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ARTICLE 100  
General Provisions

§ 174-101. Title.

This chapter shall be known and cited as the "Marshall TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance."

§ 174-102. Purpose.

- A. The purposes of this chapter are to establish provisions for the submittal, processing and specifications of plats, including provisions for preliminary and final approval and for processing of final approval by stages or sections of development; to assure that the layout or arrangement of the SUBDIVISION or LAND DEVELOPMENT shall conform to the intent of the COMPREHENSIVE PLAN and to any regulations or maps adopted in furtherance thereof; to assure that STREETS in and bordering a SUBDIVISION or LAND DEVELOPMENT shall be coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection; to assure that adequate EASEMENTS or rights-of-way shall be provided for DRAINAGE and utilities; to assure that an area designed for use as public ground shall be a suitable size and location for its designated uses; and to assure that land which is subject to flooding, subsidence or underground fires shall either be made safe for the proposed use of this land or shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- B. Additional purposes are to assure that STREETS shall be graded and improved and walkways, curbs, gutters, streetlights, fire hydrants, water and sewer facilities and other improvements shall be installed in an acceptable manner.
- C. A further purpose shall be to encourage and promote flexibility and ingenuity in the layout and design of SUBDIVISIONS and LAND DEVELOPMENT.

§ 174-103. REPEALS.

- A. Upon the adoption of these regulations according to law, the SUBDIVISION Regulations of the TOWNSHIP of Marshall adopted as Ordinance #---, -----, 19-- , as amended, are hereby repealed.

§ 174-104. AUTHORITY AND ADMINISTRATION.

- A. Authority. The Pennsylvania MUNICIPALITIES PLANNING CODE (MPC), Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53, P.S. 10101 et seq. ("MPC") enables and authorizes governing bodies of municipalities to enact a SUBDIVISION AND LAND DEVELOPMENT ORDINANCE to regulate SUBDIVISIONS and LAND DEVELOPMENTS situated within the TOWNSHIP.
- B. The PLANNING COMMISSION is hereby designated as the reviewing authority of and for the BOARD OF SUPERVISORS OF MARSHALL TOWNSHIP, and is charged with the duty of making investigations, REPORTS and recommendations on the design and improvement of proposed SUBDIVISIONS and LAND DEVELOPMENTS; and shall submit such REPORTS and recommendations to the BOARD OF SUPERVISORS for action on the APPLICATION.

§ 174-105. SEVERABILITY.

- A. Should any section or provision of this ORDINANCE be declared by a court of competent jurisdiction to be unconstitutional or invalid, such DECISION shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 200  
Administration  
**[Repealed and Replaced 5/12/2008 by Ord. No. 390]**

§ 174-201. SUBDIVISION and LAND DEVELOPMENT - General Requirements.

SUBDIVISION and LAND DEVELOPMENT plans shall be reviewed by the PLANNING COMMISSION and shall be approved or disapproved by the BOARD in accordance with the procedures specified in this and other sections of this Chapter and in Article V of the MPC, as amended.

- A. Objectives. In all cases where this Chapter requires approval of a SUBDIVISION or LAND DEVELOPMENT plan, the BOARD and PLANNING COMMISSION shall take into consideration public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the proposed development and immediate neighborhood in particular and may prescribe such appropriate conditions and safeguards as may be required in order that the result of its actions shall, to the maximum extent possible, further the public interest in general and the accomplishment of the objectives set forth hereinbefore in particular.
- B. Zoning regulations. Those procedures and requirements set forth in the TOWNSHIP ZONING ORDINANCE, as amended from time to time, shall apply to all applications for SUBDIVISION and LAND DEVELOPMENT.
- C. COMPREHENSIVE PLAN. The layout or arrangement of a SUBDIVISION or LAND DEVELOPMENT shall conform to the COMPREHENSIVE PLAN and to any regulations or maps adopted in furtherance thereof.
- D. MODIFICATIONS
  - 1. If any mandatory provisions of this Chapter are shown by the APPLICANT, to the satisfaction of the BOARD, to be unreasonable, to cause undue hardship, or that an alternate standard can provide equal or better results, the BOARD may grant a modification to that provision. A modification may be granted provided it will not be contrary to public interest and provided the purpose and intent of this Chapter is maintained.
  - 2. All requests for modification shall be in writing and signed by the APPLICANT. The request shall fully state the reasons and grounds for why the provision is unreasonable or the hardship imposed, and shall discuss the minimum modification necessary.
  - 3. It is not sufficient proof of hardship to show that greater profit would result if the modification were granted. Furthermore, a hardship cannot be one personal to the APPLICANT; it must be from the application of this Chapter; it must be suffered directly by the property in question; and evidence of a modification granted under similar circumstances shall not be considered.
  - 4. The BOARD shall consider modification requests that are necessary to meet objectives of this Chapter and the COMPREHENSIVE PLAN, that encourage flexibility and creativity in design of plans to protect environmentally sensitive areas, and otherwise are consistent with the objectives of this Chapter and the COMPREHENSIVE PLAN.

5. The BOARD shall request an advisory opinion from the PLANNING DIRECTOR and the TOWNSHIP Engineer on the modification request.
6. In granting modifications, the BOARD may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.
7. The TOWNSHIP shall keep a written record of all requests for modifications.
8. If a modification is granted it shall be referenced in the conditions of approval of the plan, and shall apply only to that plan.
9. The written request for a modification shall be included in the application for development. Such request shall cite the section(s) of this Chapter to be modified, the extent of modification and the reasons for the modification.
10. Any modification thus granted shall be entered in the minutes of the BOARD setting forth the reasons which, in the opinion of the BOARD, justified the modification.
11. APPLICANTS for modifications shall be required to pay a fee as specified in the fee resolution of the TOWNSHIP.

#### E. Digital Submittals

1. All SUBDIVISION and LAND DEVELOPMENT APPLICANTS shall be required to submit a digital drawing in addition to the drawings required in other sections of this Chapter. All drawings must be provided electronically in accordance with the digital submittal requirements outlined below.
  - (a) All drawings must be in PA State plan projection, PA South Zone, NAD83 datum. Units shall be in US feet.
  - (b) All digital files submitted shall be based on accurate geometric calculations as determined by the registered land surveyor, professional engineer, architect, or landscape architect responsible for the plans.
  - (c) All coincident points on external boundaries and LOT LINES will have the same coordinate values, i.e. boundary lines will be conterminous. Boundaries and LOT LINES will be transmitted as a closed figure. For example, in DXF or DWG a boundary would be represented as one polyline rather than a series of lines, arcs and curves.
  - (d) Digital submission shall have all layers clearly and separately represented. A document shall be included with all digital submittals outline the following:
    - (i) A list of all layers used with a description of what those layers represent.
    - (ii) A list of all point files and break lines with a description of any abbreviations.
  - (e) All drawings must be submitted in AutoCAD drawing (.dwg), AutoCAD interchange

(.dxf) format, or GIS data sources (geodatabase feature class, coverage, or shapefile) on a storage medium designated by the TOWNSHIP.

2. If a digital submission is not included, the APPLICANT shall be subject to the digital submittal waiver fee, as specified in the fee resolution of the TOWNSHIP.

§174 -202. Classification of Applications.

Applications for SUBDIVISION or LAND DEVELOPMENT shall be classified based upon the following criteria and definitions, and shall be processed according to the provisions contained within this Section.

- A. MAJOR SUBDIVISIONS - A SUBDIVISION that includes one or more of the following characteristics:
  1. Multiple phasing of the plan.
  2. Containing PUBLIC IMPROVEMENTS, including one or more of the following: STREETS, storm water DETENTION and storm water retention facilities and public utilities.
  3. Containing more than four (4) LOTS.
- B. MINOR SUBDIVISIONS: A SUBDIVISION not including any of the characteristics included in the MAJOR SUBDIVISION category. In general, a MINOR SUBDIVISION involves the adjustment of LOT LINES for existing LOTS and/or the creation of new LOTS that are already serviced by a public STREET and public utilities,
- C. LAND DEVELOPMENTS: **[Amended 9-29-2008 by Ord. No. 394]**
  - (1) Any of the following activities:
    - (a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
      - [1] A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
      - [2] The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of STREETS, common areas, leaseholds, condominiums, building groups or other features.
    - (b) A SUBDIVISION of land.
  - (2) The following shall not be considered a “LAND DEVELOPMENT”:
    - (a) The conversion of an existing single-family detached DWELLING into not more than three (3) residential units, unless such units are intended to be a condominium;

- (b) The addition of an accessory building to a residential or farm use, on a lot or lots subordinate to an existing principal building; or
- (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. The exclusion shall not apply to a newly acquired parcel to be used for operating an amusement park until the initial plans for the expanded area have been approved by the Township.

D. Preliminary and final approval. The APPLICANT shall be required to submit a PRELIMINARY PLAN application for all projects categorized as a MAJOR SUBDIVISION or a LAND DEVELOPMENTS unless the APPLICANT elects to combine the preliminary and final approval procedures for one approval process by meeting submission requirements for both. Based upon the review of this submission, the PLANNING COMMISSION may recommend final approval, provided that the application meets all the prescribed requirements of this Section for granting of such approval. **[Amended 9-29-2008 by Ord. No. 394]**

E. Fast Track Approval Process – Certain SUBDIVISION and LAND DEVELOPMENT applications, see Sections 174-202.E.1 and 2, are eligible for a fast-track approval process.

Said applications shall bypass the PLANNING COMMISSION and go directly to the BOARD for approval.

1. The following SUBDIVISIONS are eligible for fast-track approval:

- (a) A lot (LOTS) consolidation (reverse SUBDIVISION).
- (b) A SUBDIVISION involving a LOT LINE change between two existing LOTS that will result in only two LOTS, where all LOTS lie within the same zoning district, where the resulting LOTS conform to ZONING ORDINANCE requirements in terms of minimum lot size and setbacks, and where the size of no lot increases or decreases by more than the minimum lot size of the respective zoning district in which it is situated.
- (c) The final SUBDIVISION of DWELLING UNIT LOTS, whether condominium or townhouse CONSTRUCTION, the finalization of which relies on as-built surveys and results in no material change. Each newly formed lot must conform to the bulk and area requirements of the zoning district in which it is situated.

2. The following LAND DEVELOPMENTS are eligible for fast-track approval:

- (a) An addition that is one thousand (1,000) square feet for less than or equal to ten (10) percent of the principal structure shown on the most recent site plan approved by the BOARD, whichever is less.
- (b) Expansion of a parking lot that is ten (10) percent or less than the parking approved through the last LAND DEVELOPMENT approved by the BOARD, where no change is proposed in terms of site access and circulation.

- (c) Revisions to the landscaping or site plan approved by the BOARD.
- 3. No application is eligible for fast-track approval if it is involved in a conditional use, does not meet the requirements of the ZONING ORDINANCE or requires a variance from the TOWNSHIP Zoning Hearing Board.
- 4. When filing the application, the APPLICANT must specify that the APPLICANT is filing for a fast-track approval.
- 5. The TOWNSHIP PLANNING DIRECTOR shall make the ultimate determination regarding whether an application is eligible for fast-track approval. If it is determined that an application is not eligible for fast-track approval, it will be forwarded to the PLANNING COMMISSION for consideration in accordance with the otherwise applicable requirements of this Chapter.
- 6. Application and Filing Requirements
  - (a) All application and filing requirements of in Sections 174-204 and 174-205 are applicable.

§ 174-203. ADVISORY MEETING SUBMISSION.

- A. APPLICANTS are encouraged to discuss SUBDIVISION or LAND DEVELOPMENT plans with the PLANNING COMMISSION prior to the formal submission of preliminary or final applications. Prior to submitting any application, the DEVELOPER may participate in an advisory meeting with the PLANNING COMMISSION held during a regular meeting of the PLANNING COMMISSION. The purpose of the advisory meeting is to review the proposed development and DEVELOPMENT SITE to identify issues which should be addressed in the application. The advisory meeting affords an opportunity to both the APPLICANT and the PLANNING COMMISSION to discuss the proposed project on an informal basis. At the advisory meeting, the APPLICANT may discuss applicable regulations governing the SUBDIVISION or LAND DEVELOPMENT of the property and the feasibility and timing of the application. PLANNING COMMISSION may comment upon the proposed application. No approval or disapproval of the application shall be given. The request for an advisory meeting shall not constitute an application and shall not trigger the required time period review as specified in the MPC. An APPLICANT desiring to participate in an advisory meeting shall submit the official form with required information submitted to the PLANNING DIRECTOR within twenty-one days of the regular PLANNING COMMISSION meeting.
- B. Procedure for Advisory Meetings. When the DEVELOPER requests an advisory meeting, copies of the proposal in a number as specified by the PLANNING DIRECTOR, and any required supplementary information, shall be submitted to the PLANNING DIRECTOR.
- C. Contents of proposal drawings. In order to facilitate productive discussion on the proposal, it is recommended that the proposal drawings be prepared on a sheet eighteen by twenty-four (18 x 24) inches minimum and shall contain the following:
  - 1. The name and address of the record owner.
  - 2. The name and address of the DEVELOPER, if different from the owner.

3. The name of the individual preparing the proposal.
4. A location map, taken from the Zoning Map, drawn at a minimum scale of one (1) inch equals twelve hundred (1,200) feet, to include the location of the proposed SUBDIVISION in relation to municipal boundaries, public STREETS, adjacent zoning districts and all properties adjoining the property being developed.
5. The North arrow, graphic scale [no greater than one (1) inch equals two hundred (200) feet] and date of drawing.
6. Approximate tract boundaries and a statement of total acreage of the tract.
7. Zoning district(s) of property and adjacent properties.
8. All contemplated land uses and approximate locations of existing buildings on the property and adjacent properties and proposed locations of all principal structures and parking area on the property.
9. Proposed STREETS, by type, and their relationships to the existing STREETS outside the site.
10. Existing rights-of-way and EASEMENTS which may affect future development.
11. Phased development. In the case of plans which call for development in stages, a map at an appropriate scale showing the successive phases shall be submitted.

D. Staff Conference. Prior to submitting any application, whether PRELIMINARY or FINAL, the APPLICANT is encouraged to attend a staff conference with the PLANNING DIRECTOR. The purpose of the staff conference is to obtain all necessary application forms, requirements and ordinance information from the TOWNSHIP prior to the APPLICANT incurring substantial expenses of SUBDIVISION or LAND DEVELOPMENT plan preparation and to determine the classification of the application, whether it be a MINOR or MAJOR SUBDIVISION or LAND DEVELOPMENT.

§ 174-204. Filing Requirements & Approval Procedures for SUBDIVISIONS and LAND DEVELOPMENTS.

- A. Filing Requirements. All applications for SUBDIVISIONS or LAND DEVELOPMENTS shall adhere to the following filing requirements:
1. All applications shall be submitted to the TOWNSHIP no later than noon twenty-one (21) calendar days prior to the first (1<sup>st</sup>) Tuesday of the month. Any applications submitted after this date shall not be considered at the following monthly meeting.
  2. Upon submission, the application shall be reviewed by the PLANNING DIRECTOR to determine its completeness. In order for an application to be determined to be complete and considered filed and placed on the PLANNING COMMISSION agenda, it shall include:
    - (a) The correct number of copies of all plats and reports, as determined by the

PLANNING DIRECTOR.

- (b) Meet all requirements for submission based on the classification of the plan. The review of the submission requirements shall not include a review of the correctness of the plan, but rather a review to determine whether the required items have been submitted.
  - (c) Include the appropriate application fee and review deposit, in accordance with the TOWNSHIP'S fee resolution.
  - (d) Include all original signatures of all property owners or agents for property owners involved in the application.
  - (e) Evidence of filing of all necessary permit applications with any regulatory agency having jurisdiction over the project.
3. OFFICIAL FILING DATE: When the PLANNING DIRECTOR'S initial review has determined that the application satisfies the requirements applicable thereto and, with the exception of SUBDIVISION or LAND DEVELOPMENT approval, is in full compliance with this Chapter, the application shall be accepted. In the event the APPLICANT'S initial submission is deemed complete, the APPLICANT'S OFFICIAL FILING DATE shall relate back to the date of said submission, and will be placed on the PLANNING COMMISSION agenda in accordance with Section 174-204.A.1.
4. If the application is determined to be incomplete, per the standards contained in Section 174-204.A.2 of this Chapter, the APPLICANT shall be notified in writing and all submitted documents shall be returned to the APPLICANT, including the application fee and review deposit, with a letter indicating that the application is being rejected as administratively incomplete and identifying the application deficiency (s). The application shall not be considered by the PLANNING COMMISSION until it is filed with all required components.
5. Applications determined to be complete shall be reviewed for compliance with all applicable TOWNSHIP ordinance requirements by the PLANNING DIRECTOR, who shall also forward copies of the application and plans to the TOWNSHIP ENGINEER and the COUNTY PLANNING AGENCY for their review comments.
- B. Approval Procedures. All applications for SUBDIVISIONS or LAND DEVELOPMENTS shall adhere to the following approval procedures.
- 1. The PLANNING DIRECTOR shall submit a report to the PLANNING COMMISSION listing any review comments and questions on the application prior to the regularly scheduled PLANNING COMMISSION meeting. A copy of this report shall also be sent to the APPLICANT.
  - 2. Consultants. In reviewing the application, the TOWNSHIP may secure the advice or

- assistance from one (1) or more expert consultants qualified to evaluate all the implications of the proposed development and advise as to any conditions and safeguards that should be prescribed to assure the fullest achievable compatibility between the proposed use, its neighborhood and the community as a whole. Such conditions and safeguards may pertain to off-site improvements when deemed necessary for the public health, safety and welfare.
3. After presentation of the application at its meeting by the APPLICANT, the PLANNING COMMISSION shall forward its recommendations in writing to the BOARD and the APPLICANT. Any plan recommended with conditions shall include a listing of those conditions. In cases of a recommendation for denial, the PLANNING COMMISSION shall cite the section(s) of relevant TOWNSHIP ordinances and the other applicable governmental ordinances, statutes, regulations, codes or other authority.
  4. Public hearing. Before acting on any application, the BOARD may hold a public hearing after public notice.
  5. The BOARD shall render its decision to approve, approve with conditions, or deny the application, taking into consideration the recommendations of the PLANNING COMMISSION and the COUNTY PLANNING AGENCY.
  6. The decision of the BOARD shall be in writing and shall be communicated to the APPLICANT personally or mailed to the APPLICANT at the APPLICANT'S last known address not later than fifteen (15) days following the decision.
  7. Time extension. If, during the review of the plan, the PLANNING COMMISSION or the BOARD desires additional time to consider the application for a preliminary or final approval the APPLICANT may waive the time requirements of the MPC, and grant the TOWNSHIP additional time for review and decision. This extension shall be in writing. In the event that no such time extension is offered by the APPLICANT and it is determined that the application does not meet requirements prescribed in this Chapter, the BOARD shall deny the plan according to procedures established herein.
  8. Notification of action. After the meeting at which the BOARD renders a decision on the SUBDIVISION or LAND DEVELOPMENT plan by either approving, approving with conditions or disapproving, the APPLICANT shall receive within fifteen (15) days written findings and reasons or conditions for the action taken. The findings, reasons or conditions shall cite the provision of the applicable governmental ordinances, statutes, regulations, codes or other authority being relied upon and shall be given, in writing, to the following:
    - (a) The PLANNING COMMISSION.
    - (b) Other municipal officials, as appropriate.
    - (c) The APPLICANT, personally or by mailing to the last known address.
  9. Approval with conditions. An application may be granted preliminary approval or final approval, subject to specific conditions. These conditions shall be included in the written communication to the APPLICANT. In addition, such written communication shall include

notification that unless the APPLICANT agrees to the conditions, then the application is denied in accordance with this Chapter. Said notification shall be mailed to the APPLICANT'S last known address within fifteen (15) days of the granting of approval with conditions by the BOARD. The APPLICANT shall notify the TOWNSHIP in writing of his or her acceptance or rejection of the conditions of approval. If the APPLICANT does not so notify the TOWNSHIP within twenty (20) days of the date of the BOARD'S written decision, the approval shall automatically be rescinded without written notice to the APPLICANT.

10. Plans gaining only preliminary approval by the BOARD will require final approval by the BOARD through the filing of an application meeting all requirements of this Chapter for final approval and satisfying any conditions attached to the preliminary approval.
11. Prior to the recording of any approved plan, or the issuance of TOWNSHIP permits, the APPLICANT shall execute a DEVELOPER'S AGREEMENT as prepared by the TOWNSHIP Solicitor.
12. Substantial revisions to a SUBDIVISION or LAND DEVELOPMENT plan constitute a new application that does not relate back to the original application. Any increase in number of LOTS, any decrease in lot size of 10% or more, relocation of STREETS, decrease in open space or buffering, and other basic design features as determined by the PLANNING DIRECTOR constitute substantial revisions.

§174-205. Application Requirements for LAND DEVELOPMENTS.

- A. Procedure. Development plan review is required of a LAND DEVELOPMENT. Development plan drawings, along with an application for plan and the appropriate fee, shall be submitted to the PLANNING COMMISSION Secretary in a number as specified by the ZONING OFFICER. SUBDIVISION plans shall be prepared, submitted and reviewed in accordance with the provisions set forth in Sections 174-206 and 174-207 of this Chapter.
- B. LAND DEVELOPMENT contents. A drawing for a LAND DEVELOPMENT plan shall show, at a minimum, the following:
  1. The name and address of the APPLICANT and landowner;
  2. The name of the LAND DEVELOPMENT, if any;
  3. The name of the owner(s) of adjacent properties, the location of structures on adjacent properties, and the nature of use of these properties;
  4. Evidence of preparation by a licensed or registered architect, landscape architect, surveyor or engineer;
  5. Graphic and written scale;
  6. North arrow;
  7. Dates of preparation and revisions to the LAND DEVELOPMENT;

8. A site location map which shall be taken from the Zoning Map, drawn at a minimum scale of one (1) inch equals twelve hundred (1,200) feet, to include the location of the proposed LAND DEVELOPMENT in relation to TOWNSHIP boundaries, public STREETS, adjacent zoning districts and all properties adjoining the property being developed;
9. A site plan drawn to no greater scale than one (1) inch equals fifty (50) feet, upon which is delineated and clearly identified the location, extent and area in acres, if applicable, of the following:
  - (a) Property lines, with bearings and distances shown, for the site and adjacent LOTS, if available.
  - (b) Zoning district for the site and adjacent properties.
  - (c) Lot area.
  - (d) Proposed screening and bufferyards.
  - (e) Location and dimensions of existing and proposed public and private STREETS, ALLEYS, DRIVEWAYS, SIDEWALKS, TRAILS or other means of access on the site. The name, jurisdiction of ownership, width, type and location of right-of-way, and existing grades and types of CURBS must be shown.
  - (f) Existing and proposed structures and the height of each structure.
  - (g) Proposed location and dimensions of all yards and open spaces.
  - (h) Existing contours and proposed grading plan in compliance with Chapter 88 of the TOWNSHIP Code of Ordinances, Grading and Excavating, drawn to no greater than two (2) foot contours within any LAND DEVELOPMENT requiring DRAINAGE systems, sanitary sewers and other on-site improvement or five (5) foot contours in areas of more than ten (10) percent slope and proposed major changes in these contours. Existing contours need to be shown with dashed lines and numbered clearly. State location and elevation of datum to which contour elevations refer. Datum used shall be a known, established benchmark. Contours plotted from U.S.G.S. quadrangle maps shall not be acceptable. The benchmark used shall be cited and labeled with the elevation and the northing and easting coordinates on the State Plane Coordinate System.
  - (i) General proposals for the collection of on-site STORMWATER RUNOFF and mitigation of the runoff through stormwater management in compliance with Chapter 165, Stormwater Management, of the Marshall Township Code of Ordinances. **[Amended 9-29-2008 by Ord. No. 394]**
  - (j) Water service. If water is to be provided by means than by the individual owners of LOTS within the LAND DEVELOPMENT, the DEVELOPER shall present evidence that the LAND DEVELOPMENT is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility.

- (k) Sewer service. When sewage disposal service to the proposed LAND DEVELOPMENT is public, community, or on-site, the TOWNSHIP must approve the sewage facilities planning module, and the LAND DEVELOPMENT may be approved conditioned upon PADEP approval.
  - (l) All applicable areas or uses regulated or mandated by the ZONING ORDINANCE, including but not limited to parking and landscaping of parking facilities, landscaping of service structures, loading and unloading areas, exterior lighting and storage.
  - (m) Location of bordering STREETS and existing and approved access points;
  - (n) Sign location, materials, colors, size, shape, and lighting;
  - (o) The boundaries of any overlay zoning districts described in the ZONING ORDINANCE;
  - (p) A table (with computations) estimating the IMPERVIOUS SURFACE ratio;
  - (q) Delineation of STEEP SLOPE area(s), with categories of slope oriented as follows: (1) 15 to 25 percent; (2) over 25 percent. All STEEP SLOPE areas shall be accurately depicted and noted on the site plan.
  - (r) Identification of soil series as shown in the SOIL of the COUNTY, with the soil limit lines plotted on the base map.
  - (s) Location, width, bearings, and purpose of existing and proposed EASEMENTS and utility rights-of-way (see Section 174-506 of this Chapter). **[Amended 9-29-2008 by Ord. No. 394]**
  - (t) Significant cultural features, including cemeteries, burial sites, archeological sites, historic buildings, structures, plaques and markers or MONUMENTS.
10. A list of relevant permits, approvals or certificates required by Federal, State, COUNTY, or local governmental authorities. Following receipt of said list the TOWNSHIP will indicate which permits, approvals or certificates must be obtained prior to development approval by the TOWNSHIP.
  - 11 LAND DEVELOPMENTS which require access to a highway under the jurisdiction of the COUNTY and/or PENNDOT shall contain a note on the plan that a highway occupancy permit is required before STREET or driveway access to a highway is permitted.
  12. Landscape plan which indicates the location, dimension, and types of vegetation to be installed under the landscaping and bufferyard requirements of the ZONING ORDINANCE.
  13. Floor plans, elevation drawings of all facades on all structures, exterior building materials and colors.

14. Traffic Impact Study

- (a) A traffic impact study (TIS) shall be made by a traffic consultant mutually agreeable to the TOWNSHIP, unless otherwise waived by the BOARD. All costs of traffic study shall be borne by the APPLICANT. A TIS shall be required for:
- [i] All commercial LAND DEVELOPMENTS, including new structures or additions to structures, generating average weekday traffic of at least 200 TRIPS per day based on the latest edition of TRIP Generation, Institute of Transportation Engineers:
  - [ii] Any change or modification in commercial land use resulting in a total (existing TRIPS plus new TRIPS generated) average weekday traffic generation of at least two hundred (200) TRIPS per day based on the latest edition of TRIP Generation, Institute of Transportation Engineers.
  - [iii] All residential LAND DEVELOPMENTS consisting of twenty (20) or more DWELLING UNITS.
  - [iv] All conditional uses in residential zoning districts generating a net increase of forty (40) TRIPS or more per day per day based on the latest edition of TRIP Generation, Institute of Transportation Engineers.

(b) The TIS is required to contain the following:

- [i] General site description. A detailed description of the highway network within a one (1) mile radius of the site, a description of the proposed land uses, the anticipated stages of CONSTRUCTION, and the anticipated completion date of the proposed LAND DEVELOPMENT shall be provided. This description, which may be in the form of a map, shall include the following items: a) all major intersections, b) all proposed and existing ingress and egress locations, c) all existing and proposed STREETS, right-of-ways and DRIVEWAY widths including CARTWAY and shoulder widths, vertical grades, horizontal curvature, OBSTRUCTIONS, sight distance, posted speed limits, signage and other notable features. d) all existing traffic signals and traffic control devices, e) all existing and proposed public transportation services and facilities, including proposed school bus stops on the site and within a one (1) mile radius of the site. In addition, any changes to the highway network within one-half (.5) mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items as well as any proposed CONSTRUCTION project that would alter the width and/or alignment of the present highway.
- [ii] Description of existing traffic conditions and volumes (two (2) weekdays, one (1) weekend).
- [iii] Transportation impact of the development utilizing the ratios and methodology contained in the current edition of the Manual of the Institute of Traffic Engineers.

- [iv] Determination of STREET service level.
  - [v] Determination of intersection service levels within one-half (.5) mile of the proposed site.
  - [vi] Traffic accident history.
  - [vii] Impact on pedestrians.
  - [viii] Traffic improvements (e.g. additional traffic lanes, traffic signal, traffic sign).
  - [ix] Analysis of transportation impact.
  - [x] Estimates of TRIP generation. TRIP distribution can be estimated using any one of the following three methods: Analogy, TRIP Distribution Model, or surrogate data. Whichever method is used, TRIP distribution shall be estimated and analyzed for the horizon year, and a ten (10) year projection. Consideration shall also be given to whether inbound and outbound TRIPS will have similar distributions.
  - [xi] If the operating speed of 85% or more of the vehicles using the subject STREET exceeds the posted speed by more than ten (10) miles per hour, then the average operating speed of vehicles shall be used by the TIS wherever appropriate.
- (c) After the submission of a complete application and TIS, the TOWNSHIP shall forward a copy to the TOWNSHIP Engineer and the COUNTY for review and comments. A copy shall also be forwarded to PENNDOT and the COUNTY Department of Maintenance (Permitting Division) if STREETS under their jurisdiction are included in the study area.
- (d) When a proposed development is projected to have an adverse impact sufficient to exceed an acceptable level of service or standard defined by the Pennsylvania Code, Title 67, Chapter 441 Regulations then the PLANNING COMMISSION may recommend and the BOARD may require changes to the proposed DEVELOPMENT plan in order to ensure adequate mitigation of negative traffic impacts. These required changes may include, but are not limited to:
- [i] A reduction in the proposed density or intensity of the proposed development;
  - [ii] Altering the proposed project to reduce impacts;
  - [iii] The phasing of CONSTRUCTION to coincide with the completion of state or regional transportation improvements;
  - [iv] The CONSTRUCTION of transportation improvements.

15. Site Capacity Analysis for a LAND DEVELOPMENT of five (5) or more DWELLING UNITS and mobile home parks.

16. Proof of compliance with PERFORMANCE STANDARDS as contained in Article 2300 of the

- ZONING ORDINANCE by submission of a certificate of a registered architect or engineer.
17. Written narrative describing on-site treatment of any industrial wastewater before DRAINAGE to public sewer system and subsequent letter of approval by the applicable authority or governmental agency.
  18. The final location denoted on the plan for fire hydrants and any required fire lanes as specified by the TOWNSHIP Fire Marshall pursuant to Section 174-503.H of this Chapter. **[Amended 9-29-2008 by Ord. No. 394]**
  19. Significant physical features within the tract including; natural DRAINAGE patterns and water resources, including STREAMS, DRAINAGE, ponds, lakes, WETLANDS and FLOODPLAINS subject to a one-hundred-year-flood frequency or to that specified in the ZONING ORDINANCE, and proposed major changes in the above.
  20. Copies of other deed restrictions, covenants and condominium documents to be imposed upon the use of land, buildings and structures. Said covenants, deed restrictions and condominium documents shall be subject to the review and approval of the TOWNSHIP Solicitor.

§ 174-206. Preliminary SUBDIVISION plans.

- A. Procedure. In the case of a MAJOR SUBDIVISION, copies, the numbers of which are to be specified by the PLANNING DIRECTOR, of a preliminary SUBDIVISION plan and any related information, together with an application for review and the required fee and review deposit, shall be submitted to the PLANNING DIRECTOR in accordance with the requirements of Section 174-204.A.1. of this Chapter. Preliminary SUBDIVISION plan review is not required for MINOR SUBDIVISIONS.
- B. Preliminary SUBDIVISION plan contents. A preliminary SUBDIVISION plan shall be legibly drawn to a scale of no less than one (1) inch equals one hundred (100) feet. If the plan requires more than one (1) sheet, a single-sheet shall be drawn at an appropriate scale and a key diagram showing the relative location of the several sections shall be added to each sheet. The plan shall contain at least the following data:
  1. A location map, which shall be taken from the Zoning Map, drawn at a minimum scale of one (1) inch equals twelve hundred (1,200) feet, to include the location of the proposed SUBDIVISION in relation to TOWNSHIP boundaries, public STREETS, adjacent zoning districts and all properties adjoining the property being developed.
  2. The name and address of the owner of record.
  3. The name and address of the DEVELOPER, if different from the owner.
  4. The name and seal of the registered land surveyor, professional engineer, and landscape architect responsible for the PRELIMINARY PLAN.
  5. North arrow, graphic scale and date of original drawing and any revisions.
  6. Tabulation of site data, total acreage of land to be subdivided, the number of LOTS, the

acreage of individual LOTS, the acreage of the SUBDIVISION and the acreage of proposed open space and recreation areas.

7. Significant physical features within the tract and within one hundred fifty (150) feet on the immediate adjoining properties, to the extent practicable, including:
  - (a) Two (2) foot contours within MAJOR SUBDIVISIONS requiring STREETS, DRAINAGE systems, sanitary sewers and other on-site improvements or five (5) foot contours in areas of more than ten-percent slope and proposed major changes in these contours. Existing contours need to be shown with dashed lines and numbered clearly. State location and elevation of datum to which contour elevations refer. Datum used shall be a known, established benchmark. Contours plotted from U.S.G.S. quadrangle maps shall not be acceptable. The benchmark used shall be cited and labeled with the elevation and the northing and easting coordinates on the State Plane Coordinate System.
  - (b) Natural DRAINAGE patterns and water resources, including STREAMS, DRAINAGE SWALES, ponds, lakes, wetlands and FLOODPLAINS subject to a one-hundred-year (100) flood frequency or to that specified in the ZONING ORDINANCE, and proposed major changes in the above.
8. Zoning district(s) and adjacent zoning district(s).
9. Locations and sizes of all existing land uses within the tract and on the immediate adjoining properties to the extent practicable, including residential uses by type, and areas to be dedicated or reserved for public or common use, together with the proposed manner of their maintenance and all proposed improvements for those portions.
10. All property lines within the SUBDIVISION.
11. The layout of LOTS (showing scaled dimensions), LOT numbers in sequence, together with lot areas in both acreage and square feet.
12. All existing STREETS on or adjoining the tract, including STREETS of record (recorded but not constructed), with names, rights-of-way and paved CARTWAYS.
13. Proposed STREETS, and curbs by type and the proposed widths of the rights-of-way and paved CARTWAYS, including the length of all straight lines, radii and lengths of curves.
14. The layout and dimensional and paving data for all STREETS or other ways adjacent to or abutting the plan within two hundred (200) feet of the proposed SUBDIVISION boundaries.
15. A layout of proposed SIDEWALKS, TRAILS, and GREENWAY LANDS.
16. A description of the proposed systems for DRAINAGE, waterlines, fire hydrants, utility transmission lines, CULVERTS, bridges and other infrastructure, within the tract and two hundred (200) feet of the tract. See Section 174-506 of this Chapter. (Except for MINOR SUBDIVISIONS) [**Amended 9-29-2008 by Ord. No. 394**]

17. Location, width and purpose of existing EASEMENTS and utility rights-of-way within the SUBDIVISION.
18. Tentative covenants, grants of EASEMENTS or other restrictions to be imposed upon the use of land and structures.
19. Location and approximate dimensions of buffer, screening or landscaped areas.
20. Building lines as specified by front yard setback requirement of the ZONING ORDINANCE.
21. Delineation of STEEP SLOPE area(s), with categories of slope oriented as follows: (1) 15 to 25 percent; (2) over 25 percent. All STEEP SLOPE areas shall be accurately depicted and noted on the site plan. (Except for MINOR SUBDIVISION). **[Amended 9-29-2008 by Ord. No. 394]**
22. Identification of soil series as shown in the SOIL of the COUNTY, with the soil limit lines plotted on the base map. (Except for MINOR SUBDIVISIONS). **[Amended 9-29-2008 by Ord. No. 394]**
23. Location, width, bearings, and purpose of existing and proposed EASEMENTS and utility rights-of-way (See Section 174-506 of this Chapter). **[Amended 9-29-2008 by Ord. No. 394]**
24. Significant cultural features, including cemeteries, burial sites, archeological sites, historic buildings, structures, plaques and markers or MONUMENTS.
25. Preliminary STORMWATER management plan as specified in Chapter 165, Stormwater management, of the Marshall Township Code of Ordinances (except for MINOR SUBDIVISIONS). **[Amended 9-29-2008 by Ord. No. 394]**
26. Preliminary EROSION and SEDIMENTATION Plan as specified in Chapter 165, Stormwater management, of the Marshall Township Code of Ordinances (except for MINOR SUBDIVISIONS). **[Amended 9-29-2008 by Ord. No. 394]**
27. A traffic impact study (TIS) for all residential SUBDIVISIONS consisting of twenty (20) or more LOTS or DWELLING UNITS in accordance with Section 174-205(B).(14). (except for MINOR SUBDIVISIONS). **[Amended 9-29-2008 by Ord. No. 394]**
28. Site Capacity Analysis, as described in the ZONING ORDINANCE (except for MINOR SUBDIVISIONS and CONSERVATION SUBDIVISIONS).
29. The names of adjacent properties owners and uses.
30. The plan name, the plan book volume and page number of existing adjacent SUBDIVISIONS.
31. Phased development. In the case of plans which call for development in phases, a map at an appropriate scale showing the total tract and a schedule of time within which applications for final approval of all parts of the development are intended to be filed. The approval of the PRELIMINARY PLAN shall be for all the land intended to be subdivided and shall serve as a master plan for the area.

§ 174-207. Final SUBDIVISION plans.

- A. Procedure. Within twelve (12) months following approval of a PRELIMINARY PALN, copies of a FINAL PLAN, in a number as specified by the PLANNING DIRECTOR, together with the application for review and required fee and review deposit, shall be submitted to the PLANNING COMMISSION Secretary in accordance with the requirements of Section 174-204.A.1. of this Chapter. An extension of time beyond the twelve (12) month period may be granted by the BOARD upon a determination based on evidence that extenuating circumstances warrant such action.
- B. Final SUBDIVISION plan contents. The FINAL PALN shall include all the data requirements set forth for the PRELIMINARY PLAN. It shall not be necessary to resubmit supporting maps and data submitted with the PRELIMINARY PLAN, provided that there has been no change. However, in MINOR SUBDIVISIONS where no preliminary SUBDIVISION plan review is required, final SUBDIVISION plan data requirements shall be comprised of both those items required of preliminary SUBDIVISION plans and final SUBDIVISION plans. The following data, in addition to that submitted with and for the preliminary SUBDIVISION plan, shall be attached to the FINAL PLAN:
1. The location of all perimeter MONUMENTS.
  2. A statement of the total area of the property being developed.
  3. Certification of accuracy of the drawn plan and placement of the MONUMENTS by a registered land surveyor.
  4. Other statements of proposed densities as it pertains to the requirements specified for the district(s) in question.
  5. Lot numbers, bearings and dimensions of all property lines, and the total number of LOTS and parcels, together with all lot areas.
  6. The following data for all proposed and existing STREETS on or adjoining the tract:
    - (a) The name, proposed name or number of the STREETS.
    - (b) The right-of-way width and typical pavement sections, including curbs and walks.
    - (c) The location of all STREET MONUMENTS.
    - (d) Final STREET profiles, cross sections and specifications will be required by Section 174-504 of this Chapter, STREET improvements.
  7. Locations and widths of pedestrian EASEMENTS, if any.
  8. Proposed systems for DRAINAGE, water supply and sewage disposal, including:
    - (a) Location, size and invert elevation of all sanitary sewer, water distribution and storm

DRAINAGE systems and the locations of all manholes, inlets and CULVERTS.

- (b) Final profiles, cross sections and specifications (See Sections 174-504 and 174-505 and Chapter 165, Stormwater Management, of the Marshall Township Code of Ordinances). [**Amended 9-29-2008 by Ord. No. 394**]
9. Copies of relevant permits or certificates, including:
- (a) Water service. If water is to be provided by means than by the individual owners of LOTS within the SUBDIVISION, the DEVELOPER shall present evidence that the SUBDIVISION is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility.
  - (b) Sewer service. When sewage disposal service to the proposed SUBDIVISION is public, community, or on-site, the TOWNSHIP must approve the sewage facilities planning module, and the SUBDIVISION may be approved conditioned upon PADEP approval.
  - (c) Copies of relevant permits or certificates, including permits and approvals required by Federal, State, COUNTY municipal authority, local or other governmental or public utility entities, or which are deemed necessary by the BOARD or TOWNSHIP Engineer.
10. Location, width, bearings and purpose of existing and proposed EASEMENTS and utility rights-of-way (See Section 174-506 of this Chapter). [**Amended 9-29-2008 by Ord. No. 394**]
11. Copies of other deed restrictions, condominium documents or covenants to be imposed upon the use of land, buildings and structures. Said covenants, deed restrictions, or condominium documents shall be reviewed and approved by the TOWNSHIP Solicitor. Community association documents for plans that include commonly owned facilities and land shall be consistent with the provisions of Section 174-302 (F) of this Chapter.
12. Location and acreage of all proposed land uses, including residential uses by type, community facilities, recreation, and open space.
13. Location and size of all public and/or common recreational areas, facilities and open space areas (or GREENWAY LANDS) and the ownership and proposed maintenance, offers of dedication or covenants governing their use.
14. SUBDIVISIONS which require access to a STREET under the jurisdiction of the COUNTY and/or PENNDOT shall contain a note on the plans, in a form acceptable to the TOWNSHIP Solicitor, indicating that a highway occupancy is required before STREET or DRIVEWAY access to a STREET is permitted and indemnifying the TOWNSHIP for any liability for any injury to persons or property arising out of issuance or denial of any such permit. Although site development may commence prior to issuance of any COUNTY and/or PENNDOT highway occupancy permit if all other requirements of TOWNSHIP ordinances are met, no BUILDING PERMIT for any building or structure within a SUBDIVISION shall be issued until the COUNTY and/or PENNDOT issues the highway occupancy permit.

15. Final STORMWATER management plan as specified in Chapter 165, Stormwater Management, of the Marshall Township Code of Ordinances. (except for MINOR SUBDIVISIONS). **[Amended 9-29-2008 by Ord. No. 394]**
16. Final EROSION and SEDIMENTATION Plan as specified in 165, Stormwater Management, of the Marshall Township Code of Ordinances. (Except for MINOR SUBDIVISIONS). **[Amended 9-29-2008 by Ord. No. 394]**
17. The boundaries of any overlay zoning districts described in the ZONING ORDINANCE.
18. All required municipal certifications, which shall include the TOWNSHIP Engineer, certification of plat preparation and accuracy by a registered surveyor, certification of the dedication of STREETS and other property, and all other certifications as required by the TOWNSHIP Engineer
19. SUBDIVISIONS which contain lands that are proposed for common ownership shall submit documents as set forth in Section 174-302 (F) of this Chapter.

C. Phased development.

1. For SUBDIVISIONS to be developed in phases or sections, the requirements of the MPC shall apply. FINAL PLAN requirements as listed herein shall apply only to the phase or section for which final approval is being sought. However, the FINAL PLAN presented for the phase or section must be considered as it relates to information presented for the entire SUBDIVISION.
2. The DEVELOPER shall construct in any other phase not under development any sanitary or stormwater facility deemed necessary by the TOWNSHIP Engineer for servicing of the phase under CONSTRUCTION. The performance guarantees for such facilities shall be posted at the time of posting for the improvements within the current phase.

D. Final SUBDIVISION plan format.

1. All plans shall be drawn on new linen tracing cloth or plastic-based sheets twenty-two by thirty-four (22 x 34) inches.
2. All plans shall be drawn with waterproof black India ink. All records, data, entries and statements shall be made with waterproof black India ink or by an approved varityping process.
3. All signatures shall be signed with waterproof black India ink.
4. All drawings shall be drafted to a scale of no less than one hundred (100) feet to an inch and shall be of sufficient size to clearly show all dimensions, notations, entries, etc. Dimensions shall be shown in feet with decimals shown to the nearest one-hundredth (.01) of a foot. Bearings shall be shown in degrees, minutes and seconds.
5. All plans shall have the title placed in the lower right-hand corner of the drawing.
6. All plans, drawings, data specifications, etc., that are submitted for review approval shall be in

conformance with standard engineering practices.

E. Recording the final SUBDIVISION plan.

1. Certification of recorded plan. Upon completion of the procedures set forth in this section, the final SUBDIVISION plan shall be executed by the TOWNSHIP.
2. Time limit for recording. The DEVELOPER shall file the approved plan with the COUNTY Department of Real Estate within ninety (90) days of completion of conditions of approval of the final approval of the plan. If the DEVELOPER fails to record the final SUBDIVISION plan within this period, the action of the BOARD shall be null and void unless an extension of time is granted, in writing, by the BOARD upon written request by the DEVELOPER.
3. Validity of recorded plan. No plan of any SUBDIVISION shall be entitled to be recorded in the COUNTY Department of Real Estate or have any validity until it shall have been approved in the manner prescribed herein. In the event that any such unapproved plan is recorded, it shall be considered invalid and the BOARD shall have the plan stricken from the records of the COUNTY or otherwise proceed as permitted under the MPC.
4. Mylar, prints and plan reduction. The TOWNSHIP shall receive one (1) reproducible mylar, two (2) prints and one (1) reduction of the final lot and STREET configurations as approved and recorded. The reduction shall be at a scale of one (1) inch equals six hundred (600) feet and shall indicate only the LOT LINES and the limits of the STREET rights-of-way.
5. Time limit for completion. Upon final SUBDIVISION plan approval and recording thereof, the DEVELOPER may commence and complete the approved development in accordance with the terms of such approval.

F. Sale of land in SUBDIVISION. No lot in a SUBDIVISION may be sold and no permit may be issued to erect, alter or repair any building upon land in a SUBDIVISION unless and until a SUBDIVISION plan has been approved and recorded and the improvements required by the BOARD in connection therewith have either been constructed or guaranteed, as hereinabove provided. Where, owing to special conditions, a literal enforcement of this provision would result in unnecessary hardship, the BOARD may make such reasonable exception thereto as will not be contrary to the public interest and may permit the sale of a lot, issuance of a permit or erection of a building, subject to conditions necessary to assure adequate STREETS and other PUBLIC IMPROVEMENTS and overall continuity of the plan.

G. Permits.

1. BUILDING PERMITS shall not be issued for any structure on a lot in a SUBDIVISION for which a plan has not been approved and recorded in the manner prescribed herein.
2. No owner or agent of the owner of any land shall be entitled to a permit for the installation of wells or septic tanks upon any LOTS in a SUBDIVISION for which a plan has not been approved and recorded in the manner prescribed herein.
3. The TOWNSHIP shall issue no BUILDING PERMIT or zoning permit prior to the issuance of a sewer permit, by the appropriate governmental agency, for a lot upon which a DWELLING

UNIT is proposed for CONSTRUCTION.

4. Occupancy permits for any buildings to be erected shall not be issued prior to the improvement of the STREETS providing access to and from such buildings, as well as the completion of all other improvements as depicted upon the approved plan, that are necessary for the reasonable use of or occupancy of the buildings.

H. PUBLIC IMPROVEMENTS.

1. Prior to the acceptance of any PUBLIC IMPROVEMENTS, the following shall be submitted to the TOWNSHIP:
  - (a) Written report certified by the TOWNSHIP Engineer that all required PUBLIC IMPROVEMENTS are completed according to specifications.
  - (b) Maintenance guarantee submitted by the DEVELOPER, for PUBLIC IMPROVEMENTS in the amount of 15% of the actual cost of the installation of the PUBLIC IMPROVEMENTS for a period of eighteen (18) months from the date of acceptance.
  - (c) Additional performance guarantee for any remaining SIDEWALKS.
2. It is the policy of the TOWNSHIP that it will withhold all PUBLIC IMPROVEMENTS and services including the maintenance of STREETS and the furnishing of sewage facilities and water service, from all SUBDIVISIONS which have not been approved and from all areas dedicated to the public which have not been accepted by the BOARD in the manner prescribed herein.

§ 174-208. DEVELOPER'S AGREEMENT.

- A. Approval of the DEVELOPER'S final SUBDIVISION or LAND DEVELOPMENT plan shall be conditioned upon the DEVELOPER'S execution of the TOWNSHIP'S standard DEVELOPER'S AGREEMENT, as the same may be approved from time to time by the BOARD, and in a form acceptable to the TOWNSHIP Solicitor. In connection therewith, the DEVELOPER shall either complete or post performance security for all improvements required by TOWNSHIP ordinances and post maintenance security for any improvements to be dedicated to the TOWNSHIP or other public entity. Said security shall in a form authorized by and in an amount required by Article V of the MPC.
- B. The conditions of the DEVELOPER'S AGREEMENT shall run with the land and bind all successors, heirs, and assignees of the DEVELOPER.

§ 174-209. Requirements for performance or maintenance security

- A. The following requirements shall apply to any surety bond posted as security in accordance with this Chapter:

1. The bond shall be obtained from surety incorporated in the United States and authorized to do business in Commonwealth of Pennsylvania.
  2. The surety shall have a current A.M. Best's rating of no less than "A" and an underwriting capacity as stated in Best's equal to or greater than the amount of bond written by that surety, or in the alternative be listed on the current United States Department of the Treasury's Annual list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in the Federal Register and have an underwriting capacity in said list equal to or greater than the amount of the bond written by that surety.
- B. The following requirements shall apply to any letter of credit posted as security in accordance with this Chapter:
1. The letter of credit shall be issued by a Federal or Commonwealth chartered lending institution having an office located within thirty (30) miles of the boundaries of the TOWNSHIP at which a draft on site can be presented during regular business hours.
  2. The letter of credit shall have an expiration date of no earlier than ninety (90) days after the required completion date of any improvements in the case of performance security and no earlier than eighteen (18) months from the date of acceptance of any improvements to be dedicated to the TOWNSHIP or other public entity in the case of maintenance security. The TOWNSHIP, at its discretion, may accept a letter of credit having an earlier expiration date, provided the letter of credit states it will automatically be renewed for a period of at least one (1) year from any present or future expiration date unless the TOWNSHIP receives notice in writing from the issuer at least sixty (60) days prior to the expiration date that the issuer elects to not further extend the letter of credit and that if such notice is given the TOWNSHIP may draw on the letter of credit up to the amount of its unused balance on or before the relevant expiration date.
  3. Multiple draws on the letter of credit shall be permitted.
  4. Draws shall be permitted at sight at the issuer's office in a location as set forth in subparagraph (i), and by overnight mail.
- C. All financial security tendered by an APPLICANT pursuant to this Chapter shall be subject to review and approval by the TOWNSHIP'S Solicitor with respect to the form, source and sufficiency of the same.

§ 174-210. Fees.

- A. Application fees, review deposits, and inspections. In order to defray the costs incurred by the TOWNSHIP in the review of proposed plans of SUBDIVISION and LAND DEVELOPMENT and inspection of improvements, each APPLICANT shall pay such application and post such review deposits as required by the TOWNSHIP'S fee resolution. The appropriate fees and review deposits shall be in the form of a certified check or money order made payable to the TOWNSHIP. The fees and review deposits shall accompany the plan at the time of application.

§ 174-211. Revisions or amendments to an approved plan.

Substantial revisions to an approved SUBDIVISION or LAND DEVELOPMENT plan shall require resubmission of the plan to the PLANNING COMMISSION and BOARD for review. Any increase in number of LOTS, decrease in lot sizes of more than 10%, relocation of STREETS, decrease in open space, and other basic design features constitute substantial revisions. Other substantial revisions shall be determined by the BOARD with recommendation of the PLANNING COMMISSION.

ARTICLE 300  
CONSERVATION SUBDIVISION PROCEDURES AND REQUIREMENTS

§ 174-301. GENERAL REGULATIONS.

- A. Applicability of Regulations. All applications for Conservation SUBDIVISIONS, as specified in Article -XVI of the TOWNSHIP ZONING ORDINANCE shall comply with all other provisions of this Ordinance and the provisions of Article 1600 of the TOWNSHIP ZONING ORDINANCE, unless otherwise specified by this Article.

§ 174-302. APPLICATION SUBMISSION REQUIREMENTS.

- A. Applicability of SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. The APPLICANT shall follow all requirements for application and approval for a preliminary and final SUBDIVISION as stated in Article 200 of this Ordinance, in addition to the requirements stated in this Article.
- B. Plan and Map Requirements. The following plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map.
- C. Existing Resources and Site Analysis Map. For all SUBDIVISIONS, the DEVELOPER shall prepare an Existing Resources and Site Analysis Map to provide a comprehensive analysis of existing conditions both on the proposed DEVELOPMENT SITE and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The TOWNSHIP shall review the Map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Such maps shall generally be prepared at the scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a single standard size sheet (24 inches x 36 inches). The following information shall be included on this Map:
  - 1. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps). SLOPES between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
  - 2. The location and delineation of ponds, STREAMS, ditches, drains, and natural DRAINAGE SWALES, as well as the 100-year FLOOD PLAINS and wetland,.
  - 3. Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, hedgerow, WOODLAND and wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and WOODLANDS. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

4. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published SOIL for the COUNTY, and accompanying data published for each soil relating to its suitability for CONSTRUCTION (and, in unsewered areas, for septic suitability).
  5. Ridge lines and WATERSHED boundaries shall be identified.
  6. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
  7. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, and areas of slide-prone soils, such as Pennsylvania Redbeds, based on available published information or more detailed data obtained by the APPLICANT.
  8. All existing man-made features including but not limited to STREETS, DRIVEWAYS, farm roads, woods roads, buildings, foundations, walls, wells, DRAINAGE fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
  9. Locations of all historically significant sites or structures on the tract, including but not limited to cellarholes, stone walls, earthworks, and graves.
  10. Locations of TRAILS that have been in public use (pedestrian, equestrian, bicycle, etc.).
  11. All EASEMENTS and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Allegheny COUNTY shall be shown on the plan.
  12. Total acreage of the tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations from formulas included in Article 1600 of the TOWNSHIP ZONING ORDINANCE.
- D. Four-Step Design Process for CONSERVATION SUBDIVISIONS The application for preliminary approval for a *conservation SUBDIVISION* shall include documentation of a four-step design process, as described below, in determining the layout of proposed GREENWAY LANDS, house sites, and STREETS and LOT LINES .
1. Step 1: Delineation of GREENWAY LANDS
    - (a) The minimum percentage and acreage of required GREENWAY LAND as determined by Article XVI, Chapter 208-1607 of the ZONING ORDINANCE lands shall be calculated by the APPLICANT and submitted as part of the PRELIMINARY PLAN in accordance with the provisions of this ordinance.
    - (b) GREENWAY LAND shall include all PRIMARY CONSERVATION AREAS and those SECONDARY CONSERVATION AREAS with the highest resource significance.
    - (c) The TOWNSHIPS Natural Resource Composite Map in the COMPREHENSIVE PLAN shall also be referenced and considered. The APPLICANT shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed OPEN SPACE, in consultation with the

PLANNING COMMISSION.

- (d) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the APPLICANT'S SUBDIVISION objectives, SECONDARY CONSERVATION AREAS shall be delineated to meet at least the minimum area percentage requirements for GREENWAY LAND and in a manner clearly indicating their boundaries as well as the types of resources included within them.

2. Step 2: Alignment of STREETS and TRAILS

A STREET plan shall be designed to provide vehicular access to each house, complying with the standards within this Article and bearing a logical relationship to topographic conditions. Impacts of the STREET plan on proposed GREENWAY LANDS shall be minimized, particularly with respect to crossing environmentally sensitive areas such as WETLANDS and traversing SLOPES exceeding 15 percent. STREET connections shall generally be encouraged to minimize the number of new CUL-DE-SACS to be maintained by the TOWNSHIP and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

3. Step 3: Location of House Sites

Potential house sites shall be tentatively located along the proposed STREETS House sites should generally be located not closer than 100 feet from PRIMARY CONSERVATION AREAS and 50 feet from SECONDARY CONSERVATION AREAS, taking into consideration the potential negative impacts of residential DEVELOPMENT on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

4. Step 4: Drawing in the LOT LINES

Upon completion of the preceding three steps, LOT LINES shall be drawn as required to delineate the boundaries of individual residential LOTS.

E. Preliminary Improvements Plan

1. This plan shall include the following items:

- (a) Existing and approximate proposed LOT LINES, LOT areas, any existing EASEMENTS and rights-of-way.
- (b) The boundaries of GREENWAY LANDS shall be indicated.
- (c) Delineation of the proposed phases and a schedule of deadlines within which applications for final approval of each phase are intended to be filed.
- (d) Typical STREET cross-section drawing(s) for all proposed STREETS shall be shown, including details relating to thickness, crowning, and CONSTRUCTION materials.

- (e) Exact locations of existing utility EASEMENTS and approximate locations of proposed utility EASEMENTS.
  - (f) Approximate layout of all proposed sanitary and STORM SEWERS and location of all inlets and CULVERTS and any proposed connections with existing facilities. (These data may be on a separate plan.)
  - (g) Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.
- F. COMMUNITY ASSOCIATION Document. A COMMUNITY ASSOCIATION Document, also known as a Homeowner Association Document or a Condominium Association Document, shall be provided for all SUBDIVISION and LAND DEVELOPMENT applications that propose lands or facilities to be used or owned in common by all the residents of that SUBDIVISION or LAND DEVELOPMENT and not deeded to the TOWNSHIP. The elements of the COMMUNITY ASSOCIATION Document shall include but shall not necessarily be limited to the following:
1. A description of all lands and facilities to be owned by the COMMUNITY ASSOCIATION. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
  2. Statements setting forth the powers, duties, and responsibilities of the COMMUNITY ASSOCIATION, including the services to be provided.
  3. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual EASEMENT to the lands and facilities owned by the COMMUNITY ASSOCIATION. The Declaration shall be a legal document that also provides for automatic Association membership for all owners in the SUBDIVISION or LAND DEVELOPMENT and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
  4. Statements prescribing the process by which COMMUNITY ASSOCIATION decisions are reached and setting forth the authority to act.
  5. Statements requiring each owner within the SUBDIVISION or LAND DEVELOPMENT to become a member of the COMMUNITY ASSOCIATION. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
  6. Requirements for all owners to provide a pro rata share of the cost of the operations of the COMMUNITY ASSOCIATION.
  7. A process of collection and enforcement to obtain funds from owners who fail to comply.
  8. A process for transition of control of the COMMUNITY ASSOCIATION from the

DEVELOPER to the unit owners.

9. Statements describing how the lands and facilities of the COMMUNITY ASSOCIATION will be insured, including limit of liability.

G. GREENWAY Ownership and Management Plan

Using the Conceptual PRELIMINARY PLAN as a base map, the boundaries, acreage, and proposed ownership of all proposed GREENWAY areas shall be shown. In addition, the APPLICANT shall also submit a GREENWAY Ownership and Management Plan detailing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property.

§174-303. Provisions for STREET Cross Sections and STREET Standards.

- A. The following STREET cross-section requirements shall apply for plans developed as a Conservation SUBDIVISION in lieu of the standards specified in 174-404 and 174-503 of this Chapter.
  1. Cluster Option: Two nine (9') foot travel lanes and eighteen (18) inch curbs; Two eight (8') planting strips for STREET trees, STREET lights and utility EASEMENTS, Two five (5') foot concrete SIDEWALKS.
  2. Country Lot Option: Two nine (9') feet travel lanes; Two eight (8') planting strips for STREET trees, STREET lights and utility EASEMENTS. Balance of right-of-way shall be for pedestrian TRAILS and/or additional utility EASEMENTS.
- B. A circular planter islands with curbs is required with a radius of no more than (15) feet, in the center of a CUL-DE-SAC, subject to private maintenance responsibilities as specified on the Plan.
- C. All other provisions of §174-404 and §175-503 shall apply to the CONSTRUCTION of STREETS within a Conservation SUBDIVISION.

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ARTICLE 400  
Design Standards

§ 174-401. Applicability.

- A. Purpose. The design standards and requirements outlined in this Article will be utilized by the COMMISSION and the BOARD in determining the adequacy of all plans for proposed SUBDIVISIONS and LAND DEVELOPMENTS.
- B. Conformance with other laws and regulations. Development shall be planned, reviewed and carried out in conformance with all TOWNSHIP, COUNTY, state and other applicable laws, ordinances and regulations, as amended.
- C. More restrictive standards. Whenever other TOWNSHIP ordinances or regulations impose more restrictive standards and requirements than those contained herein, those other regulations shall be observed. In relation to a TND, if there is a conflict between the provisions of this Article and the provisions of the ZONING ORDINANCE, the provisions of the ZONING ORDINANCE should apply. **[Amended 5/12/2008 by Ord. No. 390]**

§ 174-402. General standards.

- A. hazardous conditions. Land with unsafe or hazardous conditions, such as open quarries, abandoned oil and gas wells, unconsolidated fill, FLOODPLAINS or STEEP SLOPES, shall not be subdivided or developed unless the SUBDIVISION plan or LAND DEVELOPMENT PLAN provides for adequate safeguards which are approved by the BOARD.
- B. Adjacent developments. The development of the proposed SUBDIVISION shall take into consideration the possibility of future and existing adjacent development.

§ 174-403. LOTS.

- A. Land shall be reasonably suited to the purpose for which it is to be subdivided, whether for residential, business, industrial or recreational use.
- B. The lot arrangement and design shall be such that all LOTS will provide satisfactory and desirable building sites properly related to topography and the character of surrounding development.
- C. All CORNER LOTS, whether they are located at the intersection of the rights-of-way of two (2) STREETS or of an ALLEY and a STREET shall have a curve with a minimum radius of twenty-five (25) feet adjoining the two (2) side lines of said rights-of-way.
- D. Business or industrial LOTS shall conform to Chapter 208, Zoning, and also shall be of such size and shape as may be suitable for their prospective use and to provide sufficient space for off-STREET parking and loading and water supply and sanitary sewage disposal (if either or both are to be provided by individual on-lot facilities).
- E. General standards.
  - 1. Within the requirements of Chapter 208, Zoning, the size, shape and orientation of LOTS shall be appropriate for the type of development and use contemplated.

2. Insofar as practical, side LOT LINES shall be at right angles to straight lines or radial to curved STREET lines. Acute angles or small projections should be avoided. However, different lot shapes will be permitted if they can be shown to be necessary or desirable to relate building sites to the terrain or to provide better site utilizations and building relationships.
3. Where feasible, LOT LINES shall follow rather than cross TOWNSHIP boundaries in order to avoid jurisdictional problems.
4. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading, unloading, setbacks, landscaping, etc.

F. LOT FRONTAGE.

1. All SUBDIVISIONS shall have LOT FRONTAGE on an existing or proposed PUBLIC or PRIVATE STREET.
2. Where a CORNER LOT OR DOUBLE FRONTAGE LOT fronts on a public residential STREET, a note on the plan must indicate that LOTS must access interior residential STREETS; access to arterial or collector STREETS is prohibited.

G. Lot access. Residential LOTS having direct access to an arterial STREET shall be avoided whenever possible.

H. Flag LOTS. Flag LOTS are permitted subject to the following:

1. The "flagpole" shall maintain a width of at least fifty (50) feet from the front LOT LINE to the front edge of the "flag".
2. The flagpole shall not be a PRIVATE STREET, but shall be an integral portion of the lot.
3. The flagpole shall remain free of any structures, and a note is included on the Final SUBDIVISION Plan that this area is non-buildable.
4. The front LOT LINE of the flag lot is at the end of the flagpole so that front yards for flag LOTS must not include the flagpole, and must abut the rear yard of the front lot
5. No more than two (2) flag LOTS are permitted in any SUBDIVISION.
6. The area of the lot located within the flagpole shall not be counted toward meeting the minimum lot requirement size for the district in which the flag lot is located.

§ 174-404. STREETS.

A. General. The arrangement, character, extent, width, grade and location of all STREETS shall conform to this chapter, Chapter 208, Zoning, or the Official Map where applicable. Where not shown in Chapter 208, Zoning, or the Official Map, the arrangement and other design standards of STREETS shall conform to the provisions found herein. Every SUBDIVISION shall have access

to a public STREET.

**B. STREET layout.**

1. In general, all STREETS shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic, with the exception that minor STREETS may be laid out so that their use by through traffic will be discouraged.

**TABLE 1. STREET Standards**

<b>Item</b>	<b>Arterial</b>	<b>Collector</b>	<b>Minor STREETS</b>
Minimum Intersection Spacing (space)	600	300	125
Minimum SIGHT TRIANGLES (feet) (Based on highest STREET classification)	150	100	75
Minimum Sight Distance (feet)	600	450	200
Maximum Design Speed (mph)	60	40	30
Parallel	No	No	Yes Permitted

**2. Dead-end STREETS**

- (a) Dead-end STREETS shall be permitted as follows:
  - (i) Temporary STREETS with a circular turnaround or tee/hammerhead turnaround in multi-phased development to permit future STREET extension into adjoining phases.
    - (1) Temporary turnarounds shall be installed in multi-phased developments at phase boundaries designed as circular turnarounds having a minimum radius to the outside edge of the paving or curb of forty (40) feet and a right-of-way having a minimum radius of (50)

feet. Temporary reservation of the excess right-of-way from abutting lot owners shall require an EASEMENT on these LOTS (denoted on the Final SUBDIVISION Plan) which shall automatically vacate when the turnaround is removed and the STREET is connected to the next phase.

- (2) If the phase boundary occurs at an intersection, a tee/hammerhead turnaround may be installed in lieu of a circular turnaround, with a minimum right-of-way length of eighty (80) feet across the top of the "T", a minimum CARTWAY length of fifty (50) feet across the top of the "T", a minimum right-of-way width of fifty (50) feet across the side of the "T", and a minimum CARTWAY width of twenty-two (22) feet across the side of the "T".
3. When designed as PUBLIC STREETS or PRIVATE STREETS containing more than four (4) LOTS with CUL-DE-SACS:
  - (a) PUBLIC STREETS must be at least 300 feet in length;
  - (b) Any individual dead-end STREET shall serve no more than thirty (30) LOTS. A linkage of dead-end STREETS that connect to an existing STREET shall serve no more than sixty (60) LOTS. A development exceeding sixty (60) LOTS will require two accesses from existing STREET(s).
  - (c) The terminus of a CUL-DE-SAC shall be a circular turnaround having a minimum radius to the outside edge of the paving or curb of forty (40) feet and a right-of-way having a minimum radius of fifty (50) feet.
  - (d) A circular planter islands with curbs may be permitted with a radius of no more than (15) feet, in the center of the turnaround, subject to private maintenance responsibilities as specified on the Plan.
4. When designed as PRIVATE STREETS containing no more than four (4) LOTS;
  - (a) A tee/hammerhead with a minimum right-of-way length of eighty (80) feet across the top of the "T", a minimum CARTWAY length of fifty (50) feet across the top of the "T", a minimum right-of-way width of fifty (50) feet across the side of the "T", and a minimum CARTWAY width of eighteen (18) feet across the side of the "T", or
  - (b) A circular turnaround having a minimum radius to the outside edge of the CARTWAY of forty (40) feet and a right of way having a minimum radius of fifty (50) feet.
5. Where adjoining areas are not subdivided, the arrangement of STREETS in a new SUBDIVISION shall make provision for the proper projection of STREETS. Where a new SUBDIVISION adjoins unsubdivided land susceptible of being subdivided and for the proper projection of STREETS, then the new STREETS shall be carried to the boundaries of the tract proposed to be subdivided.

6. STREETS shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at an angle of less than sixty degrees (60°). Intersections of more than two (2) STREETS shall be prohibited. STREETS entering opposite sides of another STREET shall be laid out directly opposite one another or be separated by the standard for spacing of intersection in Table 1 of Chapter 174-404.

C. STREET classifications.

1. Arterial STREET

- (a) Arterial, Minor - STREETS that carry a high volume of traffic for intra-county and inter-community travel. These STREETS normally serve the higher classification STREETS (Interstates and Principal Arterials) providing access to and from the arterials. The following STREETS are classified as Minor Arterials (reference the Marshall TOWNSHIP COMPREHENSIVE PLAN of 2006 ): Pleasant Hill Road, Mingo Road, Warrendale-Bayne Road (Red Belt), Warrendale-Bakerstown Road (Red Belt), Wexford-Bayne Road (Route 910, Orange Belt).
- (b) Arterial, Principal - STREETS that carry a high volume of traffic for intra-state, inter-county and inter-city travel. Traffic on this type of STREET normally has the Right-of-Way except in areas of high HAZARD, where controls are used. The following STREET is classified as a Principal Arterial (reference the Marshall TOWNSHIP COMPREHENSIVE PLAN) of 2006 ): Route 19 (Perry Highway).

2. Collector STREET:

- (a) Collector, Major - STREETS that serve intra-county and inter-community travel, but at a lower volume than arterials. They usually connect to an arterial to provide access to the surrounding land. Access is generally not directed from this STREET but from a sub-STREET connected to the collector. They may serve community shopping centers, schools, parks and cluster developments. The following STREETS are classified as Major Collectors (reference the Marshall TOWNSHIP COMPREHENSIVE PLAN of 2006 ): Wexford Run Road, Brush Creek Road, Knob Road, Freeport Road, Thorn Hill Road, Commonwealth Drive.
- (b) Collector, Minor - STREETS that serve intra-community travel at a volume below the Major Collector. Minor Collectors provide access to the land using lower order STREETS and sometimes direct access from itself. The following STREETS are classified as Minor Collectors (reference the Marshall TOWNSHIP COMPREHENSIVE PLAN of 2006 ): Markman Park Road, Neely School Road, Bradford Road, Shenot Road, Spang Road, WOODLAND Road.

3. Minor STREET: a STREET predominantly serving as an access STREET to a particular lot or serving another minor function as subclassified below:

- (a) Residential STREETS. Residential STREETS shall be those STREETS which are

used to provide access to properties and connect with other residential STREETS and/or STREETS of a higher classification.

- (b) Marginal access STREETS. Marginal access STREETS are STREETS parallel to an arterial STREET to provide access to abutting properties and separation from through traffic. They serve to reduce the number of access points which intersect the larger STREET, thereby increasing the efficiency and safety of traffic flow along the major STREET while providing access to abutting development.
  - (i) The BOARD of Supervisors reserves the right to require marginal access STREETS along any STREET where local vehicular access to individual LOTS would create congestion and/or HAZARDS to traffic flow and safety by reason of STREET grades, land forms, vegetation, frequency of DRIVEWAY intersection, limited sight distances, heavy traffic volumes and/or high speed traffic flows.
  - (ii) Location of a marginal access STREET shall be essentially parallel to the STREET along whose margin it is located.
  
- (c) PRIVATE STREETS. PRIVATE STREETS may be permitted by the BOARD of Supervisors upon recommendation of the PLANNING COMMISSION. PRIVATE STREETS are generally intended to be used as permanent CUL-DE-SAC STREETS rather than as through STREETS connecting two (2) PUBLIC STREETS. PRIVATE STREETS shall comply with the following:
  - (i) PRIVATE STREETS shall be constructed with a fifty (50) foot right-of-way and when in a dead end STREET configuration shall have a one hundred (100) foot diameter CUL-DE-SAC right of way. No more than four (4) LOTS or DWELLING UNITS shall be permitted on any PRIVATE STREET or linkage of PRIVATE STREETS that connect to an existing STREET. When serving more than four (4) LOTS or DWELLING UNITS, PRIVATE STREETS shall be subject to the same restrictions as PUBLIC STREETS, with the exception of existing private STREETS as of the effective date of this chapter. No SUBDIVISION plan containing an existing private STREET as of the effective date of this chapter, is permitted to be resubdivided to exceed four LOTS unless the STREET meets the restrictions for public STREETS. PRIVATE STREETS must be constructed with a minimum surface width of 18 feet and a four (4) inch aggregate unless constructed for more than four (4) LOTS in which case they must be constructed in accordance with TOWNSHIP specifications and standards.
  - (ii) The TOWNSHIP shall have no maintenance obligation for approved PRIVATE STREETS; maintenance of such PRIVATE STREETS shall be the full and sole responsibility of the subject to the criteria below:
    - (1) An association or other legally binding organization of landowners with access rights on the PRIVATE STREET shall be formed and administered for the purpose of maintenance of the PRIVATE

STREET.

- (2) All property owners in such an association shall have an equal share in the rights and bear an equal share of the costs of maintaining the PRIVATE STREETS.
  - (3) Documents governing such association shall be filed with the BOARD of Supervisors upon the recommendation of the TOWNSHIP Solicitor, who shall have authority for approval of such association.
  - (4) All properties depending on a PRIVATE STREET for access shall be guaranteed an irrevocable right to that access under the terms of a right-of-way access EASEMENT or other legal covenant. Such access right shall be clearly noted on the SUBDIVISION and/or LAND DEVELOPMENT PLANS which create a PRIVATE STREET, shall be included in deeds for all properties with access rights and shall be recorded in the office of the Recorder of Deeds of Allegheny COUNTY.
  - (5) Documents governing maintenance associations for PRIVATE STREETS shall be recorded with each deed for properties with access rights.
  - (6) Provision shall be made for the PRIVATE STREETS for emergency vehicles only as approved and seen necessary by TOWNSHIP officials.
- (iii) Whenever a subdivider proposes to establish a STREET which is not offered for dedication to public use, the TOWNSHIP may require the subdivider to submit and also to record with the plan a copy of an agreement made with the BOARD of Supervisors on behalf of his/her heirs, successors and assigns. The agreement shall establish the conditions under which the STREET may later be offered for dedication and should stipulate, but not be limited to, the following:
- (1) The STREET shall conform to municipal specifications or the owners of the PRIVATE STREET shall include sufficient funds with the offer of dedication to restore the STREET to conformance with municipal specifications.
  - (2) An offer to dedicate the STREET shall be made only for the STREET as a whole.
  - (3) Agreement by the owners of fifty-one percent (51%) of the front footage shall be binding on the owners of the remaining LOTS. Such condition shall be noted in the deeds for these properties.
- (iv) STREET grades and horizontal and vertical curve design of PRIVATE

STREETS shall be consistent with sections 174-404.G and 174-404.H.  
[Amended 9-29-2008 by Ord. No. 394]

D. ALLEYS. ALLEYS may be permitted by the BOARD OF SUPERVISORS upon recommendation of the PLANNING COMMISSION. ALLEYS shall have a minimum RIGHT-OF-WAY width of twenty (20) feet and a minimum CARTWAY of twelve (12) feet (top of curb to top of curb). Otherwise, the cross-section shall be the same standard detail No. 1.

E. STREET widths.

1. STREETS RIGHTS-OF-WAY shall be fifty (50) feet in width . The BOARD may require a lesser or greater width due to special conditions or topography or traffic circulation. The TOWNSHIP may request EASEMENTS from abutting landowners for grading purposes.
2. Intersecting rights-of-way shall be connected by a curve with a minimum radius of twenty-five (25) feet.
3. When a property to be subdivided borders on an existing STREET containing less than the required fifty (50) foot right-of-way, the TOWNSHIP shall request that the DEVELOPER dedicate the portion of his property within 25 ft of the centerline of the STREET (i.e. half of the remaining portion of the STREET needed to comply with the required right-of-way width.)

F. STREET names.

Proposed STREETS which are in alignment with other already existing and named STREETS shall bear the names of the existing STREETS. In no case shall the name of a proposed STREET duplicate or be similar in sound and spelling to an existing STREET name in Marshall TOWNSHIP and corresponding communities within the Northern Regional Police Service area, or the postal districts of the TOWNSHIP, irrespective of the use of the suffix "STREET," "avenue," "boulevard," "drive," "place," "court," "lane," etc. All STREET names shall be subject to the approval of the BOARD.

G. STREET grades.

1. No STREET shall have a grade in excess of twelve percent (12%) or less than one percent (1%).
2. STREETS shall have a grade not to exceed four percent (4%) for a distance within forty (40) feet of the edge of pavement of any intersecting STREET.

H. Horizontal and vertical curve design.

1. Vertical curves in profile design. For main thoroughfares, profile grades shall be connected by vertical curves of a minimum length equivalent to twenty (20) times the algebraic difference

- between the rates of grade, expressed in feet per hundred; for secondary and minor STREETS and , fifteen (15) times.
2. Horizontal curves. A minimum center-line radius of one hundred twenty-five (125) feet will be required for all horizontal curves on local STREETS.
  3. All center-line changes in direction shall be joined by a horizontal curve of appropriate radius.

§ 174-405. Driveways.

- A. All entrance and exit DRIVEWAYS shall be located to afford maximum safety to traffic, to provide for safe and convenient ingress and egress to and from the SITE and to minimize conflict with the flow of traffic.
- B. Where a SITE occupies a corner of two (2) intersecting roads, no DRIVEWAY entrance or exit shall be located nearer to the intersection than a point, as measured along the traveled CARTWAY center line, a distance of eighty (80) feet from the intersection point of the center lines of the traveled CARTWAYS, unless otherwise approved by the BOARD OF SUPERVISORS. In the case of four-lane roadways, measurement shall be made from the center line of the lanes traveling one (1) direction (i.e., center line of northbound lanes, etc.).
- C. No entrance or exit DRIVEWAY shall be located on a rotary, a ramp of an interchange or within twenty (20) feet of the beginning of any ramp or other portion of an interchange.
- D. In any nonresidential DISTRICT, where two (2) or more DRIVEWAYS or two (2) or more access points (curb cuts) for a single DRIVEWAY connect a single SITE to any one (1) road, a minimum clear distance of two hundred (200) feet measured along the RIGHT-OF-WAY LINE shall separate the closest edges of any two (2) such DRIVEWAYS or access points. Where such DEVELOPMENT fronts on an arterial STREET, access to PARKING and service AREAS, where practicable, shall be provided by a single access to the ARTERIAL STREET.
- E. In any residential DISTRICT, where DEVELOPMENT fronts on any ARTERIAL or COLLECTOR STREET AND two (2) or more DRIVEWAYS or two (2) or more access points (curb cuts) for a single DRIVEWAY connect a single SITE to any one (1) road, a minimum clear distance of two hundred (200) feet measured along the RIGHT-OF-WAY LINE shall separate the closest edges of such DRIVEWAYS or points of access.
- F. All DRIVEWAYS shall be constructed in such a manner as not to impair DRAINAGE within the highway RIGHT-OF-WAY, alter the stability of the roadway subgrade or materially change the DRAINAGE of adjacent areas. Where open shoulders or berms exist, the grade of a paved access DRIVEWAY(S) shall slope away from the highway pavement at the same rate as the existing shoulder (unless advised to the contrary by the TOWNSHIP Engineer) for the prevailing width of the shoulder. The gradient of a DRIVEWAY beyond this point (within the highway RIGHT-OF-WAY) shall not be less than one-half (1/2) inch per foot.
- G. DRIVEWAY ramps may extend from the face of the curb up to the outer edge of the SIDEWALK area in those cases where a planted area occurs between multiple DRIVEWAYS. The rate of slope for such DRIVEWAY ramps preferably should not exceed one (1) inch per foot. Where conditions are such that the one (1) inch per foot slope is not obtainable, the SIDEWALK area of the DRIVEWAY may be lowered sufficiently to obtain the allowable ramp slope and the SIDEWALK

may be warped up to meet the normal SIDEWALK grade at a rate of slope not to exceed three-eighths (3/8) inch per foot.

- H. Where a DRAINAGE ditch or SWALE exists, adequate pipe shall be installed under the DRIVEWAY (by the permittee) in accordance with PENNDOT specifications. Minimum diameter of such DRAINAGE pipe shall be fifteen (15) inches unless otherwise specified by the

TOWNSHIP Engineer. Under no circumstances shall the diameter of such DRAINAGE pipe be less than twelve (12) inches. [Amended 5/12/2008 by Ord. No. 390]

- I. In residential DISTRICTS, where a LOT abuts two (2) or more STREETS, access to the LOT shall be provided to the STREET where there is lesser potential for traffic congestion.

J. DRIVEWAY angle.

1. Two-way operation. DRIVEWAYS used for two-way operation shall intersect the road at an angle to as near ninety degrees (90°) as SITE conditions will permit and in no case will be less than seventy-five degrees (75°).
2. One-way operation. DRIVEWAYS used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five degrees (45°) with a road unless acceleration and deceleration lanes are provided.

K. Sight distances.

1. Any exit DRIVEWAY or DRIVEWAY lane shall be so designed in profile and grading and located to provide the following minimum sight distance measured in each direction to the greatest degree possible. The measurements shall be from that portion of the exit DRIVEWAY that is immediately outside the edge of the road RIGHT-OF-WAY at a height of thirty (30) inches above the DRIVEWAY surface.

Allowable Road Speed (mph)	Required Sight Distance (feet)
25	150
30	200
35	250
40	300
45	350
50	400
55	450

- L. Interior drives shall be paved with an all-weather surface and drain in conformance with the requirements of this Chapter. **[Added 9-29-2008 by Ord. No. 394]**

ARTICLE 500  
Required Improvements

§ 174- 501. General standards.

The granting of final approval of the SUBDIVISION plan or LAND DEVELOPMENT, shall be contingent upon, the subdivider furnishing adequate bond or other satisfactory guaranty, according to requirements of the BOARD for the ultimate installation of the improvements listed and described in sections of this Article. All of the required improvements shall be made in full compliance with the specifications for each of the various units of work as required by the TOWNSHIP Engineer and the Municipal Authority Engineer when applicable, as well as state and COUNTY authorities, according to the nature of the improvement.

§ 174- 502. Standards and requirements.

STREET improvements and the installation of waterlines, sanitary sewers and storm DRAINAGE facilities within the limits of the TOWNSHIP shall be made in full compliance with specifications and requirements of those regulations and shall be subject to the approval of the TOWNSHIP Engineer. Installation of waterlines, individual wells, private water supply systems, sanitary sewers and individual or collective sewage disposal facilities shall be made in accordance with the standards and requirements of the state and other authorities having jurisdiction over such installments.

§ 174-503. STREET improvements.

- A. General. All PUBLIC STREETS shall be paved to a minimum of twenty-two (22) feet CARTWAY and, in addition, shall have a twenty-four-inch width of integral wedge curb and gutter, constructed in accordance with TOWNSHIP standards and placed on both sides of the paved STREET.
- B. Grading.
  - 1. The full width of the right-of-way of each STREET in a proposed SUBDIVISION shall be graded and suitably prepared for the installation of paving, DRAINAGE structures, curbs, gutters and SIDEWALKS in accordance with the appropriate standards for the class of STREET.
  - 2. The subgrade shall be free of sod, vegetation matter or other similar material. Where poor subsurface DRAINAGE conditions exist, adequate DRAINAGE shall be installed as recommended by the TOWNSHIP Engineer. The subgrade shall be rolled with a roller of not less than ten (10) tons in weight. The subgrade shall not vary more than one (1) inch from the approved grade.
  - 3. Grading, filling and excavating shall be in accordance with the provisions of Chapter 88, Grading and Excavating, which is incorporated herein by reference.

4. Compaction and density testing of fills will be required for fills exceeding twelve (12) feet in height or in other instances deemed necessary by the TOWNSHIP Engineer. Such testing shall be conducted by a testing agency or geotechnical consultant mutually agreeable to both the DEVELOPER and the TOWNSHIP.

C. STREET cross section design.

1. All components of the pavement structure shall be designed and constructed in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, latest edition.
2. Minimum requirements. The following shall be considered to be minimum standards for LOCAL STREET CONSTRUCTION (as consistent with CONSTRUCTION Detail Standard No. 1):
  - (a) An aggregate base course consisting of six (6) inches of No. 4 Aggregate (limestone or slag) and three (3) inches of No. 2A aggregate (limestone) shall be placed and compacted on the prepared subgrade For STREETS and ALLEYS
  - (b) Flexible pavement consisting of a four (4) inch superpave 25 mm binder course and one half (1/2) inch FJ-1 course shall be placed and compacted on the prepared aggregate base course.
  - (c) When permitted by Section D below, final asphalt wearing courses shall be applied on the STREET. The wearing courses shall consist of a one and one half (1 1/2) inch Superpave 9.5 mm course
3. Curbs shall be provided on all PUBLIC STREETS and parking compounds located within non-residential, multifamily and apartment building developments. Curbs or other DRAINAGE controls shall be installed to properly control surface DRAINAGE and protect the STREETS from EROSION. Curbs shall be asphalt wedge type curb and constructed with a 2-foot width.
4. Minimum requirements for collector and arterial STREETS shall meet the minimum standards for local STREET CONSTRUCTION with the exception as follows:
  - (a) Pavement lanes and widths shall be designed pursuant to a traffic impact study and as approved by the TOWNSHIP Engineer.
  - (b) Plain Cement Concrete Curb Gutter & Pavement Base Drains, pursuant to PENNDOT Standard Drawings, shall be required on all roads within the Planned Industrial Park (PIP) and Residential, Research and Technology Park (RRTP) Zoning Districts.
  - (c) An aggregate base course consisting of eight (8) inches of No. 4 aggregate (limestone or slag) and four (4) inches of No. 2A aggregate (limestone only) shall be placed and compacted on the prepared subgrade.
  - (d) Flexible pavement consisting of a six (6) inch superpave 25mm binder course shall be placed and compacted on the prepared aggregate base course.

D. Timing of CONSTRUCTION.

1. This section shall only apply to asphalt STREETS.
2. No asphalt paving shall occur between the dates of October 31st and April 1<sup>st</sup>, unless otherwise approved by the TOWNSHIP ENGINEER. Asphalt paving shall only be performed during weather conditions approved by the TOWNSHIP engineer.
3. Crushed or base aggregate course for new STREETS must be paved with asphalt prior to October 31st, and therefore will not be permitted to remain uncovered during the winter months.
4. Asphalt STREETS in a SUBDIVISION shall be prepared in accordance with Subsection C(1), except that after the asphalt binder is applied, the STREET shall be covered with one-half inch of FJ-1 asphalt
5. After ninety percent (90%) of the homes are constructed in all phases planned, if CONSTRUCTION is in phases, or two (2) years time has lapsed from the date of the performance guarantee, an asphalt wearing course as specified in Subsection C(2) shall be applied as specified in Subsection C(1). The term "constructed," as used above, shall mean when the TOWNSHIP Building Inspector has inspected and approves the foundation and framing. The TOWNSHIP may grant a one-month waiver and permit the application of the asphalt wearing course after 23 months due to the pending expiration of the performance guarantee.
6. The TOWNSHIP may assume snow removal only of the STREETS after the FJ-1 asphalt has been applied.
7. After the asphalt wearing course has been applied and the STREETS inspected by the TOWNSHIP, the STREET, if desired by the DEVELOPER and constructed in accordance with this chapter and any other applicable ordinance, law, rule or regulation, may be accepted by the TOWNSHIP.

E. Acceptance. STREETS not constructed or installed in accordance with this chapter shall not be accepted by the TOWNSHIP.

F. Combination curb and gutter. Minimum curb or pavement edge radii at STREET intersection shall be fifteen (15) feet for intersections of a minor STREET with another minor STREET or a minor STREET with a collector STREET or a minor STREET with an ALLEY; twenty-five (25) feet for other intersections or such greater radius as is suitable to the specific intersection.

G. Walls, slopes and traffic guide rails. Where the grade of the STREET is three (3) feet or more above the grade of the adjacent land, guide rails shall be built to protect travel if recommended by the TOWNSHIP Engineer.

H. Fire hydrants. Fire hydrants shall be installed in a manor to satisfy standards established by the Fire Marshal.

I. SIDEWALKS.

1. SIDEWALKS shall be provided:

- (a) On all existing and proposed STREETS and parking compounds located within or abutting multifamily and apartment building developments;
- (b) On all existing and proposed STREETS within or abutting SUBDIVISIONS or LAND DEVELOPMENTS in which the average lot size of all LOTS containing houses is one (1) acre or less or as an extension of an existing network.
- (c) In all NON-RESIDENTIAL LAND DEVELOPMENTS
- (d) On any change of use for a building, whether from a RESIDENTIAL USE to a NON-RESIDENTIAL USE or from a NON-RESIDENTIAL USE to another NON-RESIDENTIAL USE.
- (e) SIDEWALKS shall be located in multifamily apartments, nonresidential and other areas so as to provide safe and efficient access between parking areas and residential buildings and between parking areas and nonresidential buildings.

2. Minimum requirements. The following shall be considered to be minimum standards for SIDEWALK CONSTRUCTION: **[Amended 5/12/2008 by Ord. No. 390]**

- (a) Minimum width for SIDEWALKS shall be five (5) feet. The BOARD may determine that a greater width is necessary due to an anticipated high volume of pedestrian traffic.
- (b) SIDEWALKS shall not extend outside the legal right-of-way line of public STREETS or private STREETS unless EASEMENTS are recorded in the COUNTY Recorder of Deeds or the Department of Real Estate which guarantee public pedestrian access. All pedestrian EASEMENTS shall be a minimum of 15 feet in width.
- (c) A tree lawn of a minimum of six (6) feet in width [must be provided in one of the two following ways:
  - i. If the tree lawn is to be located between the STREET and the SIDEWALK, a STREET tree shall be planted no more than forty (40) feet on center.
  - ii. If the tree lawn is to be located outside the back edge of the SIDEWALK, a STREET tree shall be planted no more than forty (40) feet on center with a continuous row of flowering or evergreen shrubs for the length of the SIDEWALK. If the tree lawn is to be located outside the back edge of the

SIDEWALK, the SIDEWALK can be located no closer than five (5) feet from the edge of the curb.]

- (d) All SIDEWALKS shall be constructed in accordance with the typical detailed drawings in Appendix B for CONSTRUCTION of SIDEWALKS as exist at the time of CONSTRUCTION.
- 3. SIDEWALKS shall be designed for use by the handicapped as specified in §1201.12.6 of the TOWNSHIP ZONING ORDINANCE.
- 4. SIDEWALKS shall not exceed twelve-percent grade. Should a twelve-percent grade not be obtainable, then steps or ramps may be used after approval of the BOARD of Supervisors.
- 5. A non-slip surface texture shall be used on all SIDEWALKS.
- 6. At all corners and pedestrian crossings, SIDEWALKS shall be extended to the STREET curblineline.
- 7. The grades and paving of SIDEWALKS shall be continuous across DRIVEWAYS.
- 8. Where required in MAJOR SUBDIVISIONS, SIDEWALKS shall be installed by the DEVELOPER on all vacant LOTS within three (3) years of completion of initial road CONSTRUCTION including final wearing course.

J. TRAILS.

- 1. TRAILS shall be required:
  - (a) On one side of all proposed STREETS and on all existing STREETS within or abutting SUBDIVISIONS in which the average lot size of all LOTS containing houses is greater than one (1) acre.
    - (i) A SIDEWALK meeting the requirements of Chapter 174-503(I) (1) (b) may be substituted for a TRAIL required in subsection (a) above.
    - (ii) MINOR SUBDIVISIONS will be required to provide a TRAIL EASEMENT in accordance with this section instead of constructing a TRAIL only if there is not an existing or approved TRAIL or SIDEWALK within 200 feet of the property.
  - (b) On all SUBDIVISIONS or LAND DEVELOPMENTS that contain TRAILS shown on the master TRAIL map in the TOWNSHIP'S Parks, Recreation, and Open Space Plan.
- 2. **[Amended 5/12/2008 by Ord. No. 390]** Minimum requirements. The following shall be considered to be minimum standards for TRAIL CONSTRUCTION:
  - (c) TRAILS shall be constructed at a width of six (6) feet.

- (d) TRAILS shall not extend outside the legal right-of-way line of public STREETS or private STREETS unless EASEMENTS are recorded in the COUNTY Recorder of Deeds or Department of Real Estate which guarantee public pedestrian access. Access EASEMENTS for any TRAIL shall be granted to the TOWNSHIP of at least fifteen (15) feet in width.
  - (e) [For all TRAILS that are located adjacent to a right-of-way, a tree lawn of a minimum of six (6) feet in width must be provided in one of the two following ways:
    - i. If the tree lawn is to be located between the STREET and the TRAIL, a STREET tree shall be planted no more than forty (40) feet on center.
    - ii. If the tree lawn is to be located outside the back edge of the TRAIL, a STREET tree shall be planted no more than forty (40) feet on center with a continuous row of flowering or evergreen shrubs for the length of the TRAIL. If the tree lawn is to be located outside the back edge of the SIDEWALK, the TRAIL can be located no closer than five (5) feet from the edge of the curb.]
  - (f) TRAILS shall be constructed of asphalt and according to specifications as determined by the TOWNSHIP Engineer.
3. Where required in SUBDIVISIONS, TRAILS shall be installed by the DEVELOPER on all vacant LOTS within three (3) years of completion of initial road CONSTRUCTION including final wearing course.

§ 174- 504. Sanitary sewage disposal.

- A. Acceptable types of systems. The DEVELOPER shall provide the most effective type of sanitary sewage disposal consistent with the natural features, location and proposed DEVELOPMENT SITE. The following types of sanitary sewage disposal are listed in order of preference:
  - 1. Connection to a public sanitary sewage disposal and treatment system.
  - 2. Provision by the DEVELOPER for a community sanitary sewage disposal system capable of being tied into a public system in accordance with the requirements of the Department of Environmental Protection and acceptable to the TOWNSHIP.
  - 3. Capped sewers with temporary, approved on-lot facilities.
  - 4. On-lot sewage disposal systems consisting of septic tanks with tile fields or other approved system.
- B. Connection to a public sewer system. Connection to a public sanitary system shall be required where such a system can feasibly be provided to adequately fulfill the sewage disposal needs of the proposed SUBDIVISION or LAND DEVELOPMENT tract.
- C. Installation of capped sewers. Where a public sanitary sewer system is not yet accessible to the site but has been scheduled and a preliminary design has been prepared for such an extension to the SUBDIVISION within a ten-year period, the DEVELOPER shall install sewer lines, including

lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the STREET right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. Design of the capped system shall be in accordance with the standards of the Pennsylvania Department of Environmental Protection and subject to the approval of the BOARD of Supervisors.

D. Provision of community sewerage system.

1. Where a public sanitary sewer system cannot feasibly be provided to the proposed SUBDIVISION or LAND DEVELOPMENT tract or is not planned for extension to the proposed SUBDIVISION or LAND DEVELOPMENT tract, the BOARD, upon recommendation by the TOWNSHIP Engineer, may require the submission of a community sewerage system feasibility report.
2. When a sewage feasibility report is required, it must be prepared by a registered engineer and submitted to Marshall TOWNSHIP, the COUNTY and the Pennsylvania Department of Environmental Protection.

E. Provision of on-lot sewage disposal. In SUBDIVISIONS or LAND DEVELOPMENTS where neither connection to a public sewerage system nor a community sanitary sewer system is required, sewage disposal consisting of septic tanks and absorption fields shall be provided on individual LOTS. The physical features of the tract on which on-lot disposal is provided shall meet the criteria established by the Pennsylvania Department of Environmental Protection, the Allegheny COUNTY Health Department and/or Marshall TOWNSHIP for on-lot sewage disposal systems.

§ 174- 505. Water supply and distribution systems.

- A. Acceptable types of systems. The DEVELOPER shall provide a water supply and distribution system to service the proposed SUBDIVISION or LAND DEVELOPMENT through one (1) of the following methods, listed in their order of preference:
  1. Public water supply.
  2. Community water supply.
  3. On-lot water supply.
- B. Public water supply. Connection of a public water supply system shall be required where such a system can feasibly be provided to the proposed SUBDIVISION or LAND DEVELOPMENT tract and where the capacity of such a system can adequately fulfill the water supply demands of the proposed development. A distribution system shall be designed to furnish an adequate supply of water to each lot.
- C. Community water supply. Where a public water supply system cannot feasibly be provided to the proposed SUBDIVISION or LAND DEVELOPMENT, where the average residential lot size is to be less than a size necessary to accommodate both a septic system and on-site water or where a

public water supply system is scheduled to serve the proposed SUBDIVISION or LAND DEVELOPMENT area within ten (10) years, a community water supply system will provided by the DEVELOPER if possible. If such a system is provided, it shall be approved by the Pennsylvania Department of Environmental Protection, and suitable agreements shall be established for the ownership and maintenance of the system. Also, such a system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future. Fire hydrants shall be provided in all community water supply systems where said system is adequate to provide fire protection.

- D. On-lot water supply. Where individual on-lot water supply systems are to be utilized, they shall conform to established criteria set forth for on-lot water supply systems. However, if on-site sewage disposal is to be permitted, on-lot water supply shall be permitted only where approved by the Allegheny COUNTY Health Department and/or the Pennsylvania Department of Environmental Protection.

§ 174- 506. Underground utilities and EASEMENTS. [Amended 9-29-2008 by Ord. No. 394]

- A. Electric utility lines. In accordance with the Pennsylvania Public Utility COMMISSION Order of July 8, 1970, as amended, all electric utility distribution lines shall be installed underground in SUBDIVISION or LAND DEVELOPMENTS of five (5) or more DWELLING UNITS. In addition, the following design standards shall be observed:

1. Telephone and cable television utilities shall be installed underground.
2. Whenever practicable, trenches through utility EASEMENTS shall be occupied jointly by electric and communication utilities.
3. A plan for providing utility service to the proposed SUBDIVISION or LAND DEVELOPMENT shall be prepared by the DEVELOPER in cooperation with the appropriate public utility companies and governmental agencies.

- B. Utility EASEMENTS.

1. Utility EASEMENTS shall be provided for wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting LOTS. No structures shall be placed within such EASEMENTS. Local utility companies shall be consulted by the DEVELOPER when locating utility EASEMENTS.
2. Other utility EASEMENTS shall be located either:
  - (a) Abutting the STREET right-of-way, in which case a minimum EASEMENT width of ten (10) feet shall be required; or
  - (b) Along rear or side lines, in which case a minimum EASEMENT width of twenty (20) feet, ten (10) feet on each side of the LOT LINES, shall be provided; where the LOT LINES coincides with the SUBDIVISION boundary, a minimum EASEMENT width of twenty (20) feet may be required by the BOARD. For high-power transmission lines, the EASEMENT width shall be as required by the utility company.

C. Energy transmission lines.

1. No company intending to install any petroleum, petroleum products or natural gas transmission line shall be allowed to construct the line on less than a fifty-foot right-of-way. The line shall be installed in the center of the right-of-way and comply with the applicable standards imposed by state and federal laws and regulations.
2. There shall be a minimum distance of twenty-five (25) feet, measured from the right-of-way line, between any proposed building and any petroleum, petroleum products or natural gas transmission lines which traverse the SUBDIVISION.

D. STREETS, SIDEWALKS, and Utilities

1. Utilities shall be constructed in the most perpendicular manner as possible in regards to STREETS and SIDEWALKS.

§ 174-507. STEEP SLOPES. [Amended 9-29-2008 by Ord. No. 394]

- A. No alteration, disturbance or CONSTRUCTION of any type shall be approved or initiated, and no application FOR FINAL APPROVAL shall be approved for SITES having any portion of their area proposed for DEVELOPMENT on or within fifty (50) feet of any STEEP SLOPE ([25% or greater) until any other applicable Federal, State, COUNTY, or TOWNSHIP regulations have been satisfied. [Amended 5/12/2008 by Ord. No. 390]
- B. No FINAL APPROVAL of the APPLICATION FOR DEVELOPMENT shall be given until all required COMMONWEALTH and COUNTY and SEDIMENTATION and EROSION control permits have been issued and submitted to the TOWNSHIP.
- C. The DEVELOPER shall clearly delineate all STEEP SLOPE area(s) on certified SURVEY maps, with two (2) foot contour intervals submitted with all APPLICATIONS FOR DEVELOPMENT. If no slopes of 15% or greater exist, the DEVELOPER shall certify the non-existence of such features. The areas to be delineated are: 15-25% slope and slopes greater than 25%.
- D. No BUILDING SITES shall be designated or improved in STEEP SLOPES areas except as permitted by this ORDINANCE and Chapter 208, Marshall TOWNSHIP ZONING ORDINANCE.
- E. When DEVELOPMENT activity is proposed on areas identified in section(C) above, a geotechnical investigation and report shall be required to assess the short and long-term stability of the SITE and the possible effects on neighboring properties of developing the proposed SITE in the proposed manner. These areas and the proposed DEVELOPMENT shall be investigated and documented in a statement by a registered Professional Engineer prior to FINAL APPROVAL. This slope investigation shall determine the engineering characteristics and physical properties of the slopes, soil deposits and underlying rock strata, which are proposed for use in structural foundations. Materials used for earthwork CONSTRUCTION shall be similarly evaluated.
- F. A geotechnical investigation report prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be submitted for SITE PLANS located in areas of STEEP SLOPE and for such other sites where special soil or water conditions are deemed by the TOWNSHIP ENGINEER to be potentially hazardous. The required soils REPORT must be

prepared in accordance with this ORDINANCE and other applicable COMMONWEALTH or COUNTY regulations.

- G. The SITE geotechnical investigation should include, but not be limited to, the following detailed factual information, analysis, and recommendations:
1. Surface Features - Surface contours, old CONSTRUCTION, rock outcrops (if any), WATERCOURSES, ditches, ponds, wooded areas, filled-in areas, and old slide areas.
  2. Hydrologic Features - The presence of seepage zones, depth to groundwater, and the possible fluctuations with the seasons.
  3. Subsurface Features
    - (a) A plotted, horizontal and vertical record of the stratification of the soil and rock deposits.
    - (b) Information on the relative density of granular soils in the different strata and on the consistency of cohesive soils.
    - (c) Information on subsurface geologic features and past mining activity including depth of overburden.
  4. Exploration Methods - Physical explorations can be carried out by several methods. Field explorations should follow the applicable standards or the procedures and practices recommended by the American Society for Testing and Materials (ASTM). It is generally sufficient to secure soil samples at intervals of five feet in depth or at changes in the material. The intervals should be determined by such conditions as the soils encountered and/or the type of STRUCTURE.
  5. The spacing and depths of borings should also be based on SITE conditions and proposed CONSTRUCTION. Maximum spacing between borings should not exceed 250 to 300 feet. One boring for every 6,000 to 10,000 square feet of BUILDING area should be a minimum for a high-rise structure, and a minimum of one boring per STRUCTURE is recommended for single-family residences.
  6. Groundwater Measurements – Information is required on groundwater elevations, including depth of permanent and perched water tables. Water levels should be determined on completing the boring and again, approximately 24 hours later.
  7. Classifications and Descriptions - Direct observation of soils samples from various depths and locations will be required for correlation with the known geology of the area. Classification and description of soils will be done by the Unified Classification System (ASTM Specification D2487), and by the Visual Manual Identification Procedure (ASTM Specifications D2488).
  8. Laboratory Testing - The laboratory testing program should be dependent upon the characteristics of the soils and the anticipated geotechnical problems analysis.
  9. The recommendations of all such investigations and REPORTS of STEEP SLOPES and other identified soil or water condition HAZARDS shall be reviewed by the TOWNSHIP

ENGINEER. Incorporation of said recommendations may be required as conditions for PRELIMINARY APPROVAL and/or FINAL APPROVAL .

10. All PUBLIC and PRIVATE ROADS, bridges, utilities and other facilities shall be located, designed and constructed to avoid STEEP SLOPE areas or to withstand any anticipated soil or rock movement.
11. ROAD and utility alignments and GRADES shall minimize cuts and fills.
12. hazardous slope conditions that may be present on a SITE must be corrected prior to completion of the DEVELOPMENT.

§ 174-508. EASEMENTS and MONUMENTS. **[Amended 9-29-2008 by Ord. No. 394]**

A. EASEMENTS shall be required along rear and side LOT LINES and across or through LOTS where engineering design or special conditions necessitate the installation of water, sewer or other utility service lines. The width of such EASEMENTS shall conform to requirements as determined by the authorities having jurisdiction and the BOARD (see § 174-506.B).

B. MONUMENTS.

1. MONUMENTS shall be installed by a registered professional land surveyor as shown on the SUBDIVISION recording plan.
2. Perimeter MONUMENTS shall be installed along the perimeter of the SUBDIVISION at intervals not exceeding 500 feet in the case of MAJOR SUBDIVISIONS and 1000 feet in the case of MINOR SUBDIVISIONS.
3. When siting MONUMENTS, consideration should be given to the accessibility of the MONUMENTS and the likelihood of possible damage due to surrounding uses.

§174-509. As-built drawings. **[Amended 9-29-2008 by Ord. No. 394]**

As-built drawings of all improvements constructed as part of any SUBDIVISION Plan shall be prepared by a licensed or registered architect, landscape architect, surveyor or engineer and shall be submitted to the TOWNSHIP prior to issuance of any BUILDING PERMITS in that Plan. Evidence of license and/or registration of the preparer shall be provided on the drawing(s).

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ARTICLE 600  
Natural Features

§ 174- 601. General standards.

The design and development of all SUBDIVISIONS and LAND DEVELOPMENTS shall preserve, wherever possible, existing features such as the natural terrain of the site, WOODLAND areas, large trees, vegetative corridors for wildlife movement, WATERCOURSES and bodies of water, wetlands, rock outcroppings and scenic views. More detailed requirements concerning the preservation of specific natural features are set forth in the following sections.

§ 174-602. FLOODPLAIN protection.

The following requirements shall be met as set forth below:

- A. The DEVELOPER shall consult FLOODPLAIN engineering studies done for Marshall TOWNSHIP in order to delineate FLOODPLAIN areas within the proposed SUBDIVISION or LAND DEVELOPMENT tract.
- B. With the exception of a privately developed water body or WATERCOURSE, proposed SUBDIVISION or LAND DEVELOPMENT tracts which include rivers, lakes, STREAMS or other significant WATERCOURSES or bodies of water shall adhere to the requirements of the TOWNSHIP FLOODPLAIN District requirements.

§ 174-603. WETLAND, Lake and STREAM FRONTAGE preservation.**[Amended 5/12/2008 by Ord. No. 390]**

The following requirements shall be met as set forth below:

- A. Lake and STREAM FRONTAGE shall be preserved as open space whenever possible. In smaller MINOR SUBDIVISIONS and LAND DEVELOPMENTS lake and STREAM FRONTAGE may be preserved through conservation EASEMENTS.
- B. Access points to the water and maintenance EASEMENT areas shall be provided at intervals of no more than one-half (1/2) mile. These access points shall be no less than twenty-five (25) feet in width.
- C. No disturbance is permissible within 25 feet of the edge of any flowing STREAM, lake or WETLANDS.

§ 174-604. Tree preservation and planting.

The following requirements shall be met as set forth below:

- A. Trees eight (8) inches or more in diameter [measured at a height of four and one-half (4 1/2) feet

above grade] shall not be removed unless they are located within the proposed CARTWAY or SIDEWALK portion of a STREET right-of-way, within twenty-five (25') feet of the foundation area of a new building or within an area where regrading is necessary to achieve acceptable site development. Where possible, existing open space areas should be utilized for such facilities to minimize necessary disturbance of existing wooded areas. Areas in which trees are retained shall remain undisturbed and at the original grade level wherever possible. Registered Bicentennial Trees or older shall not be removed unless the APPLICANT proves the property is incapable of development without removal.

- B. For all non-residential, mobile home park and multifamily developments, a landscape plan shall be prepared. The plan shall show the plant cover which exists and, on the same or separate sheet, that which will exist when the landscaping is completed, including trees, shrubs and ground cover. A landscape plan shall be prepared and submitted prior to approval of a BUILDING PERMIT. In the case of staged development or developments of individual parcels by separate owners, the landscape plan may be submitted in stages coinciding with the application for FINAL PLAN approval for each stage.

#### § 174-605. Topography.

The natural terrain of all proposed SUBDIVISION or LAND DEVELOPMENT tracts will be retained wherever possible. Cut and fill should be kept to a minimum necessary to achieve acceptable STREET grades, parking areas or building sites where no feasible alternative exists or where it will be used to enhance the site, such as berms or SWALES, which add visual interest or perform a function such as DRAINAGE or screening. Topographic alterations shall be in accordance with Chapter 88, Grading and Excavating.

- A. Blasting operations using EXPLOSIVES may be permitted in conjunction with any grading or excavating activity, including, but not limited to, earthmoving or trenching operations. Such grading or excavating activities may be permitted by the Marshall TOWNSHIP Board of Supervisors provided that the person or entity applies for a grading permit and the grading permit application clearly demonstrates that all standards and conditions set forth in Section 174-605.B of the Marshall TOWNSHIP Code of Ordinances, SUBDIVISION and LAND DEVELOPMENT have been met.
- B. All blasting operations using EXPLOSIVES in conjunction with any grading or excavating activity must meet all of the following conditions:
  - (1) All blasting must be conducted in accordance with the Title 25, Pennsylvania Code, Chapter 211, STORAGE, HANDLING AND USE OF EXPLOSIVES.
  - (2) All blasters must be licensed by the Commonwealth of Pennsylvania's Department of Environmental Protection prior to any blasting activity within Marshall TOWNSHIP.
  - (3) All APPLICANTS must secure and provide to Marshall TOWNSHIP a copy of any and all approved Blasting Activity Permit(s) from the Commonwealth of Pennsylvania's Department of Environmental Protection Bureau of Mining and Reclamation prior to any blasting activity with Marshall TOWNSHIP.
  - (4) All APPLICANTS must provide a Certificate of Insurance evidencing coverage at five

million dollars per occurrence with Marshall TOWNSHIP named as an additional insured.

- (5) All APPLICANTS must provide notification by certified mail, return receipt requested, to all homeowners with properties within 1000 feet of the blast site at least of 30 days in advance of the blasting activity. The notification shall provide general information about the blasting operation, the operation's blasting schedule, and a statement regarding the duration of the operation. Proof of mailing and all receipts returned must be submitted to the TOWNSHIP for all properties prior to any blasting activities.
- (6) All APPLICANTS must provide a pre-blast survey for all residential and commercial structures within 300 feet of the blast site. Such survey shall not be performed by the blasting company. The surveyor shall document both interior and exterior conditions. The surveyor shall record the condition of the structure before blasting and any physical features the blasting could affect. The surveyor shall also record the quality and quantity of private water supplies.
- (7) The blasting company must retain a third party person or entity to conduct seismographic recordings which shall be made at the nearest three (3) residential and the nearest three (3) commercial structures from the blasting site. An analysis of the seismic data shall be submitted to the TOWNSHIP within three (3) days from the conclusion of the blasting activity.
- (8) A detailed blasting report shall be submitted to Marshall TOWNSHIP within three (3) days from the conclusion of the blasting activity.
- (9) Blasts shall be designed and conducted to achieve either a minimum scaled distance of 90 feet or meet the maximum allowable peak particle velocity indicated by Figure 1 of the Title 25, Pennsylvania Code, Chapter 211.151(c) and not to exceed the noise levels specified in Table 1 of PA Code Chapter 211.151(d) at the closest building not owned or leased by the blasting company or its customer.

§ 174- 606. Topsoil protection.

Topsoil shall be removed from the areas of CONSTRUCTION and stored separately. The topsoil shall be stabilized to minimize EROSION during storage. Upon completion of initial road CONSTRUCTION including final wearing course, the topsoil must be uniformly redistributed on the site at a depth not less than four inches and the site shall be seeded and mulched in a manner that is deemed appropriate by the TOWNSHIP

- A. Such provisions regarding restoration of LOTS shall apply to LOTS within MAJOR SUBDIVISIONS.
- B. Such restoration, seeding, and mulching shall occur on vacant LOTS within three (3) years of the completion of initial road CONSTRUCTION including final wearing course.

§ 174- 607. Maintenance of vacant LOTS. [Amended 5/12/2008 by Ord. No. 390]

Vacant LOTS within MAJOR SUBDIVISIONS shall be kept free of CONSTRUCTION debris and/or other waste materials or rubbish. Vacant LOTS shall be kept orderly and a setback of twenty four (24) inches along all property lines shall be regularly mowed so that the growth shall not exceed six (6) inches

in height.

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ARTICLE 700  
Miscellaneous Provisions

§ 174- 701. Conflicts with other laws.

A. Public Provisions

Where a provision of this chapter is found to be in conflict with a provision of any land use ordinance or code, applicable health, building, housing or safety regulation or any other ordinance or resolution of the MUNICIPALITY existing on the effective date of this chapter or thereafter or any regulation issued under the authority of any such code, regulation, ordinance or resolution, the provision which establishes the more restrictive standard for protection of the health, safety and welfare of the people shall prevail.

B. Private Provisions

These regulations are not intended to abrogate any EASEMENT, covenant or any other private agreement or restriction.

§ 174-702. When effective.

Pursuant to the provisions of the Pennsylvania MUNICIPALITIES PLANNING CODE, Act 245, as amended,<sup>1</sup> the effective date of this chapter shall be five (5) days after the date on which BOARD of Supervisors of Marshall TOWNSHIP has formally adopted this chapter.

§ 174- 703. Effect of this ordinance. [**Amended 5/12/2008 by Ord. No. 390**]

No SUBDIVISION or LAND DEVELOPMENT of any lot, tract, or parcel of land shall be made, no STREET, sanitary sewer, STORM SEWER, STORM SEWER, water main or other improvements in connection wherewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

§ 174- 704. Enforcement remedies and preventive remedies [**Amended 5/12/2008 by Ord. No. 390**]

Any person, partnership or corporation, who or which has violated the provisions of this Chapter, upon being found liable therefore in a civil enforcement proceeding commenced by the TOWNSHIP, shall be subject to the enforcement remedies of the MPC. (§515.3 Enforcement remedies) In addition, the TOWNSHIP may utilize the preventive remedies authorized by the MPC. (§515.1 Preventive Remedies)

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<sup>1</sup>Editor's Note: See 53 P.S. § 10101 et seq.

§ 174- 705. Enactment of SUBDIVISION and LAND DEVELOPMENT ordinance amendments.

- A. The BOARD may from time to time amend, add to, change, or repeal in its entirety provisions of this Chapter. Such amendments shall be enacted in conformance with Section 505 and Section 506 of the MPC. Applicability of any such amendment to an approved plan or pending plan application shall be governed by Section 508(4) of the MPC.

**[Added 5/12/2008 by Ord. No. 390]**

ARTICLE 800  
DEFINITIONS

§ 174-801. Definitions.

**90-DAY REVIEW PERIOD:** The period of time, established by the MPC for in which the review and communication of the decision of the BOARD OF SUPERVISORS shall be made for any APPLICATION. The 90-DAY REVIEW PERIOD commences with the OFFICIAL FILING DATE.

**ACT -** The Storm Water Management ACT (Act of October 4, 1978, P.L. 864, No. 167; 32 P.S. § 680.1 et seq.), as amended.

**ALLEY -** Any public thoroughfare in the TOWNSHIP shown on the TOWNSHIP map and open to travel by the public and designed and intended primarily as a means of access to and from the rear of properties.

**APPLICANT -** A landowner or DEVELOPER, as defined by this chapter, who has filed an application for development, including his/her heirs, successors and assigns.

**BEST MANAGEMENT PRACTICES (BMP) –** Methods, measures or practices and facilities to prevent or reduce surface runoff and/or water pollution, including but not limited to, structural and non-structural stormwater management practices and facilities and operation and maintenance procedures. **[Added 5/12/2008 by Ord. No. 390]**

**BOARD -** The BOARD of Supervisors of Marshall TOWNSHIP.

**BUILDING PERMIT -** A valid permit issued by the TOWNSHIP of Marshall pursuant to the provisions of Chapter 52, Building CONSTRUCTION.

**CARTWAY -** The portion of a STREET that is available for vehicular traffic.

**CHANNEL -** A natural or artificial WATERCOURSE that conveys, continuously or periodically, flowing water. **[Amended 5/12/2008]**

**COMMISSION -** the PLANNING COMMISSION of Marshall TOWNSHIP.

**COMPREHENSIVE PLAN -** The overall policy guide for the physical development of the TOWNSHIP consisting of maps, charts and textual matter in accordance with the MPC as adopted by Marshall TOWNSHIP by Resolution in August, 2006.

**CONFLUENCE -** Points where WATERCOURSES join together.

**CONSERVATION DISTRICT (ACCD) -** The Allegheny COUNTY CONSERVATION DISTRICT.

**CONSERVATION AREAS, PRIMARY -** Those lands identified within conservation SUBDIVISIONS that, due to their environmental sensitivity, are required to be set aside as GREENWAY LANDS. These lands are: wetlands, FLOODPLAINS and , STEEP SLOPES 25%

or greater

CONSERVATION AREAS, SECONDARY - Those lands identified within conservation SUBDIVISIONS of important environmental value that are added to PRIMARY CONSERVATION AREAS to make up the required amount of GREENWAY LAND. These lands consist of WOODLANDS; slopes 15% to 25%; significant wildlife habitats; historic, archaeological or cultural features; groundwater recharge areas; important viewsheds and other significant natural areas as identified by the TOWNSHIP.

CONSERVATION SUBDIVISION DESIGN - Residential SUBDIVISION developments in which one-half (1/2) or greater of the area of the total tract of land is designated as greenway area. . Development is either concentrated, or “clustered,” on that portion of the tract most suitable for development or land is preserved within country LOTS.

CONSTRUCTION – The CONSTRUCTION, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a BUILDING or structure. **[Added 5/12/2008 by Ord. No. 390]**

CORNER LOT - A platted parcel of land abutting two (2) rights-of-way at their intersection.

COUNTY – The County of Allegheny, Commonwealth of Pennsylvania. **[Added 5/12/2008 by Ord. No. 390]**

COUNTY PLANNING AGENCY – The Allegheny County Department of Economic Development or its successor. **[Added 5/12/2008 by Ord. No. 390]**

CUL-DE-SAC - A dead-end STREET with a circular turnabout having a minimum radius to the outside edge of the paving or curb of forty (40) feet and a right-of-way having a minimum radius of fifty (50) feet.

CULVERT - A pipe, conduit or similar structure, including appurtenant works, which carries a STREAM under or through an embankment or fill.

DAM - Any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water, or a structure for highway, railroad or other purposes which may impound water.

DESIGN STORM - The magnitude and temporal distribution of precipitation from a STORM EVENT measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24-hours), used in the design and evaluation of stormwater management systems. **[Amended 5/12/2008 by Ord. No. 390]**

DETENTION - The prevention of, or to prevent, the DISCHARGE, directly or indirectly, of a given VOLUME OF STORMWATER RUNOFF into surface waters by temporary storage. **[Amended 5/12/2008 by Ord. No. 390]**

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. **[Amended 5/12/2008 by Ord. No. 390]**

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

DEVELOPER'S AGREEMENT - Any agreement entered into between the DEVELOPER and Marshall TOWNSHIP, or conditions imposed by the Marshall TOWNSHIP BOARD of Supervisors.

DEVELOPMENT SITE - A lot, parcel or tract of land on which development is taking place or is proposed.

DISCHARGE - To release of water from a project, site, aquifer, DRAINAGE basin or other POINT OF INTEREST (verb); The rate and volume of flow of water such as in a STREAM, generally expressed in cubic feet per second (volume per unit of time) (noun). **[Amended 5/12/2008 by Ord. No. 390]**

DISCHARGE CONTROL POINT - A point of hydraulic concern, such as a bridge, CULVERT or CHANNEL section, for which the RATE OF RUNOFF is computed or measured in the WATERSHED PLAN.

DOUBLE FRONTAGE LOT - A lot abutting two (2) or more STREETS that is not a CORNER LOT.

DRAINAGE - The removal of surfacewater or groundwater from the land by drains, grading or other means, such as retention or DETENTION BASINS, including control of runoff to minimize EROSION and SEDIMENTATION during and after CONSTRUCTION or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE AREA - The contributing area to a single DRAINAGE basin, expressed in acres, square miles or other units of area; also called a "catchment area," "WATERSHED" or "river basin"; the area served by a DRAINAGE system or by a WATERCOURSE receiving storm- and surface-water.

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

DRIVEWAY –

1. COMMERCIAL DRIVEWAY - That portion of the parking area that consists of a travel lane bounded on either side by an area that is not part of the parking area.
2. RESIDENTIAL DRIVEWAY - A travel lane that serves no more than two (2) residential LOTS.

DWELLING - A BUILDING or portion thereof which is designed for and/or occupied in whole or

in part as a residence for one (1) or more DWELLING UNITS, not including hotels, boarding or rooming houses, institutional homes or residence clubs. The following are specific structural types of "DWELLINGS":

1. SINGLE FAMILY DETACHED DWELLING - A residential BUILDING containing one (1) DWELLING UNIT only, which is located on an individual LOT with yards on all sides.
2. SINGLE-FAMILY ATTACHED DWELLING - A detached BUILDING, on a LOT, containing two (2) side-by-side DWELLING UNITS. The wall attaching the units is on a side property line.
3. TWO- FAMILY DWELLING (DUPLEX) - A BUILDING, on a LOT, designed as a residence, containing two (2) DWELLING UNITS.
4. TRIPLEX DWELLING - A residential building designed exclusively for occupancy by three (3) families living independently of each other, containing three (3) DWELLING UNITS.
5. QUADPLEX DWELLING - A residential building designed exclusively for occupancy by four (4) families living independently of each other, containing four (4) DWELLING UNITS.
6. TOWNHOUSE DWELLING - A residential BUILDING containing three (3) to five (5) DWELLING UNITS connected by a party wall or walls. Each DWELLING UNIT has a separate entrance directly to the outside and is at least two (2) stories but no more than three (3) stories high, with the first floor and all stories directly above it part of the same DWELLING UNIT.
7. APARTMENT DWELLING - A residential BUILDING containing three (3) or more DWELLING UNITS, having access to the outside by way of a common entrance or entrances and a common interior hallway. Individual DWELLING UNITS in the same structure may have party walls on two (2) sides.
8. ATTACHED DWELLING - Two or more DWELLINGS within the same structure
9. DETACHED DWELLING - No more than one (1) DWELLING within a structure
10. MULTI-FAMILY DWELLING - A building containing three or more individual DWELLING UNITS.

DWELLING UNIT - One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by one (1) household, and which includes cooking space and sanitary facilities reserved for the use of the household.

EASEMENT – A grant by a property owner for the use of land by the public, a corporation, for specific purposes, as the CONSTRUCTION of utilities, DRAINAGE ways, roadways or preservation of land..

**ENCROACHMENT** - Any structure or activity which in any manner changes, expands or diminishes the course, current or cross section of any WATERCOURSE, floodway or body of water.

**EROSION** - The wearing away of land surface by water or wind which occurs naturally from weather or runoff, but is often intensified by human activity. **[Amended 5/12/2008 by Ord. No. 390]**

**EXCAVATION (CUT)** - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom.

**EXPLOSIVES** - A chemical or other substance intended of producing an explosion or that contains oxidizing or combustible units or other ingredients in proportions or quantities that by ignition by fire, by friction, by concussion, by percussion or by detonation may produce an explosion capable of causing injury to persons or damage to property. The term explosive includes, but is not limited to, black powder (all varieties), dry gun cotton, nitroglycerine, dynamite, chlorates, fulminates, all sensitized ammonium nitrate compositions and any other of their compounds or mixtures, smokeless powder, wet gun cotton and wet nitrostarch.

**FINAL PLAN** - The final map of a SUBDIVISION which is submitted for approval by the BOARD of Supervisors and which, if approved, will be filed with the COUNTY Recorder of Deeds or the final LAND DEVELOPMENT map officially recognized as the approved PLAN by the BOARD of Supervisors .

**FLOODPLAIN** - A normally dry land area adjacent to STREAM CHANNELS that is susceptible to being inundated by overbank STREAM flows. For regulatory purposes, the Flood Plain Management ACT (Act of October 4, 1978, P.L. 851, No. 166) and regulations pursuant to the Act define the "FLOODPLAIN" as the area inundated by a one-hundred-year flood and delineated on a map by FEMA (Federal Emergency Management Agency).

**FRONTAGE** - All the property, measured along the STREETS line, abutting one (1) side of a STREETS between two (2) STREETS or between a STREET and a right-of-way or WATERWAY or the end of a dead-end STREET or the TOWNSHIP boundary.

**GREENWAY LAND** That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. GREENWAY LAND may be accessible to the residents of the development and/or the TOWNSHIP,

**HAZARD** - A danger or potential danger to life, limb or health of the general public or an adverse effect or potential adverse effect to the safety, use or stability of property, WATERWAYS, public ways, structures, utilities and STORM SEWER used by the general public. "HAZARD" shall also include storm pollution.

**HYDRAULICS** - The branch of science concerned with the mechanics of fluids, especially liquids; as applied in stormwater management, the study of the characteristics of water flow in and conveyance capacity of a WATERCOURSE, considering such factors as depth, velocity and turbulence.

HYDROGRAPH - A graph showing, for a given point on a STREAM or for a given point in any DRAINAGE system, the DISCHARGE, stage, velocity or other property of water in respect to time.

HYDROLOGY - The science dealing with the waters of the earth and their distribution and circulation through the atmosphere. "Engineering HYDROLOGY" deals with the application of HYDROLOGY concepts to the design of projects for use and control of water.

IMPERVIOUS SURFACE - A surface (area), which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clayey soils, as well as most conventionally surfaced STREETS, roofs, SIDEWALKS, parking LOTS, and other similar surfaces. Net Increase of IMPERVIOUS SURFACE refers to the difference between the existing impervious coverage and the total IMPERVIOUS SURFACE proposed. **[Amended 5/12/2008 by Ord. No. 390]**

LAND DEVELOPMENT:

(1) Any of the following activities:

(a) The improvement of one (1) lot or two (2) or more contiguous LOTS, tracts or parcels of land for any purpose involving:

[1] A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or LOTS regardless of the number of occupants or tenure; or

[2] The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of STREETS, common areas, leaseholds, condominiums, building groups or other features.

(b) A SUBDIVISION of land.

(2) The following shall not be considered a "LAND DEVELOPMENT":

(a) The conversion of an existing single-family DETACHED DWELLING into not more than three (3) residential units, unless such units are intended to be a condominium;

(b) The addition of an accessory building to a residential or farm use, on a lot or LOTS subordinate to an existing principal building; or

(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This exclusion shall not apply to a newly acquired parcel to be used for operating an amusement park until the initial plans for the expanded area have been approved by the TOWNSHIP.

LAND DISTURBANCE - Any activity involving grading, tilling, digging or filling or stripping of vegetation; or any other activity which causes land to be exposed to the danger of EROSION.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, having its principal FRONTAGE upon a STREET or officially approved place and to be used, developed or built upon as a unit. **[Added 5/12/2008 by Ord. No. 390]**

LOT FRONTAGE - The distance measured between points where side property lines meet STREET right-of-way lines. In the case of a curve, the arc distance along the curve.

LOT LINE - Any line bounding a LOT as herein defined. **[Added 5/12/2008 by Ord. No. 390]**

LOT WIDTH - The distance measured between points where the front building setback lines meet side property lines. In the case of a curve, the arc distance along the curve.

MAJOR SUBDIVISION - A SUBDIVISION according as defined in Chapter 175-202(B) of this Ordinance. **[Amended 9-29-2008 by Ord. No. 394]**

MINOR SUBDIVISION - A SUBDIVISION according as defined in Chapter 175-202(B) of this Ordinance. **[Amended 9-29-2008 by Ord. No. 394]**

MONUMENT - A concrete form or metal rod used to mark a designated survey point.

MUNICIPALITIES PLANNING CODE or MPC - The Pennsylvania MUNICIPALITIES PLANNING CODE, Act 247 of 1968, 53 P.S. § 10101 et seq., as amended.

MUNICIPALITY - The TOWNSHIP of Marshall, Allegheny COUNTY, Pennsylvania.

NATURAL STORMWATER RUNOFF REGIME - A WATERSHED where natural surface configurations, RUNOFF CHARACTERISTICS and defined DRAINAGE conveyances have attained the conditions of equilibrium.

NON-RESIDENTIAL USE - Any use other than a RESIDENTIAL USE.

OBSTRUCTION -Any wall, DAM, wharf, embankment, levee, dike, pile, abutment, projection, EXCAVATION, CHANNEL, rectification, CULVERT, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into, any CHANNEL, WATERCOURSE, or designated flood plain district, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

OFFICER or ZONING OFFICER - The Marshall TOWNSHIP ZONING OFFICER.

OFFICIAL FILING DATE –Upon the determination by the PLANNING DIRECTOR that an APPLICATION is complete, per standards established Article 174-200 of this ORDINANCE, the date in which the 90 DAY REVIEW PERIOD commences. That date shall be either the date of the first regular PLANNING COMMISSION meeting following the determination that the application is complete, or thirty (30) days after that determination, whichever comes first. **[Amended 9-29-2008 by Ord. No. 394]**

OUTFALL - Points or areas at which STORMWATER RUNOFF leaves a site, which may include STREAMS, STORM SEWER, SWALES or other well-defined natural or artificial DRAINAGE features, as well as areas of dispersed overland flows.

OUTLET STRUCTURE - A structure designed to control the VOLUME OF STORMWATER RUNOFF that passes through it during a specified length of time.

PADEP - The Pennsylvania Department of Environmental Protection.

PEAK RATE OF RUNOFF (OR DISCHARGE) - The maximum rate of flow of water at a given point and time resulting from a predetermined storm.

PENNDOT – The Pennsylvania Department of Transportation. **[Added 5/12/2008 by Ord. No. 390]**

PERFORMANCE STANDARD - A standard which establishes an end result or outcome which is to be achieved but does not prescribe specific means for achieving it. A "specification standard," in contrast, is one which prescribes the exact characteristics to be used, leaving little choice to the APPLICANT. The RELEASE RATE PERCENTAGE is an example of a "PERFORMANCE STANDARD"; the design standards for STORM SEWERS are specification standards.

PLANNING COMMISSION - The PLANNING COMMISSION of Marshall TOWNSHIP. **[Added 5/12/2008 by Ord. No. 390]**

PLANNING DIRECTOR – the PLANNING DIRECTOR for Marshall TOWNSHIP. **[Added 5/12/2008 by Ord. No. 390]**

POINT OF INTEREST - A point of hydrological and hydraulic importance used for computing a RELEASE RATE PERCENTAGE. These may include points of STREAM CONFLUENCES, an existing OBSTRUCTION or problem area or other similar points.

PERVIOUS MATERIAL - Material which permits the passage or entrance of water or other liquid and which is not an impervious MATERIAL.

PRELIMINARY PLAN - The preliminary map, drawing or chart indicating the proposed layout of a SUBDIVISION or LAND DEVELOPMENT which is filed for PLANNING COMMISSION consideration and preliminary approval by the BOARD OF SUPERVISORS . A PLAN as required by and meetings the standards of Article 174-200 of this ORDINANCE. **[Amended 9-29-2008 by Ord. No. 394]**

PUBLIC IMPROVEMENTS - All STREETS, walkways, GUTTERS, CURBS, SEWERS, water lines and other utilities or related facilities to be dedicated to or maintained by the PUBLIC; and, if dedicated to and maintained by the TOWNSHIP, must comply with the TOWNSHIP ordinances.

RATE OF RUNOFF - Instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as "DISCHARGE"; usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

RELEASE RATE PERCENTAGE - The percentage of predevelopment PEAK RATE OF RUNOFF from a WATERSHED SUBAREA (as delineated in the WATERSHED PLAN), which defines the allowable postdevelopment peak DISCHARGE from any DEVELOPMENT SITE.

The RELEASE RATE PERCENTAGE is determined by computing the following:

$$\frac{\text{Predevelopment RATE OF RUNOFF contributing to peak at down-stream POINT OF INTEREST}}{\text{Predevelopment PEAK RATE OF RUNOFF}} \times 100 = \text{RELEASE RATE PERCENTAGE}$$

Predevelopment PEAK RATE OF RUNOFF

RUNOFF CHARACTERISTICS - The surface components of any WATERSHED which affect the rate, amount and direction of STORMWATER RUNOFF. These may include but are not limited to vegetation, soils, slopes and man-made landscape alterations.

SCS - The Soil Conservation Service, United States Department of Agriculture.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site or origin by air, water, gravity or ice and has come to rest on the earth's surface.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.

SEDIMENT BASIN - A barrier or DAM built at a suitable location to retain rock, sand, gravel, silt or other material.

SIDEWALK - A paved path provided for pedestrian use located at the side of a STREET within the right-of-way or a dedicated pedestrian easement. [Amended 9-29-2008 by Ord. No. 394]

SIGHT TRIANGLE - An area in which nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. The area is defined by lines of sight between points at a given distance from the intersection of STREET center lines.

SOIL-COVER COMPLEX METHOD - A method of runoff computation developed by the United States Soil Conservation Service and found in its publication Urban HYDROLOGY for Small WATERSHEDS, Technical Release No. 55, SCS, January 1975 (or most current edition).

SOIL SURVEY - The unpublished and operational SOIL SURVEY for Allegheny COUNTY, Pennsylvania, and the accompanying text, SOIL SURVEY Interpretations of Allegheny COUNTY, Pennsylvania, as prepared by the United States Department of Agriculture Soil Conservation Service et al. When applicable, "SOIL SURVEY" shall mean "SOIL SURVEY, Allegheny COUNTY, Pennsylvania," when this publication is completed.

STEEP SLOPES - An area where the inclination (vertical distance over horizontal distance) of the land's surface is twenty-five percent (25%) or greater, and encompassing a vertical grade differential of ten (10) feet within the slope.

STEEP SLOPES, MODERATELY - An area where the inclination (vertical distance over horizontal distance) of the land's surface is fifteen percent (15%) and less than twenty-five (25%) percent, and encompassing a vertical grade differential of ten (10) feet within the slope

STORAGE FACILITY - See "DETENTION BASIN."

STORM EVENT - The storm of a specific duration, intensity, and frequency. [**Added 5/12/2008 by Ord. No. 390**]

STORM SEWER - A sewer that carries intercepted surface runoff, STREET water and other washwaters or DRAINAGE, but excludes domestic sewage and industrial wastes.

STORM SEWER DISCHARGE - Flow from a STORM SEWER that is DISCHARGED into a receiving STREAM.

STORMWATER COLLECTION SYSTEM - Natural or engineered structures which collect and transport stormwater through or from a DRAINAGE AREA to the point of final outlet, including but not limited to any of the following: conduits and appurtenant features, canals, CHANNELS, ditches, STREAMS, CULVERTS, STREETS and pumping stations.

STORMWATER MANAGEMENT PLAN - The plan for managing STORMWATER RUNOFF from a specific DEVELOPMENT SITE.

STORMWATER RUNOFF - Waters resulting from snow melt or precipitation within a DRAINAGE basin, flowing over the surface of the ground, connected in CHANNELS and conduits and carried by receiving STREAMS.

STREAM - A WATERCOURSE which has a contributory WATERSHED area which is at least 100 acres.

STREET - A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Includes avenue, road, boulevard, highway, freeway, parkway, lane, ALLEY, viaduct or other thoroughfare. STREETS are further classified by the functions they perform.

SUBAREA - A portion of the WATERSHED that has similar hydrological characteristics and drains to a common point.

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two (2) or more LOTS, tracts, parcels or other divisions of land, including changes in existing LOT LINES for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the 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.

SWALE -A linear depression in land running downhill or marked change in contour direction in which sheet runoff would collect.

TIME OF CONCENTRATION - The time period necessary for surface runoff to reach the outlet of a SUBAREA from the hydraulically most remote point in the tributary DRAINAGE AREA.

TOWNSHIP - Marshall TOWNSHIP, Allegheny COUNTY, Commonwealth of Pennsylvania.  
**[Added 5/12/2008 by Ord. No. 390]**

TRAIL – A pedestrian oriented walkway that is may or may not be adjacent to a RIGHT-OF-WAY, and is built to a lesser specification than a SIDEWALK.

TRIP - A single or one direction vehicle movement exiting or entering inside the study site.

VOLUME OF STORMWATER RUNOFF - Quantity of water normally measured in inches, cubic feet or acre feet, measured or determined analytically from runoff coefficients; rainfall/runoff ratios; and areas underneath HYDROGRAPHS.

WATERCOURSE (WATERWAY) - Any CHANNEL or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

WATERSHED- The entire region or area drained by a river or other body of water, whether natural or artificial. A "designed WATERSHED" is an area delineated by PADEP and approved by the Environmental Quality BOARD for which counties are required to develop WATERSHED STORMWATER MANAGEMENT PLANS.

WATERSHED STORMWATER MANAGEMENT PLAN (or WATERSHED PLAN) - The plan for managing STORMWATER RUNOFF throughout a designated WATERSHED adopted by Allegheny COUNTY as required by the Pennsylvania Storm Water Management ACT.

ZONING OFFICER - Person appointed for the administration of a ZONING ORDINANCE.

WOODLAND, An area or stand of trees whose total combined canopy covers an area of one-half (1/2) acre or more and at least fifty percent (50%) of which is composed of canopy trees having a diameter at breast height (DBH) of at least three (3) inches; provided, however, that no trees kept or grown for commercial purposes shall be considered a WOODLAND

ZONING ORDINANCE – Chapter 208 of the Marshall TOWNSHIP Code of Ordinances, Zoning. **[Amended 5/12/2008 by Ord. No. 390]**