

## **CHAPTER 22**

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[HISTORY: Adopted by the Sewickley Township Board of Supervisors at a public meeting held September 16, 2015 as Ordinance No. 2 of 2015 which updated, revised and restated the prior provisions of the subdivision and land development ordinance. Further amendments where noted.]

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## **ARTICLE I GENERAL PROVISIONS**

### **§101. Short Title.**

This Ordinance shall be known and may be cited as the “Township of Sewickley Subdivision and Land Development Ordinance” or just the “Subdivision Ordinance.”

### **§102. Grant of Power.**

This Ordinance is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. 10101, et. seq.).

### **§103. Purpose.**

The purpose of this Ordinance is to regulate land subdivision, re-subdivision, consolidation and land development activities in the Township by providing for a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land; the proper design of streets to accommodate projected traffic and facilitate fire protection; and the provision of adequate easements or rights-of-way, gutters, storm and sanitary drainage facilities, walkways, storm water management and other required public facilities; and proper design of land developments in accordance with the requirements of this Ordinance and the Township Zoning Ordinance.

### **§104. General Intent and Community Development Objectives.**

These submission regulations are made in accordance with the community development objectives set forth in the Township Zoning Ordinance and the Township Comprehensive Plan and are intended to achieve the following goals:

- A. To promote, protect and facilitate one (1) or more of the following: the public health, safety and general welfare; coordinated and practical community development proper density of population; maintain the rural nature of the Township; recreation, open space and harmonious design; vehicle parking and loading spaces, transportation, water, sewerage, schools, public grounds and other public requirements; and
- B. To prevent one (1) or more of the following: over-crowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

**§105. Conflict.**

Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other regulations, resolutions, or ordinances of the Township, the most restrictive standards shall apply.

**§106. Limitation of Liability.**

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official, agent or employee thereof as to the advisability or practicability of the proposed use nor shall any such approval represent any guarantee or warranty as to the accuracy of the information provided by a developer. Approval of a plan shall create no liability upon the Township, its officials, agents or employees.

**§107. Notice on Plats.**

All plats containing or having located thereon streets, roads, highways, alleys, rights-of-way or other easements, either public or private, shall contain either or both of the following notices:

- A. All plats containing or having thereon any private street shall have conspicuously placed upon said plat the following notice:

Notice to all lessees, purchasers, owners, their heirs, administrators, successors and assigns. This is to notify all prospective lessees, purchasers, owners, their heirs, administrators, successors and assigns that the street shown on said plan is a private road, and the Township of Sewickley shall not be responsible for any construction, improvement, maintenance or repair of said private road.

- B. All plats containing or having thereon any street, road, highway, alley, right-of-way or easement dedicated to the public or intended for public use shall have conspicuously placed upon said plat the following notice:

The approval of this plat by the Township of Sewickley does not constitute an acceptance of the dedication of any street, road, highway, alley or its right-of-way, nor any sanitary or storm sewer system, or its appurtenances, nor any water mains or appurtenances, nor the easements for the same. Likewise, the approval of this plat by the Township of Sewickley shall not impose any duty upon the Township for the construction, improvement, maintenance or repair of any such streets, roads, highways, alleys, sanitary or storm sewers, or water mains. The requirement remains with the subdivider, developer and/or the owner or lessee of the land to ensure that all such public improvements shown on this plan are in fact, made in accordance with these plans, this ordinance, and in accordance with other applicable Township, State, or Federal regulations. In addition, approval of this subdivision plan by the Township of Sewickley shall not constitute a waiver of any right on the part of the Township of Sewickley and/or on the part of any other agency or authority to make, charge and assess properties within this subdivision or land development for municipal improvements and file any municipal claims and liens for the same, or otherwise collect the cost of the same as provided by law.

## ARTICLE II DEFINITIONS

### **§201. Interpretation.**

The word “person” includes a corporation, whether or not for profit, an association, unincorporated association, partnership, individual or any other entity. The words “shall” and “will” are mandatory; the word “may” is permissive. The word “building” includes a structure or any part thereof. Words used in the present tense include the future tense. Words in the masculine gender include the feminine gender.

### **§202. Definitions.**

The words, terms and phrases in this Ordinance shall be given their common and ordinary definition whenever possible. This Ordinance further incorporates herein by reference all of the definitions set forth in the Sewickley Township Zoning Ordinance, Chapter 28, Article 15 of the Sewickley Township Code, and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10105. Otherwise, the following words and phrases shall have the particular meaning specified for the purpose of interpreting this Ordinance

**ARTERIAL STREET**: See STREET, ARTERIAL.

**BLOCK**: A tract of land bounded by streets, public lands, railroad rights-of-way, waterways or municipal boundary lines.

**BOARD OF SUPERVISORS**: The Board of Supervisors of the Township of Sewickley, Westmoreland County, Pennsylvania.

**BOND, MAINTENANCE**: See MAINTENANCE BOND.

**BUILDING LINE**: See FRONT BUILDING LINE.

**CARTWAY**: That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and curbs.

**CODE ENFORCEMENT OFFICER**: The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer and enforce this Ordinance, the Township Zoning Ordinance and such other ordinances as the Board of Supervisors ordains.

**COLLECTOR STREET**: See STREET, COLLECTOR.

**COMMON PRIVATE DRIVEWAY**: See DRIVEWAY, COMMON PRIVATE.

**CONDOMINIUM**: A development where each dwelling unit or structure is individually owned and the owner of each dwelling unit or structure has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

**CONSOLIDATION:** The combination of two (2) or more lots, tracts or parcels of land for the purpose of a land development. For purposes of this Ordinance, a consolidation shall be considered a subdivision.

**CONSTRUCTION STANDARDS:** See TOWNSHIP CONSTRUCTION STANDARDS.

**COOPERATIVE:** A multifamily dwelling where a corporation holds title to the building and each resident purchases shares in the corporation and, in return, receives a lease granting occupancy of a specific dwelling unit in the building and where each resident pays a proportionate share of operating expenses and debt service on the building based on the amount of stock held in the corporation.

**CORNER LOT:** See LOT, CORNER.

**COUNTY:** County of Westmoreland, Pennsylvania.

**COUNTY PLANNING DEPARTMENT:** Westmoreland County Department of Planning and Development.

**CROSS-WALK:** A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb, across a public or private street cartway or where there are no curbs, from the edge of the cartway to the opposite edge of the cartway.

**CUL-DE-SAC:** A street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

**DOUBLE FRONTAGE LOT:** See LOT, DOUBLE FRONTAGE.

**DRIVEWAY, PRIVATE INDIVIDUAL:** A vehicular access route serving only one (1) parcel or lot that provides access to a public street, but that does not provide access to any other lot or parcel under separate ownership.

**DRIVEWAY, COMMON PRIVATE:** A vehicular access route serving two (2) or more residential lots or parcels or two (2) or more businesses on a single lot that provides access to a public street.

**DWELLING UNIT:** One (1) or more rooms that are designed as living quarters for one (1) family and having permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

**EASEMENT:** A grant of one (1) or more of the property rights by the property owner to and for the use by the public, a corporation or any other person within which no permanent structure may be erected, the use of which shall not be inconsistent with the rights of the grantee.

**ENGINEER**: A professional engineer licensed as such in the Commonwealth of Pennsylvania. The use of the word “engineer” shall not exclude the practice of topographic surveying as provided for in the laws of the Commonwealth of Pennsylvania.

**EVIDENCE OF PROPRIETARY INTEREST**: Any contract, whether subject to any condition or not, or a certificate of title or other legal document whereby a person shall have the legal or equitable rights of the landowner in all matters relating to an application filed under this Ordinance.

**FEE**: The required charge, payable to the Township, established from time to time by Resolution of the Board of Supervisors collected to defray the costs of processing an application, reviewing an application or inspecting the installation of public improvements pursuant to this Ordinance.

**FINAL APPLICATION**: The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

**FINAL PLAT**: The map or plan of a proposed subdivision or land development containing all the information required by this Ordinance and any submission regulations or other requirements adopted by the County of Westmoreland for final plat approval and in a form acceptable for recording in the Office of the Westmoreland County Recorder of Deeds.

**FLAG LOT**: A lot that does not have the minimum required lot width at the street frontage, but rather has a strip of land that provides as an access corridor to the buildable area of the lot which is located behind another lot that has its full frontage on the public street. The layout of a flag lot is such that the access corridor appears to be the “flagpole” and the wider buildable area behind the forward lot is the “flag.” (See illustration in Appendix II.)

**FRONT BUILDING LINE**: A line parallel to, or concentric with, the front lot line at a distance therefrom which is equal to the depth of the front yard required by the Township Zoning Ordinance for the Zoning District in which the lot is located.

**IMPROVEMENTS, PRIVATE**: See PRIVATE IMPROVEMENTS.

**IMPROVEMENTS, PUBLIC**: See PUBLIC IMPROVEMENTS.

**INDIVIDUAL PRIVATE DRIVEWAY**: See DRIVEWAY, PRIVATE INDIVIDUAL.

**INSPECTOR**: The Township Engineer or any other authorized representative assigned by the Board of Supervisors to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by this Ordinance.

**INTERIOR LOT**: See LOT, INTERIOR.

**LAND DEVELOPMENT PLAN:** A plan which encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities. The land development plan shall include all of the written and graphic information required by this Ordinance.

**LANDSLIDE-PRONE AREA:** An area characterized by unstable slopes and land surfaces whose history, geology, soil, bedrock structure and climate indicate a potential for landslides as identified by the U.S. Geological Survey or the Sewickley Township Engineer.

**LOT, DEPTH:** The mean horizontal distance between the front lot line and the rear lot line.

**LOT, DOUBLE FRONTAGE:** A lot, other than a corner lot, having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear street frontage.

**LOT, FLAG:** See FLAG LOT.

**MAINTENANCE BOND:** Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or corporate bond from a surety company licensed to do business in the Commonwealth of Pennsylvania and approved by the Township Solicitor which guarantees the repair or maintenance of the improvements required by this Ordinance for a specified period after their completion and acceptance by the Township.

**MAJOR SUBDIVISION:** See SUBDIVISION, MAJOR.

**MINOR SUBDIVISION:** See SUBDIVISION, MINOR.

**OFFICIAL DATE OF FILING:** The date of the regular meeting of the Planning Commission following the date that the application is filed.

**ORDINANCE:** All references to "the Ordinance" or "this Ordinance" refers to the Township of Sewickley Subdivision and Land Development Ordinance.

**OWNER:** See LANDOWNER.

**PARCEL:** See LOT.

**PEDESTRIAN WALKWAY:** An area, other than a sidewalk, reserved by easement for pedestrian circulation across private property which is improved with a dust-free, all-weather surface.

**PENN DOT FORM 408:** Standard specifications for construction developed by the Pennsylvania Department of Transportation or any other such form subsequently developed by Penn DOT or its successor agency which serves that purpose.



**PERFORMANCE GUARANTEE:** Surety, in a form acceptable to the Township in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from a surety company licensed to do business in the Commonwealth of Pennsylvania and approved by the Township Solicitor which guarantees the satisfactory completion of improvements required by this Ordinance.

**PLANNING COMMISSION:** The Township of Sewickley Planning Commission.

**PLAT:** A map or plan, either preliminary or final, indicating the subdivision or consolidation of land or a land development.

**POSITIVE DRAINAGE:** Drainage of storm water or underground water away from any improvement to prevent damage to life and property and to minimize disruption of land use.

**PRELIMINARY APPLICATION:** The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

**PRELIMINARY PLAT:** The map or plan of a proposed subdivision or land development which contains all of the information required by this Ordinance for approval of a preliminary plat.

**STREET, COLLECTOR:** A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

**STREET, LOCAL:** A public street, other than an arterial or collector street, designed to provide access to abutting lots and to discourage through traffic.

**STREET, PRIVATE:** A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have frontage on a public street and which require access to a public street through the private street.

**STREET, PUBLIC:** A street, including the entire public right-of-way, which has been dedicated to and accepted by the Township or which has been devoted to public use by legal mapping, use or other means.

**STREET, SERVICE:** A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

**SUBDIVISION, MAJOR:** Any subdivision containing four (4) or more lots or any subdivision, containing less than four (4) lots for commercial development, that proposes the dedication and/or construction of any public street or private street or the extension or construction of any other public improvements, including, but not limited to storm sewers or sanitary sewers.

**SUBDIVISION, MINOR**: A subdivision containing no more than three (3) lots, proposed for single family dwellings, all of which have frontage on an improved public street, and not involving any new street or road or the extension or creation of any municipal facilities or public improvements and which does not adversely affect the future development of the remainder of the parcel or any adjoining property.

**SUPERVISORS**: See BOARD OF SUPERVISORS.

**SURVEY**: A plan prepared by a registered surveyor indicating the precise metes and bounds of a lot or parcel, showing all easements and rights-of-way of record and all other existing conditions which represent encumbrances or restrictions on the use of the property.

**SURVEYOR**: A registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

**TOWNSHIP**: The Township of Sewickley, Westmoreland County, Pennsylvania.

**TOWNSHIP CONSTRUCTION STANDARDS**: A document entitled "Township of Sewickley Construction Standards" prepared by the Township Engineer, adopted and amended from time to time by Resolution of the Board of Supervisors upon recommendation of the Township Engineer, copies of which are on file in the office of the Township Secretary.

**TOWNSHIP ENGINEER**: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

**TOWNSHIP SOLICITOR**: Any attorney or a law firm, partnership, association or professional corporation duly licensed and authorized to practice law in the Commonwealth of Pennsylvania and the County of Westmoreland and appointed by the Board of Supervisors to serve as its legal counsel in accordance with the Second Class Township Code, as amended. (65 P.S. 65101 et seq.)

**WATERCOURSE**: A stream, intermittent stream, river, creek, channel or ditch, whether natural or man-made, which carries water.

**ZONING ORDINANCE**: The Sewickley Township Zoning Ordinance enacted on September 20, 2008, as amended.

### ARTICLE III APPLICABILITY OF REGULATIONS

#### **§301. Approval Required.**

A subdivision plat, consolidation plat or land development plan approved in accordance with these subdivision regulations shall be required for:

- A. Any land development, as defined by this Ordinance, other than those excluded by Section 303 of this Ordinance;
- B. Any subdivision, as defined by this Ordinance;
- C. The consolidation, as defined by this Ordinance, of two (2) or more lots, tracts or parcels of land for the purpose of development or transfer of ownership;
- D. Any development in which the developer proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use; and
- E. Any municipal developments, improvements and/or public works projects.

**§302. Compliance Required.**

- A. No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued unless and until such subdivision or land development shall have been approved and properly recorded and until such improvements as required by this Ordinance shall have been constructed or guaranteed, as provided for by this Ordinance.
- B. The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Ordinance.

**§303. Exclusion of Certain Land Developments.**

The following types of land development are hereby excluded from the provisions of this Ordinance governing land developments, as defined herein:

- A. The conversion of an existing single family dwelling or two-family dwelling into not more than three (3) residential dwelling units, unless such units are intended to be a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to any existing agricultural or residential principal dwelling;
- C. The addition or conversion of buildings, or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities; or
- D. The construction of a single family dwelling or two-family dwelling on a single lot, shall not be considered a land development.

**ARTICLE IV  
APPROVAL PROCEDURE**

**§401. Pre-Application Conference.**

- A. Prior to filing an application for Preliminary Approval, the applicant should meet with the Township Zoning Officer and/or Township Secretary to obtain application forms and procedural guidelines and to discuss application procedures and applicable ordinance requirements. The Zoning Officer and/or Township Secretary may invite other Township representatives to attend, if warranted, in addition, prior to filing an application for Preliminary Approval, the developer may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing the subdivision and/or development of the property and the feasibility and timing of the application. The applicant shall contact the Township Secretary at least five (5) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.
- B. The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plans preparation.
- C. While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference that shows the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources that may be used include the deed for the property, a property survey, the Tax Maps prepared by the Westmoreland County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U. S. Bureau of Mines coal mine maps.
- D. A pre-application conference shall not constitute formal filing of any application for approval of a subdivision or land development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the pre-application conference and the official date of filing of an application for Preliminary Approval of a submission or land development under the terms of this Ordinance.

**§402. Procedure for Minor Subdivisions.**

- A. Applications for Approval of a Minor Subdivision – Applications for approval of a Minor Subdivision, as defined by this Ordinance, shall be filed with the Township Secretary at least ten (10) working days prior to the regular meeting of the Planning Commission. The application shall include the following information:

1. A minimum of three (3) copies of the completed application form supplied by the Township.
2. The proposed name and address of each subdivided property.
3. Application filing and application review fees, as required by Section 1001 of this Ordinance.
4. Evidence of proprietary interest acceptable to the Township Solicitor.
5. A minimum eight (8) copies of the Final Plat, as required by Section 407-P of this Ordinance, one (1) in a mylar format, six (6) print copies and one (1) electronic prepared in CAD format or other electronic format acceptable to the Township.
6. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom; title, scale and North point.
7. A boundary survey prepared by a registered professional land surveyor and any other data required by Section 404-D of this Ordinance for a Preliminary Plat, deemed necessary by the Planning Commission to properly review the application. Contours shall not be required, unless deemed necessary by the Planning Commission. A slope map shall not be required.
8. If the proposed subdivision is a re-submission of property in a previously recorded plan, reference to the lot or parcel numbers being revised and the name of the previously recorded plan shall be provided in the tide block.
9. The applicant shall file an application for Preliminary and Final Approval of a Minor Subdivision to the Township Secretary including the form provided by the Township at least ten (10) working days prior to the regular meeting of the Planning Commission. The Township Secretary may require additional copies of the application in the case where reviews by agencies other than those specified in this Section are warranted. The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by this Section 402.1 of this Ordinance, including the Application Fee, have been received.
10. In the event that an application is not timely filed prior to the regular meeting of the Planning Commission, the applicant shall be scheduled for a pre-application conference with the Planning Commission at the next regular meeting immediately following the filing and shall be scheduled for consideration at the next regular meeting of the Planning Commission following the pre-application conference.
11. Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary. Upon receipt, copies of the application shall be made available to each member of the Planning Commission.

- i. The Township Secretary shall submit one (1) copy of the application to the Westmoreland County Planning Department for review and comment within five (5) days of receipt subject to payment of any applicable review fee by the applicant.
  - ii. If, after reviewing the application at a public meeting, the Planning Commission identifies deficiencies in the application, the Planning Commission may table consideration of the application until the next regular meeting of the Planning Commission to give the applicant the opportunity to address the deficiencies.
  - iii. If, after review, the Planning Commission deems it necessary, the application may be referred to the Township Engineer for review and comment.
12. If the applicant requires additional time to address the deficiencies, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application. In the event that the applicant does not adequately address the deficiencies, the Planning Commission may recommend that the Board of Supervisors deny approval, in which case, the Planning Commission shall provide a written recommendation citing the specific provisions of this Ordinance that have not been met in all cases, the official date of filing of the Application for Preliminary and Final Approval shall be the date of the Planning Commission meeting at which the Planning Commission first considers the application.

**B. Approval of a Minor Subdivision**

1. If the Minor Subdivision is part of a larger tract that can be further subdivided in the future, any future subdivision of the remaining parcel shall not be eligible for consideration as a Minor Subdivision, regardless of the number of lots proposed. The landowner shall not take any action to divide the original tract or transfer ownership of any part of the original tract for the sole purpose of avoiding the requirement to submit an application for a Major Subdivision.
2. Preliminary and Final Approval may be granted simultaneously for a Minor Subdivision and the procedure for simultaneous Preliminary and Final Approval of the Final Plat shall be in accordance with the requirements of Sections 408.1, 408.2 and 408.5 of this Ordinance. Final Approval of a Minor Submission further shall be subject to Sections 410, 413, 414 and 415 of this Ordinance.
3. In the event that Preliminary and Final Approval of a Minor Subdivision are not granted simultaneously, Preliminary Approval shall be granted first in accordance with the requirements of Section 405 of this Ordinance governing Preliminary Approval for a Major Subdivision.

**§403. Preliminary Application Submission for Major Subdivisions.**

- A. The applicant shall file an application for Preliminary Approval of a Major Subdivision to the Township Secretary, including the form provided by the Township at least ten (10) working days prior to the regular meeting of the Planning Commission. The Township Secretary may require additional copies of the application in the case where an application requires review by the Township's traffic consultant, geotechnical consultant or other applicable review agency. The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 404 of this Ordinance, including the Application Fee, have been received.
- B. In the event that an application is not timely filed prior to the regular meeting of the Planning Commission, the applicant shall be scheduled for a pre-application conference with the Planning Commission at the next regular meeting immediately following the filing and shall be scheduled for consideration at the next regular meeting of the. Planning Commission following the pre-application conference.
- C. Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary. Upon receipt, copies of the application shall be distributed to the Township Engineer and made available to each member of the Planning Commission.
- D. The Township Secretary shall submit one (1) copy of the application to the Westmoreland County Planning Department for review and comment within five (5) days of receipt subject to payment of any applicable review fee by the applicant.
- E. The Township Engineer will perform a completeness review. If the application is found to be incomplete, a written report shall be provided to the Planning Commission with a copy to the applicant, indicating the deficiencies in the application and citing the specific sections of this Ordinance that have not been met,
- F. In the event that the applicant fails to submit a revised application in adequate time for the Township Engineer to review it or the revised application fails to adequately address the deficiencies cited in the completeness review, the Planning Commission may table consideration of the application until the next regular meeting of the Planning Commission. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application.
- G. In all cases, the official date of filing of the Preliminary Application shall be the date of the Planning Commission meeting at which the Planning Commission first considers the application.

**§404. Preliminary Application Content for Major Subdivisions.**

All applications for Preliminary Approval of a subdivision shall include the following:

- A. A minimum of three (3) copies of the completed application form supplied by the Township;

- B. Application filing and application review fees, as required by Section 1001 of this Ordinance;
- C. Evidence of proprietary interest acceptable to the Township Solicitor
- D. A minimum of eight (8) copies of a Preliminary Plat containing the following information:
  - 1. A boundary survey prepared by a registered professional land surveyor and a topographical survey of the total proposed subdivision by a registered professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat shall include the total tract.
  - 2. The proposed name and address of each subdivided property.
  - 3. If the proposed subdivision is a re-subdivision of property in a previously recorded plan, reference to the lot or parcel numbers being revised and the name of the previously recorded plan shall be provided in the title block.
  - 4. The name, address, certification and seal of the registered engineer or registered surveyor who prepared the plat and the registered surveyor who did the survey shown on the plat.
  - 5. The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
  - 6. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom; title, scale and North point.
  - 7. The graphic scale, North point and date.
  - 8. The legend and notes.
  - 9. The existing platting of land, adjacent to the site and all existing sewers and on-site sewage treatment facilities, water mains, private water wells and any other privately owned utilities, culverts, petroleum or gas lines and fire hydrants on or within one hundred (100) feet of the site shall be shown. Test pits and soil boundaries must be shown or an attached letter of approval and availability of public sewer.
  - 10. Existing watercourses, wetlands, tree masses and other significant natural features.
  - 11. Areas subject to periodic flooding, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.
  - 12. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.



13. A slope map showing the location and the area in square feet of all land in two (2) slope categories of 25% - 40% and 41%, or greater, including certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading of these slopes, the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, storm water runoff and potential impacts on adjacent properties, particularly in areas with steep slopes.
14. Existing streets and rights-of-way on or adjoining the site within two hundred (200) feet of the boundaries of the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
15. Existing and proposed easements, locations, widths and purposes.
16. Location, width and approximate grade of all proposed streets, parking areas and loading areas.
17. The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.
18. Building set back lines.
19. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semi-public or community purposes, if any. Parcels shall be lettered A, B, C, etc. and the area of each parcel in acres shall be shown.
20. Tabulation of site data, either on the plan or on an 8" x 11" sheet of paper attached to the plan, including total acreage of land to be subdivided, the number of lots, typical lot size, the acreage in the subdivision and the acreage in any proposed recreation or other public areas.
21. Proposed public improvements. The size of each proposed improvement should be shown and the location of, or distance to, each existing utility indicated.
22. The size, type and location of proposed private improvements, if any.
23. If required by law, evidence that Soil Erosion and Sedimentation Control Plans have been submitted to the Westmoreland County Conservation District and that the applicant has paid all applicable review fees.
24. Written or graphic evidence that all plans conform to the Sewickley Township Road Ordinance Construction Standards as set forth in Chapter 21 of the Code of the Township of Sewickley.
25. A soils map identifying soils which are landslide prone or which have hydric components or wetlands, if any.

26. A wetlands delineation report for all jurisdictional wetlands within the development site, if any.
  27. Location of concrete monuments or markers must be shown on the plan.
  28. Location of existing dwelling and other structures.
  29. Zoning designation and all required certification for signatures.
- E. For all applications that propose seventy-five (75) or more additional trips during the adjacent roadway's peak hours. Trip generation calculations for the proposed development shall be based on the Institute of Transportation Engineer's (ITE) trip generation ratios for its land use category. A Traffic Report prepared by a qualified traffic engineer may be required to be submitted detailing the nature and extent of trip generation expected to result from the proposed development. The report shall utilize the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineer (ITE). Prior to starting the report, the Applicant should request a traffic study scoping meeting with the Township Engineer to determine the nature and scope of the study. The report shall include the following:
1. A brief description of the proposed project in terms of land use and magnitude.
  2. An inventory and analysis of existing roadway and traffic conditions in the site environs, including:
    - i. Roadway network and traffic control;
    - ii. Existing traffic volumes in terms of peak hours and average daily traffic (ADT);
    - iii. Planned roadway improvements by others;
    - iv. Intersection levels of service; and
    - v. Other measures of roadway adequacy, i.e. lane widths, traffic signal warrants, vehicle studies, etc.
  3. Projected site generated traffic volumes in terms of:
    - i. Peak hours and ADT (by development phase, if required);
    - ii. Approach departure distribution including method of determination; and
    - iii. Site traffic volumes on roadway.
  4. An analysis of future traffic conditions including:
    - i. Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic);

- ii. Intersection levels of service;
  - iii. A pavement analysis of roadways which are projected to experience significant increases in ADT volumes off-site;
  - iv. Other measures of roadway adequacy, i.e., lane width; traffic signal warrants; vehicle delay studies, etc.; and
  - v. When access is onto a State road, the analysis of future conditions shall be consistent with Penn DOT requirements.
5. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of services (LOS) shall be as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.
- i. Traffic capacity LOS shall be based upon a future design year which coincides with completion of the development.
  - ii. Unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Township.
  - iii. Signalized intersections shall be designed for LOS C or better. Existing intersections Impacted by, development traffic shall maintain a minimum LOS D or, if future base LOS E or F, then degeneration in delays shall be mitigated. A future design year without the proposed development shall be completed for comparison purposes.
  - iv. Streets shall be designed for a minimum LOS C.
6. A description and analysis of the proposed access plan and site plan, including:
- i. Access plan including analysis of required sight distances using Penn DOT criteria and description of access roadway, location, geometric conditions and traffic control.
  - ii. On-site circulation plan showing parking locations and dimension, loading access, circulation roadway, pedestrian circulation and traffic control.
7. Traffic Circulation Mitigating Action Plan shall include:
- i. Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
  - ii. Off-site improvement plan, depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.

Based on the scope of work and the complexity of the project, the Township may require additional information to be included in the study. Any review fees incurred by the Township for evaluation of the Traffic Study by the Township Engineer or an independent Traffic Consultant selected by the Township shall be the responsibility of the Applicant. No permits for construction or occupancy of a development site shall be issued until such fees are paid.

**§405. Preliminary Application Approval for Major Subdivisions.**

**A. Planning Commission Recommendation**

1. If requested, the Township Engineer shall present a written report to the Planning Commission with a copy to the applicant which states whether an application complies with the requirements of this Ordinance. The Township Engineer's report shall include a copy of the Township Zoning Officer's review indicating compliance with the Township Zoning Ordinance. The reports shall be referenced in the minutes at the Planning Commission meeting.
2. At the first regular monthly meeting of the Planning Commission ten (10) working days or more after the date of filing of a Preliminary Application, the Planning Commission shall either accept the application as properly filed and begin its review or table the application until any deficiencies identified by the review of the Planning Commission and/or Township Engineer have been addressed by the applicant. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application. If the applicant fails to grant such an extension, the Planning Commission may recommend disapproval of the application based on the deficiencies identified.
3. Within sixty (60) days of the official date of filing of the Preliminary Application the Planning Commission shall make a written recommendation to the Board of Supervisors for approval, approval with conditions or disapproval of the Preliminary Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

**B. Board of Supervisors Action**

1. The Board of Supervisors shall render its decision on the application no later than ninety (90) days following the Planning Commission's regular meeting next following the date that the application is filed, provided that should the next regular meeting of the Planning Commission occur more than thirty (30) days following the filing of the application, the ninety (90) days shall be measured from the thirtieth day following the day the application had been filed.
2. The Board of Supervisors shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting. The recommendation of the Planning Commission and the Planning Commission minutes shall be made a part of the record at the meeting.

3. The Township Engineer shall submit a written review of the application to the Board of Supervisors. The Township Engineer's report shall be made part of the record at the meeting where the application is considered for approval. The Board of Supervisors shall not act until the review has been received from the Westmoreland County Planning Department or until thirty (30) days has passed since the date that the application was submitted to the County for review.
  4. A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision. If the Preliminary Application is not approved, the Board of Supervisors shall specify the defects found in the Preliminary Application and cite the requirements of this Ordinance which have not been met.
- C. Conditional Approval. If the Board of Supervisors determines that certain conditions are warranted to be attached to Preliminary Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 405.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary Approval by giving written notice to the Township Secretary within thirty (30) days of the date of the meeting of the Board of Supervisors at which Preliminary Approval is granted. If the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, Preliminary Approval shall automatically be rescinded without written notice to the applicant.
- D. Deemed Approval. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the 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. Expiration of Preliminary Approval
1. Preliminary Approval shall expire five (5) years from the date of the grant of Preliminary Approval by the Board of Supervisors, unless a written extension is submitted by the applicant and approved by the Board of Supervisors. Further, any request for an extension shall be submitted to the Board of Supervisors at least thirty (30) days prior to the prevailing expiration date. Extensions may be granted for duration not to exceed a six (6) month period upon a finding by the Board of Supervisors that such extension is warranted.
  2. In the case of a phased development, calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the Preliminary Application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such

schedule shall be updated annually by the applicant on or before the anniversary of Preliminary Approval until Final Approval of the final phase has been granted. Any modification in the aforesaid schedule shall be resubmitted for approval subject section 405, 406 and 407 of this Ordinance.

**§406. Final Application Submission for Major Subdivisions.**

A. General Procedure. After a Preliminary Application filed pursuant to Section 404 has been approved by the Board of Supervisors, the developer may proceed by filing either of the following types of applications:

1. A final application without final plat approval, whereupon required improvements are installed prior to a request for final plat approval; or
2. A final application, including final plat approval, together with the Performance Guarantee to guarantee proper installation of required improvements in the plan.

In either case, the applicant shall submit a minimum of eight (8) copies of the Final Application to the Township Secretary, including the form provided by the Township. The Township Secretary may require additional copies of the application in the case where an application requires review by the Township's traffic consultant, geotechnical consultant or other applicable review agency. The application shall be submitted to the Township Secretary at least ten (10) working days prior to the next regularly scheduled meeting of the Planning Commission to be considered at that meeting. A copy of the approved Preliminary Plan shall accompany the final application.

Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary. Upon receipt, copies of the application shall be distributed to the Township Engineer, members of the Planning Commission and the Chairman of the Board of Supervisors.

- B. Final Application Including Final Plat Approval. A Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 407 of this Ordinance, including the Application Fee, have been received.
- C. Final Applications without Final Plat Approval. In the case of a Final Application which does not include final plat approval, the Performance Guarantee required by Section 407-I shall not be required; however, all other materials required to complete a Final Application, including the Final Plat required by Section 407-P, shall be submitted. The application filing fee shall be submitted at the time of filing the Final Application Without Final Plat Approval and additional filing fees shall not be charged at the time of the request for final plat approval, if the request for final plat approval is submitted within twelve (12) months of the date of submission of the final application without plat approval. However, the application review fees required by Section 1001.2 shall be charged both at the time of filing of the Final Application and at the time of submission of the Final Plat.

- D. Final Applications Requiring Zoning Variances. Any application for Final Approval of a Major Subdivision which requires a variance to any requirement of the Township Zoning Ordinance shall not be submitted until an executed copy of the Zoning Hearing Board's decision is available for submission with the application.

**§407. Final Application Content for a Major Subdivision.**

All applications for Final Approval of a Major Subdivision shall include the following:

- A. A minimum of eight (8) copies of the completed application form supplied by the Township;
- B. Application filing and application review fees, as required by Section 1001 of this Ordinance;
- C. Evidence of proprietary interest acceptable to the Township Solicitor;
- D. One (1) copy of the approved Preliminary Plat;
- E. Four (4) copies of Construction Plans for public improvements prepared by a Registered Professional Engineer, as provided by the Commonwealth of Pennsylvania's Registration Law, drawn on sheets measuring twenty-two by thirty-four inches (22" x 34") showing the following:
  1. Conformity with the Design Standards specified in Article VII of this Ordinance and the Township Construction Standards;
  2. Street plan and profile of each street in the plan, including the terminus of all streets in the plan and any area beyond the limits of the plan where grading is proposed to construct the street. Street plan and profile drawings shall include all drainage easements over property, location of catch basins, inlets, manholes, headwalls and end walls of the storm water system. Top and invert elevations shall be shown along with the pipe size. Profile of storm pipes shall show any crossing sanitary sewer lines and may be placed on a separate drawing. Lot lines and lot numbers shall be included in the street plan view;
  3. At least three (3) cross sections at intervals not to exceed one hundred (100) feet and extending fifty (50) feet on each side of the street centerline or twenty-five (25) feet outside of the street right-of-way, whichever is greater; however, the Township Engineer may recommend a modification to this requirement in accordance with the provisions of Article IX based on existing physical conditions on the site;
  4. Whether the system is public or private, a sanitary sewer plan and profile drawing which shall include lot lines and lot numbers on the plan view. The location of the sanitary sewers, manholes and location of each "Y" proposed for installation shall be shown. The grade line, distance and pipe size of each line shall be indicated on the plan and profile. The top and invert elevation of each manhole plus pipe invert grades at fifty foot (50') intervals shall be provided. The system shall be designed in

accordance with PA Department of Environmental Protection (PA DEP) design standards for collection systems;

5. All construction drawings shall be prepared according to accepted engineering and construction standards and in accordance with the standard sanitary and storm sewer details available from the Township.

F. Final Grading Plan.

G. Copies of all required local, County, State and Federal permits and approvals;

H. Plans showing compliance with recommendations of the Soils Report or Wetlands Delineation Report, if applicable;

I. Performance Guarantee to guarantee proper installation of public improvements as required by Section 411 of this Ordinance, except in the case of Final Applications Without Final Plat Approval, as provided for in Section 406.3 of this Ordinance;

J. Amenities Bond, if required by Section 412 of this Ordinance;

K. Development Agreement, required by Section 413 of this Ordinance;

L. Final covenants and restrictions applicable to the plan, if any;

M. Homeowners' Association By-Laws and Management Plan, if applicable;

N. Evidence of cross-easements and maintenance agreements for shared driveways or private streets, if applicable;

O. An executed copy of the Zoning Hearing Board's decision in the case where any zoning variances are required;

P. A minimum of eight (8) copies of the Final Plat in accurate and final form for recording and one (1) electronic prepared in CAD format or other electronic format acceptable to the Township which clearly delineates the following:

1. The name of the subdivision;
2. If the proposed subdivision is a re-subdivision of property in a previously recorded plan, reference to the lot or parcel numbers being revised and the name of the previously recorded plan shall be provided in the title block;
3. The name and address of the developer, and, if the developer is not the landowner, the name and address of the landowner;



4. The name, address, certification and seal of the registered land surveyor who prepared the plat;
5. The North point, graphic scale and date;
6. Accurate boundary lines, with dimensions and bearings;
7. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat;
8. Lot numbers and dimensions;
9. Final building lines;
10. Easements for public improvements and any limitations on such easements;
11. Dimensions and bearings of any property to be reserved for public, semipublic or community use;
12. Street names;
13. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are non-radial or non-tangential should be so noted;
14. Street lines with accurate dimensions in feet and hundredths of feet.
15. If application, a notation on the plat that access to a State highway shall only be authorized by a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
16. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of Section 601 of this Ordinance and the County Planning Department and an indication of whether they were found or set.
17. Certification clauses required by herein, including a clause for certification of Township Ordinance compliance by the Township Engineer.

**§408. Final Application Approval for a Major Subdivision.**

A. Final Applications Including Final Plat Approval.

1. The Township Engineer shall present a written report to the Planning Commission with a copy to the applicant which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Planning Commission meeting.

2. At the first regular meeting of the Planning Commission after the date of filing of a Final Application, the Planning Commission shall either accept the application as properly filed and begin its review or table the application until any deficiencies identified by the Township Engineer's review have been addressed by the applicant. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application. If the applicant fails to grant such an extension, the Planning Commission may recommend disapproval of the application based on the deficiencies identified.
  3. Within sixty (60) days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to the Board of Supervisors for approval or disapproval of the Final Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.
  4. The Township Engineer shall present a written report to the Board of Supervisors which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Board of Supervisors' meeting where the application is considered for approval. The Board of Supervisors shall not act until the review has been received from the Westmoreland County Planning Department or until thirty (30) days has passed since the date that the application was submitted to the County for review.
  5. The Board of Supervisors shall either approve, approve with conditions or disapprove the Final Application at a public meeting. The Planning Commission's recommendation and the Planning Commission minutes shall be made a part of the record at that meeting.
  6. The Board of Supervisors shall render its decision on the application no later than ninety (90) days following the Planning Commission's regular meeting next following the date that the application is filed, provided that should the next regular meeting of the Planning Commission occur more than thirty (30) days following the filing of the application, the ninety (90) days shall be measured from the thirtieth (30th) day following the day the application has been filed.
  7. A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision. If the Final Application is not approved, the Board of Supervisors shall specify the defects found in the Final Application and cite the requirements of this Ordinance which have not been met.
- B. Conditional Approval. If the Board of Supervisors determines, that certain conditions are warranted to be attached to Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 408.1 of this

Ordinance. The applicant shall accept or reject the conditions attached to Final Approval either by giving written notice to the Township Secretary or by executing the Development Agreement required by Section 413 of this Ordinance within thirty (30) days of the date of the meeting of the Board of Supervisors at which Final Approval is granted. If the applicant fails to give written notice to the Township Secretary regarding acceptance or rejection of the conditions attached to Final Approval or fails to execute the Development Agreement within the required thirty (30) days, Final Approval shall automatically be rescinded without written notice to the applicant.

- C. Final Applications without Final Plat Approval. Final Applications without Final Plat Approval shall be approved or disapproved in accordance with the procedures specified in Section 408.1 for Final Applications including Final Plat Approval. If the developers Final Application Without Final Plat Approval has been approved and the developer has obtained all necessary permits and approvals from the Township and County, State or Federal agencies, if any are required, the developer may proceed to construct improvements as indicated in the Final Application seventy-two (72) hours after the developer has notified the Township Engineer by certified mail. The Township Engineer shall then authorize the Progress Inspections required by Section 501 of this Ordinance. The installation of all improvements shall be subject to the Progress Inspections required by Section 501.
- D. Final Flat Approval after Completion of Improvements.
1. Upon completion of the improvements contained, in the Final Application, the developer shall notify the Township, in writing, of the completion and shall submit eight (8) copies of the Final Plat, as required by Section 407-P of this Ordinance, with the notice of completion. Within ten (10) days of the receipt of the notice of completion and submission of the Final Plat, the Board of Supervisors shall authorize the Township Engineer to inspect the improvements and review the Final Plat to determine whether the Final Plat is in conformance with the previously approved Final Application, and all applicable requirements of this Ordinance and whether the proper officers of the Township can affix their signatures to the Final Plat for recording purposes.
  2. Within thirty (30) days of receiving such authorization, the Township Engineer shall report to the Board of Supervisors, in writing, whether the completed improvements comply with the requirements of this Ordinance and the Township Construction Standards and whether the Final Plat complies with all applicable requirements of this Ordinance. The Township Engineer's report shall indicate approval or rejection of the improvements, either in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.
  3. Within forty-five (45) days of receipt of the notice of completion of improvements, the Board of Supervisors shall notify the developer, in writing, by certified or registered mail, of the approval or rejection of the improvements. Acceptance of the improvements shall be in accordance with the requirements of Section 505 of this Ordinance and shall be further subject to the posting of the Maintenance Bond required by Section 506 of this Ordinance.

4. Within forty-five (45) days of the submission of the final plat, the Board of Supervisors shall either approve or disapprove the Final Plat for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval or disapproval shall be sent to the developer by regular mail within fifteen (15) days of the date of the decision. If the Final Plat is not approved, the Board of Supervisors shall specify the defects found in the Final Plat and shall cite the requirements of this Ordinance which have not been met.
- E. Deemed Approval. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the 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.
- F. Phased Approval.
  1. In the case where development of a subdivision or land development is projected over a period of years, the Township authorizes submission of Final Applications by sections or phases of development, subject to such requirements or guarantees for public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
  2. All sections or phases shall conform to the Preliminary Application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings on streets previously approved in the Preliminary Application shall require complete resubmission of the Preliminary Application in accordance with Section 403, 404 and 405 of this Ordinance prior to consideration of any phase containing substantive changes for Final Approval.

**§409. Procedure for Preliminary and Final Approval of a Land Development, Other than a Subdivision.**

- A. Application Submission.
  1. The applicant shall file a minimum of eight (8) copies of an application for Preliminary and Final Approval of a Land Development to the Township Secretary, including the form provided by the Township, at least ten (10) working days prior to the regular meeting of the Planning Commission. The Township Secretary may, require additional copies of the application in the case where an application requires review by the Township's Traffic Consultant, geotechnical consultant or other applicable review agency. The Preliminary and Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 409.2 of this Ordinance, including the application filing and application review fees, have been received.

2. In the event that an application is not timely filed prior to the regular meeting of the Planning Commission, the applicant shall be scheduled for a pre-application conference with the Planning Commission at the next regular meeting immediately following the filing and shall be scheduled for consideration at the next regular meeting of the Planning Commission following the pre-application conference.
  3. Upon receipt, the application shall be stamped with the date of receipt by the Township Secretary. Upon receipt, copies of the application shall be distributed to the Township Engineer and each member of the Planning Commission;
  4. The Township Secretary shall submit one (1) copy of the application to the Westmoreland County Planning Department for review and comment within five (5) days of receipt subject to payment of the County review fee by the applicant.
  5. The Township Engineer will perform a completeness review. If the application is found to be incomplete, a written report shall be provided to the Planning Commission with a copy to the applicant, indicating the deficiencies in the application and citing the specific sections of this Ordinance that have not been met.
  6. In the event that the applicant fails to submit a revised application in adequate time for the Township Engineer to review it or the revised application fails to adequately address the deficiencies cited, in the completeness review, the Planning Commission may table consideration of the application until the next regular meeting of the Planning Commission. If necessary, the Planning Commission may request that the applicant grant the Board of Supervisors an extension of the 90-day period to act on the application.
  7. In all cases, the official date of filing of the Preliminary Application shall be the date of the Planning Commission meeting at which the Planning Commission first considers the application.
- B. Preliminary and Final Application Content for a Land Development Other Than a Subdivision. All applications for Preliminary and Final Approval of a Land Development shall include the following information:
1. A minimum of eight (8) copies of the completed application form supplied by the Township;
  2. Application filing and application review fees, as required by Section 1001 of this Ordinance;
  3. Evidence of proprietary interest acceptable to the Township Solicitor;
  4. Evidence that the lot or lots on which the land development is proposed are lots of record;

5. If the lot or lots on which the land development is proposed is not a lot of record or is proposed to be re-subdivided or consolidated, an application for Preliminary and Final Approval of a Minor Subdivision required by Section 402 of this Ordinance;
6. A minimum of eight (8) copies of a land development plan, as defined by this Ordinance, which includes the following information:
  - i. A boundary survey by a registered professional land surveyor of the lot or lots of record on which the land development is proposed.
  - ii. The proposed name and address of each subdivided property.
  - iii. The name, address, certification and seal of the registered surveyor who prepared the survey and the name and address of the registered engineer, architect or landscape architect who prepared the plan.
  - iv. The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
  - v. A location map showing the plan name and location, major existing thoroughfares related to the site, including the distance therefrom, title, scale and North point.
  - vi. The graphic scale, North point and date.
  - vii. The legend and notes.
  - viii. Existing platting of land immediately adjacent to the site, including names of adjoining landowners.
  - ix. Existing watercourses, wetlands, tree masses, steep slopes, areas subject to periodic flooding as identified on the current Official Map for the Township issued by the Federal Insurance Administration and other significant natural features.
  - x. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
  - xi. A slope map showing the location and the area of land in square feet which has a slope of twenty percent (20%) or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading of these slopes, the stability of the finished slopes, measures to mitigate landslides, soil erosion and sedimentation, storm water runoff and potential impacts on adjacent properties.
  - xii. Existing easements, locations, widths and purposes.

- xiii. Existing streets and other rights-of-way on or adjoining the site, including dedicated widths, cartway widths, gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
  - xiv. The zoning classification of the site.
  - xv. The proposed use, location, area, height and bulk of all existing and proposed structures and dimensions of all yards.
  - xvi. The design and layout of parking areas and a computation of the number of parking spaces to be provided.
  - xvii. Patterns of pedestrian and vehicular circulation on the site, ingress, egress and circulation into and out of the site, including pavement markings and/or directional signs.
  - xviii. Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheelstops, storm water management facilities and the like.
  - xix. Location and specifications for lighting of parking areas and walkways.
  - xx. The location and types of proposed landscaping materials.
  - xxi. Dates of preparation and dates of all revisions to the plan.
  - xxii. A chart or table summarizing applicable zoning requirements and indicating whether the proposed development meets or exceeds each of those requirements.
- 7. An executed copy of the Zoning Hearing Board's decision in the case where zoning variances are required;
  - 8. A landscaping plan showing compliance with all applicable buffer area and landscaping requirements of the Township Zoning Ordinance;
  - 9. A site lighting plan showing compliance with this Section of this Ordinance;
  - 10. Where evidence exists of undermining, strip mining, land-slide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any;
  - 11. A copy of a report from the U.S. Soil Conservation Service concerning soil conditions and water resources and a Wetlands Delineation Report, If applicable;

12. A Soil Erosion and Sedimentation Control Plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection (PA DEP) governing Erosion Control and evidence of review and approval by the Westmoreland County Conservation District, if required by law.
13. A Traffic Report, that complies with the requirements of Section 404-E for all land developments that propose seventy-five (75) or more additional trips during the adjacent roadway's peak hours.
14. Copies of all required local, County, State and Federal permits and approvals;
15. Performance Guarantee required by Section 411 of this Ordinance if public improvements are proposed;
16. Amenities Bond required by Section 412 of this Ordinance;
17. Development Agreement required by Section 413 of this Ordinance;
18. Homeowners' Association By-Laws and Management Plan or Condominium Declaration Plan, if applicable.
19. Evidence of cross-easements and maintenance agreements for shared parking or shared driveways, if applicable.

C. Applications Requiring Zoning Variances.

1. Any land development plan which requires a variance to any regulation of the Township Zoning Ordinance shall be considered for Preliminary Approval only, subject to the granting of the necessary variances by the Zoning Hearing Board in its sole discretion. If the variances are not granted, Preliminary Approval shall be void and a new application for Preliminary Approval shall be submitted in accordance with the requirements of Section 409.1.
2. Filing of a variance application stays all action on the application under this Ordinance and tolls all time period requirements for action by the Planning Commission and Board of Supervisors.
3. An application for Final Approval of a Land Development which requires a zoning variance shall not be submitted unless and until an executed copy of the Zoning Hearing Board's decision granting the variance is submitted with the application for Final Approval.



**D. Applications Which Do Not Require Zoning Variances.**

1. Any land development plan which does not require a zoning variance may be considered for simultaneous Preliminary and Final Approval, provided all of the application requirements of Section 409.2 are met. In the event that all of the required information is not submitted, or the information submitted is not in sufficient detail to determine compliance with the requirements of this Ordinance or the Township Zoning Ordinance, the application shall be considered for Preliminary Approval only.
2. The procedure for simultaneous Preliminary and Final Approval of a land development shall be the same as the requirements of Section 408.1, Section 408.2, Section 408.5 and Section 408.6 of this Ordinance for Final Approval of a Major Subdivision. Final Approval further shall be subject to Sections 410, 411, 412, 413, 415 and 416 of this Ordinance.
3. In the event that Preliminary and Final Approval of a land development are not granted simultaneously, Preliminary Approval shall be granted in accordance with the procedural requirements of Section 405 of this Ordinance governing Preliminary Approval of a Major Subdivision.

**E. Procedure for Land Developments Which Involve a Submission, Consolidation or Resubdivision.**

1. Land developments which involve subdivision, re-subdivisions or consolidations of the lot or lots, on which they are proposed shall be processed concurrently with the application for Preliminary, and Final Approval of a Minor Submission required by Section 402 of this Ordinance. The requirement to record a Final Plat shall apply only to the subdivision and not to the land development plan.
2. The land development plan shall be approved in accordance with the requirements of Section 409.3 or Section 409.4, above.

**F. Procedure for Land Developments on Lots of Record Which Do Not Involve a Subdivision, Re-Division or Consolidation.**

1. If a land development is proposed on a lot of record, as defined by this Ordinance, and there are no changes in lot lines, easements or rights-of-way shown on the lot of record, the requirements to prepare and record a Final Plat shall not apply.
2. The land development plan shall be approved in accordance with the requirements of Section 409.3 or Section 409.4, above.

**§410. Resolution Indicating Approval.**

- A. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security and executing the Development Agreement required by Section 413. The Resolution shall specify any conditions that have not been met at the time of Final Plat Approval. The Resolution shall specify a reasonable time within which the developer shall post financial

security, execute the Development Agreement and meet outstanding conditions of approval that can be reasonably met prior to recording of the final plat. The Resolution shall specify that Final Plat Approval shall expire and shall be deemed to be revoked if financial security is not posted and the Development Agreement is not executed and all conditions of approval which can be reasonably met prior to recording of the Final Plat are not met within the time period specified. This time deadline shall constitute the time deadline for the developer to deliver an approved plat for signature by the Board of Supervisors.

- B. The proper officers of the Township are not authorized to sign the plat for recording until the terms of the Resolution are satisfied.
- C. Upon good cause shown, the Board of Supervisors may extend the time deadline, specified in the Resolution by adoption of an amendment to that Resolution, upon written request of the developer stating the reasons for the extension requested. Such extension shall not be unreasonably withheld.

**§411. Posting of Performance Guarantee.**

- A. In lieu of the completion of any Improvement required prior to and as a condition for approval of a plat, the applicant shall deposit a Performance Guarantee, as defined by this Ordinance, in favor of the Township, in an amount equal to one hundred ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the Performance Guarantee by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining Improvements as of the expiration of the ninetieth (90<sup>th</sup>) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the Performance Guarantee equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Subsection.
- B. The amount of the Performance Guarantee required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- C. If the party posting the Performance Guarantee requires more than one (1) year from the date of posting of the Performance Guarantee to complete the required improvements, the amount of the Performance Guarantee may be increased by an additional ten percent (10%)

for each one-year period beyond the first (1st) anniversary date from posting of the Performance Guarantee or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

- D. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the Performance Guarantee required by this Section.

**§412. Development Agreement.**

- A. As a condition of granting Final Approval of a subdivision or land development that requires the installation of public improvements or to which conditions are attached to the grant of Final Approval, the Board of Supervisors shall require that the developer execute a Development Agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of on-site and off-site improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.
- B. Said agreement shall be executed, the required Performance Guarantee shall be posted and all required fees shall be paid before the Township Secretary shall affix his or her signature and the Township Seal to the Final Plat for recording purposes.
- C. The Development Agreement shall contain any conditions of approval that are not met at the time of final approval.
- D. If the Development Agreement is not executed within the time specified in the Resolution Indicating Approval adopted pursuant to Section 410, final approval shall expire automatically, unless extended by the Board of Supervisors upon written request of the applicant for good cause shown.

**§413. Recording of Final Plat.**

Upon approval of a Final Plat by the Township, the developer shall record the Final Plat in the Office of the Westmoreland County Recorder of Deeds within ninety (90) days of such Final Approval or within ninety (90) days of the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later.

**§414. Filing of Copies.**

Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the applicant shall deliver to the Township Secretary, one (1) paper print of the Final Plat, as recorded, containing all required signatures and dates of approval, including those of the County Recorder of Deeds. In addition, for Major Subdivisions, the applicant shall deliver to the Township Secretary, a CD-ROM containing the Final Plat in digitized format acceptable to the Township.

## ARTICLE V INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

### **§501. Progress Inspections.**

The developer shall notify the Inspector at least seventy-two (72) hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the Inspector at least seventy-two (72) hours prior to the time that the following required progress inspections are desired:

- A. Inspection of sub-grade of streets prior to laying of base;
- B. Inspection of base prior to final paving of streets;
- C. Inspection on installation of storm sewers and drainage facilities.
- D. At the Township Engineer's discretion, an inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with Section 1001(C) of this Ordinance.
- E. The inspector shall maintain a daily report of all inspections. The daily reports shall be turned over to the Township Engineer upon completion of the project.

### **§502. Notice of Completion.**

When the developer has completed the required public improvements in a plan, the developer shall notify the Township Secretary, in writing, by certified or registered mail and shall send a copy thereof to the Township Engineer. Within ten (10) days of the receipt of such notification, the Board of Supervisors shall authorize the Township Engineer to conduct a final inspection of the public improvements in the plan to determine compliance with the Design Standards specified in Article VII of this Ordinance and the Township Construction Standards.

### **§503. Filing of As-Built Plans.**

Upon completion of the public improvements in a plan, "as-built" plans, profiles and calculations for the public improvements, as constructed, shall be filed with the Township by the developer within ten (10) days of the mailing of the Notice of Completion. Paper prints and one (1) electronic prepared in CAD format or other electronic format acceptable to the Township of each "as-built" drawing shall be submitted. "As-built" plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances. Horizontal angles between sanitary sewer manholes shall be shown.

### **§504. Final Inspection and Approval.**

- A. Township Engineer's Report. Upon authorization by the Board of Supervisors, the Township Engineer shall perform a final inspection of the public improvements in the plan. Within thirty (30) days of receiving the authorization by the Board of Supervisors, the

Township Engineer shall file a report, in writing, with the Board of Supervisors indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall promptly mail a copy of said report to the developer by certified or registered mail.

- B. Notification of Developer by the Board of Supervisors. The Board of Supervisors shall notify the developer, in writing, by certified mail, within fifteen (15) days of receipt of the Township Engineer's report, of the action of the Board of Supervisors with relation to approval or rejection of the public improvements.
- C. Failure of Township to Comply. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained in this Article, all public improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the Performance Guarantee posted with the Township.
- D. Completion of Rejected Public Improvements. If any portion of the public improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined in this Article, shall be followed.
- E. Developer's Rights. Nothing in this Article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
- F. Release of Performance Guarantee.
  - 1. Upon approval of all of the public improvements in the plan, the developer shall be released from any liability pursuant to the Performance Guarantee posted to guarantee the proper installation of those improvements.
  - 2. From time to time, during the installation of the public improvements, the developer may request partial release of the Performance Guarantee in an amount necessary for payment of contractors performing the work. Any such request shall, be in writing and shall be addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of this Ordinance and the approved Final Plat.
  - 3. Upon such certification by the Township Engineer, the Board of Supervisors shall authorize release of an amount as estimated by the Township Engineer which fairly represents the value of the improvements completed. The Board of Supervisors shall require retention of ten percent (10%) of the estimated cost of such improvements until such time as all improvements have been installed and the Performance Guarantee is released in its entirety.

**§505. Acceptance of Public Improvements.**

- A. Upon completion of the final inspection and approval of the public improvements, the developer shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall be submitted at least ten (10) days prior to the regular meeting of the Board of Supervisors and shall be accompanied by deeds of dedication and legal descriptions for all easements and rights-of-way. At the regular meeting, the Board of Supervisors shall enact an Ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the Maintenance Bond required by Section 506 of this Ordinance.
- B. In addition, if construction is not substantially completed on ninety percent (90%) of the lots in the plan at the time that the public improvements are accepted, the developer shall post a bond in an amount determined by the Township Engineer to guarantee installation of the final wearing course on the public streets in the plan.
- C. No property or public improvements shown on a Final Plat shall be considered to have been finally accepted by the Township, until the dedication thereof has been officially accepted by adoption of an Ordinance of the Township, duly enacted and advertised in accordance with law.

**§506. Posting of Maintenance Bond.**

- A. When the Board of Supervisors accepts the dedication of all or some of the required public Improvements in a plan, following their completion, the Board of Supervisors shall require the posting of a Maintenance Bond, as defined by this Ordinance, to insure the structural integrity of the improvements in accordance with the Design Standards of Article VII, the Township Construction Standards and the specifications of the Final Plat.
- B. The term of the Maintenance Bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Board of Supervisors. The amount of the Maintenance Bond shall be fifteen percent (15%) of the actual cost of installation of the public improvements.

**§507. Remedies to Effect Completion of Public Improvements.**

In the event that the public improvements required to be installed by the provisions of this Ordinance are not installed in accordance with the requirements of this Ordinance or the approved Final Plat prior to the expiration of the Performance Guarantee, the Board of Supervisors shall have the power to enforce the Performance Guarantee by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the Performance Guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such Performance Guarantee, the Board of Supervisors may, at its option, install part of such Improvements in all or in part of the submission or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such Performance Guarantee and not for any other municipal purpose.

**§508. Inspection of Private Improvements.**

The developer shall notify the Township Engineer at least seventy-two (72) hours prior to initiating the installation of any of the private Improvements. Upon completion of the private improvements, the developer shall request a final inspection by the Inspector. If deficiencies are found, the Code Enforcement Officer shall notify the developer in writing. If the installation of private Improvements has been satisfactorily completed in accordance with this Ordinance and the approved plan, the Code Enforcement Officer shall issue a Certificate of Completion of Site Improvements which shall be prerequisite to the issuance of a Certificate of Occupancy under the Township Zoning Ordinance.

**ARTICLE VI  
REQUIRED IMPROVEMENTS**

**§601. Survey Monuments, Bench Marks and Lot Pins.**

- A. Permanent concrete monuments as described in the Township Construction Standards shall be set at all tract boundary comers, angle points of boundary and such intermediate points of a subdivision as may be required by the Township Engineer. All other new or re-established corners, or reference monuments for inaccessible comers, within a subdivision shall require semi-permanent monuments and are encouraged at inter-visible points between corners. Set monuments shall be made of durable material and set firmly into the ground. All lot comers shall be staked and plainly marked with pipes, metal pins or other markers of durable material. Wooden stakes shall not be approved as a durable material. Pipes shall have a minimum outside diameter of one inch (1") while metal pins shall have a minimum outside diameter of five-eighths inch (5/8") and both shall have a minimum length of thirty inches (30"). Other markers shall have a minimum cross-sectional area of one-half square inch and shall be made of durable material, identifiable and unique. Natural objects chosen for comers shall be durable, unique and easily identifiable. Bench marks shall be established on all monuments in the streets based on the U.S. Coast and Geodetic Sandy Hook Datum.
- B. All rebars, metal pins, pipes and other markers, except natural objects, shall have caps bearing the Registered Land Surveyor's license number or company name.
- C. The installation and certification shall be made by a Registered Land Surveyor prior to the approval of a subdivision and such certification shall be a condition precedent for the release of any funds deposited with the Township in support of the development.
- D. The location and tie-in dimensions of all monuments shall be shown on the plan for recording. No public improvements shall be accepted by the Township until all monuments have been set and their placement certified to by a Registered Land Surveyor. In the event that public improvements are accepted before ninety percent (90%) of the lots in the plan are occupied, the monument escrow deposit shall not be released until at least ninety

percent (90%) of the lots are occupied and the Township Engineer verifies the existence of the monuments certified by the Registered Land Surveyor.

**§602. Utilities.**

- A. Each lot shall be served by public water and public sanitary sewers or a private system approved by the Pennsylvania Department of Environmental Protection (DEP) and the developer shall be responsible for obtaining all necessary approvals and entering into a Developer's Agreement with the Municipal Authority of Westmoreland County, its successors or assigns or any other agency or authority created to provide such services now or in the future, to provide such facilities in accordance with its rules and regulations.
- B. In areas where the Municipal Authority of Westmoreland County, its successors or assigns or any other agency or authority created to provide such service now or in the future, has determined that immediate connection to that agency's or authority's water supply and distribution system is not feasible, individual water supply or, in some cases, centralized wells shall be required. Centralized wells shall be approved by the Pennsylvania Department of Environmental Protection (PA DEP) and the Township Board of Supervisors. Where individual wells are proposed, the wells shall be subject to all applicable Federal, State and County regulations. When, in the opinion of the Township Engineer, the underground water supply is known to be inadequate or hazardous for human consumption, the Township may require the applicant to drill a test well and submit plans, provisions and written agreements guaranteeing the construction of an adequate and potable water supply.
- C. In those areas where public sewers are not yet available due to lack of treatment capacity or lack of availability of collection facilities, on-site sewage treatment systems shall be provided subject to the approval of the Sewage Enforcement Officer.
- D. In those areas where the extension of public sanitary sewer trunk lines have been programmed within the next five (5) years to serve the proposed subdivision or land development, the Township shall require that laterals and feeder lines be extended within the proposed submission or land development to the right-of-way closest to the proposed trunk line location. The end of said laterals and feeder lines shall be capped until the connection to the trunk lines can be made.
- E. Storm sewers and drainage facilities shall be provided by the developer in each plan and shall be constructed in accordance with the Design Standards of Article VII and the Sewickley Township Stormwater Management Ordinance, Chapter 23 of the Code of the Township of Sewickley.
- F. The developer shall be responsible for contracting with private utility companies and for providing any easements required by those utility companies to guarantee that each lot shall be served by telephone, gas and/or electricity and cable TV (if available).
- G. All telephone, gas, electric and cable TV lines shall be installed underground in any subdivision which consists of five (5) or more lots, in any multifamily development which



contains five (5) or more dwelling units and in any non-residential land development in excess of ten (10) acres. The design standards for such lines shall be in accordance with the specifications of the applicable regulatory agency. All installations shall be made prior to paving of the street,

**§603. Streets.**

- A. Public Street Frontage Required. Each lot shall have frontage on a public street, as defined by this Ordinance, which is constructed in accordance with the Design Standards of Article VII and the Township construction Standards, unless an exception or modification to this requirement is granted in accordance with the provisions of Article VII of this Ordinance.
- B. Private Street Exception. In submitting a request for a private street exception, the applicant shall demonstrate compliance with the following minimum requirements:
  - 1. The proposed lot or lots have no other access to a public street.
  - 2. No more than three (3) lots shall front on any private street.
  - 3. If the original parcel from which the subdivision is created has its principal vehicular access from the private street, it shall be counted as a lot on the private street, even though it has legal frontage on a public street.
  - 4. An existing private street shall not be extended; however, additional lots may be recorded with frontage on the existing private street, provided the total number of lots fronting on the private street shall not exceed three (3) lots.
  - 5. The minimum right-of-way width required for a new private street shall be fifty (50) feet.
  - 6. The minimum width of the cartway required for a private street shall be eighteen (18) feet.
  - 7. The cartway for a private street shall be improved to meet the Township Construction Standards for a public street, unless a modification to one (1) or more of those requirements is granted in accordance with Article IX of this Ordinance.
  - 8. A notation shall be placed on the plat for recording indicating that the Township has no maintenance responsibilities for the private street.
  - 9. The plat for recording shall contain a notation and the deeds for each lot shall contain a reference to an executed and recorded agreement obligating the property owners to maintain the private street.
  - 10. The plat for recording and the deeds for each lot shall contain a statement that any future request by the lot owners to have the street accepted by the Township as a public street shall be subject to the owners assuming the total cost of improving the private street to the current Township Construction Standards for a public street.

11. House numbers for dwellings located on private streets shall be placed at the intersection of the private street and the public street and shall be visible from the public street.
12. The owners of the lots shall provide signage, approved and installed by the Township in the public right-of-way to indicate the name of the street, that the street is private and that there is no outlet.

**§604. Fire Hydrants.**

Fire, hydrants shall be located in the public street right-of-way and the placement and spacing of the hydrants shall be subject to review and approval by the Township Emergency Management Coordinator.

**§605. Street Signs.**

The developer shall install street names signs, approved by the Township, at all street intersections. The cost of the street signs and posts shall be assumed by the developer. Street signs shall be installed in accordance with the Township Construction Standards.

**§606. Sidewalks or Pedestrian Walkways.**

- A. Sidewalks shall be required in subdivisions or residential land developments containing fifty (50) or more lots or dwelling units, and in commercial land developments to provide pedestrian access between buildings and parking areas. In residential subdivisions, sidewalks shall be provided on one (1) side of the street and shall be located to maximize pedestrian safety and convenience and to minimize contacts with vehicular traffic, with street crossings being held to a minimum.
- B. Sidewalks shall be a minimum of four (4) feet in width and shall be constructed in accordance with the Township Construction Standards. Maintenance responsibility shall be the responsibility of the landowner or shall be incorporated in Homeowners' Association or condominium documents, if such an association is proposed, and/or shall be recorded as a restriction within the deed for the property.

**§607. Refuse Collection Facilities.**

- A. Multi-Family Developments. Within a subdivision or land development proposed for multi-family dwellings, each dwelling unit shall be located within one hundred fifty (150) feet of a refuse collection facility intended for disposal of household garbage, trash and recyclable materials. The required one hundred fifty (150) feet shall be measured along the pedestrian or vehicular travel ways between the entrance to the dwelling unit and the refuse collection facility.
- B. Non-Residential Developments. Within a subdivision or land development proposed for non-residential uses, refuse collection facilities shall be located within two hundred (200) feet of each proposed building or within two hundred (200) feet of each tenant space within a building, if a building contains more than one (1) tenant. The required two hundred (200)

feet shall be measured along the pedestrian or vehicular travel ways between the entrance to the building or tenant space and the refuse collection facility.

- C. Screening of Refuse Collection Facilities. Each refuse collection facility shall be screened by a fence, wall or hedge at least six (6) feet in height or by an enclosure within a building.
- D. Location of Refuse Collection Facilities. Refuse collection facilities shall be located so as to provide safe and convenient pick-up by refuse collection agencies. No refuse, collection facility shall be located in a designated loading space, parking space, parking aisle, driveway or access drive. Refuse collection facilities shall be located a minimum of fifty (50) feet from any property line adjoining a single family or two-family residential use or zoning classification.

## **ARTICLE VII DESIGN STANDARDS**

### **§701. Design Standards.**

The arrangement, character, extent, width, grade and location of all streets shall conform to the Official Map of Sewickley Township. Where streets are not shown on the Official Map, the arrangement and other design standards of streets shall conform to the provisions set forth herein. Every subdivision shall have access to a public Street except as may be otherwise authorized herein. The purpose of this section and all of its subsections now or hereafter adopted is to regulate new road construction in order to protect the safety and health and to provide for the general welfare of the Township and its inhabitants by providing procedures and specifications for street and roadway construction within the Township.

#### **A. Design and Arrangement.**

1. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic.
2. Where a subdivision abuts or contains an existing or proposed street, the newly proposed streets shall be planned and designed in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.
3. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
  - i. Dead-end streets shall be prohibited except as stubs utilizing temporary cul-de-sac to permit future street extension into adjoining tracts of ground or when designed as permanent cul-de-sac of less than or equal to 1,200 feet in length. Cul-de-sac shall be a minimum of 250 feet in length, measured from the center line of the intersecting street to the midpoint of the cul-de-sac.
  - ii. Where a street is proposed to be extended into property proposed for future

development, a temporary hammerhead turnaround shall be provided in an extension of the right-of-way onto the property proposed for future development. The extension of the right-of-way containing the hammerhead turnaround shall not include any portion of frontage for a residential lot. The applicant shall note on the plan of subdivision or land development that said street is reserved to the applicant for future access. Further, any extension of said street to serve a future subdivision or land development shall be a dedicated public street and shall not be a private street.

- iii. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. Where a new subdivision adjoins unsubdivided land capable of future subdivision, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.
- iv. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than 60°. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety and suitable curbs, barriers, signs and other devices may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another.
- v. Street intersections shall not be so numerous or so close to each other as to impede the flow of traffic or as to create a safety hazard.
- vi. Access to and occupancy of highways by driveways and local roads shall be in accordance with PennDOT Chapter 441.
- vii. The vacation of any street or part of a street dedicated for public use shall not be approved if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.
- viii. A design speed of 30 miles per hour shall be utilized unless traffic patterns and volumes dictate an increase. Said increase shall be as approved by the Township Engineer.
- ix. If undeveloped property has an alternative means of vehicular access, a single-family lot in an adjoining recorded plan shall not be used as a future right-of-way for a public street, private street or other vehicular access.
- x. The regulations of the Sewickley Township Road Ordinance shall apply to all roads and streets shown on plats of residential subdivision containing four lots or parcels or more and for all roads and streets shown on plats of subdivision of business, commercial or industrial properties, regardless of the number of lots shown thereon.

- xi. In subdivisions, the lots in which are to be used for residential dwellings, and which contain three lots or fewer including any residual land owned by the developer, an exception is hereby granted in that streets shown on said plats need not be built in accordance with the provisions of this section, provided that said streets are to be private and not dedicated to the Township, and shall be conditioned upon the following:
- a) No further subdivision of the land area of any of the lots including the residual land shall be permitted.
  - b) Such restriction shall be indicated on the subdivision plat, which shall state that this restriction is binding upon the owners, purchasers, subsequent purchasers and their heirs, administrators, successors, and assigns.
  - c) Each lot in the proposed subdivision shall have erected thereon not more than one single-family dwelling or one two-family dwelling, provided that the type of dwelling to be erected shall be in conformance with the existing zoning classification of the property in which the subdivision is proposed.
  - d) The proposed private road shall be installed with a dust-free and mud-free surface.
  - e) The private road shall have a minimum width of 50 feet of dedicated road right-of-way.
  - f) The beginning point of said private road shall be at the intersection with a public road or street.
  - g) The proposed private road shall not be extended in the future to service any other lots.
  - h) The lots in the approved subdivision shall not be subdivided in the future unless the private road meets the requirements of the Sewickley Township Road Ordinance set forth in Chapter 21 of the Sewickley Township Code, as it may from time to time be amended.
  - i) A private road agreement shall be executed by the developer, and the same shall be recorded in the office of the Recorder of Deeds in and for Westmoreland County, Pennsylvania. Said private road agreement shall provide for the allocation of maintenance costs between the respective owners of the lots serviced by the private road. The private road agreement shall be in a form as approved by the Township Solicitor.
  - j) The proposed private road shall not be adopted as a Township-maintained public road unless said private road is installed in conformity with the then-existing Township regulations for public streets. The plan submitted

for subdivision shall have specifically noted thereon a statement indicating that said private road will not be maintained or owned by the Township of Sewickley.

**B. Street Grades.**

1. Profiles. No street grade shall be less than 1.00% and shall not exceed 12.00% for any street or roadway in the Township of Sewickley. Streets shall have a grade not to exceed 5.00% for a distance within 50 feet of the street right-of-way line for any intersecting street.
2. Cross section. The gradients of streets shall be 0.02 foot per foot, and the cross section shall conform to the dimensions and depths as set forth on the design of a Typical Section for Sewickley Township Streets, as the same is set forth in the Sewickley Township Road Ordinance set forth in Chapter 21 of the Sewickley Township Code, as it may from time to time be amended.

**C. Vertical and Horizontal Curve Design.**

1. Vertical curves in profile design. For all streets and roadways in the Township of Sewickley, profile grades shall be connected by vertical curves as established in the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, latest edition; however, the minimum vertical curve length shall be 200 feet.
2. Horizontal curvatures shall conform to the following minimum center-line radii:
  - i. Streets and roadways: 50 feet.
  - ii. Cul-de-sac and alleys: 50 feet.
  - iii. A minimum fifty-foot tangent shall be introduced between reverse curves on all streets and roadways.

**D. Visibility Requirements.**

1. Minimum sight distance for vertical curves shall be 100 feet.
2. Minimum horizontal visibility, measured on center line, shall be 100 feet.

**§702. Street Width.**

- A. Right-of-way. The minimum right-of-way width of all new or extended streets, roads, etc., shall be 50 feet; exceptions are made for existing streets and roads or rights-of-way used for vehicular traffic which shall have a minimum right-of-way of 33 feet.
- B. Cul-de-sac. Each cul-de-sac shall be provided with a turnaround having a minimum right-of-way radius of 50 feet. The outside of the road surface within the turnaround right-of-way shall have a minimum radius of 40 feet.

**§703. Minimum Required Street Improvements.**

- A. Standards. The gradations and consistency of all materials and the methods of construction, unless otherwise authorized herein, shall be in accordance with the Pennsylvania

Department of Transportation Specifications, Form 408, as amended.

- B. Notice. No road construction activity shall be permitted in the Township of Sewickley until and unless the contractor shall notify the Township at least one week in advance of commencing the work. The contractor shall at all times during the progress of the work have a competent superintendent or foreman on the job site. Inspection of the road work shall be done by the Board of Supervisors and/or the Township Engineer.
- C. Grading.
1. The entire width of the right-of-way of each street in a proposed subdivision shall be graded and suitably prepared for the installation of paving, drainage structures, curbs, gutters and sidewalks in accordance with the appropriate standards for the class of street.
  2. The subgrade shall be free of sod, vegetation matter or other unsuitable material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards as adopted by the Township.
  3. All backfill for utilities under the roadway shall be 100% 2A modified stone compacted and placed in lifts of not greater than four inches.
    - i. Preparation of Road Subgrade.
      - a) The subgrade shall be well-rolled and fine-graded to a tolerance of not more than 0.1 foot above and 0.2 foot below the grade as shown on the plan.
      - b) All soft, plastic or rock areas in the subgrade shall be undercut to a depth of at least 12 inches or more if deemed necessary by the Township Engineer and shall be refilled with approved materials (including possible use of geotextiles) and by methods approved by the Township Engineer.
      - c) The subgrade shall conform to the same crown as the paved surface.
    - ii. Prior to the placement of subbase or base course material, the subgrade shall be proof-rolled with a loaded tri-axle truck carrying a gross weight of 40,000 pounds and approved by the Township Engineer. In the alternative, in those circumstances where the Township Engineer, in his sole discretion, shall deem it necessary, the subgrade shall be tested utilizing a compaction meter to ensure proper compaction prior to the placement of the subbase or base course material.
    - iii. French drains shall be installed pursuant to the specifications as set forth on the design of a Typical Section for Sewickley Township Streets, as the same is set forth in the Sewickley Township Road Ordinance set forth in Chapter 21 of the Sewickley Township Code, as it may from time to time be amended, said French drains to be constructed pursuant to the provisions of Subsection C (1) hereof.

Cross drains may be required where Persistent wet conditions exist within the road base or as may be directed by the Township during inspection of the road base. Such cross drains, if required, shall be connected to the road drainage system.

- iv. Base course construction. The base shall be of AASHTO No. 2A modified or No. 3A modified stone to a twelve-inch thickness. The stone shall be compacted to a depth not less than eight inches. This construction shall comply with the specifications set forth in the current Penn DOT Publication 408 as may be from time to time amended.
- v. Preparation of road surface. The surface course will consist of two courses, a base course and a wearing course of hot-mixed, hot-laid asphaltic concrete.
  - a) The base course shall be Superpave asphalt mixture design, 25.0mm, PG 64-22, four inches in depth. The anticipated traffic counts shall be submitted in order to calculate the ESAL (equivalent single axel load) and SRL (skid resistance level) ratings. All work shall be performed in accordance with Penn DOT Publication 408 (latest edition, as amended). Asphalt curbing, if any, is to be placed with the binder course. After the base course of a new road or street is completed, the new road or street must be sealed utilizing Superpave Asphalt mixture design, 9.5mm, PG 64-22, wearing course, 0.02 to 0.3 million ESALs, SRLM, having a depth of one inch. The sealing of roads, after compaction, in this matter, shall not relieve the developer of the placement of the one-and-one-half-inch wearing course as herein after set forth.
  - b) The final wearing course and curb course shall consist of Superpave Asphalt mixture design, 9.5mm (Fine Grade), PG 64-22, wearing course, one and one-half inch in depth. The ESAL and SRL ratings are traffic count dependent, therefore, traffic data shall be submitted in accordance with Penn DOT Form 408 (as amended) to justify the classification.
    - 1) The wearing course shall only be placed after the Township has performed an inspection of the road and after all necessary repairs as required by either the Township Engineer or the Township Director of Public Works have been addressed. This requirement is to ensure the integrity of the wearing course shall not be adversely affected. Subject to said inspection and approval, the wearing course shall be placed no later than the time when 80% of the lots abutting on said street, road, or portion thereof shall have been erected and developed or when five years have passed from the placement of the binder course, whichever first occurs.
    - 2) The Sewickley Township Board of Supervisors may require the placement of the wearing course of a developed road to be delayed if



the future phases of the project will utilize the developed road for access during construction.

- 3) One year after placement of the wearing course, emulsified asphalt sealer must be placed on the roadway. The sealer must be installed in accordance with the specifications set forth in Penn DOT Publication 408, as amended.

**§704. Subsurface Drainage.**

All roadways and streets constructed in the Township of Sewickley shall provide for the proper flow of stormwater and natural water in the areas of new streets and roads as follows:

- A. The French drain is to be constructed and shall be placed along the edge of the road on the uphill side, except that when the road has an elevated berm on both sides, the French drain shall be constructed under both edges. The size of the trench shall be a minimum of 14 inches wide. The drain shall lead into storm inlets with six-inch perforated plastic pipe placed in the trench four inches from the bottom of said trench. The French drain ditch shall have Penn DOT No. 2B (AASHTO No. 57) aggregate placed in it and shall not be choked with fines.
- B. All French drains or storm sewers must be piped to the approved stormwater management facility for the development.

**§705. Embankments and Curbs.**

- A. Embankments. Any slope or embankment beyond the back of the curve shall increase at a rate of one-inch per lineal foot for a distance of 10 feet. Beyond the ten-foot area, the slopes shall not exceed one-foot vertical to one and one-half foot horizontal. All disturbed areas shall be seeded in accordance with Penn DOT Publication 408, as amended.
- B. Catch Basins. Catch basins shall be installed and provided in accordance with Penn DOT Publication 408, as amended. In all residential areas, bicycle safe grates shall be provided.
- C. Calendar and Weather Limitations. Road construction work, such as filing, berming, subgrade, fine-grade construction, base construction, surface construction or paving, shall not be commenced before April 1 and shall be completed by October 31 of the same year. It is assumed that the weather conditions between these dates will be ideal for road construction. However, if adverse weather conditions occur between these dates, the contractor or builder must abide by the judgment of the Township Supervisors in regard to permissible construction weather conditions. Work shall only be permitted before or after these dates on a day by day basis as approved by the Township Supervisors.
- D. Special Requirements and Services.
  1. Street Signs. The contractor or developer, after the binder course is completed, shall install all road signs. The signs shall be consistent with the Sewickley Township standards, as amended. The contractor or the developer may request the Township to install the road signs; however, the contractor or developer shall be required to pay the material and installation costs. The costs set forth herein shall be payable in advance

to the Township prior to the installation of said road signs. The responsibility and maintenance and upkeep of the signs, whether installed by the contractor, developer, or the Township will be that of the contractor or developer until the roads are accepted by the Township of Sewickley.

2. Snow Removal.

- i. The Township shall only provide winter maintenance on roads that have been accepted by the Board of Supervisors of the Township of Sewickley. It shall be the responsibility of the contractor or developer to maintain streets that have not been accepted. As a condition of final approval, the developer shall provide a written contract to the Township to cover winter Street maintenance and shall post a bond in the amount of 110% of the cost of one season winter maintenance of streets in the plan. This amount shall be determined by a formula of \$1,000 per 1/4 mile of roadway to be surfaced. The contractor or developer shall perform winter maintenance upon notice, either written or oral, from the Township Supervisor. Such maintenance shall occur within one hour of the time notice is given.
- ii. In the alternative, the contractor or developer may request that winter maintenance service be performed by the Township. The contractor or developer must execute an agreement with the Township to provide snow removal to the residents of the street or roadway. Contemporaneously with the execution of said agreement, the developer shall deposit an annual fee which shall be calculated by using the formula of \$1,000 per 1/4 mile of roadway to be serviced. This fee shall be calculated annually and may be revised by the Board of Supervisors on the anniversary date of each contract. In the event the Township performs the winter maintenance work pursuant to said agreement, the contractor or developer shall assume all responsibility for the effect of the snow removal, including, but not limited to, plowing, salt, antiskid, cinders, etc., on the road surface, inlets or manholes.

3. Submission of Plans and Profiles.

- i. Construction and paving plans. The paving width, curve requirements, grade and type of paving shall be established by and noted on the detailed plans and profiles submitted to the Board of Supervisors of the Township of Sewickley. There shall be no changes to the construction and paving plan without the express written consent of either the Township Engineer or the Township Supervisor. If any changes are made to the construction and/or paving plans, which have been approved as set forth herein, a notation should be made upon the construction and paving plan indicating the nature of the change, the date said change was approved by the Township Engineer or Township Supervisor.
- ii. Drainage plans. Detailed plans of the existing and proposed drainage facilities of said street or road and contiguous territory shall be submitted to the Board of Supervisors for its approval. When necessary, said plans shall address and be in conformity with the provisions of the Sewickley Township. Said plans must

cover a scope large enough to show the effect of the facility or facilities on any land or stream above and any land or stream below. This scope shall be determined by the Board of Supervisors or the Township Engineer and must be set forth on a separate plan.

- iii. Certification of plans. All plans, profiles, or drawings required under the provisions of this chapter shall include a certification by a registered professional engineer or registered professional surveyor certified by the Commonwealth of Pennsylvania, attesting that all elements of the plan are in conformity with the Township Code and all applicable state rules and regulations.
  - iv. Number of plans. Plans and profiles for streets, roadways, drainage or other items required under the terms of this chapter must be submitted to the Township on drawings not to exceed 24 by 36 inches. Match sheets may be used where necessary. One Mylar copy, six prints and one electronic copy must be provided.
  - v. As-built drawings. Within 30 days of the completion of the street, roadway, and/or drainage system, the Township Engineer shall be supplied with detailed drawings of said streets, roadways, and/or drainage systems as the same have been completed. Said drawings shall include a certification by a registered professional engineer of the Commonwealth of Pennsylvania, or registered professional surveyor that the as-built plan is accurate.
4. Inspection Fees. Inspection shall be required for all phases of road construction work, which shall include, but not be limited to, subgrading, base installation, binder placement, finish course applications, and storm drain installations. The contractor and/or developer, prior to final approval of the subdivision plat by the Board of Supervisors of the Township of Sewickley, shall deposit with the Township a certified check or money order payable to the Township in an amount equal to seven per cent (7%) of the cost of the public improvements set forth within this chapter. The amount so deposited shall be used to reimburse the Township for the reasonable and necessary expense incurred for the inspection of said improvements. Such reimbursement shall be based upon a schedule established from time to time by resolution of the Board of Supervisors of the Township of Sewickley. Such expense shall be reasonable in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursable or otherwise imposed upon applicants.
  5. Completion of Improvements or Guaranty thereof for Final Plat Approval.
    - i. No plat shall be finally approved unless the streets shown on such plat have been improved as required under the provisions of this chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed. In lieu of the completion of such improvements required as

a condition for the final approval of a plat, the applicant or developer shall provide for the deposit of the Township of Sewickley of financial security in an amount sufficient to cover the cost of such improvements or common amenities, including but not limited to roads, fire hydrants, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.

- ii. Without limitation as to other types of financial security which the Township of Sewickley may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
  - a) Such financial security shall be posted with a bonding company or federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
  - b) Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
  - c) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township of Sewickley may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township of Sewickley may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
  - d) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township of Sewickley, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township of Sewickley are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional

engineer licensed as such in this commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- e) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure.
- f) In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by section, stages or phases of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- g) As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and said Board shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five-day period, the Board shall be deemed to have approved the release of the funds as requested. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- h) Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in

accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

- i) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of the Municipal Authority of Westmoreland County and/or the Municipal Sewage Authority of the Township of Sewickley separate and distinct from the Township of Sewickley, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
  - j) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Township of Sewickley shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.
6. Violations and Penalties. Any person, partnership or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land lays out, constructs, opens or dedicates any street, drainage system or other improvement for public use or travel or for the common use of occupants of buildings abutting thereon in a subdivision or land development without first having complied with the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, such person, partnership or corporation or members of any partnership or officer of such corporation or the agent of any of them responsible for such a violation shall pay a fine not exceeding \$1,000. Nothing in this section shall prevent Sewickley Township from pursuing equitable relief in the form of mandatory injunctions to compel compliance with this section in any appropriate court having jurisdiction over the same.

## **ARTICLE VIII SUBDIVISIONS FOR MOBILE HOME PARKS**

### **§801. Purpose.**

This Article is enacted to promote the public health, safety and general welfare; to prevent the overcrowding of land and hazard and congestion in travel and transportation in mobile home parks; to secure safety from fire, panic and other dangers and to assure adequate light and air, vehicle parking, roadways, water, sewerage, open space for passive and active recreational purposes, and recreational and service facilities in mobile home parks.

### **§802. Interpretation.**

This Article is intended to supplement the Zoning Ordinance of the Township of Sewickley by establishing standards, conditions, regulations, and procedures governing the design, construction, alteration, extension and maintenance of mobile home parks where permitted under the Zoning Ordinance of the Township of Sewickley. This Article is not intended to repeal, abrogate or annul the Zoning Ordinance of the Township of Sewickley. It is hereby declared to be the intention of the Board of Supervisors of the Township of Sewickley that in those instances where this Article may be directly conflicting with the Zoning Ordinance of the Township of Sewickley, the provisions of this Article shall control. The provisions of this Article are hereby declared to be and shall be construed as the minimum requirements governing mobile home parks.

### **§803. Definitions.**

For the purposes of this Article, the following words and phrases, together with their derivations, shall have the meaning ascribed to them in this section, unless a different meaning clearly appears from the context:

- A. Permit – Written approval, in whatever form, as issued by the Township of Sewickley in conformance with this Ordinance authorizing a person to operate and maintain a mobile home park.
- B. Mobile Home – A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.
- C. Mobile Home Lot – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home which is leased by the park owner to the occupant of the mobile home erected on the lot.
- D. Mobile Home Park – A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile homes.

- E. Mobile Home Stand – That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structure or additions.
- F. Person – Any individual, firm, trust, partnership, public or private association or corporation, or other entity.
- G. Recreational Vehicle – A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, including but not limited to: travel trailer, camping trailer, truck camper and motor home.
- H. Service Or Recreational Building – A structure housing operational office, recreational, park maintenance and other facilities.
- I. Sewer Connection – The sewer connection consists of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.
- J. Sewer Riser Pipe – The sewer riser pipe is that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.
- K. Water Connection – The water connection consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- L. Water Riser Pipe – The water riser pipe is that portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.
- M. Water Service Pipe – The water service pipe consists of all pipes, fittings, valves and appurtenances from the water main of the park distribution system to the water outlet of the distribution system within the mobile home.
- N. Collector Street – A street or highway which carries traffic from local streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
- O. Local Street – A street used primarily for access to abutting properties.
- P. Cul-de-sac – A street intersecting another street at one-end and terminating at the other in a vehicular turn-around.

**§804. Application and Review.**

Applications for a subdivision for the development of a mobile home park shall be considered as a major subdivision and shall be submitted in compliance with the standards set forth in Article IV hereof for a major subdivision. In addition to the information generally required for a major



subdivision, an applicant shall set forth the following information:

- A. Plats, to be incorporated in the application by reference, showing the location, size, topography of the park site, site planning and improvements, size and location of mobile home lots, distances between mobile home stands and structures, location and width of proposed streets, provisions for off-street parking, drainage facilities, service and recreational buildings, density of land use to be devoted to residential uses and the location and area of open space to be maintained for the active and passive recreation use of the occupants of the mobile home park.
- B. Details of the construction of a sewage collection and disposal system including, where applicable, the capacity and type of proposed sewage treatment plant.
- C. Details for the construction of a water supply system for fire protection purposes and for the transmission and distribution of an adequate supply of safe water of satisfactory quality under adequate pressure to all mobile home lots and service and recreational buildings; if government-owned water supply is not available, the expected capacity and size of well, pump rating, water storage facilities and housing for pump and storage tank.
- D. Statement of an architect or engineer licensed to practice in the Commonwealth of Pennsylvania that the development plan fully complies with the current Rules and Regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania governing mobile home parks.
- E. Statement of an architect or engineer licensed to practice in the Commonwealth of Pennsylvania that the development plan fully complies with the current Mobile Home Park Development Standards (HPMC-FHAG 4200.74) of the Department of Housing and Urban Development of the United States.

**§805. Additional Design and Development Requirements.**

In addition to any standards imposed on a subdivision for mobile home park purposes as a major subdivision under the terms of this Ordinance, the plan must meet the following requirements:

- A. Minimum Park Area. A mobile home park shall have an area of at least five (5) acres.
- B. Site Location. The location of all mobile home parks shall comply with the following minimum requirements:
  - 1. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
  - 2. Not subject to flooding.
  - 3. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare or radiation.
- C. Flood Plain Management. All mobile home parks shall meet the requirements of the Flood Plain Management Ordinance.

D. Storm Water Management.

1. The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the unimpeded flow of natural water courses and insure the adequate drainage of all locations within the park.
2. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Resources.
3. Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.
4. All storm water facilities shall be kept completely separate from any sanitary waste facilities.
5. All storm water management plans must comply with the requirements of the Pennsylvania Storm Water Management Act as amended and supplemented.

E. Soil and Ground Cover Requirements. Ground surfaces in all parts of every park shall be paved, covered with stone or other acceptable material, or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

F. Park Areas for Nonresidential Use. No part of any park shall be used for nonresidential purposes, except such uses that are required for direct servicing, management or maintenance of the park and its residents.

G. Setbacks, Buffer Strips and Screening.

1. Mobile homes shall be located at least sixty (60) feet from the center line of any abutting existing or proposed public local street, seventy (70) feet from the center line of any abutting existing or proposed public collector street.
2. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.
3. Mobile home parks shall provide a dense, vegetative screen planting (evergreen foliage), excluding man-made structures, of not less than four (4) feet nor more than six (6) feet in height along the property boundary line separating the park and adjacent properties.
4. Mobile homes shall be located at least twenty-five (25) feet from any park property line and at least ten (10) feet from any side or rear mobile home lot line.

H. Placement of Mobile Homes.

1. Mobile homes shall be separated from each other and from other buildings and structures by at least twenty (20) feet on all sides.
2. An accessory structure which has a horizontal area extending up to twenty-five (25) square feet, if attached to a mobile home and/or located within ten (10) feet of its window, and has an opaque or translucent top or roof that is higher than such window shall, for purposes of this separation requirement, be considered to be part of the mobile home.
3. All mobile homes shall be properly placed upon a mobile home stand and securely fastened to the foundation. Mobile home stands shall be constructed of concrete or bituminous pavement adequate for the support of the maximum anticipated gross load of the mobile home.

I. Park Street System.

1. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
2. The entrance road, or area, connecting the park with a public street or road shall have a minimum pavement width of thirty-six (36) feet and a right-of-way width of fifty (50) feet.
3. Other internal streets shall be as follows:
  - a. Where parking is permitted on both sides, a minimum pavement width of thirty-six (36) feet will be required and a right-of-way of forty (40) feet.
  - b. A minimum pavement width of twenty-eight (28) feet will be required and a right-of-way of forty (40) feet where parking is limited to one (1) side of the street.
  - c. A minimum pavement width of twenty (20) feet will be required and a right-of-way of forty (40) feet if no on-street parking is allowed.
  - d. Dead end streets shall be provided with a cul-de-sac having a right-of-way of one hundred (100) feet in diameter and a maximum length of five hundred (500) feet.
4. All parks shall be furnished with lighting units as determined by the park owner to provide illumination for the safe movement of pedestrians and vehicles at night.
5. Grades of all streets shall be in accordance with the Sewickley Township Road Ordinance.
6. Intersections of more than two (2) streets are prohibited.

7. Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. In no case shall streets intersect at less than seventy-five (75) degrees.
8. Streets intersecting opposing sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred twenty-five (125) feet between their center linen.
9. Minimum curb or edge of pavement radii at intersections shall be as follows:
  - a. Local street with local street – 15 feet
  - b. Local street with collector street – 20 feet
  - c. Collector street with collector street – 20 feet
10. All streets shall be constructed in accordance with the Sewickley Township Road Ordinance except as to minimum width as may be modified by the terms hereof.
11. All streets within a mobile home park shall be privately owned and maintained.
- J. Off-Street Parking Areas. An off-street parking space for two (2) motor vehicles shall be provided at each mobile home lot, with each space a minimum of ten (10) feet by twenty (20) feet.
- K. Walks. All mobile home parks shall be provided with pedestrian walks on at least one side of each street. Such walks shall be at least three and one-half (3 1/2) feet in width, shall be constructed of a hard, durable, all weather material that can be easily maintained, and maintenance thereof shall be the responsibility of the park operator
- L. Mobile Home Lots.
  1. All lots shall abut and be accessible from a park street.
  2. Mobile home lots within the park shall have a minimum area of five thousand (5,000) square feet and a minimum width of fifty (50) feet frontage.
  3. The total number of lots in a park shall not exceed an average density of six (6) per acre.
  4. Each mobile home lot shall be improved to provide a hard surfaced mobile home stand and adequate frost-free foundation for the placement of the mobile home unit.
- M. Common Open Space Requirements.
  1. Not less than ten percent (10%) of the gross area of the mobile home park shall be devoted to common open space. Such open space may be improved in part or in whole for passive and active neighborhood-oriented or common recreational uses and, for such purposes, enclosed buildings and structures may utilized. The

Developer shall submit a design plan demonstrating the area involved and all proposed uses.

2. In order to achieve flexibility of development, the precise location and proposed uses of common open space shall be subject to the approval of the Planning Commission, having due regard for the economics to be secured by the efficient use of land, the need and desirability of common open space for the passive and active recreational needs of the residents of the mobile home park and the resulting impact beneficial or adverse. The location of such recreational uses may have upon existing neighborhood residential developments.

**§806. Approval.**

Consideration and approval of a subdivision for a mobile home park shall comply with and follow the standards and requirements set forth in Article IV hereof for a major subdivision.

**§807. Non-Residential Use.**

Any nonresidential use of the mobile home park shall be subordinate to the residential use and residential character of the development. Any commercial use of the mobile home park shall be primarily for the use of or service to the occupants of the development

## **ARTICLE IX WAIVERS AND MODIFICATIONS**

**§901. Applicability.**

This Article shall apply to all applications submitted for approval under this Ordinance. The applicant may submit a request for modification to any of the provisions of this Ordinance for consideration in accordance with the provisions of this Article. In no case shall any provision of the Township Zoning Ordinance be considered for modification under the terms of this Article. Relief from any requirement of the Township Zoning Ordinance can be obtained only through granting of a variance by the Zoning Hearing Board in their sole discretion.

**§902. Modifications in Cases of Physical Hardship.**

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Board of Supervisors may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance of the desirable general development of the neighborhood and the community in accordance with the Township's Comprehensive Plan.

**§903. Modifications to Allow Equal or Better Specifications.**

When, an equal or better specification is available to comply with the Township Construction Standards or Design Standards of this Ordinance, the Board of Supervisors may make such

reasonable modifications to such requirements of this Ordinance to allow the use of the equal or better specification, upon recommendation of the Township Engineer, provided such modification will not be contrary to the public interest. In approving such modification, the Board of Supervisors may attach any reasonable conditions which may be necessary to assure adequate public improvements and protect the public safety.

**§904. Procedure for Authorizing Modification.**

- A. Any request for a modification to this Ordinance authorized by this Article shall be submitted in writing by the applicant as part of the application for approval of a Preliminary or Final Application, stating the specific requirements of this Ordinance which are to be modified and the reasons and justification for the request.
- B. The request for modification to this Ordinance shall be considered by the Board of Supervisors at a public meeting. If warranted, the Board of Supervisors may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification.
- C. If the Planning Commission has not made a recommendation on the request for modification, the Board of Supervisors may refer the request to the Planning Commission for a recommendation. In all cases where the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting. The reasons relied upon by the Board of Supervisors in approving or disapproving the request also shall be entered into the minutes of the meeting and any Resolution or Ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.
- D. If approved, the Final Plat shall contain a notation indicating the substance of the modification granted and the date of approval by the Board of Supervisors.

**ARTICLE X  
ADMINISTRATION AND ENFORCEMENT**

**§1001. Application Review and Inspection.**

- A. Application Filing Fees.
  1. Application filing fees shall be established, from time to time, by Resolution of the Board of Supervisors. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable to the Township at the time of submission of the application.
  2. An escrow deposit in an amount established, from time to time, by Resolution of the Board of Supervisors also shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees required by Section

1001(B), below. The actual amount of the review fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Township. Any monies remaining in the escrow account after all review fees have been paid shall be returned to the applicant. Failure to pay the required escrow deposit or any additional review fees required by Section 1001(B) shall cause the application to be determined to be incomplete and all application materials shall be returned to the applicant for resubmission.

**B. Application Review Fees.**

1. Application review fees shall include reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report on the application to the Township. Such review fees shall be based upon a schedule established, from time to time, by Resolution of the Board of Supervisors. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or other consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or other consultants to the Township when fees are not reimbursed or otherwise imposed on applicants. Fees charged to the Township relating to the appeal of any decision on an application shall not be considered review fees and shall not be charged to the applicant.
2. The Board of Supervisors shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or Township escrow or other security requirements. In the event that the applicant disputes the amount of any such review fees, the applicant shall, not later than forty-five (45) days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under this Section. Subsequent to a decision on an application, the Board of Supervisors shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.
3. In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution for inspection fees set forth in Section 1001(C) of this Ordinance, provided the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

C. Inspection Fees.

1. The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established, from time to time, by Resolution of the Board of Supervisors. The applicant shall not be required to reimburse the Township for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be reasonable and in accordance with the ordinary and customary fees charged by the Township's professional consultant for work performed for similar services in the Township, but in no event shall the fees exceed the rate or cost charged by the Township's professional consultant to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.
2. An escrow deposit in an amount established, from time to time, by Resolution of the Board of Supervisors shall be payable at the time of execution of the Development Agreement required by Section 413 of this Ordinance to guarantee payment of the estimated inspection fees required by this Section. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Township. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant. Failure to pay the required escrow deposit or any additional inspection fees required by this Section shall cause the Township to defer the applicant's request for acceptance of the public improvements for which the inspection fees are required until such time as the required fees are paid in full.
3. The Board of Supervisors shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task.
4. Subsequent to the final release of the Performance Guarantee for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the Board of Supervisors a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of the Performance Guarantee.
5. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than thirty (30) days after the date of transmittal of a bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary, and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a request for release of the Performance Guarantee, a subdivision or land development application or any approval or permit related to development due to the applicants dispute of inspection



expenses. Failure of the applicant to dispute a bill within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under this Section.

6. If the Township's professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within forty-five (45) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
7. The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within sixty (60) days. In the event that the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within sixty (60) days reimburse the excess payment.
8. In the event that the Township's professional consultant and applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located or if at the time there be no President Judge, then the senior active judge then sitting shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
9. The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$5,000), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The Board of Supervisors and the professional consultant whose fees are the subject of the dispute shall be parties to the proceedings.

**§1002. Procedure for Amendments.**

The Board of Supervisors may, from time to time, amend this Ordinance in accordance with the standards and requirements for such amendment as set forth in the Pennsylvania Municipalities Planning Code.

**§1003. Appeals.**

Any party aggrieved by the decision of the Board of Supervisors regarding a subdivision or land development plan may appeal such decision within thirty (30) days of the date of entry of the decision of the Board of Supervisors to the Westmoreland County Court of Common Pleas.

**§1004. Preventive Remedies.**

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by 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 Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit 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.
- C. 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 Township 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.

**§1005. Enforcement Remedies.**

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation

further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. 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.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**§1006. Conflict of Laws.**

Whenever there is a difference between a minimum standard or dimension specified in these Subdivision Regulations and those contained in another official regulation, Resolution or Ordinance of the Township or any other restriction or covenant, the most restrictive standard shall apply. If a question of conflict arises between various portions of these Subdivision Regulations, the most restrictive term shall apply.

**§1007. Severability.**

If any provision of these Subdivision Regulations, or the application of any provision thereof to particular circumstances, is held invalid, the remainder of these Subdivision Regulations, or the application of such provision to other circumstances, shall not be affected.

**§1008. Effective Date.**

These Subdivision Regulations shall become effective immediately upon enactment by the Board of Supervisors of the Township of Sewickley. Said enactment having taken place at a public business meeting of the Board of Supervisors held September 16, 2015.