

OFFICIAL

**TOWNSHIP OF MARSHALL
ORDINANCE NO. _____**

AN ORDINANCE OF THE TOWNSHIP OF MARSHALL,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 174 OF THE MARSHALL TOWNSHIP CODE,
SUBDIVISION AND LAND DEVELOPMENT

WHEREAS, the Municipalities Planning Code (MPC), 53 P.S. §10101 *et seq.*, authorizes the Township of Marshall (the “Township”) to regulate subdivisions and land developments in the Township; and

WHEREAS, on January 3, 2008, the Board of Supervisors of the Township enacted Ordinance No. 383A, which adopted a new Chapter 174 of the Marshall Township Code, Subdivision and Land Development, to regulate subdivisions and land developments in the Township consistent with the requirements of the MPC, in order to maintain, preserve and protect the public health, safety and welfare.

WHEREAS, in response to public comment and administrative review of the new Chapter 174 of the Marshall Township Code, Subdivision and Land Development, the Board of Supervisors of the Township desires to amend Chapter 174 of the Marshall Township Code, Subdivision and Land Development;

NOW, THEREFORE, the Board of Supervisors of the Township of Marshall hereby ordains that Chapter 174 of the Marshall Township Code, Subdivision and Land Development, be amended as follows, incorporating the above recitals by reference:

SECTION 1. Article 200, Administration, is hereby repealed in its entirety and is replaced by the following:

ARTICLE 200
Administration

§ 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:** A non-residential development and all multi-family development, excluding development specifically exempted under the provisions of the MPC.
- D. **Preliminary and final approval.** The APPLICANT shall be required to submit a PRELIMINARY plan application for all projects categorized as MAJOR SUBDIVISIONS and 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.

Applications classified as MINOR SUBDIVISIONS may be granted final approval without meeting the submission requirements needed for preliminary approval, with the exception that the PLANNING COMMISSION in review of a MINOR SUBDIVISION may require additional information of the APPLICANT before acting on its recommendation for final approval.

- 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 (1st) 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 Section 174-506 of this Chapter. Exemptions will be allowed for any LAND DEVELOPMENT which results (or will result when fully constructed) in the

creation of three thousand (3,000) square feet or less of IMPERVIOUS SURFACE area, as stated in Section 174-506.B.2.(a).(ii) of this Chapter.

- (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 Survey 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 174-507 of this Chapter).
 - (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 174-18.H of this Chapter.
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 174-507 of this Chapter.

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.
22. Identification of soil series as shown in the Soil Survey of the COUNTY, with the soil limit lines plotted on the base map.
23. Location, width, bearings, and purpose of existing and proposed easements and utility rights-of-way (See Section 174-507 of this Chapter).
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 Section 174-506 of this Chapter.
26. Preliminary EROSION and SEDIMENTATION Plan as specified in Section 174-508 of this Chapter.
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(D) (14)
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, 174-505 and 174-506 of this Chapter).
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 174-507 of this Chapter).
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 Section 174-506 of this Chapter (except for MINOR SUBDIVISIONS).

16. Final EROSION and SEDIMENTATION Plan as specified in Section 174-508 of this Chapter (except for MINOR SUBDIVISIONS).
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.

SECTION 2. Section 174-401.C., is revised by inserting the following sentence at the end of the paragraph:

[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 shall apply.]

SECTION 3. Section 174-405.H., Driveways, is revised as follows by inserting the bracketed text and deleting the stricken text:

H. Where a DRAINAGE ditch or SWALE exists, adequate pipe shall be installed under the DRIVEWAY (by the permittee) in accordance with ~~PDH~~ [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.

SECTION 4. Section 174-503.C.2.(c)., STREET improvements, Street Cross Section Design, is revised as follows by deleting the stricken text:

(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 ½) inch ~~HD-2~~ Superpave 9.5 mm course.

SECTION 5. Section 174-503.I, Sidewalks, is revised as follows by inserting the bracketed text and deleting the stricken text:

* * * * *

2. Minimum requirements. The following shall be considered to be minimum standards for SIDEWALK construction:
 - (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) ~~SIDEWALKS shall be separated from the street by~~ 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.

* * * * *

- 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. [Sidewalks shall not exceed a cross slope of two (2) percent grade.]

SECTION 6. Section 174-503.J., Trails, is revised by inserting bracketed text and deleting the stricken text:

* * * * *

- 2. Minimum requirements. The following shall be considered to be minimum standards for TRAIL construction:
 - (a) TRAILS shall be constructed at a width of six (6) feet.
 - (b) 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.
 - (c) ~~TRAILS shall be separated from the street by a tree lawn of a minimum of six (6) feet in width.~~ [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.]

- (d) TRAILS shall be constructed of asphalt and according to specifications as determined by the TOWNSHIP Engineer.

* * * * *

SECTION 7. Section 174-509, Steep Slopes, is revised by inserting bracketed text and deleting the stricken text:

- 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 (~~45%~~ [25%] or greater) ~~and~~ [until] any other applicable Federal, State, COUNTY, or TOWNSHIP regulations have been satisfied.

SECTION 8. Section 174-603, WETLAND, lake and STREAM frontage preservation, is revised as follows by inserting the bracketed text and deleting the stricken text:

§ 174-603. WETLAND, Lake and STREAM ~~FRONTAGE~~ [Frontage] preservation.

SECTION 9. Section 174-603.A., WETLAND, lake and STREAM FRONTAGE preservation, is revised as follows by inserting the bracketed text and deleting the stricken text:

- A. Lake and STREAM ~~FRONTAGE~~ [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.]

SECTION 10. Section 174-603.C., WETLAND, lake and STREAM FRONTAGE preservation is revised as follows by inserting the bracketed text and deleting the stricken text:

- C. No ~~cutting or filling~~ [disturbance] is permissible within 25 feet of the edge of any flowing STREAM, lake or WETLANDS.

SECTION 11. Section 174-607. Maintenance of Vacant Lots, shall be revised as follows by inserting the bracketed text and deleting the stricken text:

Vacant lots within MAJOR SUBDIVISIONS shall be kept free of construction debris and/or other waster 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 ~~on the restored lot~~ shall not exceed six (6) inches in height.

SECTION 12. Section 174-703, Violations and Penalties, shall be revised as follows by inserting the bracketed text and deleting the stricken text:

§ 174- 703. ~~Violations and penalties.~~ [Effect of this ordinance.]

~~Any person, copartnership or corporation who or which shall grade or subdivide any lot, tract or parcel of land; lay out, construct, open or dedicate any STREET, sanitary sewer, STORM SEWER or water main for public use or travel or for the common use of occupants of buildings abutting thereon; or sell any lot or erect any building in a SUBDIVISION without first having complied with all of the applicable provisions hereof shall be subject to the penalty provisions contained in the MUNICIPALITIES PLANNING CODE, as amended.¹ [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 therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.]~~

SECTION 13. 174-704 ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS, shall be revised as follows by deleting existing Subsections A, B and C in their entirety, and substituting the following:

§ 174- 704. Enforcement remedies and preventive remedies

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)

SECTION 14. A new Section 174-705 shall be added as follows:

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.

SECTION 15. Section 174-801, Definitions, shall be revised as follows by inserting the bracketed text and deleting the stricken text:

* * * * *

¹Editor's Note: See 53 P.S. § 10515.1 through 10515.3.

[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.]

* * * * *

~~CHANNEL - A natural STREAM that conveys water; a ditch or open CHANNEL excavated for the flow of water.~~ [A natural or artificial watercourse that conveys, continuously or periodically, flowing water.]

* * * * *

[CONSTRUCTION – The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a BUILDING or structure.]

* * * * *

[COUNTY – The County of Allegheny, Commonwealth of Pennsylvania.]

* * * * *

[COUNTY PLANNING AGENCY – The Allegheny County Department of Economic Development or its successor.]

* * * * *

~~DESIGN STORM - The magnitude of precipitation from a storm event measured in probability of frequency of occurrence (e.g., fifty year storm) and duration (e.g., twenty four hour) and used in computing stormwater management control systems.~~ [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.]

* * * * *

~~DETENTION - The slowing, dampening or attenuating of runoff flows entering the natural DRAINAGE pattern or storm DRAINAGE system by temporarily holding water on a surface area such as DETENTION BASINS, reservoirs, on rooftops, in STREETS, parking lots or within the DRAINAGE system itself and releasing the water at a desired rate of DISCHARGE.~~ [The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage.]

* * * * *

~~DETENTION BASIN - A basin designed to retard runoff by temporarily storing the runoff and releasing it at a predetermined rate. A DETENTION BASIN can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.~~ [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.]

* * * * *

~~DISCHARGE - Rate of flow, specifically fluid flow; a volume of fluid flowing from a conduit or CHANNEL or being released from DETENTION storage, per unit of time; commonly expressed as cubic feet per second (cfs), million gallons per day (mgd), gallons per minute (gpm) or cubic meters per second (cms). [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).]~~

* * * * *

~~EROSION - The wearing away of the land surface by running water, wind, ice or other geological agents, including such process as gravitational creep. [The wearing away of land surface by water or wind which occurs naturally from weather or runoff, but is often intensified by human activity.]~~

* * * * *

~~IMPERVIOUS SURFACE - Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to, building roofs, parking and DRIVEWAY areas, SIDEWALKS and paved recreational facilities. [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.]~~

* * * * *

[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.]

* * * * *

[LOT LINE - Any line bounding a LOT as herein defined.]

* * * * *

[PENNDOT – The Pennsylvania Department of Transportation.]

* * * * *

[PLANNING COMMISSION - The Planning Commission of Marshall Township.]

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[PLANNING DIRECTOR – the Planning Director for Marshall Township.]

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~~RESIDENTIAL USE—Any use in which a person or persons utilize as their legal domicile~~

* * * * *

[STORM EVENT - The storm of a specific duration, intensity, and frequency.]

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[TOWNSHIP - Marshall Township, Allegheny County, Commonwealth of Pennsylvania.]

* * * * *

ZONING ORDINANCE – Chapter 208 of the [Marshall] Township Code [of Ordinances, Zoning.]

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SECTION 16. Repealer. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 17. Effective Date. This Ordinance shall take effect five (5) days after adoption.

ORDAINED and ENACTED this _____ day of _____, 2008, by the Board of Supervisors of the Township of Marshall in lawful session duly assembled.

ATTEST:

TOWNSHIP OF MARSHALL

Patricia Hutchison
Township Secretary

By: _____
Thomas Madigan
Chairman, Board of Supervisors

(SEAL)