of thirty-six (36) feet for a depth of at least one hundred (100) feet from the public street or road.
- (2) The Board may modify the fifty (50) foot right-of-way requirement and the cartway width requirement based upon the needs of the manufactured home park. Such standards may be modified, but in no case will paved road widths be less than twenty-four (24) feet plus curb widths and sidewalks.
- (3) Curbs, gutters, and sidewalks (parallel to streets) may be required or waived depending upon the needs of the manufactured home park, including drainage and safety considerations.

## ***Article 8: Administration***

### **Section 801: Enforcement**

Inspection revealing non-compliance with plans submitted under the provisions of this Ordinance, including, without limitation, conservation plan measures for erosion and sedimentation, and/or non-compliance with applicable agreements, including, without limitation, the Land Development Improvements Agreement, shall be sufficient grounds for the suspension and/or revocation of building and/or other permits by the Township until correction thereof and/or imposition of such other penalties and/or pursuit of such other remedies, including, without limitation, injunction relief, as may be provided by this Ordinance or otherwise by law.

### **Section 802: Filing Fees**

Upon and together with the filing of an application for approval of a subdivision and land development plan, the applicant shall pay to the Township Secretary, to the use of the Township, such filing fees, based upon and in accordance with a schedule as shall be established from time to time by resolution of the Board, to defray the administration costs and expenses of the Township in processing the application.

### **Section 803: Reimbursement of Professionals Review and Inspection Costs**

- A. Review fees incurred by the Township to to review a subdivision and land development plan shall be charged to and paid by the applicant. Review fees shall include necessary and reasonable fees and costs charged by the Township Engineer, Township Solicitor, and/or such other professional consultants as may be engaged by the Township for review of the application and report thereon to the Township. The need for such review and report, and the selection of the consultants to perform the same, shall be determined in the sole discretion of the Board.
- B. Review fees shall be based upon a schedule established from time to time by resolution of the Board. Such review fees shall be reasonable and in accordance with ordinary and customary charges by the Township Engineer, Township Solicitor, and/or such other professional consultant for similar service in the community, but in no event shall the review fees exceed the rate or cost charged by the Township Engineer, Township Solicitor, and/or other professional consultant to the Township when fees or costs are not reimbursed by or otherwise imposed upon the applicant.
- C. The applicant, at such times as hereinafter provided, shall be required to deposit with the Township, in cash funds to be held in escrow by the Township for the exclusive use of the Township to draw upon, at its sole order, for purposes of reimbursement to itself in paying review fees, in accordance with the regulations herein.
- D. The initial cash deposit shall be made at the time of the filing of the application for approval of the subdivision and land development and shall be in addition to the applicable filing fee. The amount of the initial deposit shall be based upon and in accordance with a schedule established from time to time by resolution of the Board.
  - (1) Upon incurring or receiving a statement for review fees, the Township shall bill the applicant. To the extent that the applicant does not timely and properly dispute the invoiced review fees, according to the guidelines of the MPC, the Township may draw upon the escrow deposit as may be necessary to either reimburse itself or pay, as the case may be, the amount of the fees or part thereof.
  - (2) To the extent that no other sums are due and owing the Township by the applicant in connection with the subdivision or land development, any portion of the escrow deposit, which remains after all review fees have been fully reimbursed to or paid by the Township there from, shall be refunded to the applicant.
  - (3) In the event that the applicant disputes the amount of any review fees billed by invoice of the Township, then the Township and the applicant shall follow the procedures for dispute resolution set forth in the MPC, as amended.

### **Section 804: Material Test Costs**

The applicant shall pay to the Township, upon invoice rendered by the Township, the actual cost to the Township of the material test costs or the other fees and costs as reasonably estimated by the Township Engineer, in its sole discretion, to be necessary or desirable in connection with the review, inspection and/or approval of any subdivision and/or land development plan and/or the improvements required and/or proposed therein.

### **Section 805: Other Fees and Costs**

The applicant shall pay to the Township, upon invoice rendered by the Township, all fees and costs incurred by the Township in or for the preparation, recording and/or filing of any subdivision/ land development improvement agreement, improvement guaranty, maintenance bond, escrow agreement, deed of dedication and/or such other instrument as may be deemed necessary or desirable by the Board, in its sole discretion, in connection with the review, approval, inspection, construction, and/or completion of subdivision or land development, including plans therefor, applications for approval thereof, and improvements required or proposed therein.

### **Section 806: Failure to Pay or Deposit Fees and Costs**

- A. No application for approval of a subdivision or land development plan shall be complete, considered filed, or considered as accepted by the Township until all filing fees have been fully paid and the initial deposit for review fees has been fully made, and until the other requirements of this Ordinance have been fully satisfied.
- B. The final plans for an approved subdivision or land development shall not be released for recording until such time as the applicant has reimbursed the Township for all fees incurred by the Township pursuant to this Article 8.

### **Section 807: Penalties and Remedies**

#### A. Preventive Remedies.

- (1) 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 or land development of real property in violation of this Ordinance.

#### B. Enforcement Remedies.

- (1) Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice 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 such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each date that a violation continues shall constitute a separate violation.
- (2) The Court of Common Pleas of Chester County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

C. Jurisdiction. District Justices shall have initial jurisdiction in enforcement proceedings brought under the regulations of this Ordinance.

**Section 809: Appeals**

Appeals from decisions and other actions of the Board with respect to any application for subdivision or land development approval shall be governed by the provisions of the MPC.

**Section 810: Amendments**

Power to Amend. This Ordinance may from time to time be amended by the Board, in accordance with the provisions of the MPC, as amended.

**Section 811: Flood Plain Permits; Protection; Liability**

The grant of a permit or approval of a plan for any proposed subdivision and/or land development located within any designated flood plain district shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.