

WEST PIKELAND TOWNSHIP CHESTER COUNTY



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Adopted - April 21, 2014

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Article 100: General Provisions

Section 101 Short Title and Effective Date

- A. This Ordinance shall be known as and may be cited as the West Pikeland Township Subdivision and Land Development Ordinance.
- B. This ordinance shall become effective five (5) days after adoption and shall remain in effect until modified, amended, or rescinded by the Board of Supervisors of West Pikeland Township.

Section 102 Purpose

The purpose of this Ordinance is to support the policies of the West Pikeland Township Comprehensive Plan (2010), as amended, the West Pikeland Township Open Space, Recreation, and Environmental Resources Plan (2006), as amended, and to support and complement the provisions of the West Pikeland Township Zoning Ordinance (2005), as amended, and for the following purposes:

- A. To assist in the orderly, efficient, and integrated development of land in accordance with the Comprehensive Plan.
- B. To preserve the rural character and manage development in a manner that protects environmental and agricultural resources and maintains open space as an integral part of the Township.
- C. To provide for a safe, convenient, and functional system of vehicular traffic, on streets of such width, grade, and location as to accommodate prospective traffic as determined by existing and probable future land and building uses.
- D. To ensure coordination and conformance of subdivision and land development plans with the public improvement plans of the Township and to coordinate with the development of surrounding municipalities.
- E. To provide for the proper planning of community services and facilities at minimum cost and maximum convenience.
- F. To establish uniform standards and procedures.
- G. To provide for arrangement of lots, units, open space and streets so as to assure open spaces for traffic, recreation, light, and air and the proper distribution of population, thereby creating conditions favorable to the general health, safety and welfare of the residents of the Township.

- H. To assure that sites proposed for subdivision or land development are suitable for development and human habitation.
- I. To encourage subdivisions and land development to be harmonious with and protective of the existing natural features and resources of West Pikeland Township.
- J. To provide proper procedures for regulating and recording of all public and private easements and rights-of-way within West Pikeland Township.
- K. To provide for the planning and reservation of adequate areas for recreational use in new subdivisions according to prescribed standards; and
- L. To provide for regulations to carry out such other purposes as are enabled by Article V, Section 503 of the Pennsylvania Municipalities Planning Code (MPC), as amended, and regulated hereunder.

Section 103 Authority And Subdivision And Land Development Control

- A. As stated in Article V, Section 501 of the MPC, the Board of Supervisors may regulate subdivisions and land development within the Township by enacting a Subdivision and Land Development Ordinance.
- B. No subdivision of any lot, tract or parcel of land or land development shall be effected, and no street, alley, sanitary sewer, storm water sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public or private use, except in strict accordance with these Regulations.
- C. No lot or unit in a subdivision or land development may be conveyed, no boundary line may be changed, no permit to erect, alter, or repair any building upon land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development unless and until a subdivision or land development plan has been approved and, where required, recorded and until the required improvements in connection therewith have either been constructed or the completion thereof has been secured by the providing of financial security, in form satisfactory to the Township, for 110% of the costs of completion as estimated by or approved by the Township Engineer.

Section 104 Scope

A subdivision or land development shall be in conformity with this ordinance and all standards and specifications adopted as part of such ordinance.

Section 105 Interpretation

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

Section 106 Severability

If any article, section, subsection, paragraph, clause, or provision of this ordinance shall be declared by a court of competent jurisdiction to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any remaining provisions of this ordinance.

Section 107 Jurisdiction

The Board of Supervisors shall have jurisdiction and control of subdivision and land development within the Township limits. In order that the actions of the Board of Supervisors under this Subdivision and Land Development Ordinance may be correlated with all relevant data and procedures, the Board of Supervisors hereby designates the Township Planning Commission as the agency of the Board of Supervisors.

- A. To which all applications relating to either preliminary or final approval of subdivision and land development plans shall be referred upon submission to the Board of Supervisors;
- B. With which applicants shall hold all preliminary consultations relating to the plans;
- C. Which shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans; and
- D. Which shall make recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Ordinance.

Section 108 Repealer

All Ordinances and part of Ordinances inconsistent herewith are hereby repealed to the extent that such Ordinances or parts of Ordinances are inconsistent herewith. Ordinance No.15, Subdivision Ordinance West Pikeland Township of 1974, and subsequent amendments thereto, are hereby specifically repealed.

Article 200: Definitions

Section 201 General

- A. Unless otherwise expressly stated or the context clearly indicates another meaning, the following words and phrases shall be construed throughout the Ordinance to have the meanings indicated below.
- B. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:
 - 1. Words used in the present tense include the future.
 - 2. The singular includes the plural, and the plural includes the singular, except that such interchange of meaning shall not apply where numbers in the text refer to specific minimum and maximum quantities.
 - 3. The masculine gender includes the feminine and neuter.
 - 4. The word “person” includes an individual, estate, trust, firm, corporation, partnership, company, association, incorporated association or government entities including a trustee, a receiver, an assignee, or a similar representative or entity.
 - 5. The word “lot” includes the word “plot” or “parcel.”
 - 6. The word “may” is permissive; the words “shall”, “must”, and “will” are mandatory.
 - 7. The word “used” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used.”
 - 8. The word “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be occupied.”
 - 9. The words “as amended from time to time” and the like as applied to any statute, ordinance, code regulation, plan or map, includes replacements, supplements or restatements thereof;
 - 10. References to a particular Article, Section or Subsection which inherently refers to other Articles, Sections or Subsections, includes all Articles, Sections or Subsections referred to.
 - 11. The word “Supervisors” and the words “Board of Supervisors,” where not otherwise specified, shall mean the West Pikeland Township Board of Supervisors.

12. The words "Governing Body" refer to the West Pikeland Township Board of Supervisors.
 13. The word "Commission" and the words "Planning Commission" or "Township Planning Commission," where not otherwise specified, shall mean the West Pikeland Township Planning Commission.
 14. The words "Zoning Ordinance" shall refer to the West Pikeland Township Zoning Ordinance, as amended.
 15. The words "comprehensive plan" refer to the West Pikeland Township Comprehensive Plan.
- C. The terms "such as", "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character.
- D. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
- E. In addition to the definitions in this article, additional definitions in this or other ordinances, applicable regulations, or appendices thereto may apply or be called into application by reference. In case of conflict, the more stringent or restrictive definition shall apply.
- F. Any word or term not defined herein shall be used with a meaning of standard usage.

Section 202 Definitions

For the purpose of this Ordinance, the following words, terms, and phrases have the meaning indicated herein:

ACRE- An area of land, including water, which equals forty three thousand, five hundred sixty (43,560) square feet, measured on horizontal plans.

AGENT- Any person, other than the developer, who, acting for the developer, submits to the Township subdivision or land development plans for the purpose of obtaining approval thereof.

ALLEY - A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

ALLUVIAL (FLOODPLAIN) SOILS - Areas subject to periodic flooding and listed in the Natural Resources Conservation Service, United States Department of Agriculture Web Soil Survey available online at <http://websoilsurvey.nrcs.usda.gov/>. Alluvial soils include, but are not limited to Codorus silt loam (Co) and Hatboro silt loam (Ha).

ALTERATION-

- A. As applied to land, any change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; or any change which would alter the type or method of wastewater disposal system; any land disturbance.
- B. As applied to buildings or other structures, any change or rearrangement, other than a repair, in the supporting members of an existing building such as bearing walls, columns, beams, or girders, as well as any change in exterior doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one (1) location to another.

APPLICANT - A landowner or developer, as herein defined, who has filed an application for development, including his heirs, successors and assigns or the equitable owner of property with the owner's permission.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to an application for a building permit, for the approval of a subdivision plan, or for the approval of a development plan.

AUTHORITY- A body politic (political body) and corporate (corporate policy) created pursuant to the Municipal Authorities Act of 1945, as amended.

BERM- A mound of earth which serves purposes such as: directing the flow of surface water runoff, preventing soil erosion; or supporting plant materials or fencing to aid in screening or buffering.

BEST MANAGEMENT PRACTICES (BMPs) - Management practices or methods for controlling stormwater runoff which provide hydrological (i.e., reduction of runoff volumes) and water quality (i.e., reduction of pollutants) benefits.

BLOCK - A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

BOARD OF SUPERVISORS - The Board of Supervisors of the Township of West Pikeland, Chester County, Pennsylvania.

BUFFER or BUFFERING – Provision for year-round visual and sound attenuation between uses, through the application of such means as plantings, earthen berms, depressions, fences, and walls.

BUILDING - Any enclosed or open structure which is a combination of materials to form a structure for supporting or sheltering any occupancy or use; including mobile homes and trailers to be used for human habitation.

BUILDING COVERAGE – The ratio of the total ground floor area of all buildings on a lot to the net area of the lot on which they are located, expressed as a percentage.

BUILDING PERMIT - An approval statement signed by the Building/Zoning Officer authorizing the construction, alteration, reconstruction, restoration, demolition or razing of all or a part of any building within the Township.

BUILDING SETBACK LINE- The line which establishes the minimum depth of the particular yard in question, for the particular district, as measured from the applicable lot line.

CALIPER - The diameter of a tree trunk measured at a point six (6) inches above ground level.

CARTWAY - The paved portion of a street or right-of-way intended for vehicular use.

CLEAR SIGHT TRIANGLE- An area of unobstructed vision at street or driveway intersections defined by lines of sight between points at a given distance from the intersection down the center lines of the street or driveway.

COMMON OPEN SPACE- See OPEN SPACE, COMMON.

COMPREHENSIVE PLAN - The Comprehensive Plan of West Pikeland Township, as adopted and amended from time to time.

CONSTRUCTION - The erection, rebuilding, renovation, repair, extension, expansion, alteration, demolition, or relocation of a building or structure, including the placement of mobile homes.

CROSSWALK- A marked or specially constructed crossing of a public or private road or other vehicular accessway designed to enhance pedestrian safety and facilitate pedestrian circulation.

CUL-DE-SAC - A single access street intersecting another street at one end and terminated at the other by a vehicular turn-around, built to Township public street standards for vehicular traffic flow.

CULVERT- A structure, including appurtenant works, which carries water under or through an embankment or fill.

CUT- The removal of soil or rock from its natural or predevelopment location.

DAM- An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for highway, railroad, or other purposes which does or may impound water or another fluid or semi-fluid.

DATE OF FILING- Date on which a completed application together with all required information, fees, etc, is received by the Township.

DECISION- Final adjudication of any board or other body granted jurisdiction under this ordinance or the Pennsylvania Municipalities Planning Code (Act 247, as amended) to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations.

DEP or PA DEP – Pennsylvania Department of Environmental Protection.

DENSITY - The total land area divided by the total number of dwellings to be housed thereon, expressed in dwelling units (DU) per acre.

DETENTION BASIN- An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

DEVELOPER - Any landowner, agent of such landowner, tenant with permission of such landowner, or equitable owner, who makes or causes to be made, an application for development.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT PLAN - A sketch, preliminary or final plan, submitted in compliance with the requirements of the West Pikeland Township Subdivision and Land Development Ordinance, showing the provision for development of a tract of land.

DRAINAGE - The movement of water from an area by stream or sheet flow, and removal of excess water from soil by downward flow.

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

DIAMETER AT BREAST HEIGHT (DBH or dbh) - The diameter of a tree trunk measured at a point four and one-half (4.5) feet above ground level.

DRIVEWAY- A private roadway providing access to a street.

DRIVEWAY, SHARED - A driveway which is shared between two separate lots. Shared driveways shall not serve more than three (3) lots, unless approved by the Board of Supervisors.

EARTH DISTURBANCE ACTIVITY- A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavation, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EASEMENT- An interest in land, owned by a party other than the owner of the fee interest in the land, that entitles the holder to a specific use, purpose, or enjoyment of the land, or to enforcement of restriction(s) on the use of the land or structures thereon.

EFFECTIVE VISUAL SCREEN or EFFECTIVE VISUAL SCREENING- A wall, fence, plantings, earth works, or combinations thereof, which are arranged or placed as provided in Section 525 of this Ordinance to create either an opaque visual barrier or to provide for a filtered view which diverts attention from, or obstructs at least fifty (50) percent of an otherwise clear view of a use or activity during all seasons of the year.

ENGINEER, TOWNSHIP - A professional engineer, licensed by the Commonwealth of Pennsylvania, and duly appointed by the Board of Supervisors as the engineer for the Township of West Pikeland, Chester County.

EROSION- The wearing away of soil, bedrock or land surface by water, wind, ice, chemical, or other natural force.

EXCAVATION- Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting there from.

EXISTING CONDITIONS- The initial condition of a project site prior to the proposed construction.

FILL - Material, exclusive of structures, placed or deposited so as to form an embankment or to raise the surface elevation of the land.

FINISHED GRADE- The final vertical elevation of the ground surface after development.

FLAG LOT- See Lot, Flag.

FLOOD - A general and temporary inundation of normally dry land from the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

FLOODPLAIN: A floodplain is a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface areas. For the purpose of this Ordinance, the floodplain shall include the area within the Floodplain Conservation District as defined by Section 803 of the Township Zoning Ordinance.

GRADE- A reference plane representing the average of finished ground level adjoining a building at exterior walls or other structure, such as, but not limited to, a sign or swimming pool. Where the finished ground level slopes away from the exterior walls of a building or base of a structure, the reference plane shall be established by the lowest points six (6) feet from the building, or two (2) feet from the base of a structure.

GRADING- The changing of the surface of the ground by excavation or fill or a combination thereof; the act of moving earth.

GROSS FLOOR AREA - The floor area within the perimeter of the outside walls of the building under consideration, or from the centerline of the wall separating two (2) buildings, without deduction for hallways, stairs, closets, thickness of walls, or other features.

GROUNDWATER RECHARGE - The replenishment of water, contained in interconnected pores located below the water table in an aquifer, from the infiltration of precipitation, streams, lakes, or other water sources.

HEDGEROW - A hedgerow is a linear plant community dominated by trees or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak). For the purposes of this Ordinance, where hedgerows meet the definitional criteria for woodlands, they shall be regulated as such.

HISTORIC RESOURCE - All of the buildings, structures, sites, objects and districts to be determined to be of historical significance and included in the Township

Historic Resource Inventory which is defined to include those buildings, structures, sites, objects as defined in the Township Zoning Ordinance including but not limited to Class I Historic Resources and Class II Historic Resources.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owner property. This term is synonymous with property owners association.

HYDRIC SOILS - Any soil inventoried or described as hydric or as a soil with hydric inclusions according to the Natural Resources Conservation Service (NRCS), United States Department of Agriculture Web Soil Survey, available online at <http://websoilsurvey.nrcs.usda.gov/> or other information provided by the NRCS. Where site conditions indicate that the location of hydric soils differs from locations indicated by the NRCS, the burden shall be upon the applicant to verify such location(s) to the satisfaction of the applicable Township body, otherwise the NRCS information shall be presumed to be accurate. Where the applicant seeks reclassification of hydric soils and their location, such reclassification shall be undertaken by a certified soil scientist or other similarly qualified professional. In West Pikeland Township, hydric soils shall include, but are not limited to:

Hydric Soils

Cokesbury (CpA, CpB, CqB)
Hatboro (Ha)
Towhee (ToA)

Soils with Hydric Inclusions

Califon (CaA, CaB, CaC, CbB)
Edgemont (EdB)
Gladstone (all)
Mount Lucas (MIB)
Udorthents (UdsB)
Urban land-Gladstone (UrlB, UrlD)
Urban land-Udorthents (UugB, UugD)

IMPERVIOUS SURFACE - A surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, paver areas, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. For the purposes of determining compliance with stormwater management regulations, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious and surfaces that were designed to allow infiltration (i.e. areas of porous pavement) will be considered on a case-by-case basis by the Municipal Engineer, based on appropriate documentation and condition of the material, etc. For purposes of compliance with lot coverage limitations, porous or pervious paving materials shall be considered impervious.

IMPROVEMENTS- Physical addition and changes to land such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, stormwater management systems, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, road lights, wells, sewage disposal systems, road trees and other plantings, and other structures that may be necessary to produce usable and desirable land development.

INLET- A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

INVASIVE PLANT SPECIES – Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. Invasive trees, shrubs, vines, or herbaceous species include, but are not limited to:

Norway Maple (*Acer platanoides*), Tree-of-Heaven (*Ailanthus altissima*), Paper Mulberry (*Broussonetia papyrifera*), White Mulberry (*Morus alba*), Empress Tree (*Paulownia tomentosa*), White Poplar (*Populus alba*), Multiflora Rosa (*Rosa multiflora*), Japanese Barberry (*Berberis thunbergii*), European Barberry (*Berberis vulgaris*), Autumn Olive (*Eleagnus umbrellae*), Border Privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Morrow's Honeysuckle (*Lonicera morrowii*), Tartarian Honeysuckle (*Lonicera tatarica*), Japanese Honeysuckle (*Lonicera japonica*), Common Buckthorn (*Rhamnus cathartica*), Wineberry (*Rubus phoenicolasius*), Japanese Spiraea (*Spiraea japonica*), Linden Viburnum (*Viburnum dilatatum*), Guelder Rose (*Viburnum opulus*), Oriental bittersweet (*Celastrus orbiculatus*), Leatherleaf Clematis (*Clematis terniflora*), Mile-a-Minute Weed (*Polygonum perfoliatum*), Kudzu (*Pueraria lobata*), Garlic Mustard (*Alliaria petiolata*), Canada Thistle (*Cirsium arvense*), Crown Vetch (*Coronilla varia*), Tall Fescue (*Festuca elatior*), Purple Loosestrife (*Lythrum salicaria*), Sweet Clover (*Melilotus affinis*), Japanese Stilt Grass (*Microstegium vimineum*), Reed Canary Grass (*Phalaris arundinacea*), and Johnson Grass (*Sorghum halepense*).

LAKES AND PONDS- Natural or artificial bodies of water that retain water year-round. Artificial ponds may be created by dams, or may result from excavation. The shoreline of such water bodies shall be measured from the spillway crest elevation.

LAND DEVELOPMENT - 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
2. The division or allocation of 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.

C. The definition of land development shall not include the addition of an accessory building, including farm buildings, on a lot or lots where clearly subordinate to an existing principal building.

LAND DISTURBANCE- Any activity which exposes soils, alters topography, or alters vegetation, except for the removal of hazardous or alien vegetation. Customary agricultural practices such as tilling, plowing, mowing, and harvesting are excluded from the definition of land disturbance.

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

LANDSCAPE ARCHITECT - A professional landscape architect registered in the Commonwealth of Pennsylvania.

LANDSCAPE PLAN - A plan conforming to the requirements of Section 525 of this Ordinance, required to accompany subdivision or land development plans, or as otherwise required pursuant to the provisions of the Ordinance.

LANDSCAPING - The planting of turf-grass or other appropriate ground cover in all open areas of the lot, and in addition, the planting of evergreen and deciduous trees, and shrubs, including the maintenance thereof, for the control of erosion, retention of precipitation, protection against the elements, promotion of human comfort, and otherwise protecting the public health, safety and welfare.

LOT - A parcel of land under single and separate ownership which is occupied or to be occupied by one principal building or other structure or use, together with any accessory buildings or other structures or uses customarily incidental to such principal buildings or other structure or use, and such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this Ordinance.

LOT AREA - The gross area of land contained within the limits of the property lines bounding that area, excluding any portion of a lot included in any street right of-way.

LOT AREA, NET – See Net Area.

LOT, CORNER - A lot bounded by two (2) or more intersecting streets, or at the point of abrupt change in direction of a single street, the interior angle of which is not greater than one hundred thirty-five (135) degrees.

LOT COVERAGE - The ratio of the total ground floor or surface area of all impervious surfaces to the net area of the lot on which they are located, expressed as a percentage.

LOT, FLAG- An interior lot which is connected to a public street by a minimum thirty-five (35) foot wide strip of land connecting the main portion of the lot with the aforesaid public street. The connecting strip of the lot shall be in fee simple ownership and may not be used for measuring the building setback line and may not be counted as a part of the minimum lot area required by the Zoning Ordinance. Easements may be utilized as a substitute for the required fee simple ownership of the access strip, as approved by the Board of Supervisors. The front building setback line shall be measured from the front lot line, which shall be the lot line most parallel and closest to the street right-of-way line at the nearest point to the right-of-way where the lot attains substantially the minimum required lot width, and excluding that portion of the lot and lot lines included in the flag strip. Flag lots shall also meet regulations of the West Pikeland Township Zoning Ordinance.

LOT LINE - A property boundary line dividing one lot from another or from a street or any public space, except that, in the case of any lot abutting a street deemed to be the same as the street line, the lot line shall not be the centerline of the street, or any other line within the street line even though such may be on the property boundary line in a deed.

LOT LINE, FRONT - The lot line abutting a street and coinciding with the street line; in the case of a corner lot, each street on which the corner lot abuts shall be considered a front lot line.

LOT LINE, REAR - A lot line opposite and most distant from the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line. In the case of a corner lot, see "Yard, Front."

LOT LINE, SIDE - Any lot line not a front or rear lot line.

LOT, REVERSE OR DOUBLE FRONTAGE - A lot extending between and having frontage on two (2) generally parallel streets with primary vehicular access from the minor street.

LOT WIDTH - The distance, in feet, between the two (2) opposite side lot lines, or between the side lot line and the front lot line in the case of a corner lot. Where applicable, the required minimum lot width shall be met at the minimum front yard setback, measured parallel to the street line, or at a greater depth parallel to the street line where specifically approved by the Township.

MARKER- A steel bar at least twenty-four (24) inches long and not less than five-eighths (5/8) inches in diameter.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, including any addition or accessory structure, such as porches, sheds, decks or additional rooms. The term includes park trailers, travel trailers, recreational, and other similar vehicles which are placed on a site for more than one hundred and eighty (180) consecutive days.

MOBILE HOME LOT OR SITE- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances required by this Ordinance for the placement of a single mobile home.

MOBILE HOME PAD - A concrete pad for the purpose of supporting a mobile home.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more manufactured or mobile home lots.

MONUMENT- A concrete monument with a minimum top width of four (4) inches by four (4) inches and a bottom width of six (6) inches by six (6) inches. The minimum height shall be twenty-four (24) inches. The concrete monument shall be composed of ferrous or other material detectable by an electromagnetic locator.

MUNICIPALITIES PLANNING CODE (MPC) – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

NATIVE PLANTS - Plants that are indigenous and original to the specific area or region (The Delaware Valley) and are most appropriate for planting as a result of their adaptation to regional environmental conditions including climate, soils, topography, winds, precipitation, wildlife and other living organisms.

NET AREA - The net area of any lot or tract for purposes of density calculation and determination of compliance with certain area and bulk criteria, measured in acres or square feet. The Net Area shall be calculated per the requirements of Article II of the Township Zoning Ordinance, as amended.

NPDES - National Pollutant Discharge Elimination System, the system whereby the federal government issues permits in accordance with the federal Clean Water Act, which authority is delegated in Pennsylvania to the Pennsylvania Department of Environmental Protection (PA DEP).

ON-LOT SEWAGE DISPOSAL SYSTEM - A system serving a single lot, collecting and disposing of wastewater on the lot where such system is used.

OPEN SPACE, COMMON – Restricted open space designed and intended for the use and enjoyment of the residents of the subdivision or land development of which it is a part and owned and managed in common. Common ownership shall not necessarily preclude use or access by the general public or lease for private use such as agriculture.

PARCEL – A lot or tract of land.

PARKING SPACE - A space located off the public right-of-way designed and designated for parking a motor vehicle.

PERSON- Any individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, including any members, directors, officers, trustees, employees, managers and supervisors, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, person specifically includes the members, directors, officers, trustees, employees, managers and supervisors, partners or principals, or any of them, of such legal entities.

PIPE- A culvert, closed conduit, or similar structure (including appurtenances) that conveys stormwater.

PLAN, AS-BUILT- A corrected final plan, showing dimensions and locations of all streets and other improvements as actually constructed.

PLAN, FINAL- A complete and exact subdivision or land development plan, including all required supplementary data, complete and prepared for official recording in accordance with the requirements of this ordinance and with any conditions of approval imposed by the Township, to define property rights, proposed roads and other improvements. See Article 400 of this Ordinance for final plan content.

PLAN, PRELIMINARY- A subdivision or land development plan presented to the West Pikeland Township Planning Commission and Board of Supervisors demonstrating compliance with existing ordinances and regulations and showing existing features, proposed road and lot layout, stormwater management facilities and engineering detail sufficient to ensure proper functioning of proposed improvements. See Article 400 of this Ordinance for preliminary plan content.

PLAN, SKETCH- An informal plan indicating existing features of a tract and its surroundings and, with respect for those features, the general layout of the proposed subdivision or land development submitted to the Township for discussion purposes only with the Planning Commission and Board of Supervisors. See Article 400 of this Ordinance for sketch plan content.

PLAN, RECORD- An exact copy of the approved final plan of standard size, prepared for necessary signatures and recording with the Chester County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of West Pikeland Township, Chester County, Pennsylvania.

PRACTICABLE - Reasonably feasible to perform, technically, physically or economically, as applicable.

PRIVATE STREET- See STREET, PRIVATE.

PUBLIC HEARING - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action.

PUBLIC MEETING- A meeting preceded by public notice, or a regularly scheduled meeting, for the discussion of a particular matter or required purpose, such as the review, approval, or denial of subdivision or land development applications. Such meetings may, at the discretion of the meeting body, inform and obtain public comment, and shall proceed pursuant to the applicable regulations for the matter at hand, including the Pennsylvania Municipalities Planning Code, Act 247 1968, as amended.

PUBLIC NOTICE - Notice published once each week for two (2) successive weeks in a newspaper of general circulation in West Pikeland Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing, as may be amended by the current adopted version of the Municipalities Planning Code or Second Class Township Code.

REAL PROPERTY- All land whether publicly or privately owned, whether improved or not improved, with or without structures.

REFORESTATION - The restocking of an area with forest trees, including natural regeneration, as well as tree planting.

REPORT- Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination.

RESERVE STRIP- A parcel of land which is parallel to and between a road right-of-way and a tract of land.

REVERSE FRONTAGE LOT- See Lot, Reverse Frontage.

REVIEW- An examination of a plan to determine compliance with this ordinance, the zoning ordinance, and other pertinent requirements.

RIGHT-OF-WAY - Land reserved or dedicated for use as a street, alley, walkway, or any other public or private purpose.

RIGHT-OF-WAY, LEGAL - The existing right-of-way of dedicated streets as established by the Commonwealth of Pennsylvania or other appropriate governing authority.

RIGHT-OF-WAY, FUTURE - The right-of-way deemed appropriate to provide adequate width for future street improvements.

RIPARIAN BUFFER - A riparian buffer is an area of trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters. The riparian buffer shall include two Zones, Zone One: Inner Riparian Buffer and Zone Two: Outer Riparian Buffer, as defined by the Township Zoning Ordinance, Article VIII, Section 802, as amended.

SANITARY SEWAGE- Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin.

SANITARY SEWER- A conduit that collects and transports sanitary sewage.

SEMI-IMPERVIOUS- Any surface or material which is partially penetrable or able to absorb water, including but not limited to areas paved with stone, gravel, sand,

paver block, or other porous paving material, as determined by the Township Zoning Officer or Township Engineer.

SEWAGE - Any substance that contains any of the waste products or excrementitious matter or other discharge from the bodies of human beings or animals and laundry, bathroom, and kitchen waste water.

SEWAGE DISPOSAL SYSTEM

A. Individual - The disposal of sewage from one (1) dwelling unit by use of septic tanks or other safe and healthful means, approved by the Chester County Health Department.

B. Community On-Lot Sewage System (COLDS) - A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities, either on-site or off-site, and approved by the PA DEP.

C. Public Sewer System (Centralized) - An off-site system for collection, treatment, and disposal of sewage in which sewage is conveyed to a treatment facility and disposed of through means and approved by the PA DEP.

SHEET FLOW- Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel.

SIGHT DISTANCE - The maximum extent of unobstructed vision (in a vertical or horizontal plan) along a street from a vehicle located at any given point on the street.

SLOPE- The percentage of the change in vertical distance (rise) over the horizontal distance (run), as measured between consecutive contour lines expressed as a percentage.

SOIL PERCOLATION TEST- A field test conducted by a person or firm qualified according to the rules and regulations of the Chester County Department of Health to determine the suitability of the soil for sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SPECIMEN VEGETATION - Individual trees or other vegetation determined to be of specimen quality as determined by a registered landscape architect or which generally fall within the parameters of the following table shall be protected in accordance with these standards. The examples of specimen trees included in the following table are intended to provide general guidelines and examples of what constitutes a specimen tree and is not considered an all-inclusive list.

Examples of Potential Specimen Trees

Species	dbh	Species	dbh	Species	dbh
185	32"	Maple	32"	Spruce	30"
Beech	32"	Oak	32"	Sycamore	36"
Cherry	24"	Osage	20"	Tulip Poplar	36"
Elm	30"	Coniferous		Walnut	30"
Hemlock	30"	Species	30"	Hickory	32"

STEEP SLOPES - Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. The steep slope regulation set forth in this Ordinance shall apply where any applicable steep slope area, as set forth below, extends over three (3) or more contiguous two (2) foot contour intervals (six (6) cumulative vertical feet of slope) and where exceeding one thousand (1,000) square feet in any single contiguous area so measured. All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania. For the purposes of this Ordinance, steep slopes are defined as either of the following two categories:

A. Moderately Steep Slopes are those areas of land where the grade is fifteen (15) percent to twenty-five (25) percent.

B. Very Steep Slopes are those areas of land where the grade is greater than twenty-five (25) percent.

STABILIZATION- The proper placing, grading or covering of soil, rock, or earth to insure their resistance to erosion, sliding or other movement.

STORM SEWER- A system of pipes or other conduits which carries intercepted surface runoff, road water and other waters, or drainage, but excludes domestic sewage or wastewater and industrial wastes.

STORMWATER- The precipitation reaching the ground surface.

STORMWATER MANAGEMENT PLAN- The plan prepared by the developer or his representative indicating how stormwater will be managed in accordance with the requirements of this Ordinance.

STREAM- A watercourse.

STREET, CENTERLINE - A line which is an equal distance from both street lines unless officially designated otherwise.

STREET - A public (dedicated) or private (undedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, road, or similar terms. Streets are further classified within the West Pikeland Township Comprehensive Plan, as amended:

A. Expressways: These roads serve the heaviest volumes of traffic and have limited access to allow for higher speeds. Average daily trips range between 10,000 and 100,000. Expressways serve higher average trip lengths focusing on regional and interstate traffic. Expressways facilitate truck transport by providing the optimum conditions for truck traffic. The Pennsylvania Turnpike is the only expressway that passes through West Pikeland Township.

B. Principal Arterials: These roads serve heavy volumes of traffic often ranging between 10,000 and 40,000 trips per day. They provide a high degree of mobility, but offer more access than expressways. Principal arterials link urban centers and *usually* consist of more than two lanes. Route 113, south of Route 401 is designated as a principal arterial.

C. Minor Arterials: Arterials of this type also emphasize mobility and serve to link urban and rural centers, but their focus is more regional. They provide for traffic ranging from 5,000 to 15,000 trips per day with higher access than principal arterials, but still some access control. Route 113, north of Route 401, and Route 401 is designated as a minor arterial for the Township.

D. Collector: Its purpose is to collect traffic and move it to the arterials. A major collector links residential and commercial areas by "collecting" traffic from residential areas and moving it to arterials. This road classification accommodates traffic averaging 3,000 to 8,000 trips per day. Clover Mill, Newcomen, and Byers Road are designated as collectors for the Township.

E. Primary Distributor: These roads primarily serve an access function, but may be relatively long and may connect two higher functioning roads. A farm lane that provides access to adjacent properties, but that may have some mobility component, and which has a few developments feeding into it is an example of a primary distributor. Roads designated as Primary Distributors are Davis Road, Bodine Road, Horseshoe Trail Road north of Route 113, and Art School Road going southeast to northwest.

F. Secondary Distributor: Although these roads serve almost exclusively as local access, some may have other smaller local access roads feeding into them and serve a minimal mobility function in addition to the access function. An example of such a road is a rural road that is of some length and could be used for mobility purposes, but that rarely serves trips other than local access trips.

Roads designated as Secondary Distributors are Pikeland Road, Yellow Springs Road, Street Road, Horseshoe Trail Road south of Route 113, Eagle Farms Road, Lower and Upper Pine Creek Roads.

G. Local Access: These roads are the lowest functioning of all roads and serve as direct access to properties. Most roads within individual residential subdivisions are local access roads.

STREET LINE - The legal right-of-way line of a street dividing a lot from the boundary of a public street legally open or officially plotted.

STREET, PRIVATE – Where approved by the Township in accordance with the West Pikeland Township Subdivision & Land Development Ordinance, a street not dedicated to the Township for public use or not accepted by the Township for public dedication.

STREET, PUBLIC - A public thoroughfare which has been dedicated and deeded to the Township and which affords the principal means of access to the abutting property.

STREET, SINGLE ACCESS - A street which has access to an existing public road and circulation system only at one (1) point. A single access street includes cul-de-sacs, loop roads, and dead end streets.

STRUCTURE - That which is built or constructed or a portion thereof. For the purposes of this Ordinance, structures include any form or arrangement of building materials, on or in water or land, involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements and having a permanently fixed location. Structures include, but are not limited to buildings, sheds, mobile or manufactured homes, signs, fences or walls over six (6) feet in height, aerials and antennae, porches, platforms, tennis courts, swimming pools, tents, tanks, and towers.

SUBDIVIDER- See DEVELOPER.

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means, into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the division by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street, easement of access or residential dwellings shall not be included.

SUBDIVISION PLAN- A sketch, preliminary or final plan, submitted in compliance with this Ordinance, showing the provision for the subdivision of a tract of land.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE - The Subdivision and Land Development Ordinance of West Pikeland Township, as adopted and amended from time to time.

SURVEYOR- A professional land surveyor registered by the Commonwealth of Pennsylvania.

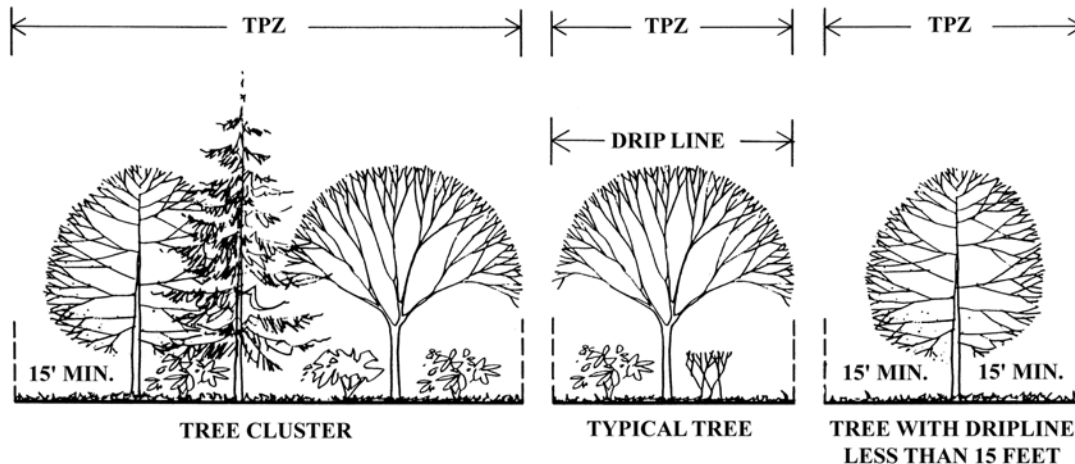
SWALE- A low-lying stretch of land which gathers or carries surface water runoff.

TOWNSHIP - The Township of West Pikeland, Chester County, Pennsylvania.

TRACT - An area of land, parcel, or property which is the subject of a development application.

TREE DRIPLINE - The line marking the outer edges of the branches of the tree.

TREE PROTECTION ZONE (TPZ) - An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.



WATERCOURSE - A watercourse is a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, but do not include manmade swales constructed expressly for the purpose of stormwater management.

WATER SUPPLY

A. Individual - A supply of water to a single use or dwelling from a private well located on the lot in which the use is located and which does not fall under the definition of "community water supply."

B. Community - A system for supplying water from a common source or sources to more than one dwelling and other buildings within a development. The water supply source may be located on-site or off-site and may be publicly or privately owned.

C. Public - A system for supplying water in sufficient quantities to more than one dwelling or other buildings of a development, which is administered by a municipal authority or by a municipality or public utility as defined and regulated by the Pennsylvania Public Utility Commission.

WATERCOURSE - A watercourse is a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, but do not include manmade swales constructed expressly for the purpose of stormwater management.

WATERS OF THE COMMONWEALTH - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth, as determined by the criteria promulgated from time to time by the United States Army Corps of Engineers.

WETLANDS - Wetlands are those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances, do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ponds, and similar areas. Wetlands include all lands regulated as wetlands by the PA DEP or the U.S. Army Corps of Engineers. In the event there is a conflict between the definitions of these agencies, the more restrictive definition shall apply.

WOODLANDS - A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Except as provided herein, any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches dbh) covering an area of one-quarter acre or more shall be considered a woodland. For the purposes of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outer-most dripline of all the trees in the community. Woodlands shall include any area where timber has been harvested within the previous three (3) years or woodland disturbance has occurred within the previous three (3) years which would have met the definition of woodland prior to timbering or disturbance. Regulation of woodlands as set forth in this Ordinance shall not apply to any area within fifty (50) feet of any dwelling existing at the time

of adoption of this Ordinance, nor to any orchards or oldfields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six (6) inches dbh).

WOODLAND DISTURBANCE - Any activity which alters the existing structure of a woodland or hedgerow; alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, woody and herbaceous woodland floor species. Woodland disturbance also includes any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. (See Article II for examples of invasive plants.)

YARD - An open or unoccupied area around the inner periphery of a lot; a yard extends parallel to lot lines and street lines, and is measured as a distance perpendicular to lot and street lines.

ZONING MAP - The official Zoning Map of West Pikeland Township, as adopted and amended from time to time.

ZONING ORDINANCE - The Zoning Ordinance of West Pikeland Township, as adopted and amended from time to time.

Article 300: Plan Submission and Review Procedure

Section 301 General Provisions

The Township has adopted the procedures set forth herein which shall be observed by all applicants, developers, and their agents.

- A. Authority for Plan Approval. Final authority for approval or denial of approval of all subdivision and land development plans shall be vested in the Township Board of Supervisors in accordance with the procedures set forth herein. Prior to action by the Board, all plans shall be referred for review and recommendation to the Township Planning Commission, the Township Engineer, and such other agencies as deemed pertinent by the Board or as required by law. However, the failure to make such referral or the failure by any reviewing party to review or make recommendation with respect to any plan shall not affect the validity of any action taken by the Board with respect to such plan. In addition, in the course of its review, the Township Planning Commission may solicit review and reports from any official Township consultant, or entity it considers to be affected by the subject plan.
- B. Plan Classification. For purposes of procedure, all applications filed pursuant to this Ordinance shall be further classified as either major or minor as defined below:
 - 1. Minor: Any plan providing for a lot line adjustment or rejoining of lots where no land development is proposed, or any residential subdivision or land development application in which all of the following apply:
 - a. No public or private street is constructed or is required to be widened;
 - b. No earth moving activities except those incidental to construction of a single family dwelling on each proposed lot will take place;
 - c. No public improvement or guarantee thereof is required other than as may relate to on-lot stormwater management systems or sewer or water lines serving an individual lot;
 - d. No more than three (3) lots shall result from any residential subdivision;
 - e. Plans are not filed pursuant to the Open Space Design Option; and
 - f. No more than two (2) minor subdivisions shall be approved over any period of time for any original tract or parcel of ground. Any subsequent subdivision approval submission after the two (2) minor subdivisions are approved shall be considered major and subjected to the related provisions herein, regardless of size or scale.

2. Major: Any subdivision or land development application not classified as minor as provided above.

C. Overview of Plan Submission and Review Process. The following plan review steps represent the standard approach used in West Pikeland Township. Plan contents shall be as set forth in Article 400 and the number of plan sets to be submitted shall be as specified herein.

	Minor Subdivision or Land Development	Major Subdivision or Land Development
Pre-Application Meeting	Recommended	Recommended
Existing Resources and Site Analysis Plan (ERSAP)	May be required based on existing published information	Required
Site visit with Township representatives	Recommended	Recommended
Four-Step Design Process	Not required	Required
Sketch Plan	Recommended	Recommended
Preliminary Plan	Not required	Required
Final Plan	Required	Required

D. Recommended Conceptual Lot and Street Layout for Remaining Lands. When an application includes only a portion of a landowner's entire tract, or where lands subject to application are contiguous to an adjoining tract of the same landowner, the Planning Commission or the Board of Supervisors may require the applicant to include a conceptual layout showing future potential subdivision or land development of all the contiguous lands belonging to the landowner to ensure that future development may be accomplished in accordance with current codes and with appropriate access. Submission and review of the conceptual lot and street layout described in this section shall not constitute approval of the future subdivision or land development shown thereon.

E. Municipalities Planning Code Requirements. Preliminary and final plans shall be reviewed in accordance with the requirements of the Pennsylvania Municipalities Planning Code (MPC) and as set forth herein.

F. Site Access for Purposes of Plan Review. The owner of the parcel of land to be subdivided or developed shall, as part of initial submission in regard to the subject property, submit a written statement granting the West Pikeland Township Board of Supervisors, its authorized agents and representatives, and the Planning Commission the right to enter the parcel of land for the purpose of evaluating the site and the proposed development thereof. The Township shall

make a reasonable effort to contact the applicant to notify him of the Township's scheduled site access at least two (2) days in advance of such site visit.

G. Plan Review by Adjacent Municipalities.

1. Any plan applications for tracts of land along the municipal boundary shall, at the same time as any plans or supplementary documentation are submitted to the Township, include submission of one additional complete set of such plans and documentation, which may be forwarded by the Township to the adjacent municipality for its comments.
2. The Township may solicit comments from an adjacent municipality even if the plan is not on the boundary of the Township, where a plan, in the opinion of the Township, affects the adjacent municipality, in which case additional plan sets may be required.
3. When comments are solicited from any adjacent municipality, the Planning Commission and the Board of Supervisors shall review the reports from the adjacent municipality as part of the plan review process. However, if any adjoining municipality shall fail to report thereon prior to the time that Township Planning Commission or Board moves to make a recommendation or decision, then the Township Planning Commission or Board, as the case may be, may officially act without having received and considered such report.

H. Required Notification of Surrounding Property Owners.

1. For any major subdivision or land development approval requested by an applicant pursuant to the preliminary plan or final plan procedures described herein, the Applicant shall notify in writing all individuals or entities, who own real estate where any portion thereof is abutting the proposed major subdivision or land development, including property all or partly within adjacent municipalities, of such major subdivision or land development proposal.
2. Notice required under this Section shall be made by regular 1st class mail to the landowner's last known address, to be mailed within fifteen (15) days of the date of filing of the major subdivision or land development application. The address on the tax rolls shall be considered the last known address. Verification of mailing, including a copy of the names, addresses and tax parcel numbers of each person to whom the notice was mailed, and including a copy of the notice, shall be submitted by the Applicant to the Township prior to the first public meeting held on the application, and placed in the application file.

3. Upon initial notification verification, the Township shall not be further obligated to provide affected landowners with written notice of subsequent meetings held on the application except as may be required by other provisions of this Ordinance, other Township ordinances, or other applicable legal authority. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the actions of the Township for which the notice was given.
- I. Re-filing of Plans. Any plan which meets any one of the criteria below shall be considered to be a new plan and shall be accompanied by an application, fees and all required information.
1. A plan which is submitted after a previous plan for the same property has been withdrawn shall constitute a new plan.
 2. A plan which is submitted after a plan for the same property has been approved or rejected shall constitute a new plan.
 3. A plan which is re-submitted during the course of plan review by the Planning Commission or Board of Supervisors, and is deemed by either to represent a substantially altered lot layout, road configuration, building location(s) or use, for the same land that was included in a prior plan submission, shall constitute a new plan. Plans considered by the Township as a major revision pursuant to the provisions of Section 304.D.4.d., in the case of Preliminary Plans, or Section 305.E.4.d., in the case of Final Plans, and starting a new ninety (90) day time period for formal review and notification, may not need to resubmit an application or fees, but may require new supplemental plans or impact studies.
- J. Township review and inspection fees. No application for preliminary or final plan review shall be deemed to have been officially submitted until the application fee and escrow deposit, as set forth below, shall have been paid by the applicant.
1. Subdivision and land development application fees (non-refundable) and initial escrow deposits to cover the costs for plan review and processing shall be fixed by the Board of Supervisors by resolution. The escrowed funds shall be used to reimburse the Township for actual expenditures incident to these processes, including but not limited to engineering, inspection, consultant, and legal fees. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any costs not paid within the time specified by the Township shall be assessed an interest penalty as established by the Board and may result in the suspension of reviews of the applicant's plans. Any unexpended balance in the escrow deposit shall become part of the escrow deposit required by paragraph 2 below.

2. Following final plan approval and recording and the establishment of any required performance guarantee, an escrow deposit shall be established to cover the cost of inspections of improvements construction, materials or site testing, or maintenance costs required prior to the acceptance of improvements by the Township. The amount of the escrow deposit shall be fixed by the Board by resolution. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the acceptance of any public improvements. Any costs not paid within the time specified by the Township shall be assessed in interest penalty as established by the Board and may result in the denial or withdrawal of any permits. Any unexpected balance in the escrow deposit following acceptance or dedication of improvements to the Township shall be returned to the applicant.
3. All such reimbursements for costs expended prior to establishment of the applicant's performance guarantee shall be made prior to issuance of any permits. All such reimbursements for costs expended during construction shall be made out of escrow funds established as part of the performance guarantee, on a monthly basis, and prior to acceptance of improvements.
4. Inspection fees for activities covered by Section 603 of this ordinance shall be paid according to Section 301.J.1. above. The hourly rate of these inspection fees shall be fixed by resolution of the Board of Supervisors.
5. If problems arise requiring more extensive involvement of the Township Engineer, any resulting costs that exceed the initial escrow deposit or subsequent deposits will be assessed against the applicant.

Section 302 Pre-Application Planning and Design Procedures

The following procedures are to be followed for all subdivision and land development plan applications submitted to West Pikeland Township. The content of required plan submissions is set forth in Article 400.

- A. Pre-Application Meeting. Prior to any formal plan submission, it is strongly recommended that the applicant for any subdivision or land development approval schedule and meet with the Township Manager or a designated representative. The purpose of the pre-application meeting is to introduce the applicant to the Township's planning objectives and applicable regulations and procedures, and to discuss the applicant's objectives.
- B. Existing Resources and Site Analysis Plan (ERSAP). The purpose of the ERSAP submission is to familiarize Township representatives with existing conditions on the applicant's property and within its immediate vicinity, to provide a complete and factual reference for making a site visit, and to provide a basis for

planning and design consistent with the Township's natural and cultural resource protection and design objectives.

1. All applicants for major subdivision or land development approval shall submit an ERSAP prepared in accordance with the requirements contained in Section 400. While this analysis is a required component of Preliminary Plan submission, it is strongly recommended that it be provided at the time of sketch plan submittal.
 2. To the extent required by the Township, applicants for minor subdivision or land development also shall submit an ERSAP at the time of Sketch Plan or Final Plan submission, as applicable.
- C. Site Visit. Applicants for subdivision or land development approval may be requested by the Township Planning Commission or Board of Supervisors to arrange for a site visit of the property by Township representatives that may include the Township Engineer and any other federal, state, or county representatives or consultants as the Township deems appropriate. Applicants shall agree to reimburse the Township for any reasonable costs charged by Township consultants in relation to such site visit when such consultants have been requested by the Township to attend. Applicants are encouraged to accompany Township representatives. The purpose of the site visit is to familiarize Township representatives with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of open space, undisturbed areas and landscaped areas, potential locations for proposed buildings and road alignments, stormwater management concepts, and protection of natural and cultural (including historic) resources. The site visit may be requested by the Township at any time during which a subdivision or land development application filed in accordance with this Ordinance is pending Township approval. Comments made by the Township or their staff and consultants during the site visit shall be only advisory and are not binding on either the Township or the applicant. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site visit or during the sketch plan process.
- D. Four-Step Design Process. All applicants for major subdivision or land development approval shall use the following four-step design process to assist in determining the most suitable approach to development of the subject site. The layout of lots or development shall be designed to demonstrate compliance with the applicable zoning district, and furthermore, that such areas or features identified as being important in the ERSAP or upon site visit are preserved and the areas of lesser importance are used for development. While demonstration of compliance with the four-step design process is a required component of Preliminary Plan submission, it is strongly recommended that it be accomplished

prior to formal plan submission, and demonstrated through sketch plan submittal. The steps in the four-step design process are as follows:

1. Step 1: Establishment of Site Context and Delineation of Resources to be left undisturbed, protected, or incorporated into development plans.
 - a. Proposed site resources and open areas to be left undisturbed or specifically incorporated into development plans shall be identified and described based on review and assessment of mapping and other information included in the ERSAP, including open space, agricultural soils and resources, woodlands, specimen vegetation, hedgerows, other significant vegetation, floodplains, wetlands, riparian buffer zones, ridgelines, slopes, views, and historic resources, as relevant. The site visit, when requested by the Township, may be used to discuss and help determine those areas that should have minimal or no disturbance.
 - b. Special design considerations relative to structural placement, architecture, and landscape treatment shall be identified based on review of the Township Comprehensive Plan and Zoning Ordinance, as applicable, as well as assessment of relationships to neighboring properties.
 - c. The open and undisturbed areas identified at this stage of the design process shall include consideration for stormwater management, taking into account areas suitable for groundwater recharge and infiltration, wherever feasible.
2. Step 2: Location of Structures and Alignment of Infrastructure: Buildings, streets, trails, utilities, and stormwater management
 - a. Potential building area(s) and zones of land disturbance shall be identified in a manner which provides for maximum conservation of significant site resources as inventoried in the ERSAP and considered in Step 1. Conservation of historic resources may include their incorporation into development plans. Building sites shall be setback from abutting properties while taking into consideration the potential negative impacts of development on such areas as well as the potential positive benefits of locations which provide attractive views and visual settings for buildings.
 - b. An access and circulation plan shall be designed to provide pedestrian and vehicular access to the development which reflects a logical relationship to topographic conditions and neighboring properties, and which minimizes further land disturbance or negative impacts to resource protection objectives.

- c. Locations and methods available for providing facilities for water service, wastewater disposal, stormwater management and other utilities, as necessary, and for recreation shall be defined and indicated.
3. Step 3: Preparation of Schematic Design, Building and Conservation Plan.
- a. Narrative and plans shall be provided as appropriate to indicate the ways in which the applicant proposes to undertake development, as defined in Step 2, in order to implement identified design objectives and respect significant existing features of the land described in the ERSAP and areas designated for non-disturbance in Step 1.
 - b. Indication of proposed limits to land disturbance on the subject site, including limits to grading and soil disturbance activities.
 - c. Indication of how proposed limits to land disturbance comply with any applicable disturbance limitations set forth in the Township Zoning Ordinance in respect to natural and cultural resources.
 - d. Description and plans as necessary to demonstrate how existing natural contours and vegetation will be respected.
 - e. Description of the manner in which stormwater will be captured onsite for maximum infiltration. This should indicate that the areas best suited for stormwater infiltration have been selected for that purpose, based on hydrologic soil groups and the stormwater management requirements of this ordinance.
 - f. Description and plans as necessary to indicate building plan including schematic architecture and incorporation of necessary infrastructure, road improvements, and landscaping.
 - g. Description of any historic resources on the site and proposed efforts to preserve their historical integrity, including where incorporated into any building program.
4. Step 4: Drawing Lot Lines/Defining Ownership Responsibilities

Lot lines shall be drawn as required to delineate the boundaries of individual lots, public and private rights-of-way, and open space areas. In all cases, ownership responsibilities shall be defined in a manner which affords implementation of the Schematic Design, Building and Conservation Plan defined in Step 3.

Documentation - Applicants shall submit maps indicating the findings of each step of the design process with respect to any matters not addressed by the plan

contents set forth in Article 400, with Preliminary Subdivision and Land Development plans and applications.

Section 303 Sketch Plans

- A. Purpose and Applicability. The purpose of the Sketch Plan, which is an optional but strongly encouraged submission for all plans, is to afford the applicant the opportunity to consult early and informally with the Planning Commission and the Township before submission of formal plans (preliminary or final, as applicable) for subdivision or land development approval. The sketch plan is an important, valuable, and highly recommended submittal that can speed the review process and may result in lower costs for the project. It is strongly recommended that all applicants for sketch plan review follow the Pre-Application Planning and Design Procedures set forth in Section 301 and, for major subdivision or land development applications, that the Sketch Plan fully embodies the results of the Four-Step Design Process and the Schematic Design, Building and Conservation Plan that is part thereof.
- B. Sketch Plan Submission and Review.
1. Applicant shall submit the minimum number of copies of the Sketch Plan application to the Township as specified in the West Pikeland Subdivision & Land Development Submission Checklist. Submitted applications shall be prepared in accordance with the requirements contained in Section 401 hereof. Applications for major subdivision or land development approval shall be accompanied by an ERSAP, if not previously submitted, and documentation of fulfillment of the Four-Step Design Process. Applications for minor subdivision or land development approval shall be accompanied by an ERSAP, if not previously submitted, reflecting existing published information to the extent available and where not otherwise waived by the Township. Where submitted, the Sketch Plan and supporting materials shall be filed with the Township at least seven (7) calendar days prior to the Planning Commission meeting at which they are to be discussed.
 2. Where feasible, and at the request of the Township upon the recommendation of the Township Engineer, the Sketch Plan also shall be submitted to the Township electronically in the format specified by the Township Engineer.
 3. Copies of the Sketch Plan application shall be distributed by the Township to the Township Planning Commission.
 4. At the next regularly scheduled public meeting subsequent to submission in accordance with Section 303.B.1, above, the Applicant shall present the Sketch Plan and supporting materials to the Township Planning Commission.

5. The Township Planning Commission shall review the Sketch Plan. As a result of its review, the Planning Commission may offer comment the applicant of the extent to which the proposed subdivision or land development conforms to the relevant Township ordinances, to Township planning, design and historic preservation objectives, and to environmentally responsible design, and may suggest plan modifications. To the extent that sufficient information has been submitted to the Planning Commission, the Commission shall undertake a general review which may encompass but shall not be limited to:
 - a. the compatibility of the proposal with respect to the objectives and policy recommendations of the West Pikeland Township Comprehensive Plan;
 - b. its consistency with the West Pikeland Township Zoning Ordinance;
 - c. the compatibility of the plan with the input from the pre-application meeting, site visit, ERSAP, and the Four-Step Design Process where requested;
 - d. the location of all areas proposed for land disturbance (roads, foundations, yards, utilities and wastewater disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's ERSAP;
 - e. the proposed building density and impervious coverage;
 - f. the potential for vehicular and pedestrian connections with existing roads, other proposed roads, and existing or potential development on neighboring properties;
 - g. the location of proposed access points along the existing road network; and
 - h. the need for any waivers or modifications from otherwise applicable ordinance standards, including any waivers or modifications which the Planning Commission would recommend in order to permit the proposal to better conform to Township planning objectives.
6. Prior to making recommendations on the proposed Sketch Plan, the Planning Commission may request the preliminary input of the Township's planning and engineering consultants and other Township commissions or committees where relevant (e.g., Historical Commission), and may hear comments from surrounding or affected landowners present at its public meeting(s). All planning and engineering review fees shall be the responsibility of the applicant.

7. All comments and recommendations made by Township representatives in regard to Sketch Plan review are non-binding. No comment or recommendation, nor the failure of the Planning Commission or any Township representative, to proceed or act in accordance with this Section, shall be deemed to be a decision with respect to any subdivision or land development plan or to vest any rights in the applicant.

Section 304 Preliminary Plans

A. Purpose and Applicability.

1. All applicants for major subdivision or land development approval shall submit a Preliminary Plan application which is a set of documents demonstrating compliance with zoning provisions, showing existing features, proposed road and lot layout, storm water management facilities and engineering detail sufficient to ensure proper functioning of proposed improvements and sufficient to meet the plan requirements of this Ordinance. Applicants for minor subdivision or land development approval are not required to submit a Preliminary Plan application but may proceed with Final Plan application.
2. All applicants for Preliminary Plan approval should follow the Pre-Application Planning and Design Procedures set forth in Section 301, and are encouraged to submit a Sketch Plan as set forth in Section 303, prior to formal submission of a Preliminary Plan application. Applicants who choose to submit Preliminary Plans without taking advantage of the Sketch Plan option may incur added engineering expenses. Evaluation of planning, design, and ordinance issues occurring during sketch plan review can facilitate the Preliminary and Final Plan review processes by addressing a number of issues at an early stage during plan preparation.
3. Preliminary Plan applications shall conform to any recommendations made during Sketch Plan review and all information requirements and procedures set forth herein.

B. Preliminary Plan Submission and Acceptance for Review.

1. The Preliminary Plan application shall include all information as set forth in Article 400, specifically the ERSAP and documentation of fulfillment of the Four-Step Design Process. Submitted plans and accompanying documentation shall be clearly marked "Preliminary Plans."
2. Applicants shall submit the minimum number of copies of the Preliminary Plan application, including all required supporting information and materials, to the Township as specified in the West Pikeland Subdivision & Land Development Submission Checklist. The Preliminary Plan application shall be submitted to

the Township at least twenty-one (21) calendar days prior to the Planning Commission meeting at which the Preliminary Plan is first to be discussed.

3. Plans in the Preliminary Plan application also shall be submitted to the Township electronically in PDF and CAD (.dwg or .dxf) format as specified by the Township Engineer.
 4. Within ten (10) business days from the date the Preliminary Plan application is received, the Township shall determine whether the submission is administratively complete. To be considered administratively complete, all of the documentation required by this Ordinance shall be included with the application and required escrow and review fees shall be paid to the Township in accordance with the municipal fee schedule, along with any required fees for Chester County Planning Commission review.
 5. The date upon which a Preliminary Plan application is determined to be administratively complete shall be considered the date of filing, and on that date the submission shall be accepted for review. If a Preliminary Plan application is determined not to be administratively complete, it shall be returned to the Applicant with a specific indication of the missing materials or fees which rendered it incomplete.
- C. Distribution of Preliminary Plans. For applications determined complete, the Township shall forward the appropriate number of application packages to the Township Planning Commission, Township Board of Supervisors, Township Engineer, Chester County Planning Commission and Health Department. The Applicant shall file the Preliminary Plan and accompanying documentation, with the appropriate Emergency Services representatives, and other agencies as deemed appropriate and requested by the Township.
- D. Review of the Preliminary Plan and Rendering of Decision.
1. Official Review Period. The Board of Supervisors shall render a decision in regard to the preliminary plan application not later than ninety (90) days following the date of the next regular meeting of the Township Planning Commission following the date of filing, provided that should the next regular meeting be more than thirty (30) days following the date of filing, said ninety (90) day period shall be measured from the thirtieth (30th) day following the date of filing.
 2. Review by Township Engineer and other Township Staff and Consultants.
 - a. The review by the Township Engineer shall evaluate the following:
 - i. that all information required by this Ordinance is presented in the plans submitted;

- ii. compliance with all other Township ordinances;
 - iii. compliance with the Four-Step Design Process and Sketch Plan recommendations, where requested by the Township;
 - iv. that any Sketch Plan recommendations offered to the Applicant have been considered or addressed or shall confirm the extent to which same have or have not been addressed;
 - v. that any conditions set forth in any previous order of approved conditional use, special exception, or variance approval have been complied with, if applicable;
 - vi. that, in the opinion of the Township Engineer, the various schemes presented for the location, alignment and grade of roads, stormwater management / Best Management Practices, erosion and sedimentation control, physical site constraints, site grading, sanitary sewers, water supply, and any other proposed improvements are feasible from an engineering perspective.
- b. The Township Engineer shall submit his or her written comments to the Township. The Township's engineering review fees shall be the responsibility of the Applicant.
 - c. The Township may request additional review by the Township Engineer, Township Solicitor, Township staff, Township commissions or committees (e.g., Historical Commission), land planning consultant, or other consultants to ascertain the accuracy, sufficiency and completeness of the preliminary plan and submitted supplementary data or materials, as it may deem necessary based on the specific circumstances. All additional review fees shall be the responsibility of the Applicant.
3. Review by Chester County and Other Agencies.
- a. Chester County Planning Commission. The Chester County Planning Commission will be provided with the opportunity to review and comment on the preliminary subdivision plan as required by the MPC.
 - b. Chester County Health Department. The CCHD will be provided with the opportunity to review and comment on matters relating to water and sewer systems, as applicable.
 - c. Other Agencies. County, state, federal, or other reviewing or regulatory agencies having jurisdiction over all or a portion of the property subject to

the application will be provided the opportunity to review and comment on permit or other agency-specific matters.

4. Review by the Township Planning Commission.

- a. The Township Planning Commission shall, at its regularly scheduled public meetings, review the preliminary plan application in accordance with this Ordinance and any other applicable ordinances, with any conditions of approval contained in any applicable Order or Conditional Use Approval, with the results of any sketch plan review or discussion and any previously submitted documentation of the Four-Step Design Process, and in consideration of the comments submitted by the Township Engineer and any other Township consultants, where applicable. The Planning Commission review shall further include, but is not limited to, those items set forth in Section 303.B.5.a through h.
- b. The applicant or designated representative should be present at such meeting(s). The Commission may comment on the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance and the West Pikeland Township Zoning Ordinance, any conditions contained in any applicable Order or Conditional Use Approval, the need for or acceptability of any waivers or modifications of design standards contained herein, and any suggested plan modifications that would increase the subdivision's or land development's degree of conformance in order to obtain a Planning Commission recommendation of approval.
- c. Prior to communicating its recommendations to the Board of Supervisors regarding any Preliminary Plan application, the Commission may request the input or may review the written comments or testimony of any of the Township's planning and engineering consultants or other agencies involved in the review of the subject plan as provided in Sections 304.D.2 and 3 above; it may receive comments from surrounding or affected landowners; and it may also conduct a site visit(s) to facilitate its review.
- d. During the course of the Planning Commission's review of the Preliminary Plan and prior to any action by the Board within the required ninety (90) day period, the Preliminary Plan may be revised by the applicant. Such plans shall note the dates of any revisions. Upon the submission of the revised plan, the Township shall determine whether the revision constitutes either a minor revision, or a major revision. When determined to constitute a major revision, the applicant shall sign a statement withdrawing any previously submitted plans from consideration and, regardless of the applicant's signature on said statement, a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised Plan. The revised Plans shall

be submitted to the Planning Commission not later than ten (10) working days prior to the regularly scheduled meeting of the Planning Commission. The revised plan shall be distributed by the Township as required by Section 304.C.

- e. Except where an extension of time is granted in writing by the Applicant, the Planning Commission shall communicate its comments and recommendations to the Township Board of Supervisors by the time of the last scheduled meeting of the Board prior to the expiration of the ninety (90) day review period. The communication from the Planning Commission to the Board of Supervisors may include any recommended conditions of approval, and may cite specific sections of the Ordinance or other reasons relied upon for the Commission's recommendations.

5. Review and Decision by the Board of Supervisors.

- a. Prior to the expiration of the ninety (90) day review period, as set forth above, unless an extension of time is granted in writing by the applicant, the Board of Supervisors shall render a decision in regard to the Preliminary Plan application.
 - i. The decision shall be in writing and shall be communicated to the applicant personally or be mailed to the applicant at his last known address not later than fifteen (15) days following the decision.
 - ii. When the application is not approved as filed, the decision shall specify the defects in the application, shall describe requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.
 - iii. When the application is approved with conditions, and upon the Applicant's receipt and review of such conditions, the Applicant shall inform the Township in writing that the conditions imposed by the Board of Supervisors and set forth in the approval communication are accepted, within fifteen (15) days of the date of approval. Failure to so accept shall void the plan approval and the subject Preliminary Plan application shall be considered denied.
- b. The Board of Supervisors may require that Final Plan application for the subject property be submitted within twelve (12) months of the date of Preliminary Plan approval. In such case, the Applicant may request an extension beyond the twelve (12) months subject to approval by the Board of Supervisors.
- c. Upon approval of the Preliminary Plan application, the Board shall designate one copy of the preliminary plan, signed by the applicant, as

the official copy. This copy shall include all necessary corrections as required by the Board of Supervisors. It shall be retained in the Township files.

- d. Approval of the preliminary plan shall not constitute approval of the Final Plan or authorize the conveyance of lots or construction of buildings.

Section 305 Final Plans

- A. Purpose. The purpose of the Final Plan application for subdivision or land development is to assure full compliance with this Ordinance, with applicable zoning provisions and with all other applicable laws and regulations prior to formal recording of all relevant planning documents and land records, and to ensure long-term proper functioning, maintenance and funding for all proposed improvements.
- B. Applicability. Upon submission of any Final Plan application, the Township shall determine within ten (10) business days whether the Plan is a Major or Minor Plan submission, as defined in Section 301.B., and whether the submitted plans are administratively complete as provided in Section 305.C.
 - 1. If the application is a Major Plan submission, but no Preliminary Plan application has previously been submitted and approved, the application shall be returned to the applicant or, upon the request of the applicant, submitted as a Preliminary Plan in accordance with Section 304 hereof.
 - 2. If the application is a Major Plan submission following a Preliminary Plan application previously submitted and approved, or if the application is a Minor Plan submission, the application shall be retained by the Township for review in accordance with this Section.
 - 3. For a Major Plan application, the Final Plan shall conform to the terms of the approved Preliminary Plan.
 - 4. For a Major Plan application, the Board of Supervisors may permit submission of the Final Plan in sections, consistent with Section 508 of the Municipalities Planning Code.
 - 5. Final Plan applications shall conform to any conditions in any applicable Order or Approval for a conditional use, special exception or zoning variance.
 - 6. Where a preliminary plan approval, has been given the Final Plan must be filed within one (1) year of the date of preliminary plan approval. Failure of an applicant to make timely submission of such Final Plan (within one (1) year of preliminary plan approval) shall render void the preliminary plan approval. Applicants with final plans subject to such a filing deadline condition may

request from the Board of Supervisors a reasonable extension of the one-year time limit for filing when good cause can be shown. Otherwise, the applicant shall be required to file a new application for preliminary plan approval. Notwithstanding the foregoing, in the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

C. Final Plan Submission and Acceptance for Review.

1. The Final Plan application shall include all information in Section 404. Steps which have been satisfactorily completed during the Pre-Application, Sketch Plan, or Preliminary Plan review stages, as applicable, and that meet applicable criteria for Final Plan submission, need not be repeated. Submitted plans and accompanying documentation shall be clearly marked "Final Plans."
2. The Applicant shall submit the minimum number of copies of the Final Plan application, including all required supporting information and materials, to the Township as specified in the West Pikeland Subdivision & Land Development Submission Checklist. The Final Plan application shall be submitted to the Township at least twenty-one (21) calendar days prior to the Planning Commission meeting at which the Final Plan is first to be discussed.
3. Where specifically requested by the Township, plans included in the Final Plan application also shall be submitted to the Township electronically in the format specified by the Township Engineer.
4. Within ten (10) business days from the date the Final Plan application is received, the Township shall determine whether the submission is administratively complete. To be considered administratively complete, all of the documentation required by this Ordinance shall be included with the application and required escrow and review fees shall be paid to the Township in accordance with the municipal fee schedule, along with any required fees for Chester County Planning Commission review.
5. The date upon which a Final Plan application is determined to be administratively complete shall be considered the date of filing, and on that date the submission shall be accepted for review. If a Final Plan application is determined not to be administratively complete, it shall be returned to the Applicant with a specific indication of the missing materials or fees which rendered it incomplete.

- D. Distribution of Final Plans. For applications determined complete, the Township shall forward the appropriate number of application packages to the Township Planning Commission, Township Board of Supervisors, Township Engineer, Chester County Planning Commission and Health Department. The Applicant shall file the Final Plan and accompanying documentation, with the appropriate Emergency Services representatives, and other agencies as deemed appropriate and requested by the Township.
- E. Review of the Final Plan and Rendering of Decision.
1. Official Review Period. The Board of Supervisors shall render a decision in regard to the Final plan application not later than ninety (90) days following the date of the next regular meeting of the Township Planning Commission following the date of filing, provided that should the next regular meeting be more than thirty (30) days following the date of filing, said ninety (90) day period shall be measured from the thirtieth (30th) day following the date of filing.
 2. Review by Township Engineer and other Township Staff and Consultants.
 - a. The review by the Township Engineer shall assure that all information required by this Ordinance is presented in the plans submitted, that all applicable laws and regulations are complied with, that the Final Plan conforms with the approved Preliminary Plan, as applicable, and that any conditions set forth in any previous Order or Approval for any applicable conditional use, special exception, or zoning variance have been complied with. The Township Engineer shall submit his or her written comments to the Township. The Township's engineering review fees shall be the responsibility of the Applicant.
 - b. The Township may request additional review by the Township Engineer, Township Solicitor, Township staff, Township commissions or committees (e.g., Historical Commission), land planning consultant, or other consultants to ascertain the accuracy of the Final Plan and submitted supplementary data, materials, or documentation, as it may deem necessary based on the specific circumstances. All such additional review fees shall be the responsibility of the Applicant.
 3. Review by Chester County and Other Agencies.
 - a. Chester County Planning Commission. The Chester County Planning Commission shall be provided with the opportunity to review and comment on the Final Plan submission as required by the Municipalities Planning Code (MPC).

- b. Chester County Conservation District. As deemed necessary by the Township and as required by state regulations, the Chester County Conservation District shall be provided with the opportunity to review and comment on matters relating to site drainage, control and abatement of soil erosion and sedimentation, stormwater management, Best Management Practices, open space management where applicable, and compliance with NPDES Phase II requirements.
 - c. Chester County Health Department. The Chester County Health Department will be provided the opportunity to review and comment on matters relating to requirements for water and sewer systems.
 - d. Other Agencies. County, state, federal or other reviewing or regulatory agencies having jurisdiction over all or a portion of the property subject to the application will be provided with the opportunity to review and comment on permit or other agency-specific matters, as applicable.
4. Review by the Township Planning Commission.
- a. The Township Planning Commission shall, at its regularly scheduled public meetings, review the Final plan application for consistency with any applicable Preliminary Plan approval; this Ordinance and other applicable ordinances; any conditions of approval contained in any applicable Order or Approval of any conditional use, special exception, or zoning variance; the results of any relevant sketch plan review or discussion and any previously submitted documentation from the Four-Step Design Process; and the comments submitted by the Township Engineer and any other Township consultants, where applicable.
 - b. The Applicant or designated representative should be present at such meeting. The Commission may advise the Applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance and the West Pikeland Township Zoning Ordinance, any conditions of approval contained in any applicable Order or Approval of any conditional use, special exception, or zoning variance, the need for or acceptability of any waivers or modifications of design standards contained herein, and any suggested plan modifications that would increase the subdivision's or land development's degree of conformance in order to obtain a Planning Commission recommendation of approval.
 - c. Prior to communicating its recommendations to the Board of Supervisors regarding any Final Plan application, the Commission may request the input or may review the written comments or testimony of any of the Township's planning and engineering consultants or other agencies

involved in the review of the subject plan as provided in Sections 305.E.2 and 3; and it may conduct a site visit(s) to facilitate its review.

- d. During the course of the Planning Commission's review of the Final Plan and prior to any action by the Board within the required ninety (90) day period, the Final Plan may be revised by the applicant. Such plans shall note the dates of any revisions. Upon the submission of the revised plan, the Township shall determine whether the revision constitutes either a minor revision, or a major revision. When determined to constitute a major revision, the applicant shall sign a statement withdrawing any previously submitted plans from consideration and a new ninety (90) day time period for formal review and notification shall commence, regardless of the applicant's signed withdrawal, from the date of submission of the revised Plan. Further, any major revision to a Final Plan that is not in substantial conformity with the terms and conditions of the Preliminary Plan approval shall be considered to be a resubmittal. The revised Plans shall be submitted to the Planning Commission not later than ten (10) working days prior to the regularly scheduled meeting of the Planning Commission. The revised plan shall be distributed by the Township as required by Section 305.D.
 - e. Except where an extension of time is requested in writing by the Applicant, the Planning Commission shall communicate its comments and recommendations to the Township Board of Supervisors by the time of the last scheduled meeting of the Board prior to the expiration of the ninety (90) day review period. The communication from the Planning Commission to the Board of Supervisors may include any recommended conditions of approval, and may cite specific sections of the Ordinance or other reasons relied upon for the Commission's recommendations.
5. Review and Decision by the Board of Supervisors.
- a. Prior to the expiration of the ninety (90) day review period, as set forth above, unless an extension of time is requested in writing by the applicant, the Board of Supervisors shall render a decision in regard to the Final Plan application.
 - b. The Board of Supervisors may specify conditions, changes, modifications, or additions to the application which the Board deems necessary.
 - c. All Final Plan approval shall be subject to the following conditions, as applicable:
 - i. The applicant shall execute a written agreement, in accordance with Section 602 herein, agreeing to install all the improvements as

- required by this Ordinance and all regulations adopted pursuant thereto.
- ii. The applicant shall also provide a performance guarantee in accordance with Section 602 herein.
 - iii. The applicant shall agree, if requested, to tender a deed of dedication to the Township for such roads, easements for sanitary sewers, water lines, or storm sewers, public open space(s) and public improvements, including stormwater basins, road paving, sidewalks, trails, shade trees, roadscape amenities, water mains, any fire hydrants, sanitary and storm sewers, as may be required for the promotion of the public welfare, after all said improvements are completed and such completion is certified as satisfactory by the Township Engineer. The Board of Supervisors may require that the Applicant supply a title insurance certificate or policy (in such amount as the Township shall reasonably require) from a reputable company before any property is accepted by the Township.
 - iv. The applicant shall have applied for all required permits from agencies having jurisdiction over ancillary development, such as the Pennsylvania Department of Transportation (PennDOT), the PADEP, the Pennsylvania Public Utility Commission, and the Chester County Health Department.
 - v. No plan which proposes access onto a road under the jurisdiction of PennDOT shall be finally approved unless the plan contains a notice that a highway access permit is required therefore pursuant to Section 420 of Act 428, known as the "State Highway Law," before access to a State road is permitted.
 - vi. A Operation and Maintenance Agreement for approved stormwater management facilities, as applicable.
 - vii. Open Space Management Plan, as applicable.
- d. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- i. When the application is not approved as filed, the decision shall specify the defects in the application, describe requirements which have not been met and shall cite the provisions of the statute or ordinance relied upon.

- ii. When the application is approved with conditions, the Applicant shall inform the Township in writing within thirty (30) days of the date of such approval whether the condition(s) imposed by the Board of Supervisors are acceptable or not to the Applicant. Failure to so timely inform the Township of Applicant's acceptance of such condition(s) shall void the plan approval and the subject Final Plan shall be deemed denied for the reasons so specified in such decision.
- iii. Application for any subsequent permit (e.g., building permit) or initiation of any construction in accordance with the approved plan prior to the passage of thirty (30) days of its approval shall constitute acceptance of any conditions so imposed upon the Final Plan approval.

6. Approved Final Plan.

- a. Upon approval of the Final Plan application, the Board of Supervisors shall designate one copy of the Final Plan as the official copy. This copy shall include all necessary corrections as finally approved by the Board, shall be certified by the Applicant's appropriate professional and shall be endorsed by signature of the Applicant, the Chairperson of the Board of Supervisors, the Township Official and the Township Engineer. It shall be retained in the Township files.
- b. A minimum of nine (9) copies of the Final Plan as finally approved, certified and endorsed, as provided above, shall be distributed by the Applicant as follows:
 - i. Nine (9) copies to the Chester County Planning Commission for signing. The County Planning Commission shall keep one copy. Eight (8) copies shall be recorded within ninety (90) days at the Office of the Chester County Recorder of Deeds, consistent with the provisions of Section 513(a) of the MPC.
 - ii. The Office of the Chester County Recorder of Deeds shall retain three (3) signed and recorded copies.
 - iii. One (1) recorded copy shall be retained by the Applicant.
 - iv. Three (3) signed and recorded copies shall be returned to the Township, together with one (1) copy of all supporting materials.
 - v. One (1) signed and recorded copy shall be forwarded to the CCHD by the applicant.

- c. Where specifically requested by the Township, the approved Final Plan also shall be submitted to the Township electronically in the format specified by the Township Engineer.

Article 400: Plan Content and Supplemental Study Requirements

Section 401 Required Contents of Existing Resources and Site Analysis Plan

The following information shall be included in any Existing Resources and Site Analysis Plan (ERSAP) filed in support of an application for major subdivision or land development approval. Applicants for sketch plan, or minor subdivision or land development approval, shall submit the following information to the extent available from existing published information and where not otherwise waived by the Township.

- A. Site boundaries.
- B. Existing Resources Inventory - A comprehensive analysis of existing conditions on the proposed development site and areas within 200 feet. For projects greater than five (5) acres, additional area greater than 200 feet may be required at the discretion of the Township. The analysis must include:
 - 1. Underlying geology, including rock outcroppings.
 - 2. Soils - Soils types, based on maps contained in the Soil Survey of Chester and Delaware Counties, Pennsylvania, U.S. Department of Agriculture, as last revised. The soil classifications and boundary lines of all soils shall be shown. In addition, any alluvial soils, hydric soils, or Class I, II, or III agricultural soils shall be graphically indicated. Soil descriptions for all soil types shall be provided and may be in the form of plan notes.
 - 3. Topography - Contour lines measured at vertical intervals of two (2) feet, determined by aerial photogrammetry or on-site survey.
 - 4. Slope areas - Areas to be shown graphically. The amount of area in acres, in each slope category shall be indicated.
 - a. Moderately steep slopes - 15% to 25% grade.
 - b. Very steep slopes - greater than 25% grade.
 - 5. Ridgelines and watershed boundaries.
 - 6. Floodplain areas per Section 803 of the West Pikeland Township Zoning Ordinance, as amended.
 - 7. Streams, watercourses, lakes, ponds, and all natural drainage areas. Boundaries between drainage areas shall be indicated along with the names of any named stream to which drainage flows and all minor / major drainage basin(s).
 - 8. Applicable stream classifications (i.e., EV, HQ) per PA DEP Chapter 93 – Water Quality Standards, latest version.

9. Riparian Buffers, as defined by the West Pikeland Township Zoning Ordinance, shall be indicated.
10. Woodlands, hedgerows and specimen trees as defined by the West Pikeland Township Zoning Ordinance shall be delineated along with the tree protection zones.
11. Wetlands and wetland margins as defined by the Zoning Ordinance shall be indicated. Wetland boundaries within the tract shall be determined from on-site delineation in accordance with the 1987 US Army Corps of Engineers Wetlands Delineation Manual, as amended. Wetlands delineation shall be conducted by professional(s) acceptable to the Township, and shall be plotted from actual field survey.
 - a. If any wetland disturbance is proposed, a detailed Wetland Delineation Report shall be provided.
 - b. The wetland delineation must have been completed within one (1) year of the submission of the preliminary plan and shall be deemed valid for five (5) years from the date of submission.
 - c. The Township may undertake its own wetland delineation at the applicant's expense if any of the following site-specific criteria are applicable:
 - i. It is recommended by the Township Engineer due to uncertainties raised by the applicant's delineation or if conflicts exist between the applicant's delineation and wetlands information obtained from other sources including surrounding subdivisions.
 - ii. Greater than one acre of wetlands exists on-site.
 - iii. Wetlands on-site are associated with a wetland system of ten or more contiguous acres.
 - d. In the event of discrepancies with the applicant's and the Township's wetland delineations, the applicant shall request a Jurisdictional Determination by the Army Corps of Engineers and copies of such determination shall be provided by the applicant to the Township.
12. Any Pennsylvania Natural Diversity Inventory (PNDI) sites / resources per the Pennsylvania Natural Heritage Program (PNHP).
13. Groundwater resources (may be substituted at preliminary plan submittal by a hydrogeology study subject to the provisions of Section 406).

- a. Groundwater classifications and aquifer designations.
 - b. Principal groundwater recharge zones.
 - c. Individual groundwater withdrawals greater than 10,000 gallons per day.
 - d. Existing residential wells.
 - e. Groundwater elevations, if possible.
 - f. Stream and stormwater runoff from the site shall be tested for all pollutants listed in the Township's municipal separate storm sewer system NPDES II permit and total maximum daily load requirements.
14. Critical, sensitive, and other open space resources identified in the West Pikeland Township Comprehensive Plan (2010), as amended.
15. Groundwater Areas of Concern and other areas of known environmental impact (e.g., failed septic, leaking underground storage tanks, polluted stream flow or stormwater runoff, eroded stream embankments), via laboratory analysis and photographic evidence, shall be included.
16. Existing land uses, buildings, structures, and roads, and any pedestrian or equestrian trails on the property.
17. Historic Resources as defined by the West Pikeland Township Zoning Ordinance located within 300-feet of the subject lot or tract.
18. All recorded easements and deed restrictions.
19. Photographs of the site including views from all abutting public roads.
20. For subdivision applications filed pursuant to the Open Space Design Option of the Zoning Ordinance, a viewshed analysis which shall indicate:
- a. The scope and character of views into the tract from outside the tract, from public roads and from private properties in relationship to identified site features.
 - b. The scope and character of views within the tract in relationship to identified site features.
 - c. The scope and character of external views from within the tract.
 - d. A notation of any and all scenic roads.

21. Aerial photograph of the site – most recent available from the Delaware Valley Regional Planning Commission or approved equal.

Section 402 Required Contents of Sketch Plans

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

- A. Drafting Standards. Specific drafting standards are not required for Sketch Plan submission, however, to the extent practicable at the time of Sketch Plan submission, it is strongly suggested that the drafting standards set forth in Section 403.A for Preliminary Plan submission be employed.
- B. Required Contents of Sketch Plan.
 - 1. Name and address of the owner of record, the equitable owner, and the applicant;
 - 2. Tax Parcel Number(s) from current Chester County Tax Assessors records.
 - 3. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan;
 - 4. Graphic scale (not greater than 1 inch = 100 feet) and true north arrow. Precise scale and dimensions are not required at the time of Sketch Plan submission; however, the subject plan shall clearly be titled "Sketch Plan;"
 - 5. Approximate tract boundaries and tract size;
 - 6. Location map;
 - 7. Applicable zoning district(s), including any overlays;
 - 8. Locations and names of existing and proposed streets on, adjacent to, or within 100 feet of the subject tract;
 - 9. A brief narrative description of the subdivision or land development proposal.
 - 10. Topographic, physical, and historic features identified in the ERSAP as provided in Section 401. Where aerial photogrammetry or on-site topographic survey has not been completed at the time of Sketch Plan submission, USGS topographic information may be utilized. Minor subdivision or land development applications not required to submit an ERSAP may use generalized information to identify relevant site features consistent with those required in the ERSAP.

11. Schematic layout indicating a general concept for land conservation and development including lot lines, if any, proposed locations of buildings and other major structures, parking areas, roads and other vehicular and pedestrian access ways, necessary utilities and proposed stormwater management locations, including Best Management Practices, roadscape, landscape, and recreational improvements, and any other improvements; for major subdivision or land development applications. The schematic layout shall demonstrate a clear evolution of the Four-Step Design Process per Section 302.D of this Ordinance.

Section 403 Required Contents of Preliminary Plans

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

A. Drafting Standards.

1. The plan shall be drawn on a scale equal to or larger than 1" = 50'.
2. Dimensions shall be set in feet, bearing in degrees, minutes, and seconds, with errors of closure not to exceed one part per ten thousand (10,000).
3. Each sheet shall be numbered and shall show its relationship to the total number of sheets.
4. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
5. The original drawing, and all submitted prints thereof, shall be made on sheets no larger than thirty (30) inches by forty-two (42) inches and no smaller than twenty-two (22) inches by thirty-four (34) inches.
6. If the preliminary plan requires more than one sheet, a master sheet at a scale not smaller than 1"= 200' showing the location of each section shall accompany the plan.
7. If more than one scale is used in the plan, a key must be provided that indicates the difference in scale.

B. Required Contents of Preliminary Plan, Improvements Construction Plan and Supplementary Documentation.

1. A location map and north arrow for the purpose of locating the site to be subdivided or developed, at a scale of not less than eight hundred (800) feet to the inch, showing the relation of the tract to adjoining property and to all

roads and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed.

2. A series of plan sheets prepared in accordance with the drafting standards set forth above, with accompanying narrative as needed, showing the following existing conditions:
 - a. Proposed subdivision or land development name or other identifying title;
 - b. Name, address and telephone number of the owner of record, equitable owner and the applicant;
 - c. Name, address and telephone number of the registered engineer or surveyor responsible for the plan. If a registered engineer, architect or landscape architect collaborated in the preparation of the plan, his name and address and seal shall also appear. All plans showing the subdivision of land must be signed and sealed by a registered surveyor;
 - d. Zoning information, including applicable district, lot size and yard requirements, proof of any variance which may have been granted, and any zoning boundaries that traverse or are within one hundred (100) feet of the tract;
 - e. Conditions of approval from any conditional use, special exception, variance application or other form of zoning relief granted by the Township for all or part of the application property;
 - f. All waivers or modifications, including a statement for justification of the waiver, being requested by the Applicant as well as all waivers or modifications previously granted to the Applicant by the Township Board of Supervisors, shall be clearly stated on the first sheet of the preliminary plan submission, and also filed simultaneously in letter form to the Township;
 - g. Original date of preparation, revision dates, with concise descriptions of each revision;
 - h. North arrow, and scale, both written and graphic;
 - i. Total lot or tract boundaries showing bearings and distances and along all existing rights of way within and adjacent to the tract prepared by a registered professional land surveyor;
 - j. Total area of the subject lot or tract to the nearest square foot;

- k. The applicable front, side, and rear setbacks of the underlying Zoning District(s) shall be shown for the existing lot, parcel, or tract, including any applicable required setbacks from pipeline rights-of-way or other utilities;
- l. The parcel numbers and names of all current owners of all adjacent lands, the names of all proposed and existing subdivisions adjacent;
- m. The locations and dimensions of all existing driveways, railroads, sewers and sewage systems, water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, water courses sources of water supply, easements, rights-of-way, and other significant features within the property, and within one hundred (100) feet of any part of the subject lot or tract;
- n. The Pennsylvania One-Call Number and a table showing all affected utilities, with a notation on the plan showing the ownership and beneficiary of the easement or right-of-way;
- o. The location, name, state route (SR) or Township (T) number, cartway width and lines of all existing public and private streets;
- p. Location of physically existing sidewalks, paths and trails (whether or not same are then subject to existing ro formal easements or rights-of—way) throughout the property and on neighboring property within two hundred (200) feet;
- q. Topographic, physical, and historical features as required for submission of an Existing Resources and Site Analysis Plan (ERSAP), prepared in accordance with Section 401;
- r. Sufficient information to satisfy the requirements of Article VIII – Resource Overlay Districts of the West Pikeland Township Zoning Ordinance and to demonstrate compliance with the natural resource protection standards;
- s. Location and elevation of the datum to which contour elevations refer; datum used shall be North American Vertical Datum of 1988 (NAVD88) or approved alternate datum;
- t. Locations of all existing structures on the tract, and distance thereof from lot lines;
- u. A boundary survey and certification as to the accuracy of the survey shall be provided for all subdivisions or developments; and
- v. All notations on the plan must be readable. Illegible notations will be considered incomplete data on the plan.

3. All Preliminary Plan applications filed pursuant to the Open Space Design Option shall include demonstration of compliance with the Open Space Development Design Standards of the district and the Four-Step Design Process in accordance with Section 302.D of this Ordinance.
4. A full plan of the proposed subdivision or land development, prepared in accordance with the drafting standards set forth above, including at a minimum:
 - a. Location and width of all proposed streets, alleys, and rights-of-way with a statement of any conditions governing their use, including distance to the nearest intersection and proposed rights-of-way.
 - b. Proposed street and utility easement locations with approximate dimensions;
 - c. All proposed lot lines with approximate dimensions and lot areas, both gross and net, indicating those limitations excluded in the lot area definition; impervious and vegetative coverage calculations;
 - d. Building setback lines along each street, minimum side and rear yard limits in accord with the existing or proposed zoning district(s);
 - e. A statement of the intended use of all nonresidential lots and parcels;
 - f. Lot numbers, and a statement of the total number of lots and parcels; addresses of each lot, if available, as provided by the Township;
 - g. Locations of all stormwater management facilities including but not limited to storm sewers, groundwater recharge areas, bioretention areas, and other drainage improvement measures. Specific design of such facilities shall be demonstrated in the required Stormwater Management Plan;
 - h. Locations of all proposed sanitary sewers mains and laterals and any other sewage conveyance, treatment or disposal facilities;
 - i. Locations of all water supply facilities;
 - j. Location of proposed sidewalks, paths and trails throughout the property and on neighboring property within two hundred (200) feet;
 - k. Any proposed improvements or land disturbances requiring a permit from the U.S. Army Corps of Engineers, the PA DEP, or the Chester County Conservation District shall be so indicated;

- l. In any case where individual on-lot sewage disposal systems are proposed in accordance with Section 522, percolation test holes and deep probe test pits shall be performed and the exact locations of the successful and failed percolation and deep holes for the primary and replacement disposal areas shall be shown. Minimum horizontal isolation distances shall be maintained for the sewage disposal system as required by Pennsylvania Code, Title 25 Environmental Resources, Chapter 73, Standards for Sewage Disposal Facilities, as amended and shall be indicated on the plan.
 - m. In the case where an individual or community well is proposed to serve the subdivision or land development, the proposed location of the well shall be indicated on the plan;
 - n. Proposed parks, playgrounds, and other open space areas to be dedicated or reserved for public use, with any conditions governing such use, ownership and maintenance;
 - o. Any underground tanks including but not limited to, storage tanks, chemical and petroleum tanks, empty tanks or any other form of underground structure comprised of a tank which is known to the applicant; and
 - p. A grading plan, showing existing and proposed contours, for all proposed improvements, including preliminary grades for all house-lot locations. The plan shall reflect proposed limits of clearing and grading, and demonstrate compliance with the grading provisions of Section 519 of this Ordinance, the erosion and sedimentation control provisions of Section 518, and all other applicable Ordinance provisions.
- 5. Improvement Construction Plan An Improvement Construction Plan shall be required to accompany preliminary and final plans whenever an improvement is to be constructed or installed.
 - a. Scale. The Improvement Construction Plan shall have the same scale as required for a preliminary and final plan.
 - b. Data. The Improvement Construction Plan shall contain sufficient information to provide working plans for the layout and construction of proposed streets, utilities, stormwater structures / facilities, and other improvements. Such a plan shall include, but not be limited to, the following:
 - i. A Horizontal Plan showing layout of proposed improvements, including stations corresponding to those shown on the profiles, horizontal

curves, location and size of inlets and manholes, horizontal location of proposed utilities, and existing and proposed contours.

- ii. A Profile Plan indicating the final grades of streets and sewers and the extent of cut and fill operations.

- (1) The Profile Plan shall show the vertical section of the existing grade and proposed grade along the centerline and rights of way of the proposed street. Where storm drainage or sanitary sewer lines are to be installed, they shall also be indicated on the Profile Plan.

- (2) The horizontal scale of the Profile Plan shall be not less than 1"=50' and the vertical scale shall be not less than 1"=5'.

- (3) A typical cross-section street construction shall be shown on the Profile Plan and shall indicate the following:

- a. Right of way width and the location and width of paving within the right of way;
 - b. Type, thickness and crown of paving;
 - c. The location, width, type, and thickness of curbs and sidewalks to be installed, if any;
 - d. Typical location, size and depth of any underground utilities that are to be installed in the right of way where such information is available; and
 - e. All storm sewer, sanitary sewer, public water, gas line, and other existing utility crossings shall be shown by profile.

- 6. The preliminary plan shall also be accompanied by the following supplementary documentation:

- a. A Preliminary Erosion and Sedimentation Control Plan, prepared in accordance with Section 518;
 - b. A Preliminary Stormwater Management Plan, prepared in accordance with the Township's Stormwater Management Ordinance of 2014, as amended;
 - c. A Preliminary Landscape Plan demonstrating compliance with the requirements of Section 525;

- d. Where applicable, an Open Space Management Plan prepared pursuant to Section 410 herei;.
- e. If the preliminary plan or land development application is filed in accordance with an existing conditional use, special exception, variance or other form of zoning relief, then the applicant's supplementary documentation shall include any Order or Approval for Conditional Use, Special Exception, Zoning Variance or other form of zoning relief, any conditions of approval, and all plans submitted and approved as part of the Order or Approval;
- f. Where applicable, a Hydrogeology Study prepared pursuant to Section 406 herein;
- g. Where applicable, a Historic Resource Impact Study prepared pursuant to Section 407 herein;
- h. Where applicable, an Environmental Impact Study prepared pursuant to Section 408 herein; and
- i. Where applicable, a Traffic Impact Study prepared pursuant to Section 409 herein.

Section 404 Required Contents of Final Plans

Final plans shall conform in all important details to approved preliminary plans where applicable, including any conditions of approval specified by the Board of Supervisors. A final plan shall consist of and be prepared in accordance with the following:

- A. Drafting Standards. Final Plans shall conform to the drafting standards set forth in Section 403.A.
- B. Required Contents of Final Plan, Final Improvement Construction Plan, Supplementary Documentation.

Final Plan submissions shall include all information and data set forth below, except that the Township may waive any specific submission requirement where deemed not relevant to the subject application upon the recommendation of the Township Engineer. Information and data already supplied at the time of Preliminary Plan submission, where applicable, and satisfactorily meeting all requirements for Final Plan submission need not be resubmitted except to the extent that additional copies are needed by the Township to facilitate review.

- 1. Final Plan submissions shall include all information and data required under Section 403.B, except that preliminary supplementary documentation required under subsections 403.B.6.a – d. need not be resubmitted and instead shall

be supplanted by the required supplementary plans set forth in Section 404.B.18 below.

2. All final lot area calculations and lot line information including dimensions, bearings, radii, arcs, chords, central angles and tangent distances, defined in feet and hundredths of a foot by distances, and in degrees, minutes and seconds either by magnetic bearings ;
3. A statement of restrictions of any type which exist as covenants in the deed(s) for all lots contained wholly or partly in the subdivision and, if covenants are recorded, including the deed book and page number;
4. The specific proposed placement of each building and all water and sewer facilities;
5. The location of all existing and proposed monuments;
6. All easements or rights-of-way for any purpose, including written legal descriptions, and any limitations on such easements or rights-of-way. Easements or rights-of-way shall be specifically described on the plans. Easements should be located in cooperation with the appropriate public utilities where applicable;
7. If the subdivision proposes a new street intersection with a state legislative route, the intersection permit number(s) shall be indicated for all such intersections;
8. A certification of ownership, acknowledgement of plan and offer of dedication shall be affixed on the plan, and shall be duly acknowledged and signed by the owner(s) of the property and notarized;
9. All waivers or modifications, including a statement for justification of the waiver, being requested by the Applicant as well as all waivers or modifications granted to the Applicant by the Township Board of Supervisors, shall be clearly stated on the first sheet of the final plan submission, and also filed simultaneously in letter form to the Township;
10. Certificates for approval of the plan by the Board of Supervisors and for review by the Township Planning Commission shall be presented; as well as any other certificates required by the Township;
11. Any fees, whether required or agreed to by the applicant, shall be clearly noted on the plan;
12. The following data for the centerline of the cartway and both right-of-way lines of all recorded, and proposed streets, within and adjacent to the property:

- a. Courses and distances with length in feet and hundredths of a foot of all straight lines and of the radius and the arc (or chord) of all curved lines with delta angles including curved lot lines, and bearings in degrees, minutes and seconds for all straight lines; and
 - b. The width in feet of the cartway, right-of-way and of the ultimate right-of-way, and (in degrees, minutes and seconds) of the delta angle of all curved lines, including curved lot lines.
13. A boundary survey and certification as to the accuracy and completeness of the survey shall be provided for all subdivisions and land developments;
14. Final Improvement Construction Plan:
- a. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown either on the final plan or on the profile sheets;
 - b. Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
 - i. Existing (natural) profile along the cartway edges or along the centerline of each street; all high and low points;
 - ii. Proposed finished grade (at 25' stations) of the centerline, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway (pavement) edges;
 - iii. The length of all vertical curves, including stations of beginning and ending points; all high and low points;
 - iv. Existing and proposed sanitary sewer mains and manholes;
 - v. Existing and proposed storm sewer and drainage facilities with invert and surface elevations; and
 - vi. The horizontal scale of the Profile Plan shall be not less than 1"=50' and the vertical scale shall be not less than 1"-5'.
 - c. Final designs of any bridges or culverts.
15. All offers of dedication and covenants governing the reservation and maintenance of un-dedicated open space shall be approved by the Township Solicitor as to their legal sufficiency;
16. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being developed; and

17. The Final Plan shall be accompanied by the following supplementary documentation:

- a. A final Erosion and Sedimentation Control Plan, prepared in accordance with Section 518 herein, and;
- b. A final Stormwater Management Plan, including a stormwater control and Best Management Practices (BMP) operations and maintenance plan, prepared in accordance with Article VI. herein, and;
- c. A final Landscape Plan demonstrating compliance with the requirements of Section 525 herein, and;
- d. A final Open Space Management Plan per West Pikeland Township's Zoning Ordinance Article IX, as amended.

Section 405 Impact Studies and Assessments

- A. The Township may require any preliminary plan application for major subdivision or land development plan approval to be accompanied by submission of the following, as applicable, and may require submission of specific portions thereof with minor plan submissions, to the extent deemed applicable:
 1. A Hydrogeology Study in accordance with Section 406 herein;
 2. An Historic Resources Impact Study in accordance with Section 407 herein;
 3. An Environmental Impact Study in accordance with Section 408 herein;
 4. A Traffic Impact Assessment in accordance with Section 409 herein;
 5. An Open Space Management Plan in accordance with Section 410 herein;
- B. Each impact study or assessment shall be subject to review and approval by the Planning Commission and Board of Supervisors. In making its evaluation, the Planning Commission or Board may request any additional information as it deems necessary to adequately assess potential impacts. The Township may also contract with a qualified consultant to assist in evaluating the study or assessment. When contracted, the Township's consultant shall deliver to the Planning Commission and Board of Supervisors a written report on the adequacy of the study in identifying impacts, evaluating appropriate impact alternatives, and include an assessment of the Applicant's proposed mitigations.
- C. Any fees incurred by the Township for consultant review of any submitted impact study prepared in accordance with the provisions herein shall be billed to the Applicant and deducted from the escrow deposit.

- D. Following the report of the Township consultant(s) on any submission of any impact study or assessment, if requested, or prior to reaching a decision on the preliminary or final subdivision or land development application, the Planning Commission and Board of Supervisors shall either accept the findings and recommendations of the study or assessment, accept it with conditions, or reject it. The Board's decision on whether compliance has been achieved shall take into consideration the findings and recommendations of the Planning Commission, and be made part of its decision on the subdivision or land development application.

Section 406 Hydrogeology Study

A. Applicability.

Unless waived or modified by the Board of Supervisors, a Hydrogeology Study is required to accompany any proposed new land development and subdivision involving more than ten (10) residential units of any type or any commercial or industrial development with on-site groundwater withdrawals potentially equal to or exceeding an average of two thousand (2,000) gallons per day (gpd) during any single thirty (30)-day period. . Proposed subdivisions or land developments with approved access to a public water supply/facility shall be exempt from this study requirement.

B. Purpose.

To enable the Planning Commission and Board of Supervisors to assess the likely impact of a proposed development on the ground water resources in the Township. To ensure that new wells constructed within the Township are able to provide a reliable, safe, and adequate water supply to support the intended use, including those areas potentially impacted by documented superfund sites. To assess the potential for new development to adversely impact adjacent property owners.

C. Professional Input.

The applicant shall retain a registered professional geologist to prepare the Hydrogeology Study. The qualifications and experience of the professional geologist shall be included as part of the study. The Township Engineer may reject any study due to lack of suitable experience by the preparer. Applicants are encouraged to consult the Chester County Health Department (CCHD) rules and regulations regarding water well construction and monitoring wells.

D. Study Area.

A study area shall be defined by the applicant's geologist who represents the area that is likely to be affected by the development. Prior to identifying the study area, the geologist shall discuss possible study area boundaries with the Township and Township Engineer.

E. Contents of Impact Study.

A hydrogeology study shall contain the following information:

1. General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed development. A brief description of other existing uses and approved recorded development plans. The Township may require consideration of development proposals not yet approved and recorded, but with sufficient status and probable impact to warrant inclusion. Reference shall be made to applicable content found within the Township's Act 537 Plan, as amended, and Chester County's Watersheds Policy Plan, as amended. Hydrogeological data contained in these studies shall be included in the site description.
2. The study shall contain documentation of the following elements:
 - a. Rainfall and recharge characteristics of the groundwater area in which the proposal is located.
 - b. Intended quantity and quality of withdrawal of groundwater to support the project.
 - c. Impact of the proposed sewage disposal system upon groundwater recharge. Description of proposed water import and export quantities.
 - d. A survey of existing wells utilizing groundwater resources.
 - e. Maps showing well locations and depths, if known, both existing and proposed within the study area, but no less than twenty-five hundred (2,500) feet from the boundary of the tract.
 - f. Projection of estimated effects of new withdrawals on existing water supplies and streamflow.
3. Pump Testing. In order to determine if suitable capacity exists as well as assess potential impacts on adjacent groundwater users, appropriate aquifer testing is required. This testing will comply with the requirements of the PA DEP Public Water Supply regulations, as amended, and the Delaware River Basin Commission requirements. At a minimum, one well will be tested for every ten (10) proposed residential dwelling units which use on lot wells as the means for water supply. One test well shall be drilled for every proposed non-residential use.

A well log shall be provided showing pumping well depth, diameter, casing length, static and pumping water levels, pumping rate, geologic formations, depth at which groundwater was encountered, draw down test plot of pumping well, etc.

In order to determine its capacity, the well shall be tested for yield, drawdown, and specific capacity. The well shall be evaluated through a two-part pump test, comprised of "peak demand" and "constant head", or approved equal, at

flow rates calculated on the basis of the projected household population, assuming a water use of seventy five (75) gallons per capita per day and a peak use of one and one half (1.5) times the average. Non-residential flow rates shall be based upon data from similar type uses.

4. Impact of Development on Hydrogeologic Resources. The projected impacts of the proposed development shall be stated. Impacts shall be based upon but not limited to the aforementioned background information, proposed development, and test wells.
5. Conclusions and Recommendations. All development which has the potential to cause adverse effects to the groundwater resources or existing groundwater users shall be identified. Specific recommendations for the mitigation or elimination of adverse impacts shall be identified.
6. The Township, with the assistance of the Township Engineer or designated consultant, shall review the methodology, assumptions, findings, and recommendations of the applicant's professional geologist. The Board may impose upon the applicant additional improvements deemed necessary to accommodate impacts of the development.

Section 407 Historic Resource Impact Study

As required by the Section 804.E of the West Pikeland Township Zoning Ordinance, a Historic Resource Impact Study shall be required when any of the following are proposed:

- A. Subdivision or land development plans which include an on-site historic resource as identified on the Township Historic Resource Inventory.
- B. Any construction, improvement, or land disturbance being undertaken in conjunction with subdivision or land development of land within three hundred (300) feet of the exterior walls of any Class I or Class II historic resource or on which historic resources are located, as identified on the Historic Resource Inventory.
- C. General bridge or road construction, or substantial repair passing within three hundred (300) feet of the exterior walls of any Class I or Class II historic resource.

Section 408 Environmental Impact Study

- A. Applicability:
Unless waived or modified by the Board of Supervisors, an Environmental Impact Study (EIS) shall be required for any preliminary plan application for major

subdivision or land development when any of the following uses are proposed, or circumstances apply:

1. Where required as a condition of conditional use, special exception, or zoning variance approval.
2. Uses subject to subdivision, land development, or zoning permit approval which involve one or more of the following:
 - a. land disturbance in excess on one (1) acre and located within an exceptional value or high quality watershed;
 - b. land disturbance of steep slopes in excess of 20,000 square feet;
 - c. impacts to a threatened or endangered species;
 - d. permanent or temporary impacts to wetland areas.
3. Junkyards, trash transfer stations, incinerators, cemeteries, crematories, other solid waste disposal facilities, sanitary landfill, commercial mulching operations, resource extraction uses, intensive agricultural uses such as feedlots and mushroom substrate operations.

B. Purpose.

It is the intent of this section to ensure that adequate analysis of site features may result in design that preserves and incorporates open space, historic, visual, environmental, biological and natural and other community resources within development plans.

C. Identification of Site Features.

The applicant shall identify, inventory and map the site features of the tract proposed for development including all features set forth in Section 401, Required Contents of Existing Resources and Site Analysis Plan (ESRAP). Plan(s) shall be provided at the same scale as development plans submitted for Preliminary Plan applications, as applicable.

D. Narrative.

In addition to the plan and resource inventory, the applicant shall submit to the Township a narrative description of the following:

1. The general character of the site features identified in accordance with this Ordinance, including environmental quality, conservation value and scenic, historical and archaeological significance, as applicable.
2. Description and identification on plan map(s), as applicable, of all existing or proposed public or community services and facilities that might reasonably be expected to serve the development as proposed, including but not limited to roads, schools, libraries, park and recreation facilities, transportation facilities, sewer and water facilities, utilities and emergency services.

3. An analysis of any and all impacts, both positive and negative, to environmental, natural, scenic, historical and archaeological resources caused by or directly related to the development/improvement projects submitted to the Township for review and approval, including impacts to the property and any impacts to surrounding properties, regardless of distance of affected properties from the proposed development parcel.
4. A description and identification on plan map(s), as applicable, of proposed means and rationale demonstrating how development as proposed will minimize or mitigate identified negative impacts, including a detailed description of the proposed measures that will be taken by the applicant to mitigate any impacts to the identified resources present on the property and any other affected property as a result of the planned development.

E. Qualifications of Preparer.

1. The EIS must be prepared by a certified planner(s) or environmental professional(s) with appropriate levels of education, training and experience to perform such an analysis. A report presenting the results of the EIS must be submitted to the Township with the development plan.
2. Each EIS must include a certification statement from the individual or company that prepared the report as follows:

I, _____, certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

F. Review and approval.

Each EIS submitted to the Township shall be subject to review and comment by the Planning Commission and an independent third-party reviewer retained by the Township to assist in reviewing the EIS.

G. Inspection and Conformance.

After completing construction and all land development but prior to expiration of the performance bond or other financial security posted by the applicant for public improvements, a detailed site inspection shall be performed by the Township at the expense of the applicant to establish and document the actual impacts of development. Upon consultation and visual assessment with the Township's inspector, the applicant shall correct any impacts to resources in accordance with, but not limited to, the following:

1. Trees removed by construction demarked on the plans or in the field to be preserved shall be replaced in accordance with the replacement ratios specified within the Township Zoning Ordinance Section 802.B.6 and Section 525 of this Ordinance.
2. Erosion rills, channels, ditches or eroded stream embankments, including those caused by development on immediate downstream public or private property, shall be adequately stabilized by methods proposed by the developer/applicant and approved by the Township. Any governing agency permits required for these activities must be obtained by the applicant .
3. Stormwater point discharges shall be tested for all pollutants listed in the Township's PA DEP Municipal Separate Storm Sewer System (MS4) permit or the Township's Total Maximum Daily Load (TMDL) requirements, as applicable. Any pollutant increases from initial testing must be mitigated to return the site runoff to the original pollutant levels or below. Mitigation measures shall be proposed by the applicant and approved by the Township Engineer.
4. All stormwater management facilities and piping systems must be cleared of sediments and debris. Underground facilities clogged with sediments shall be replaced if deemed necessary by the Township Engineer.
5. Any damage to stormwater basin berms, spillways and piping shall be repaired, including those damaged as a result of construction on the immediate downstream public or private property. Repairs shall be proposed by the applicant/developer and approved by the Township Engineer.
6. All temporary erosion control facilities left in place for construction, particularly filter fabric fencing and temporary stormwater basin outlet structures, shall be removed and replaced with permanent facilities where applicable. Any areas disturbed during the removal process must be stabilized.
7. Invasive plant species and algae must be removed from stormwater basin areas and any other areas where invasive plants have conflicted with the provisions of the landscaping plan.
8. All landscaping materials required as part of the land development plan destroyed by humans or animals must be replaced. Plantings destroyed by humans must be relocated to lessen the chance of further damage. Plantings destroyed by animals, particularly deer, must be replaced with species less desirable to the animal or must be treated with environmentally sensitive repellants.
9. Any riparian buffer areas, wetlands or open space areas infringed upon by activities such as mowing, fencing, clearing, structures must be abandoned

and returned to their natural state. All structures, other than those previously identified for retention, including but not limited to those identified in the Historic Resources Impact Study, must be removed or demolished and all debris removed from the site.

10. All construction debris must be removed from the site.

11. The applicant/developer shall furnish the Township with any records of failing single lot septic systems or community sewage system failures or repairs.

Section 409 Traffic Impact Study

A. Applicability.

Unless waived or modified by the Board of Supervisors, Traffic Impact Studies shall be required for all preliminary plan applications for major subdivision or land development when any of the following uses are proposed, or circumstances apply:

1. Residential development which can be expected to generate more than fifty (50) trips during any peak hour, based on the most current trip version of the Trip Generation Manual prepared by the Institute of Transportation Engineers (ITE), as amended.
2. Institution or retirement facility with a trip generation rate of 100 Average Daily Traffic (ADT), as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.
3. Industrial, commercial or office development having a trip generation rate of 100 ADT or more, as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.
4. Any project which will affect roads with a known level of service at "D", "E", or "F". (Levels of service are defined in the 1985 Highway Capacity Manual, Highway Research Board, National Academy of Science, Special Report 209, as updated.)
5. Any project which will affect roads as determined by the Township to have safety or design deficiency.
6. Any project which will be developed in phases with a cumulative effect of falling within the required categories outlined above.
7. No traffic impact study is required for those development projects that were the subject of a conditional use approval where a traffic analysis was submitted within two (2) years before the date that a preliminary plan was

filed, except upon request of the Township, when in the opinion of the Township Engineer, traffic conditions have significantly changed to warrant a new study.

B. Purpose.

The purpose of the study is to identify any traffic problems likely to result from the proposed development in relation to ingress/egress, road capacities off-site traffic flow, public transportation, and pedestrian and other non-vehicular circulation.

C. Contents.

1. The contents of the study shall be such as to enable the Board to assess the likely impacts of the proposed development on the existing transportation network of the Township and surrounding areas.
2. The study shall be prepared in accordance with the Institute of Transportation Engineer's (ITE) Recommended Practice "Traffic Access and Impact Studies for Site Development", current edition, FHWA Manual on Uniform Traffic Control Devices, current edition, and PennDOT Publication 212 (Official Traffic Control Devices) and Publication 282 (Highway Occupancy Permit Guidelines), current editions.
3. The study shall include, but not necessarily be limited to, an analysis of expected traffic generation to, from, and upon surrounding roads within a radius of two (2) miles from the proposed development site, particularly showing AM and PM peak hours of existing traffic flow during a normal business day, in comparison with that which is anticipated after the proposed development is fully completed and, if applicable, upon the completion of each stage. Estimated peak hour trip generation shall be based on procedures established in the most recent edition of the ITE Trip Generation Manual. Existing traffic flows shall be based on actual counts; if these cannot be obtained, an alternative source, subjected to review and approval by the Township Engineer, may be used.
4. The Township Engineer, or a traffic consultant to the Township, shall review the methodology, assumptions, findings, and recommendations of the study and report his or her conclusions to the Planning Commission and to the Board of Supervisors.
5. The Board of Supervisors, upon recommendation from the Township Engineer or a traffic consultant to the Township, may impose upon the applicant additional onsite improvements deemed necessary to accommodate impacts of the proposed development, or where the Board has enacted an impact fee ordinance pursuant to the appropriate provisions and steps established in the Pennsylvania Municipalities Planning Code, offsite public transportation capital improvements deemed necessary to accommodate impacts of the proposed development.

Section 410 Open Space Management Plan

An Open Space Management Plan shall be prepared by a qualified individual and submitted by the applicant for review and approval detailing the long term management of all open space areas. The Open Space Management Plan shall follow the standards per Section 905.C of the West Pikeland Township Zoning Ordinance.

Article 500: Design Standards

Section 501 Applications

- A. The following subdivision and land development principles, standards and requirements will be applied by the Township in evaluating plans for proposed subdivisions and land developments.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.
- C. Whenever municipal or other applicable regulations impose more restrictive standards and requirements than those outlined herein, such other regulations shall control.
- D. The Township reserves the right to waive or modify any of the minimum standards set forth herein if conditions so warrant or as may be necessary in the public interest, or where requested by an applicant as set forth in Section 803 of this Ordinance.

Section 502 General Standards

- A. Land shall be developed in conformance with the Township's Zoning Ordinance, and other ordinances, codes, and regulations in effect in West Pikeland Township.
- B. All portions of a tract being subdivided or developed shall be taken up in lots, roads, open spaces, or other proposed uses so that remnants and landlocked areas shall not be created. Whenever a proposed subdivision is part of contiguous holdings of the applicant or the property is held by equitable rights as part of a larger tract, then a sketch plan shall be provided for the entirety.
- C. Land shall be developed in conformance with all pertinent statutes, regulations, rules and codes of Federal, State and County agencies concerned with subdivision, land development, construction and improvements or any activity arising out of or related thereto in any way whatsoever.
- D. Applicants shall make every effort to protect natural and cultural resources from disturbance due to subdivision or land development, including floodplains and floodways, steep slopes, watercourses/riparian forest buffers, woodlands, hedgerows, specimen vegetation, wetlands and wetlands margins, groundwater recharge areas, and historic sites and structures as defined in this Ordinance.

- E. Proposed subdivision and land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- F. The standards of design in this Article should be used to judge the adequacy of subdivision proposals. Wherever, in the opinion of the Planning Commission, the literal compliance with the provisions of these standards is shown to the satisfaction of the Township, where applicable, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, the Planning Commission may recommend to the Board of Supervisors waivers or modifications to the standards. The Supervisors may, at their discretion, modify or adjust the standards to permit utilization of property while securing substantial conformance with the objectives of these regulations, as provided for in Section 803 of this Ordinance.

Section 503 Blocks

- A. The length, width, and shape of blocks shall be determined with due regard to:
 - 1. Provision of adequate sites for buildings of the type proposed;
 - 2. Least adverse impact to topography and natural features;
 - 3. Requirements for safe and convenient vehicular and pedestrian circulation; and
 - 4. Thoughtful design to create an attractive community.
- B. Blocks shall have a maximum length of sixteen hundred (1,600) feet and, as far as practicable, a minimum length of two hundred-fifty (250) feet.
- C. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are permitted.
- D. In commercial or residential land development areas, the block layout shall conform, with due consideration of site conditions, to the best possible layout to service the public, to permit good traffic circulation and the parking of cars, to make delivery and pick-up efficient, and to reinforce the best design of the units in the commercial or residential area.
- E. The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access, parking, and loading/unloading.

Section 504 Lots and Lot Standards

- A. General Lot Design Standards

1. Lot areas, lot widths, setbacks, dimensions and yard requirements shall not be less than specified by applicable provisions of the West Pikeland Township Zoning Ordinance.
2. The lot design and interior space allotted shall be appropriate for the type of development and use contemplated, be sufficient to provide satisfactory space for required on-site parking and accessory uses.
3. In general, side lot lines shall be substantially at right angles or radial to street lines. The Township may accommodate flexibility in lot layout so that the siting of buildings takes maximum advantage of solar energy; e.g., the orientation of buildings with their long axis generally in an east-west direction.
4. Lot lines shall follow municipal boundaries rather than cross them, to the greatest extent feasible.
5. Subdivisions shall not create non-conforming lots that do not meet minimum area and bulk requirements for the applicable zoning district. All land shall be incorporated into existing or proposed conforming lots unless special usage for a specific piece of land is applied for, and approved by the Board of Supervisors, as part of a subdivision or land development proposal.
6. The depth of lots shall not exceed the width by more than two and one-half (2 ½) times.
7. In all lots intended for construction, the area equivalent to the minimum lot size in the zoning district shall be free of encumbrances, such as wetlands, floodplain, steep slopes, easements and stormwater management structures.
8. Lot addresses and street names shall be assigned to each lot by the Township and included on the Final Plan at the time of Board of Supervisors approval, and forwarded by the Township to the US Postal Service.

B. Lot Frontage Standards

1. All lots shall have frontage along the right-of-way of a street and have direct access to a street, existing or proposed. Where permitted by the Board of Supervisors, lots may front upon a private street. Each lot shall have, in addition to the minimum width at the street line as specified by the zoning district, sufficient free and complete access to an existing or proposed street cartway to avoid the need to cross any portion of another lot to reach such road.
2. Vehicular ingress and egress between any lot and an abutting street, for any use permitted by the Zoning Ordinance, shall be so located and so designed as to further the purposes and objectives of the Zoning Ordinance as set forth

in Article I therein, and the purposes of this Ordinance as set forth in Article I herein.

3. Unless clearly impractical or inappropriate due to physical conditions or traffic access management considerations, lots which abut two (2) or more public streets shall have direct access only to the street of lesser functional classification.
4. Where lots are created having frontage on an arterial or collector road, as designated in the Comprehensive Plan, and any proposed residential development street pattern shall provide frontage to local streets within the subdivision, unless clearly impractical due to lot configuration or topography.

C. Flag (Interior) Lots

1. Lots for which the only frontage on a street is by an access strip the sole purpose of which is to provide fee-simple access from that street to the principle part of the lot, shall be permitted only if all of the following requirements are satisfied:
 - a. The Board of Supervisors grants permission based on topographical or other conditions unique to the site.
 - b. Each lot involves no more than one (1) single-family detached dwelling.
 - c. Within subdivisions with greater than twenty (20) proposed lots, no more than five percent (5%) of the lots in a subdivision may be flag lots. Within subdivisions with twenty (20) or less lots, one (1) flag lot may be permitted. In any case, lots in an approved plan shall not be further subdivided into flag lots.
 - d. The flag lot access strip to the public street has a minimum width of thirty-five (35) feet for its entire length, and maintained clear of any wooded vegetation.
 - e. The minimum lot area, lot width, lot depth, and setback of the zoning district are met, exclusive of the access strip.
 - f. A flag lot, once subdivided, shall not be further subdivided without the provision of direct public street access.
 - g. The length of the “pole” of a flag-shaped lot shall be a maximum of three hundred (300) feet.
 - h. The lot is not a reverse frontage lot.

- i. No flag lots may abut one another in a subdivision.

Section 505 Streets – General

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially adopted by the Township, including recorded subdivision plans and the Official Map of the Township and shall be classified according to their function.
- B. Proposed streets shall further conform to such Township, County and State road and highway plans as have been adopted as prescribed by law.
- C. Thoughtful design of streets and their relationship to the arrangement and shape of lots is required. Proposed street patterns shall relate to existing streets, topography and existing and planned settlement patterns in order to accomplish a smooth flow of traffic, to avoid poor sight distance, to avoid traffic congestion and to promote public safety. The rectilinear design of streets and lots, involving long straight sections of street, should be avoided.
- D. Local streets should be designed to discourage excessive traffic speeds and for proper access to adjoining undeveloped tracts suitable for future subdivision or development. Further, adequate provisions for emergency vehicle access shall be made.
- E. If lots resulting from a subdivision are large enough for further subdivision or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided, as necessary, unless the remaining property is restricted from further subdivision in a manner acceptable to the Township. Reserve strips shall not be created.
- F. Along the existing street on which a subdivision or land development abuts, additional right-of-way, paving or other improvements, including traffic calming measures, shall be made, as required by the Township, built to the specifications established by the Township.
- G. Where, in the opinion of the Board of Supervisors, a proposed subdivision or land development will generate such additional traffic on abutting and nearby State or Township street of substandard specifications as to pose a hazard to public safety, the Board may require improvements (including widening and improvement to horizontal or vertical alignment) to be made by the applicant, including off-site improvements within existing public rights-of-way, such as will alleviate such hazards to public safety, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development and shall be located within one thousand (1,000) feet of such subdivision.

- H. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Temporary paved turnarounds may be required. Notes must be added to the plan detailing the intent and timing of the temporary paved turnaround area.
- I. Emergency access routes may be required at the sole discretion of the Township. The maintenance responsibilities of the emergency access route shall be clearly defined on the plans. An easement for the route shall be provided at a sufficient width to accommodate traffic and maintenance.
- J. New half or partial streets shall not be permitted.
- K. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not duplicate or closely resemble names of any existing street or areas. All houses shall receive address numbers. All street names and address numbers shall be subject to the approval of the Township, the US Postal Service and the applicable Emergency Services personnel. Development names shall also be subject to approval of the Township.
- L. Where streets continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in improvements provided.
- M. Private streets, where permitted by the Township, shall be designed and constructed to meet all requirements of public street standards.
- N. Traffic calming measures shall be implemented on all streets, access drives, parking and loading areas, where required by the Township. Traffic calming measures shall be selected in consultation with the Township and shall be chosen with consideration of PennDOT "Publication 383 - Traffic Calming Handbook", as last revised.
- O. Acceleration, deceleration or turning lanes may be required along existing and proposed streets whenever the Township determines such lanes are required.
- P. Specifications - The minimum requirements for street improvements shall be those in the PennDOT Publication 408 - Specifications as last revised, or those of West Pikeland Township, as the Township may specify.

Section 506 Street Standards

- A. The minimum right of way and cartway widths for all new streets or improved existing streets in the Township shall be as follows:

STREET CLASSIFICATION	Right-of-Way Width (feet)	Cartway Width (feet)
Principal Arterial	100	40
Minor Arterial	80	36
Collector / Distributor	60	28
Local (with on-street parking)	50	28

B. Additions or reductions in right-of-way and cartway widths may be required for the following purposes:

1. To promote public safety and convenience.
2. To provide or prohibit sufficient area for on-street parking.
3. To accommodate on-street parking for school bus stops as deemed appropriate by the Township.
4. To accommodate topographic circumstances which may result in cut/fill slopes extending beyond the standard right-of-way and in all circumstances to assure accessibility for maintenance operations.
5. To promote Township circulation and mobility plans for vehicular or pedestrian access.
6. To minimize impervious coverage and minimize stormwater runoff.
7. To promote traffic calming.

C. Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width to conform to Township standards shall be dedicated, at the discretion of the Township or a continuing offer of dedication shall be provided. Such additional right-of-way shall be available at no cost at all times when street widening becomes necessary. Where a subdivision or land development abuts or contains an existing street of inadequate cartway width, the applicant shall be required to widen the roadway to meet Township standards.

Section 507 Street Alignment

A. All proposed streets shall be placed as close to the natural contour of the land in order to minimize cutting and filling; however, in no event shall cuts and fills exceed eight (8) feet.

- B. Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.
- C. Proper sight distances, as defined in this Ordinance, shall be provided with respect to both horizontal and vertical alignments. Measured along the centerline at a height of four and one-half (4-1/2) feet, and viewing an object two (2) feet in height, the minimum sight distance shall be two hundred (200) feet for local streets and three hundred (300) feet for all other streets.
- D. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
 - 1. Arterial / Collector Street – 300 feet.
 - 2. Local Streets – 150 feet.
- E. For all street classifications, a minimum tangent of at least one hundred (100) feet measured at the centerline radii shall be required between reverse curves.
- F. Super elevation shall be provided for Collector and Arterial streets having a horizontal curve radius of less than five hundred (500) feet.
- G. The approaches to an intersection shall follow a straight course for at least one hundred (100) feet as measured from the intersection of the right-of-way lines.

Section 508 Street Grades

- A. There shall be a minimum grade of not less than one (1) percent on all streets and a maximum grade of seven (7) percent.
- B. The slope of the crown on proposed streets shall be a minimum of one-quarter (1/4) inch per foot.
- C. Vertical curves shall be used at changes of grade exceeding one (1) percent. The minimum length of vertical curves shall be designed to meet the Pennsylvania Department of Transportation standards for Stopping Sight Distance (SSD) and Headlight Sight Distance (HLSD). Vertical curves shall not produce excessive flatness in grade, as determined by the Township Engineer.
- D. Where the grade of any street at the approach to an intersection exceeds four (4) percent, a leveling area shall be provided having a grade of no more than four (4) percent over a distance of at least seventy-five (75) feet measured from the intersecting right-of-way line.
- E. A combination of minimum radius horizontal curve and maximum grade is not permitted.

Section 509 Street Intersections

- A. Streets shall be laid out to intersect at right angles whenever possible with the minimum centerline tangent length to be fifty (50) feet. Additional tangent length may be required at expanded intersections, major streets and arterials.
- B. Intersections involving the junction of more than two (2) streets shall be prohibited. Roundabouts for multiple street intersections may be permitted after consultation with the Township. Roundabouts shall follow the standards of the PennDOT Guide to Roundabouts (Pub. 414), as amended.
- C. Streets shall not intersect an arterial or collector street on the same side at an interval of less than one thousand (1,000) feet between their centerlines.
- D. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of two hundred (200) feet between their centerlines. Additional offset distance may be required for intersections in proximity to a traffic signal or at intersections that a traffic signal may be warranted in the future.
- E. Curb radii at local street intersections shall be no less than twenty-five (25) feet. Minimum curb radii for other types of streets shall be thirty-five (35) feet. A minimum of 10 feet shall be provided between the edge of pavement and the right-of-way line.
- F. Intersections shall be designed to allow for pedestrian crossings in a safe manner by keeping crossing distance to a minimum, by providing crosswalks which are painted or constructed with contrasting paving materials to identify crosswalk areas.
- G. Clear sight triangles shall be provided at all street intersections and shall be shown on the final subdivision plan to be recorded. Within such triangles, no vision obstructing object shall be permitted between the height of thirty (30) inches and ten (10) feet measured from the centerline grade of intersecting public streets. Appropriate deed restrictions shall be recorded to enforce this provision. Clear sight triangles shall be measured along the centerlines of the intersecting streets to a point seventy-five (75) feet from the center of intersection where a street is controlled by a stop sign and to a point two hundred (200) feet from the center of intersection on all other streets. At the discretion of the Board of Supervisors, a clear sight triangle of seventy-five (75) feet may be required at the intersection of potentially dangerous or hazardous intersections of private driveways with any public street or road.
- H. Sight distance requirements for all intersections shall be in accordance with the Pennsylvania Code, Title 67, Transportation, Chapter 441 "Access To and

Occupancy of Highways by Driveways and Local Roads”, latest revision. Plans shall indicate the required and provided sight distances.

Section 510 Cul-de-sac Streets

- A. Dead-end streets are prohibited unless designed as permanent cul-de-sac streets, or when designed as a temporary cul-de-sac for future access to adjoining properties.
- B. The length of a cul-de-sac street shall be measured along the centerline from the centerline of the intersecting street to the center point of the bulb or turn-around at the terminus of the cul-de-sac.
- C. A cul-de-sac street, public, private or a combination of the two, shall not exceed one thousand (1,000) feet in length, shall not be less than two hundred fifty (250) feet in length, nor shall provide access to more than twenty-four (24) dwelling units unless approved as a conditional use.
- D. When required for future extension, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient width along the boundary line to permit extension of the street at full width. The small triangle or area of land beyond the cul-de-sac to the boundary shall be so deeded, that, until the street is continued, maintenance of these corners of land will be the responsibility of the adjoining owners.
- E. Cul-de-sac streets shall be provided at the closed end with a circular turnaround with a minimum right-of-way radius of sixty (60) feet and a minimum outer paving radius of fifty (50) feet, as detailed in Appendix A-1.
- F. No cul-de-sac turnaround shall have a grade which exceeds five percent (5%) in any direction.
- G. Except as provided for in Section 510.L. herein, when a new cul-de-sac street is proposed on a subdivision or land development plan, not more than four (4) driveways serving residential lots shall be permitted within the cul-de-sac bulb or turnaround area. The lot width at the street line for lots entirely fronting on the cul-de-sac turnaround may be reduced as per the applicable zoning district regulations.
- H. No parking shall be permitted in the cul-de-sac.
- I. All non-through streets shall be provided with an authorized sign stating that no outlet exists.
- J. All public cul-de-sac streets shall have a snow storage easement to facilitate snow removal.

- K. A planted island may be required at the Township's discretion in the center of the cul-de-sac. If provided, the planted island shall be at least twenty (20) feet in diameter. Ownership and maintenance of the planted island shall be designated on the final plan.
- L. Alternate cul-de-sac design standards: The Township may permit or require an alternate design for cul-de-sac turn around area on specific projects. The applicant is encouraged to discuss this design standard with the Township during the sketch plan process.
1. Permanent cul-de-sac streets must be provided with a paved turnaround having a minimum outside diameter of 166 feet and a minimum inside diameter of 134 feet to each curb line and a minimum interior circular right-of-way diameter of 100 feet and having an outside minimum right-of-way diameter of 200 feet. The inside radius of the paved turn-around shall be provided with a mountable cul-de-sac island curb (see Appendix A-2 for alternate cul-de-sac turnaround design detail)
 2. The shape of the cul-de-sac turn-around may be oval or irregular in shape instead of circular with the following conditions:
 - a. The minimum cul-de-sac island area within the road right-of-way center island is equal to that of a cul-de-sac turn-around having the minimum required diameter specified above.
 - b. The minimum centerline radius of the cul-de-sac is not less than seventy-five (75) feet.
 3. The maximum number of lots permitted to have frontage on a cul-de-sac turn-around that contains the minimum dimensions specified in sub-section L.1 above, is six (6). The number of lots permitted on a cul-de-sac turn-around can be increased by one lot for every additional 92.0 feet of property street line circumference that is in addition to the circumference resulting from a two hundred (200) foot diameter right-of-way. Each lot referred to above shall have the required minimum lot width at the required minimum front yard setback line.
 4. An open center open space area shall be provided that is concentric with the cul-de-sac turnaround.
 5. PennDOT "One Way" directional signs shall be placed at the entrance of the cul-de-sac circle located eighteen (18) inches behind the interior cul-de-sac circle curb.

6. The cul-de-sac turn-around center island shall be owned and maintained by a Homeowner's Association. A continuing offer of dedication shall be provided on the plan for dedication of the cul-de-sac turn-around center island to West Pikeland Township. In the absence of a Homeowner's Association, the cul-de-sac turn-around center island may be owned and maintained by West Pikeland Township at the discretion of the Board of Supervisors, or if the Board desires, deeded to individual lot owners located on the cul-de-sac turn-around.
7. Cul-de-sac turn-around islands shall be graded to have a mound or a depression with appropriate drainage. The island area may be used for stormwater management and installation of "Best Management Practice" facilities. The mound shall be graded such that its highest elevation will be a maximum of three (3) feet above the average elevation of the cul-de-sac turn-around cartway elevation as indicated in the A-2, or as approved by the Township.
8. Turn-around islands used for snow storage shall be graded and designed to minimize snow melt from collecting and freezing of the paved portion of the cul-de-sac circle, creating hazardous driving conditions.

Section 511 Street Construction Standards

All materials for the construction of streets and the methods of construction and drainage shall be in accordance with the applicable requirements of Pennsylvania Department of Transportation Specifications Publication 408, latest revision thereof, and shall be supplied by vendors approved by the Pennsylvania Department of Transportation (PennDOT) for the supply of such materials. Cross-sections shall be as described in Section 511.A and detailed in Appendix A-3. Inspection of materials and construction methods shall be as approved in Section 603 of this Ordinance.

A. Street Design

1. Thickness of base and paving for new Township streets shall meet the following minimum requirements.

Street Cross Section

1 ½ inches Superpave Asphalt Mixture
Design, HMA Wearing Course, PG 64-22, 0.3 to 3 Million
ESALS, 9.5 mm Mix, SRL-H
on
2 inches Superpave Asphalt Mixture
Design, HMA Binder Course, PG 64-22, 0.3 to 3 Million
ESALS, 19 mm Mix
on
4 inches Superpave Asphalt Mixture
Design, HMA Base Course, PG 64-22, 0.3 to 3 Million

ESALS, 25 mm Mix
on
6 inches of 2A modified stone subbase course
on
Class 4, Type B Geotextile Fabric

Stone Subbase Course Notes: The stone subbase course shall consist of stone and screenings meeting with the requirements of PennDOT Publication 408, as amended. Every attempt shall be made to completely fill voids with fines. No large areas of solid screenings or loose stone areas shall be permitted.

The application of bituminous concrete base course materials shall be in accordance with PennDOT Publication 70 and Publication 408, both as amended.

2. The Township may require additional paving, base or subbase materials where soil types are inferior, wet or otherwise unsuitable as indicated by the NRCS Soil Survey, as amended or where, in the opinion of the Township, such conditions exist.
3. Alternate paving sections may be approved by the Township as long as the proposed alternative meets the structural strength achieved with the above pavement specification.

B. Subgrade

1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade and cross-section of the proposed street.
2. All unsuitable subgrade material which cannot be stabilized and compacted to the standards of this section shall be removed.
3. All wet or swampy areas shall be permanently drained and stabilized, subject to the approval of the Township Engineer.
4. Fills, within the roadway, shall be made with suitable materials as approved by the Township Engineer; they shall be thoroughly compacted for the full width of the cartway in uniform layers of not more than eight (8) inches thick. No more than two (2) eight-inch layers of fill shall be laid or placed between inspections by the Township Engineer.
5. The subgrade shall be thoroughly compacted by rolling with a minimum ten-ton roller. Equivalent vibratory, sheep's foot or rubber tired rollers may be used with the approval of the Township Engineer. Subgrade shall be compacted tight and dry, to ninety-five (95) percent compaction at optimum

moisture, and shall not be soft and spongy under the roller. Compaction of the subgrade shall extend the full width of the cartway, including the width to be occupied by shoulders.

6. In fill areas over three (3) feet thick, compaction tests are required in each eight (8) inch layer at one hundred fifty (150) foot intervals. A qualified geotechnical engineer shall test compaction of soils in place according to ASTM D 1556, ASTM D 2167, ASTM D 2922, and ASTM D 2937, as applicable. The tests must be performed by a certified testing laboratory and the results submitted to the Township Engineer for approval. All compaction must be ninety-five (95) percent compaction at optimum moisture. Any layer not coming up to standard will be removed or re-rolled until suitable compaction is obtained.

C. Paving

1. Paving and base thickness and materials shall be as specified in Section 511. A and Table A above.
2. The subbase course where required shall be installed and compacted in accordance with PennDOT specifications and shall extend a distance of seven (7) inches for base course and twelve (12) inches for stone subbase course beyond the paving line when curbs have been waived by the Township. The area above the base course and subbase outside the paving line (wearing course) shall be permanently stabilized with topsoil and grass.
3. Bituminous base, binder and surface courses shall be laid to the specified thickness after compaction. All bituminous courses shall be laid with a mechanical bituminous paver in accordance with specifications of the PennDOT Specifications, Publication 408, as amended.
4. Duplicate delivery slips for all material deliveries shall be furnished to the Township Engineer and shall become the property of the Township.
5. Failure to adhere to the above specifications shall give the Township cause to refuse, among other things, to accept streets for dedication.
6. Adjacent to all curbs, gutters, and other abutting structures, place the wearing course mixture uniformly higher so that after compaction the finished surface is slightly above the edge of the abutting structure. Remove harmful material, clean, and seal the surface of wearing courses adjacent to curbs to form a bituminous gutter. Seal the mixture surface with a hot bituminous material per PennDOT Specifications, Publication 408, as amended. Evenly apply the bituminous material a minimum width of 12 inches from the curb.

7. The Township may require asphalt road cores to be taken and analyzed by a qualified professional for depth, density, asphalt content and gradation at the expense of the applicant. Road coring process shall follow PennDOT Publication 408, Section 409 specifications, as amended.

D. Grading and Shoulders

1. Roadways shall be graded for the full width of the right of way on each side, unless modified by the Township to avoid disturbance of significant trees, historic structures, or other significant natural or historic resources. Shoulders or berm areas, including planting strips behind curbs, shall be graded with a minimum slope of one-half 1/2-inch per foot and a maximum slope of one (1) inch per foot. Beyond the limits of this grading, banks shall be sloped to prevent erosion but this slope shall conform to the details included in Appendix A-3.
2. Where curbing has been waived by the Board of Supervisors and is not to be constructed, shoulders are to be constructed adjacent to the paving of the proposed road. The width and type of construction, grade, and the construction methods of these shoulders is to be determined by or must meet the approval of the Township.
3. Seeding. All unpaved areas between the street line and the curb or shoulders shall be covered with not less than six (6) inches of topsoil, fertilized, seeded, and mulched in a manner and with materials approved by the Township.

E. Underdrains may be required by the Township to mitigate wet road conditions.

- F. Utility trench construction (storm sewer, wastewater lines, water main, gas main etc.) within existing streets shall be backfilled with 2A modified stone placed and compacted in eight (8) inch lifts. The trench shall be paved with Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.3 to 3 M ESALS, 25 mm mix (4" compacted depth), Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.3 to 3 M ESALS, 19 mm mix (2" compacted depth) and the entire roadway shall be paved with a full width overlayment (edge of road to edge of road) of Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.3 to 3 M ESALS, 9.5 mm mix, SRL-L (1.5" compacted depth). Utility trenches within proposed streets shall be backfilled with clean, dry, select material and compacted in eight (8) inch lifts to not less than one hundred (100%) percent of the dry weight density of the backfill material. Trenches within easements shall be backfilled with clean, dry, select material and compacted in twelve (12) inch lifts to not less than one hundred (100%) percent of the dry weight density of the backfill material as set forth in ASTM D 698 and PennDOT Specifications, Publication 408, as amended.

- G. During construction of streets, the contractor shall provide maintenance and protection of traffic meeting PennDOT standards.

Section 512 Curbs

- A. Concrete curbs shall be required at streets, private and public, unless waived by the Board of Supervisors. Curbs shall be Plain Cement Concrete Curb (18" height) in accordance with PennDOT Publication 72 – Standards for Roadway Construction, RC-64M as amended and PennDOT Publication 408, Section 630 as amended. Final curb height, above the wearing course, shall be eight (8) inches. Rolled curb or belgian block curb may be permitted at the discretion of the Township.
- B. Curbs shall be provided on all parking areas within a land development.
- C. All curbs shall conform to the specifications for Class A concrete, as specified by the PennDOT Publication 408, last revised, with a minimum compressive strength of 3,000 psi after twenty-eight (28) days. Asphalt curb shall be prohibited.
- D. Where a curb ties into an inlet, two (2) #5 reinforced bars twelve (12) inches long shall be used to connect the curb to the inlet.
- E. Depressed curbs at driveways shall be no higher than one and one-half (1-½) inches above the street surface. The length of this depressed curb shall not exceed thirty-five (35) feet without a safety island. This safety island shall not be less than fifteen (15) feet in length. Pipes, grates or other constructions shall not be placed in the gutter to form a driveway ramp. The depressed curb at handicapped ramps shall be flush with the paving surface.
- F. At all driveway depressions, two (2) #5 reinforced bars shall be installed within the curb for the full length of the depression.
- G. New curb cuts for driveways and parking areas shall be limited to the extent feasible.
- H. Excavations shall be made to the required depth and the material upon which the curb is to be constructed shall be compacted to a firm even surface to ninety-five (95) percent of the maximum dry weight density of the soil.
- I. Where it is necessary to replace existing vertical curbs with depressed curbing, two (2) ten (10) foot long sections of existing curb shall be removed down to the subgrade without disturbing the adjacent cartway paving. Any portions of the cartway disturbed during curbing removal or installation will be repaired to new condition.

- J. Curbing shall be constructed in ten (10) foot lengths. A pre-molded bituminous impregnated expansion joint having a minimum thickness of one-fourth (1/4) inch shall be placed between sections of curved curb and at intervals of not more than fifty (50) feet. Intermediate joints between ten (10) foot sections shall be saw cut. However, wherever a driveway enters a street, the driveway shall not have a curb joint nor be constructed in lengths longer than 20 feet.
- K. All curb ramps must comply with the requirements of the Americans with Disabilities Act and the Pennsylvania Universal Accessibility Act, as applicable.

Section 513 Street Signs

- A. Street nameplates shall be put at all intersections, naming all streets at each intersection, and shall be visible from both directions when approaching an intersection. Generally, the sign shall be parallel to the street that it is identifying.
- B. Street nameplates shall match existing street nameplates as currently used by the Township.
 - 1. The post shall be equipped with such standard rustproofed hardware as to hold the nameplates rigidly in a proper and permanent position and to prevent their swaying in the wind.
 - 2. The signs shall be preferably of rustproof materials such as aluminum and the proper thickness and properly reinforced at the edge to have rigidity and stiffness. If they are of a material other than aluminum, such as steel or cast iron, they shall be adequately rustproofed by bonderizing or other acceptable methods, prior to final painting. The backgrounds shall be green and the letters white or other acceptable contrasting colors. The finish shall be equivalent to a baked enamel and the letters shall be of the spacing and proportions consistent with the current Township standards and per the Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD). Lettering on ground-mounted Street Name signs shall be per the FHWA MUTCD, Section 2D.43, as amended:
 - a. Lettering on post-mounted Street Name signs shall be composed of initial upper-case letters at least 6 inches in height and lower-case letters at least 4.5 inches in height.
 - b. On multi-lane streets with speed limits greater than 40 mph, the lettering on post-mounted Street Name signs shall be composed of initial upper-case letters at least 8 inches in height and lower-case letters at least 6 inches in height.
 - c. For local roads with speed limits of 25 mph or less, the lettering on post-mounted Street Name signs may be composed of initial upper-case letters at least 4 inches in height and lower-case letters at least 3 inches in height.

3. The signs shall be located with a view to making them seen at all times with a minimum of effort by both pedestrian and vehicular traffic, and as close to the side of the cartway or curb as practical, but no part of the name plate shall be permitted to overhang any part of the cartway or curb.
 4. Types and samples of street name plates, standards and installation and location shall be submitted for the inspection and approval of the Township prior to installation.
 5. At all private streets, a sign must be installed with the nameplate indicating the street is private per Section 515.D.
- C. Street signs, including stop and speed limit signs, shall be erected prior to occupancy of the first dwelling on the street.
- D. Street signs shall be consistent in design and construction standards with those in general use by West Pikeland Township. Sign post shall be PennDOT approved square posts.
- E. All signs shall be high-grade reflectivity signage in accordance with PennDOT standards.

Section 514 Alleys

- A. Alleys, where permitted or required, shall have a minimum right-of-way width of twenty-five (25) feet and a minimum paved width of twelve (12) feet for one-way alleys and sixteen (16) feet for two-way alleys.
- B. No parking shall be permitted on any alleys.
- C. No part of any dwelling, garage or other structure may be located within twenty (20) feet of the edge of any paved cartways.
- D. Alleys serving commercial and industrial establishments may be required. Such alleys shall have a minimum right-of-way width of thirty (30) feet and a minimum paved width of twenty (20) feet.
- E. Where deemed necessary by the Township to facilitate circulation, alleys shall be offered for dedication.
- F. Dead end alleys shall not be permitted to be constructed.
- G. The maintenance of the alley, including its snow plowing, shall be the responsibility of a homeowners' association and shall be addressed in covenants creating the association. In the event no homeowners' or property owners'

association is required for the subdivision or development, maintenance shall be the responsibility of the lot owner.

Section 515 Private Streets

- A. A private street shall be privately owned, and the Township shall have no present or future maintenance obligation with respect thereto; maintenance in such case shall be the responsibility of a single person or entity such as the owner, or a homeowner's association or a similar approved association. The responsibility for maintenance and ownership of a private street shall not be fragmented among co-owners or easement right owners. A private street can be a part of a single lot with easements granted to individual lot owners. However, the area of the private street right-of-way may not and shall not be counted as a part of the lot to which it is attached. Said lot shall meet the minimum lot area requirements for the zoning district in which it is located and the Net Area definition per Article II of the Zoning Ordinance.
- B. A valid and acceptable maintenance agreement for said private street shall be submitted in writing for review and approval by the Township Solicitor. Such approval by the Township Solicitor shall occur prior to final plan approval. The agreement must be recorded in the deed for each lot and must include the declaration of assessments for the maintenance, including snow plowing, of the private street. The Township shall have the right, but not the obligation, to access and repair / maintain the street and signs as necessary for public safety, health and welfare and seek reimbursement from the responsible party for all costs incurred by the Township in connection with performing the repair / maintenance.
- C. There shall be a note on the preliminary and final plan indicating private streets are not intended for dedication and the plan must include a note indicating the entity responsible for the cleaning, maintaining, improving and repairing of the private street.
- D. A street sign of the same color and type mounted above the sign required in Section 513.2 must be installed indicating the street is a "Private Street".
- E. At the Township's discretion, streets may be required to be privately owned and operated. Access ways to more than three (3) lots may be required to be a private street.
- F. All private streets shall be built to the same right-of-way widths with the same pavement widths and pavement thicknesses or cross sections as required for public streets.
- G. Lots fronting on private streets shall meet the requirements of the Township Zoning Ordinance with regard to lot width and setbacks.

Section 516 Driveways

- A. All driveways and related improvements shall be located and constructed in such manner as to provide safe access to Township and State roads and not to impair the drainage or normal maintenance within road rights-of-way, to alter the stability of any roadway, subgrade, or roadway embankment, to change the drainage of adjacent areas, nor to interfere with the traveling public. Sufficient area for and access to off-street parking shall be provided for.
- B. Sight distance requirements for all driveways shall be in accordance with the Pennsylvania Code, Title 67, Transportation, Chapter 441 "Access To and Occupancy of Highways by Driveways and Local Roads", latest edition. All sight distance obstructions, including, but not limited to, embankments and vegetation, shall be removed by the applicant to provide the required sight distance.
- C. Clear sight triangles shall be provided at all driveway entrances and shall be shown on the plans. The legs of such triangles shall be at least seventy-five (75) feet in either direction, measured from a point twelve (12) feet back from the edge of the cartway of the intersecting street. Within such triangles, no object greater than thirty (30) inches in height and no object that would obscure the vision of the motorist shall be permitted. Such clear sight triangles must be indicated on the subdivision plan along with a note detailing the maintenance responsibilities of the triangle by the lot owner. Where the triangle extends onto an abutting lot, an easement must be obtained for the maintenance of the triangle.
- D. No more than three (3) lots shall be served by a private driveway in cases of common ownership or shared use of a private driveway. As a condition to final plan approval, an agreement providing for the maintenance, repair, construction and reconstruction, including drainage facility maintenance and snowplowing of the shared driveway, shall be approved by the Township and shall be recorded against the lots in question.
- E. Private driveways, whether individual or shared, on corner lots shall be located at least forty (40) feet for local roads and one hundred (100) feet for collector and arterial roads from the point of intersection of the nearest street right of way lines.
- F. No driveway shall be situated within five (5) feet of a side or rear property line, except where shared driveways are utilized.
- G. Driveways to corner lots or lots having access to more than one street shall gain access from the street of lower classification when the lot is bounded by streets of two different classifications.

- H. Where on-street parking is permitted, the layout of the curb cuts of the driveways shall be designed to maximize the number of on-street parking spaces.
- I. Where a driveway slopes down from the street surface, a stormwater runoff paving diverter surface shall be provided for the driveway by sloping up from the edge of street or curb one quarter (1/4) inch per foot for a distance of ten (10) feet before starting the down slope of the driveway.
- J. Driveways shall intersect streets as nearly as possible at ninety (90) degrees, but in no case less than seventy-five (75) degrees or greater than one hundred five (105) degrees.
- K. Residential Driveways:
 - 1. The driveway within the legal right-of-way of the public road, or for a distance of at least twenty-five (25) feet from the edge of the cartway, whichever is greater, shall not have a grade in excess of four (4) percent. At no point shall the maximum grade of any driveway exceed ten (10) percent. Driveways exceeding seven (7) percent grade shall be paved.
 - 2. When the grade of a driveway, at any point, exceeds eight (8) percent, a minimum of one (1) off-street parking space may be required. The off-street parking space shall be located before the grade of the driveway at any point exceeds ten (10) percent and shall be outside the driveway access aisle and outside the public right-of-way. Such off street parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet.
 - 3. For driveways serving single residential units, the minimum width shall be twelve (12) feet within the legal right-of-way and ten (10) feet at all other points. Width of shared driveways shall be a minimum of eighteen (18) feet for thirty (30) feet from the street intersection. The Township may require pullover areas to provide safe passage of two (2) vehicles.
 - 4. Where feasible, new driveways shall provide for a safe turnaround area outside of the road right-of-way so that vehicles will not be required to back into the adjoining street.
 - 5. The driveway shall be constructed with a base of stone compacted to six (6) inches and a surface of a minimum of one and one-half (1½) inch ID-2 bituminous wearing course or approved equal. Driveways shall be paved in their entirety. The use of pervious pavement is encouraged to minimize stormwater runoff.
 - 6. Driveways located off an alley shall be a minimum length of twenty (20) feet, measured from the right-of-way to edge of parking area or structure, to provide an unobstructed parking space.

L. Non-residential Driveways:

1. The driveway within the legal right-of-way of the public road, or for a distance of at least twenty-five (25) feet from the edge of the cartway, whichever is greater, shall not have a grade in excess of four (4) percent. The grade of the remainder of the driveway shall not exceed ten (10) percent.
2. Driveway entrances into all non-residential and non-agricultural single-use properties shall be no less than twenty-four (24) feet in width, shall not exceed thirty-six (36) feet in width at the edge of the cartway, unless provided with a median divider, and shall be clearly defined by curbing. The curbs of these driveway entrances shall be rounded with a minimum radius of twenty (20) feet from where they intersect a street.
3. Driveways serving non-residential and non-agricultural uses shall be paved in their entirety. The specifications for such paving shall be approved by the Township as applicable for the specific use proposed. Alternate dust-free, all weather surfaces for driveways may be permitted by the Township where appropriate.
4. Driveways shall be limited to two (2) along the tract frontage of any single street and their centerlines shall be spaced a minimum of fifty (50) feet apart.

- M. Concrete aprons, where required by the Township, shall be provided for all driveways with concrete sidewalks. Concrete aprons shall be a minimum of six (6) inches of Class AA concrete (a twenty-eight (28) day minimum compressive strength of 3,500 psi and six (6) percent air entrainment by volume).

Section 517 Sidewalks and Trails

- A. Sidewalks shall be provided on both sides of all existing and proposed streets, within parking areas, and, where necessary for safety and convenience, to establish pedestrian connections to parking areas and green spaces or through blocks.
- B. Sidewalks and trails shall be required in any subdivision or land development where it is desirable, in the opinion of the Township, to provide access to community facilities (shopping areas, recreation areas, etc.) or to continue sidewalks / trails that are existing in adjacent developments, or to ensure the safety of pedestrians with respect to traffic or where proposed sidewalks and trails are detailed in Township's Comprehensive Plan
- C. Maintenance of sidewalks, whether located within the public street right-of-way or not, is the responsibility of the owner of the property directly adjacent to the sidewalk. Sidewalks which are damaged or deteriorating and present a hazard

to public safety, as determined by the Township, shall be repaired at the owner's expense. A note shall be added to the record plan indicating the sidewalk maintenance responsibilities.

D. The following design standards shall be used for sidewalks:

1. The minimum width of all sidewalks shall be four (4) feet and a minimum three (3) foot wide planting strip between the curb and sidewalk shall be provided. Additional width may be required, as determined by the Township, if the walk abuts a fence, a building, walls or parking areas. Where a sidewalk exists on an adjoining property, the dimensions may be modified to match existing conditions provided the sidewalk is located within the road right-of-way.
2. The grades and paving of sidewalks shall be continuous across driveways.
3. The construction of all sidewalks shall be in accordance with the requirements of the Township.
4. Sidewalks shall be laterally pitched at a slope of one-quarter (1/4) inch per foot to provide for adequate surface drainage.
5. Handicap ramps shall be provided at all intersections. All sidewalks and sidewalk ramps must meet the requirements of the PennDOT Publication 72, as amended.
6. All sidewalks shall conform to the specifications for Class AA concrete, as specified by PennDOT, with a minimum compression strength of 3,500 psi after twenty-eight (28) days.
7. Where sidewalks abut the curb and a building, wall or other permanent structure, a premolded expansion joint one-fourth (1/4) inch in thickness shall be placed between curb and the sidewalk for the full length of such structure. Sidewalks shall be constructed in separate slabs thirty (30) feet in length except for closures. The slabs between expansion joints shall be divided into blocks five (5) feet in length by scoring transversely.
8. Sidewalks shall have a minimum thickness of four (4) inches when used solely for pedestrian traffic; a minimum thickness of six (6) inches at all residential driveways; and eight (8) inches for all non-residential driveways. Welded wire fabric (6/6-10/10) shall be provided in all sidewalks constructed at driveways. Upon approval of the Township Engineer, fiber reinforced concrete may be used as an alternative.
9. Excavation shall be made to the required depth whereupon a layer of four (4) inch base of 2A aggregate shall be placed and thoroughly compacted prior to

laying the sidewalks when used solely for pedestrian traffic with a minimum thickness of a six (6) inch base at all driveways.

- E. At the discretion of the Township, the applicant for any subdivision or land development may be required to establish a system of bicycle, equestrian, and pedestrian trails for public use. The said trails shall be secured by dedication or easement. The following design standards shall be used for trails:
1. The trail shall be designed to accommodate only non-motorized traffic.
 2. An easement or right-of-way, as required by the Township, of at least fifteen (15) feet shall be established for the entire length of the trail.
 3. The Township may, but shall not be required to, accept dedication of a trail easement or right-of-way, provided: a) the trail is constructed to Township specifications; b) there is no cost to the Township for acquiring the easement of right-of-way; and c) the Township agrees to and has access to maintain the trail.
 4. Trails shall be logically related to environmental features so as to minimize disturbance to such features while permitting observation of such features. Disturbance of sensitive natural features such as wetlands should be avoided. When it is necessary to cross a watercourse, the applicable Federal, State, and Township floodplain regulations shall be adhered to.
 5. Trails shall be constructed on reasonable grades, have proper drainage, and provide adequate sight distances for the safety of trail users.
 6. Trails shall be constructed to be a minimum of six (6) feet wide, except along collector and arterial streets, and adjacent to shopping centers, schools, recreation areas, and other community facilities, or where bicycle use is anticipated, where they shall be a minimum of eight (8) feet wide.
 7. Trails shall cross roadways and parking areas at a 90-degree angle.
 8. Trail grades shall be consistent with the Americans with Disabilities Act Accessibility Guidelines for Outdoor Developed Areas, latest version.
 - a. Cross Slope - The cross slope shall not exceed 1:20 maximum.
 - b. Running slope. Running slope of trail segments shall comply with one or more of the provisions of this section. No more than 30 percent of the total trail length shall exceed a running slope of 1:12.
 - i. Running slope shall be 1:20 or less for any distance.

- ii. Running slope shall be 1:12 maximum for 200 feet maximum. Resting intervals shall be provided at distances no greater than 200 feet apart.
 - iii. Running slope shall be 1:10 maximum for 30 feet maximum. Resting intervals shall be provided at distances no greater than 30 feet apart.
 - iv. Running slope shall be 1:8 maximum for 10 feet maximum. Resting intervals shall be provided at distances no greater than 10 feet apart.
 - c. Resting intervals shall be 60 inches minimum in length, shall have a width at least as wide as the widest portion of the trail segment leading to the resting interval, and have a slope not exceeding 1:20 in any direction.
9. Trail construction shall be in conformance with the following and Appendix A-4.
- a. Trail excavations shall be made to the required depth and a Class 4, Type B geotextile fabric shall be placed over the compacted subgrade.
 - b. A subbase layer of crushed stone, PennDOT 2A Modified, not less than six (6) inches thick shall be placed and thoroughly compacted prior to placement of the binder course.
 - c. The stone subbase course shall extend out a distance of six (6) inches from the paved width on either side of the trail before tapering to subgrade.
 - d. Trail paving shall consist of a Bituminous Concrete Binder Course having a compacted depth of two (2) inches and a Wearing Course having a compacted depth of one and a half (1-1/2) inches. A tack coat shall be applied between the two courses and any joints must be sealed.
10. Trails shall be constructed with appropriate drainage swales and surface pitch or crowning so that water flows off the trail in a perpendicular sheet flow.
11. The Township may require the trail to be installed prior to the issuance of the certificate of occupancy for the residential or non-residential structures.
12. These design requirements may be waived if environmental or topographic constraints preclude the use of a paved trail. Stone or mulch trails may be permitted, if recommended by the Planning Commission and approved by Board of Supervisors.

Section 518 Stormwater Management / Erosion and Sedimentation Control

- A. Stormwater runoff during and post construction must be controlled in accordance with the Township's Stormwater Management Ordinance of 2014, as amended.
- B. Earth disturbance activities and associated stormwater management controls are regulated herein and under existing state law and implementing regulations. These provisions shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.
- C. All earth disturbance activities of the following kinds shall be designed, implemented, operated and maintained in compliance with this Ordinance:
 - 1. Erosion and sediment control and stormwater management during earth disturbance activity (e.g. during construction).
 - 2. Stormwater management and water quality protection measures after completion of an earth disturbance activity (e.g., after construction), including operations and maintenance.
- D. No earth disturbance activity shall commence until the requirements of this Ordinance have been fulfilled.
- E. All Best Management Practices (BMPs) proposed in accordance with this section shall conform to the State Water Quality Requirements or any more stringent requirements as determined by the Township.
- F. Erosion and sediment control during earth disturbance activities:
 - 1. No earth disturbance activity shall commence until approval by the Township of an erosion and sediment control plan to be submitted by an applicant for subdivision or land development plan approval at the time of preliminary and final plan submittals. The erosion and sediment control plan shall comply with the following reference publications, as amended.
 - a. 25 PA Code, Chapter 102, Erosion and Sediment Control, as amended.
 - b. PA DEP Erosion and Sediment Pollution Control Program Manual, March 2012, as amended.
 - 2. The erosion and sediment control plan shall be prepared by a person trained and experienced in erosion and sediment control methods and techniques.
 - 3. The erosion and sediment control plan shall encompass the minimum limit of disturbance necessary to construct the required improvements.

4. A copy of the erosion and sediment control plan approved by the Township as part of the Final Plan, and any required permit, shall be available at the project site at all times.
 5. Subdivision and land development applicants shall also comply with PADEP regulations that require submittal of an erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, and that require implementation and maintenance of erosion and sedimentation control Best Management Practices (BMPs) to minimize the potential for those activities which disturb less than 5,000 square feet, under 25 PA Code Chapter 102.
 6. Subdivision and land development applicants shall also comply with 25 PA Code Chapter 92a, and obtain a DEP "NPDES Construction Activities" permit for regulated earth disturbance activities. Evidence of any necessary permit(s) for Regulated Earth Disturbance Activity from the Southeast Regional DEP office or Chester County Conservation District must be provided to the Township prior to the commencement of any earth disturbance activity for which any such permit may be required.
 7. The limit of disturbance shall be delineated in the field prior to any clearing or earth disturbance activities and shall remain in effect during all construction activities on the site. The limit of disturbance delineation shall consist of the placement of four (4) foot temporary fencing of a highly visible color.
 8. Erosion and sediment controls must be installed and functional before any earth disturbance activities begin.
 9. Upon completion or temporary cessation of the earth disturbance activity in special protection watershed, all earth-exposed areas must be immediately stabilized. In non-special protected watersheds, cessation of activity for at least four (4) days requires temporary stabilization.
- G. Until the site is stabilized, all erosion and sediment BMPs must be maintained properly. Maintenance must include inspections by the applicant/developer of all erosion and sediment BMPs after each rainfall event and on a weekly basis. All preventive and remedial work, including cleanout, repair, replacement, regrading, reseeding, remulching, and renetting must be performed immediately. If erosion and sediment control BMPs fail to perform as expected, then immediate replacement BMPs or modifications of those controls previously installed is required. The owner or contractor is required to maintain an Erosion and Sedimentation Control Self Inspection Log for the life of the project as provided in Appendix B.
- H. Erosion and sediment control designs shall comply with the Township's Municipal Separate Storm Sewer System (MS4) NPDES II permit requirements, including the necessary Total Maximum Daily Load (TMDL) requirements. Stream and

stormwater runoff from the site may be required to be tested, by the applicant, for all pollutants as listed in the approved TMDL plan. Any pollutant increases must be mitigated to return the site runoff to the original pollutant levels or below. Mitigation measures shall be proposed by the applicant and approved by the Township.

Section 519 Grading

- A. All proposed earth disturbance activity shall comply with the following standards related to grading and earthwork:
1. Natural and existing slopes exceeding one (1) vertical unit to four (4) horizontal units shall be benched or continuously stepped into competent materials prior to placing all classes of fill. Cut slopes shall not exceed one (1) vertical unit to three (3) horizontal units, except that cut slopes up to one (1) vertical unit to two (2) horizontal units may be permitted where the Township is satisfied that such steeper cut slopes will reduce the negative impacts of the grading disturbance overall and that adequate erosion control is provided.
 2. Fills toeing out on natural slopes steeper than one (1) vertical unit to three (3) horizontal units shall not be made unless approved by the Township after receipt of a report by a soils engineer certifying that he/she has investigated the property and made soil tests and that in his/her opinion such steeper slopes will safely support the proposed fill.
 3. Fill areas shall be properly prepared prior to the placement of any new material. If excessive wetness, springs, or other seepage of water can be observed, drainage must be provided before placement of fill is undertaken. Under no circumstances shall fill be placed upon frozen ground or ground underlain by tree stumps, branches, or other material subject to rot or decomposition.
 4. Fill shall begin at the lowest section of the area and spread in six-inch layers prior to compaction.
 5. Each layer of fill shall be inspected prior to compaction. All roots, vegetation or debris must be removed and stones or other material larger than six (6) inches in diameter that may create void spaces in fill area must be removed or broken.
 6. Each layer of compacted fill shall be tested to determine its dry density as per ASTM D1556, including its latest revisions. The density of each layer shall be not less than ninety-five percent (95%) of maximum dry density as determined by ASTM D1557. The moisture content of the compacted layer

shall be not more than four percent (4%) less or two (2%) greater than the optimum moisture content as determined by ASTM D1557.

7. A qualified geotechnical engineer shall be required to inspect and certify all fill operations, as required by the Township. A written report, by the geotechnical engineer, shall be prepared and submitted to the Township detailing his or her findings respecting the fill operations.
8. The top or bottom edge of filled or cut slopes shall be at least three (3) feet from property or right-of-way lines of roads in order to permit the normal rounding of the edge without encroaching on the abutting property or right-of-way line.
9. Retaining walls, including all tie backs shall not be permitted to be installed within the public or private right-of-way or directly adjacent to the right-of-way that may impact the safety and welfare of the general public. All walls, retaining or otherwise, shall be setback from the right-of-way line or property line a minimum distance of the wall height, unless a stricter requirements are provided for within the Zoning Ordinance.
10. Adequate provisions shall be made for dust control as deemed acceptable by the Township.
11. All graded surfaces shall be seeded, sodded, planted or otherwise protected from erosion as soon as practicable and shall be watered, tended and maintained until growth is well-established at the time of completion and final inspection.

Section 520 Easements

- A. Easements with a minimum width of twenty (20) feet shall be provided for all utilities. Additional width may be required for access and maintenance as determined by the Township. Permanent or temporary construction easements may also be required at the sole discretion of the Township.
- B. Easements shall be centered on or adjacent to rear or side lot lines.
- C. Nothing shall be permitted to be placed, planted, set or put within the area of an easement unless necessary for the purpose of the easement, included but not limited to plants or trees.
- D. Drainage easements may be required to be dedicated to the Township along stormwater conveyances and watercourses in accordance with the Township's Stormwater Management Ordinance, as amended.

- E. Easements shall be required along existing trails which are to remain. At the discretion of the Township, such easements may be dedicated to the Township for public use.
- F. Where stormwater or surface water will be gathered within a subdivision or land development and discharged or drained over lands within or beyond the boundaries of the subdivision or land development, the applicant or owner shall reserve or obtain easements over all lands affected if flow patterns are changed, as deemed by the Township. These easements shall be adequate for such discharge of drainage and for the carrying off of such water and for the maintenance, repair and reconstruction, including the right of passage over and upon the same by vehicles, machinery and other equipment for such purposes, and shall be of sufficient width for such passage and work. The width of the easement shall be as required by the Township.
- G. The Township may accept dedication of easements prior to the final dedication of improvements to enforce such easements during construction or prior to the completion of all improvements.
- H. Metes and bounds descriptions shall be provided for all easements.
- I. The applicant shall provide, where required by the Township, a method of physically delineating easements for emergency access, pedestrian access or other utilization across private lots. Such method may include shrubbery, trees, fence, markers, or other method acceptable to the Township.
- J. Any easement or right-of-way required herein shall be made part of the deeds to all affected properties. Any error found in a deed shall be immediately corrected and re-recorded in the Chester County Recorder of Deeds office at the sole expense of the applicant. The applicant shall be solely responsible to the buyer for any failure to record an easement or right-of-way shown on the approved plan. Failure to record an easement or right-of-way shown on the approved plan shall not prevent its intended use from being utilized. All easements and rights-of-way shown on the final plan of record shall be deemed to be incorporated in the appropriate deed.

Section 521 Water Supply

- A. Each dwelling unit, commercial or industrial building in all subdivisions and land developments hereafter granted approval shall have an adequate supply of potable water for domestic use and an adequate supply of water for purposes of fire protection.
- B. Public Water Supply Systems – Where available within the RD-Residential Development District and the V-1, V-2, and V-3 Village Preservation Districts,

and where extension of service is reasonably feasible, proposed uses shall connect with public water service, except as noted in Section 521.C below.

C. Private on-site water supply systems / community water systems

1. Community water systems may be acceptable for development in accordance with the Open Space Design Option, including locations within the RC-Residential & Conservation District.
2. Where public water supply systems are not reasonably feasible, subdivisions and land developments comprised of residential single-family detached dwellings on lots of one acre or larger may be served by an on-site water supply system.
3. All proposed on-site water supply systems shall have a permit certified by the Chester County Health Department prior to issuance of the building permit.
4. A hydrogeology study is required to accompany any proposed new land development or subdivision involving more than ten (10) residential units of any type or any commercial or industrial development with on-site groundwater withdrawals potentially equal to or exceeding an average of two thousand (2,000) gallons per day (gpd) during any single thirty (30)-day period in accordance with Section 406 of this Ordinance.

D. All proposed water distribution systems shall be designed, connected and installed to meet the specifications and requirements of the Department of Environmental Protection, the Pennsylvania Utility Commission, the Chester County Health Department, the National Fire Prevention Association, the Township Engineer and all Township ordinances. The complete design of the proposed distribution system and shall be provided as a part of all final plans.

E. All mains, laterals and other facilities for connection from the lots to public water supply systems shall be installed by the applicant in accordance with the standards and materials required by the public utility company.

F. A copy of the approval of such system by the appropriate public utility company shall be submitted with the final plan. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such a distribution system.

G. Design standards

1. The design shall include the pipe material and the size of the water mains to be utilized, the size of the existing water system main(s) at the point(s) of interconnect and the existing and proposed placement of all valves and fire hydrants.
2. Distribution systems for a residential district shall be laid out in a grid pattern and looped where possible to avoid the use of dead-end mains. In the event

- that dead ends cannot be avoided, the dead end of a main shall have a fire hydrant, flushing hydrant or blowoff for flushing purposes.
3. Mains within a residential district shall be a minimum of six inches in diameter where the lengths between intersecting mains are no more than 600 feet. Mains shall be a minimum of eight inches in diameter for distances greater than 600 feet.
 4. Mains located on principal streets and arterial mains shall be a minimum of eight inches in diameter unless a larger size is specified by the Township Engineer for future interconnects design potential.
 5. Distribution systems and main accesses for commercial and industrial developments shall comply with those for a residential district unless greater sizes are specified by the engineer of the appropriate public utility company, the Township Engineer or the Fire Marshal.
 6. Standards and materials for the construction of all water distribution systems shall meet or exceed those requirements described in the most recent edition of the Public Water Supply Manual of the Department of Environmental Protection and shall be subject to the approval of the Township Engineer.
 7. In residential developments, fire hydrants shall be installed within six (600) hundred feet of all existing and proposed structures, measured by way of accessible streets.
 8. In commercial or industrial districts, fire hydrants shall be installed within four (400) hundred feet of all existing and proposed structures, measured by way of accessible streets.
- H. Minimum water supply requirements. In all subdivisions and land developments served by public water, the following water pressure and gallonage requirements shall apply:
1. Residential use. A minimum domestic pressure of 30 pounds per square inch shall be provided at each house to be connected to the water supply main. The system to which the residential unit is connected shall have sufficient capacity to supply a minimum of 300 gallons of water per residential unit per day within the subdivision or land development.
 2. Non-residential use. A minimum domestic pressure of 30 pounds per square inch shall be provided at each commercial or industrial building connected to the water supply main. When a building wishes to connect to a public water system, a study will be made to determine if there is adequate water supply in the system to supply the building and use.
 3. For purposes of fire protection in residential districts, the system shall be demonstrably capable of providing fire flow water requirements for a minimum duration of two hours of not less than 500 gallons per minute at residual pressures of 20 pounds per square inch.
 4. For purposes of fire protection for non-residential use, 1,000 gallons per minute at 20 pounds per square inch residual pressure is required.

- I. Approvals/reviews. No construction of any water distribution system shall commence prior to written approvals from the Department of Environmental Protection, the Chester County Health Department, the Fire Marshal and the Township Engineer.

Section 522 Sewage Disposal

Each lot in a subdivision or land development shall have a permitted sewage disposal facility in accordance with the rules and regulations of the PADEP, the Chester County Health Department and the Township's Act 537 Sewage Facilities Plan, as amended.

- A. Sewage facilities shall be designed and constructed in strict accordance with the applicable requirements and specifications of the Township, the Chester County Health Department, and the PA DEP.
- B. A copy of the approval from all applicable agencies and all required permits including the Sewage Facilities Planning Module, as applicable, shall be submitted prior to Final Plan approval.
- C. Sanitary sewers shall not be used to carry stormwater, nor shall floor drains, air conditioning condensate, commercial ice makers or sump pumps be connected to the sanitary sewer.
- D. Wherever a public sewer system is available and when consistent with the Township's Act 537 Sewage Facilities Plan, sanitary sewers and lateral connections to each building in a subdivision or land development shall be installed at the expense of the applicant. If public sewer is not available but is planned for the area in question, a system of sewers, together with all necessary laterals extending from the sewer to the road right-of-way line, shall be installed and capped.
- E. Prior to the issuance of any permit for construction in any subdivision or land development, temporary toilet facilities shall be installed for the builders, contractors and subcontractors, unless the applicant or applicant's agent shows, to the satisfaction of the Township, that other suitable toilet facilities will be available during construction. All temporary toilet facilities must be maintained until they are removed from the site.
- F. Holding Tanks.
 1. Use of a holding tank as a method for disposal of sewage on any property is hereafter prohibited except in the following instances:
 - a. When the use of a holding tank is the only viable alternative to the use of an alternative sewage system or conventional sewage system in those instances where an existing on-lot sewage disposal system has failed or

malfunctioned, per PA DEP or County Health Department standards, and it cannot be repaired or replaced due to site constraints.

- b. The use of a holding tank will not be permitted in order to merely increase the building area of a use. When the use of a conventional sewage system or an alternative sewage system is a viable alternative as determined by the County Health Department and PA DEP, such alternative shall be used rather than a retaining tank.
- c. When the use of a holding tank is implemented as an interim method of sewage disposal while a conventional sewage system or alternate sewage system is being installed when all the following conditions exist:
 - i. Use of a conventional sewage system or an alternate sewage system is approved by the Township, County Health Department and PA DEP as the ultimate method of sewage disposal.
 - ii. An Operation and Maintenance Agreement is approved and financial security, in a form and amount determined by the Township, is deposited with the Township in order to guarantee removal of the temporary holding tank upon expiration of the permit for its use and payment of all sewage removal and related costs during the period the holding tank is anticipated to be in use.

G. Individual On-lot Sewage Disposal Systems.

- 1. All lots shall be provided with a primary and secondary (replacement) on-lot sanitary disposal area in accordance with the design standards of Title 25, Chapter 73, Rules and Regulations of the PA DEP, the Chester County Health Department standards and Township standards.
- 2. A note shall be required on all Preliminary and Final subdivision plans indicating approval of the Sewage Facilities Planning Module or Exemptions by PA DEP must be received prior to final plan approval and release of the plans for recording in accordance with Section 305.E.6.
- 3. Soil Percolation Test Requirements.
 - a. Deep hole and percolation tests shall be performed for all projects where proposed building(s) at the time of construction cannot be connected to a public or community sanitary sewage disposal system in operation. Deep hole test pits and percolation tests are required in connection with the submission of completed planning modules for land development as part of the preliminary plan application.
 - b. Deep hole and soil percolation tests shall be made in accordance with the procedure required by the PADEP and the Chester County Health Department by a licensed professional engineer, a Pennsylvania Sewage Facilities Act sewage enforcement officer, or similarly qualified person / firm.

- c. The results of the above tests shall be analyzed in relation to the physical characteristics of the tract being developed and of the general area surrounding the tract. The lot layout of the preliminary and final plan shall be based on this analysis. The analysis shall indicate that each lot to be served by onsite sanitary sewage disposal facilities is of a size and shape to accommodate the necessary size of absorption area at a safe isolation distance from water supply wells and proposed and existing buildings, in accordance with the isolation distance rules and regulations of the PADEP, as administered by the Chester County Department of Health. The location of the deep hole tests, the location and size of existing and proposed on-site sanitary sewage disposal facilities, and the location of existing and proposed buildings and water supply wells shall be shown on the preliminary and final plans.
- d. The backfilling of all percolation test holes and related test pits on the tract shall be accomplished within the time period specified in 35 P.S. §750.7(b)(8) of the Pennsylvania Sewage Facilities Act (Act 537, as amended).

H. Community On-Lot Sewage Systems (COLDS).

- 1. The design and installation of any community sewage disposal systems, as defined herein, shall be subject to the approval of the Township, PA DEP and the Chester County Health Department, as required.
- 2. Ownership of COLDS. Where COLDS are proposed, a Homeowner Association consisting of the residents of the community or development served by the COLDS shall be formed by the applicant and placed into operation to take the ownership of and be responsible for the operation the said COLDS. The organization of such a Homeowners Association shall be subject to the review and approval of the Township, but at a minimum shall provide for:
 - a. Continuing operation and maintenance of all facilities related to the sanitary sewage system including service laterals, collection lines, trunk sewers, pumping systems, treatment plant and disposal facilities and to continue to operate and maintain in good order such facilities making such replacements as are required, and properly collecting, treating, and disposing of sanitary sewage within their service area.
 - b. The establishment of an operating budget to provide sufficient funds for the proper operation of the COLDS including the accumulation of funds necessary to provide for replacement of portions of the system on a schedule to be determined by the applicant or the Homeowners Association and approved by the Township.
 - c. The collection of such fees and other charges as are appropriate and sufficient to maintain the sanitary sewage system and to provide for replacement of the various elements of the collection and treatment system that may be required. The Homeowners Association, in its

- formulation, shall be given the right to lien properties to collect the appropriate fees.
- d. The inspection and proper operation of the facilities and the submission of required reports to the Township and to the PA DEP.
3. Operation, Maintenance, and Inspection Plan for COLDS. Before completion and dedication of COLDS by the applicant to the Homeowners Association, the applicant shall deliver to the Township a maintenance, operation and inspection plan which shall consist of and include the following:
- a. As-built plan of all facilities constructed including sewage collection lines, pumping stations, treatment and disposal facilities and elements of the system designed to provide for monitoring of the operation. Such a plan shall include the physical parts involved and a description of their function and operation, including copies of the operating manual.
 - b. A list of all reports required by the PA DEP including a description of the report and a copy of the report in form and a listing of the frequencies of submission of the reports required. Upon review of this information, the Township may require the submission of such additional reports as are deemed necessary to assure the proper operation and functioning of the system.
 - c. A recommended schedule of inspections and duties required by a qualified operator including a description of the purpose, extent and frequency of such inspections and duties. In preparing such a schedule, care should be exercised in defining the scope of duties of the operator to provide that the system is adequately checked to determine its proper operation and that such duties are performed as are required for the regular maintenance of all equipment and other elements of the system.
 - d. A recommended budget for the operation and maintenance of the system including a schedule of replacement of the various elements of the system, their estimated costs and the amounts of money to be set aside in each operating year to provide for replacement.
 - e. The name of the person, partnership, corporation or other entity designated to own and operate the facility including the name of the person or persons responsible for overseeing the daily operation of the sewage treatment plant as well as the responsible person within the owning organization. This report of names shall be updated annually. Operators shall be licensed by the Commonwealth of Pennsylvania as an operator of the class required to operate a treatment plant of the equivalent complexity.
 - f. The Homeowners Association designated to own and operate a COLDS will be required to enter into an agreement with the Township guaranteeing the proper operation and maintenance of such systems and providing that the Township may inspect such systems on a monthly or quarterly basis. Upon discovering a malfunction in the operation of such systems and after notice of the property owners and the failure of the said property owners to make the necessary repairs or replacement, the

Township may enter the property, perform the necessary steps to restore the system to proper operation. If, in the opinion of the Township or Township Engineer a malfunction within the collection, treatment, or disposal system of any COLDS represents a hazard to the public health, the Township may proceed without notice to take immediate action to remedy such malfunction, subject to such notice to the Homeowners Association or property involved as is practical under the circumstances. The Homeowners Association shall reimburse the Township for any and all costs associated with the repairs.

- g. The following shall not be discharged into the system:
 - i. Industrial waste
 - ii. Automobile oil and other non-domestic oil
 - iii. Toxic and hazardous substances or chemicals, including but not limited to, pesticides, acids, paints, paint thinners, herbicides, gasoline and other solvents.
 - iv. Clean surface or ground water including water from roof or cellar drains, springs, sump pumps and French drains.
4. Inspection of COLDS. The Township shall have the right to conduct such regular and re-occurring inspections of COLDS as may be required to assure that the system is being properly operated and maintained. The scope of such inspections shall be established for each sanitary sewage system depending upon the type and complexity of the proposed system. For this purpose, the Township shall appoint an inspector, which may be a person or company or firm skilled and, where appropriate, licensed in the construction and operation of sanitary sewer systems and treatment plants. The cost of such inspection shall be borne by the party owning and operating the sanitary sewage system.
5. Submission of Budgets and Reports. The Homeowners Association owning and operating COLDS shall upon formulation of its annual budget submit a copy of such budget to the Township for approval by the Board of Supervisors. The budget shall include among other things:
 - a. The anticipated fees per household or other connection, to be collected by the Homeowners Association.
 - b. The total income anticipated
 - c. A breakdown of estimated operating and maintenance costs
 - d. The payments anticipated from, and balances in-accounts set aside for, replacement of the various elements of the sewage collection and treatment system.
6. Assurance. The property owner shall post a financial surety for the construction of the system in accordance with the Subdivision & Land Development Ordinance. In addition, the property owner or the developer responsible for construction of a COLDS shall provide financial surety to the Township in the amount of (15) percent of the cost of the system, as verified

by the Township Engineer, to ensure the performance of all acquirements of these Rules and Regulations. Such financial surety shall be in the form of cash, securities, surety bond, or letter of credit as approved by the Township and shall be deposited in escrow with the Township. All interest or dividends accruing on the security shall be made part of the escrow. The surety shall be provided for a period of five (5) years, at which time it shall be replaced by a cash fund provided by the property owner, the developer or the Homeowners Association of the project being constructed equivalent to (15) percent of the cost of the permitted sewage facilities. The fund shall be held in escrow by the Township and shall be available to the Township for performance of any and all maintenance and repairs to the COLDS not being performed by the property owner, the developer or the Homeowner Association. The fund shall be supplemented as necessary by the property owner, the developer or the Homeowners Association to the extent it is reduced by authorized expenditures there from by the Township.

7. Acceptance of Community on Lot Sewage Disposal Systems. The Township may act to accept any COLDS or authorize the acceptance and dedication to another private entity at any time that the Board of Supervisors deems it to be in the public interest to do so; in which case, the operation and maintenance responsibilities of the owners shall cease. In such case, the Township or private entity will establish an independent sanitary sewage district and establish sewer rates. Said rates to be sufficient to provide for all operating, maintenance and replacement requirements of the system.

H. Public Sewerage System.

1. Plans and Specifications - Construction drawings, specifications, and calculations, prepared by a registered professional engineer, must be prepared for all public and community sewerage systems, and shall include:
 - a. An overall plan view of the collection system showing the location of all sewers and manholes together with manhole numbers, all existing and proposed buildings with elevations of finished floor and basement floor (if applicable) and all existing and proposed sewer laterals.
 - b. Profile view of all existing and proposed sewer mains, including ground, rim and invert elevations, grade of all existing and proposed sewer mains, pipe lengths, and size and type of sewer pipe.
 - c. All lots without basement service to be clearly noted on plan view.
 - d. Drawings shall contain a note that all construction of sanitary sewers shall be in accordance with the standards and specifications adopted by the Township.
 - e. All elevations shall be based on USGS datum with bench marks noted and described and shall be tied into any bench marks established by the Township.
 - f. Shop drawings of all material shall be submitted to the Township for review and approval prior to the start of construction.

- g. Erosion and sedimentation control plans will be submitted wherever sewers are being constructed through land not covered by the overall erosion and sedimentation plan.
2. Gravity Sewer Main Design Criteria
- a. Minimum sewer diameter shall be eight (8) inches and the minimum slope shall be one-half (1/2) percent.
 - b. Minimum cover over the top of the sewer shall be 4 1/2 feet unless special construction precautions such as cast-iron pipe or concrete encasement are specified and approved.
 - c. Maximum depth of sewer shall be eighteen (18) feet, unless otherwise permitted by the Township.
 - d. Sewer mains shall be placed on six (6) inches of AASHTO #57 stone bedding and within all roads, backfilled completely with AASHTO #57 stone up to the road subbase. In lawn areas, the main shall be backfilled with a minimum of twelve (12) inches of AASHTO #57 stone.
 - e. When sewers are designed with a grade in excess of 20%, steep slope anchors shall be installed.
 - f. Sewer easements outside of public rights-of-way shall be a minimum of twenty (20) feet with additional temporary construction easement of ten (10) feet, if determined necessary by the Township.
 - g. When a sewer crosses a stream or ditch, the design shall be in accordance with PA DEP rules and regulations.
 - h. Sewers shall be located a minimum of 10 feet horizontally from any obstruction such as a building. Sewers must be a minimum of 10 feet from a water main or 18 inches (measured from top of sewer to bottom of water main) under the same. When a sanitary sewer line crosses above or under any other pipeline with separation of less than 18 inches, the sanitary line will be provided with concrete encasement that extends 10 feet on either side of the pipe being crossed.
 - i. Material: All sewer mains shall be:
 - i. Ductile iron pipe and shall conform to ASTM A764; or
 - ii. PVC SDR 35 pipe and shall be conform to ASTM D3034.
3. Sewer Manhole Design Criteria
- a. Manholes between gravity sewers shall be placed at all changes in grade, size of pipe or alignment, and at intervals of not greater than 350 feet.
 - b. Manholes shall not be located in or near the gutter line of the road where they will be exposed to surface flooding.
 - c. Manholes shall have a drop of two-tenths (0.2) feet between the inlet and outlet built-in.

- d. Manhole cones shall be a minimum of three feet in height. Shorter cones and slab-top manholes may be used only with the permission of the Township.
 - e. Watertight lids will be used and noted on the plans when the manhole is within a one-hundred-year floodplain or may become submerged. If feasible, manhole lids shall be placed above the one-hundred-year floodplain elevation.
 - f. In all manholes, the pipes entering and leaving shall be oriented so that the flow angle is more than 90°.
 - g. When connecting to an existing manhole which contains an existing pipe of larger diameter, the contractor shall match elevations of the tops of both pipes.
4. Material:
- a. Manholes shall be precast manhole sections conforming to ASTM C-478, latest edition, and shall be of watertight construction. All internal and external surfaces shall be coated or lined.
 - b. Precast base and barrel sections shall have tongue and groove joints with round rubber gaskets set in specially provided indentations conforming to ASTM C-443 or butyl base joint sealant that permits installation in temperatures from -20°F to 120°F, and complies with Federal Specification SS-S-00210.
 - c. Pipe to manhole joints shall be Lock-Joint flexible manhole sleeve, Kor-N-Seal joint sleeve, or equivalent.
 - d. Damp proofing for concrete shall be semi-mastic type Horn "Dehydratine #4," "RIW Marine Emulsified Liquid" by Toch Bros., Inc., "Hydrocide 600" by Sonneborn, or equivalent.
 - e. Manhole rungs, when required, shall be of 5/8-inch diameter, aluminum safety type steps. Rungs shall be placed twelve (12) inches on center in concrete and shall not be subjected to any loads for a minimum of seven (7) days. Copolymer polypropylene steps reinforced with 3/8" Grade 60 steel rebar throughout may be used in place of aluminum.
 - f. Concrete manholes shall have a channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope to drain towards the main channel.

- g. All surfaces to be damp proofed shall be clean, smooth, dry, and free from loose material. Brush the damp proofing onto the outside concrete manhole surface and fill all voids. Apply in two (2) coats and conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations and directions. First coat to be applied by the manufacturer of the manholes. Second coat to be field applied by the Contractor. Damp proofing shall not be applied in freezing or wet weather.
 - h. Iron castings for manhole frames and covers shall conform to ASTM A 48 and shall be Class 30.
 - i. Manhole frames and covers shall be tough gray iron free from cracks, holes, swells, and cold shuts. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated so as to provide a tight, even fit.
 - j. Manhole frames shall be 6" to 8" high and shall be approximately 35" in diameter with a minimum opening of 22" and a maximum opening of 44". Manhole covers shall be solid and shall have the word "SEWER" (3" high) cast on the top. The approximate total weight of frame and cover shall be 395 pounds. Covers shall have two (2) concealed pickholes.
 - k. Casting shall be given one (1) coat of cold-tar pitch varnish at the factory before shipment and said coating shall be smooth and tough and not brittle.
 - l. Frames shall be set concentric with the top of the masonry and in a full bed of mortar so that the space between the top of the manhole masonry and the bottom flange of the frame shall be completely filled and made watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.
5. Sewer Lateral Design Criteria
- a. Lateral connections to each lot shown on the approved final plan shall be installed to the right-of-way line of the road prior to road paving. All laterals and manholes shall be capped and sealed to prevent the infiltration of any liquid. No underground water from springs or basements shall be permitted to enter any sanitary sewer line. Capped sewers shall be so installed as to avoid placing connections under any paved areas or driveways.
 - b. Each building shall have a separate connection to the sewer main.

- c. Existing lateral lines may be utilized for new connections provided that they pass necessary tests, as required by the Township.
 - d. Minimum lateral diameter shall be four (4) inches and minimum slope shall be two (2) percent, unless otherwise approved by the Township.
 - e. Maximum length of a lateral will be one hundred and fifty (150) feet, unless approved otherwise by the Township.
 - f. The minimum cover shall be 3.5 feet to prevent crushing and freezing. Minimum cover under paved areas shall be four (4) feet.
 - g. A straight horizontal alignment shall be maintained where feasible.
 - h. Clean-outs shall be provided at:
 - i. Intervals of not greater than fifty (50) feet.
 - ii. All horizontal bends of 45 degrees or greater.
 - iii. Within ten (10) feet of building foundations.
 - i. An interceptor trap shall be placed between the curb line and the building. The trap shall be cast iron or PVC single running trap with vent. The riser and vent shall be on the building side of the trap.
 - j. Material: All laterals shall be cast iron, ductile iron or PVC pipe. Under driveways, parking lots or where directed by the Township, cast iron, ductile iron, or Schedule 40 PVC pipe shall be used with pipe bedding and backfill as required within Township roads. PVC pipe in non-paved areas shall be SDR 35 (ASTM D3034) or Schedule 40 PVC (ASTM D1785) solid wall pipe. Dectectable warning tape shall be installed in all sewer lateral trenches.
6. Testing and Inspections
- a. All sewers, including mains, laterals and manholes, shall be subjected to inspections by the Township and testing for leakage in accordance with the requirements of the Township. The applicant shall be responsible for furnishing all necessary material and equipment for testing.
 - b. Air Testing of all sewers shall be in accordance with ASTM C828.
 - c. A television inspection shall be performed on all new or altered sewer mains and laterals, as determined by the Township. The inspection may be required following construction and prior to dedication as directed by the Township. Video tapes and a written report of all television inspections shall be provided to the Township. The form of the report and

type and format of the video tape shall be approved by the Township. Fees and costs connected with television inspections shall be paid for by the developer or owner.

- i. All dips, cracks, leaks, improperly sealed joints, and departures from approved grades and alignment shall be repaired by removing and replacing the involved sections of pipe.
 - ii. All defects and corrective work required as the result of television inspections shall be performed by the developer without delay. Upon completion thereof, the sewer shall be retested and such further inspection made as warranted.
7. As-built drawings. Prior to acceptance of the work, copies of as-built drawings shall be submitted by the applicant. As-built drawings are copies of the approved construction drawings. Existing design numbers (top and invert elevations, pipe lengths and slopes) shall be crossed out with one line so that the original numbers can still be determined. As-built numbers shall be indicated below the crossed out numbers. The plans shall be prepared by a licensed surveyor and show as-built locations of all lateral stubs. All easements shall be shown and shall be fully described by metes and bounds.

Section 523 Utilities

- A. All utility lines, including but not limited to electric, telephone, cable and security shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township and of the public utility concerned.
- B. Underground utilities shall be installed before the roads are constructed, as approved by the Township.
- C. Easements shall be required to facilitate the maintenance and repair of utility lines. Facilities shall be located within a right-of-way or in the center of an easement not less than twenty (20) feet wide.
- D. All proposed utility locations shall be coordinated so as not to conflict with landscaping requirements.
- E. In accordance with the provisions of the Pennsylvania Utility Line Protection Act, Act 287 of 1974, as amended, an applicant shall contact all applicable utilities and accurately determine the locations and depths of all underground utilities within the boundaries of the tract proposed for development prior to excavation. A list of the applicant's utilities and each utility's phone numbers shall appear on the plans submitted for review, and proof of contact shall be presented in the form of the Pennsylvania One Call System serial number.

Section 524 Monuments and Markers

- A. Monuments shall be placed at sufficient locations to define the exact location of all roads and to enable the re-establishment of all road lines. In general, monuments shall be set on the road line on one side of the road at the beginning and ending of all curves and at those points on the curve at road intersections necessary to establish the actual intersection. Monuments shall be placed at the tract perimeter where no markers exist, as required by the Township.
- B. Markers shall be placed at all points where lot lines intersect road lines or other lot lines and at all angle points in lot lines, except where concrete monuments are required.
- C. Monuments shall be concrete with a minimum top width of four (4) inches by four (4) inches and a bottom width of six (6) inches by six (6) inches. The minimum height shall be twenty-four (24) inches. The concrete monument shall be composed of ferrous or other material detectable by an electromagnetic locator.
- D. Markers shall be steel bars at least twenty-four (24) inches long and not less than five-eighths (5/8) inches in diameter.
- E. Utility easements shall be monumented at their beginning, their end, and at all directed changes. The monumentations shall be placed in the ground after final grading is completed. The monumentation shall be either a concrete monument or marker, as required by the Township.
- F. All monuments and markers shall be certified for accuracy by the developer's engineer and their accuracy checked by the Township Engineer. Accuracy of monument / markers shall be within three-hundredths (3/100) of a foot.
- G. In cases where it is impossible to set a monument or where the permanency of a monument may be better ensured by off-setting the monument with a reference monument(s), the Township may authorize such procedure, provided that proper instrument sights may be obtained and complete offset data is designated on the record plan. A reference monument (preferably two) should be set on the boundary line(s) that intersect the corner.

Section 525 Landscape, Buffer & Screening Design, Installation and Maintenance Standards

- A. Applicability. Landscaping conforming to the provisions of this Section shall be provided on any tract subject to subdivision or land development approval, or any lot or tract occupied by a use or activity subject to the provisions of Sections 1109 or 1110 of the West Pikeland Township Zoning Ordinance as follows:

1. **General Landscaping Requirement.** Any part or portion of any lot or tract, which is not occupied by buildings or structures or used for loading, parking spaces and aisles, sidewalks and designated storage areas, shall be landscaped according to an overall Landscape Plan, prepared and approved as provided in this Section OR, subject to the approval of the Township, shall be left in its natural state (e.g., forest, meadow or hedgerow). Any required Landscape Plan shall clearly identify all landscaped areas and any areas to be left in a natural state. The total number of trees and shrubs required as set forth in Section 525.C.7 may be used for any required landscape purpose (e.g., effective visual screen, street trees, parking lot landscaping) and for general landscaping and may be augmented by additional plantings.
2. **Effective Visual Screening.** An effective visual screen shall be established and maintained in accordance with the provisions set forth in Section 525.C.4 where required as provided in Section 1109 of the West Pikeland Township Zoning Ordinance or where imposed by the Zoning Hearing Board or Board of Supervisors as a condition of any applicable approval or permit. In consideration of any approval or permit, the Township may require an effective visual screen or other buffering to provide privacy for dwellings, visually separate incompatible land uses or structures, abate noise, or reduce light or glare.
3. **Street Trees.** Street trees shall be provided on both sides of all streets as set forth in Section 525.C.5.
4. **Parking Lot Landscaping Requirement.** All parking lots or areas shall be landscaped in accordance with the provisions of Section 525.C.6.
5. **Conservation of Existing Vegetation and Natural Features.** All development shall be designed to maximize conservation of existing woodlands, hedgerows, water courses, specimen trees, and riparian buffer areas, and to minimize woodland disturbance. Woodland disturbance in excess of 15,000 square feet shall require woodland replacement plantings as provided in Section 525.C.7.b.v. Replacement plantings may be utilized to establish naturalized areas or for any other required landscape purpose. Applicants shall make all reasonable efforts to harmonize Landscape Plans with the conservation of existing vegetation and natural features.

B. Landscape Plan.

1. All required landscaping and screening shall be installed and maintained in accordance with a Landscape Plan that is prepared by a Landscape Architect registered in the Commonwealth of Pennsylvania and approved by the Township.

2. All required Landscape Plans shall be submitted with the preliminary and final subdivision or land development plan, as applicable. These plans shall address the following objectives:
 - a. Respond appropriately to the functional and aesthetic characteristics of the tract or lot and the existing and proposed structures and other improvements.
 - b. Preserve to the maximum extent feasible existing topography, landscaping, and other natural features such as hedgerows and woodlands, and incorporate them into the design.
 - c. Provide an effective visual screen of proposed uses or activities from adjoining properties where required.
 - d. Enhance views and create visual interest for the users or residents of the proposed project.
 - e. Promote effective stormwater management while utilizing strategies that minimize soil erosion and sedimentation, and create opportunities for infiltration and groundwater recharge (e.g., bioretention, biofiltration).
 - f. Maximize the use of plants - particularly along roads, tract perimeters and common open spaces - which are: native to Chester County or the Pennsylvania Piedmont; are tolerant of the conditions in which they are installed (e.g. salt tolerant near roads); are appropriate to the ecosystems in which they are planted (e.g. hydrophytes in wet areas); are located and spaced to achieve an effective visual screen where required; establish compatible groupings of plants; and are not injurious to people, property, natural ecosystems, or pedestrian and vehicular circulation.
3. Submitted Landscape Plans shall include plans, notes, diagrams, sketches or other depictions appropriate to demonstrate the following:
 - a. Consistency with the objectives stated in Section 525.B.2 above, as well as the design standards of Section 525.C below.
 - b. Analysis of existing site conditions, including topography and vegetation, and views to and from areas proposed for development.
 - c. Analysis of any screening or buffering needs related to the proposed development or use.
 - d. Calculation of the minimum numbers of trees and shrubs required, as set forth in Section 525.C.7.

- e. Indication of any modifications requested to the standards set forth herein and specific justification therefor.
- f. Depiction of how required plantings and any additional plantings shall be allocated in order to complement, buffer, screen or accentuate buildings, roads, parking areas, stormwater management areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, entry road treatments, and other site features or structures.
- g. Indication of all areas to be retained in a natural state and any areas to be established as naturalized woodland replacement areas.
- h. Indication of all plant species to be utilized, including both botanical and common names and the minimum quantities, sizes and spacing of each.
- i. Design specifications for all non-vegetative landscape material to be utilized, including earthen berms, fences and walls, as applicable.

C. Landscape Design Standards.

- 1. All required landscaping shall be designed, installed and maintained in accordance with the standards herein.
- 2. Total Plantings Required. The minimum number of plantings required on any lot or tract shall be determined in accordance with Section 525.C.7.b below. The total number of required plantings may be utilized anywhere on the subject site for purposes of compliance with general landscape standards as well as specific standards for effective visual screening, street trees, and parking area landscaping, as applicable. Additional plantings may be provided to further the purposes of this Section. Regardless of the total number of plantings provided, required plantings utilized for street trees and parking lot landscaping and screening shall not be less than as specified in Section 525.C.7.b as applicable. Plantings provided in excess of minimum requirements need not comply with the dimensional standards herein. Existing trees and shrubs to be retained and protected may be credited towards the Minimum Planting Standards on a 1 for 1 basis, subject to review and approval by the Township. Where existing trees have been identified for credit, the Township shall require the Applicant to protect trees during construction, and commit to a tree replacement program for non-surviving plants.
- 3. General Landscape Design.
 - a. Plantings and other landscape improvements shall be located and arranged to meet the specific design requirements set forth herein and in a manner that has an overall benefit to the landscape and responds to site

specific conditions including; the proximity of existing dwellings, compatibility with adjacent uses and existing landscapes, views into and across the subject site, and consideration of the privacy of neighboring residential properties.

- b. Native plant species shall be used to the maximum extent practicable, consistent with the design objectives set forth herein.
 - c. Use of linear measurements for purposes of calculation is not intended to specify linear arrangement of plantings. Groupings of plantings are encouraged in lieu of linear arrangement, consistent with the provisions of this Section.
 - d. In selecting the location and mix of required plantings, consideration shall be given to the natural landscape characteristics of the setting, the environmental conditions to be created following site disturbance, and the texture, coloration and compatibility of different plant species. It is strongly encouraged that disturbed or improved landscapes, including areas used for stormwater management and areas required for effective visual screening, be designed in such a manner as to be creative and attractive, blend into the surrounding landscape, and maintain the integrity of the natural landscape within which such work is proposed.
 - e. The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight. In selecting locations for shade trees, consideration also shall be given to aesthetic qualities of the site and to the protection of solar access.
 - f. Plantings shall be limited or carefully selected for locations where they might be disturbed or contribute to conditions hazardous to public safety. Examples of such locations include but shall not be limited to: the edges of parking areas; public street rights-of-way; underground and above-ground utilities; and sight triangle areas required for unobstructed views at street intersections. No trees shall be planted closer than fifteen (15) feet from fire hydrants, street lights, or stop signs. Other than as may be required for street tree planting, no trees shall be placed with their centers less than five (5) feet from any property line, and no shrubs with their centers less than three (3) feet from any property line.
 - g. The height and size of required plantings shall be as provided in Section 525.C.7.b.
4. Effective Visual Screening. Where an effective visual screen is required under this Section or in accordance with the West Pikeland Township Zoning

Ordinance, or where a need for effective visual screening has been identified during the plan review process, an effective visual screen shall be provided, subject to review and approval by the Township. An effective visual screen shall be accomplished by a combination of plantings, berming or fencing as may be required to achieve the desired screening effect, either a filtered view or an opaque visual barrier:

- a. **Filtered View.** Vegetative buffer plantings providing for a filtered view, as set forth below, shall generally be considered an effective visual screen.
- b. **Opaque Visual Barrier.** Where the Township determines that a use or structure or portion thereof is incompatible with the character of neighboring properties or its neighborhood generally, establishment of an opaque visual barrier may be required. To the maximum extent practicable, an opaque visual barrier shall be established to screen outdoor storage areas, truck or heavy equipment parking, loading docks, trash dumpsters and mechanical equipment from view from neighboring properties or public view.
- c. **Specific Standards for Filtered View.** Where the Township is satisfied that the use of vegetative buffer plantings to provide for a filtered view shall result in the establishment of an effective visual screen, plantings shall include a variety of native deciduous and evergreen species planted in naturalized groupings rather than linear strips. In keeping with the landscape of West Pikeland Township, deciduous species shall be utilized to the greatest extent possible on the side of the screen facing the property's exterior or the street. At a minimum, one deciduous tree and two evergreen trees shall be provided for each forty (40) feet of screen, each tree of a size and height consistent with the provisions of Section 525.C.7.b. Tree species provided may be augmented by shrubs and flowering trees.
- d. **Specific Standards for Opaque Visual Barrier.** Where the Township determines that an opaque barrier is required to obscure an offensive or incompatible use or structure, a combination of earthen berm(s), fence(s) or evergreen plantings, as appropriate, shall be installed to establish an opaque visual barrier at least eight (8) feet in height. Evergreen plantings may be used in lieu of fencing where an eventual rather than an immediate opaque visual barrier is acceptable to the Township. In addition, deciduous trees shall be added in naturalized groupings on the side of the screen facing the property's exterior or the street, as applicable, and may be augmented by shrubs and flowering trees in order to blend the screen into the surrounding landscape. At a minimum, one deciduous tree and two evergreen trees shall be provided for each thirty (30) feet of screen, each tree of a size and height consistent with the provisions of Section 525.C.7.b.

e. General Design Standards for Effective Visual Screening.

- i. Wherever landscaping is required to provide for an effective visual screen, the specific location(s) within the subject lot or tract shall be approved by the Township and shall be determined based on site conditions and the relationship of the use or structure(s) to be screened to the view from neighboring properties and public view. Selected location(s) shall be as deemed most effective (e.g., an effective visual screen may be required near the property or right of way line, or may be located toward the interior of the site immediately adjacent to the item to be screened, or somewhere in between depending on the circumstances of the site and the character of the object(s) to be screened).
- ii. Except where otherwise specifically approved at the discretion of the Township, the overall width of the landscape area comprising the effective visual screen shall not be less than thirty (30) feet regardless of otherwise applicable minimum yard area setbacks.
- iii. All plants shall be installed at intervals sufficient to create an effective visual screen, while allowing the plants to thrive (i.e., specific plant spacing shall depend upon the species used). To the greatest extent possible, plants will be situated in locations and under conditions substantially similar to those in which they naturally occur (e.g., hydrophytes in wetter situations, drought tolerant plants on ridge tops, etc.).
- iv. Where earthen berms are used, plantings shall be installed irregularly on both sides and the top of the berm, and not solely in a line along the top of the berm. Side slopes shall not exceed a 3:1 ratio, and berms shall be designed to blend with adjoining topographic conditions.
- v. Vegetative screening shall be continuously maintained for the duration of operation of the use for which an effective visual screen is required. During such period, any plant material which does not survive shall be replaced prior to the start of the next growing season.

5. Street Trees.

- a. All subdivisions and land developments shall provide Street Trees of varying species along the entire length of any existing or proposed public street that forms a property boundary and on both sides of any street within the subdivision or land development. Street Trees shall not be

planted so close to the cartway edge that they become a maintenance problem, but close enough to the cartway edge to provide shade. The arrangements and locations of all Street Trees should be shown on the Landscape Plan and are subject to review and approval by the Township. The placement of trees between the curb and sidewalk is generally discouraged to avoid future maintenance concerns. The specific arrangements and locations of Street Tree plantings shall respond to specific site conditions and development design objectives, consistent with the criteria set forth herein.

- b. Selected Street Trees shall be hardy, indigenous species with minimal maintenance requirements, and shall be selected such that, at maturity, they shall provide adequate summer shade along the public road. Selected Street Tree species shall be of the non-grafted type. A Suggested Plant List is included in Section 525.C.10. Tap-rooted species shall be required in locations proximate to streets or sidewalks.
 - c. The spacing between Street Trees shall be no greater than 50 feet, staggered, on each side of the street.
6. Parking Lot Landscaping and Buffering. All off-street parking areas, except those intended solely for use by individual single family residences, shall be landscaped with trees and shrubs of varying species, in accordance with the following:
- a. Off-street parking areas shall be landscaped to provide for a more attractive setting and to moderate wind and air turbulence, heat and noise, and the glare of automobile lights, to reduce the level of carbon dioxide, to provide shade, and to ameliorate storm water drainage problems to the extent practicable.
 - b. Any parking for five (5) or more vehicles shall be buffered from any adjacent property and from the street by an effective visual screen along the entire length of such parking lot where bordering or in direct view from an adjacent property or the street, in accordance with the requirements of this Section and Section 525.C.4. The minimum number of plantings utilized for parking lot buffering shall be as specified in Section 525.C.7.b.
 - c. The interior of parking areas containing less than ten (10) parking spaces shall have at least two (2) shade trees. For every additional ten (10) parking spaces, two (2) additional shade tree shall be provided. All such shade trees shall meet standards provided for Street Trees herein. Additional parking lot landscaping may be required to enhance the overall appearance and function of the parking lot.

- d. Planting areas shall be placed so as to facilitate snow removal and to provide for safe movement of traffic without interference of proper surface water drainage. Planting areas shall be bordered appropriately to prevent erosion or damage from automobiles. Bollards may be used to protect trees from vehicular movement.
- e. Planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than ten (10) spaces in which the following shall apply.
 - i. Landscaped areas at least fifteen (15) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary access ways, to prevent the encroachment of moving vehicles into parking areas.
 - ii. Landscaped islands at least fifteen (15) feet wide shall be provided between each set of two parking bays, except as otherwise approved by the Township.
 - iii. Landscaped islands shall be provided at the end of each parking bay where such parking bay abuts or opens onto any street or accessway. Such landscaped islands shall be at least fifteen (15) feet in width and shall extend parallel to the parking spaces in each abutting parking area the length of one parking space. No more than ten (10) parking spaces shall occur between islands. Parking bays providing more than ten (10) spaces in a single bay shall be broken by a similar landscape island.
- f. All parking lots shall be designed to provide for safe, reasonable pedestrian access. Parking lots with more than fifty (50) spaces shall include paved pedestrian walkways. Pedestrian walkways may be located along or through landscaped islands or other landscaped areas adjacent to the parking lot.

7. Minimum Planting Standards.

- a. All required landscaping shall meet the minimum planting standards, criteria for selection of plant material, and design standards of this Section. The total number of plantings required shall be no less than the total calculated from all subsections in the following table, as applicable. Calculations resulting in fractions shall be rounded up to the next whole number. The total number of required plantings for general landscaping, perimeter buffering and screening may be dispersed throughout the tract to meet the objectives of this section. Plantings required as street trees and for parking lot landscaping and screening shall not be less than the numbers set forth in the charts below. Additional plantings may be provided.

- b. In all situations subject to the provisions of this Section, plantings shall be installed in accordance with the numerical requirements set forth below and as otherwise required herein:

Improvement/Conditions	Trees	Shrubs
(i) <u>GENERAL LANDSCAPING AND SCREENING, WHERE REQUIRED</u>	(Mixed deciduous & evergreen trees and shrubs depending upon effective screening needs)	
a) per 1,000 sq. ft. of gross floor area of the ground floor only (building "footprint").	3	8
b) per 100 linear ft. of new and existing public or private road frontage, measured on both sides where applicable	3	5
c) per 100 linear ft. of existing tract boundary, where not coincident with existing or proposed road frontage	3	8
(ii) <u>PARKING LOT LANDSCAPING</u> per 10 parking spaces (min. of 2 shade trees for the first 10 parking spaces or fraction thereof)	2 (Deciduous trees only)	Not specified
(iii) <u>PARKING LOT BUFFERING</u> per 2,000 sq. ft. of off-street parking or loading area, excluding driveways less than 18 ft. wide and in addition to plantings required under Subsection (ii) above	2	4 (Mixed deciduous & evergreen trees and shrubs depending upon effective screening needs)
(iv) <u>STREET TREES</u> per 100 linear ft. of new and existing public or private road frontage, measured on both sides where applicable	2 (Deciduous trees only)	0
(v) <u>REPLACEMENT LANDSCAPING</u> per 500 square feet of woodland disturbance area or fraction thereof, wherever exceeding a threshold of 15,000 square feet maximum woodland disturbance	1 (Native deciduous trees only)	0

- c. Where Applicant can demonstrate to the satisfaction of the Township that existing vegetation, structural or topographic conditions located on the subject property shall conceal, on a year-round basis, the proposed development or activity from view from such tract boundary (including road frontage), the linear footage of such tract boundary may be excluded from the calculation of required landscape plantings as provided in Subsection 525.C.7.b.i above, but shall not reduce any requirement for street trees or parking lot landscaping or screening.
 - d. Except as specifically provided above, at the time of their planting, plantings used to comply with the minimum number of plantings required shall be:
 - i. Deciduous trees: 2.5-3 inch caliper, minimum;
 - ii. Evergreen trees: 7-8 feet in height, minimum;
 - iii. Shrubs: 24-30 inches in height, minimum.
 - e. Plantings and their measurement shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock," American National Standards Institute (ANSI) or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown within the same U.S. Department of Agriculture (USDA) hardiness zone as the site, shall be free of disease, and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this Section.
 - f. At the discretion of the Township, plantings required as above may be substituted for greater numbers of smaller plantings where utilized for purposes of general landscaping or reforestation of naturalized areas.
 - g. At the discretion of the Township, plantings required as above may be waived or reduced if Applicant can demonstrate to the satisfaction of the Township that retaining existing plant material or other means of landscaping substantially achieves the objectives of this Section. The Applicant shall note, on all appropriate submittals, the location, type, extent, and condition of the existing plant materials or other means of landscaping that would be the basis for the proposed waiver or reduction. Should the Township issue a waiver or reduction, the approved, existing plant materials or other means of landscaping shall be protected during construction from impacts such as, but not limited to, root compaction, debarking, and soil stripping. The Township shall conduct a post-construction inspection, and reserves the right to require additional plantings if the existing plant material or other means of landscaping are damaged or did not survive construction.
8. Criteria for Selection of Plant Material.

- a. Species selected by the Applicant shall reflect careful evaluation of the required Site Analysis Plan and in particular the following considerations:
 - i. Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.
 - ii. Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.
 - iii. Maintenance considerations such as hardiness, resistance to insects and disease, longevity, availability, and drought and salt resistance.
 - b. Use of native plants, because of their many benefits (such as ease of maintenance, longevity, wildlife habitat, etc.), is generally required to meet the requirements of this Section. A Suggested Plant List is included in Section 525.C.10.
 - c. Species for shade trees, including Street Trees, shall be selected with particular emphasis on hardiness, growing habit for pedestrian and vehicle passage, minimal need for maintenance, and compatibility with other features of the site and surrounding environs.
 - d. For the purposes of promoting disease protection, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the Applicant is encouraged to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to those where the trees and shrubs are to be planted.
9. Site Maintenance and Guarantee.
- a. All landscape improvements, to be provided in accordance with this Section, shall be installed and maintained by accepted practices as recognized by the American Association of Nurseryman. Planting and maintenance of vegetation shall include, as appropriate, but not necessarily be limited to, provisions for: surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering.
 - b. Applicant shall provide arrangements acceptable to the Township to ensure that all landscaping incorporated into the Landscape Plan and proposed in accordance with this Section, including existing vegetation to be retained, shall be maintained in a healthy and sound condition, or will be replaced by equivalent plant material and improvements, for 18 months after dedication of improvements. Prior to Township acceptance of the site improvements, representatives of the Township shall perform an

inspection of the finished site for compliance with approved Landscape Plan(s).

- c. Installation of landscape improvements shall be guaranteed along with all other site improvements in accordance with applicable provisions of this Subdivision and Land Development Ordinance. The costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required.

10. Suggested Plant List (not an exclusive list).

The following table contains selected examples of native or naturalized species in our region. Those that are particularly appropriate for use where an effective visual screen is required are indicated with an asterisk (*). Selected examples of appropriate street trees are noted by "ST."

COMMON NAME	BOTANICAL NAME
Evergreen Trees	
Eastern red cedar*	Juniperus virginiana
Hemlock	Tsuga canadensis
Red (Eastern or Yellow) spruce*	Picea rubens
Norway spruce*	Picea abies
Balsam fir*	Abies balsamea
Eastern white pine*	Pinus strobus
Shade Trees	
Red maple, ST	Acer rubrum
Sugar maple, ST	Acer saccharum
White ash, ST	Fraxinus americana
Green ash, ST	Fraxinus pennsylvanica
Sycamore	Platanus occidentalis
White oak, ST	Quercus alba
Northern red oak, ST	Quercus rubra
Tulip poplar	Liriodendron tulipifera
Scarlet oak, ST	Quercus coccinea
Pin oak, ST	Quercus palustris
Shagbark hickory	Carya ovata
Honey Locust, ST	Gleditsia triacanthos
Linden, ST	Tilia cordata
American basswood	Tilia americana
American beech	Fagus grandifolia
London plane tree	Platanus acerifolia

COMMON NAME	BOTANICAL NAME
Small Trees and Shrubs	
Rhododendron	Rhododendron sp.
Mountain laurel	Kalmia latifolia
American holly	Ilex opaca
Black cherry	Prunus serotina
Shadbush/Serviceberry*	Amelanchier canadensis
Bayberry	Myrica pennsylvanica
Redbud	Cercis canadensis
Flowering dogwood*	Cornus florida
Winterberry	Ilex verticillata
Washington hawthorn*	Crataegus phaemopyrum
Witch hazel	Hamamelis virginiana
Highbush blueberry	Vaccinium corybosum
Highbush cranberry	Viburnum trilobum
Sassafras	Sassafras albidum
Ironwood	Ostrya virginiana
Sourwood	Oxydendrum arboreum
Arrowwood	Viburnum dentatum
Black Haw	Viburnum prunifolium

Section 526 Dedication of Land, or Payment in Lieu of Fees Thereof, for Parks and Recreation Uses

- A. Purpose. The purpose of this Section is to implement the 2010 West Pikeland Township Comprehensive Plan and 2006 Open Space, Recreation, and Environmental Resources Plan, as amended:
1. Continue to provide community facilities and services to meet the needs of existing and future residents and landowners in a manner that is consistent with the Township Comprehensive Plan and the statutory and fiscal capabilities of West Pikeland Township; and
 2. Meet the Community, Neighborhood, and Mini parkland needs of residents residing in new developments.
- B. Applicability. The requirements of this section shall apply to any major subdivision or land development application proposing more than ten (10) dwelling units.
- C. General requirements.
1. The Applicant shall make an irrevocable offer of dedication of park and recreation lands to the Township per the requirements of this Section. The Township Supervisors may authorize the transfer of the land to a homeowners' association or other appropriate third party when such reservation is consistent with the West Pikeland Township Open Space, Recreation, and Environmental Resources Plan. In lieu of dedicating park and recreation land to the Township, the Applicant may elect to pay a fee to the Township.
 2. All dedications of land for park and recreation purposes shall be consistent with any standards contained in the West Pikeland Township Open Space, Recreation, and Environmental Resources Plan, and all provisions of this Section. Such dedications shall be at locations deemed appropriate by the Township Board of Supervisors. If a specific site has been designated in the West Pikeland Township Open Space, Recreation, and Environmental Resources Plan or Official Map for future park purposes, any preliminary or final plan shall show the dedications of land in a location that corresponds to the Plan designation. Title to land to be dedicated shall be good and marketable, free of all liens or other defects and acceptable to the Township Solicitor.
- D. Amount of land required
1. Consistent with the West Pikeland Township Open Space, Recreation, and Environmental Resources Plan, the amount of park and recreation land

required to be dedicated for subdivisions satisfying the applicability criteria of Section 526.B. shall equal to 0.0294 acre per dwelling unit proposed. Lands proposed for dedication shall be consistent with the Land Characteristics and Design Standards of Section 526.F of this Ordinance.

2. The Board may, at its sole discretion and upon recommendation of the Township Planning Commission, agree to accept a lesser amount of land than the minimum acreage otherwise required, where the Applicant agrees to provide a fully developed active recreation facility within the development that addresses a recreational need of particular importance to the Township in that location and that is particularly appropriate to the prospective residents of the development.
3. The land dedicated to the Township for park and recreation purposes need not be part of the land development or subdivision. It may be located on a separate parcel of land, provided that it is within the proposed service radius of the development's parkland need. In addition, the developer, with the approval of the Board of Supervisors, may construct park and recreation facilities at existing Township facilities, Downingtown Area School District properties, or the facilities in another development to satisfy the requirements of this Section.

E. Fee-in-lieu of dedication

1. If the Board of Supervisors determines in its discretion that no land within a particular subdivision or land development proposal is suitable for dedication as park land, or determines that the required acreage to be dedicated is not sufficient to provide for the minimum size for the identified parkland need, or if the applicant demonstrates to the satisfaction of the Board of Supervisors that the reservation of park or is not practical or not in the best interest of the residents of the proposed development and of the Township in general, a fee in lieu of parkland dedication shall be encouraged.
2. The amount of any fee in-lieu of land dedication shall be as determined by Resolution of the Township Board of Supervisors.
3. A note shall be placed on the final subdivision plan prepared for recording, stipulating the total amount of the fee to be paid, as established through Section 526.E.2, and the means and timing of payment.
4. All funds collected in lieu of land dedication shall be deposited by the Township in an interest-bearing account which identifies the specific park and recreation facilities the funds will be used to acquire and construct. All interest earned on this account shall become funds of the account. Upon request of any person who paid any fee, the Township shall refund such fee, plus any interest accumulated thereon from the date of payment, if the

Township has not used the funds to meet the purposes set forth in this Section within three (3) years from the date such fee was paid.

F. Land Characteristics and Design Standards. The Planning Commission and the Board of Supervisors in exercising their duties regarding the review of subdivision or land development plans shall consider the following criteria in determining whether to accept the Applicant's offer to dedicate land:

1. The area or areas shall be consistent with the plan for open space and plan for recreation components of the Township's Open Space, Recreation, and Environmental Resources Plan and any other open space, park or recreational facilities existing or subsequently adopted by the Township, or Chester County;
2. The area or areas shall be suitable for active recreational uses in their entirety without interfering with adjacent dwelling units, parking, driveways, and roads. Consistent with the primary objective of providing active recreation areas, the proposed shall be free of wetlands and surface water, and not characterized by floodplain, hydric soils, or slopes exceeding six (6) percent, with no more than five (5) percent of the exceeding fifteen (15) percent in slope;
3. The area or areas and their use shall be consistent with natural features conservation provisions of this ordinance and the natural resource protection standards contained in Article VIII of the West Pikeland Township Zoning Ordinance;
4. The area(s) shall be comprised of areas not less than one-quarter (1/4) acre of contiguous areas and not less than seventy-five (75) feet in width, except where a narrower area of linear open space is serving solely as a connecting access strip between larger open space parcels or as a portion of a trail system or pathway network. The configuration of the recreation area must be able to accommodate the proposed recreation activities;
5. The area(s) shall be interconnected with common open space areas on adjoining parcels where ever possible, including provision for pedestrian pathways for general public use to create linked pathway systems between developments, neighborhoods, villages, and other public recreational areas;
6. The area(s) and uses shall be coordinated with applicable open space and recreation plans of any federal, state, county, regional, adjacent municipal or private organization to compliment various programs increasing the utility of the open space and recreation network;
7. The area(s) and uses shall be provided with sufficient perimeter parking when necessary, and with safe and convenient access by adjoining street frontage or other right of way easements capable of accommodating pedestrian,

bicycle, maintenance and vehicle traffic and containing appropriate access movements;

8. The area(s) shall be undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon the recommendation of the Township Engineer and Planning Commission;
 9. The area(s) shall be free of all structures and utility easements, except those structures related to outdoor recreational uses. Subject to the approval of the Board of Supervisors, supportive equipment for the use of such lands in the disposal of treated wastewater through land application or community subsurface methods may be permitted. Furthermore, other utility easements (cable, gas, oil, phone, fiber optic, or electric) where utilities are placed underground and no part of them or their supportive equipment protrudes above the ground-level are permitted within the area(s) free of woodlands and other sensitive natural or cultural resources;
 10. The area(s) shall be subject to approval of a Landscape Plan and, if applicable, an Open Space Management Plan. The landscaping plan submitted in accordance with Sections 525 shall include provisions for full invasive removal by the Applicant or developer prior to dedication of any natural area to the Township.
 11. The linkage of erosion and sediment control or stormwater control facilities with recreation facilities may be permitted and is encouraged by the Township if the presence of such facilities does not conflict with proposed activities or detract from the aesthetic values associated with the recreational facility. Plans for combining these facilities should be submitted to the Township for review and approval.
 12. Where part of a phased development, areas shall be in amount and at locations, as deemed acceptable by the Board of Supervisors, sufficient to meet the minimum recreational needs generated by each phase of the development. The Applicant shall provide, as part of the application for approval of the first phase of development, a schedule to the amount of recreational land or of fees-in-lieu thereof to be provided in each of the subsequent phases.
- G. Effect of Dedication of Land on Allowed Density of Remaining Development. Land dedicated for park and recreational use shall not be included in lot size calculations for the purpose of determining the number and character of units allowed to be developed.

ARTICLE 600: IMPROVEMENT GUARANTEES AND ACCEPTANCE

Section 601 Construction of Improvements

- A. The Applicant or developer shall construct and be responsible for (at no cost to the Township) all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, stormwater management facilities, sanitary sewers, landscaping, traffic control devices, open space and recreation areas, and erosion and sediment control measures in conformance with the final plan as approved, the applicable specifications and regulations of PennDOT and PADEP, and any other applicable regulations.
- B. No occupancy permits for any building or buildings to be erected shall be issued by the Township until the Township Engineer certifies that:
 - 1. The roads, streets, or lanes providing access to and from existing public roads to such building or buildings have been improved to a permanently passable condition by application of at least a asphalt base course as per Section 511.A.1 thereon; and
 - 2. That all other improvements depicted on the approved final plan, either upon the lot or lots or beyond the lot or lots in question and necessary for the reasonable use of or occupancy of any such building or buildings have been completed.

Section 602 Improvement Guarantee Requirements and Agreements

- A. Before the Board of Supervisors shall approve final plans of any subdivision or land development or, as a requirement for Conditional Approval thereof, the Applicant or developer shall agree to enter into a written agreement in the manner and form set forth by the Township, to guarantee the construction and installation of all improvements required by this Ordinance at the developer's expense. The agreement shall specify the following where applicable:
 - 1. That the Applicant or developer agrees that he will lay out and construct, at his expense, all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, stormwater management facilities, sanitary sewers, landscaping, traffic control devices, open space and recreation areas, and erosion and sediment control measures in conformance with the final plan as approved, the applicable specifications and regulations of PennDOT and PADEP, and any other applicable regulations, and that he shall complete these improvements within the time or times specified by the Township;

2. That the Applicant or developer guarantees completion of all public improvements by posting financial security in escrow in form and amount established pursuant to Section 602.B herein. In addition the applicant or developer shall post financial security for the removal of the snow from all streets, until such improvements are offered for dedication and accepted by the Township;
 3. That the Applicant or developer agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory by the Township Engineer. All streets, easements and other public improvements offered for dedication shall be accompanied by a metes and bounds description by the developer. The Board of Supervisors may require that the applicant or developer supply a title insurance certificate from a reputable company before the Township accepts any property.
- B. The form and type of financial security shall be approved by the Township, and without limitation as to the other types of financial security which the Township may approve, may be either a Federal or Commonwealth chartered lending institution irrevocable letter of credit, or a restrictive or cash escrow account in such lending institution. Such financial security shall be posted with a Federal or Commonwealth chartered lending institution chosen by the developer posting the financial security, provided that the lending institution is authorized to conduct business within the Commonwealth of Pennsylvania. The applicant shall be required to provide notice to the Township by certified mail, with return receipt requested, a minimum of 60 days prior to the termination date of any such financial security that the issuing financial institution does not intend to extend such letter of credit, and if it fails to do so, the letter of credit shall be automatically renewed for another year.
- C. The amount of financial security to be posted for completion of the required improvements shall be equal to one hundred-ten (110) percent of the cost of completion of the required improvements, estimated as of ninety (90) days following the date scheduled for completion by the developer. The estimated cost of completion of the required improvements shall be submitted by the Applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Township may refuse to accept such estimate for good cause. If the Applicant or developer and the Township are unable to agree upon an estimate, the procedures set forth in the Section 509(g) of the Pennsylvania Municipal Planning Code, as amended, shall be followed. No final plan shall be approved until the scheduled date for subdivision or land development construction completion is explicitly set forth on the developers'

agreement. . Unless otherwise approved, the time of completion or required improvements shall be deemed to be one year.

- D. If the Applicant or developer requires more than one year from the date of posting of the financial security to complete the required improvements, the Township may require that the amount of financial security be increased by an additional ten (10) percent for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred-ten (110) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one year period by using the above procedure for estimating the cost of completion of the required improvements.
- E. Where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the Applicant or developer may request that the Township release, from time to time, such portions of the financial security necessary for payment to the contractor performing the work. Any such request shall be in writing, addressed to West Pikeland Township, and the Township shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township that the improvements have been completed in accordance with the approved plan. If the Township fails to act within the forty-five (45) day period, the Township shall be deemed to have approved the release of funds as requested. The Township may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.
- F. Where the Township accepts dedication of all or some of the required improvements following completion, the Township may require the posting of additional financial security to secure the structural integrity of the improvements as well as the functioning of said improvements in accordance with the design and specifications in the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of this additional financial security shall not exceed fifteen (15) percent of the actual cost of installation of the improvements.
- G. Where adequate financial security has been provided as set forth above, the Township shall not unreasonably withhold the issuance of building, grading or other permits relating to the construction of the improvements, including buildings, upon the lots or land as depicted on the final plan. Moreover, where adequate financial security has been provided, occupancy permits for any

building or buildings to be erected shall not be withheld following the Township Engineer's certification provided in accordance with Section 601.B herein.

Section 603 Inspections

- A. The construction or installation of all improvements shall at all times be subject to inspections by the Township Engineer or representatives of the Township at the expense of the applicant, in accordance with Section 510 of the Pennsylvania Municipalities Planning Code (MPC), as amended. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a workman-like manner, or that erosion and sediment controls are failing to prevent acceleration erosion or water borne sediment from leaving the site of construction, the Township Engineer or Township representative shall immediately notify the Township Manager or Codes Enforcement Officer of the violations or infractions. The Township Manager, or in his absence, the Codes Enforcement Officer is empowered to require corrections to be made, failing which the Township may without limiting any other available enforcement remedy available under Article V of the MPC, or at law, declare a default in the financial agreement and refuse to release any portion thereof unless an until the necessary repairs or corrections are made or draw on the financial security in order to make such repairs or corrections on the Applicant's account.
- B. It shall be the responsibility of the Applicant, subdivider, developer, builder, or contractor to notify the Township Manager, who in turn will notify the Township Engineer or other duly authorized person, a minimum of two working days in advance of the commencement of any construction or installation of any facility or utility required by this Ordinance or by the approved subdivision or land development plan in order that provisions may be made for inspection by the Township.
- C. In addition to the advance notice required in subsection B, above, it shall be the responsibility of the Applicant, subdivider, developer, builder, or contractor to call, at a minimum, for the following specific inspections, by notifying the Township Manager, who in turn will notify the Township Engineer or other duly authorized person, a minimum of one working day in advance of the time anticipated for the required inspection:
 - 1. Key trench for stormwater management basins following excavation but prior to the placement of any backfill.
 - 2. Underground stormwater management facility prior to excavation.
 - 3. All pipe work, including outlet pipe and anti-seep collars in stormwater management basins, storm drains, and utilities, before backfill begins.
 - 4. Utility work within existing roadways prior to road opening or saw-cutting of roadway.
 - 5. Footings for structures following excavation but prior to the commencement of any further construction work on the structure.

6. Fill placement in existing or future Township right-of-ways prior to placement.
 7. Road subgrade when completed, but before the start of installation of curbs or stone base course.
 8. Curbs and sidewalks, when stone base is in place, and during the subsequent concrete pours.
 9. Stone subbase course during its installation.
 10. Bituminous surface binder course during its installation.
 11. Bituminous surface wearing course during its installation.
 12. Erosion and sedimentation control facilities removal, including conversion of sediment basins / traps to permanent, prior to conversion.
 13. Final inspection.
- D. The Township Engineer shall be authorized to make periodic physical inspections of all subdivisions and land developments under construction in West Pikeland Township. In addition, the Township Engineer shall be responsible for reviewing and approving field construction or any special requirements which may be imposed by the Township at the time of approval of a land development or subdivision plan. The Township Engineer shall report to the Township Manager in writing periodically as to the status of construction and as to the status of any maintenance or bonding responsibilities, which extend beyond the completion date for any subdivision or land development.

Section 604 As-built Plans

- A. Each developer shall be required to file with the Township an As-built Plan following completion of the development.
- B. The As-built Plan shall be a corrected copy of the approved subdivision/land development plan showing actual dimensions and conditions of roads and all other improvements, including but not limited to:
1. Concrete monuments and lot pins.
 2. Cartway edges and centerline, location and elevations.
 3. Sanitary sewer mains, manholes, cleanouts and laterals.
 4. Storm sewers, inlets, manholes, and culverts.
 5. Water mains, valves and hydrants.
 6. Street lights and utility poles.
 7. All known utilities including gas, electric, cable and telephone.
 8. Stormwater Management facilities.
 9. Landscaping.
 10. Easements.
 11. Certification of the accuracy of the plan by the Applicant's or developer's engineer or surveyor.
- C. In addition, the As-built Plan shall indicate that the resultant grading, drainage structures and systems and erosion and sediment control practices, including

vegetative measures, are in substantial conformance with the previously approved drawings and specification. The Plan shall note all deviations from previously approved drawings. Two (2) copies of the As-built Plan shall be submitted to Township for distribution to the Township Engineer and for the Township file.

- D. For major subdivisions, in addition to the paper plan submission, the Township shall require a digital electronic submission in PDF and CAD (.dwg or .dxf) format as specified by the Township Engineer.

Section 605 Release from Performance Guarantee

- A. When the Applicant or developer has completed all of the required improvements, and has submitted the As-built Plan in accordance with Sections 604.A through D. above, he shall notify the Township in writing by Certified or Registered Mail of the completion of the improvements, and shall send a copy to the Township Engineer. The Township shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the Applicant's or developer's subdivision or land development improvements. The Township Engineer shall promptly file a report with the Township and shall mail a copy to the developer by Certified or Registered Mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the authorization from the Township. This report shall indicate approval or rejection of the improvements, either in whole or in part, and if the improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, the report shall contain a statement of reasons for such non-approval or rejection.
- B. The Township shall, within fifteen (15) days of receipt of the Township Engineer's report, notify the developer by Certified or Registered Mail of its actions in response to the Township Engineer's review of improvements.
- C. If the Township or the Township Engineer fails to comply with the time limitations set forth in Section 605.A or 605.B, all improvements will be deemed to have been approved and the Applicant or developer shall be released from all liability pursuant to its performance guarantee, or other security agreement.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Township, the Applicant or developer shall proceed to complete the same and upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractors performing the work. Any such requests shall be in

writing addressed to the Township, and the Township body shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Township shall authorize release by the lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Township may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

- F. Improvements bonds or funds in escrow may be released in stages as construction of a significant portion of streets, and all other public improvements, are completed and approved by the Township. Escrow releases must be signed and approved by the Township Engineer who shall be responsible for determination of the amount of escrow to be released.
- G. The developer shall be responsible for maintenance, including snow removal, of all public improvements until such improvements are offered for dedication and are accepted by the Township.
- H. In the event any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Township has the power to enforce any escrow, or other security by appropriate legal and equitable remedies. If proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all improvements covered by said security, the Township may, at its option, install all or part of the remainder of such improvements covered by said security, and may institute appropriate legal or equitable action to recover any monies spent in the installation thereof and any additional monies necessary to complete the remainder of the improvements. All the proceeds, whether resulting from the security, or from any legal or equitable action brought against the Applicant or developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other purpose.
- I. Nothing herein, however, shall be construed in limitation of the Applicant's or developer's right to question or contest, by legal proceedings, any determination of the Township.

Section 606 Dedication and Acceptance of Public Improvements

- A. Upon completion of any public improvements shown on an approved final plan, the Township may require that an Applicant or developer offer such public improvements for dedication. In such a case, the Applicant or developer shall prepare a deed of dedication and forward same to the Manager of the Township for review by the Solicitor. Deeds of dedication for public improvements may be accepted by resolution of the Board at a regular meeting thereof. No roads or

streets in any approved subdivision or development will be accepted as the responsibility of the Township until such time as eighty (80) percent of the lots in any approved subdivision or development have dwellings or other principal buildings erected thereon. Should the above mentioned road or streets, even though constructed according to these specifications, deteriorate before the necessary eight (80) percent of the lots have buildings erected thereon, such roads or streets shall be repaired in a manner acceptable to the Township before being accepted by the Township.

- B. The Township may require that storm water management facilities remain in private ownership, with the maintenance responsibility placed on individual lot owners, a homeowners association or similar entity, or an organization capable of carrying out such maintenance responsibilities.
- C. Where maintenance of storm water management facilities is to be the responsibility of individual lot owners, a homeowners association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Township may require that an initial escrow maintenance fund be established in a reasonable amount, that provision is made for periodic review of the adequacy of capital reserves for repairs and replacements of such facilities, and that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowner's successors in interest, all in such instruments and on such terms are acceptable to the Township, upon review by the Township Solicitor at the Applicant's expense.

ARTICLE 700: MOBILE HOME AND MOBILE HOME PARKS

Section 701 Purpose

In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, separate provisions regulating mobile home parks and their design, development, alteration, extension, operation and maintenance; licensing; setting forth certain street, parking, walk, open space and density requirements; and providing penalties for violations, are incorporated within this ordinance.

Section 702 Other Applicable Ordinances

The provisions and regulations of this Article shall not supersede or otherwise nullify the requirements of West Pikeland Township Zoning Ordinances Section 1021 and such ordinance shall continue in full force and effect.

Section 703 Submittal Requirements

In addition to the required contents for a major subdivision and land development plan listed in Article 400 of this Ordinance, an application for preliminary and final land development approval of a mobile home park shall indicate by drawings, diagram, maps, text, affidavit or other legal instrument, the following:

- A. That the parcel or lot for which application is made is held in single and separate ownership.
- B. The placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel at a scale of one (1) inch equals fifty (50) feet.
- C. The location and dimension of all driveways, pedestrian ways, parking facilities, sidewalks, and access streets with notation as to type of impervious cover.
- D. The locale, dimension and arrangement of all areas to be devoted to lawns, buffer strips, screen planting, and common open space including areas for recreation.
- E. Location, dimension, and arrangement of all buildings existing or proposed to be built and all existing tree masses and trees of over six (6) inches diameter, such diameter measured at breast height (DBH).
- F. Proposed provisions for handling of storm water drainage, street and on-site lighting, water supply and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.

- G. Proposed provisions for treatment of sanitary sewage together with proof that the treatment and disposal of such sewage meets with the approval of the County Health Department and the Department of Environmental Resources.

Section 704 General Standards

- A. A mobile home park shall have an area of not less than ten (10) nor more than twenty (20) acres and shall be held in single ownership at all times.
- B. No mobile home, office or service building shall be closer to a public or private street right-of-way line external to the mobile home park than one hundred and fifty (150) feet, nor closer to the edge of an interior street than fifty (50) feet, nor closer to an adjacent property than seventy-five (75) feet, nor shall any part of any mobile home obstruct any roadway or walkway within a mobile home park.
- C. The maximum gross density on any tract developed for a mobile home park shall be per Section 1021 of the West Pikeland Township Zoning Ordinance.
- D. There shall be no mobile home sited within thirty (30) feet of another mobile home or common accessory structure.
- E. A minimum of thirty-five (35) percent of the gross tract area shall be retained in permanent open space for the use and enjoyment of the residents of the mobile home park. Minimum required open space may be adjusted downward to no less than thirty (30) percent in conjunction with the use of TDRs as provided for Township Zoning Ordinance. Such open space shall be substantially free of structures except for those designed for recreational purposes.
- F. The minimum size of mobile home lots shall be seven thousand (7,000) square feet.
- G. The minimum frontage for any mobile home lot shall be seventy (70) feet.
- H. Each mobile home lot shall be graded and improved to provide a patio for the mobile home, which shall be a minimum of eight (8) feet by twenty (20) feet in size and constructed of concrete at least six inches in depth.
- I. The regulations and requirements within Township Zoning Ordinance Section 1021, as amended, and the base zoning district of the mobile home park shall establish the density, lot coverage, building coverage and applicable setbacks.
- J. The CCHD Rules and Regulations, Chapter 403, as amended, shall be applicable to all mobile home park developments and are accordingly incorporated herein by reference.

Section 705 Site Layout

- A. Mobile homes placed on individual lots are encouraged to be placed off-center on the lots so as to provide a large usable open yard space and outdoor living area in one section of the lot.
- B. Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.
- C. There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and retaining existing trees. Site layout shall be designed to ensure that mobile home units are offset to avoid long, uninterrupted corridors between the units.
- D. Each mobile home shall be located in a well-drained area and the lot shall be properly graded so as to prevent the accumulation of storm water or other water. Mobile homes placement shall observe the riparian buffer zones as per Section 802 of the Township Zoning Ordinance, as amended.
- E. To the extent feasible, the mobile home park should be designed so that the units have their long axis east-west, offering southern exposure to their longest wall and roof areas. When topographic conditions make a street layout for good solar orientation of units difficult or undesirable, lots should be laid out so that units can be oriented to the south to the greatest extent possible.
- F. With the exception of Home Occupation and No-Impact Home-Based Businesses, as defined in the Pennsylvania Municipal Planning Code (MPC), no part of the mobile home park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and well being of mobile home park residents, for management and maintenance of the mobile home park, or those uses permitted by the West Pikeland Township Zoning Ordinance.

Section 706 Street System

With the exception of those standards specified in this Section, the design and construction of streets in a mobile home park shall be governed by all standards pertaining to streets set forth in the Township Subdivision and Land Development Ordinance.

- A. Access to any mobile home lot shall be from a street interior to the mobile home park. Where mobile home lots are created having frontage on an existing street within the Township, the mobile home park street pattern shall provide reverse frontage access to an interior street within the mobile home park, and not to the existing street.

- B. Interior streets shall be at least twenty-five (25) feet wide and shall be constructed to comply with the requirements set forth in Section 511 herein.
- C. Illumination of Streets. All mobile home parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries as will provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians at night. Lighting fixtures selected shall comply with Section 1107 and 1213 of the West Pikeland Township Zoning Ordinance, and employ downlighting so that no direct light or objectionable glare shall leave the tract upon which the mobile home park is developed.
- D. All streets within a mobile home park shall be private and shall not be offered for dedication to West Pikeland Township.
- E. Curbs and sidewalks (parallel to streets) shall be required in accordance with Section 512 and 517 herein.

Section 707 Parking

- A. Off-street parking for at least two (2) motor vehicles shall be provided at each mobile home site. Each parking stall shall be designed to Township standards, which shall be specified in the plan. Off-site common parking areas may be provided in lieu of parking stalls at each mobile home site; but, in such case, parking slots shall be provided at the ratio of two slots for each mobile home site not equipped with on-site parking. The parking spaces must be within one hundred (100) feet of the mobile home site which they will serve.
- B. Additional parking spaces for vehicles of non-residents shall be provided. A minimum of one (1) visitor space shall be provided for every three (3) mobile home sites. All visitor parking spaces shall be located within two hundred (200) feet of the mobile home spaces which are to be served.
- C. Mobile home park offices shall have a minimum of two (2) visitor spaces and one (1) space for every employee working the largest shift.
- D. Parking shall be prohibited on internal streets and it shall be the duty of the owner or operator of the mobile home park to enforce this provision. No parking signs shall be placed along all internal streets.
- E. All mobile home parks shall provide safe, convenient, concrete or asphalt pedestrian walkways with a minimum width of three and one-half (3-1/2) feet between the park streets and all community facilities provided for park residents.
 - 1. Where pedestrian traffic is concentrated, each walk shall have a minimum width of three and one-half feet.

2. All mobile home sites shall be connected to common walks, and to streets or to driveways connecting to a paved street. Each such walk shall have a minimum width of two feet.

Section 708 Grading; Storm Water Management, Erosion and Sedimentation Control

Article V of the Township Subdivision and Land Development Ordinance and the Township Stormwater Management Ordinance, as amended, shall be applicable to all mobile home park developments and is accordingly incorporated herein by reference.

Section 709 Water Supply

All mobile home parks shall be connected to a public water supply. Mobile home parks unable to connect to a public water supply shall have an adequate potable water supply provided to all dwellings within a mobile home park as part of a community system. The mobile home park shall be served by one (1) community water supply system meeting the provisions of Section 521 herein, as applicable. Such systems shall be installed according to the requirements and standards of the PADEP and the Chester County Health Department (CCHD). In addition to such requirements, the water distribution system shall be constructed in accordance with the following:

- A. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.
- B. The water-riser pipe shall extend at least twelve (12) inches above ground elevation. The pipe shall be at least three-fourth (3/4) inch. The water outlet shall be capped when a mobile home does not occupy the lot.
- C. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- D. A shut-off valve below the frost line shall be provided near the water-riser pipe of each mobile home lot.
- E. Underground stop and waste valves shall not be installed on any water service.

Section 710 Sanitary Sewage Disposal

- A. All mobile home parks shall have a permitted sewage disposal facility in accordance with the rules and regulations of the PADEP, the CCHD and the Township's Act 537 Sewage Facilities Plan and in accordance with Section 522

of this Ordinance. Wherever a public sewer system is available, and when consistent with the Township's Act 537 Sewage Facilities Plan, all mobile home parks shall connect to the public sewer system. All sewer systems shall be designed, constructed and maintained in accordance with the applicable regulations of the PADEP, CCHD, and the Township's Act 537 Sewage Facilities Plan.

- B. If a public sewer system is not available, a Community On-Lot Sewage Systems (COLDS) system may be utilized in accordance with Section 522.H if consistent with the Township's Act 537 Sewage Facilities Plan. Individual on-lot sewage disposal systems and holding tanks are not permitted. For a COLDS, the owner of the mobile home park shall provide financial assurances for the repair or replacement of the system. A capital reserves study must be prepared and submitted for review and approval during the conditional use process. The design of a COLDS for a mobile home park shall be subject to the approval of the Township Board of Supervisors. All community sewage treatment and disposal systems shall utilize the land application of wastewater in accordance with the West Pikeland Township Sewage Facilities Plan and all applicable requirements of the PADEP and the CCHD. In addition to such requirements, the sewage system shall be constructed in accordance with the following:
1. All mobile homes and service buildings shall include toilet facilities and shall be connected to an approved sewage system.
 2. Individual sewer riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above ground level.
 3. Provisions shall be made for sealing the sewer riser pipe with a securely fastened plug or cap when the mobile home is unoccupied.
 4. Adequate provisions shall be made to protect sanitary sewers from storm water infiltration and leakage. Construction specifications shall follow the requirements of Section 522 herein.

Section 711 Utility Distribution System

All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems and shall be underground.

Section 712 Common Open Space Areas

- A. Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Common open space areas should include both active recreation areas for all age groups and,

particularly where the site includes a watercourse or hilly or wooded areas, land which is left in its natural state. At least twenty-five (25) percent of the open space areas shall be located in an area not subject to flooding and which is usable for active recreational use. No such active recreational open space areas shall be less than one-quarter acre in size. Active recreational open space areas shall be equipped with suitable playground equipment.

- B. Development of any mobile home park shall comply with the trail requirements of Section 517 of the West Pikeland Township Subdivision and Land Development Ordinance. Lands within a mobile home park reserved for park or recreational use, and otherwise conforming to the requirements for dedication, may be retained in single ownership with the remainder of the mobile home park, subject to restriction to park or recreational use acceptable to the Township.
- C. The owner of the mobile home park shall be responsible for the maintenance of the recreational area and prior to approval of development plans must submit for review and approval covenants detailing the maintenance responsibilities. These covenants shall be recorded at the Office of the Chester County Recorder of Deeds. Failure to properly maintain the recreational area shall constitute a nuisance. In the event that the recreational area is not maintained, the Township may proceed to remedy such deficiency by enforcement of any applicable Township ordinance, by injunctive relief or by performing the necessary maintenance and assessing the cost of such maintenance, plus a penalty in the amount of fifteen percent (15%) of the cost of such maintenance, against the owner and operator and filing such cost and penalty as a municipal claim against the property. Maintenance of the recreational area by the Township shall not relieve the owner and operator from prosecution or penalties under this Ordinance or other applicable ordinances.

Section 713 Service Buildings and Facilities

- A. Every mobile home park shall have a structure clearly designated as the Office of the mobile home park manager.
- B. Service and accessory buildings located in a mobile home park shall be used only by the residents and employees of the mobile home park.
- C. Where a service building is provided, it must contain a toilet and a lavatory for each sex and storage areas for occupants of the park. In addition, the mobile home park owner may provide laundry facilities, repair shop, indoor recreational facilities or commercial uses to supply essential goods and services to park residents only. It is required that the owner provide a mail box area for residents.
- D. Construction of service buildings shall be in compliance with all applicable building codes, plumbing codes, etc. Service buildings shall be maintained in a clean, sanitary and structurally safe condition. All portions of the structure shall

be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent the entrance or penetration of moisture and weather.

Section 714 Other Accessory Buildings and Uses

- A. The outdoor storage of boats, unlicensed vehicles, recreational vehicles and travel trailers exceeding ten (10) feet in height or twenty (20) feet in length, or any other type of trailer of any height or length, shall not be permitted within mobile home parks. Likewise, there shall be no outdoor storage areas within mobile home parks.
- B. The mobile home park owner shall provide occupants of each mobile home lot with at least one hundred fifty (150) square feet of enclosed storage in a central storage facility, or the mobile home park operator shall inform occupants of the prohibition of outdoor storage and the requirement to obtain a permit from the Township if the occupant desires to install a storage building. The type of storage facility shall be approved by the Township. The land development plan shall clearly depict any centralized storage facilities.
- C. All buildings within the mobile home park shall be used only by occupants of the mobile home park, guests of occupants, and employees of the mobile home park.
- D. All attachments to individual mobile homes in the form of buildings such as sheds, lean-tos, roofed patios, and non-retractable awnings are prohibited.

Section 715 Fuel Supply and Storage

- A. Liquefied petroleum gas systems.
 - 1. The design, installation and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases shall conform to the Act of Pennsylvania Legislation 1951, December 27, P.L. 1793, as it may be amended by the Pennsylvania Department of Labor and Industry (PADLAI), or its successor.
 - 2. Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the PADLAI and shall include the following:
 - a. Systems shall be provided with safety devices to relieve pressures and shall be arranged so that the discharge terminates at a safe location.

- b. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- c. All liquefied petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.
- d. Vessels of at least twelve (12) U.S. gallons and less than sixty (60) U.S. Gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five (5) feet, and no closer to any window than three (3) feet.
- e. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
- f. All pipe connections shall be of a flare type.

B. Fuel Oil Systems.

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

C. Natural Gas System.

- 1. Natural gas piping systems when installed in mobile home parks shall be maintained in conformity with the specifications of the gas company serving the area.

2. Each mobile home lot provided with piped gas shall have an approved shut off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

Section 716 Electrical Distribution System

- A. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the electric power provider's specifications regulating such systems.
- B. Power Distribution Lines. Main power lines shall be located underground. All conductors and cables shall be buried at least thirty-six (36) inches below the ground surface and be insulated and specially designed for that purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas, or communication lines.
- C. Individual Electrical Connections.
 1. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.
 2. The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.
 3. Where the calculated load of the mobile home is more than 60 amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.
 4. Meter poles shall have a maximum height of six (6) feet.
- D. Required Grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

Section 717 Fire Protection

- A. All mobile home parks served by public water shall be provided with fire hydrants which meet the specifications of the National Fire Protection Association and the Township Fire Protection Standards, but in any case, in sufficient numbers to be

within six hundred feet of all existing and proposed structures and mobile homes, measured by way of accessible streets.

- B. Portable hand-operated fire extinguishers of a type suitable for use on oil fires and approved by the local fire prevention authority shall be kept in each service building under park control and shall be required by the mobile home operator to be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities.
- C. The mobile home park manager shall consult periodically with the local fire prevention authority as to proper fire prevention practices, accessibility of streets, testing of fire hydrant pressure, location and operation of equipment, community education programs, and the like.
- D. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
- E. Adequate water capacity for fire protection shall be stored within, or immediately adjacent to, the mobile home park. Freeze protection must be provided for all fire protection water.

Section 718 Landscaping and Buffering

In addition to plantings for buffered setbacks, and compliance with the requirements of Section 1109 of the West Pikeland Township Zoning Ordinance, Article V, Section 525 of the West Pikeland Township Subdivision and Land Development Ordinance, a mobile home park shall comply with the following landscaping and buffering requirements:

- A. A vegetative buffer area of at least twenty-five (25) feet shall be provided around the entire perimeter of each mobile home park (except at entrance/exit roads). The Board of Supervisors may waive the vegetative buffer requirement where park boundaries do not adjoin lands zoned for, or developed with, residential uses, or public or private recreational uses. The vegetative buffer area may occupy, or constitute a portion of, the required setbacks for mobile homes, offices, or service buildings specified in Section 704.B. However, this buffer area shall not be considered a part of an individual mobile home "lot" or required "lot area" and shall be provided in addition to the required open space specified in Section 704 of this Article.
- B. Unless otherwise waived by the Board of Supervisors pursuant to Section 717.A., buffered setbacks shall consist of a visual screen of mixed evergreens and deciduous plant material of species listed in Section 525 of the Township Subdivision and Land Development Ordinance. At least fifty (50) percent of the plant material shall be evergreen, and applicants are encouraged to use native plantings wherever possible. All existing deciduous and evergreen trees equal to

or greater than three (3) inches (DBH) or eight (8) feet in height shall be preserved in the buffer areas, and cleared only to insure adequate sight distance for any park entrances as determined by the Township Engineer. At the time of planting, a sufficient amount of evergreen material to visually screen the property shall be installed from the ground level to a minimum of at least six (6) feet in height (after planting), and no less than ten (10) feet apart along the entire perimeter of the mobile home park tract, broken only by vehicle and pedestrian accessways. Where parks adjoin public streets, required plantings shall be setback from the edge of pavement, or curb, a minimum of ten (10) feet.

- C. No portions of tree masses shall be cleared within the park unless the Township determines that such clearing is necessary for effectuation of the proposed mobile home park development. Applicants shall make all reasonable effort to harmonize their plans with the preservation of existing trees, and at a minimum, shall comply with the Natural Resource Protection Standards of Article X of the Township Zoning Ordinance.
- D. Disturbed topsoil shall be stockpiled and replaced after construction.
- E. Deciduous trees of varying and indigenous species shall be planted within the mobile home park at the ratio of two per mobile home. In the event that a substantial portion of the tract is wooded and a substantial number of trees remain after development the Board of Supervisors may modify this requirement.
- F. Deciduous and evergreen shrubs of varying and indigenous species shall also be planted within the mobile home park at a ratio of at least four (4) per mobile home.
- G. Planting of all landscape material shall be in accordance with a Landscape Plan prepared by a registered landscape architect in conformance with Section 525 of the West Pikeland Township Subdivision Ordinance. Planting of landscape material shall be completed within six months of approval of the Final Plan, and failure to carry out the landscaping plan within such time shall warrant denial of the issuance or renewal of the park's annual license under Section 721 herein.
- H. Convents requiring that all plantings shall be maintained permanently and replaced within one (1) year in the event of death of any plant material shall be prepared, submitted for review and recorded at the County Recorder of Deeds. Plantings shall not be placed closer than three feet from any property line. If plantings are not properly maintained, this provision may be enforced by means of the annual licensing provisions in Section 721 herein.

Section 719 Slope

No mobile home site shall be located in an area of greater than fifteen (15) percent slope.

Section 720 Solid Waste Collection, Disposal, and Recycling

- A. The storage, collection, recycling and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner and shall be so conducted as to create no health hazards, odors, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with all applicable Township and State regulations. Provisions shall be made by the mobile home park operator to have garbage, waste and recyclables collected at least once every week and shall be deposited at an approved disposal / recycling facility.
- B. All mobile home parks shall be provided with solid waste collection and recycling stations at convenient but inconspicuous locations, each serving not more than fifteen (15) mobile homes, and consisting of self-closing containers, with separate containers for garbage trash, and recyclables placed on a concrete slab and accessible for truck pick-up, and completely screened from view by solid fencing.

Section 721 Permits, Licenses, Fees and Inspections

- A. Permits Required
 - 1. It shall be unlawful for any person, firm or corporation or other entity to construct, maintain, alter, extend, or operate a mobile home park within West Pikeland Township unless and until the following are obtained:
 - a. A valid license to operate / permit issued by the Chester County Health Department in the name of the landowner, for the specified construction, alteration or extension proposed.
 - b. All required local inspections and licenses.
- B. Annual Licenses
 - 1. In addition to the initial permits, the owner of the mobile home park shall apply to West Pikeland Township on or before the 15th day of January of each year for an annual license to continue operation of the mobile home park. The Township shall issue the annual license upon satisfactory proof that:
 - a. The park continues to meet the standards prescribed by the CCHD, as applicable;
 - b. The standards promulgated by any other state or county agency having jurisdiction, have been met;
 - c. Compliance with the standards and provisions of this Ordinance is evident;
 - d. The landowner holds a current and valid certificate of registration issued annually by the CCHD for operation of the mobile home park.

- e. The landowner has obtained a valid general liability insurance policy (or an indemnity bond) in an amount of not less than one million dollars per occurrence with three million dollar umbrella coverage, in a form satisfactory to the Township Solicitor.

C. Fees

- 1. Fees for the initial application and preliminary and final approvals shall be prescribed by regulations by the governing body of West Pikeland Township.
- 2. The fee for the annual license shall be prescribed by regulation of the Board of Supervisors and shall be submitted to the Township with the application for the annual license.

D. Inspection

- 1. Upon notification to the licensee, manager or person in charge of a mobile home park, a representative of West Pikeland Township may inspect a mobile home park at any reasonable time to determine compliance with this Ordinance.
- 2. Upon receipt of the application for annual license and before issuing such annual license, the Township Manager or other designated representative of West Pikeland shall make an inspection of the mobile home park to determine compliance with this Ordinance. The Township Manager or his representative shall thereafter notify the licensee of any instances of non-compliance with the Ordinance and shall not issue the annual license until the licensee has corrected all such violations to the satisfaction of the Township.

ARTICLE 800: ADMINISTRATION

Section 801 General Administration / Enforcement

- A. The Board of Supervisors is authorized to enforce the provisions of this ordinance. The Board of Supervisors may designate another party, including but not limited to the Township Manager, Township Zoning Officer or Assistant Zoning Officer(s), the Township Engineer, or the Township Solicitor, to enforce the provisions of this ordinance and the accompanying design standards and improvement specifications.
- B. The Board of Supervisors may institute and maintain appropriate legal proceedings in law or in equity to restrain, correct, or abate violations including, but not limited to:
 - 1. Require compliance with the provisions of this ordinance;
 - 2. Recover damages;
 - 3. Prevent the illegal occupancy of a building, structure, or premises; and
 - 4. Undertake any of the preventive remedies set forth in the MPC, Section 515.1.
- C. Inspection of actual construction under any approved subdivision or land development plan shall be the sole responsibility of the Township, which may undertake any reasonable measures to provide an adequate inspection of all projects.
- D. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. The authority to deny such a permit shall apply to any of the following:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation with regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner has actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current, owner, vendee, or lessee for the development of any such real property, the municipality may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 802 Amendments

Any amendment to this Ordinance shall be in accordance with Section 505 of the Pennsylvania Municipalities Planning Code. Resolutions adopted by the Board of Supervisors pursuant to the terms and conditions of this Ordinance regarding fees, paving and construction standards and timely changes in other design criteria as specifically permitted by Resolution of the Board shall not require an amendment to this Ordinance.

- A. **Power of Amendment.** The Board of Supervisors may, from time to time amend, supplement, or repeal this Ordinance. When doing so, the Board shall proceed in the manner prescribed in this Article, and in accordance with law.
- B. **Sources of Amendment.** Proposals for amendment, supplement, or repeal may be initiated by the Board of Supervisors on its own motion, or by the Planning Commission, as follows:
 - 1. **Proposals originated by the Board of Supervisors.** The Board shall refer every proposed amendment, supplement, or repeal originated by said Board to the Township Planning Commission and the Chester County Planning Commission. Within thirty (30) days of the submission of said proposal, the Township Planning Commission shall submit to the Board of Supervisors a report containing its recommendations including any additions or modifications to the original proposal.
 - 2. **Proposals originated by the Planning Commission.** The Township Planning Commission may, at any time, transmit to the Board of Supervisors any proposal for the Amendment, supplement, or repeal of this Ordinance.
- C. **Hearings.** Before voting on the enactment of any amendment, the Board of Supervisors shall hold a public hearing thereon with notice as required by law. No amendment shall become effective until after such hearing at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, the Board may hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

Section 803 Hardship

- A. If any mandatory provisions of this Ordinance are shown by the applicant, to the satisfaction of the Board, to be unreasonable and cause undue hardship as they apply to his proposed subdivision, the Board may grant a modification to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of this Ordinance.

- B. 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.

Section 804 Revisions to Recorded Plans

If, during the course of construction or completion of a subdivision or land development, minor changes, alterations or modifications of a Final Plan become necessary, such changes may be approved only after written acceptance by the Township Engineer and written approval of the Board of Supervisors. Substantial revisions to any such Final Plan shall cause the re-recording of the Final Plan after such approvals are obtained.

Section 805 Application Forms & Fees

- A. The Board of Supervisors shall prescribe and make available to applicants a form upon which all applications for approval of subdivision and land development plans shall be made.
- B. Subdivision and land development applications fees shall be fixed by the Board of Supervisors by Resolution. In addition to such fees, all disbursements by the Township incidental to plan review, approval, and inspection of construction, including but not necessarily limited to engineering fees, inspection fees, costs of material or site testing and any maintenance costs prior to acceptance of improvements by the Township, shall be reimbursed to the Township by the applicant on the basis of the Township's actual costs. In addition, any legal fees incurred by the Township shall be reimbursed in the same manner. A deposit of such review fees may be required at the time of filing.
- C. No application for review of a preliminary or final plan shall be accepted until all fees required have been paid in full. No final plan will be approved or signed until all fees have been paid in full.
- D. Inspection fees. The subdivider shall pay directly to the Township a specified fee per hour or portion thereof for field inspection by the Township Engineer as defined herein. Such field inspections shall be made by the Township Engineer as are necessary to insure compliance with the provisions of this Ordinance. The Board may require payment of fees in advance of actual inspection to be maintained in an escrow account.

Section 806 Violations and Penalties

- A. Any person, partnership or corporation who or which has violated the provisions of this subdivision or land development ordinance or prior ordinances shall, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality, pay a judgment of not more than \$500.00 plus all court costs,

including reasonable attorney fees incurred by the municipality as a result thereof.

- B. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magistrate. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure.
- C. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- D. Nothing in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
- E. The Township may bring any action in law or in equity to enforce the provisions of this ordinance, and is authorized to undertake any of the preventive remedies set forth in the MPC, Section 515.1.

Section 807 Challenge and Appeals

The decision of the Board of Supervisors with respect to the approval or disapproval of plans may be appealed directly to court as provided for in Act 247.

APPENDICES

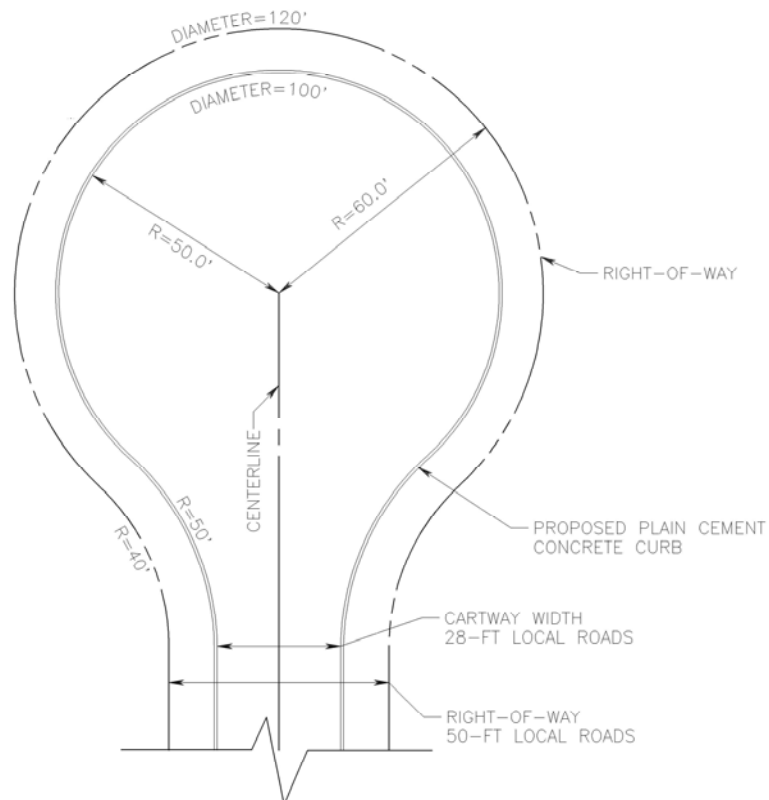
Appendix A – Construction Details

Appendix A-1 - Cul-de-Sac Construction Detail

NOTE:

NO MORE THAN FOUR RESIDENTIAL DRIVEWAYS
MAY ENTER ONTO THE CUL-DE-SAC BULB,
TURNAROUND AREA OR CURB RETURNS.

MAXIMUM SLOPE IN ANY DIRECTION: 5.0%



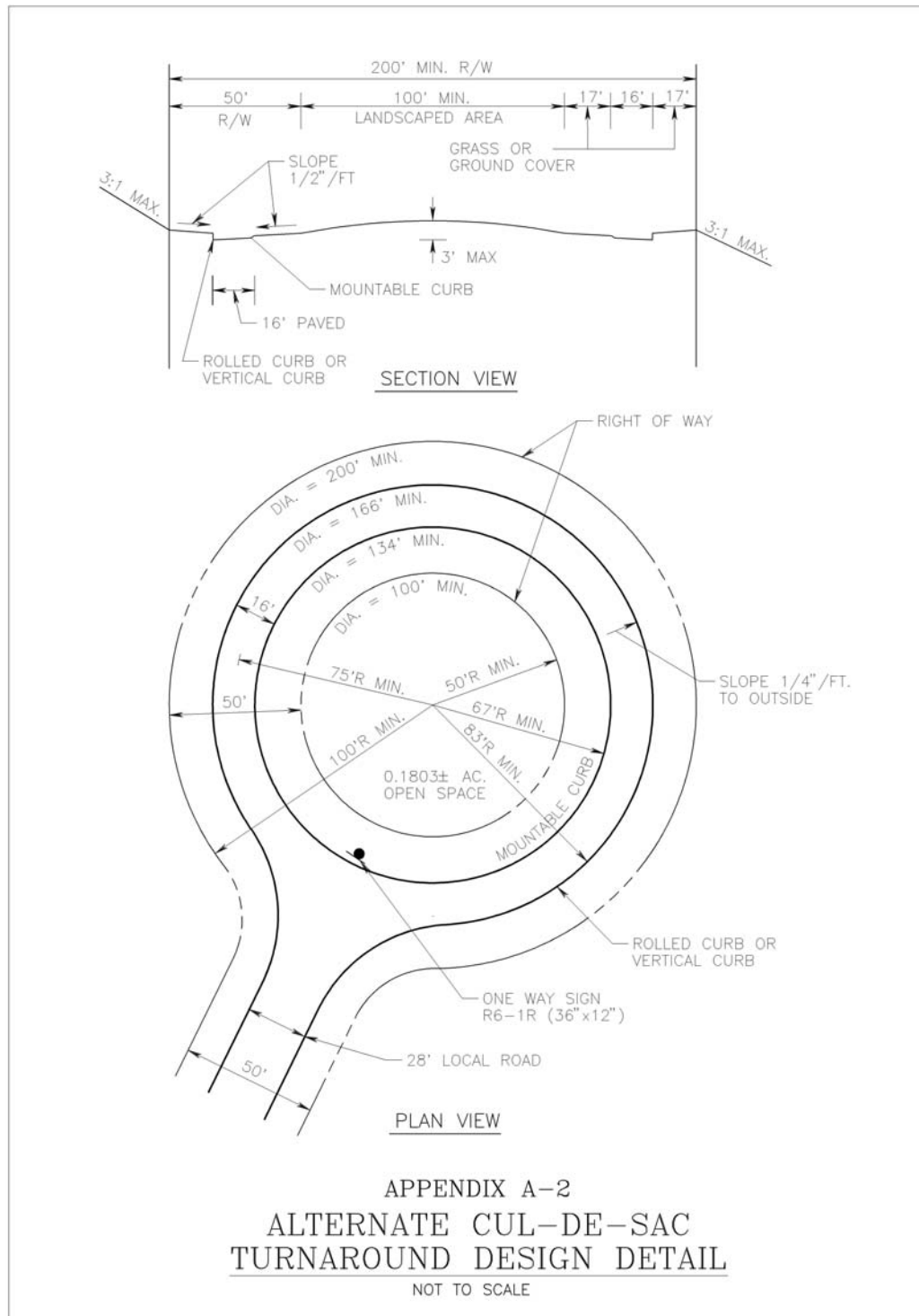
MINIMUM LENGTH - 250' MEASURED FROM CENTERLINE OF THE
INTERSECTING STREET TO THE CENTER
OF THE BULB

MAXIMUM LENGTH - 1,000' MEASURED FROM CENTERLINE OF THE
INTERSECTING STREET TO THE CENTER
OF THE BULB

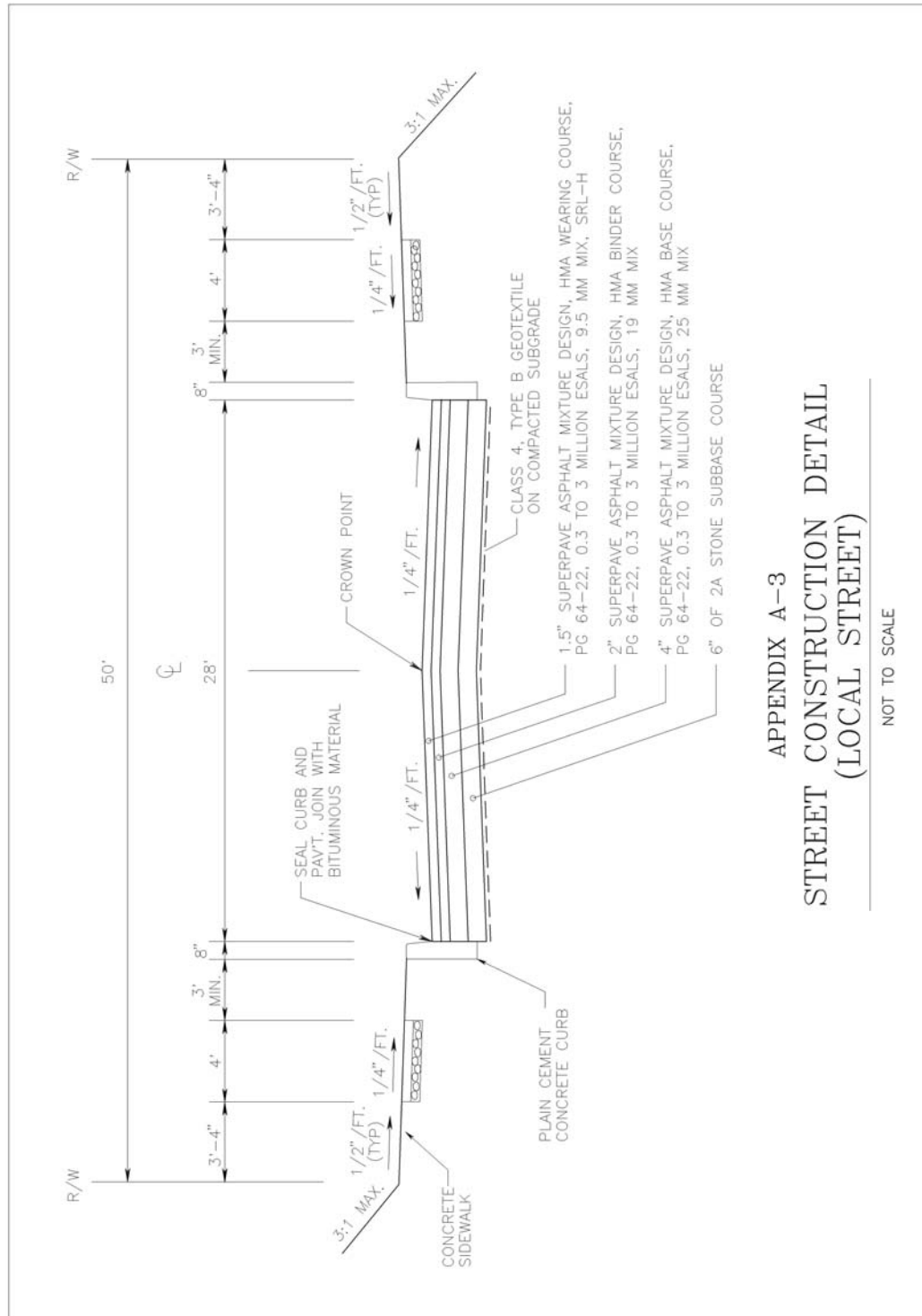
APPENDIX A-1
CUL-DE-SAC
CONSTRUCTION DETAIL

NOT TO SCALE

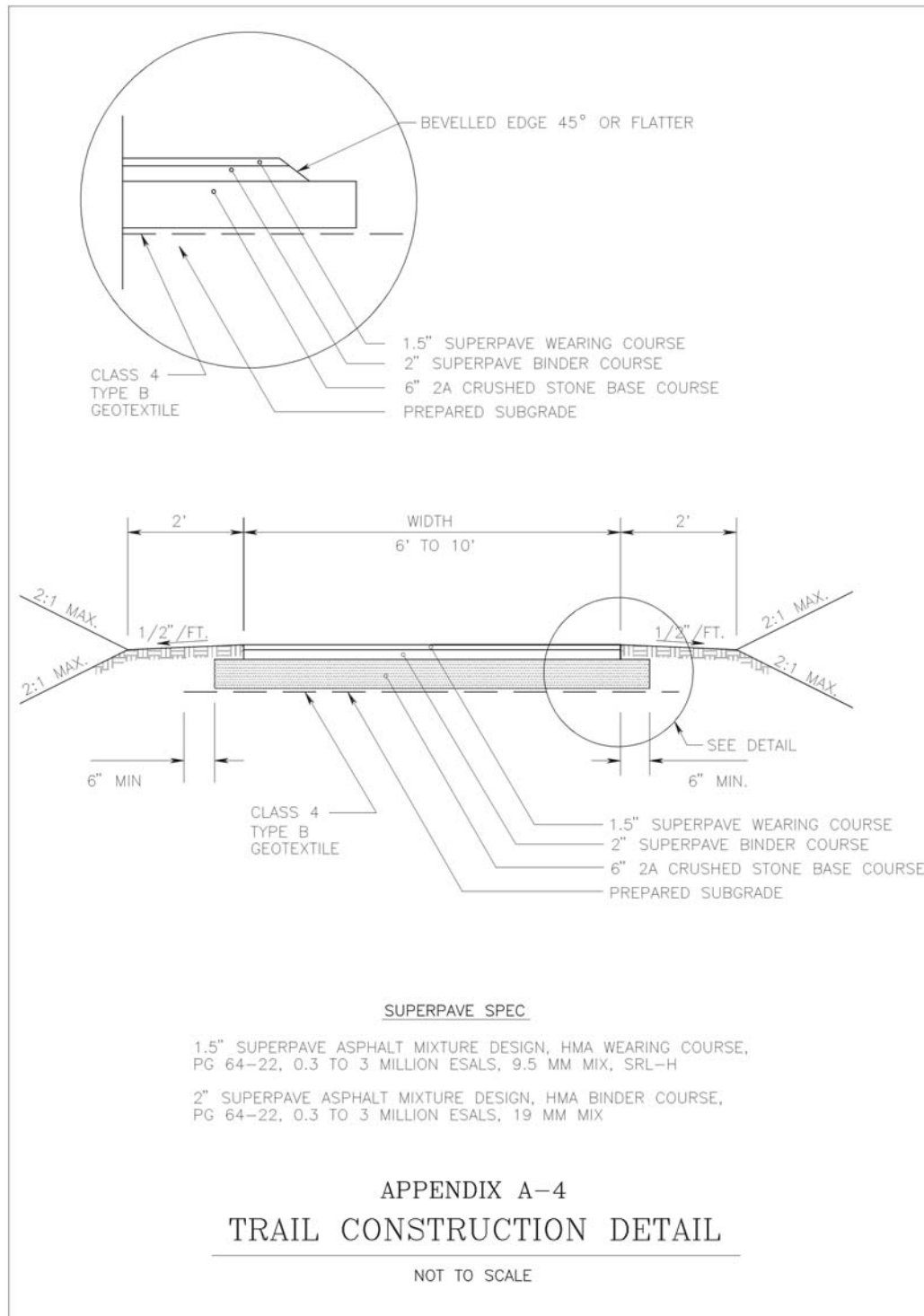
Appendix A-2 - Alternate Cul-de-Sac Design Detail



Appendix A-3 - Street Construction Detail



Appendix A-4 - Trail Construction Detail



Appendix B - Plan Related Forms and Checklists

Appendix B-1 - Preliminary / Final SALDO Application



WEST PIKELAND TOWNSHIP
SUBDIVISION / LAND DEVELOPMENT APPLICATION

1. Name of Proposed Subdivision / Land Development:

2. Application for (check all that apply):

TWP. ONLY

- | | | | |
|--------------------------------------|---|--------------------------------|--------------------------|
| <input type="checkbox"/> Sketch | <input type="checkbox"/> Preliminary | <input type="checkbox"/> Final | <input type="checkbox"/> |
| <input type="checkbox"/> Minor | <input type="checkbox"/> Major | | <input type="checkbox"/> |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Land Development | | <input type="checkbox"/> |

Water Supply: ☐ Onsite ☐ Public ☐ Community

Sewage Disposal: ☐ Onsite ☐ Public ☐ Community

Zoning Action Required:

- ☐ Variance ☐ Conditional Use
☐ Special Exception ☐ Other: _____

3. Applicant Name:

Address:

Phone: _____ Fax: _____

Email Address: _____

4. Property Owner:

Address:

Phone: _____ Fax: _____

Email Address: _____

5. Project Location / Address:

6. Tax Parcel Number(s): _____ Tract Area (acres): _____

7. Zoning District (existing): _____

8. Project Description:

9. Name of Engineer / Planner / Surveyor:

Address:

Phone: _____ Fax: _____

Email Address: _____

10. Variance(s) / Waiver(s) Required:

Application Checklist

	No. of Copies	Applicant	Township Use
Application:	3	<input type="checkbox"/>	<input type="checkbox"/>
County Referral Form - Act 247:	3	<input type="checkbox"/>	<input type="checkbox"/>
Application Fees:	1	<input type="checkbox"/>	<input type="checkbox"/>
Notification Letter and Proof of Notification of Surrounding Properties.	3	<input type="checkbox"/>	<input type="checkbox"/>
Record Deed (copy):	6	<input type="checkbox"/>	<input type="checkbox"/>
Plan Set (folded): <i>Including - Four-Step Design Process Documentation Existing Resource and Site Analysis Plan</i>	16	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Facilities Planning Module:	6	<input type="checkbox"/>	<input type="checkbox"/>
Waiver Request Letter:	6	<input type="checkbox"/>	<input type="checkbox"/>
Stormwater Management Report / E & S Control Report:	6	<input type="checkbox"/>	<input type="checkbox"/>
Impact Studies (as applicable):	6	<input type="checkbox"/>	<input type="checkbox"/>
Hydrogeology Study		<input type="checkbox"/>	<input type="checkbox"/>
Historic Resource Impact Study		<input type="checkbox"/>	<input type="checkbox"/>
Environmental Impact Study		<input type="checkbox"/>	<input type="checkbox"/>
Traffic Study		<input type="checkbox"/>	<input type="checkbox"/>
Open Space Management Plan		<input type="checkbox"/>	<input type="checkbox"/>

	Twp. Use Only
Application Fee: _____ Payable to 'West Pikeland Township'	<input type="checkbox"/>
Escrow Fee: _____ Payable to 'West Pikeland Township'	<input type="checkbox"/>
Act 247 Referral Fee: _____ Payable to 'County of Chester'	<input type="checkbox"/>

I / We hereby apply for a Subdivision and / or Land Development Plan Review in accordance with the West Pikeland Township Subdivision and Land Development Ordinance.

I / We hereby authorize the Township and Township representatives to enter the property for the purpose of inspections and enforcement of the requirements, terms, and conditions imposed in the Township Subdivision and Land Development Ordinance.

I / We certify that the information provided in this application is true and correct to the best of my knowledge.

Owner / Applicant Signature

Date

Print Name

SUBDIVISION / LAND DEVELOPMENT APPLICATION

PROJECT: _____

FOR TOWNSHIP USE ONLY

Date Application Received: _____

Date of Determination of Administratively Complete: _____

First Planning Commission Meeting Date: _____

Date of Required Decision by Planning Commission: _____

Date of Required Decision by Board of Supervisors: _____

Date of Extension Granted: _____

Extension Time: _____

Date of Required Decision by Planning Commission: _____

Date of Required Decision by Board of Supervisors: _____

Date of Extension Granted: _____

Extension Time: _____

Date of Required Decision by Planning Commission: _____

Date of Required Decision by Board of Supervisors: _____

Date of Extension Granted: _____

Extension Time: _____

Date of Required Decision by Planning Commission: _____

Date of Required Decision by Board of Supervisors: _____

REIMBURSEMENT AGREEMENT

I (We) hereby agree to reimburse West Pikeland Township for all fees and expenses the Township may incur for the review of plan by the Township and its consultants.

Owner Signature

Date

Print Owner Name

Applicant Signature

Date

Print Applicant Name

** Both the Owner and Applicant signature required.

Appendix B-2 - Waiver of 90-Day Review Period

Board of Supervisors
Township of West Pikeland
1645 Art School Road
Chester Springs PA 19425

**RE: Waiver of the Ninety (90) Day Review Period As Stated in
Section 508, Pennsylvania Act 247, As Amended**

WEST PIKELAND TOWNSHIP FILE # _____

SUBDIVISION NAME: _____

Gentlemen:

We wish to extend by _____ days the prescribed ninety (90) day review period, as stated in Section 508 of Act 247, as amended, so that the proper review of our subdivision may be completed.

We understand and agree that the governing body shall render its decision within the review time, as extended, unless a further extension of that time is agreed to by us. Further, the written communication of that decision shall be mailed to us not later than 15 days following the decision, which 15 days may be in addition to the review time, as extended herein.

DATE: _____ **SIGNED:** _____

OLD DEADLINE: _____

NEW DEADLINE: _____

Appendix B-3 - Sample Plan Withdrawal Letter

Board of Supervisors
Township of West Pikeland
1645 Art School Road
Chester Springs PA 19425

RE: WEST PIKELAND TOWNSHIP SUBDIVISION # _____

PRELIMINARY / FINAL, KNOWN AS _____

Board of Supervisors;

West Pikeland Township is presently reviewing the above referenced plan. We have prepared a revised plan and wish to submit that to the Township for review. In accordance with the West Pikeland Township Subdivision and Land Development Ordinance (Section 304.D for preliminary plan or Section 305.E for a final plan) we are hereby withdrawing the plans dated _____ and replacing them with plans with a revision date of _____. Please consider the plans with a revision date of _____ to be the officially submitted plans. It is our desire that the Township reviews and makes their decision based upon the revised plans.

We recognize that the submission of revised plans will cause a ninety-day review period to commence from the date that the revised plans are submitted to the Township and hereby grant that additional time for the review of the revised plans.

Sincerely,

Signature

Print Name

Date _____

Note: The person signing this document must be the applicant or an authorized agent. Cross out the word “final” in the case of a preliminary application and the word “preliminary” in the case of a final application.

Appendix B-4 - Preliminary Plan Information Checklist

Appendix B-5 - Final Plan Information Checklist

Appendix B-5- Final Plan Information Checklist

The following checklist is provided to assist the applicant with the preparation of a final subdivision or land development plan. Checklist is not all inclusive and the applicant / design professional must refer to Article IV Section 404 for full plan requirements.

Project: _____

Date: _____

Yes	N/A	<u>Final Plan Content (Section 404)</u>
<input type="checkbox"/>	<input type="checkbox"/>	All preliminary plan content per Section 403
<input type="checkbox"/>	<input type="checkbox"/>	Final lot area calculations and dimensions
<input type="checkbox"/>	<input type="checkbox"/>	Statement of restrictions, deed covenants
<input type="checkbox"/>	<input type="checkbox"/>	Final building, water and sewer locations
<input type="checkbox"/>	<input type="checkbox"/>	Final monument locations
<input type="checkbox"/>	<input type="checkbox"/>	Final easements, rights-of-way, legal descriptions
<input type="checkbox"/>	<input type="checkbox"/>	Permit numbers for road improvements
<input type="checkbox"/>	<input type="checkbox"/>	Owner certification and offer of dedication (notarized)
<input type="checkbox"/>	<input type="checkbox"/>	Waiver requests including justification
<input type="checkbox"/>	<input type="checkbox"/>	Certificate of approvals
<input type="checkbox"/>	<input type="checkbox"/>	Description of all fees
<input type="checkbox"/>	<input type="checkbox"/>	Final Roadway and right-of-way data
<input type="checkbox"/>	<input type="checkbox"/>	Boundary data and certification
<input type="checkbox"/>	<input type="checkbox"/>	Final Improvement Plan Information
<input type="checkbox"/>	<input type="checkbox"/>	Final road cross section
<input type="checkbox"/>	<input type="checkbox"/>	Final profile data
<input type="checkbox"/>	<input type="checkbox"/>	Final design of bridges and culverts, if applicable
<input type="checkbox"/>	<input type="checkbox"/>	Offer of dedication / covenants
<input type="checkbox"/>	<input type="checkbox"/>	Description of applicable deed restrictions
<input type="checkbox"/>	<input type="checkbox"/>	<u>Accompanying Material</u>
<input type="checkbox"/>	<input type="checkbox"/>	Final Erosion and Sedimentation Control Plan
<input type="checkbox"/>	<input type="checkbox"/>	Final Stormwater Management Plan
<input type="checkbox"/>	<input type="checkbox"/>	Final Landscape Plan.
<input type="checkbox"/>	<input type="checkbox"/>	Open Space Management Plan, as applicable

2. OWNERS CERTIFICATE AND ACKNOWLEDGEMENT OF SUBDIVISION AND LAND DEVELOPMENT PLANS

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared:

(Name of Owner)

who, being duly sworn according to law, deposes and says that he is the owner and/or equitable owner of the property shown on this plan, and that he acknowledges the same to be his act and plan and desires the same be recorded as such according to law.

Witness my hand and seal the day and date above written.

My Commission Expires:

(Notary Public or other Officer)

3. PUBLIC IMPROVEMENTS OFFER OF DEDICATION

We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide said real estate in accordance with this plat, and that all proposed public improvements shown and not heretofore dedicated, are hereby continuously offered for dedication to the public use.

Signature

Print Name / Title

Signature

Print Name / Title

4. APPROVAL CERTIFICATE BY THE BOARD OF SUPERVISORS

*Approved by the Board of Supervisors of West Pikeland Township this
_____ day of _____, 20_____.*

Chairman

Vice-Chairman

Member

Member

Member

5. RECORDING CERTIFICATE

*The recording certificate will be stamped on the plan when it is recorded at
the Office of the Recorder of Deeds at the Courthouse in West Chester, PA.
A clear space of approximately 4¼" x 1¾" shall be allowed on the plan for this
purpose.*

Appendix B-7 - Recommended Plan Notes

To appear on the Preliminary and Final Plan, as applicable

1. For markers and monumentation:

Permanent markers and monuments in accordance with Section 524 of the West Pikeland Township SALDO shall be installed upon completion of final grading.

2. If on-lot sanitary sewers are proposed:

- a. *All lots shall be provided with primary and secondary on-lot sanitary disposal areas.*
- b. *Approval of the Sewage Facilities Planning Module or Exemptions by PA DEP must be received prior to final plan approval and release of the plans for recording at the Office of the Chester County Recorder of Deeds.*

3. If public water and sewers are available:

All lots shall be served by public water and public sewer.

4. For private streets:

All street are private streets are not intended for dedication to West Pikeland Township. _____ (entity responsible for maintenance) is responsible for the cleaning, maintaining, improving and repairing of the private street(s).

5. For limits of disturbance:

The limit of disturbance shall be delineated in the field prior to any clearing or earth disturbance activities and shall remain in effect during all construction activities on the site. The limit of disturbance delineation shall consist of the placement of four (4) foot temporary fencing of a highly visible color.

6. For utilities:

All utility lines, including but not limited to electric, telephone, cable and security, shall be placed underground.

7. Clear Sight Triangles:

No building or obstruction that would obscure the vision of a motorist shall be permitted within the clear sight triangles.

8. Easements:

Drainage, utility, and access easements are for the intended use contained within. No permanent structures shall be placed within, along, or over the easement.

9. Sidewalk / Trails:

- a. *Maintenance of sidewalks, whether located within the public street right-of-way or not, is the responsibility of the owner of the property directly adjacent to the sidewalk. Sidewalks which are damaged or deteriorating and present a hazard to public safety, as determined by the Township, shall be repaired at the owner's expense.*
- b. *The property owner, its successors or assigns offers for continuing dedication to West Pikeland Township, a fifteen (15) foot wide easement centered on all trails. This condition shall be a restrictive covenant that runs with the land.*

Appendix B-8 - Road & Improvement Construction Agreements

The attached forms have been adopted by the Board of Supervisors as the proper documents that are to be used for a Tri-Party Agreement to guarantee construction of public improvements.

Upon completion of the form by the developer and Escrow Agent or Issuer (as the case may be), it shall be presented to the Township for review. After review, the agreement will only be accepted by motion of the Board of Supervisors at a public meeting.

The Tri-Party Agreement form “must be completed and submitted together with;

1. **Exhibit A** - The schedule of stages for the development and payments for items of work.
2. **Exhibit B** - Certificates of Insurance.
3. **A check made payable to the “Township of West Pikeland”** (unless the Agreement calls for an acceptable federally chartered or Commonwealth lending institution to act as Escrow Agent) as required by Paragraph 9A and Paragraph 9B.
4. **Exhibit C** - Notarized statement as to responsible person, together with address and telephone number of place where official notice is to be received both by the developer and surety.

LETTERS OF CREDIT

Letters of Credit may be accepted only upon the following conditions.

1. They are approved by the solicitor.
2. That the date of the Letter of Credit will expire not less than thirty (30) days after the period of time as specified in the Completion and Payment Agreement.

3. The Letter of Credit must be immediately payable upon Township's written demand containing a certification by the authorized Township official that the Developer is in default under the Road and Improvements Agreement Secured by Letter of Credit with the Township. [...supply with the Letter of Credit any and all forms and/or documents that are necessary to be filed by the municipality in case of default of the developer

ROAD & IMPROVEMENT CONSTRUCTION AGREEMENT
SECURED BY ESCROW ACCOUNT

THIS AGREEMENT, made this _____ day of _____, 20____, between _____ (hereinafter called "Developer") and WEST PIKELAND TOWNSHIP, a township of the second class, of Chester County, Pennsylvania (hereinafter called "Township") and _____ (hereinafter called "Escrow Agent").

WHEREAS, Developer has applied, pursuant to the West Pikeland Township Subdivision and Land Development Ordinance as amended, for approval of a subdivision; and

WHEREAS, in support of that application the Developer has submitted certain plans and other materials (hereinafter called "Subdivision Plan") including the following:

and

WHEREAS, the aforesaid Subdivision Plans require the construction of certain roads and other public improvements; and

WHEREAS, in connection with the aforesaid application, Developer has applied for approval pursuant to the West Pikeland Township Soil Erosion and Sedimentation provisions in the Subdivision Ordinance; and

WHEREAS, the aforesaid Subdivision Plan has been approved by Township as of the _____ day of _____, 20____; and

WHEREAS, Developer desires to obtain building permits for the construction of dwellings on lots to be created by the aforesaid Subdivision and desires to commence the construction thereof prior to the completion of the roads, public improvements and common amenities required by the approved Subdivision Plan and the completion of the control measures and other conditions specified in the Soil Erosion and Sedimentation Grading provisions and to thereafter offer the same or a portion thereof to the Township for dedication upon completion;

NOTE: ATTACH SCHEDULE OF IMPROVEMENT VALUES (EXHIBIT "A"); AND COMPLETE INTRODUCTION AND PARAGRAPHS 1, 2, 3, AND 8.

WHEREAS, this Agreement is required to be secured and Developer desires to secure the same by an escrow deposit pursuant to this Agreement.

NOW, THEREFORE, intending to be legally bound, the parties hereto do agree as follows:

1. Developer covenants and agrees that within one (1) year from _____, Developer shall cause the roads and roadway improvements as set forth on the aforesaid Subdivision Plan to be excavated, graded to the extent indicated by the approved Plan, and paved in accordance with the applicable specifications set forth in the West Pikeland Township Subdivision and Land Development Ordinance and in other applicable regulations and ordinances.

2. Developer covenants and agrees that within one (1) year from _____, Developer shall cause to be installed in accordance with the aforesaid Subdivision Plan and with the specifications applicable thereto, all walkways, curbs, gutters, sidewalks, sewers, storm drains, street name signs, shade trees, monuments, crosswalks, fire hydrants, water mains and any and all other public improvements, facilities and common amenities including, but not limited to recreational facilities, open space improvements, buffer or screen planting, etc. as set forth on the approved Subdivision Plan or otherwise.

3. Developer covenants and agrees that within one (1) year from _____, Developer shall cause all of the control measures and other

conditions specified in the Soil Erosion and Sedimentation Control Ordinance including, but not limited to water basins, storm drains, swales, piping, storm water detention and/or retention basins and other related drainage facilities, to be installed and/or performed as applicable and that Developer shall comply in a timely fashion with all of the other conditions specified and shall maintain the same or cause them to be maintained as may be required to accomplish the purposes thereof.

4. Developer covenants and agrees that all said installation and maintenance shall be done in a good and workmanlike manner and shall be subject to the approval of the Township Engineer, or in the event of a vacancy in such office, of such person as designated by the Board of Supervisors of West Pikeland Township for this purpose. It shall be the obligation of Developer to arrange in advance with the Township for inspection of work as the work progresses and the cost of such inspection shall be paid by Developer.

5. Developer further covenants and agrees that all underground utilities shall be installed before paving streets, installing curbs, and constructing sidewalks. All existing streets disturbed by the work of construction shall be repaved by the Developer in accordance with applicable specifications at the Developer's sole cost and expense. Developer further agrees to make all necessary arrangements with and secure approvals from the public utilities, Municipal Authority or private utility companies serving the development for the location and installation of all utility facilities, and further agrees that all requirements of those utilities or other governmental regulatory agencies having jurisdiction thereof will be complied with in the installation and construction of such facilities. Developer agrees that if the development is to be serviced by public water and/or public sanitary sewers, service and facilities for the same shall be brought to and installed in the tract under development without expense to the Township. All negotiations for public water, for both potable domestic service and fire protection, to be delivered to the tract shall be conducted by the Developer with the appropriate water company, public utility or Municipal Authority, and the Developer shall contemporaneously with its execution provide to the Township a copy of any written agreement between the Developer and such utility, company or Authority, as well as any written representations made by such utility, company or Authority with respect to the supply or facilities.

6. It is understood and agreed that the Township has reviewed the plans and specifications for the purpose solely of protecting the interests of the Township and has not thereby expressly or impliedly warranted the technical suitability of Developer's plans, and Developer warrants that all plans, designs, installations and specifications are in accordance with sound engineering practices and will be installed in a good and

workmanlike manner and in accordance with the plans and specifications and sound construction practices and does further warrant that the improvements installed and each and every part thereof are fit for all purposes for which they are intended. The Township disclaims all liability for design, construction, installation or operational defects, and Developer and each and every contractor, subcontractor, laborer, materialman and substitutes of any of them agree to exonerate, indemnify and hold the Township harmless of and from any and all claims and demands with respect to the improvements to be installed and dedicated and with respect to this Agreement and the performance of any and every party thereof, including legal fees, engineering fees, expert witness fees and any judgment rendered against Township as a result of claims filed or suits brought against Township, its officers or employees alleging conditions arising because of Developer's construction.

7. It is a condition precedent to this Agreement that Developer shall furnish to Township financial security in the form of a restrictive or escrow account in a Federal or Commonwealth chartered lending institution satisfactory to the Township Solicitor conditioned upon the performance of Developer's obligations as set forth in this Agreement, including inter alia, the construction of roads, other public improvements and common amenities as set forth in the approved Subdivision Plan, and the construction, installation and performance of the control measures as set forth in the Soil Erosion and Sedimentation Control provisions and the maintenance of all of the same.

The restricted or escrow account shall be in an amount equal to one hundred ten percent (110%) of the cost of the improvements. The cost of the improvements shall be established by submission to the Township of bona fide agreements from the contractor or contractors chosen by the Developer to complete the improvements. The Township Engineer shall have the sole discretion to determine what constitutes a bona fide agreement. In the absence of such bona fide agreements, the cost shall be established by the Township Engineer.

Should the Developer fail to complete the improvements within one (1) year of establishing the restricted or escrow account required herein, the amount of the account shall be automatically increased to the higher of the following: a) by ten percent (10%) for each one (1) year beyond the first anniversary date from establishing the account, or b) to an amount not exceeding one hundred ten percent (110%) of the cost of completing the improvements as re-established within the thirty (30) day period immediately preceding expiration of the initial one (1) year period by the agreement procedure outlined herein for establishing the cost of improvements. If the account is not automatically increased by the Developer as required at the end of each one (1)

year period, Developer shall be in default of this Agreement, and the Township may revoke all building permits and refuse to grant new building permits and occupancy permits until the proper security is posted.

8. An Escrow Fund is created simultaneously with the execution hereof by the deposit into the said fund of the sum of _____ Dollars (\$_____) with the Escrow Agent, which amount is sufficient to cover one hundred ten percent (110%) of the costs of the required improvements as estimated by the agreement procedure set forth above. Attached hereto, made a part hereof and marked Exhibit "A" is the Schedule of Improvement Values, approved by the Township Engineer, for the required improvements.

9. Developer shall be entitled to apply for building permits for the construction of the dwellings on lots as shown on the aforesaid Subdivision Plan, subject always to all applicable provisions of West Pikeland Township codes, ordinances and regulations, upon compliance with the following:

- (a) The plans are recorded according to law;
- (b) This Agreement is duly signed and delivered;
- (c) An escrow account, as provided for above, is established and satisfactory proof thereof delivered to Township;
- (d) All fees required by any Ordinance, Resolution or regulation of Township are paid, as well as the payment of costs and legal and engineering expenses incurred by Township for the completion of its initial approval of the plan, preparation of the Agreements, Resolutions and other papers relating to the acceptance of this Agreement by Township are paid;
- (e) All required Declarations of Covenants and Restrictions shall be executed and recorded; and
- (f) All other requirements of the Township Ordinances and regulations have been met.

10. Developer agrees to be responsible for and to remove all snow from and to salt and cinder and make passable all streets and roads within the development and to keep same passable commencing from issuance of the first use and occupancy permit and ending on the date the roads are dedicated to the Township. By November 15 of each

year, the Developer shall, by written notification to the Township Manager, advise the Township of the name and telephone number of the individual, firm, person or corporation, together with a designated contact person, who will be responsible to perform the work required by this paragraph. If the Developer fails in its responsibility, as required by this paragraph, the Township may, in its discretion, without any prior notice to the Developer, undertake the Developer's responsibility and plow and keep passable said roadways, either with its own or with hired men and equipment, and the Township shall be reimbursed from the escrow account for the fair and reasonable cost of said work, plus an administrative fee of twenty percent (20%). Should a deficiency occur in the security, the Township shall advise the Developer, who shall immediately pay to the Township the amount of any such deficiency and shall, in addition, replace the financial security made deficient by the exercise of the Township's rights hereunder.

The Township shall not be responsible for any damage or injury to undedicated roads within the site in connection with the performance of any such snow removal or maintenance. It is specifically understood that this clause shall not require the Township to provide any such service.

11. Where drainage facilities are designed to be permanently installed on any lot, the Developer shall include said facilities as a covenant running with the land whenever said lot is conveyed out of the Developer's title.

12. With the written approval of the Board of Supervisors of the Township, or the person designated by the Board of Supervisors to act on their behalf in this regard, withdrawals may from time to time be made by the Developer from the Escrow Fund, after application as more fully described below, for payment for work performed in connection with this Agreement as aforesaid, which such payment shall, therefore, be exclusively to cover the cost of construction of the certain roads and other public improvements as required. Escrow Agent agrees not to release any funds from the Escrow Fund except with the written approval of the Board of Supervisors of the Township or of the person designated by the Board of Supervisors to act on their behalf in this regard.

13. Attached to this Agreement is a schedule, which contains timetables, which assigns for partial payment a part of the entire bid for each component part of the entire plan, and which has been prepared by the Developer and approved by the Township Engineer. As the work of installing the required improvements proceeds, the Developer may request that the Township release or authorize the release, from time to time, of such portions of the account necessary for payment to the contractor or contractors performing the work.

Any such request shall be made in writing addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from receipt of said request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved Subdivision Plan. Upon receipt of said certification, the Board of Supervisors shall authorize release by the lending institution of an amount as estimated by the Township Engineer to fairly represent the value of the improvements completed. The Board of Supervisors may, however, require retention of ten percent (10%) of the estimated value of said improvements prior to final release. If the Board of Supervisors fails to act on any request for release of funds within the forty-five (45) day period as aforesaid, the release of funds as requested shall be deemed approved.

14. Where the "Subdivision Plan" approval contemplates development by Section or stages of development, the required financial security shall be established and re-established for each section in accord with this Agreement. No improvements contained in any section shall be commenced, no building permits for houses therein shall be issued, and no lots therein shall be sold, transferred or conveyed to any purchaser unless the financial security is executed and delivered for such section.

15. In the event of default in the design, construction, installation, completion and dedication, all in accordance with the terms above set forth and within the time limits herein set forth, or if Developer shall abandon or unduly delay the work of installation and construction of the improvements, or if Developer shall fail to correct or complete all omitted work and all defective work connected with the installation and construction of said improvements, then the Township shall have available and may in its discretion, but shall not be required to, exercise one or more of the following remedies, which said remedies shall be deemed cumulative and not alternative, and which remedies may be exercised without the consent or approval of any other person or entity, including the Developer or the Escrow Agent:

(a) Declare the Developer in default and thereafter to withdraw and expend any part or all of the financial security for the purpose of curing the Developer's default. In the event that the amount remaining in the Escrow Fund is insufficient to fully pay for the costs of completion of the work required by this Agreement, then and in that event Developer agrees to pay to the Township such additional sum or sums as may be required for the completion or correction of all work as required herein;

(b) Cause the removal of any contractor or subcontractor, materialman or other person from the job and cause the work to be performed or materials furnished by other reputable persons or agencies (without the necessity of submitting to public bid), paying the cost thereof to the extent available from the Escrow Agent;

(c) Cause the removal of any contractor, materialman, laborer or other person and contracting for a substitution therefor in the name of and upon the sole credit of Developer (again, without the necessity of submitting the same to public bid);

(d) In the event of any deficiency in the escrow account, Developer does authorize the Prothonotary or any attorney of any Court of record to appear for and confess judgment against it for the amount of such deficiency in favor of the Township or other persons entitled thereto, in an amount shown on an assessment of damages certified as correct by the Township supervising engineer, with costs of suit and release of errors, and for so doing a true and correct copy of this Agreement shall be a sufficient warrant. Developer does hereby waive the right of inquisition on any real estate, and authorize the Prothonotary to enter voluntary condemnation of the same and authorize the same to be sold upon a Writ of Execution. Developer also waives the right of all laws now made or hereafter to be made exempting real or personal property from levy and sale and execution. The provision for confession of judgment shall not be deemed exhausted by a single exercise thereof, but may be exercised from time to time after default and in such amounts as may from time to time be certified by the said Township supervising engineer;

(e) The Township may cause any default in improvements, corrections, repairs, maintenance or removal to be cured, pay the same and enter the amounts expended together with costs, attorneys' fees, and interest as a municipal lien against the lands of Developer as the Township may so elect; or

(f) Any other remedy available at law or in equity.

In the event of the exercise of any of the foregoing remedies, there shall be included within the amount claimed an attorney's fee of fifteen percent (15%) for collection, together with interest at the rate of two percent (2%) above the then current prime rate, plus costs.

16. By execution of this Agreement, the Developer authorizes, without limitation, the Escrow Agent holding the requisite financial security guaranteeing completion of improvements, as hereinabove described, to pay to the Township, without further order or approval of the Developer, any sum or sums demanded by the Township to cure

Developer's defective performance or non-performance. Further, the Developer hereby remises, releases and forever discharges the Escrow Agent from any and all liability with respect to any sum or sums so paid or released, and directs that the same shall be paid or released, at the Township's sole discretion and direction, without further inquiry being made, and without any approval whatever by the Developer.

17. By execution of this Agreement, the Escrow Agent acknowledges receipt of establishment of the full amount of the escrow account more particularly described hereinabove, agrees to hold or maintain that sum undiminished and unimpaired, unless reduction thereof is approved in accordance with the provisions of this Agreement, and to pay any part or the whole thereof solely upon the order of the Township in accordance with the terms and conditions of this Agreement. Interest accruing on the financial security in the established escrow or reserve account may be paid by the Escrow Agent to the Developer during the pendency of this Agreement unless the Escrow Agent has been notified by the Township that the Developer is in default, in which event interest shall be added to the financial security and held by the Escrow Agent under the terms of this Agreement.

18. The Escrow Agent shall not have any duty or responsibility with respect to the fund deposited hereunder other than to use reasonable care in the safe-keeping thereof while in its custody. The Escrow Agent assumes no liability for the consummation of any of the provisions of this Agreement or for the result of any act done for the purposes hereof in good faith pursuant to a written opinion of counsel, provided only that the Escrow Agent does agree not to release any funds from the said Escrow Fund except upon the written approval of the Board of Supervisors of West Pikeland Township or the person designated by the Board of Supervisors to act for it in this regard.

19. Upon certification by the Township that the work required by this Agreement has been completed and the conditions of this Agreement fully complied with, the balance remaining in the Escrow Fund, if any, shall be released to the Developer.

20. Within thirty (30) days after completion and approval by the Township of the public improvements as shown on the "Final Plan," and before acceptance of such improvements, the Developer shall submit to the Township a corrected copy of the Plan, showing actual dimensions and conditions of streets and all other improvements, certified by the applicant to be in accordance with actual construction.

21. When the installation of the above-described improvements or portion thereof shall have been fully completed and approved by the Township Engineer or other person designated for that purpose by the Board of Supervisors of West Pikeland

Township, and an offer of dedication of said improvements or portions thereof is required by the subdivision or land development approval given by the Township, Developer shall tender to the Township the following:

(a) Deeds of Dedication in customary form satisfactory to the Township Solicitor dedicating said improvements, including any roads or portions thereof as public roads or highways;

(b) A certificate of title insurance or other proof of clear title satisfactory to the Township Solicitor;

(c) Acceptable financial security in the amount of fifteen percent (15%) of the actual cost of said improvements to secure the structural integrity and functioning thereof in accordance with the design and specifications on the final plan; Developer shall be liable, however, for the entire cost to or repair of any said improvements during the term of said security. Said financial security shall be of the same type as is acceptable to secure completion of the improvements and shall be held by the Township for a period of eighteen (18) months from the date of acceptance of dedication.

(d) An amount equal to the cost of recording said deeds plus Township's legal expenses in connection with this Agreement, whereupon Township may at any time or from time to time thereafter accept said deeds of dedication, provided, however, that Township shall be under no obligation to accept said tender and particularly if the said tender is made of a portion of the required improvements, Township may defer its acceptance of said tender until all improvements shall have been fully completed or until such later time as Township deems to be in its best interests.

22. No transfer of ownership shall in any way relieve Developer of responsibility for completion of the improvements in accordance with the terms of this Agreement nor affect in any way the rights of Township under the financial security executed and delivered contemporaneously herewith; Developer's heirs, administrators, successors and assigns shall be bound by the provisions of this paragraph and the terms of this Agreement.

23. Any additional terms, conditions, or modifications of this Agreement shall not be effective unless reduced to writing, signed by the parties hereto, and appended to this Agreement as an addendum hereto, specifically designated as such.

24. This Agreement may not be assigned by Developer without written approval of the Township.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals or caused this Agreement to be duly executed by their respective duly authorized officers, the day and year first above written.

ATTEST:

DEVELOPER:

[Print or type name of Developer]

Secretary or Assistant Secretary

By: _____
President or other Authorized Officer

(Corporate Seal)

[Print or type name of President or other
Authorized Officer]

WITNESS:

AND/OR

_____(SEAL)
Owner or other Authorized Officer

ATTEST:

BOARD OF SUPERVISORS
WEST PIKELAND TOWNSHIP

Township Manager

By: _____
Supervisor – Chairman

(Seal)

ATTEST:

ESCROW AGENT:

[Print or type name of Escrow Agent]

By: _____
President or other Authorized Officer

(Corporate Seal)

ROAD & IMPROVEMENT CONSTRUCTION AGREEMENT
SECURED BY IRREVOCABLE LETTER OF CREDIT

THIS AGREEMENT, made this _____ day of _____, 20____, between _____ (hereinafter called "Developer") and WEST PIKELAND TOWNSHIP, a township of the second class, of Chester County, Pennsylvania (hereinafter called "Township") and _____ (hereinafter called "Issuer").

WHEREAS, Developer has applied, pursuant to the West Pikeland Township Subdivision and Land Development Ordinance as amended, for approval of a subdivision or land development; and

WHEREAS, in support of that application the Developer has submitted certain plans and other materials (hereinafter called "Plan") including the following:

and

WHEREAS, the aforesaid Plans require the construction of certain roads and other public improvements; and

WHEREAS, in connection with the aforesaid application, Developer has applied for approval pursuant to the West Pikeland Township Soil Erosion and Sedimentation provisions in the Subdivision Ordinance; and

WHEREAS, the aforesaid Plan has been approved by Township as of the _____ day of _____, 20____; and

WHEREAS, Developer desires to obtain building permits for the construction of dwellings on lots to be created by the aforesaid Subdivision and desires to commence the construction thereof prior to the completion of the roads, public improvements and common amenities required by the approved Plan and the completion of the control measures and other conditions specified in the Soil Erosion and Sedimentation Grading provisions and to thereafter offer the same or a portion thereof to the Township for dedication upon completion;

NOTE: ATTACH (1) LETTER OF CREDIT AS EXHIBIT "A"

AND (2) SCHEDULE OF IMPROVEMENT VALUES (EXHIBIT "A"; AND
COMPLETE INTRODUCTION AND PARAGRAPHS 1, 2, 3, AND 8.

WHEREAS, this Agreement is required to be secured and Developer desires to secure the same by an Irrevocable Letter of Credit drawn on _____.

NOW, THEREFORE, intending to be legally bound, the parties hereto do agree as follows:

1. Developer covenants and agrees that within one (1) year from _____, Developer shall cause the roads and roadway improvements as set forth on the aforesaid Plan to be excavated, graded to the extent indicated by the approved Plan, and paved in accordance with the applicable specifications set forth in the West Pikeland Township Subdivision and Land Development Ordinance and in other applicable regulations and ordinances.

2. Developer covenants and agrees that within one (1) year from _____, Developer shall cause to be installed in accordance with the aforesaid Plan and with the specifications applicable thereto, all walkways, curbs, gutters, sidewalks, sewers, storm drains, street name signs, shade trees, monuments, crosswalks, fire hydrants, water mains and any and all other public improvements, facilities and common amenities including, but not limited to recreational facilities, open space improvements, buffer or screen planting, etc. as set forth on the approved Plan or otherwise.

3. Developer covenants and agrees that within one (1) year from _____, Developer shall cause all of the control measures and other conditions specified in the Soil Erosion and Sedimentation Control Ordinance including, but not limited to water basins, storm drains, swales, piping, storm water detention and/or retention basins and other related drainage facilities, to be installed and/or performed as applicable and that Developer shall comply in a timely fashion with all of the other conditions specified and shall maintain the same or cause them to be maintained as may be required to accomplish the purposes thereof. **Except that all erosion and sediment control features required by a schedule or a plan shall be placed and maintained as scheduled.**

4. Developer covenants and agrees that all said installation and maintenance shall be done in a good and workmanlike manner and shall be subject to the approval of the Township Engineer, or in the event of a vacancy in such office, of such person as designated by the Board of Supervisors of West Pikeland Township for this purpose. It shall be the obligation of Developer to arrange in advance with the Township for inspection of work as the work progresses and the cost of such inspection shall be paid by Developer.

5. Developer further covenants and agrees that all underground utilities shall be installed before paving streets, installing curbs, and constructing sidewalks. All existing streets disturbed by the work of construction shall be repaved by the Developer in accordance with applicable specifications at the Developer's sole cost and expense. Developer further agrees to make all necessary arrangements with and secure approvals from the public utilities, Municipal Authority or private utility companies serving the development for the location and installation of all utility facilities, and further agrees that all requirements of those utilities or other governmental regulatory agencies having jurisdiction thereof will be complied with in the installation and construction of such facilities. Developer agrees that if the development is to be serviced by public water and/or public sanitary sewers, service and facilities for the same shall be brought to and installed in the tract under development without expense to the Township. All negotiations for public water, for both potable domestic service and fire protection, to be delivered to the tract shall be conducted by the Developer with the appropriate water company, public utility or Municipal Authority, and the Developer shall contemporaneously with its execution provide to the Township a copy of any written agreement between the Developer and such utility, company or Authority, as well as any written representations made by such utility, company or Authority with respect to the supply or facilities.

6. It is understood and agreed that the Township has reviewed the plans and specifications for the purpose solely of protecting the interests of the Township and has not thereby expressly or impliedly warranted the technical suitability of Developer's plans, and Developer warrants that all plans, designs, installations and specifications are in accordance with sound engineering practices and will be installed in a good and workmanlike manner and in accordance with the plans and specifications and sound construction practices and does further warrant that the improvements installed and each and every part thereof are fit for all purposes for which they are intended. The Township disclaims all liability for design, construction, installation or operational defects, and Developer and each and every contractor, subcontractor, laborer, materialman and substitutes of any of them agree to exonerate, indemnify and hold the Township harmless of and from any and all claims and demands with respect to the

improvements to be installed and dedicated and with respect to this Agreement and the performance of any and every party thereof, including legal fees, engineering fees, expert witness fees and any judgment rendered against Township as a result of claims filed or suits brought against Township, its officers or employees alleging conditions arising because of Developer's construction.

7. It is a condition precedent to this Agreement that Developer shall furnish to Township financial security in the form of a Federal or Commonwealth chartered lending institution Irrevocable Letter of Credit satisfactory to the Township Solicitor conditioned upon the performance of Developer's obligations as set forth in this Agreement, including inter alia, the construction of roads, other public improvements and common amenities as set forth in the approved Plan and the construction, installation and performance of the control measures as set forth in the Soil Erosion and Sedimentation Control provisions and the maintenance of all of the same. The letter of credit shall provide that the term of the Letter of Credit shall not expire or, if a termination date is stated: (a) the termination date shall be not less than thirty (30) days after the time for completion of the improvements hereunder, and (b) the Letter of Credit shall automatically renew for another period of at least one year, unless the Issuer of the Letter of Credit provides the Developer and the Township with sixty (60) days prior notice of the expiration date. If at any time before completion of all work and improvements required hereunder, Township receives a notice from the issuer that the Letter of Credit will not be renewed on its stated termination date, Developer shall be obligated, within thirty (30) days thereafter deliver to the Township a replacement Letter of Credit or form of approved financial security for the amount remaining under the Letter of Credit, or 110% of the costs of the remaining work and improvements whichever is greater, failing which delivery the Developer shall be in default under this Agreement.

The Letter of Credit shall be in an amount equal to one hundred ten percent (110%) of the cost of the improvements. The cost of the improvements shall be established by submission to the Township of bona fide agreements from the contractor or contractors chosen by the Developer to complete the improvements. The Township Engineer shall have the sole discretion to determine what constitutes a bona fide agreement. In the absence of such bona fide agreements, the cost shall be established by the Township Engineer.

Should the Developer fail to complete the improvements within one (1) year of posting the Letter of Credit required herein, the amount of the Letter of Credit shall be automatically increased to the higher of the following: a) by ten percent (10%) for each one (1) year beyond the first anniversary date from posting of the Letter of Credit, or b)

to an amount not exceeding one hundred ten percent (110%) of the cost of completing the improvements as re-established within the thirty (30) day period immediately preceding expiration of the initial one (1) year period by the agreement procedure outlined herein for establishing the cost of improvements. If the Letter of Credit is not automatically increased by the Developer as required at the end of each one (1) year period, Developer shall be in default of this Agreement, and the Township may revoke all building permits and refuse to grant new building permits and occupancy permits until the proper security is posted.

Developer shall, at least forty-five (45) days prior to the expiration of the initial Letter of Credit, notify the Township of the Developer's need to extend the date for completion of the public improvements, and shall post with the Township, at least thirty (30) days before the expiration of said Letter of Credit, an approved financial security, established in accordance with the procedure outlined above. If such approved financial security has not been posted with the Township within fifteen (15) days prior to the expiration of the initial Letter of Credit, or any subsequent letter of credit issued as required by this paragraph, Developer shall be deemed in default of this Agreement, and the Township is authorized to cure Developer's default by issuing its sight draft letter to the Issuer of the Letter of Credit and withdrawing therefrom the full amount by which the Issuer is obligated under the term of the Letter of Credit.

8. An irrevocable letter of credit drawn on _____ has been issued in the sum of _____ Dollars (\$_____), which amount is sufficient to cover one hundred ten percent (110%) of the costs of the required improvements as estimated by the procedures set forth above.

9. Developer shall be entitled to apply for building permits for the construction of the dwellings on lots as shown on the aforesaid Plan, subject always to all applicable provisions of West Pikeland Township codes, ordinances and regulations, upon compliance with the following:

- (a) The plans are recorded according to law;
- (b) This Agreement is duly signed and delivered;
- (c) A letter of credit is executed and delivered to Township as provided for herein;

(d) All fees required by any Ordinance, Resolution or regulation of Township are paid, as well as the payment of costs and legal and engineering expenses incurred by Township for the completion of its initial approval of the plan, preparation of the Agreements, Resolutions and other papers relating to the acceptance of this Agreement by Township are paid;

(e) All required Declarations of Covenants and Restrictions shall be executed and recorded; and

(f) All other requirements of the Township Ordinances and regulations have been met.

10. Developer agrees to be responsible for and to remove all snow from and to salt and cinder and make passable all streets and roads within the development and to keep same passable commencing from issuance of the first use and occupancy permit and ending on the date the roads are dedicated to the Township. By November 15 of each year, the Developer shall, by written notification to the Township Manager, advise the Township of the name and telephone number of the individual, firm, person or corporation, together with a designated contact person, who will be responsible to perform the work required by this paragraph. If the Developer fails in its responsibility, as required by this paragraph, the Township, in its discretion, may, without any prior notice to the Developer, undertake the Developer's responsibility and plow and keep passable said roadways, either with its own or with hired men and equipment, and the Township shall be reimbursed from the letter of credit for the fair and reasonable cost of said work, plus an administrative fee of twenty percent (20%). Should a deficiency occur in the security, the Township shall advise the Developer, who shall immediately pay to the Township the amount of any such deficiency and shall, in addition, replace the financial security made deficient by the exercise of the Township's rights hereunder.

The Developer shall escrow with the Township the sum of \$_____ being one percent (1%) of the cost of public improvements, for the purpose of guaranteeing the Developer's responsibility to plow and other keep passable the proposed roadways in the development, during such time, commencing from the first Use and Occupancy Permit and ending the date the roadways are dedicated to the Township.

The Township shall not be responsible for any damage or injury to undedicated roads within the site in connection with the performance of any such snow removal or maintenance. It is specifically understood that this clause shall not require the Township to provide any such service.

11. Where drainage facilities are designed to be permanently installed on any lot, the Developer shall include said facilities as a covenant running with the land whenever said lot is conveyed out of the Developer's title.

12. With the written approval of the Board of Supervisors of the Township, or the person designated by the Board of Supervisors to act on their behalf in this regard, withdrawals may from time to time be made by the Developer pursuant to the terms of the aforesaid letter of credit, after application as more fully described below, for payment for work performed in connection with this Agreement as aforesaid, which such payment shall, therefore, be exclusively to cover the cost of construction of the certain roads and other public improvements as required. No funds shall be released except with the written approval of the Board of Supervisors or of the person designated by the Board of Supervisors to act on their behalf in this regard.

13. Attached to this Agreement is a schedule, which contains timetables, which assigns for partial payment a part of the entire bid for each component part of the entire plan, and which has been prepared by the Developer and approved by the Township Engineer. As the work of installing the required improvements proceeds, the Developer may request that the Township release or authorize the release, from time to time, of such portions of the letter of credit necessary for payment to the contractor or contractors performing the work.

Any such request shall be made in writing addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from receipt of said request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved Plan. Upon receipt of said certification, the Board of Supervisors shall authorize release by the lending institution of an amount as estimated by the Township Engineer to fairly represent the value of the improvements completed. The Board of Supervisors may, however, require retention of ten percent (10%) of the estimated value of said improvements prior to final release. If the Board of Supervisors fails to act on any request for release of funds within the forty-five (45) day period as aforesaid, the release of funds as requested shall be deemed approved.

14. Where the "Plan" approval contemplates development by Section or stages of development, the required financial security shall be established and re-established for each section in accord with this Agreement. No improvements contained in any section shall be commenced, no building permits for houses therein shall be issued, and no lots

therein shall be sold, transferred or conveyed to any purchaser unless the financial security is executed and delivered for such section.

15. In the event of default in the design, construction, installation, completion and dedication, all in accordance with the terms above set forth and within the time limits herein set forth, or if Developer shall abandon or unduly delay the work of installation and construction of the improvements, or if Developer shall fail to correct or complete all omitted work and all defective work connected with the installation and construction of said improvements, then the Township shall have available and may in its discretion, but shall not be required to, exercise one or more of the following remedies, which said remedies shall be deemed cumulative and not alternative, and which remedies may be exercised without the consent or approval of any other person or entity, including the Developer or the Issuer of the letter of credit:

(a) Declare the Developer in default and thereafter to withdraw and expend any part or all of the financial security for the purpose of curing the Developer's default. In the event that the amount remaining is insufficient to fully pay for the costs of completion of the work required by this Agreement, then and in that event Developer agrees to pay to the Township such additional sum or sums as may be required for the completion or correction of all work as required herein;

(b) Cause the removal of any contractor or subcontractor, materialman or other person from the job and cause the work to be performed or materials furnished by other reputable persons or agencies (without the necessity of submitting to public bid), paying the cost thereof to the extent available from the letter of credit;

(c) Cause the removal of any contractor, materialman, laborer or other person and contracting for a substitution therefor in the name of and upon the sole credit of Developer (again, without the necessity of submitting the same to public bid);

(d) In the event of any deficiency in the letter of credit, Developer does authorize the Prothonotary or any attorney of any Court of record to appear for and confess judgment against it for the amount of such deficiency in favor of the Township or other persons entitled thereto, in an amount shown on an assessment of damages certified as correct by the Township supervising engineer, with costs of suit and release of errors, and for so doing a true and correct copy of this Agreement shall be a sufficient warrant. Developer does hereby waive the right of inquisition on any real estate, and authorize the Prothonotary to enter voluntary condemnation of the same and authorize the same to be sold upon a Writ of Execution. Developer also waives the right of all laws now made or hereafter to be made exempting real or personal property from levy

and sale and execution. The provision for confession of judgment shall not be deemed exhausted by a single exercise thereof, but may be exercised from time to time after default and in such amounts as may from time to time be certified by the said Township supervising engineer;

(e) The Township may cause any default in improvements, corrections, repairs, maintenance or removal to be cured, pay the same and enter the amounts expended together with costs, attorneys' fees, and interest as a municipal lien against the lands of Developer as the Township may so elect; or

(f) Any other remedy available at law or in equity.

In the event of the exercise of any of the foregoing remedies, there shall be included within the amount claimed an attorney's fee of fifteen percent (15%) for collection, together with interest at the rate of two percent (2%) above the then current prime rate, plus costs.

16. By execution of this Agreement, the Developer authorizes, without limitation, the lending institution issuing the letter of credit guaranteeing completion of improvements, as hereinabove described, to pay to the Township, without further order or approval of the Developer, any sum or sums demanded by the Township to cure Developer's defective performance or non-performance. Further, the Developer hereby remises, releases and forever discharges the lending institution from any and all liability with respect to any sum or sums so paid or released, and directs that the same shall be paid or released, at the Township's sole discretion and direction, without further inquiry being made, and without any approval whatever by the Developer.

17. By execution of this Agreement, the Issuer acknowledges establishment of the letter of credit more particularly described hereinabove, agrees to hold or maintain same undiminished and unimpaired, unless reduction thereof is approved in accordance with the provisions of this Agreement, and to pay any part or the whole thereof solely upon the order of the Township in accordance with the terms and conditions of this Agreement.

18. The issuer shall have no duty or responsibility for the consummation of any of the provisions of this Agreement. Provided only that the issuer agrees not to release any funds except upon written approval of the Board of Supervisors or the person designated by the Board of Supervisors to act on their behalf in this regard.

19. Upon certification by the Township that the work required by this Agreement has been completed and the conditions of this Agreement fully complied with, the balance of the letter of credit then remaining, if any, shall be released.

20. Within thirty (30) days after completion and approval by the Township of the public improvements as shown on the "Final Plan," and before acceptance of such improvements, the Developer shall submit to the Township a corrected copy of the Plan, showing actual dimensions and conditions of streets and all other improvements, certified by the applicant to be in accordance with actual construction. **Subject, however, to the fact that on any road that is to be dedicated to West Pikeland Township, the wearing surface for said road shall not be placed until at least 80% of the homes and/or other buildings that are scheduled to be constructed to be serviced by said road, are completed. If said road is to be constructed otherwise, then that shall be by written agreement with the Board of Supervisors of West Pikeland Township. Should this paragraph necessitate the extension of this agreement, then that shall be as specified in paragraph 2.A. hereof.**

21. When the installation of the above-described improvements or portion thereof shall have been fully completed and approved by the Township Engineer or other person designated for that purpose by the Board of Supervisors of West Pikeland Township, and an offer of dedication of said improvements or portions thereof is required by the subdivision or land development approval given by the Township, Developer shall tender to the Township the following:

(a) Deeds of Dedication in customary form satisfactory to the Township Solicitor dedicating said improvements, including any roads or portions thereof as public roads or highways;

(b) A certificate of title insurance or other proof of clear title satisfactory to the Township Solicitor;

(c) A Maintenance Agreement in the form as required and approved by the Township and containing Developer's warranty against defects in the structural integrity of the improvements and guaranteeing their proper functioning in accordance with the design and specifications on the final Plan.

(d) Acceptable financial security in the amount of fifteen percent (15%) of the actual cost of said improvements to secure the structural integrity and functioning thereof in accordance with the design and specifications on the final plan; Developer shall be liable, however, for the entire cost of repair to or replacement of any said

improvements during the term of said security. Said financial security shall be of the same type as is acceptable to secure completion of the improvements and shall be held by the Township for a period of eighteen (18) months from the date of acceptance of dedication.

(e) An amount equal to the cost of recording said deeds plus Township's reasonable inspection, engineering, administrative and legal expenses and costs in connection with this Agreement, whereupon Township may at any time or from time to time thereafter accept said deeds of dedication, provided, however, that Township shall be under no obligation to accept said tender and particularly if the said tender is made of a portion of the required improvements, Township may defer its acceptance of said tender until all improvements shall have been fully completed or until such later time as Township deems to be in its best interests.

22. No transfer of ownership shall in any way relieve Developer of responsibility for completion of the improvements in accordance with the terms of this Agreement nor affect in any way the rights of Township under the financial security executed and delivered contemporaneously herewith; Developer's heirs, administrators, successors and assigns, and Developer's successor in title to the land depicted on the Plan, shall be bound by the provisions of this paragraph and the terms of this Agreement.

23. Any additional terms, conditions, or modifications of this Agreement shall not be effective unless reduced to writing, signed by the parties hereto, and appended to this Agreement as an addendum hereto, specifically designated as such.

24. This Agreement may not be assigned by Developer without written approval of the Township.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals or caused this Agreement to be duly executed by their respective duly authorized officers, the day and year first above written. The herein named person(s) shall be the responsible party to this undertaking, all official notices shall be sent to and will be received by the following:

ATTEST:

DEVELOPER:

[Print or type name of Developer]

Secretary or Assistant Secretary

By: _____
President or other Authorized Officer

(Corporate Seal)

[Print or type name of President or other
Authorized Officer]

WITNESS:

AND/OR

_____(SEAL)
Owner or other Authorized Officer

ATTEST:

BOARD OF SUPERVISORS
WEST PIKELAND TOWNSHIP

Township Manager

By: _____
Supervisor – Chairman

(Seal)

ATTEST:

ISSUER:

[Print or type name of Issuer]

By: _____
President or other Authorized Officer

(Corporate Seal)

[Consider adding notary acknowledgments because there be circumstances in which
the Township will want this agreement recorded]

Appendix B-9 - Maintenance Agreement Document

MAINTENANCE AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, between _____, (hereinafter called "Developer"), and WEST PIKELAND TOWNSHIP, a township of the second class, of Chester County, Pennsylvania (hereinafter called "Township).

WHEREAS, the Developer has applied for and obtained permission to develop and subdivide certain lands, pursuant to the West Pikeland Township Subdivision and Land Development Ordinance and the Municipalities Planning Code – Act 247 as amended, being the plan recorded in Plan Book _____, page _____ as more fully appears in the Office of the Recorder of Deeds in and for Chester County, in accordance with the terms and conditions of the final approval as set forth in a letter from the Board of Supervisors of the Township, dated the _____, and in accordance with certain plans of subdivision designated as:

_____,
dated and last revised _____,
prepared by: _____;

and

WHEREAS, the Developer has installed, constructed, and completed certain improvements, as more fully described in Exhibit "A", attached hereto and made a part hereof, in accordance with the aforesaid plan and approval; and

WHEREAS, Developer has offered to dedicate said improvements to the Township; and

WHEREAS, it is a condition of acceptance that the Developer give appropriate security to secure the structural integrity of said public improvements, as well as the functioning thereof in accordance with the design and specifications as depicted on the final plan.

NOW, THEREFORE, intending to be legally bound, the parties hereto do agree as follows:

1. The Developer covenants that it shall well and truly repair or replace all defects in workmanship and materials appearing in the public improvements and shall repair all defects and damage caused by lack of structural integrity or failure of the improvement to function in accordance with the design and specifications as depicted on the final plan where said defects appear within eighteen (18) months from the date hereof.
2. It is a condition precedent to this Agreement that the Developer shall furnish to the Township appropriate security in form satisfactory to the Township conditioned upon the performance of Developer's obligations as set forth in this Agreement. Said security shall be in the form of a restrictive or cash escrow established with a Federal or Commonwealth chartered lending institution, and Irrevocable Letter of Credit issued by such a lending institution or any other financial security which security has been approved by the Township to guarantee the performance required by the Bond. The financial security shall be in an amount equal to fifteen (15%) of the cost of the improvements.
3. Although the amount of the security shall be limited to fifteen percent (15%) of the cost of the public improvements, the Developer shall be liable for the full cost of repair or replacement due to defects in workmanship and materials appearing in the public improvements and for the full cost of repair of all defects or damage caused by the lack of structural integrity or failure for the improvements to function in accordance with the design and specifications as depicted on the final plan where said defects appear within eighteen (18) months from the date hereof.

[This is missing the provisions whereunder the Township may declare the Developer to be in default and to make a demand for a release of the escrow and/or letter of credit balance and complete the work etc. Township solicitor should provide these terms of an alternate form of maintenance agreement]

IN WITNESS WHEREOF, the parties have executed the Agreement on the date above-mentioned and intending to be legally bound hereby.

ATTEST:

DEVELOPER: _____

BY: _____
(Printed name)

(Signature)

ATTEST:

Township Manager

WEST PIKELAND TOWNSHIP

BY: _____
Chairman – Board of Supervisors

LIST OF IMPROVEMENTS

EXHIBIT “A”

The improvements secured by the Maintenance Agreement include:

1. All the swales, paving, base and sub-base and stormwater inlet boxes and drainage pipes located within the right-of-way of the road known and _____, which is offered for dedication to the Township.