

**Washington Township,  
Westmoreland County**

**Subdivision & Land Use  
Ordinance 167**

**Adopted January 12, 2017**

ORDINANCE NO. 167

WASHINGTON TOWNSHIP SUBDIVISION  
AND LAND DEVELOPMENT ORDINANCE

WESTMORELAND COUNTY, PENNSYLVANIA

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**WASHINGTON TOWNSHIP SUBDIVISION  
AND LAND DEVELOPMENT ORDINANCE  
WESTMORELAND COUNTY**

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Washington, Westmoreland County, Pennsylvania, by authority of and pursuant to the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code" ("Act"), and any amendments and supplements thereto, as follows:

ARTICLE I

AUTHORITY AND PURPOSE

Section 101 – Title

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS GOVERNING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT WITHIN THE TOWNSHIP OF WASHINGTON, WESTMORELAND COUNTY, PENNSYLVANIA, SETTING FORTH PROCEDURES TO BE FOLLOWED IN APPLYING AND ADMINISTERING THIS ORDINANCE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE AUTHORITY FOR THIS FUNCTION OF THE TOWNSHIP IS ESTABLISHED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA UNDER THE PROVISIONS OF ACT 247, THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED.

Section 102 – Short Title

This Ordinance shall be known and may be cited as the "Washington Township Subdivision and Land Development Ordinance.

Section 103 – Purpose of Ordinance

- A. It is the general intent of this Ordinance to regulate Subdivision and Land Development in Washington Township to insure that:
  - 1. The layout or arrangement of the Subdivision or Land Development and all other characteristics of the Subdivision or Land Development shall conform to this Ordinance of Washington Township, Westmoreland County, as may be amended from time to time, and shall further the orderly and appropriate use of the land.

2. Streets in and bordering a Subdivision or Land Development shall be coordinated with existing Streets, features and facilities of contiguous land areas and other features of Washington Township as appropriate, and shall be of such widths and grades and in such locations as deemed necessary to accommodate and regulate flows of prospective traffic.
3. Adequate Easements shall be provided for drainage and utilities.
4. Adequate open space for traffic, recreation, light, air and effective drainage shall be provided in Subdivisions and Land Developments and those reservations, if any, by the Developer of any area designed for use as public grounds shall be of suitable size and location for their designated uses.
5. Land which is subject to flooding, subsidence or other environmental limitation shall either be made safe for the purpose for which such land is proposed to be used or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
6. Adequate facilities for transportation, water, fire prevention, sewage, drainage, recreation and other public needs which may arise shall be installed in the Subdivision or Land Development.
7. Adequate provisions for safety shall be provided for in Subdivisions and Land Developments.
8. Individuals are protected from buying lands which are unsuitable for use because of flood and/or mudslide hazards by prohibiting the Subdivision and/or Land Development of unprotected flood-prone and/or mudslide-prone lands.
9. The soil, water and other natural resources of the environment of Washington Township are protected from the adverse effects of uncontrolled development.
10. In non-residential developments, property owners shall provide safe and efficient ingress and egress, adequate internal circulation and sufficient parking, as well as natural, planted or man-made buffering to protect adjacent residential areas.
11. Non-residential development does not negatively impact adjacent and nearby properties.

Section 104 – Effective Date

This Ordinance shall take effect five (5) days after the signing of this Ordinance. Any Final Plan(s) for Subdivision or Land Development submitted to the Washington Township Planning Commission and not yet approved or disapproved prior to the effective date of this Ordinance shall be subject to the Subdivision Regulations for Washington Township in effect at that time until the Subdivision is approved or disapproved and the prior Washington Township Subdivision and Land Development Ordinance repealed hereby. Any Subdivision or Land Development which had been submitted and denied approval under the Subdivision Regulations for Washington Township and which has not been resubmitted prior to the effective date of this Ordinance, shall be subject to the requirements of this Ordinance upon resubmittal as though it were the initial submittal of a new plan.

THE APPROVAL OF ANY FINAL PLAN(S) FOR SUBDIVISION OR LAND DEVELOPMENT IN ANY AREA OF WASHINGTON TOWNSHIP UNDER THE JURISDICTION OF THIS ORDINANCE SHALL NOT CONSTITUTE REPRESENTATION, GUARANTEE OR WARRANTY OF ANY KIND BY WASHINGTON TOWNSHIP, THE BOARD OF SUPERVISORS, THE PLANNING COMMISSION OR ANY COOPERATING AGENCY, OF THE PRACTICABILITY, FEASIBILITY, MARKETABILITY OR SAFETY OF THE PROPOSED SUBDIVISION OR LAND DEVELOPMENT. IN ADDITION, SUCH APPROVAL BY WASHINGTON TOWNSHIP SHALL NOT CONSTITUTE A REPRESENTATION, GUARANTEE OR WARRANTY THAT THE REQUIREMENTS OF ANY OTHER GOVERNMENTAL AGENCIES HAVE BEEN MET.

Section 105 – Repealer

This Ordinance repeals the prior Washington Township Subdivision and Land Development Ordinance enacted the 13th day of November, 1997, and as Amended on September 9, 1999, January 10, 2002, June 13, 2002, November 13, 2003 and April 12, 2007; and furthermore, to the extent that the provisions of this Ordinance are inconsistent with any other Ordinance in effect in Washington Township, the terms of this Ordinance shall be controlling.

ARTICLE II

DEFINITIONS

Section 201 – Inclusions

- A. As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership, as well as an individual. The word “building” includes structure and shall be construed as if followed by the phrase “or part thereof.” The word “Street” includes avenue, boulevard, court,

expressway, highway, lane and road. The word “may” is permissive; the words “shall” and “will” are mandatory, subject however, to the provisions of Section 803 hereof.

#### Section 202 – Definitions of Terms

Accessory Building: A non-habitable building not exceeding 600 square feet and constructed for the sole and only purpose of aiding or contributing in a secondary way to a principal residential dwelling situate upon a Lot.

Alley: A minor Right-of-Way providing secondary vehicular access to the side or rear of two or more properties.

Applicant: A landowner or Developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

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

Authority: A body politic and corporate, created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipal Authorities Act of 1945.”

Average Lot Size: The total number of acres in a plan of Subdivision devoted to Lots divided by the total number of Lots proposed for the Subdivision.

Block: An area bounded by Streets.

Board of Supervisors: The Board of Supervisors of the Township of Washington, County of Westmoreland, Pennsylvania.

Building Setback Line: Lines within a Lot which are parallel to the Lot boundary lines and define a space which is between the Lot boundary lines and the Building Setback Lines within which no building or related appurtenances may be constructed.

Cartway or Roadway: The portion of a Street or Alley intended for vehicular uses.

Clear Sight Triangle: An area of unobstructed vision at Street intersections defined by lines of sight between points at given distance from the intersection of Street center lines.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including Streets, off-street parking area, and areas set aside for public facilities.

Crosswalk or Interior Walk: A Right-of-Way for pedestrian use extending from a Street across a Block to another Street or into a Block.

Cul-de-Sac: A minor Street having one end which intersects another Street and the other end which terminates in a vehicular turn-around.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also the material removed in excavation.

Developer: Any landowner or agent of such landowner who makes, causes to be made or has made a Subdivision of land or a land development.

Development Plan: The provisions for development, including a plat of Subdivision, all covenants relating to use, location and bulk of Structures and other structures, intensity of use or density of development, Streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the Development Plan" when used in this act shall mean the written and graphic materials referred to in this definition.

Disposal Field: A subsurface area of specified dimensions and location and the related appurtenances, which has been approved by the Sewage Enforcement Officer, for distributing sewage effluent into the soil for absorption and vaporization in the upper soil strata.

Drainage: The flow of water or liquid waste, and the method of directing such flow, whether natural or artificial.

Drainage Facility: Any ditch, gutter, pipe, culvert, storm sewer, retention pond or structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off, Streets, public Rights-of-Way, parks, recreational, residential, non-residential areas, or any part of any Subdivision and contiguous territory.

Dwelling: Any structure designed or erected for the purpose of habitation.

Easement: A Right-of-Way or other right granted for limited use of private land for a public or quasi-public purpose or for other specified purposes.



Engineer; Township Engineer: The Washington Township Engineer or any consulting professional engineer, licensed as such in the Commonwealth of Pennsylvania, designated to review Subdivision Plans and perform the duties of a registered engineer on behalf of Washington Township. A registered surveyor who is not also a registered engineer shall not hold the position of Township Engineer.

Erosion: The removal of surface materials by the action of natural elements.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut quarried, mined, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Flood Plain: The low area adjoining and including any water or natural drainage course or body of water subject to periodic flooding or overflow and delineated by flood boundaries established in the National Flood Insurance Program by the Federal Emergency Management Agency.

Ground Water: Water occurring naturally in underground formations that are saturated with water.

Half or Partial Street: A street of less than required Right-of-Way width. No new half or partial street shall be permitted in a Subdivision except to complete a previously existing half or partial street.

Improvement: Those physical changes to the land necessary to produce usable and desirable Lots from existing acreage including, but not limited to, grading, paving, curbing, signs, fire hydrants, water mains, sanitary sewers, storm drains, landscaping, sidewalks, crosswalks, bridges, culverts and Street shade trees.

Land Development: Land Development shall be any of the following activities:

1. the improvement of one (1) Lot or two (2) or more contiguous Lots, tracts or parcels of land for any purpose involving:
  - (a) a group of two (2) or more residential or non-residential Structures, whether proposed initially or cumulatively, or a single, residential building on a Lot or Lots regardless of the number of occupants or tenure; or
  - (b) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of Streets, common areas, leaseholds, condominiums, building groups or other features; a Land Development also includes a Subdivision of

land, but shall not be considered the addition of a residential accessory building that does not otherwise violate this ordinance provided, however, that prior to the placement by construction or otherwise of any residential accessory building, the Developer must obtain administrative approval by the Secretary of the Planning Commission; or

- (c) the placement, by construction or otherwise of any improvement upon a Lot.
- 2. a subdivision of land;
- 3. the conducting of any activity upon land in connection with any non-residential activity or operation.

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.

Lot: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law or this Ordinance.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Minor Subdivision: The Subdivision of a single Lot, tract or parcel of land into no more than six (6) Lots, tracts or parcels of land, for the purpose, whether immediate or future, of transfer of ownership and/or improvement provided that each such Lot, tract or parcel of land created thereby has frontage on an already existing publicly maintained and improved Street or Streets and provided further that there is not created by the Subdivision any new street, street easement, easement of access, sewer, water or gas line extension or need thereof. A Subdivision containing multiple-family dwellings may not be considered a minor Subdivision. A Subdivision containing a combination of non-residential and residential uses shall not be considered a minor Subdivision.

Multi-Family Dwelling: Any structure designed or erected for the purpose of habitation by more than one (1) family.

Municipal Authority: A body appointed by the Board of Supervisors or by the governing bodies of several municipalities to undertake specific public Improvements within

the Township or a group of municipalities, and chartered by the Commonwealth of Pennsylvania to operate under the requirements of the Municipal Authorities Act of 1945, as amended.

Non-Residential: The development of land for any purpose other than solely for Residential use.

Plan, Amended: A complete and exact Subdivision plan, submitted for final approval, which proposes to change an officially recorded plan or any part thereof.

Plan, Final: A complete and exact Subdivision plan submitted for final approval. It is prepared for official recording as required by statute and defines property rights and proposed Streets and other Improvements.

Plan, Preliminary: A tentative Subdivision plan, showing the approximate proposed Street and Lot layout and Improvements as a basis for consideration prior to preparation of a Final Plan.

Plan, Sketch: An informal plan, prepared according to Article IV, Section 402(b) of this Ordinance not necessarily to exact scale, which (1) indicates the salient existing features of the tract and its surroundings, and (2) shows the general layout of the proposed Subdivision.

Planning Commission: The Planning Commission of the Township of Washington, County of Westmoreland, Pennsylvania.

Plat: The map or plan of Subdivision or Land Development, whether preliminary or final.

Public Grounds: Includes:

1. parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. publicly owned or operated scenic and historic sites.

Public Hearings: 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 in accordance with the Act.

Public Meeting: A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Residential: The use of land for single family or multi-family dwelling on a single Lot.

Reverse Frontage Lot: A Lot extending between, and having frontage on, a major traffic Street and a minor Street and with vehicular access solely from the latter.

Reverse Subdivision: A combination of two (2) or more Lots into one (1) Lot.

Right-of-Way: Any public highway, Street, Alley, Crosswalk, or Interior Walk dedicated for public use and accepted by various levels of government for public use, usually the Board of Supervisors.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Runoff from a Fully Developed Area Upstream: The surface water runoff that can be reasonably anticipated upon maximum development of an area of the watershed located upstream from any subject tract.

Sanitary Sewage Disposal System: Any system designed to collect and biochemically treat sanitary sewage:

1. On-Site Sanitary Sewage Disposal System: A Sanitary Sewage Disposal System designed to collect and treat sewage within the boundaries of an individual Lot;
2. Subdivision Sanitary Sewage Disposal System: A Sanitary Sewage Disposal System in which sewage is carried from individual Lots, by a system of pipes, to a central treatment and disposal plant located in the Subdivision containing such Lots; and
3. Public Sanitary Sewage Disposal System: A system in which sewage is collected in pipes owned and maintained by the Township or by a municipal authority for conveyance to a regional waste water treatment facility owned and operated by a municipal authority.

Secretary; Planning Commission: The Secretary of the Planning Commission as appointed by the Board of Supervisors of the Township of Washington, County of Westmoreland, Pennsylvania.

Secretary; Township Secretary: The Secretary of the Board of Supervisors of the Township of Washington, County of Westmoreland, Pennsylvania.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

Sewage Enforcement Officer: An official recognized by Washington Township who issues and reviews permit applications and conducts such investigations as are necessary to implement the requirements of Act 537-The Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended).

Sight Distance: The extent of unobstructed vision along a Street from a vehicle located at any given point on the Street.

Slope: The face of an embankment or Cut section; any ground which is not level. Slopes are expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

Soil Percolation Test: A field test conducted to determine the suitability of the soil for On-Site Sanitary Sewage Disposal Systems by measuring the absorptive capacity of the soil at a given location and depth, performed in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection.

Soil Stabilization: Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

Spring: Water that flows from a laterally percolating water table intersecting with the surface or from a geological fault that allows the flow of water from an artesian aquifer.

Street: A strip of land, avenue, boulevard, road, highway, freeway, parkway, lane, alley or viaduct, including the entire right-of-way, intended for use as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities and sidewalks, including, but not limited to the following:

1. Rural Service Roads: Roads located in substantially rural areas and providing direct access to abutting houses or farm properties.

2. Residential Service Streets: Streets providing direct access to abutting residential properties and ideally carrying no through traffic. These Streets are ordinarily intended as part of a Subdivision.
3. Feeder Roads: Roads designed to collect traffic from residential areas and feed it to the Connector and Arterial system and sometimes to connect business and other areas of the community.
4. Connector Highways: Highways which provide the principal connections among communities and to the Arterial Highway system.
5. Arterial Highways: Major highways serving large volumes of relatively long distance traffic, and intended primarily for inter-city and commuter traffic at high speeds. It includes both limited access expressways and Arterial Highways which have access to adjacent properties and intersections.
6. Marginal Access Streets: Residential Service Streets parallel and adjacent to Feeder, Connector or Arterial Streets, providing access to abutting properties and control of intersections with the Feeder, Connector or Arterial Street.
7. Private Roads: Any vehicular rights-of-way which are not to be dedicated or formally accepted as public Streets, and which shall also include all private vehicular rights-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, said structures to include, but not be limited to, utility poles, broadcast towers, billboards or other similar objects.

Subdivision: The division or redivision of a Lot by any means into two (2) or more Lots, tracts or parcels or other divisions of land including changes in existing Lot boundary lines for any purpose and which shall also include a Reverse Subdivision.

Substantially Completed: Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required Improvements for which financial security was posted) of those Improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Topsoil: Surface soils and subsurface soils and soil material, ordinarily rich in organic matter.

Townhouse: A multi-family building in which dwelling units are arranged side by side, extending from ground level to roof and providing private outside entrances for each dwelling unit.

Township; Washington Township: The Township of Washington, County of Westmoreland, Pennsylvania.

Watercourse: A permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or man-made.

Water Distribution System: A water supply system which serves Lot(s) as follows:

1. On-Site Water Distribution System: A Water Distribution System which serves a single Lot from a water source located on the Lot.
2. Public Water Distribution System: A Water Distribution System owned and/or operated by a Municipal Water Authority.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, extraction or artificial recharge of ground water; but such term does not include an excavation made for the purpose of obtaining or for prospecting for oil, geothermal wells, natural gas, minerals or products of mining, quarrying or for inserting media to repressure oil or natural gas-bearing formation or for storing petroleum, natural gas or other products.

### ARTICLE III

#### SUBDIVISION CONTROL AND PENALTIES

##### Section 301 – Jurisdiction

The Board of Supervisors is vested by law with the jurisdiction and control of Subdivision and land Development within the limits of the Township.

##### Section 302 – Subdivision Control

No Subdivision of any Lot, tract or parcel of land shall be effected and no Street, Alley, sanitary sewer, storm sewer, well, water main or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of abutting Structures or which will abut thereon, except in strict accordance with the provisions of this Ordinance.

### Section 303 – Restrictions Prior to Plan Approval and Recording of a Plan

- A. No Lot in a Subdivision may be sold, no permit to erect or alter any building upon land in a Subdivision may be issued and no building may be erected on a Lot or in a Subdivision unless and until:
  - 1. a Final Plan has been approved and properly recorded; and
  - 2. the required Improvements in connection therewith have either been constructed or the completion thereof has been assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the estimated cost of the required Improvements, such estimated costs subject to approval by the Township Board of Supervisors.

### Section 304 – Amended Plans

- A. Whenever it is proposed to change an officially recorded plan or any part thereof, such changes shall only be made by filing an Amended Plan.
- B. Amended Plans shall follow the same procedure as would be applied if the plan were independent of any previously recorded plan and were being submitted for the first time.
- C. Amended Plans shall be prepared in such a manner that changes from the original Plan are apparent. Each Amended Plan must be accompanied by a copy of the original Plan to which amendment is sought.
- D. Before an Amended Plan may be approved by the Planning Commission or Board of Supervisors, the Amended Plan must bear the signature of all persons who are property owners in the affected plan or phase thereof.

### Section 305 – Sanctions and Penalties

- A. Any person, partnership or corporation being the owner or agent of the owner of any Lot, tract or parcel of land who or which shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or make other Improvements for public use or for the common use of occupants of Structures abutting thereon, for travel or other purposes or who or which sells, leases, transfers or enters into an agreement to sell or lease any land in a Subdivision or Land Development, whether by reference to or by other use of a plat of such Subdivision or Land Development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Ordinance and of the regulations adopted hereunder and has been recorded as



provided herein, or who shall violate any term of this Ordinance or condition imposed by the Board of Supervisors upon such person as a condition of Subdivision Approval, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, before a District Justice having jurisdiction over same, pay a judgment of not less than Three Hundred (\$300.00) Dollars nor more than Six Hundred (\$600.00) Dollars plus all costs, reasonable attorney fees, and other expenses including overhead incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice.

1. If the Defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the Rules of Civil Procedure.
2. Each day that a violation continues shall constitute a separate violation.

B. In addition or as an alternative to enforcement of this Ordinance through civil proceedings set forth herein, the Township may, at its discretion and where applicable, enforce any violation of the terms of this Ordinance or condition imposed by the Board of Supervisors upon any person or entity as a condition of Subdivision Approval through summary criminal proceedings brought before a District Justice having jurisdiction over same, in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. In the event the Township pursues enforcement through summary criminal proceedings, the Township Solicitor may assume charge and control of the prosecution without the consent of the Westmoreland County District Attorney as may be otherwise required under Pennsylvania Rule of Criminal Procedure No. 83(c), relating to trial in summary cases.

1. Each day that a violation continues shall constitute a separate offense.
2. Upon conviction of such summary offense by the District Justice, a fine of not less than \$300.00 nor more than \$1,000.00 shall be imposed for each offense.
3. Upon default of payment of any fine imposed herein, the Defendant shall be sentenced to a term of imprisonment to the extent permitted by law for the punishment of summary offenses.

C. The Board of Supervisors may by motion, delegate the initial determination of Ordinance violations to an appropriate officer or agent of the Township that they may deem qualified for that particular purpose.

1. In the event such officer or agent of the Township shall determine that a violation exists, such officer or agent shall send written Notice of such violation to the owner of such property on which the violation occurs or other person or entity deemed responsible for such violation.
2. The Notice of Violation shall include:
  - (a) the name and address of the owner of the subject property or person or entity deemed responsible for the violation;
  - (b) the location of the property upon which the violation has occurred;
  - (c) a description of the nature and extent of the violation together with a reference to the terms of this Ordinance or conditions imposed that are subject to violation;
  - (d) the time frame within which the violation may be corrected without the initiation of civil, equitable or summary criminal enforcement proceedings set forth above, provided, however, that such time period shall not exceed 30 days; and
  - (e) a reference to the possible penalties proscribed in the event enforcement proceedings are pursued.
- D. The remedies contained in this section are intended to be cumulative in nature and shall not be deemed or construed to preclude the Township from pursuing any other remedies, at law or in equity, to prevent further violations under this section.
- E. The Court of Common Pleas, upon Petition, may grant an Order of Stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- F. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section, except as may be permitted by law.

#### Section 306 – Preventive Remedies

- A. In addition to other remedies, the Board of Supervisors may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of

selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Board of Supervisors 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 any Ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:

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 without regard as to whether such vendee or lessee had 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 had 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 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 Board of Supervisors 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 307 – Building Permits

No Land Development may commence prior to the issuance of a Building Permit and no Building Permit shall be issued until the proposed work to be undertaken is documented and approved to be in conformance with the requirements of this Ordinance and all other applicable Codes and Ordinances of the Township of Washington and any other governmental body or agency.

#### Section 308 – Final Development

All Land Development shall be completed in strict conformity with the Land Development plans submitted to the Board of Supervisors by the Developer.

Section 309 – Other Violations

The Board of Supervisors in their sole discretion may deny and/or withhold approval of any Land Development where the Land Developer is in violation of any other Ordinance of the Township of Washington or of any other law, rule or regulation of any other governmental entity, body or agency.

Section 310 – General Approvals

No Land Development may commence prior to approval by the Board of Supervisors with said Land Development to be undertaken in conformity with the requirements of this Ordinance, the plans presented by the Developer and all other applicable Codes and Ordinances of the Township of Washington and any other governmental body or agency. Notwithstanding the aforesaid, administrative approval limited to Accessory Buildings may be granted by the Township Planning Commission Secretary. The Township Planning Commission Secretary shall be vested with the authority in his or her sole discretion to place conditions on said administrative approval or to refer the application to the process established for other land development. Building permits for Accessory Buildings will be exempt from the planning process but the Accessory Building shall be constructed in accordance with all other provisions of this Ordinance and all other applicable codes and ordinances of the Township of Washington and any other governmental body or agency.

ARTICLE IV

PROCEDURE

Section 401 – In General

- A. In order to discharge the duties imposed by law, the Board of Supervisors of the Township has adopted the following procedures which shall be observed by all Developers.
- B. Both Preliminary and Final Plan drawings must be prepared by either a registered surveyor or a registered professional engineer. A registered surveyor may lay out the location of Streets and Lots but shall not design the construction of Streets, sewer or water systems, storm drainage, erosion and sedimentation control or any parts of such Improvements which shall be designed by a registered professional engineer.
- C. Even if a Landowner or Developer intends to subdivide to provide Lots to be transferred, sold or leased to members of his or her family, a plan of Subdivision shall be required in conformance with this Article IV.

## Section 402 – Application Procedure for Minor Subdivisions

- A. In the event a proposed Subdivision is a “Minor Subdivision” as defined in this Ordinance, then the Developer may file a “Subdivision Sketch Plan” with the Township Planning Commission to begin the Subdivision application process.
- B. Data furnished in a Subdivision Sketch Plan shall be at the discretion of the Developer; however, each “Subdivision Sketch Plan” must contain the following information:
  - 1. Tract boundaries;
  - 2. Municipalities in which the Minor Subdivision is located;
  - 3. The North Point;
  - 4. Existing Streets on and adjacent to the tract, including easements, rights-of-way, restrictive covenants or other restrictions on the property;
  - 5. Significant topographical and physical features;
  - 6. Proposed general Lot layout;
  - 7. The nature and location of all water distribution and sewage disposal systems existing on the property;
  - 8. The nature and location of any existing or proposed structures or Improvements.
- C. A Subdivision Sketch Plan need not be to exact scale nor are precise dimensions required.
- D. Any Subdivision of property which calls for or may involve the immediate or future modification, extension or construction of any street, structure, improvement, water distribution system or sanitary sewage disposal system shall not be considered as a “Minor Subdivision” under this Section.
- E. Sketch Plans will be considered as submitted for formal discussion between the Developer and the Planning Commission at a public meeting of the Planning Commission. Submission of a Subdivision Sketch Plan shall not constitute filing of a Final Plan with the Planning Commission.
- F. Following such public meeting, the Planning Commission shall notify the Developer, in writing within thirty (30) days of the date of such meeting, of the

extent to which the proposed Subdivision does not conform to the Design Standards and Required Improvements of this Ordinance (Article V) and will advise as to possible plan modifications necessary to secure conformance.

- G. Within thirty (30) days of the date of the notice prescribed in paragraph 402(F), the Developer shall prepare a Final Plan for such Subdivision and file the original and five (5) copies with the Board of Supervisors. The failure of the Developer to file the aforesaid Original Plan with the Board of Supervisors within the required thirty (30) day period shall constitute a deemed denial of such Plan.
- H. The original and five (5) copies of the Final Plan shall be a clear and legible white linen, Mylar or other reproducible drawing, shall be at a scale of not more than 100 feet to the inch, and shall include the following information:
1. Subdivision name or identifying title;
  2. Municipalities in which the Subdivision is located;
  3. North point, scale and date;
  4. Name and address of the owner of the property, his authorized agent of the Developer;
  5. Six (6) labelled circles 2-1/2 inches in diameter with centers not more than two (2") inches from the edge of the paper, for locating the seals of:
    - (a) the engineer or surveyor;
    - (b) the Washington Township Planning Commission;
    - (c) the Westmoreland County Planning Department;
    - (d) the Washington Township Board of Supervisors;
    - (e) the Recorder of Deeds; and
    - (f) Notary Public.
  6. Tract boundaries with bearings and distances.
  7. Street lines, Lot lines, Rights-of-Way, Easements and areas dedicated to private and public use, and the purpose for which the Rights-of-Way or Easements have been established.

8. Sufficient data to determine readily the location, bearing and length of every Street, Lot, and boundary line in the Subdivision.
9. The length of all straight lines, radii, lengths of curves and tangent bearings for each Street.
10. All dimensions, angles or bearings of the lines of each Lot and land, if any, proposed to be dedicated to private or public use.
11. The Building Setback Line for each Street and/or the placement of each building.
12. Location and width of all private driveways.
13. All dimensions shall be shown in feet and hundredths of a foot.
14. Lots within a Subdivision shall be numbered sequentially.
15. Names of Streets within and adjacent to the Subdivision shall be shown including Right-of-Way width and Cartway.
16. Permanent reference monuments shall be shown on the Plan as thus:  
“/ /”.
17. Names of all adjoining Subdivisions shall be shown.
18. Names of the owners of any adjoining unplotted land shall be shown.
19. All municipal boundaries, if any, that transverse or are within 300 feet of the area covered by the Plan shall be shown.
20. Plan restrictions and covenants shall be described if not recorded separately.
21. Identification of all side and rear setback lines.
22. Delineation of all available utilities.
23. Any other information, data or materials requested by the Planning Commission to be supplied.
24. The following statements or their equivalent:

Approved by the Board of Supervisors of Washington Township,  
Westmoreland County this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

Attest: \_\_\_\_\_

Secretary

Chairman

\_\_\_\_\_

=====

Washington Township Planning Commission Review

Reviewed by the Washington Township Planning Commission this \_\_\_\_  
day of \_\_\_\_\_, 20\_\_

Attest: \_\_\_\_\_

Secretary

Chairman

\_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I am a Registered  
Engineer in compliance with the laws of the Commonwealth of  
Pennsylvania, that this plat correctly represents a plot completed by me on  
\_\_\_\_\_; that the monuments shown thereon exist; and  
that their location, size and type of material are accurately shown.

=====





Commonwealth of Pennsylvania )  
 ) SS:  
County of Westmoreland )

Recorded in the Office for the Recording of Deeds, Plans, etc. in said  
County in Plan Book Volume \_\_\_\_\_, Page \_\_\_\_\_.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

Attest: \_\_\_\_\_  
Recorder

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Approval of this plan by the Washington Township Board of Supervisors  
is for recording purposes only and does not constitute acceptance of the  
dedicated roads into the Township road system.

- I. The Board of Supervisors shall review the Final Plan together with the findings of the Township Planning Commission at its next regularly scheduled meeting following the submission of the Final Plan or forty-five (45) days from the date of the notice set forth in Section 402(F) above, whichever occurs first. The Board of Supervisors shall either accept such Final Plan in its entirety or reject same at such meeting. The decision of the Supervisors shall be communicated to the Applicant in writing within fifteen (15) days of the date of such meeting and, in the event of a denial, shall include the specific reasons for denial along with references to those provisions of this Ordinance on which such denial is based. Conditional or Preliminary Approvals may be given by the Board of Supervisors on a request for a Minor Subdivision under this Article.

Section 403 – Application Procedures for Development Other Than Minor Subdivisions

- A. All subdivisions other than Minor Subdivisions shall be initiated by the filing of a Preliminary Plan, such Plan being prepared in conformity with and containing that data set forth in Section 701 of this Ordinance relating to the content of Preliminary Plans.
- B. A minimum of six (6) copies of the Preliminary and Final Plans for all proposed Subdivision of land lying within the Township shall be submitted to the Township Secretary at least seven (7) days prior to the Planning Commission meeting who shall distribute them to the officials and agencies for review, comment or approval as required.

- C. Where a tract of land to be subdivided or otherwise developed is traversed by, or is in close proximity to a Township boundary line, the preparer of the plan shall certify on the submitted drawings that he has determined the actual boundary line from Lot and block maps in the Westmoreland County Tax and Mapping Department, citing specific page and book numbers relied on.
- D. Developers are urged to submit Preliminary Plans to the Pennsylvania Department of Environmental Protection, local sewer and water authorities, the Westmoreland County Conservation District, and any other appropriate agency which administers ordinances or regulations that may affect the proposed Subdivision and Land Development.
- E. The filing of an application for either preliminary or final approval shall constitute authorization for the Washington Township Board of Supervisors, Planning Commission, Municipal Authority of Washington Township, Sewage Enforcement Officer, Solicitor and Engineer or their agents or representatives as they may designate to make such on-site inspections, before, during and after construction, as may be required to effectively administer this Ordinance.

#### Section 404 – Review of Preliminary Plans

- A. The Township Planning Commission shall review the Preliminary Plan at its first regularly scheduled meeting after the Plan's receipt, and shall determine if the Plan is essentially in compliance with this Ordinance. The Secretary shall immediately thereafter send a copy of the Plan to the County Planning Commission for review and comment. No later than forty-five (45) days from receipt of the Plan by the Township at a regularly scheduled meeting, the Township Planning Commission shall recommend approval, approval with specific conditions attached, or disapproval of the Plan, and shall submit its findings in writing to the Board of Supervisors and the Developer within five (5) days thereafter. If the recommendation is to disapprove the Plan, the findings shall specify the defects found in the Plan, the requirements of the Ordinance which have not been met, and the provisions of the Ordinance relied on in making the decision.
- B. The Board of Supervisors shall review the Plan together with the findings of the Township Planning Commission and any comments of the County Planning Commission, at its next regularly scheduled meeting following receipt of the Planning Commission's recommendations or special meeting whichever the case may be. The Board shall make its decision to approve the Plan as submitted, approve it with specific conditions attached, or disapprove it, and shall communicate its decision to the Developer within ninety (90) days of the date that the Plan was first reviewed by the Township Planning Commission. If the Plan is withdrawn by the Developer during the review period, the process shall begin

again when a revised Plan is resubmitted. The Board's communication, if the decision is to disapprove, shall specify the defects found in the Plan, the requirements of the Ordinance not met, and provisions of the Ordinance relied upon.

- C. Approval of the Preliminary Plan in writing, subject to conditions, revisions, and modifications as stipulated by the Board of Supervisors shall constitute conditional approval of the Subdivision as to the character and intensity of the development and the general layout and the approximate dimensions of Streets, Lots and other proposed features. Approval of the Preliminary Plan shall not constitute authorization to sell, rent or to enter into an agreement to sell or rent any property in the Subdivision.
- 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. Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- E. Before acting on any subdivision plat, either Preliminary or Final, the Board of Supervisors or Planning Commission, as the case may be, may hold a public hearing thereon after public notice.

#### Section 404.1 – The Effect of Amendments to Ordinance on Existing Plans

- A. From the time an application for approval of a plan, whether preliminary or final, is duly filed and while such application is pending approval or disapproval, no amendment of the Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Ordinance as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment of the Ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any

aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

- C. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the Ordinance as they stood at the time when the application for such approval was duly filed.
- D. Where the Applicant has substantially completed the required Improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no amendment of the Ordinance enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved Final Plan.
- E. In the case of a preliminary plan calling for the installation of Improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the preliminary plat delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until Final Plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- F. Failure of the Landowner or Developer to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in Subdivision and other governing Ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

#### Section 405 – Review of Final Plan

- A. The Final Plan and necessary supporting data shall be submitted to the Township Secretary for distribution and final approval within one (1) year after the Board of Supervisors' action on the Preliminary Plan. Failure to submit within this time shall render approval of the Preliminary Plan null and void. However, the Developer may, due to extenuating circumstances, or phased plans, apply for and receive a time extension from the Township Supervisors and/or Planning Commission. Duration of each time extension shall not exceed one (1) year.
- B. The Final Plan shall conform in all important respects with the Preliminary Plan as previously reviewed by the Board of Supervisors and/or Planning Commission, and shall incorporate modifications and revisions specified by the Board and/or Commission in its conditional approval of the Preliminary Plan. Otherwise, the plan shall be considered as a new Preliminary Plan.

- C. The Final Plan and supporting data shall comply with the provisions of Article VII of this Ordinance. Failure to do so shall be cause for disapproval.
1. No plan which will require access to a highway under the jurisdiction of PennDOT shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to the State Highway Law before driveway access to a State highway is permitted and that the required permit is issued.
- D. At its next regularly scheduled meeting following the date of receipt of the Final Plan by the Township Secretary, the Township Planning Commission shall review the Final Plan to determine its relationship to the approved Preliminary Plan and its conformance to the requirements of this Ordinance and shall recommend approval, conditional approval or disapproval of the Final Plan and submit its findings in writing to the Board of Supervisors and the Developer within forty-five (45) days after such meeting. When the plan is not recommended for approval as submitted, the Developer shall be notified in writing of the defects found in the plan, the requirements which have not been met, and the provision of the Ordinance relied upon.
- E. Within sixty (60) days of the date of the Planning Commission's review of the Final Plan, the Board of Supervisors shall, at a regularly scheduled or special meeting, review the Final Plan to determine its relationship to the approved Preliminary Plan and its conformance to this Ordinance and shall either approve, conditionally approve or disapprove the Final Plan within ninety (90) days of such Planning Commission meeting. When the plan is not approved as submitted, the Developer shall be notified in writing of the defects found in the Plan, the requirements which have not been met, and the provisions of the Ordinance relied upon.
- F. Within ninety (90) days of final approval, the Final Plan for Subdivision shall be recorded in the Office of the Recorder of Deeds of the County by the Developer. If the Final Plan is not recorded within this period, the approval of the Board of Supervisors shall be null and void.
- G. The Board of Supervisors may require that the owners supply a Title Insurance Certificate from a reputable company before any property can be accepted by the Township.
- H. Where a Subdivision Final Plan has been approved and recorded under the terms and conditions of this Ordinance, purchasers and mortgage holders of Lots in the Subdivision shall be relieved of any and all liability for any deficiency in, lack of, or failure to complete, the necessary grading and paving of Streets and other

Street Improvements including, where specified in the Final Plan, curbs, sidewalks, fire hydrants, water mains, sanitary sewers and storm sewers, and failure to complete or properly complete said Improvements shall not encumber any or all of the Lots in the Subdivision.

- I. If an application for either preliminary or final approval is denied, neither the application fee nor any part thereof shall be returned to the applicant.
- J. If a Final Plan is not submitted within one (1) year after conditional approval of the Preliminary Plan is granted by the Board of Supervisors, the Planning Commission shall be authorized to close its file on the Subdivision or Land Development and dispose of any unnecessary materials. In such a case, any resubmittal shall be considered to be a submittal of a new plan. The applicant shall then follow the same procedure and pay the same fee as if no previous submittal had been made.

#### Section 406 – Fees

- A. To defray a portion of the expenses of Subdivision review, fees shall be payable to the Secretary of the Board of Supervisors of the Township, at the time of filing of the Preliminary Plan, or in case of a Minor Subdivision, at the time of filing of the Final Plan, according to the schedule adopted by the Board of Supervisors of Washington Township.
- B. If professional engineering, consulting or other necessary services are to be retained by the Township to assist in the review of the plan and/or the supervision of construction, the following shall apply:
  - 1. The Township shall adopt by resolution from time to time a schedule of fees in accordance with the ordinary and customary charges billed by the municipal engineer, consultant or other professional service provider for similar work.
  - 2. The Township shall inform the Developer of its intent to engage consultation and shall provide him with a copy of the schedule of fees.
  - 3. The Developer shall be responsible for paying the engineering and/or consulting and/or legal fees accruing from review of the plan and preparation of a report to the Township thereon and from supervision of construction plus any additional fees, or charges, including administrative charges, imposed by the Township from time to time.
  - 4. If the Developer disputes the fee, he shall, within ten (10) days of being billed, inform the Township Secretary. An attempt to determine an

equitable fee shall occur at the next regular meeting of the Board of Supervisors, but such negotiation shall not delay the Board's decision on the plan. Failure of the Developer to dispute the fee within ten (10) days of being billed shall obligate him to the full amount of the bill.

5. If the Board and Developer cannot resolve the disputed fee, they shall immediately appoint a mutually acceptable third party professional engineer, or consultant if a consultant's fee is questioned, or an attorney at law duly admitted to practice within the Commonwealth of Pennsylvania if the legal fee is questioned, to review the fees charged and determine a fair settlement. The third party's decision shall be made within fifty (50) days of billing and his decision shall be final, requiring the Developer to pay the entire amount determined in the decision immediately. The charges for the third party's work shall be borne equally by the Township and Developer.

#### Section 407 – Construction of Improvements

- A. If the Developer chooses not to complete all required Improvements in his plan to satisfy the Board of Supervisors as a condition of final approval, he shall deposit with the Board a financial security in the form of an escrow account, completion bond or other instrument acceptable to the Township solicitor. The amount of the security shall be equal to 110% of the cost of the Improvements ninety (90) days after their scheduled completion, plus 10% for each year after the first anniversary of the deposit of the security that the Improvements will be under construction.
- B. The value of the security shall be determined by the Township engineer. Improvements to be covered by the security deposit may include, but are not limited to, roads, stormwater and related drainage facilities, sanitary sewer systems, recreation areas and equipment, open space treatment, buffer and other plantings, parking and internal drives and walkways.
- C. Inspections of Improvements shall be made by the Township Engineer or his assigned agent. All costs of the inspection shall be borne by Developer.
- D. Any Improvements to be later maintained by a public authority or private utility company shall be installed and bonded in accordance with the authority or Public Utility Commission regulations.
- E. The Developer's contractor shall contact the Township engineer before backfilling any storm sewer, retaining wall foundation, culvert, inlet or manhole; before spreading sub-base or applying base course to any street, or before covering any other structures that are part of the Improvements included under the bond. The engineer shall inspect the work and may order corrections be made to



bring it to compliance with the final approved plans or may authorize the contractor to proceed. The engineer shall reinspect the work to assure himself that corrections have been made before ordering the contractor to proceed.

F. Partial release of improvement bond:

1. The Developer may request in writing to the Board of Supervisors from time to time that a part of the improvement bond be released, citing the specific parts of the Improvements that he contends are completed and the estimated amount of bond covering such Improvements.
2. The Board shall authorize the Township engineer to inspect the work and to certify, within forty-five (45) days of the request, that the work is completed and the amount of the bond that may be released, or that certain specific deficiencies preclude the release of a part of the bond.
3. The Board, on receiving the engineer's certification approving release of a specific part of the bond, shall authorize the bonding company or lending institution to release the requested amount. A copy of the report shall be provided the Developer.
4. Failure of the Board to act within the forty-five (45) day limit shall constitute approval of release of the part of the bond requested by the Developer, unless both parties agree to an extension of time.
5. Until completion and satisfactory inspection by the engineer of all Improvements in the plan, at least 10% of the total value of the bond shall be retained by the Township.

G. Completion of Improvements:

1. When the Developer's contractor has completed all the Improvements, the Developer shall notify the Township Secretary by registered mail that the Improvements are complete, with a copy of the notice also provided the Township engineer.
2. The Township Secretary shall, within ten (10) days after receipt of such notice, direct the Township engineer to make a final inspection of all Improvements covered by the bond.
3. Having made his inspection, the engineer shall file a detailed report in writing with the Board of Supervisors not later than thirty (30) days after being directed to make the inspection, with a copy sent to the Developer. The report shall indicate approval or rejection of the Improvements in

whole or in part or why an evaluation cannot be immediately made, and shall contain specific reasons why any part of the Improvements do not conform to the approved Final Plan submission, or why said evaluation cannot be made. The Board of Supervisors shall receive the report at its next regular meeting, take action on it, and shall inform the Developer by registered mail of the action taken on the report.

4. If the Board of Supervisors or Township engineer fails to comply with the time limitations imposed above and fails to receive an extension of time from the Developer, all Improvements shall be deemed to have been approved as installed and the Developer shall be released from all liability under the bond. If the inspection cannot be made because of exigent circumstances, then the inspection shall be made within thirty (30) days after the elimination of the exigent circumstance.
5. If any portion of the Improvements is not approved by the Board of Supervisors, the Developer shall direct his contractor to complete the rejected Improvements in conformance with the approved Final Plan submission, and the contractor shall, upon completion, reapply for inspection by the engineer.
6. In the event that any Improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the Improvements covered by said security, the Board of Supervisors may, at its option, install part of such Improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the Improvements. All proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the Improvements covered by such security, and not for any other municipal purpose.

H. Status of Improvements after completion:

1. Approval of any or all Improvements covered by the bond shall not constitute acceptance of them for repairs or maintenance by the Board of Supervisors. All Improvements shall remain in private ownership until accepted by ordinance or resolution by the Board.

2. As a condition of immediate acceptance by ordinance or resolution, the Developer shall post a maintenance bond or other acceptable security in favor of the Township in the amount of 15% of the total value of the accepted Improvements to run for a period of 18 months from the date of acceptance by ordinance or resolution.

## ARTICLE V

### DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

#### Section 501 – Application

- A. The land development principles, standards and requirements set forth below shall be followed by the Board of Supervisors of the Township in evaluating plans for proposed Land Development.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety and general welfare.
- C. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of the property while securing substantial conformance with the objectives of this Ordinance, such modification or adjustment being made in accordance with Section 803 of this Ordinance.
- D. Whenever other Township regulations and/or County regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.

#### Section 502 – Land Use Requirements

- A. Hazards: Land subject to hazards of life or health shall not be subdivided for residential purposes until such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the Subdivision plan.
- B. Neighborhood Coordination: Land Development shall be coordinated with existing nearby neighborhoods, so that the community as a whole may develop harmoniously. Implementation of this Section will be at the discretion of the Board of Supervisors who may, after gathering all of available information:
  1. grant approval as requested;
  2. deny approval because of incompatible use; or

3. grant approval subject to specific reasonable conditions. Reasonable conditions are any and all things relating to the health, safety or welfare of existing or future residents and will therefore be designed to minimize any potential negative impact on the existing neighborhood.
- C. Notice: In the discretion of the Board of Supervisors, the Board of Supervisors may require that the Developer or the Township, at the Developer's expense, provide Notice to owners of tracts or parcels of land located in and about the area of the proposed Land Development, if in the sole discretion of the Board of Supervisors, the Land Development is of such a nature or character to warrant, seek and/or provide owners of tracts or parcels of land the opportunity for input prior to any decision that may be rendered by the Board of Supervisors on the application for Land Development.

PREFACE TO SECTIONS 503, 504, 506, 508 AND 509

All specifications listed in Sections 503, 504, 506, 508 and 509 are subject to the provisions and the specifications and standards of the Pennsylvania Department of Transportation, and where the Department of Transportation specifications are more stringent than those herein listed, the specifications and regulations of said Pennsylvania Department of Transportation shall apply.

Section 503 – Street Widths and Curbs

- A. Street Widths: Minimum Street widths for proposed Streets and extensions of continuations of existing Streets are as follows:

| <u>Street Type</u>         | <u>Assumed Traffic Requirements</u> | <u>Right-of-Way Width</u> | <u>Cartway Width</u> |
|----------------------------|-------------------------------------|---------------------------|----------------------|
| Residential Service Street | 2 Traffic Lanes                     | 50'                       | 20'                  |
| Marginal Access Street     | 2 Traffic Lanes                     | 60'                       | 20'                  |
| Rural Service Road         | 2 Traffic Lanes                     | 60'                       | 22'                  |
| Feeder Road                | 2 Traffic Lanes                     | 60'                       | 22'                  |

- B. Additional Width: Additional Right-of-Way and Cartway Widths may be required by the Board of Supervisors for the following purposes:

1. To promote public safety and convenience

2. To provide parking space in commercial districts and in areas of high-density residential development
- C. Extension of Non-Conforming Street: Short extensions, 200 feet or less, of existing Streets with lesser right-of-way and/or Cartway Widths than prescribed by Section 503(A) above may be permitted, provided, however, that no section of the new right-of-way is less than the Right-of-Way Width prescribed by Section 503A.
  - D. Width Addition to Non-Conforming Street: Where a Subdivision contains an existing street of inadequate Right-of-Way Width, additional Right-of-Way Width in conformance with the above standard is required.
  - E. Curbs: Curbs shall be installed along both sides of all Streets. The Township Supervisors shall have the option of waiving curbs in areas where the Lot frontage exceeds 200 feet. Curbs shall be of the vertical type or the rolled curb-and-gutter type. The transition from one type of curb to another shall be made only at a street intersection, and adequate provisions shall be made for driveway entrances. Curbs and gutters, if any, are to be constructed on the street right-of-way. Concrete curbs may be required by the Township Supervisors in order to prevent water Runoff.

#### Section 504 – Street System

- A. Township Plans: Proposed Streets shall be properly related to such street plans, or parts thereof, as have been officially prepared and adopted by the Township.
- B. Other Plans: Proposed Streets shall further conform to such Township, County and State Road and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Topography: Streets shall be logically related to the topography as specified in Section 508.
- D. Residential Service Streets: Residential Service Streets shall be laid out so as to discourage through traffic, but provision for street connections into and from adjacent Streets may be required, to accommodate access by emergency vehicles. Such street systems shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.
- E. Re-Subdivision: If Lots resulting from original Subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate street right-of-way to permit further Subdivision shall be provided as necessary.

- F. Marginal Access Streets: Where a Subdivision abuts or contains an existing or proposed Feeder Road, Connector or Arterial Highway, the Supervisors may require Marginal Access Streets, rear service Alleys, Reverse Frontage Lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic.
- G. Existing Half or Partial Street: Wherever a tract to be subdivided has on its border a street with insufficient Right-of-Way Width, sufficient room shall be plotted within the tract to bring the street into conformance with Section 503(A) of this Ordinance.
- H. Dead-End Streets: Dead-end Streets shall be prohibited, except as hubs to permit future street extension into adjoining tracts, or where designed as a Cul-de-Sac.
- I. Street Construction: All Streets shall be provided with a smooth paved surface, shall be properly crested and banked, and shall be durable and well drained under normal weather conditions. The surface shall be asphalt and shall meet minimum standards contained in the current Township Road Construction Ordinance.
- J. Township Acceptance of Streets: Notwithstanding any provisions of this Ordinance to the contrary, as conditions preceding the formal acceptance for maintenance of any street by the Board of Supervisors, the Developer shall have:
  - 1. Completed the street to the satisfaction of the Township Engineer not less than two (2) years previous to the request for acceptance; and
  - 2. Completed construction of not less than 4/5 of all the Lots abutting the street; and
  - 3. The street shall be in a condition satisfactory to the Township Engineer and Board of Supervisors immediately prior to acceptance.

The Developer shall enter into a Maintenance Agreement with the Township, subject to a bond or escrow account in favor of the Township in an amount equaling 15% of the construction performance bond, guaranteeing the structural integrity of the street and other Improvements to become public, for a period of 18 months.

#### Section 505 – Private Roads

- A. The Board of Supervisors may approve a plan containing private roads, or the extension of an existing private road subject to the following conditions:

1. The Developer shall state on the Final Plan to be recorded which roads specifically are to be private and that the Township has no interest or obligation in their maintenance.
2. Perpetual maintenance of a private road shall be the responsibility of an association made up of all the owners of properties abutting the road. They shall share equally in the costs and may contract for maintenance services. The association shall be established by the Developer and its bylaws approved by the Township solicitor as meeting applicable State statutes. In lieu of the formation of an association as set forth aforesaid, the Township, in its sole discretion, may require as a condition of final approval of the Plan that the private roads be the subject of a Private Road Maintenance Agreement or Declaration to be recorded simultaneously with the recording of a Plan with the adequacy of said Private Road Maintenance Agreement or Declaration being within the discretion of the Township and approved by the Township Solicitor. The Private Road Maintenance Agreement or Declaration shall be substantially as set forth on Exhibit "B" attached hereto, unless the Township Solicitor in his or her sole discretion deems it necessary and/or advisable to alter the same.
3. The deed for each Lot and the recorded plan shall state that the road is private and not subject to Township maintenance.
4. Utility easements within a private road shall be clearly marked on the plan and identified as to width and use.
5. A private road shall be named and marked at its intersection with a public road.
6. Private roads shall be contained in a Right-of-Way not less than 50 feet wide.
7. A building on a Lot abutting a private road shall be set back from the Right-of-Way line not less than 30 feet.
8. The right of passage over a private road for maintenance of utilities or for access of emergency vehicles shall be guaranteed in writing, with copies provided to the Township, affected utilities and emergency services providers. In such case, the Plan of Subdivision submitted for approval shall contain written grants of easements for the construction, maintenance, existence and repair of utilities along the line of such private road. The location of any utility, including water and sewage lines shall likewise be approved by any utility company or municipal authority

responsible for same, such approval to be acknowledged, by the utility provider on the Plan of Subdivision.

9. If at a future time the Lot owners petition the Township to adopt the road as a public road, the owners, at their expense, shall widen, reconstruct or otherwise improve the road to satisfy the Township road specifications current at the time, and shall have completed the work to the Supervisors' satisfaction prior to adoption.
10. The width of any private road shall be sufficient to provide access to and passage for emergency vehicles, the exact width necessary to be determined by the Board of Supervisors.
11. The composition of any private road must be of at least double-seal coated shot and chip, must be of such style or additional composition to allow passage for emergency vehicles, and must at all times be maintained in and with a smooth, hard and dust-free surface.
12. All construction setbacks and Cul-de-Sac requirements imposed by this Ordinance upon public roads, and Plans of Subdivision containing public roads, shall likewise apply to private roads and Plans of Subdivision containing same.

#### Section 506 – Cul-de-Sac Streets

- A. Length – No more than 20 Lots shall have their principal access to a Cul-de-Sac street and the total length between the center line of the intersection road and the center of the turnaround shall not exceed 1,800 feet. Shorter Cul-de-Sac Streets and loop Streets with each end connecting to the same road may be required.
- B. Turnaround – The closed end of a Cul-de-Sac street shall be contained in a Right-of-Way whose radius is 50 feet. The paved turnaround shall have a radius of not less than 40 feet. Temporary turnarounds equipped with all-weather surface may be approved by the Supervisors within a plan in the process of development provided the Developer assures the Supervisors the road will be extended to a permanent Turnaround within three (3) years of construction.
- C. Design Standards - A Subdivision Plan shall provide when a Cul-de-Sac is involved adequate design provisions for fire hydrants and the accumulation of plowed snow during winter road maintenance so as to not create an adverse impact on driveway access and postal service.
- D. Extension - When the Planning Commission determines that the extension of a Cul-de-Sac street into adjacent undeveloped land is desirable, it shall recommend



to the Supervisors that the street Right-of-Way be extended from the Cul-de-Sac to the plan boundary line and such extension shall be shown on the Final Plan.

#### Section 507 – Coordination of Street Systems

- A. New Streets which are aligned with existing Streets shall bear the name of the existing Street. New Streets which are not continuations of existing Streets shall not bear the same Street name (irrespective of such suffixes as street, avenue, court, etc.) as an existing Street in the same municipality or postal service area and the name must be approved by Westmoreland County Emergency Management.

#### Section 508 – Street Alignment

- A. Whenever Street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- B. To ensure adequate Sight Distance, minimum center line radii for horizontal curves shall be as follows:
  - 1. Residential Service Streets and Rural Service Roads - 125 feet
  - 2. Feeder Roads and Connector Highways - 200 feet
  - 3. Arterial Highways – 500 feet

#### Section 509 – Street Slopes

- A. Center line slopes should be not less than one (1%) percent
- B. Center line slopes shall not exceed the following:
  - 1. Residential Service Streets and Rural Service Roads – 12%
  - 2. Feeder Roads; Connector and Arterial Highways – 6%
- C. Vertical curves shall be used at change of slope exceeding one (1%) percent and shall be designed in relation to the extent of the slope change and to provide the following minimum Sight Distances:
  - 1. Residential Service Streets and Rural Service Roads – 150 feet
  - 2. Feeder Roads and Connector Highways – 200 feet

3. Arterial Highways – 500 feet
- D. Where the slope of any Street at the approach to an intersection exceeds six (6%) percent, a levelling area shall be provided having not greater than four (4%) percent slope for a distance of 100 feet measured from the center line in the intersection Street.

#### Section 510 – Street Intersections

- A. Streets shall be laid out to intersect as nearly as possible at right angles. No Street shall intersect another at an angle of less than 60 degrees.
- B. Multiple intersections involving junction of more than two (2) Streets are prohibited.
- C. Clear sight triangles measured along Street center lines from their point of junction shall be provided at intersections as follows:
  1. Connector and Arterial Highways - 150 feet
  2. All other Roads and Streets – 75 feet
- D. To the fullest extent possible, intersections with major traffic Streets shall be located not less than 800 feet apart, measured from center line to center line.
- E. Streets entering opposite sides of another Street shall be laid out either directly opposite one another or within a minimum offset of 150 feet between their center lines.
- F. Minimum curb radii at Street intersections shall be twenty (20') feet for intersections involving Residential Service Streets, thirty (30') feet for intersections involving other types of roads or highways, or such greater radius as is suitable to the specific intersection.

#### Section 511 – Storm Drainage

- A. Drainage Facilities shall be provided to:
  1. Permit unimpeded flow of natural Watercourses and other existing Drainage Facilities.
  2. Prove positive Drainage away from On-site Sanitary Sewage Disposal System.

- B. Where existing storm sewers are accessible, proposed Subdivisions shall be required to connect therewith if feasible.
- C. Prior written agreements shall be obtained by the Developer for any Drainage Rights-of-Way or storm sewers which are to discharge directly onto other property.
- D. The design of any proposed Stormwater Management Control system shall comply with the requirements of any and all statutes, rules, regulations and criteria enacted, adopted or enforced by any and all governmental bodies and agencies and shall be further subject to the review of the Township Engineer to ensure compliance therewith.
- E. The Developer shall execute a Stormwater Management Agreement substantially as set forth in Exhibit "A" attached hereto unless the Township Solicitor in his or her sole discretion deems it necessary and/or advisable to alter the same.
- F. The Developer shall design its stormwater management control system in accordance with the requirements and standards as set forth in Appendix "A" attached hereto and made a part hereof.

Section 512 – Building Setback Line Distances

- A. The minimum front building setback line distance on all Streets except Routes 66, 286, 356, 366, 780 and 380 shall be fifty-five (55') feet from the center line of the Street or thirty (30') feet from the edge of the Street, whichever results in the greater setback.
- B. The minimum front building setback line distance for properties abutting Routes 356, 366, 780, 286, 66 and 380 shall be seventy-five (75') feet measured from the edge of the highway pavement, or forty-five (45') feet measured from the edge of the Street, whichever results in the greater setback.
- C. Any property owner or property possessor who causes new construction to be made for residential purposes or who enlarges the outside dimensions of any existing residential structure (including porches, patios, garages or attachments) even though said property owner or property possessor is not subdividing or developing, shall comply with the building setback line requirements of this Section 512.
- D. The minimum side and rear building setback line distance shall be ten (10') feet for any residential use.

- E. Any sewage treatment plant serving more than one (1) EDU shall have a setback of not less than 200 feet from any property line and 250 feet from any dwelling on any additional or abutting property unless DEP requires greater setback distance in which event the DEP requirements shall control.

#### Section 513 – Blocks

- A. The length, width and shape of Blocks shall be determined with due regard to:
  - 1. Provision of adequate sites for Structures of the type proposed
  - 2. Topography
  - 3. Requirements for safe and convenient vehicular and pedestrian circulation
- B. Blocks shall have a maximum length of 1,600 feet and, so far as practicable, a minimum length of 800 feet; along Arterial Highways, Blocks shall be not less than 1,000 feet long.
- C. Residential Blocks should be of sufficient depth to accommodate two (2) tiers of Lots, except where Reverse Frontage Lots in accordance with Section 504(F) are used.

#### Section 514 – Lots and Lot Sizes

- A. Purpose and Policy: Lot and Lot Sizes for Residential Use. In order to safeguard the public health, safety and welfare of the residents of the Township, it is declared to be the policy of this Township that: (i) Lots have sufficient area to ensure satisfactory sanitary sewage disposal; and, (ii) the determination of Lot sizes and Lot density takes into consideration the proven groundwater resources which would be available for utilization by such Lots. Accordingly, for all residential uses within the Township:
  - 1. Lots served by an On-Site Sanitary Sewage Disposal System and On-Site Water Distribution System must contain a minimum of one and three-quarter (1-3/4) acres and a minimum frontage of 200 feet and must contain sufficient area approved for a Disposal Field and, where appropriate, an alternate Disposal Field replacement.
  - 2. Lots served by an On-Site Sanitary Sewage Disposal System and a Public Water Distribution System must contain a minimum of one and one-half (1-1/2) acre and a minimum frontage of 150 feet and must contain sufficient area approved for a disposal field and, where appropriate, an alternate disposal field or placement.

3. Lots served by an On-Site Water Distribution System and a Subdivision Sanitary Sewage Disposal System or a Public Sanitary Sewage Disposal System must contain a minimum of one and one-fourth (1-1/4) acre and a minimum frontage of 150 feet.
4. Lots served by a Subdivision Sanitary Sewage Disposal System or a Public Sanitary Sewage Disposal System and a Public Water Distribution System shall contain a minimum of one (1) acre and a minimum frontage of 125 feet.
5. Exceptions may be granted to the minimum frontage requirements specified above for Cul-de-Sacs and other unique topographical and design situations on a case-by-case basis.

#### Section 514.1 – Miscellaneous Requirements

- A. Lots subject to residential use shall front on existing or proposed Streets.
- B. Lot lines shall follow municipal boundaries wherever applicable in order to avoid jurisdictional problems.
- C. All On-Site Sanitary Sewage Disposal Systems and On-Site Water Distribution Systems must be situate on the Lot they service and may not be extended to service any other Residential or Non-Residential use or Lot within the Subdivision.
- D. For purposes of determining Lot area for conformance with this section, the area within twenty-five (25') feet of the center line of any public street abutting or traversing the Lot shall be excluded.
- E. Lot and Lot sizes for all Non-Residential Development shall be governed by the provisions of Article VI hereafter.
- F. Each Plan of Subdivision must specifically locate and designate primary and alternate Sanitary Sewage Disposal Sites.
- G. There shall be no more than one (1) Residential dwelling on a Lot, except as set forth in Section 516.
- H. There shall be no more than one (1) Non-Residential Structure on a Lot with a Residential Structure, but the Structure may contain more than one (1) Non-Residential use.

Section 515 – Cluster Option

- A. To encourage innovations in development and renewal so that the growing demand for housing may be met by (i) greater variety in type, design and layout of dwellings; and (ii) the conservation and more efficient use of open space adjacent to said dwellings; and furthermore, to encourage a more efficient use of land and public services and to encourage utilization of new technologies in Land Development so that economies thus obtained may benefit those who purchase such homes; and finally, to provide a procedure which can relate the type, design and layout of development to the particular site and the particular demand for housing, which exists at the time of development; in a manner consistent with the increased flexibility of regulations over Land Development, a Developer may request, pursuant to the following requirements, that a residential development be approved under the Cluster Option. The approval of a Cluster Option Plan shall be within the sole discretion of the Board of Supervisors and shall be subject to any conditions imposed by the Supervisors on the grant of such approval. The following criteria, while not exclusive, shall be used in considering applications for Subdivision and development under the Cluster Option:
1. The area proposed for development under the Cluster Option must be serviced by a Public Water Distribution System and either a Public Sanitary Sewage Disposal System or Subdivision Sewage Disposal System.
  2. The area proposed for development under the Cluster Option must be greater than twenty-five (25) acres.
  3. The use of the land in the site is enhanced by use of the Cluster Option in such a way as to provide greater recognition of the natural environment and its limitations than would be likely under a conventional Subdivision Plan.
  4. The land offered for common usable open space is, in fact, usable for active or passive recreation purposes, and is so placed within the Subdivision to provide maximum possible accessibility to each dwelling unit.
  5. All of the remaining acreage gained through smaller Lot sizes, but not less than twenty-five (25%) percent of the total site area must be provided as common open space.
  6. In no event will a Subdivision be permitted to contain more Lots through the Cluster Option than would have been possible through conventional

Subdivision. The final result must not increase the gross density of the site.

Section 516 – Multi-Family Dwelling Units

- A. There shall not be more than eight (8) dwelling units in a single building. Multi-family dwelling units shall not be taller than three (3) stories in height above ground. Multi-family dwelling units will be permitted only where a Public Water Distribution System and Public Sanitary Sewage Disposal System are available. These requirements may be waived by the Board of Supervisors if an acceptable Subdivision Sanitary Sewage Disposal System is approved for multi-family dwelling units.
- B. The minimum area required for a Lot containing multi-family dwelling units shall be equal to one (1) acre for each building containing multi-family dwelling units plus one quarter (0.25) of an acre for each dwelling unit in such building.
- C. All Design Standards and Required Improvements imposed by this Ordinance shall apply to Subdivisions containing multi-family dwelling units.

Section 517 – Non-Public Areas, Facilities and Improvements

- A. Before the Planning Commission shall recommend preliminary or final approval for a Subdivision, suitable arrangements shall be made for fixing responsibility for continued ownership, maintenance, and where applicable, tax liability for all land areas, facilities and Improvements which will not be dedicated or accepted by a local governing body. Such arrangements shall be reviewed by the Planning Commission, which shall send them to the Township Solicitor for recommendation. The Solicitor's recommendations, including any specific revisions, shall be sent directly to the Supervisors for final decision.
- B. Homeowners' Associations – Where a Homeowners' Association ("Association") will be created, such Association shall conform to the requirements of this Section. Any covenants, bylaws, etc. which are intended to meet the requirements of this Ordinance for an Association shall be prepared by an attorney for the Developer.
  - 1. Covenants, restrictions and/or bylaws of an Association shall be recorded in the Office of the Recorder of Deeds of Westmoreland County. Any Association created under this Ordinance shall also be incorporated under the laws of Pennsylvania. All Final Plans relating to the affected Land Development shall note the existence of the Association, the volume, page or other detail specifying the recording of covenants, etc. governing the Association and the incorporation of the Association.

2. The Planning Commission may require such changes in proposed covenants, bylaws, etc., and/or such additional provisions as it feels are proper considering the type, character, nature and/or purpose of the land areas, facilities and improvements not dedicated to or accepted by the local governing body to assure proper functioning of the Association. Developers may include additional provisions, beyond those required by Subsection (3) below, subject to the approval of the Planning Commission.
3. As a minimum, covenants, bylaws or other documents governing the operation of an association shall contain the provisions listed below:
  - (a) a description of the existing property to be subdivided and developed;
  - (b) reference to the recorded plan describing the Subdivision;
  - (c) provisions describing who is to be a member of the Association and what the rights of members are;
  - (d) a description of the areas, facilities and other properties to be held in common by the Association;
  - (e) provisions limiting all future use of certain common properties to their intended purpose, e.g. park areas to be limited to recreation, etc. Any change of intended use of a non-public area must have Township approval;
  - (f) procedures describing the election of officers of the Association at regular intervals and describing the duties, powers and responsibilities of those officers, including the right to exercise all power vested in the Association;
  - (g) provisions for amending the covenants, bylaws, etc. except that no amendments should be permitted for at least two (2) years after the recording of the covenants;
  - (h) provisions requiring regular meetings of the association;
  - (i) provisions for determining a quorum;
  - (j) provisions stating how assessments may be levied, and changed, what properties are subject to assessment, and describing the purpose and use of such assessments; provisions for the



establishment of a contingency fund to cover unexpected expenses shall be made;

- (k) provisions stating when assessments shall fall due and to whom they shall be paid;
- (l) provisions allowing officers to withhold the rights and privileges of membership from members who fail to pay assessments;
- (m) provisions for the collection of unpaid assessments, including the placing of a lien against the property, together with any costs incurred by the Association in such collection and with an appropriate interest charge;
- (n) provisions for record keeping, communications with members, the providing of adequate meeting notice, and requiring the preparation and maintenance of financial reports;
- (o) provisions allowing the Township to do, at its discretion, any maintenance as may be needed to the common properties to assure health and safety within the Subdivision should the Association fail to perform such maintenance. These provisions shall also allow the Township to assess members of the Association for the cost of the work performed, plus all other charges, expenses, costs and administrative fees, and shall state that the Township, in performing this maintenance, is not accepting the common properties as public property;
- (p) provisions allowing the Association to establish rules and regulations for the cooperative and harmonious use of common properties by members, to be in effect when published or posted;
- (q) provisions allowing the Association to suspend the rights of any member for a reasonable period for infractions of rules and regulations;
- (r) provisions allowing the Association to charge reasonable admission and other fees for the use of common properties;
- (s) provisions granting the Association the right to dedicate or transfer all or any part of the common properties to any public agency, authority or utility providing such agency, authority or utility is willing to receive such common properties;

- (t) provisions allowing the Association to borrow money to improve the common properties and to mortgage those properties for this purpose;
- (u) provisions allowing the association to take such steps as may be necessary to protect mortgage properties from foreclosure; and
- (v) provisions limiting the lenders' rights in event of default upon a mortgage to the charging of admission for their use, and to the opening of facilities to wider public use until the mortgage debt is satisfied whereupon the common properties would be returned to the Association and all rights of members restored.

#### Section 518 – Erosion and Sediment Control

##### A. Standards:

1. No changes shall be made in the contour of the land; no grading, excavating or removal of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a control plan for minimizing Erosion and Sedimentation has been reviewed and accepted by the Planning Commission and the Board of Supervisors or there has been a determination by the Planning Commission and the Board of Supervisors that such plans are not necessary. Appropriate earth moving permits may be required. No such change shall be made except in conformance with the Design Manual and Specifications for Design, Construction, Performance, Maintenance and Alteration of Grading, Excavation and Fills attached hereto as Appendix "B."
2. No Subdivision or Land Development Plan shall be approved unless there has been a control plan approved by the Board of Supervisors that provides for minimizing Erosion and Sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required Improvements, or there has been a determination by the Board of Supervisors that a control plan for minimizing Erosion and Sedimentation is not necessary. The amount of such bond or securities shall be determined by the Board of Supervisors.
3. Measures used to control Erosion and reduce Sedimentation shall, as a minimum, meet the standards and specifications of the Westmoreland County Soil and Water Conservation District. The Township Engineer, or other official as designated, shall ensure compliance with the appropriate

specifications, copies of which are available from the Westmoreland County Soil and Water Conservation District.

- B. Additional Standards: The following measures are effective in minimizing Erosion and Sedimentation and shall be included where applicable in the control plan:
1. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize Erosion. No trees shall be cut which are unique by reason of size, age or some other outstanding quality, such as rarity or status as a landmark or species specimen. For that area of land which must be cleared of trees and other vegetation to allow construction of Structures and other Improvements, the limits of clearing shall include only:
    - (a) Dedicated Streets and public service or utility Easements;
    - (b) building roof coverage plus 25 feet on all sides for construction activity;
    - (c) driveways, alleyways, walkways and ancillary structures such as patios;
    - (d) other land area reasonably necessary for construction of the proposed Structures and other Improvements.
  2. Subdivision plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least Erosion potential and to adequately handle the volume and velocity of surface water Runoff.
  3. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
  4. The disturbed area and the duration of exposure shall be kept to a practical minimum.
  5. Disturbed soils shall be stabilized as quickly as reasonable and practical.
  6. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

7. The permanent vegetation and structural Erosion control and Drainage measures shall be installed as soon as reasonable and practical in the development.
8. Provisions shall be made to effectively accommodate the increased Runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface Runoff shall be structurally retarded.
9. Sediment in the Runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps or similar measures.
10. All Lots, tracts or parcels shall be graded to provide proper Drainage away from Structures and dispose of it without ponding, and where necessary, land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Board of Supervisors.
11. All Drainage Facilities shall be of such design to adequately handle the surface Runoff and carry it to the nearest suitable outlet such as a curbed Street, storm drain or natural Watercourse. If the soil surface is disturbed in order to divert surface waters, the waterways shall be sodded or planted as required and shall be of such Slope, shape and size as to conform to the requirements established by the Township Supervisors.
12. Concentration of surface water Runoff shall be permitted only in natural Watercourses.
13. Cut and fill Slopes shall not be steeper than 50% unless stabilized by a retaining wall or cribbing approved by the Board of Supervisors. Minimum grades are not to be less than one and one-half (1.5%) percent.
14. Adequate provisions shall be made to prevent surface water from damaging the Cut face of excavations or the sloping surface of fills.
15. Cut and fills shall not endanger adjoining property.
16. Fill shall be leveled and compacted by sheep foot roller or other approved compaction equipment in layers of every two (2') feet vertical to minimize sliding or Erosion of the soil.
17. Fills shall not be placed adjacent to, nor encroach on, natural Watercourses or construction channels.

18. Grading shall not be done in such a way as to divert water onto the property of other landowners without the express consent of the Board of Supervisors and the other landowners affected.
19. During grading operations, necessary measures for dust control shall be exercised.
20. Grading and construction equipment shall not be allowed to cross live streams. Provisions shall be made for the installation of culverts or bridges.

C. Responsibilities:

1. Whenever Sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or entity causing such Sedimentation to remove it from all adjoining surfaces, Drainage Systems and Watercourses and to repair any damage at his expense as quickly as possible.
2. Maintenance of all Drainage Facilities and Watercourses within any Subdivision or Land Development is the responsibility of the Developer until they are accepted by the Township or some other official agency, after which they become the responsibility of the accepting agency.
3. It is the responsibility of any person, corporation or other entity affecting a communal stream or Watercourse or Flood Plain or Right-of-Way thereof, to maintain as nearly as possible in its present state the stream, Watercourse, Flood Plain or Right-of-Way during the period of the activity and to return it to its original or equal condition after such activity is completed.
4. Maintenance of Drainage Facilities or Watercourses originating on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal Watercourse within the property.
5. No person, corporation or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing, or in any way affect the normal or flood flow in any communal stream or Watercourse without having obtained prior approval from the Westmoreland County Soil and Water Conservation District.
6. Where a Subdivision is traversed by a Watercourse, there shall be provided a Drainage Easement or Right-of-Way of not less than thirty

(30') feet but in any event conforming substantially with such width as will be adequate to preserve natural Drainage.

7. Each person, corporation or other entity which makes any topographical changes shall be required to:
  - (a) collect on-site surface Runoff and dispose of it at the point of discharge into the common natural Watercourse of the Drainage area;
  - (b) handle existing and potential off-site Runoff through his Subdivision by designing to adequately handle such off-site storm Runoff;
  - (c) pay the total cost of off-site Improvements including Easement cost, if applicable, to the common natural Watercourse, based on a fully developed Drainage area; and
  - (d) provide and install at his expense, in accordance with Township requirements, all Drainage and Erosion Control Improvements (temporary and permanent).
  
8. The Board may require the posting of a performance bond to ensure compliance with this section.

#### Section 519 – Sewage Disposal Systems

- A. If a public sanitary sewage system exists within 250 feet of any Lot, whether the said Lot be new, proposed or existing, such Lot must be tapped into the public sanitary sewage system. The cost or expense of any connection shall be borne and/or assessed in accordance with the Pennsylvania Municipal Authorities Act of 1945, as amended, by the Act of December 19, 1990, P.L. 1223, No. 203 (53 P.S. §301, et seq.). Where such sewer system is not yet accessible but is planned for extension to the vicinity of the Subdivision, the Board of Supervisors may require the Developer to install the necessary sewer lines, including lateral connections as may be necessary, to enable each Lot, tract or parcel of land to be served by the Public Sanitary Sewage Disposal System when such system is finally extended to the Subdivision. The sewer lines shall be suitably capped at the limits of the Subdivision and the laterals shall be capped at the Street Right-of-Way line. All Sanitary Sewage Disposal Systems shall be subject to the requirements of The Washington Township Act 537 Plan, as amended, the Pennsylvania Sewage Facilities Act, as amended, any current Rules and Regulations of the Department of Environmental Protection, and any current Rules and Regulations of the Municipal Authority of Washington Township. Where a plan includes a waste

water treatment plant or a sewage lift station, the Developer shall provide the Board of Supervisors and the Municipal Authority of Washington Township with a complete set of drawings and specifications of the proposed facility approved by the DEP and the Municipal Authority of Washington Township as a condition of Township approval.

- B. When each Lot within a plan is to be served by an On-Site Sanitary Sewage Disposal System, the final drawings shall bear an acknowledgement of the Township Sewage Enforcement Officer that all Lots have adequate area, soil capability and location on the Lot to accommodate an on-site sanitary system and, when necessary, an alternate on-site sanitary system sufficiently isolated from any water well on the Lot and not encroaching upon any adjacent Lots or undeveloped land. The necessity for an alternate site shall be determined on a case by case basis by the Sewage Enforcement Officer of Washington Township in accordance with the Rules and Regulations promulgated by the Commonwealth of Pennsylvania, Department of Environmental Protection and as amended from time to time. The Final Plan drawing shall also indicate the location of the sewage test pit and percolation test holes or the location of the approved site, depending upon the type of sewage system, on each Lot.
- C. Whenever a proposed subdivision purports to subdivide or convey property to another and such property is not subject to an existing site, subdivision or other form of sanitary sewage treatment system, then the Developer must provide proof to the Board of Supervisors, prior to the approval of such plan, that such subdivided property is capable of service by a form of sanitary sewage treatment system permitted under this Ordinance. The requirements of this provision may be waived:
1. Whenever the Developer designates the subdivided parcel as being exempt from necessitating a sewage system and the Developer submits the necessary exemption forms in accordance with the procedures as promulgated by the Pennsylvania Department of Environmental Protection. Additionally, the exemption language must appear on the Plan of Subdivision;
  2. Whenever the property and property owner qualifies for a ten (10) acre Permit Exemption under Act 149 of 1994 which amended the Pennsylvania Sewage Facilities Act (Act 537). A ten (10) acre Permit Exemption form must be completed, reviewed and approved in compliance with the Pennsylvania DEP procedures. The Township of Washington is authorized to charge a property owner \$25.00 or any other amount permitted by the Pennsylvania Sewage Facilities Act, as amended, to determine the applicability of the Permit Exemption request. If a property owner chooses to apply for an Act 149 of 1994 Permit Exemption

because the subdivided Lot is not capable of service by a form of sanitary sewage treatment system permitted under this Ordinance, the Township reserves the right as a condition of the issuance of an Exemption Permit to require that the property owner take steps necessary to qualify the subdivided Lot for the installation of an on-site sanitary sewer system that would be otherwise permitted under this Ordinance.

- D. Each On-Site Sanitary Sewer Disposal System shall be located entirely within the Lot, tract or parcel of land that it services and shall not be extended to connect with or service any other Lot or structure outside the boundary of such Lot, tract or parcel.
- E. Each Subdivision Sanitary Sewer Disposal System shall be located within the Subdivision it services provided, however, that the Board of Supervisors may, at their discretion, permit or require additional connections outside the Subdivision if such additional connections will promote the general health, safety and well-being of the residents of the area, the system has the capacity to accommodate such additional connections and the further development of the Subdivision intended to be serviced by such system is not compromised.
- F. Each Subdivision Sanitary Sewer Disposal System shall be subject to the posting of bonds or other form of security to be determined by the Board of Supervisors to ensure the continuing operation and integrity of such system. In addition, the Board of Supervisors shall require entry into a Developer's agreement wherein additional provisions for security or conditions to ensure the continuing operation and integrity of the system may be imposed.
- G. Each Subdivision Sanitary Sewer Disposal System shall be constructed in accordance with the rules and regulations of the Commonwealth of Pennsylvania, Department of Environmental Protection and any and all governmental bodies and/or agencies having jurisdiction over the same.
- H. In all cases, land being utilized for non-residential purposes shall require a sanitary sewage disposal system providing rest room facilities for both employees and patrons. In no event shall porta johns, holding tanks or any other similar facility be permitted.

#### Section 520 – Water Supply

Purpose and Policy: Because improperly constructed or installed or operated or maintained pumping equipment and other water treating and water service equipment can affect the public health adversely, consistent with the duty to safeguard the public health, safety and



welfare of this Township, it is declared to be the policy of this Township to require that the location, construction, installation, operation and repair of pumping equipment and other water treating and water service equipment or systems conform to such reasonable requirements as may be necessary to protect the public health, safety, and welfare in order to assure an adequate quantity and quality of water for domestic water supply requirements. All Lots, tracts and parcels of land in any Subdivision shall be served by either an approved Public Water Distribution System or be capable of being served by an approved On-Site Water Distribution System. Such water systems shall comply with the following requirements:

A. On-Site Water Distribution System Requirements – When a Subdivision is to be served by individual water systems, sufficient evidence shall be submitted to show that each Lot will have available at the time of development an adequate supply of potable water which will meet the minimum standards of the State Bureau of Water Quality Management for drinking water. Such evidence may include, but is not limited to, existing Well logs, and geologist and/or hydrologist’s reports for the surrounding area. Production test Wells shall be required as follows for any Subdivision that is proposed to be located in an area having potential or known problems in the quantity or quality of available water:

1. Production test Wells, if required, shall be completed prior to approval of the Subdivision Final Plan. The Wells shall be in sufficient number and distribution pattern to represent the total area of the Subdivision. The pattern used for the test Wells shall be approved by the Board of Supervisors prior to drilling and the minimum number of test Wells shall be as follows:

| <u>Average Lot Size</u><br><u>(ALS)</u> | <u>Required Number*</u><br><u>of Test Wells</u> |
|---|---|
| $0 \leq ALS \leq 2.5$ acres             | Total No. of Lots $\div$ 3                      |
| $2.5$ acres $\leq$ ALS $\leq$ 5 acres   | Total No. of Lots $\div$ 6                      |
| $5.0$ acres $\leq$ ALS $\leq$ 10 acres  | Total No. of Lots $\div$ 10                     |
| Over 10 acres                           | As may be required by the Board of Supervisors  |

\*All fractions greater than or equal to .5 shall be rounded up to next highest number.

2. Each production test Well shall be capable of producing a sustained equilibrium yield of three (3) gallons per minute for a duration of not less than five (5) hours of continuous pumping and this information shall be

certified by pump or related equipment-installing contractors. If less than three (3) gallons per minute and more than one (1) gallon per minute, the source may be acceptable if plans for above-ground storage are provided and accepted by the Board of Supervisors according to the following table:

| <u>Gal/Min Well(s)</u> | <u>Gallons of Storage Needed per Residential Unit</u> |
|------------------------|---|
| 2                      | 300   |
| 1                      | 600   |

Required above-ground storage shall be reduced by the static water storage in the Well below the static level.

3. Chemical analysis of the water from each production test Well is required. The results must meet State Bureau of Water Quality Management drinking water standards.
  4. The responsible Well contractor and/or driller shall submit a copy of the completed Well log or other similar forms as required by the Board of Supervisors. Well logs must be received by the Board of Supervisors within thirty (30) days from the completion date of the production test Well. The Board of Supervisors may require that the Well logs be verified by an independent hydrologist.
- B. Final Plan – A final Plan may be considered for conditional approval prior to the actual construction or testing of the required test Wells so that the location or possible need for the Wells may be better determined.
  - C. Construction – No construction or development work shall be started following conditional approval of a Final Plan until all required water tests are completed and approved.
  - D. Water Distribution Systems – All Water Distribution Systems must meet all applicable State, Federal and Local Codes.
  - E. Accessible Public Water Distribution System – Where connection to a Public Water Distribution System is economically feasible, all properties in Subdivisions shall be connected to such systems. In the event a Public Water Distribution System exists within 1500 feet of the Subdivision, all properties in the plan shall be connected to such system. Where a Public Water Distribution System is planned, but not yet accessible, the Developer shall install the water lines, including lateral connections as may be necessary, to enable each Lot to be served

by the Public Water Distribution System when such Public Water Distribution System is finally extended to the Subdivision. The requirements of this section shall not apply to minor Subdivisions.

- F. Each Plan of Subdivision shall contain a provision to be executed and acknowledged by the Developer that approval of the proposed Subdivision by the Washington Township Board of Supervisors shall not be deemed or construed as a representation or guarantee that a public water distribution system will be made available to the Plan.
- G. All on-site water systems must be located entirely within the boundary lines of the Lot that is serviced.
- H. Other than Public Water Distribution Systems, Water Distribution Systems that propose to provide water outside of the Lot upon which the water supply is situated are prohibited.

#### Section 521 – Alleys, Driveways and Easements

- A. Alleys are prohibited in Subdivisions of single family detached residences.
- B. Private driveways on corner Lots shall be located not less than fifty (50) feet from the intersection corner and shall have such grades as to furnish a safe and convenient parking space.
- C. Each proposed Lot in a Subdivision shall be provided with at least three (3) off-street parking spaces.
- D. Width of Easements required along roads for utility lines shall be not less than ten (10') feet wide on each side of the road. Other Easements shall be not less than twenty (20') feet in width.
- E. To the fullest extent possible, Easements shall be centered on, or adjacent to, rear or side Lot lines.

#### Section 522 – Preparation of Specifications and Plans

Specifications and plans for a Subdivision layout shall be prepared by a registered professional engineer of the Commonwealth of Pennsylvania and shall bear his signature.

#### Section 523 – Markers and Monuments

- A. Permanent stone, concrete or concrete-filled steel pipe monuments not less than three (3') feet in length shall be accurately placed at intersections of all lines

along the boundary (perimeter) of the property being subdivided, except in the case of minor Subdivisions (see definition) when markers shall be acceptable.

- B. All monuments shall be placed by a registered surveyor so that the scored point on an indented pin in the top of the monument shall coincide exactly with the point of intersection of the lines being monumented.
- C. Monuments shall be set with their top levels flush with finished grade.
- D. All Lots shall be marked with iron pins at all corners set by a registered surveyor. Such pins shall be reinforcing rods or iron pipes not less than three-quarter (3/4") inch in diameter nor less than three (3') feet long and shall be scored on their top at the exact point of intersection of property lines. They shall be set so that not more than one (1") inch is above finished grade.

#### Section 524 – Street Signs

- A. Street name signs incorporating reflective lettering shall be installed at all Street intersections. The signs will be procured and installed by the Township at the Developer's expense.
- B. House numbers and/or Street addresses shall be conspicuously posted on each property within the Subdivision so as to provide ready identification of same for emergency vehicles.
- C. The name given to any Street set forth on an approved Plan of Subdivision shall not be altered without prior approval of the Board of Supervisors. In addition no new names shall be given to previously unnamed Streets within an approved plan without prior approval of the Board of Supervisors.

#### Section 525 – Fire Hydrants

In case of a Subdivision served by a Public Water Distribution System, fire hydrants shall be installed in accordance with the requirements of (i) the National Fire Protection Agency (N.F.P.A.) Standards, as amended, with the placement of same to be approved by the Washington Township Fire Chief or Supervisor in charge of Public Safety. Fire hydrant construction and style shall be approved by the Washington Township Fire Chief or Supervisor in charge of Public Safety. Fire hydrants shall be located within six hundred (600) feet of every structure in the Subdivision unless otherwise directed or approved by the Board of Supervisors. The minimum flow of the fire hydrants shall be 500 gpm having a residual pressure of 20 PSI. A storage reservoir may be required to provide an adequate water supply to the fire hydrants.

### Section 526 – Required Planting

The Board of Supervisors in their sole discretion regarding residential Land Development may require landscaping of a type and density to improve the appearance of Land Development, as well as to prevent erosion within the Township by providing and maintaining landscaping that enhances a pleasant visual character, promotes the aesthetics of a site and serves to reduce the visual, common noise and lighting impacts of the Development on adjacent property. The aforesaid landscaping when required shall be designed by a Landscape Architect licensed by the Commonwealth of Pennsylvania to ensure the proper use and arrangement of planting material, unless otherwise waived by the Board of Supervisors.

### Section 527 – Underground Utilities

- A. The Developer shall provide or make provision for the installation of underground lines for use of all utility services, including, but not limited to, electrical service, telephone service, cable television service and other such utilities. The installation of such lines shall be in accordance with the specifications of the local utility company.
- B. Each Lot, tract or parcel of land shall be connected to the utility services referenced above. Where such utility services are not yet accessible, but planned to be extended to the vicinity of the Subdivision, the Board of Supervisors may require the Developer to install, or provide for the installation of, such utilities whenever those utilities are finally capable of being extended to such Subdivision.

### Section 528 – Fences

- A. A Landowner may construct or cause to be constructed a fence on a Lot subject to the following limitations:
  - 1. No part of a fence shall be nearer than 10 feet from the edge of a public street;
  - 2. No part of a fence shall be nearer than 3 feet from a Lot's side and rear boundary line;
  - 3. Privacy fences shall not exceed 6 feet in height; and
  - 4. All fences shall be constructed and maintained in an aesthetically pleasing and satisfactory fashion.

Section 529 – Land-to-Building Ratio

Provision will be made for limiting the area of a Lot which may be developed to address parking, loading, future expansion, aesthetics and environmental issues. The minimum land-to-building ratio will be two to one on full development which connotates a maximum building coverage not to exceed 33-1/3% of the Lot size. In addition, in no event may be the impervious development of a Lot exceed 60% of the Lot size.

ARTICLE VI

SUPPLEMENTAL REGULATIONS FOR  
LAND DEVELOPMENTS

Section 601 – Non-Residential Developments

- A. This Section contains requirements for the orderly development of land for purposes other than residential use. These requirements are in addition to the Requirements in Sections 501 to 528 of Article V.
1. Definition: For the purposes of this Section, non-residential development is any Land Development for purposes other than Residential use.
  2. Applicability: Developments which combine residential and non-residential land uses shall be governed by both this Section and Sections 501 to 528 of Article V, as applicable.
  3. Purpose: The purpose of this Section is (i) to reduce to a minimum the impact of non-residential land usage on surrounding land; and (ii) to protect the health and safety of the residents and workers in the area; (iii) to prevent detrimental effects to the use or development of adjacent properties or the general neighborhood; and (iv) to promote the health, safety, comfort and welfare of the present and future inhabitants of Washington Township. To accomplish this purpose, this Section contains requirements which are in addition to those in previous Sections of this Ordinance. The procedure applicable to non-residential development shall be the same as applicable to non-minor subdivisions.
  4. Conversion to Non-Residential Use: No property owner or possessor shall add-on, convert, modify, alter, change or use all or any portion of a residentially used or occupied structure, land or Lot for non-residential purpose(s) without the approval of the Board of Supervisors; such prohibition shall apply even though the owner or possessor of property is not subdividing or developing. Any addition, conversion, modification,

alteration or change shall be subject to those conditions, limitations and restrictions set forth hereafter.

5. Conversion from One Type of Non-Residential Use to Another Type of Non-Residential Use: No property owner or possessor shall convert, modify, alter or change all or any portion of a structure, Lot or land used for one (1) non-residential purpose to another non-residential purpose without the approval of the Board of Supervisors. Such prohibition shall apply even though the owner or possessor of properties is not subdividing or developing. Any conversion, alteration, modification or change shall be subject to those conditions, limitations and restrictions set forth hereinafter.

B. Requirements:

1. The procedures for submittal of Preliminary and Final Plans and related permits and documents shall be the same as defined in previous sections of this Ordinance.
  - (a) The Developer shall first present his plans in person to the Planning Commission but final approval of the proposal shall rest with the Board of Supervisors.
  - (b) Before final approval is given by the Board of Supervisors for the issuance of a building and/or occupancy permit, the Developer shall provide for the Board's review a set of drawings for the proposed Structure or Structures on which is affixed the approval certificate by the Commonwealth of Pennsylvania, Department of Labor and Industry, if said approval certificate is so required.
  - (c) All Non-Residential Development shall comply with all applicable provisions of the Uniform Construction Code and other applicable building codes, rules and regulations as may be amended and adopted from time to time and no building and occupancy permits will be issued until full compliance thereto is verified by the Township of Washington's Building and Construction Code Officer.
  - (d) The Developer must submit to the Township a set of as-built plans following development as a prerequisite to obtaining an Occupancy Permit.
2. Minimum Lot Size: The minimum Lot size for a Lot committed solely for Non-Residential development shall be 2.0 acres. The minimum Lot size

for a Lot that contains both Residential and Non-Residential Structures shall be 2.0 acres plus the acreage that would be required for said Lot if it were committed solely for Residential development. For example, the minimum Lot size for a Lot that contains separate Residential and Non-Residential Structures if said Lot had only on-site sanitary sewage disposal and on-site water distribution would be 3.75 acres.

3. Isolation distance and related dimensional requirements:
  - (a) No Structure shall be located less than a distance equal to its height from any property line except that such distance shall not be less than 25' feet from any side or rear Lot line and not less than 40' feet from a Street, and not less than 65' feet from the center of a non-state highway, whichever is greater, except that no Structure for properties abutting State Routes 356, 366, 286, 780, 66 and 380 shall be located less than seventy-five (75') feet measured from the edge of the highway pavement, or forty-five (45') feet measured from the edge of the Street, whichever results in the greater setback.
  - (b) No sign shall be located less than twenty-five (25') feet from a Street.
  - (c) Any property owner or property possessor who causes new construction to be made for non-residential purposes or who enlarges the outside dimensions of any existing non-residentially used structure (including any attachments thereto or parking or loading areas or sign) even though said property owner or property possessor is not subdividing or developing, shall comply with the structure isolation distance and related dimensional requirements of this Section 601(B)(3).
  
4. The partial conversion of a portion of a residentially used structure for non-residential purposes may be permitted provided, however, that:
  - (a) The conversion is restricted to an existing residential dwelling or structure on the property and no new construction occurs;
  - (b) The total area of conversion is less than 400 square feet;
  - (c) The converted property complies in all respects with the off-street parking requirements for the proposed non-residential activity to be conducted upon the property as set forth in this Ordinance.



5. Any conversion of all or part of a residentially used or occupied structure or property to a non-residential use that involves the enlargement of the exterior of any existing structure, the construction of a new building or structure, or which results in a conversion of more than 400 square feet of the property for non-residential purposes, shall be subject to all restrictions, limitations and regulations imposed upon non-residential development, in general, by the terms and provisions of this Ordinance.
6. Landscaping shall be required in accordance with the provisions of Section 604.
7. Vehicular access to and from non-residential developments shall be approved by the Board of Supervisors if the abutting road is a Township road or by the Pennsylvania Department of Transportation if the abutting road is a State highway.
8. Depending on the planned use for the non-residential or partially non-residential development, the Board of Supervisors may require the applicant to describe measures to be taken by the property occupants to prevent odors of such intensity and character as to be detrimental to the health and comfort of the occupants of Washington Township.

Section 602 – Off-Street Parking – General Requirements:

- A. Off-Street Parking Design – Parking areas shall comply with the following standards:
  1. Size. Each off-street parking space shall have an area of not less than 180 square feet, exclusive of access drives or aisles: shall have minimum dimensions of ten (10) feet in width and eighteen (18) feet in length and shall be maintained free from obstruction. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto the cartway of any public street.
  2. Access. Access to parking areas shall be provided in accordance with the following requirements:
    - (a) Where parking areas do not adjoin a public or private street, alley or easement of access, an access drive shall be provided leading to the parking areas.
    - (b) Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along the length of a street. The street frontage shall be curbed to restrict

access to the parking areas, except where access drives are proposed.

- (c) The number of access drives from a single parking area or development to any public street shall not exceed two (2) for every 400 feet of street frontage.
  - (d) Except on corner Lots, access drives shall be located at least 200 feet from the intersection of any two (2) street right-of-way lines. Where a site has frontage on more than one (1) street, access shall be provided from the street with the lowest traffic volume, if physically practical.
  - (e) Access drives entering state highways are subject to a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT). Access drives entering Township streets shall be subject to a Township driveway permit.
  - (f) Each parking space shall have access directly to a driveway. Interior circulation of traffic shall be designed so that no driveway providing access to parking spaces shall be used as a through street. Interior traffic circulation shall be designed to ensure safety and access by emergency vehicles.
3. Safety Requirements. The Board of Supervisors shall consider whether safety requirements are warranted to reduce traffic hazards which endanger public safety. The Developer shall be responsible for construction of any required islands, acceleration, deceleration or turning lanes and shall bear the cost of installing any required traffic control devices, signs or pavement markings.
4. Marking. All parking spaces shall be clearly delineated by painted lines or markers. Parking spaces shall be provided with bumper guards or wheel stops, where necessary, for safety or protection of adjacent structures or landscaped areas. All vehicular entrances to and exits from parking areas shall be clearly marked for all conditions. Handicapped parking shall be provided in compliance with the IBC.
5. Parking Areas Serving Residential Dwellings. Parking requirements for single-family, two-family and townhouse dwellings shall be met by providing the required spaces in an enclosed garage or in a private driveway on the Lot. Parking for all other multifamily dwellings shall be provided in a paved, striped and curbed off-street parking area.

6. Parking Areas Serving Uses Other Than Residential Dwellings. Parking requirements for all uses other than residential dwellings shall be met by providing a paved, striped and curbed off-street parking area.
7. Driveways Serving Nonresidential Uses. Driveways which provide access to Lots and parking areas shall be a minimum of 10 feet wide per lane. If parking spaces are aligned at less than 90°, driveways shall be restricted to one-way traffic and head-in parking only. There shall be at least 15 feet between driveways at the street line and at least 10 feet between a driveway and a fire hydrant, catch basin or property line. There shall be at least 40 feet between a driveway and the right-of-way line of an intersecting street. Adequate sight distance and reasonable driveway slope shall be provided, subject to review and approval by the Township Engineer or Public Works Director.
8. Location of Parking Areas. Required parking spaces shall be located on the same Lot with the principal use. No parking area containing more than two (2) parking spaces shall be located closer than ten (10) feet to any adjoining property line, and parking authorized in front yards shall be located at least 10 feet from the street right-of-way line.
9. Surfacing. With the exception of parking areas serving home occupations, single-family dwellings and two-family dwellings, all parking areas and access drives shall have a paved concrete or bituminous surface, graded with positive drainage to dispose of surface water in accordance with all federal, state and local ordinances and regulations governing the disposition of stormwater.
10. Lighting. Any lighting used to illuminate off-street parking areas shall be designed to reflect the light away from the adjoining premises of any residential use and away from any streets or highways. Lighting units shall be located not more than 80 feet apart and the lighting system shall furnish an average minimum of 2.0 foot-candles during hours of operation.
11. Stormwater Management. All paved parking areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties or roads. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the Township Subdivision and Land Development Ordinance.
12. The Board of Supervisors in their sole discretion may impose additional requirements or alter the aforementioned requirements if unique circumstances are present.

B. Off-Street Parking Requirements

The provision of this Ordinance shall constitute the minimum parking requirements applicable to any building, improvement, change of use or use of land approved after the date of adoption of this Ordinance, in accordance with the provisions of this Ordinance. Nothing in this Ordinance shall be deemed or construed to prevent the Board of Supervisors from imposing additional off-street parking requirements upon any development of use of property where such additional space is necessary to facilitate ingress and egress, accommodate a particular use, prevent congestion on public thoroughfares or otherwise protect the public health, safety and well-being.

1. When the calculation of required parking spaces results in a requirement of a fractional parking space, any fraction shall be counted as one parking space.
2. Any parking area as required herein shall be continually maintained in satisfactory condition so as to be safe and attractive and free of any hazard, nuisance or other unsafe condition.
3. Where more than one (1) use exists on a Lot, the minimum combined parking requirements for each use shall be provided.
4. The following Table of Parking Requirements specifies the number of spaces required for various categories of uses:

| Use                               | Parking Spaces Required  |
|-----------------------------------|--|
| Banks and financial institutions  | 1 per 200 square feet of gross floor area, plus 1 per employee on peak shift   |
| Bowling alleys                    | 5 for each alley   |
| Church                            | 1 per 4 seats or 80 linear inches of pew   |
| Clinics                           | 5 per doctor plus 1 for each employee  |
| Day-care center or nursery school | 1 for each teacher and employee on largest shift, plus 1 per 6 students  |
| Drive-in facilities               | In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of 100 feet, in direct line with each window or stall, shall be provided for vehicles to wait in |

|   |  |
|---|--|
|   | line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent properties, streets or berms. |
| Eating and drinking establishments, other than fast-food establishments                               | 1 for every 3 seats in the establishment   |
| Fast-food establishments  | 1 for every 2 seats in the restaurant  |
| Funeral homes   | 25 for the first parlor, plus 10 for each additional parlor  |
| Apartment and townhouse   | 2 per dwelling unit plus 0.25 per dwelling unit for visitors located within 300 feet of the units they are intended to serve   |
| Golf courses  | 8 for each hole, plus 1 for each employee  |
| Group care facility; personal care boarding home; transitional dwelling of planned retirement complex | 1 for each employee on peak shift, plus 1/3 for each resident authorized to drive, plus 1 for each 3 beds  |
| High-rise apartment   | 1½ per dwelling unit   |
| Hotel/motel   | 1 per employee on peak shift, plus 1 per sleeping unit, plus 1 for each 80 square feet of floor area accessible to the public, such as lobbies, restaurants, shops, lounges, meeting rooms   |
| Hospitals and nursing homes   | 1 per 3 beds and 1 for each employee on the peak working shift, plus 1 for each chair in the waiting room for every outpatient service provided  |
| Libraries and museums   | 1 for each 250 square feet of gross floor area   |
| Manufacturing   | 1 for each 1,500 square feet of gross floor area or 1½ for each employee on the peak working shift, whichever is greater   |
| Places of assembly  | 1 for every 3 seats in places of assembly or facilities available to the public  |

|   |  |
|---|--|
| Professional and business offices;<br>business services | 1 for every 250 square feet of net floor area  |
| Public utility building                                 | 1 per employee on peak shift, plus 1 for each service vehicle stored on Lot  |
| Retail businesses; personal service establishments      | 1 for each 100 square feet of gross building area  |
| School, elementary, junior high or middle school        | 3 for each classroom and administrative office or 1 space for every 3 seats in places of assembly available to the public, whichever requirement is greater                                      |
| School, high school                                     | 3 for each classroom and administrative office, plus 1 for every 4 students or 1 for every 3 seats in places of assembly or facilities available to the public, whichever requirement is greater |
| School, dance or martial arts                           | 1 for every 3 students based on design capacity of structure   |
| School, trade school, college or university             | 1 for every 3 students based on design capacity of structure   |
| Service stations and vehicle repair garages             | 4 for each bay, plus 1 for each employee on peak shift, plus 1 for each business vehicle   |
| Single-family and two-family dwelling                   | 2 per dwelling unit  |
| Swimming pools, public or commercial                    | 1 for each 50 square feet of surface water area  |
| Stadiums and amphitheaters                              | 1 for each 4 seats, including adjacent and auxiliary parking; 1 for each 5 seats if bus service is available to the site   |
| Tennis, racquetball and handball courts                 | 1 per employee, plus 4 for each court  |
| Theater   | 1 per 3 seats  |
| Warehousing; freight terminals and wholesaling          | 1½ for each employee on peak working shift   |
| All other uses  | For any use or classification not described above, the parking space requirement shall be as established by the Board of Supervisors   |

5. The Board of Supervisors in their sole discretion may impose additional requirements or alter the aforementioned requirements if unique circumstances present.

Section 603 – Off-Street Loading Requirements:

Whenever a new use is established or an existing use is altered, converted or enlarged, off-street loading spaces shall be provided in accordance with the requirements of this section.

A. Off-Street Loading Design.

1. Size. Each loading berth shall be at least 65 feet in length and 12 feet in width with an overhead clearance of 14 feet. The area used for loading berths shall not be used to satisfy parking area requirements.
2. Access. Loading berths shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets, and the design shall be subject to review and approval by the Township Engineer. Loading berths shall have direct access to a driveway and shall be maintained free from obstruction.
3. Location. All loading berths shall be located on the same Lot with the principal use they are intended to serve. No loading berth shall be located in a required front yard. Loading berths shall be located at least 30 feet from the nearest point of intersection of the rights-of-way of any two streets.
4. Surfacing. All loading berths shall have a concrete or asphalt surface, approved by the Township Engineer, graded with positive drainage to dispose of surface water in accordance with all federal, state and local ordinances and regulations governing the disposition of stormwater.
5. Lighting. Any lighting used to illuminate loading berths shall be designed to reflect from any adjoining residential use and away from any street or highway.

B. Off-Street Loading Requirements. Every use which requires the receipt or distribution by vehicle of materials or merchandise shall provide off-street loading berths in accordance with the following requirements:

1. Uses: department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores, personal or business service

establishments, storage warehouses or any similar uses which receive deliveries.

| Gross Floor Area (square feet) | Number of Berths Required |
|--------------------------------|---------------------------|
| Under 10,000                   | None                      |
| 10,000 to 19,999               | 1                         |
| 20,000 to 39,999               | 2                         |
| 40,000 to 65,000               | 3                         |
| For each additional 20,000     | 1 additional              |

2. Uses: auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants, nursing homes, hospitals, schools, apartment buildings, public buildings and similar uses which receive deliveries.

| Gross Floor Area (square feet) | Number of Berths Required |
|--------------------------------|---------------------------|
| Under 40,000                   | None                      |
| 40,000 to 59,999               | 1                         |
| 60,000 to 99,999               | 2                         |
| 100,000 to 160,000             | 3                         |

- C. In addition to required off-street parking and loading facilities, adjacent storage areas for vehicles awaiting loading and unloading shall be provided. Under no circumstances shall vehicles be stored on or block access to a public right-of-way.
- D. Where loading facilities are located on property which adjoins residential property, loading and unloading shall not be permitted between 11:00 p.m. and 6:00 a.m.

Section 604 – Landscaping and Buffering

The regulations of this section are intended to improve the appearance of Land Development as well as to prevent erosion within the Township by providing and maintaining landscaping that enhances a pleasant visual character, promotes the aesthetics of a site and serves to reduce the visual, noise and lighting impacts of the Land Development on adjacent properties.

- A. Applicability. All applications for Land Development in the discretion of the Washington Township Planning Commission and/or the Washington Township Board of Supervisors shall be required to have a landscaping plan.
1. The Planning Commission and/or Board of Supervisors may require a Landscape Architect, registered in the Commonwealth of Pennsylvania, to prepare the landscaping plan for the Land Development application.



2. Land Development shall be reviewed by the Board of Supervisors prior to the issuance of a building permit to assure compliance with applicable requirements of this section.

B. Land Development.

1. General regulations for landscape requirements for all Land Development shall be:
  - (a) Landscaping shall be used in all open areas not covered by buildings, required parking areas, sidewalks or other impervious surfaces. Landscaping shall be a mixture of high-level planting, low-level planting and ground cover that shall be of a type, size and placement compatible with the Land Development and the surrounding land uses.
  - (b) The landscaped area shall be not less than twenty (20%) percent of the total disturbed area. Landscaping requirements included in Section 604-C of this section are in excess of this requirement and are not counted toward meeting this total required percentage.
  - (c) A landscape periphery shall be provided for a depth of ten (10') feet on all public rights-of-way, as measured from the property line, for all Land Development in the Township.
  - (d) Within the site area, landscaping shall be required for the following areas: the side and rear perimeters of the site; the building perimeter; parking Lots; dumpsters; screening areas adjacent to residential properties and stormwater detention facilities in order to meet the objectives stated in this section. Applicable requirements for these areas are included within this section. In addition, landscaping shall be considered for loading docks in order to meet the objectives stated in this section.
  - (e) Artificial plants are prohibited as a substitute for required landscaping improvements included in this section.
  - (f) Site distance shall not be adversely affected by the location and size of landscaped plantings. Consideration shall be given to future growth potential of all planted materials in reviewing site distance issues.

- (g) Non-planted materials, such as mulch and decorative rock, shall be limited to sixty (60%) percent of the total ground cover at the time of planting and to twenty (20%) percent of the total ground cover at plant maturity.
- (h) High-level planting shall be required at the rate of one (1) per 1,000 square feet of total landscaping. Low-level planting shall be required at the rate of one (1) per 200 square feet of total landscaping. High-level planting (trees) and low-level planting may be grouped. All other areas shall contain ground cover.

2. The Board of Supervisors may modify or waive the landscaping standards of this section where one or more of the following conditions occur:

- (a) There are special considerations of site design and/or topography.
- (b) There is existing healthy vegetation that is sufficient to meet the requirements. Existing vegetation shall be used to meet all or a part of the requirements of this section wherever possible, if it satisfies the purposes as described in this section.
- (c) There is a unique relationship to other properties.
- (d) Landscaping would interfere with utilities, easements, site distance or other vegetation.
- (e) The site development is part of a unified development complex that includes multiple buildings and mixed uses where the Developer may propose and the Board of Supervisors may approve specific standards for that complex.
- (f) Landscaping requirements may be modified if necessary to accomplish other site design modification mandates in order to meet additional ordinance requirements.

C. Parking Facilities.

- 1. All parking Lots shall meet the following requirements for landscaping:
  - (a) All landscaped island curbs shall be constructed of a durable material such as asphalt or concrete.

- (b) Raised landscaped islands adjacent to municipal or state rights-of-way shall comply with Pennsylvania Department of Transportation or Township regulations, whichever is more stringent.
  - (c) Trees or shrubs shall not be permitted to grow within three (3') feet of a curb to prevent damage of plant materials by auto bumpers.
2. In addition to the requirements in Subsection C(1) above, parking Lots with five (5) or more parking spaces shall meet the following requirements:
- (a) All parking areas that provide more than five (5) parking spaces for any purpose other than residential use shall include one (1) high-level planting for each fifty (50) linear feet or fraction thereof of perimeter. Also, within these planting areas, low-level planting and ground cover shall be installed in such a manner as to screen the parking area from the public right-of-way or adjacent property.
3. In addition to the requirements of Subsection C(2) above, parking Lots with thirty (30) or more parking spaces shall meet the following requirements:
- (a) An eight (8') foot wide raised planting strip between alternate sets of parking stall rows. This requirement is applicable if the parking stall row has fifteen (15) or more continuous parking spaces. The landscaping required in this planting strip shall include a mixture of high-level planting, low-level planting and ground cover. Deciduous species trees shall be planted up to twenty (20') feet apart, evergreen species trees up to ten (10') feet apart, and low-level planting up to five (5') feet apart). These are minimum standards.
  - (b) Raised landscaped islands, eight (8') feet wide, at each end of a parking stall row of fifteen (15) or more continuous parking spaces. Such islands shall be the full length of the parking spaces provided to prevent the encroachment of moving vehicles into parking spaces. In addition, if a parking stall row accommodates forty (40) or more spaces, an additional island, eight (8') feet wide is required. Thereafter, an additional landscaped island is required for every additional twenty (20) spaces in the parking stall row. All required landscaped islands that are in addition to those at each end of a parking stall row must be spaced at regular intervals. The required landscaping to be included within these islands includes an appropriate mixture of high-level planting, low-level planting

and ground cover. A minimum of one (1) high-level planting or three (3) low-level plantings shall be required for each island, with the remainder of the island consisting of ground cover.

4. A mixture of grass or ground cover, shrubs and trees of specimen quality, no less than six (6') feet in height for evergreens and no less than one and one-half (1½") inches caliper for ornamental trees, shall be located in the landscaped area. Shade trees may be planted up to twenty (20') feet apart, ornamental trees up to ten (10') feet apart and shrubs up to five (5') feet apart. These are minimum standards.
  5. All parking areas that provide more than five (5) parking spaces for any purpose other than single family residential use shall be physically separated from any public right-of-way or adjacent property which is residentially used by a planting strip that shall not be less than eight (8') feet in width. These buffer strips shall include one (1) tree for each fifty (50) linear feet or fraction thereof perimeter. Also, within these buffer strips, an evergreen hedge or other contiguous planting shall be installed in such a manner as to screen the parking area from the parking right-of-way or adjacent property. Evergreen shrubs shall be at least four (4') feet in height at the time of planting. The remainder of the landscaped strip shall be improved with grass, ground cover or shrubs.
- D. Stormwater Detention and Retention Ponds. A landscaping plan shall be submitted for any Land Development or Subdivision utilizing a detention or retention pond for stormwater on the site. The plan shall include an appropriate mixture of high-level trees, low-level shrubs and ground cover to effectively screen the facility with the dual purpose of making it more aesthetically pleasing while not interfering with its function.
- E. Installation and Maintenance of Landscaping.
1. Installation. Plant materials must be installed consistent with standards of the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington D.C.
  2. Maintenance. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with a similar or acceptable substitute. Failure to maintain required landscaping shall result in an enforcement action by the Code Enforcement Officer as a violation of this section and shall be subject to the penalties as set forth in this Ordinance.

3. Completion of Landscaping. An occupancy permit shall not be issued until all required landscaping improvements are installed. In the event that all of the required landscaping improvements cannot be installed at the time of request of an occupancy permit due to the loss of the planting season, a temporary occupancy permit may be granted for a period not longer than nine (9) months to allow the landscaping improvements to be installed during the next planting season.

F. The Board of Supervisors in their sole discretion may impose additional requirements or alter the aforementioned requirements if unique circumstances are present.

Section 605 – Signs All signs erected under this section shall conform to the requirements as set forth herein:

A. Types and Classes. All signs shall be categorized according to the types and classes described below and shall comply with the requirements for those types and classes in this section:

1. Classes. Signs are classified by physical attributes into the following categories:

(a) Freestanding: a sign supported on a foundation or by one or more uprights, poles or braces permanently affixed to the ground and not attached to any building or other structure, including:

(i) Pole sign: a freestanding sign which is supported by one or more poles, uprights or braces and which has a minimum clearance between the bottom edge of the sign and the adjacent ground level, as specified by this Ordinance.

(ii) Ground sign: a freestanding sign which is affixed to the ground by means of a permanent foundation and which provides a maximum clearance of 18 inches between the bottom edge of the sign and the adjacent ground level.

(b) Wall sign: a sign attached to and erected parallel to the face of an outside wall of a building, projecting outward no more than 18 inches from the wall of a building.

(c) Arcade sign: a sign suspended beneath a ceiling of an arcade, a roof or marquee containing only the name of a business for the purpose of assisting pedestrian traffic traveling under the arcade,