Chapter 119

SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Township Council of the Township of Washington 7-6-1982 by Ord. No. 3-82. Amendments noted where applicable.]

GENERAL REFERENCES
Sewer and Water Authorities — See Ch. 6.
Planning Commission — See Ch. 16.
Floodplain management — See Ch. 69.
Sewers — See Ch. 105.
Stormwater management — See Ch. 112.
Water — See Ch. 142.
Zoning — See Ch. 150.

ARTICLE I
General Provisions
§ 119-1. Title.
This chapter shall be known and may be cited as the "Washington Township Subdivision and Land Development Ordinance."
§ 119-2. Purpose. [Amended 7-2-2002 by Ord. No. 4-02]

A. The purpose of this chapter is to help protect and promote the safety, health and general welfare of the citizens of the Township; to assist in accomplishing a coordinated development of the Township; to guide and protect future growth and development; to ensure the preservation and protection of resources through a network of conservation lands to be identified during the development design process to meet future community needs for stormwater management, floodwater storage, groundwater recharge, crop production, wildlife habitat, active and passive recreation, scenic viewshef and rural character protection, and preservation of historic and cultural resources; to guide uses of land and structures, type and location of streets and public utilities; and to permit the Township the opportunity to minimize such problems as may presently exist or which may be foreseen.

B. This chapter supports the idea of conservation subdivision design as a practical tool to help protect an interconnected network of open space throughout the Township, and to help establish effective buffers around working farms and along the boundaries of existing protected lands.

§ 119-3. Authority and jurisdiction.

The authority of the Township Council to adopt this chapter is granted by Article V of the Pennsylvania Municipalities Planning Code, Act No. 247, as amended.1 Any subdivision or land development as herein defined and within the boundaries of Washington Township shall conform to this chapter. As such, no subdivision or land development of any lot, tract or parcel of land shall be made, and no streets, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, opened or dedicated for public use or travel, or for the common use of occupants of building abutting thereon, except in accordance with the provisions of this chapter.

§ 119-4. Interpretation; conflict with other provisions.

The provisions of this chapter shall be interpreted to be the minimum requirements to meet the purposes of the chapter. Where the provisions of this chapter conflict or are inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions in question shall apply.

§ 119-5. County planning review.

All applications for subdivision and/or land development approval within the Township shall be forwarded upon receipt to the Erie County Planning Department for review and report. Such action shall occur at the preliminary and final plan stages, and the Township shall not take action on said plans until the county report is received or until the expiration of 45 days from the date the plans were forwarded to the county.

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1. Editor's Note: See 53 P.S. § 10501 et seq.
§ 119-6. Township liability.
The granting of approval to a subdivision or land development shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof on the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

§ 119-7. Former approved preliminary plans.
All preliminary plans which were approved under Township Ordinance No. 1-60 shall be exempt from resubmission under the provisions and standards of this chapter, provided that the respective plan is submitted for final approval within five years from the date of preliminary plan approval. Final approval shall be granted by the Township Council, provided that it conforms to the formerly approved preliminary plan and any conditions prescribed by the Township at the time of preliminary approval.

ARTICLE II
Terminology

§ 119-8. Definitions and word usage. [Amended 2-2-1999 by Ord. No. 5-98]
A. Unless otherwise specifically stated, the following words and phrases shall, for the purposes of this chapter, have the meanings indicated:

ALLEY or SERVICE DRIVE — A minor right-of-way, privately or publicly owned, primarily for service access to the back or side of properties.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

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

AS-BUILT PLANS — Plans and profiles prepared by the subdivider's engineer or surveyor, showing the exact location, size, grade and depth of all the improvements after completion, including Y-branched and laterals for future house connections. Said plans shall be on reproducible vellum or plastic.

BLOCK — An area of land bounded by streets.

BUILDING — A structure having a roof supported by columns, piers or walls for the shelter of persons, animals, goods, materials or other property. When separated by walls which are common with the walls of adjoining buildings, each portion of such structure shall be considered a separate building.

BUILDING SETBACK LINE — A line established generally parallel with and measured from the lot line coterminous with the street right-of-way; no structure may be located aboveground between the street right-of-way and this line except as may be
provided under the provisions of this chapter and other ordinances of the Township. This line is also referred to as a "building line."

CARTWAY — The surface of a street or road available for vehicular traffic.

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


COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development. Common open space areas shall not include individually owned private yards, streets, off-street parking areas (unless provided in conjunction with a recreational facility) and areas set aside for public facilities. [Added 7-2-2002 by Ord. No. 4-02]

CONSERVANCY LOT — A large, privately owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for greenway land. Public access to conservancy lots is not required. [Added 7-2-2002 by Ord. No. 4-02]

CONSERVATION AREA, PRIMARY — Environmentally constrained lands comprising floodplains, submerged wetlands, and prohibitive steep slopes (above 25%). [Added 7-2-2002 by Ord. No. 4-02]

CONSERVATION AREA, SECONDARY — Features, such as precautionary slopes (15% to 25%), seasonal high water table soils, woodlands, visual resources, and other features, which do not create severe limitations for development but which designation as greenway areas, along with the preservation of primary conservation areas, is desirable for purposes of providing an interconnected system of open space and recreation. [Added 7-2-2002 by Ord. No. 4-02]

CONSERVATION DESIGN - A form of subdivision in which the development on each parcel is arranged so that half (or more) of the buildable land is set aside for open space. [Added 7-2-2002 by Ord. No. 4-02]

COUNCIL — The Township Council of Washington Township.

CROSSWALK — A public or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CUL-DE-SAC — A street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — The Pennsylvania Department of Environmental Protection (successor agency to the Pennsylvania Department of Environmental Resources), its bureaus, divisions, departments and/or
agencies or agents, as may from time to time be established, or such Department or
Departments as may in the future succeed it.

DETECTION POND — An area in which surface-water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development or resubdivision.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the subdivision of land.

DEVELOPMENT PLAN — The provisions for development, including a conservation design development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition. [Amended 7-2-2002 by Ord. No. 4-02]

DWELLING — A building or a portion thereof designed for and used exclusively for residential occupancy.

EASEMENT — A right granted by a property owner for the use of a portion of the landowner's land by the general public, utility, corporation, or person for a specific purpose or purposes through which no positive or appurtenant rights, including rights of ownership, are conveyed to the grantee. [Amended 7-2-2002 by Ord. No. 4-02]

ENGINEER — A professional engineer who is licensed as such in the Commonwealth of Pennsylvania.

ENVIRONMENTALLY CONSTRAINED or SENSITIVE LANDS — Those areas subtracted from the total area of a tract to produce the adjusted tract area. See definition for "tract area, adjusted" in Chapter 150, Zoning. [Added 7-2-2002 by Ord. No. 4-02]

EQUIVALENT DWELLING UNIT ("EDU") — For the purposes of §§ 119-14 and 119-30, the measurement of sewage flow as determined in accordance with the Department of Environmental Protection's (DEP's) then-current Domestic Wastewater Facilities Manual (DEP-1357), or a similar publication by the DEP or its successor organization(s). [Added 10-3-2000 by Ord. No. 11-00]

EROSION — The removal of surface materials by the action of natural elements.

EXCAVATION — Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.
FILL —

(1) Any act by which earth, sand, gravel, rock or other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom.

(2) The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade.

(3) The material used to make fill.

FLOOD —

(1) FLOOD-PRONE AREA — A relatively flat or low land adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or any area subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

(2) FLOODWAY — The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

(3) ONE-HUNDRED-YEAR FLOOD — A flood having an average frequency of occurrence on the order of once in 100 years, although the flood may occur in any year.

(4) REGULATORY FLOOD ELEVATION — The one-hundred-year-flood elevation based upon the Township information contained in the Official Flood Insurance Study, as prepared by the Federal Insurance Administration.

GOVERNING BODY — The Township Council of Washington Township.

GREENWAY LAND or OPEN SPACE LAND — That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the Township, or it may contain areas of conservancy lots, which are not accessible to the public. [Added 7-2-2002 by Ord. No. 4-02]

HALF STREET — One side of a street divided longitudinally by a property line.

HOMEOWNERS' ASSOCIATION — A nonprofit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community-owner property. This term is synonymous with property-owners' association and condominium association. [Added 7-2-2002 by Ord. No. 4-02]

IMPROVEMENTS — Those physical additions and changes to a property needed to prepare the property to receive the uses proposed for it.
LAND DEVELOPMENT — Any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for the purposes involving:

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

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

(2) A subdivision of land.

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

LINE, LOT — A line which separates a lot from another lot or from a street or any other public or private space.

LINE, SETBACK — A line parallel to a lot line, at a distance from the lot line in accordance with the yard, perimeter or setback requirements of Chapter 150, Zoning.

LOT — A designated parcel, tract or area of land established by a plat or otherwise permitted by law, and to be used, developed or built upon as a unit.

LOT AREA — The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street right-of-way but including the area of any easement.

LOT DEPTH — The mean horizontal distance between the front and rear lines of a lot.

LOT, DOUBLE-FRONTAGE — A lot that abuts two streets that do not intersect adjacent to the lot.

LOT, REVERSE-FRONTAGE — A lot extending between and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

LOT WIDTH — The horizontal distance between side lot lines measured on the front yard setback line in accordance with the requirements of Chapter 150, Zoning.

MOBILE HOME — A transportable single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more 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 and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK — A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MONUMENT — A concrete, stone or other permanent object established by a registered professional land surveyor and placed to designate boundary lines, corners of property and rights-of-way of streets and utilities, for the purpose of reference in land and property surveys.

MPC — The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10101 et seq., and as it may be amended.

OFFICIAL MAP — A map adopted by ordinance pursuant to Article IV of the MPC. 2

PennDOT — The Pennsylvania Department of Transportation.

PLAN, FINAL — A complete and exact subdivision or land development plan prepared for official recording as required by this chapter.

PLANNING COMMISSION — The Planning Commission of Washington Township; also referred to as the "Commission."

PLAN, PRELIMINARY — The preliminary plan of a proposed subdivision or land development, drawn and submitted in accordance with the requirements of this chapter. Differing elements and levels of detail are required for preliminary plans for minor subdivisions, major subdivisions, and subdivisions within the optional Conservation Design (CD-1) Overlay District, and land developments therein. [Amended 7-2-2002 by Ord. No. 4-02]

PLAN, SKETCH — An informal plan submitted for review and discussion prior to application for preliminary plan approval, not necessarily to exact scale, indicating existing features of a tract, its surroundings and the general layout of a proposed subdivision or land development. Although encouraged, the submission of such plans by any applicant is not required and the procedure is purely voluntary. [Amended 7-2-2002 by Ord. No. 4-02]

PLAT — The map or plan of a subdivision or land development, whether preliminary or final.

PUBLIC GROUNDS — Includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

2. Editor's Note: See 53 P.S. 10401 et seq.
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(3) Publicly owned or operated scenic and historic sites.

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

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

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RESUBDIVISION — Any replatting or resubdivision of land limited to change in lot lines on an approved final plan or recorded plan.

RIGHT-OF-WAY — Land reserved or dedicated for use as a street, pedestrian way or other means of public or private transportation; or for an electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other special use. A right-of-way includes the entire area reserved or dedicated for the use.

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

SANITARY SEWAGE DISPOSAL AND TREATMENT PLANT, COMMUNITY — A wastewater treatment facility serving a subdivision or land development for which a Pennsylvania Department of Environmental Protection National Pollutant Discharge Elimination System (NPDES) permit is required.

SANITARY SEWER SYSTEM, PUBLIC — A system for the collection and disposal of sanitary sewage, owned by a municipality, a municipal authority or municipal agency, or a utility licensed by the Pennsylvania Public Utility Commission (PUC).

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

STREET — A public or private right-of-way deeded or dedicated for public use by vehicular traffic, including a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or other designation. A street shall also be classified in accordance with § 119-34 of this chapter.

STRUCTURE — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

3. Editor's Note: See 65 P.S. § 271 et seq.
SUBDIVIDER — Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner, or the authorized agent of the owner, of the land to be subdivided.

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

SUBDIVISION, MAJOR — Any subdivision which is not a minor subdivision.

SUBDIVISION, MINOR — A subdivision having four or fewer lots on an existing public road right-of-way or a private road or drive, whether existing or to be constructed, and privately owned and privately maintained. [Amended 7-2-2002 by Ord. No. 4-02]

SUBSTANTIALLY COMPLETED — Where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to § 119-19 of this chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURFACE DRAINAGE PLAN — A plan showing all present and proposed grades and facilities for stormwater drainage.

SURVEYOR — A professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

TOWNSHIP — The Township of Washington, Erie County, Pennsylvania, and its successors.

TOWNSHIP ENGINEER — A professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Washington Township.

TREE MASS — Areas, groves, or stands of mature trees (i.e., greater than four-inch caliper, at a height of five feet from the ground). [Added 7-2-2002 by Ord. No. 4-02]

UNDEVELOPED LAND — Any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development or the construction of a building.
WATERCOURSE — A natural or man-made stream of water, river, brook, creek or a channel of a perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

B. Words in the present tense include the future. The singular includes the plural. The words "shall" and "will" are mandatory; the word "may" is optional. The word "person" means an individual, corporation, partnership, firm, association, company or any other similar entity. An "agency" shall be construed to include its successors or assigns.

ARTICLE III
Application Procedures and Plat Requirements

A. Copies of this chapter shall be available, on loan or at reproduction cost, for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within Washington Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or any provisions of this chapter.

B. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act, as administered by the Pennsylvania Department of Environmental Protection. It is suggested that the prospective developer consult the Erie County Department of Health as to the requirements of the Act.

C. Prospective developers should consult the Erie County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development.

D. Other areas which should be investigated and must be complied with prior to preliminary or final plan submissions include the standards of Chapter 150, Zoning, for the particular zoning district wherein the subdivision or land development is located, and Chapter 69, Floodplain Management, should the area to be developed be located within an official flood-prone area.

E. Where applicable, conservation design methods should be incorporated into the planning process as early as possible. A preapplication meeting should be held to discuss the plan, a site inspection (to be completed with the existing resources and site analysis plan in hand), and the development of the sketch plan through a four-stage process is encouraged. [Added 7-2-2002 by Ord. No. 4-02]

F. All preliminary and final subdivision or land development plans shall be referred to and reviewed by the Planning Commission and shall be approved or disapproved by the Township Council in accordance with the procedures specified in this article and in other sections of this chapter. Any application not processed as required herein shall be null

4. Editor's Note: See 35 P.S. § 750.1 et seq.
and void unless it was made prior to the adoption of these regulations. [Added 7-2-2002 by Ord. No. 4-02]

G. Overview of procedures for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District. The provisions of Subsection G(1) through (4) and G(6) through (11) below are required under this chapter for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District. The provision of Subsection G(5) (sketch plan submission and review) is optional but strongly encouraged as an important, valuable and highly recommended step that will speed the review process and may result in lower costs for the project. These steps shall be followed sequentially, and may be combined only at the discretion of the Township: [Added 7-2-2002 by Ord. No. 4-02]

1. Preapplication meeting.
2. Existing resources and site analysis plan, as described in § 119-10.1C of this chapter.
3. Site inspection by Planning Commission and applicant.
4. Pre-sketch plan conference.
5. Sketch plan submission and review (diagrammatic sketch, optional step).
6. Preliminary plan: determination of completeness; preliminary resource conservation plan and sewage planning module submission; review by municipal and Erie County Planning Commissions, Township Engineer and County Health Department; and approval by Township Council. (In the Conservation Design Overlay District, the four-step design process described in § 119-14.1C(3) of this chapter must be followed.)
7. Detailed final plan, preparation: incorporation of all preliminary plan approval conditions, documentation of all other agency approvals, as applicable.
8. Detailed final plan, submission: determination of completeness, review, and approval.

§ 119-9.1. Plan classification for major and minor subdivisions. [Added 7-2-2002 by Ord. No. 4-02]

A. Classification. For purposes of procedure, all applications shall be classified as either major or minor:

1. Minor. Any subdivision in which:
   (a) No public street is to be constructed or is required to be widened;
   (b) No more than four lots are created.
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(2) Major. Any land development or subdivision application not in compliance with § 119-9.1A(1), or any part thereof, or for any use other than single-family residential shall be considered a major land development or subdivision plan.

B. Review.

(1) Applications shall be subject to all applicable review procedures specified in this article.

(2) For major subdivisions only, when an application includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this section shall not constitute approval of the future subdivision shown thereon.

§ 119-10. Sketch plan procedures for major and minor subdivision and land development plans. [Amended 7-2-2002 by Ord. No. 4-02]

A. Prior to the submission of a preliminary plan, developers are encouraged to submit a sketch plan to the Township Planning Commission. This sketch plan will enable the Planning Commission to review the proposal and to make any suggestions or inform the developer of any proposed plans or factors that may affect his development. Such review and discussion shall be informal and advisory only.

B. A sketch plan should contain at least the following information:

(1) A location map.

(2) General information concerning any community facilities and/or other significant man-made or natural features that will affect the proposal.

(3) A property map, at a scale no smaller than one inch equals 100 feet, showing the specific parcel of land or site involved.

(4) A sketch of the proposed subdivision or development on a map, at a scale no smaller than one inch equals 100 feet, showing the proposed layout of streets and lots and other features of the subdivision.

§ 119-10.1. Sketch plan submission and review for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District only. [Added 7-2-2002 by Ord. No. 4-02]

A. Applicability. A diagrammatic sketch plan is strongly encouraged for all proposed major subdivisions. The Planning Commission, as described in § 119-10.1, shall submit sketch plans to the Township Council for review. Such plans are for informal discussion only. Submission of a sketch plan does not constitute formal filing of a plan with the Township and shall not commence the statutory review period as required by the
Municipalities Planning Code. The procedures for submission of a diagrammatic sketch plan are described in § 119-10.1F below and may be altered only at the discretion of the Township Council.

B. Preapplication meeting. A preapplication meeting is encouraged between the applicant, the site designer, and the Planning Commission to introduce the applicant to the Township’s zoning and subdivision regulations and procedures, to discuss the applicant’s objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the existing resources and site analysis plan at this meeting.

C. Existing resources and site analysis plan. Applicants shall submit an existing resources and site analysis plan, prepared in accordance with the requirements contained in § 119-14.1C(2). The purpose of this key submission is to familiarize officials with existing conditions on the applicant’s tract and within its immediate vicinity and to provide a complete and factual reference for them in making a site inspection. This plan shall be provided prior to or at the site inspection and shall form the basis for the development design as shown on the diagrammatic sketch plan (or on the preliminary plan, if the optional sketch plan is not submitted).

D. Site inspection.

(1) After preparing the existing resources and site analysis plan, applicants shall arrange for a site inspection of the property by the Planning Commission, Township Council, and other municipal officials and shall distribute copies of said site analysis plan at that on-site meeting. Applicants, their site designers, and the landowner are encouraged to attend the site inspection.

(2) The purpose of the visit is to familiarize local officials with the property’s existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway lands (if applicable) and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.

E. Pre-sketch conference. Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant shall meet with the Planning Commission and Township Council to discuss the findings of the site inspection and to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four-step design procedure described in §§ 119-14.1C(3) and 119-26.2B of this chapter, where applicable. At the discretion of the Commission and Council, this conference may be combined with the site inspection.

F. Sketch plan submission and review.

5. Editor’s Note: See 53 P.S. § 10101.
The Commission shall submit its written comments to the applicant and the Township Council. The diagrammatic sketch plan may also be submitted by the Council to the County Planning Commission for review and comment.

(3) The Commission shall submit its written comments to the applicant and the Township Council. The diagrammatic sketch plan may also be submitted by the Council to the County Planning Commission for review and comment.

§ 119-10.2. Sketch plan overlay sheet for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District only. [Added 7-2-2002 by Ord. No. 4-02]

A. A sketch plan may be submitted by the applicant as a diagrammatic basis for informal discussion with the Township Council, the Planning Commission, and the County Planning Commission regarding the design of a proposed subdivision or land development. Sketch plan submission is strongly encouraged by the Township as a way of helping applicants and officials develop a better understanding of the property and to
help establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Ordinance. This sketch plan will enable the Planning Commission to review the proposal and to make any suggestions or inform the developer of any proposed plans or factors that may affect his development. Such review and discussion shall be informal and advisory only. It should be noted that none of the sketch plan data requirements go beyond what is required to be submitted, in any case, as part of the preliminary plan.

B. To provide a full understanding of the site’s potential and to facilitate the most effective exchange with the Planning Commission, the sketch plan should include the information listed below. Many of these items can be taken from the existing resources and site analysis plan, a document that must in any case be prepared and submitted no later than the date of the site inspection, which precedes the preliminary plan [see § 119-14.1C(2)]. In fact, the diagrammatic sketch plan may be prepared as a simple overlay sheet placed on top of the existing resources and site analysis plan.

1. A location map.
2. A property map, at a scale of no smaller than one inch equals 100 feet, showing the specific parcel of land or site involved, including approximate tract boundaries sufficient to locate the tract on a map of the Township.
3. A sketch of the proposed subdivision or development on a map, at a scale no smaller than one inch equals 100 feet.
4. Name and address of the legal owner, the equitable owner, and/or the applicant.
5. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan.
6. Graphic scale (not greater than one inch equals 200 feet; however, dimensions on the plan need not be exact at this stage) and North arrow.
7. Zoning district.
8. Streets on and adjacent to the tract (both existing and proposed).
9. One-hundred-year floodplain limits, and approximate location of wetlands, if any.
10. Topographic, physical, and cultural features, including fields, pastures, meadows, wooded areas, trees with a diameter of fifteen inches or more at a height of five feet, hedgerows and other significant vegetation, steep slopes (over 25%), rock outcrops, soil types, ponds, ditches, drains, dumps, storage tanks, streams within 200 feet of the tract, existing rights-of-way, easements, and cultural features such as all structures, foundations, walls, wells, trails, and abandoned roads.
11. Schematic layout indicating a general concept for land conservation and development ("bubble" format is acceptable for this delineation of Step 1 of the four-step design process described in § 119-26.2B of this chapter).
(12) Proposed general street and lot layout; and in the case of land development plans, proposed location of buildings and major structures, parking areas and other improvements.

(13) General description of proposed method of water supply, sewage disposal, and stormwater management.


In cases where a proposed subdivision involves four or fewer lots fronting on an existing public right-of-way or a private drive, privately owned and maintained, the requirement calling for submission of a preliminary plan may be waived by the Planning Commission. All other applicable requirements and specifications shall remain the same.

§ 119-12. Waiving of preliminary plan for resubdivisions.

In cases involving only a replatting or a resubdivision of land limited to a change in lot lines on an approved final plan or a recorded plan, the requirement calling for submission of a preliminary plan may be waived by the Planning Commission. All other applicable requirements and specifications shall remain the same. Under those circumstances where a resubdivision may create a lot or lots not meeting the minimum lot and yard requirements of Chapter 150, Zoning, the Township shall require that the following statement be affixed to the plat and also be included within the deed: "This lot does not meet the minimum lot requirements of the Township Zoning Ordinance and, as such, a building permit will not be issued by the Township."

§ 119-13. Preliminary plan procedures for major and minor subdivision and land development plans. [Amended 4-2-2002 by Ord. No. 2-02; 7-2-2002 by Ord. No. 4-02]

A. Submission of the preliminary plan.

(1) Preliminary plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Manager at least 15 business days in advance of a regularly scheduled Planning Commission meeting.

(2) Submission shall consist of the following:

   (a) Eight copies of the appropriate application form available from the Township;

   (b) Eight copies of black-line paper prints of the preliminary plan, showing all the information required in § 119-14;

   (c) Eight copies of all other required documentation; and

   (d) A filing fee as established in Article VIII of this chapter.
B. Distribution of preliminary plan for review and comment. Copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Township Manager to the Township Engineer, Township Sewer and Water Authority, Erie County Department of Health, Erie County Planning Department, Erie County Conservation Office and the District 1-0 office of the Pennsylvania Department of Transportation, when a proposed subdivision abuts or is traversed by a state road. The remaining copies shall be retained by the Township Manager.

C. Action on preliminary plan by the Planning Commission.

(1) Action on a preliminary plan shall be taken by the Planning Commission not later than 60 days following its first meeting after the complete submission to the Township Manager. However, no final decision or action on the preliminary plan shall be taken by the Planning Commission until the reports are received from the Erie County Planning Department and other individuals and agencies to whom the plan was sent for review and comment, or until the expiration of 45 days from the date the plans were forwarded to such individuals and agencies.

(2) All actions on the plan by the Planning Commission shall be taken at a public meeting, whether it be a regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified. In addition, the Planning Commission may also schedule a public hearing before taking any action on the plan.

(3) The action of the Planning Commission concerning the plan is considered to be advisory and shall be in writing. If it is recommended that a plan not be approved, or be approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Township Council.

D. Action on preliminary plan by the Township Council.

(1) Following receipt of the written decision from the Planning Commission, the Township Council shall consider the preliminary plan at its next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and, in addition, the Township Council may also schedule a public hearing before taking any action on the plan.

(2) Action on a preliminary plan shall be taken by the Township Council and communicated to the developer not later than 90 days following the date the Planning Commission first met after the complete submission to the Township Manager. In its review, the Township Council shall consider the reports and recommendations of the Township Planning Commission and the various other individuals and agencies to whom the plan was sent for review and comment. As a result of its review, the Township Council may require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.
(3) The decision of the Township Council concerning the plan shall be in writing and shall be forwarded to the developer within five days following the Township Council's decision, but still within the ninety-day time limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Township Planning Commission, as well as the other agencies that reviewed the preliminary plan.

(4) Failure of the Township Council to render a decision and communicate it to the developer within 90 days shall be deemed an approval of the plan in terms as presented, unless the developer has agreed, in writing, to an extension of time.

(5) Approval of the preliminary plan shall not constitute approval of the final plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout.

(6) When a preliminary plan has been approved or approved subject to certain conditions acceptable to the applicant, no subsequent change or amendment in this chapter or any other applicable ordinances shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval.

(7) In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the applicable aids or plans as they stood at the time when the plan for such approval was duly submitted to the Township.

§ 119-13.1. Preliminary plan submission and review for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District only. [Added 7-2-2002 by Ord. No. 4-02]

A. Submission of the preliminary plan.

(1) The preliminary plan utilized in the optional Conservation Design (CD-1) Overlay District is a preliminarily engineered scale drawing in which layout ideas are illustrated in more than the rough, diagrammatic manner appropriate for sketch plans, but before heavy engineering costs are incurred in preparing detailed alignments and profiles for streets and/or detailed calculations for stormwater management. If an applicant opts not to submit a sketch plan, the preliminary plan shall include all information required for sketch plans listed in § 119-10.2, specifically including the existing resources and site analysis plan, plus further details as noted below and in § 119-14.1.

(2) The applicant shall complete and sign the application form provided by the Township and shall accompany such application form with the type and number of plans, documents and other submissions required and the appropriate filing fee(s).
The applicant must identify the name, address and telephone number of the record holder of legal title to the land involved (if different from the applicant), the nature of the applicant's interest in the land (whether holder of legal or equitable title or otherwise), and the name, address, and telephone number of the agent, if any. No application shall be deemed filed unless all requirements have been met and all fees therefore paid in full.

(3) The existing resources and site analysis plan shall be presented at the preapplication meeting and distributed to those municipal officials who attend the site inspection described in § 119-10.1D (which shall occur at the preliminary plan stage if it has not already occurred at the sketch plan stage).

(4) The application "window" and deadline dates for submission of preliminary plans shall be as follows: Applicants shall submit to the Township Manager, at least 21 days (but not more than 28 days) prior to the date of the next regularly scheduled Planning Commission meeting at which official review is requested. The Township Manager shall note the date of receipt of the application, fees, and escrow deposit. The official ninety-day review period provided for preliminary plans under the Municipalities Planning Code shall commence at the next scheduled meeting of the Planning Commission.

(5) Submission shall consist of the following:

(a) Eight copies of the appropriate application form available from the Township;

(b) Eight copies of black-line paper prints of the preliminary plan, showing all the information required in § 119-14.1;

(c) Eight copies of all other required documentation;

(d) Eight copies of the existing resources and site analysis plan; and,

(e) All applications shall be accompanied by full payment of the required fees and escrow deposits established in accordance with the terms of Article VIII of this chapter for proposed subdivisions.

B. Distribution of preliminary plan for review and comment. Copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Township Manager to the Township Engineer, Township Planner, Township Council, Planning Commission, any applicable Township advisory boards, Township Sewer and Water Authorities, Erie County Department of Health, Erie County Planning Department, Erie County Conservation Office and the District 1-0 office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a state road. The Township Manager shall retain the remaining copies.

C. Action on preliminary plan by the Planning Commission

6. Editor's Note: See 53 P.S. § 10101.
§ 119-13.1 SUBDIVISION AND LAND DEVELOPMENT § 119-13.1

1. The date of receipt is subject to review by the Township to determine if all required materials, fees and escrow deposits have been submitted by the applicant. If the application is defective or incomplete, the applicant shall be notified in writing within 15 days of the date of receipt and the application shall be null and void ab initio and shall be deemed withdrawn by the applicant. If no such notice is given to the applicant that the application is defective or incomplete, then the date of filing shall be determined as follows. The review process for the plans required by the Township shall include no more than 90 days following the date of the next regular meeting of the Planning Commission following the date the application was filed, provided that should said next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the day the application was filed. The applicant may agree in writing to extend the time requirement.

2. Action on a preliminary plan shall be taken by the Planning Commission not later than 60 days following its first meeting after the complete submission to the Township Manager. However, no final decision or action shall be taken by the Planning Commission until the reports are received from the Erie County Planning Department and other individuals and agencies to determine conformance of the plan to this chapter, the Zoning Ordinance, and any other relevant ordinances of the Township; or until the expiration of 45 days from the date the plans were forwarded to such individuals and agencies.

3. All actions on the plan by the Planning Commission shall be taken at a public meeting, whether it is a regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified. In addition, the Planning Commission may also schedule a public hearing before taking any action on the plan.

4. The action of the Planning Commission concerning the plan is considered to be advisory and shall be in writing. If it is recommended that a plan not be approved, or be approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Township Council and to the applicant.

5. If the applicant agrees in writing that this review period shall be extended for a period of 30 or more days to provide additional time for him to submit all the required materials and for the Planning Commission to review the same, a written agreement to this effect shall be signed in duplicate, with a file copy being retained by the Planning Commission and by the applicant. Such an extension shall be entered in good faith and for specific reasons relating to the review process, including but not limited to providing sufficient time for the Township to receive the written report of the County Planning Commission, the County Health Department, the Municipal Planner and the Municipal Engineer, or to allow the applicant additional time in which to revise his application documents.

D. Action on preliminary plan by the Township Council.
(1) Following receipt of the written decision from the Planning Commission, the Township Council shall consider the preliminary plan at its next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and, in addition, the Township Council may also schedule a public hearing before taking any action on the plan.

(2) Action on a preliminary plan shall be taken by the Township Council and communicated to the developer not later than 90 days following the date the Planning Commission first met after the complete submission to the Township Manager. In its review, the Township Council shall consider the reports and recommendations of the Township Planning Commission and the various other individuals and agencies to whom the plan was sent for review and comment. As a result of its review, the Township Council may require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.

(3) The decision of the Township Council concerning the plan shall be in writing and shall be forwarded to the developer within five days following the Township Council’s decision, but still within the ninety-day time limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Township Planning Commission, as well as the other agencies that reviewed the preliminary plan. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code.7

(4) Failure of the Township Council to render a decision and communicate it to the developer within 90 days shall be deemed an approval of the plan in terms as presented, unless the developer has agreed, in writing, to an extension of time. At the time a revised plan is submitted, it shall be accompanied by the applicant’s written and executed agreement of an extension of the period for decision.

(5) Approval of the preliminary plan shall not constitute approval of the final plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout.

(6) When a preliminary plan has been approved or approved subject to certain conditions acceptable to the applicant, no subsequent change or amendment in this chapter or any other applicable ordinances shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of preliminary approval.

(7) In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the applicable aids or plans as they

7. Editor’s Note: See 53 P.S. § 10101.
stood at the time when the plan for such approval was duly submitted to the Township.

(8) The decision of the Township Council shall also be communicated to the governing body of any adjacent municipality if the plan includes land in that municipality and/or directly abuts its boundaries.

§ 119-14. Preliminary plan specifications for major and minor subdivision and land development plans. [Amended 2-2-1999 by Ord. No. 5-98; 10-3-2000 by Ord. No. 11-00; 7-2-2002 by Ord. No. 4-02]

The preliminary plan submission shall consist of the following:

A. The plan, drawn at a scale of not less than one inch equals 10 feet nor more than one inch equals 100 feet, showing the following:

(1) The name and address of the developer.

(2) The proposed name of the subdivision.

(3) North arrow, scale and date.

(4) The name of the engineer, surveyor or other qualified person responsible for the plan.

(5) A location map showing the vicinity in which the proposed development is located.

(6) Topography showing existing and proposed contours at intervals of two feet or five feet, depending upon the slope of the land.

(7) Tract boundaries, and the names of all abutting subdivisions or property owners.

(8) The number of acres in the tract, number of lots and the type of proposed development.

(9) The existing and proposed property lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas and the location of any easements.

(10) The location of all existing and proposed streets, with information concerning right-of-way, widths, types of paving and street names.

(11) The location of any parcels of land either existing or proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semipublic or community purposes.

(12) The location of any existing bodies of water or watercourses, tree masses, buildings or structures, public facilities and any other man-made or natural features within or abutting the proposed subdivision.
(13) A map showing the location of the proposed development with respect to the Township's flood-prone areas, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special ordinance restrictions.

(14) Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.

(15) A traffic impact study in accordance with § 119-34C(3) of this chapter. [Added 2-2-1999 by Ord. No. 5-98]

(16) Where the development will require a Pennsylvania Department of Transportation highway occupancy permit for public street access, the developer shall make preliminary submittal to the Department of Transportation prior to preliminary plan submission. [Added 2-2-1999 by Ord. No. 5-98]

B. Accompanying data.

(1) Cross-section drawings for all proposed streets, showing rights-of-way and cartway widths; profile drawing of all proposed streets and existing and proposed grades.

(2) The Erie County Department of Health Subdivision On-Lot Sewage Disposal Report, where on-lot systems are proposed.

(3) Plans and profiles of proposed sanitary and storm sewers, including grades and pipe sizes, may be required, as may also be the plans for any proposed water distribution system, showing pipe sizes and location of valves and fire hydrants.

(4) Preliminary designs for any bridges, culverts, etc., which may be required, such designs to be subject to the approval of the Township Engineer.

(5) The appropriate component of the Department of Environmental Protection (DEP) Sewage Facilities Planning Module to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Law. The Planning Module must be complete in accordance with the DEP requirements. The disposal method must be in accordance with the Washington Township Official Sewage Facilities Plan. If the disposal method will require a revision of the Official Sewage Facilities Plan, the developer shall obtain Township and DEP approval for the revision prior to preliminary plan submission. [Amended 2-2-1999 by Ord. No. 5-98]

(6) Where any excavation or grading is proposed, the developer shall submit a plan to implement and maintain erosion and sedimentation control measures, as required by the Pennsylvania Clean Streams Act.

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8. Editor's Note: See 35 P.S. § 750.1 et seq.
9. Editor's Note: See 35 P.S. § 691.1 et seq.
(7) Information on the availability of water in accordance with § 119-31 of this chapter.

(8) Where connection to the sanitary sewer system is required or requested, a written request for equivalent dwelling unit (EDU) allocation (WREA) in accordance with § 119-30G of this chapter.

§ 119-14.1. Preliminary plan specifications for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District only. [Added 7-2-2002 by Ord. No. 4-02]

The application for a preliminary plan submission within the optional Conservation Design (CD-1) Overlay District shall provide the name and address of the legal owner or equitable owner of the subject property and the name and address of the applicant if not the same party, plus the following elements listed below. A deed or agreement of sale evidencing that the applicant is the legal or equitable owner of the land to be subdivided or developed shall be shown.

A. Preliminary plan application submission requirements. The submission requirements for a preliminary plan within the optional Conservation Design (CD-1) Overlay District shall consist of the following elements and shall be prepared in accordance with the drafting standards and plan requirements described herein:

(1) Site context map.

(2) Existing resources and site analysis plan.

(3) Preliminary resource impact and conservation plan.

(4) Preliminary improvements plan.

(5) Preliminary studies and reports as set forth in other parts of this chapter.

B. Drafting standards.

(1) The plan shall be drawn to a scale of either one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a standard size sheet (24 inches by 36 inches), unless otherwise approved by the Planning Commission.

(2) Dimensions shall be set in feet.

(3) Each sheet shall be numbered, and the plan shall provide an adequate legend indicating clearly which features are existing and which are proposed.

(4) All plans submitted shall be made on sheets no larger than 34 inches by 44 inches nor smaller than 17 inches by 22 inches.

C. Plan requirements. The following plans and maps shall bear the name, signature, address, and telephone number of the engineer, land surveyor, or landscape architect responsible for preparing the plan or map:
(1) Site context map. A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. For sites under 100 acres in area, such maps shall be at a scale not less than one inch equals 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be one inch equals 400 feet and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on site context maps include topography (from USGS maps), stream valleys, wetland complexes (from maps published by the United States Fish and Wildlife Service or the USDA Natural Resources Conservation Service), woodlands over one-half acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights-of-way, public land, and land protected under conservation easements.

(2) Existing resources and site analysis plan. For all subdivisions (except those in which all proposed lots are to be ten or more acres in area), an existing resources and site analysis plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The Township shall review the plan to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a single standard size sheet (24 inches by 36 inches). The following information shall be included in this plan:

(a) A vertical aerial photograph enlarged to a scale not less detailed than one inch equals 400 feet, with the site boundaries clearly marked, is recommended, but not required, under this section.

(b) Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although ten-foot intervals are permissible beyond the parcel boundaries, interpolated from USGS published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15% and 25% and exceeding 25% shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official USGS benchmarks for vertical control.

(c) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the one-hundred-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
(d) Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen inches at a height of five feet, the actual canopy line of existing trees and woodlands. Plant community, relative age and condition shall describe vegetative types.

(e) Soil series, types and phases, as mapped by the United States Department of Agriculture, Natural Resources Conservation Service, in the published soil survey for the county and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

(f) Ridge lines and watershed boundaries shall be identified.

(g) A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.

(h) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

(i) All existing man-made features, including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.

(j) Locations of all historically significant sites or structures on the tract, including but not limited to cellarholes, stonewalls, earthworks, and graves.

(k) Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

(l) All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Erie County shall be shown on the plan.

(m) Total acreage of the tract, the adjusted tract area and the constrained land area with detailed supporting calculations.

(3) Four-step design process for subdivisions in the Conservation Design (CD-1) Overlay District. (Note: This process can also be used in the A-1, R-1, and R-2 Zoning Districts where conservation design is encouraged under the Township’s Chapter 150, Zoning.

(a) All preliminary plans in the Conservation Design (CD-1) Overlay District shall include documentation of a four-step design process in determining the layout of proposed greenway lands, house sites, streets and lot lines, as described below. (See also § 119-26.2B.)
§ 119-14.1 WASHINGTON CODE § 119-14.1


[a] The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the sketch plan or preliminary plan in accordance with the provisions of this chapter and of the Zoning Ordinance. Greenway lands shall include all primary conservation areas and those parts of the remaining buildable lands with the highest resource significance, as described below and in § 119-26.3A and B.

[b] Proposed greenway lands shall be designated using the existing resources and site analysis plan as a base map and complying with § 150-21D of the Zoning Ordinance and §§ 119-26.2 and 119-26.3 herein, dealing with resource conservation and greenway delineation standards. The Township’s Comprehensive Plan shall also be referenced and considered. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over 25%. [The definition of primary conservation areas is independent of the density factors applied to various categories of constrained lands to calculate adjusted tract area in § 150-26D(3)(a) of the Zoning Ordinance.]

[c] In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed greenway, in consultation with the Planning Commission and in accordance with § 119-26.3A and B herein (Prioritized list of resources to be conserved and other design considerations).

[d] On the basis of those priorities and practical considerations given to the tract’s configuration, its context in relation to resources areas on adjoining and neighboring properties, and the applicant’s subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

[2] Step 2: Location of house sites. Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the existing resources and site analysis plan such as topography and soils. House sites should generally be located not closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
Step 3: Alignment of streets and trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in § 119-26.2 herein, and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new culs-de-sac to be maintained by the Township and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).

Step 4: Drawing in the lot lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

(b) Applicants shall be prepared to submit four separate sketch maps indicating the findings of each step of the design process if so requested by the Planning Commission or the Township Council.

(4) Preliminary resource impact and conservation plan.

(a) A preliminary resource impact and conservation plan shall be prepared for all major subdivision and land development applications to categorize the impacts of the proposed activities and physical alterations on those resources shown on the existing resources and site analysis plan [as required under § 119-14.1C(2)]. All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the other preliminary plan documents, shall be taken into account in preparing the preliminary resource impact and conservation plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

(b) Using the existing resources and site analysis plan as a base map, impact areas shall be mapped according to the following categories:

[1] Primary impact areas, i.e., areas directly impacted by the proposed subdivision;

[2] Secondary impact areas, i.e., areas in proximity to primary areas which may be impacted; and

[3] Designated protected areas, either to be included in a proposed greenway or an equivalent designation such as dedication of a neighborhood park site.

(c) This requirement for a preliminary resource impact and conservation plan may be waived by the Planning Commission if, in its judgment, the proposed development areas, as laid out in the sketch plan or in the preliminary plan, would be likely to cause no more than an insignificant impact upon the site’s resources.
§ 119-14.1

Preliminary improvements plan. This plan shall include the following items:

(a) Historic resources, trails and significant natural features, including topography, areas of steep slope, wetlands, one-hundred-year floodplains, swales, rock outcroppings, vegetation, existing utilities, and other site features, as indicated on the existing resources and site analysis plan.

(b) Existing and approximate proposed lot lines, lot areas, any existing easements and rights-of-way. For properties subject to the Conservation Design (CD-1) Overlay District, the boundaries of greenway lands shall be indicated.

(c) Approximate location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas; preliminarily engineered profiles for proposed streets.

(d) Approximate location of proposed swales, drainage easements, stormwater and other management facilities.

(e) Where community sewage service is to be permitted, the conceptual layout of proposed sewage systems, including but not limited to the tentative locations of sewer mains and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.

(f) Where central water service is to be permitted, the conceptual layout of proposed water distribution facilities, including water mains, fire hydrants, and storage tanks and, where appropriate, wells or other water sources.

(g) Location of all percolation tests as may be required under this chapter, including all failed test sites or pits as well as those approved and including an approved alternate site for each lot requiring a sand mound system. All approved sites shall be clearly distinguished from unapproved sites.

(h) Limit-of-disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).

(i) Approximate location and dimensions of proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

(j) If land to be subdivided lies partly in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities also shall be submitted.
(k) Where the applicant proposes to install the improvements in phases, he shall submit with the preliminary plan a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed. See also § 119-17.

(l) Typical street cross-section drawing(s) for all proposed streets shall be shown, including details relating to thickness, crowning and construction materials.

(m) Utilities and easements.

[1] Exact locations of existing utility easements and approximate locations of proposed utility easements.

[2] Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts and any proposed connections with existing facilities. (These data may be on a separate plan.)

[3] The tentative location of proposed on-site sewage and water facilities.

(n) Approximate location of proposed shade trees, plus locations of existing vegetation to be retained.

(o) Signature blocks for the Planning Commission, Township Council, and the County Planning Commission, and a certificate for recording, shall be provided on the right-hand side of the preliminary improvements plan. While the preliminary plan does not require signatures, the signature blocks are required to ensure that adequate space is reserved and appropriate language is utilized.

(6) Preliminary studies and reports. The preliminary plan submission shall include the following studies to assist in determination of the impact of the application upon, among other things, municipal services and facilities:

(a) Sewer and water feasibility report. See also §§ 119-30 and 119-31.

(b) Groundwater protection and replenishment study.

(c) Erosion and sedimentation control plan.

(d) Traffic impact study.

(e) Community association document.

[1] A community association document, also known as a "homeowners' association document" or a "condominium association document," shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the Township.
[2] The elements of the community association document shall include, but shall not necessarily be limited to the following:

[a] A description of all lands and facilities to be owned by the community association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.

[b] Statements setting forth the powers, duties, and responsibilities of the community association, including the services to be provided.

[c] A declaration of covenants, conditions, and restrictions, giving perpetual easement to the lands and facilities owned by the community association. The declaration shall be a legal document, which also provides for automatic association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the association, including voting, elections, and meetings. Furthermore, it shall give power to the association to own and maintain the common property and to make and enforce rules.

[d] Statements prescribing the process which the community association reaches decisions and setting forth the authority to act.

[e] Statements requiring each owner within the subdivision or land development to become a member of the community association.

[f] Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.

[g] Requirements for all owners to provide a pro rata share of the cost of the operations of the community association.

[h] A process of collection and enforcement to obtain funds from owners who fail to comply.

[i] A process for transition of control of the community association from the developer to the unit owners.

[j] Statements describing how the lands and facilities of the community association will be insured, including limit of liability.

[k] Provisions for the dissolution of the community association in the event the association should become inviable.

NOTE: See also § 150-21J of the Zoning Ordinance, "Ownership and management of greenway land and common facilities."
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D. Preliminary greenway ownership and management plan. Using the preliminary plan as a base map, the boundaries, acreage and proposed ownership of all proposed greenway areas shall be shown. In addition, the applicant shall also submit a preliminary greenway ownership and management plan detailing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of § 150-21J of the Zoning Ordinance ("Ownership and management of greenway land and common facilities").

E. Preliminary engineering certification. Prior to approval of the preliminary plan, the applicant shall submit to the Planning Commission a preliminary engineering certification stating that the approximate layout of proposed streets, house lots, and greenway lands complies with the Township’s Zoning and Subdivision Ordinances, particularly those sections governing the design of subdivision streets and stormwater management facilities. This certification requirement is meant to provide the Planning Commission with assurance that the proposed plan can be accomplished within the Township’s current regulations. The certification shall also note any waivers needed to implement the plan as drawn.

§ 119-15. Final plan procedures for major and minor subdivision and land development plans. [Amended 7-2-2002 by Ord. No. 4-02]

A. Submission of a final plan for approval by the Township Council shall occur not more than five years following the date of approval of the preliminary plan. Failure to submit the final plan within this period of time shall make the approval of the preliminary plan null and void unless an extension of time has been requested, in writing, by the developer and a written approval granted by the Council.

B. The final plan shall basically conform to the approved preliminary plan except for any modifications or changes required by the Township Council. Where, in the opinion of the Planning Commission, there have been significant modifications or changes to the approved preliminary plan other than those required by the Township, the plan shall be submitted again as a preliminary plan.

C. A final plan may be prepared in sections or stages involving portions of the approved preliminary plan, if so desired by the developer, in line with § 119-17.

D. Submission of the final plan shall be governed as follows:

(1) The final plan or plans and all accompanying documents shall be submitted by the developer or his authorized representative to the Township Manager at least 15 business days in advance of a regularly scheduled Planning Commission meeting.

(2) Submission shall consist of the following:

(a) Six black-line paper prints and the original record plan drawn on a stable reproducible plastic or linen material showing all the information required in § 119-16.

(b) Six copies of all other documentation required in § 119-16.
E. Distribution of the final plan by the Township Manager shall be as follows:

(1) One copy of the plan and accompanying documentation to the Township Engineer.

(2) One copy of the plan and accompanying documentation to the Township Water and Sewer Authority.

(3) One copy of the plan and accompanying documentation to the Erie County Planning Department.

(4) The remaining copies of the plan and documentation to the Township Planning Commission.

F. Action on final plan by the Planning Commission.

(1) Action on the final plan by the Township Planning Commission shall be taken in the same manner as for preliminary plans, in § 119-13C.

(2) If a final plan is approved, the Planning Commission Chairman shall sign the record plan and two prints. The record plan and one print shall be forwarded to the Township Council, along with a copy of the written recommendation of the Planning Commission.

G. Action on final plan by the Township Council.

(1) Following receipt of the written decision from the Planning Commission, the Township Council shall consider the final plan at its next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and, in addition, the Township Council may also schedule a public hearing before taking any action on the plan.

(2) Action on a final plan shall be taken by the Township Council and communicated to the developer not later than 90 days following the date that the Planning Commission first met after the complete submission to the Township Manager. In its review, the Township Council shall consider the reports and recommendations of the Planning Commission and the various other individuals and agencies to whom the plan was sent for review and comment. As a result of its review, the Council may require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.

(3) The decision of the Township Council concerning the plan shall be in writing and shall be communicated to the developer not later than five days following the meeting at which the decision is made, but still within the ninety-day limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this chapter. Copies of the decision shall be sent to the Planning Commission.

(4) Failure of the Township Council to render a decision and communicate it to the developer within the time and in the manner required by this chapter shall be
deemed an approval of the plan in terms as presented, unless the developer has agreed, in writing, to an extension of time.

(5) Before any final plan is approved, the developer shall either install all the required improvements or shall provide for a fiscal surety pursuant to the provisions of Article IV, § 119-19, of this chapter.

(6) If a final plan is approved, the record plan and one print shall be signed by the Township Council and attested by the Township Secretary. The record plan shall be forwarded to the developer for recording in the office of the County Recorder of Deeds. One print shall be retained by the Township Council for file.

H. Recording of plan.

(1) Upon approval of the final plan by the Township Council, the developer shall, within 90 days of such final approval, record such plat in the office of the Erie County Recorder of Deeds. No plat shall be recorded unless it has been given official final plan approval by the Township Council.

(2) If the plan is not recorded within 90 days, the approval by the Township Council shall be null and void.

(3) No land within a development shall be sold or transferred prior to recording of the record plan.

(4) Within 15 days after the subdivision is recorded, the developer shall submit to the Township Manager one copy of the Mylar as was recorded in the office of the Erie County Recorder of Deeds, as well as one copy of any deed restrictions placed on newly recorded lots or developments.

§ 119-15.1. Final plan procedures for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District only. [Added 7-2-2002 by Ord. No. 4-02]

A. Within one year after approval of the preliminary plan, a detailed final plan and all supplementary data, together with an application form provided by the Township and filing fees, shall be officially submitted to the Township Manager. The detailed final plan shall conform to the requirements set forth in § 119-16.1. It shall also conform to the preliminary plan as previously reviewed by the Planning Commission and the Township Council and shall incorporate all conditions set by the Township in its approval of the preliminary plan. No application shall be deemed filed unless all requirements have been met and all fees paid in full.

B. The Township Council may permit submission of the detailed final plan in phases, each covering a reasonable portion of the entire proposed development as shown on the approved preliminary plan, provided that the first detailed final plan phase shall be submitted within one year after approval of the preliminary plan. Each subsequent phase shall be submitted within one year of approval of the previous phase, provided all phases have been submitted within five years after the date of preliminary plan approval.
C. Unless the filing deadline in § 119-15.1A is waived or extended by the Township Council, failure to make timely submission of final plans renders void a preliminary plan, and the applicant shall be required to file a new application and fee for preliminary plan approval.

D. Official submission of the detailed final plan to the Township Manager shall consist of:

(1) One copy of the application for review of final subdivision or land development plan.

(2) Eight or more copies of the detailed final plan and all supporting plans and information to enable proper distribution and review, as required by the Township Council.

(3) A complete, and where applicable, updated, list of all applications made or notices provided, the dates thereof, and the dates of approval to federal, state and county agencies by or on behalf of the applicant for permits, certifications, approvals or waivers required or sought for either subdivision or land development as proposed in the preliminary plan or in the detailed final plan, including, but not limited to, applications or notices provided to the United States Army Corps of Engineers, the United States Department of Agriculture Soil Conservation District, the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection (DEP), the Pennsylvania Department of Transportation, and the Erie County Health Department. When requested by the Township, the developer shall provide evidence of the said approvals.

(4) Payment of application fees and deposit of escrow, if required, for plan review costs in accordance with the terms of Article VIII of this chapter for proposed subdivisions.

E. Eight or more copies of the detailed final plan and all required supplementary data shall be submitted to the Township Manager, together with the required fees and escrow deposit as prescribed by resolution of the Township Council. The Township Manager shall note the date of receipt and shall then forward:

(1) One copy each to the Township Planner and the Township Engineer;

(2) One copy each to the Township Water and Sewer Authorities;

(3) One copy to the Erie County Planning Department;

(4) One copy to other state and county agencies, including the Erie County Health Department, when required by the Township Council;

(5) One copy to governing body of any adjacent municipality or municipalities if tract to be subdivided abuts or lies partially in that municipality;

(6) One copy of the sedimentation and erosion control plan and application form to the United States Department of Agriculture Soil Conservation District, where applicable;

(7) One copy to the Township Council;
(8) One copy to any applicable Township advisory boards; and,

(9) All remaining copies of the detailed final plan and application to the Township Planning Commission.

F. Where the final plan is for a minor subdivision or a major subdivision not located within the optional Conservation Design (CD-1) Overlay District, the applicant shall submit the plan in accordance with the requirements of § 119-15 above.

G. General review of detailed final plan.

(1) The detailed final plan shall conform in all material respects to the preliminary plan as previously reviewed and approved by the Township Council and shall incorporate all modifications and revisions specified by the Township Council in its approval of the preliminary plan.

(2) The detailed final plan and supporting data (including reports from the Pennsylvania Department of Environmental Protection, the Erie County Health Department, the Erie County office of the USDA Natural Resources Conservation Service, and the Erie County Planning Department) shall comply with the provisions of this chapter and those of the Zoning Ordinance. Failure to do so shall be cause for denying the plan (or, in situations where only minor details are missing and when the official approval deadline allows, tabling the plan).

H. Planning Commission review.

(1) The Planning Commission shall review the detailed final plan and the recommendations of the Township Engineer and any other reviewing agencies to determine its conformance with the requirements of this chapter and with those of the Zoning Ordinance.

(2) After such review, and prior to any action by the Township Council within the required ninety-day review period, the Planning Commission shall forward its recommendations and its reasons to the Township Council and the applicant. If the plan includes land in any adjacent municipality and/or directly abuts its boundaries, then such notice and recommendation should also be transmitted to the governing body of the adjacent municipality.

(3) No recommendations shall be made by the Planning Commission until the Township has received the written report of the Erie County Planning Department, the Township Engineer, the Pennsylvania Department of Environmental Protection (DEP), the Erie County Health Department and the Department of Transportation, if applicable, and the approval of the Erie County Soil Conservation District; provided, however, that if these reports are not received within 45 days after transmittal of the detailed final plan to these agencies, then the Planning Commission may act without having received and considered such report.

I. Township Council review.

(1) Prior to the detailed final plan review process, the Township Council should complete its review of the proposed sewage facilities planning module in
accordance with DEP and Erie County Health Department regulations and procedures. When approved or adopted by the Township Council, the planning module shall be forwarded to DEP for review and approval.

(2) No approval of the detailed final plan shall be granted by the Township Council until the Township receives notification of DEP’s approval of the sewage facilities planning module. Should such notification not be received within the time limitations for detailed final plan approval in accord with the Act, the time limitations shall be extended for not more than 90 days at the written consent of the applicant. If the applicant refuses to provide such written consent, the detailed final plan shall be disapproved.

(3) When a recommendation on a detailed final plan has been submitted to the Township Council by the Planning Commission, such plan shall be placed on the agenda of the Township Council for its review and action.

(4) Upon receipt of the Planning Commission’s recommendation and other supporting information, the Township Council may, at one or more regular or special public meetings, review the detailed final plan and shall, within the time limitations set forth herein below, either approve, approve with conditions, or disapprove the plan. Whenever the approval of a detailed final plan is subject to conditions, the written action of the Township Council shall specify each condition of approval and request the applicant’s written agreement to the conditions within ten days of receipt of the Township Council’s written decision.

(5) If the final plan is not approved, the decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall, in each case, cite the provisions of the chapter relied upon.

(6) Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the time period for decision, the Township Council shall render a decision on all detailed final plans within the statutory time limitations.

(7) The decision of the Township Council shall be in writing and shall be communicated to the applicant as required by the Act.

(8) If at any time the applicant submits a revised detailed final plan, it shall be deemed a new application and shall not be accepted unless it is accompanied by the applicant’s written and executed agreement of a ninety-day extension of the period required by the Act for decision. No new application fee shall be required for any revision submitted within two years of the first final plan application.

(9) Copies of the detailed final plan, as finally approved with the appropriate endorsement of the Township Council, shall be distributed as follows:

(a) At least three copies to the applicant of which two shall be recorded in the office of the Erie County Recorder of Deeds.

(b) One copy to the Township Planning Commission.

(c) One copy to the County Planning Commission.
(d) One copy to the County Health Department.

(e) One copy to be retained in the Township files.

(f) One copy to the Township Engineer. If a new street is proposed, an additional as-built plan with deed of dedication application shall be submitted.

J. Conditions of detailed final plan approval. Approval of any detailed final plan shall, in addition to any other applicable provisions of this chapter, be subject to the following conditions:

(1) The landowner shall execute a subdivision agreement in accordance with this chapter, verifying that he agrees to construct all required improvements and common amenities and further verifying that he guarantees completion and maintenance of these improvements and amenities through a type of financial security acceptable to the Township. See § 119-19.

(2) Where applicable, the landowner shall execute an escrow agreement to cover the cost of all required improvements and common amenities, in accordance with this chapter. See § 119-19.

(3) The landowner agrees, if requested, to tender to the Township a deed of dedication in a form satisfactory to the Township Solicitor for streets and improvements thereto, including street paving, water mains, fire hydrants, storm sewers, inlets, pumping stations and other appurtenances as shall be constructed as public improvements within the public right-of-way and are required for the promotion of public welfare, after all streets and improvements to be dedicated to the Township are completed and are certified as being satisfactory by the Municipal Engineer. The Township Council may require that the applicant provide a certificate from a duly licensed title insurance company certifying that the title to be conveyed is good and marketable, free of all liens and encumbrances, except utility easements, before the Township accepts any property.

(4) Whenever the landowner is providing greenway land as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the landowner and the Township or a conservation organization acceptable to the Township.

(5) The landowner shall submit to the Township all required permits, approvals or waivers from agencies having jurisdiction over ancillary matters necessary to affect the subdivision or land development, such as Pennsylvania Department of Transportation, Department of Environmental Protection, or Public Utility Commission, United States Army Corps of Engineers, Department of Agriculture Soil Conservation District, and the Erie County Health Department.

(6) All final approvals or waivers required by federal, state and county agencies for development in accord with the detailed final plan, including, but not limited to, approval of the sewage facilities planning module by the DEP, approval by the United States Department of Agriculture Soil Conservation District, and a highway
occupancy permit, if required, from the Pennsylvania Department of Transportation shall be presented to the Township.

§ 119-16. Final plan specifications for major and minor subdivision and land development plans. [Amended 10-3-2000 by Ord. No. 11-00; 7-2-2002 by Ord. No. 4-02]

A. The final plan submission shall be prepared by a registered engineer or surveyor.

B. The final plan shall conform to the following standards:

   (1) The record plan shall be submitted on a stable plastic film, vellum or other drafting media, drafted in high quality.

   (2) Overall dimensions shall be no more or less than 18 inches by 24 inches (twenty-four-inch-by-thirty-six-inch plats will be accepted for approval purposes; however, a reduction in print size to 18 inches by 24 inches will be necessary for recording purposes). Minor subdivisions of one lot may be drawn on plats of 8 1/2 inches by 11 inches with the approval of the Recorder of Deeds.

   (3) The scale of the plan shall not be less than one inch equals 10 feet or more than one inch equals 100 feet.

   (4) Final plans requiring more than one sheet may be submitted in sections, provided that each section meets all standards and appropriate match-line data is provided on each section.

C. The final plan shall show the following:

   (1) The name and address of the developer.

   (2) The proposed name of the development.

   (3) North arrow, scale and date.

   (4) The exact acreage of the entire development and each individual lot; acreage is to be to the nearest hundredth acre.

   (5) The name of the registered engineer or surveyor responsible for the plan.

   (6) A location map showing the vicinity in which the proposed subdivision is located.

   (7) Primary control points approved by the Township Engineer or description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plan shall be referred.

   (8) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and all property lines, with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves.

   (9) The name and right-of-way width of each street or other right-of-way and street center lines with accurate dimensions with bearings of such street center lines.
(10) The location, dimensions and purpose of all easements.

(11) Block and lot numbers (in consecutive order).

(12) The purpose for which sites other than residential lots are dedicated or reserved.

(13) Building setback lines (at or above the minimum standards fixed by Chapter 150, Zoning) on all lots and other sites.

(14) The names of record owners of adjoining unplatted land.

(15) Accurate locations of all existing and recorded streets intersecting the boundaries of the plat and reference to recorded subdivision plats of adjoining platted land by record name.

(16) Certification and seal by a registered engineer or surveyor attesting to the accuracy of the survey and plan.

(17) Certification for the review of the Erie County Department of Planning and the Township Planning Commission and approval of the Township Council.

(18) Certification of title, showing that the developer is the owner of the land or agent of the landowner.

(19) A statement by the owner dedicating streets, rights-of-way and any sites for public use which are to be dedicated.

(20) A certificate to provide for the recording of the subdivision plan.

(21) A statement, with the appropriate information inserted, reading:

(The lot)/ [ (number) of the lots] depicted on this plan were approved for connection to the public sanitary sewer system, and [an] Equivalent Dwelling Unit(s) (EDU(s)) [was] / [were] allocated therefor, on ___/___/___ . The said approval and EDU allocation(s) for each lot shall expire on ___/___/___ , and all payment therefor forfeited (subject to certain credits for replacement EDUs), unless the actual connection of the lateral to the public sanitary sewer system for that lot is made on or before that date.

D. Accompanying data.

(1) All information required for the submission of the preliminary plan incorporating any changes requested by the Township Council.

(2) Final plans for any bridges, culverts, etc., which may be required.

(3) When pertinent, a draft of any proposed covenants and restrictions which will run with the land.

(4) When pertinent, a timetable for the proposed sequence of development for the subdivision.
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(5) Certificates of approval by proper authorities of the Township, county and state, as may be required to approve the water supply and sanitary sewer system of the subdivision.

(6) Specifications and drawings for all streets, sewers and other improvements.

(7) If an on-lot sewage disposal system is to be used, a copy of the Erie County Department of Health Subdivision On-Lot Sewage Disposal Report.

(8) Final approval by the Department of Environmental Protection of the appropriate component of the Planning Module for Land Development to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Law.

(9) A written report from the Township Engineer stating that:

(a) In those instances where improvements have been installed, the Engineer has inspected the required improvements and has determined that those improvements are in conformance with the requirements of this chapter, and that the Engineer has received proper as-built drawings; or

(b) A cost estimate detailing the required improvements has been prepared by the Engineer and is attached to his report.

(10) A fiscal surety, which shall be one of the following:

(a) In those instances where improvements have been installed, a maintenance bond in conformance with Article IV, § 119-22; or

(b) In lieu of such construction, a financial security in conformance with Article IV, § 119-19.

(11) Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Planning Commission or Township Council.

E. Additional accompanying data for flood-prone areas.

(1) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated flood-prone area; all such maps shall show contours at intervals of two feet and identify accurately the boundaries of the flood-prone areas.

(2) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, Bureau of Dams and Waterway Management, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic

10. Editor's Note: See 35 P.S. § 750.1 et seq.

11. Editor's Note: See 35 P.S. § 691.1 et seq.
Development and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

§ 119-16.1. Final plan specifications for major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District. [Added 7-2-2002 by Ord. No. 4-02]

Final plans shall conform to the preliminary plan, including any conditions specified by the Township Council. A detailed final plan shall consist of and be prepared in accordance with the following:

A. The final plan submission shall be prepared by a registered engineer or surveyor.

B. The final plan shall conform to the following drafting standards:

1. The record plan shall be submitted on a stable, reproducible plastic or linen material and shall be in India ink. Photographic reproductions in black or dark brown will be accepted in lieu of ink.

2. Overall dimensions shall be no more or less than 18 inches by 24 inches (twenty-four-inch-by-thirty-six-inch plats will be accepted for approval purposes; however, a reduction in print size to 18 inches by 24 inches will be necessary for recording purposes).

3. The scale of the plan shall not be less than one inch equals 10 feet or more than one inch equals 100 feet. However, detailed final plans for low-density Option 4 subdivisions shall generally not be required to be prepared at scales finer than one inch equals 200 feet, unless special conditions exist on the site.

4. Final plans requiring more than one sheet may be submitted in sections, provided that each section meets all standards and appropriate match-line data is provided on each section.

C. Existing resources and site analysis plan. A plan as stipulated in § 119-14.1C(2) consistent with the terms of preliminary plan approval and modified as necessary to reflect the proposal for final approval.

D. Final resource impact and conservation plan.

1. This plan shall comply with all of the requirements for the preliminary resource impact and conservation plan, as set forth in § 119-14.1C(5) to reflect all proposed improvements described in the other detailed final plan documents as required under § 119-16.1 herein.

2. In addition to the requirements of § 119-14.1C(5), the applicant shall submit an accompanying resource assessment report divided into the following sections: description of existing resources [as documented in § 119-14.1C(2)]; impacts of the proposed subdivision on existing resources, correlated to the areas depicted in the final resource impact and conservation plan; and measures taken to minimize and control such impacts both during and following the period of site disturbance.
§ 119-16.1 WASHINGTON CODE § 119-16.1

and construction. The qualifications and experience of the preparer of this report shall be provided.

E. Final improvements construction plan. Where public or private improvements other than monuments and street traffic signs are to be required for any subdivision or land development, an improvements construction plan and specifications, prepared by a registered professional engineer, shall be filed, setting forth the precise nature and exact location of the work and all engineering data necessary for completion of the work. The improvements construction plan and specifications shall be subject to approval of the Township Engineer and the Township Council as a prerequisite to approval of the detailed final plan. The improvements construction plan shall conform to the following standards and contain the following information:

1. All information required in §§ 119-10.2B and 119-14.1C(6) relating to existing features and resources on the site.

2. Detailed profile sheets for all proposed streets within the tract.

3. If required, a plan, details, and specifications of streetlights to be installed, together with the necessary contract for streetlight installation for approval by the Township.

4. Detailed design of any stormwater management facilities that may be required.

5. Where off-site or community sewer service is to be provided, the final detailed design of all facilities, including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.

6. Where off-site or central water service or water supply is to be provided, the final detailed design, including location and size of water service facilities within the subdivision, shall be shown, including wells, storage tanks, pumps, mains, valves, and hydrants.

7. Detailed designs for all other improvements as required by this chapter.

F. Final stormwater management and erosion and sedimentation control plan.

G. Final greenway ownership and management plan. Using the detailed final plan as a base map, the precise boundaries, exact acreage, and proposed ownership of all proposed greenway areas shall be shown. A narrative report shall also be prepared indicating how and by whom such greenway areas will be managed and demonstrating compliance with § 150-21 of the Zoning Ordinance.

H. Final landscape plan. The final landscape plan shall comply with the standards set forth in § 119-26 of this chapter.

I. Additional approvals, certificates and documents.

1. All offers of dedication of realty or structures and all declarations, easements and covenants governing the reservation and maintenance of undedicated open space, for the detailed final plan, shall be in such form as shall be satisfactory to the Township Council.
(2) A copy of such deed restrictions, easements, covenants and declarations which are to be imposed upon the property to comply with the detailed final plan as approved by the Township Council. All such documents shall be in such form as is satisfactory to the Township Council.

J. A statement, with the appropriate information inserted, reading:

(The lot)/ [number] of the lots depicted on this plan were approved for connection to the public sanitary sewer system, and [an] Equivalent Dwelling Unit(s) (EDU(s)) [was] / [were] allocated therefor, on __/__/__. The said approval and EDU allocation(s) for each lot shall expire on __/__/__, and all payment therefor forfeited (subject to certain credits for replacement EDUs), unless the actual connection of the lateral to the public sanitary sewer system for that lot is made on or before that date.

§ 119-17. Substantial completion; schedule of submission of final plats; effect of subsequent ordinances or changes.

A. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the five-year limit, or any extension thereof as may be granted by the Township Council, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

B. In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval. Until final plat approval of the final section has been granted, any modification in the aforesaid schedule shall be subject to approval of the Township Council, in its discretion.

C. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body, in its discretion. Provided that the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with the landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply, and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protections...
shall apply for an additional term or terms of three years from the date of final plat approval for each section.

D. Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

ARTICLE IV
Completion or Guaranty of Improvements

§ 119-18. Completion of improvements.
A. No plat shall be finally approved unless the streets shown have been improved as required by this chapter and any walkways, curbs, gutters, fire hydrants, water mains, sanitary sewers, storm drains and other improvements as may be required by this ordinance have been constructed in a satisfactory manner and inspected by the Township Engineer.

B. Prior to offering any improvement to the Township, the developer shall furnish a written guaranty (release of liens) that all indebtedness incurred for supplies, material, labor furnished or engineering and professional services in the construction or improvements shall have been paid in full and that there are no claims for damage or suits against the contractor involving such improvements.

C. The developer shall also comply with § 119-22, when applicable.

In lieu of the completion of any improvements required as a condition for the final approval of a plat, the Township Council shall grant final approval prior to completion, provided that:

A. The developer enters into an agreement with the Township and a security agency guaranteeing that the improvements will be installed in accordance with the plans and specifications approved by the Township prior to plat approval. This agreement should set forth the responsibilities of each party, the construction schedule, conditions for partial release of security, inspection of work, definition of default and the developer's right to appeal a default decision. This agreement shall also guarantee that no lot will be sold or building constructed in any flood-prone area prior to completion of all protective works or measures planned for such lot and necessary access facilities.

B. Simultaneously with the execution of the agreement specified above, the developer shall provide the Township with a financial security in an amount sufficient to guarantee the performance of this agreement and to cover the costs of any improvements or common amenities, including but not limited to stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer and screen plantings which may be required.
(1) Without limitation as to other reasonable types of financial security which the Township may approve, corporate bonds, surety performance bonds, subdivision bonds, irrevocable letters of credit and restrictive or escrow accounts shall be deemed acceptable financial security for the purposes of this section. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chose by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the commonwealth.

(2) Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the plat for completion of such improvements.

(3) The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Township of a bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements, or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Township Engineer. 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.

(a) To help the Township to determine a bona fide bid, the Township Engineer may be asked to review all cost figures for accuracy.

(b) The engineer may consider the potential of increased costs to the Township due to the Pennsylvania Prevailing Wage Act (Act 422 of 1961).12

C. In the case where development is projected over a period of years, the Township may authorize submission of final plats by section or stages 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.

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 the Township Water and Sewer Authority, financial security to assure proper completion and maintenance thereof shall be posted in accordance with its regulations and shall not be included within the financial security as otherwise required by this section.

12. Editor's Note: See 43 P.S. § 165-1 et seq.

A. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, of portions of the financial security, provided that:

(1) Any such request shall be in writing and addressed to the Township Council.

(2) Such request shall occur at construction phases and for percents or amounts as specified in the agreement required at § 119-19A.

(3) The Township shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, that such portion of work has been completed in accordance with the approved plat. Upon such certification, the Township Council shall authorize release by the bonding company or lending institution the amount as specified in the stated agreement.

(4) If the Township Council fails to act within said forty-five-day period, the Township shall be deemed to have approved the release of funds as requested.

(5) The Township may retain 10% of the financial security until final inspection.

B. Final release of the financial security shall be governed as follows:

(1) When the developer has completed all of the required improvements the developer shall notify the Township, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer, together with a complete set of as-built drawings.

(2) The Township Manager shall, within 10 days after receipt of such notice, direct and authorize its Engineer to inspect all of the required improvements.

(3) The Engineer shall thereupon inspect all the required improvements and shall file a report, in writing, with the Township, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Engineer of the authorization for inspection by the Township Council.

(4) The report shall be detailed and shall indicate approval or rejection of said improvements either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Engineer, said report shall contain a statement of reasons for nonapproval or rejection.

(5) The Township Council shall, within 30 days after receipt of the Engineer’s report, notify the developer, in writing, by certified or registered mail, of the action of the Township with relation thereto.

(6) If the Township or the Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to the financial security.
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(7) If any portion of said improvement shall not be approved or shall be rejected by the Township, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as listed above shall be followed.

§ 119-21. Remedies to effect completion of improvements.

A. In the event that any required improvements have not been installed as provided in this chapter or in accord with an approved final plat, the Township may enforce any improvement bond or other security by appropriate legal and equitable remedies.

B. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.


A. Where the Township is to accept dedication of all or some of the required improvements following completion, the Township shall 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 article 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.

B. Such financial security shall be for the purpose of:

(1) Guaranteeing and securing the correction of any defect in material or workmanship not discernible at the time of final inspection or acceptance by the Township; and

(2) Guaranteeing against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.
ARTICLE V
Other Standards for Land Development
[Added 2-2-1999 by Ord. No. 5-98] 13

§ 119-23. Jurisdiction; requirements for construction.

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 247,14 and as such are subject to regulation. The design and construction standards as found elsewhere in this chapter are applicable to land development, as such standards may be appropriate. It shall be unlawful for an applicant to construct land developments as defined herein until:

A. The final site plan has been approved by the Township and recorded as required by this chapter.

B. Valid permits from the Pennsylvania Department of Environmental Protection, where applicable, have been approved for issue to the applicant.

C. A valid occupancy permit has been secured from the Township or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities.


A. In processing a land development, the three-stage procedure established in Article III of this chapter shall be followed. For land developments, a preliminary site plan shall be required unless determined by the Planning Commission to be exempted. The land development processing requirements, drawing size, certifications, acknowledgments, number of copies, etc., for submission of site plans shall be the same as established in Article III unless otherwise noted in this article.

B. Unless exempted by the Pennsylvania Municipalities Planning Code15 or this chapter, all land development in Washington Township shall be required to submit a site plan as specified by this chapter.

C. The final site plan shall be recorded in the Erie County Recorder’s office.

§ 119-25. Submission of site plan.

The developer shall submit a site plan. Such plan shall be at a scale which may range from one inch equals 10 feet to one inch equals 50 feet, at ten-foot increments. Each site plan submission shall, through one or more pages, show and include:

13. Editor’s Note: This ordinance provided for the renumbering of former Sections 501, 503, 504, 505 and 506. See now Art. VI.

14. Editor’s Note: See 53 P.S. § 10101 et seq.

15. Editor’s Note: See 53 P.S. § 10101 et seq.
A. The preliminary plan specifications as established in § 119-14 of this chapter.

B. The final plan specifications as established in § 119-16 of this chapter.

C. Off-site conditions which are intended to show the land development in relationship to surrounding properties, land uses and facilities. Information will include land within 200 feet of the proposed development and will include topographic contours, building location, ownership, land use, location of vehicular entrances, including those across the street from the site, and vehicular facilities and circulation, as well as related information.

D. Proposed development and improvements to be installed on the site or connecting to off-site services, including but not limited to buildings (with frontal elevation and plan views), number of floors, dwelling units indicating the number of bedrooms in each and/or rentable commercial floor area; access from adjacent road(s); internal vehicular driveways; parking areas, with each parking space shown; pedestrian access and walkways, if any; grading and drainage needed to accommodate the development; landscaping; lighting; and utility lines and sizes.

E. Cross sections through access drives and parking areas, showing slopes and materials and dimensions to be used; and through areas of significant grading, showing means of draining the sloped surfaces.

F. Profiles along center lines of sanitary and storm sewers or drainage swales, showing connection to off-site systems, and profiles along center lines of access drives, showing elevations of the surface before and after development.

G. Proposed ultimate development of the property in preliminary form, showing phasing of development if the plan presented is for only a part of the total land holding.

H. Means to manage stormwater in accordance with § 119-32 of this chapter.

I. A traffic impact study in accordance with § 119-34C(3).


A. Vehicular access. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances and shall have the capacity to handle the projected traffic in accordance with § 119-34C(11) of this chapter.

B. Traffic, parking and pedestrian plan. A traffic, parking and pedestrian circulation plan shall be submitted alone, with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development and is in conformance with Chapter 150, Zoning, and that the pedestrian circulation plan provides for safe and efficient movement of people within and through the site. In reviewing the parking/access plan, the Township shall use for reference standard site planning books and guides such as published by the American Planning Association of the Institute for Traffic Engineers.

C. Landscape plan. A complete landscape plan shall be submitted by all developers that includes a complete interior landscape plan, in addition to a landscaped transition to
adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, provide shade, buffering or screening between noncompatible land uses and to protect, preserve and promote the aesthetic appearance, character and value of the development, and to preserve areas of natural value.

(1) Preservation of existing trees and significant vegetation.

(a) Any existing landscape feature, such as an historical tree, a grove of unique trees or shrubs and endangered species of plants, shall not be destroyed, removed, filled around or disturbed in any way without prior approval of the land development. The landscape plan portion of the site plan shall clearly show and define such landscape features.

(b) It is encouraged that efforts be made to preserve wooded areas. Consideration shall be given to laying out streets, drives, structures and parking areas to avoid the unnecessary destruction of heavily wooded areas or outstanding tree specimens.

(2) Landscape area. Landscaping shall be provided adjacent to building entrance areas, exit areas to the site, within the vehicular parking area and on the perimeter of the property. A primary landscape area or greenbelt shall consist of the first 20 feet of lot depth (or width and depth in the case of corner lots) measured from the front lot line or road right-of-way, whichever of the primary landscape area or greenbelt and the landscape area may include shrubs, groundcover, annual and perennial beds, lawn areas, ornamental and shade tree plantings, plantings for visual screening and fountains, pools and other water arrangements. Landscape areas shall compromise a minimum of 10% of the developed site area of the building structure, utilities, parking lot, drives or any other developed area. Any sidewalk located within the primary landscape area or greenbelt shall increase the width of the greenbelt by the sidewalk at its widest point. [Amended 10-3-2000 by Ord. No. 13-00]

(3) Screening. Screening may be a hedge, fence, wall, planted earth mounding, evergreen planting or a combination of any of the above with other plantings. Screening shall be an immediate effect. Screening may be a combination of structures and plantings approved by the Township and the property owner or owners affected.

(4) Plantings. All trees, plants and shrubs shall be varieties that are adaptable to the local soil and climate condition and which blend with existing natural growth and shall be compatible with adjacent landscaped areas.

(a) One street tree (maple, oak, honey locust, etc.) shall be in place or planted for each 50 feet of property abutting a public right-of-way. Trees shall be in place or planted adjacent to or outside of the road right-of-way.

(b) One small flowering tree (dogwood, crabapple, hawthorn, etc.) or tall deciduous tree (maple, oak, honey locust, etc.) shall be in place or planted for
each 100 feet of building perimeter. These trees shall be located in the
landscaped areas of the site.

(c) One small flowering or tall deciduous tree per each 12 parking spaces shall
be in place or planted in parking areas.

(d) The use of shrubs, additional trees (evergreens, deciduous and small
flowering), annuals, perennials, spring-flowering bulbs and ground covers
shall be at the owner’s option.

(e) The minimum size of plants which shall be counted in meeting the
requirements of Subsection C(4)(a), (b) and (c) are as follows:

[1] Street or tall deciduous trees: trunk diameter of 1 1/2 inches, one foot
above ground line.


(f) The owner may elect to treat portions of the site as natural landscaping by
encouraging the growth of native plants. Plants which can become a nuisance
(Japanese honeysuckle, multiflora rose, autumn olive, etc.) shall not be
planted or maintained on the site unless as part of a designated wetlands.

(g) Landscaping devices shall not obscure the vehicular sight distances in a
manner that may create a traffic hazard, nor should they obstruct fire access.

(5) Alternative plan. An alternative landscape plan may be submitted by the developer
in lieu of the placement and quantity specifications of Subsection C(4). The
alternative plan must be in keeping with Subsection C(1), (2), (3) and (6) and the
intent of Subsection C(4). An alternative plan must receive acceptance by the
Planning Commission prior to the Commission recommending approval to the
Township Council.

(6) Maintenance and installation. All landscaping materials shall be installed in a
sound manner and according to accepted, good construction and planting
procedures. The owner of the property shall be responsible for the continued
proper maintenance of all landscaping materials and shall keep them in proper,
neat and orderly appearance, free from refuse and debris at all times. All unhealthy
or dead plant material shall be replaced within two months or by the next planting
period, whichever comes first. Violation of these installation and maintenance
provisions shall be grounds for the Zoning Officer to refuse a building occupancy
permit or to institute legal proceedings.

D. Exterior lighting. Adequate lights shall be provided to illuminate streets, driveways,
walkways and parking lots for the safe movement of vehicles and pedestrians at night.
Exterior lighting shall be of a design and size compatible with adjacent areas and in
accordance with the standards of the Illuminating Engineering Society of America. At a
minimum, street lights shall be located at all intersections, at all horizontal curves of 145°
or less, all vertical curves in excess of 12%, where necessary to provide for safe
pedestrian travel, and at all other locations necessary for the health and safety of the
general public and designed to the standards of the Illuminating Engineering Society of
America. As with all utility installation, the cost of installation will be borne by the developer.

E. Water supply. The Township shall be provided with information on the availability of water in adequate quantity and quality to meet the demands of the development. The water supply shall be in accordance with § 119-31 of this chapter.

§ 119-26.1. Resource conservation and greenway delineation planning and design standards. [Added 7-2-2002 by Ord. No. 4-02]

The standards for resource conservation, as set forth in this section, shall apply to all major subdivision and land developments in the Township. The standards for greenway delineation shall apply to all subdivision and land developments within the optional Conservation Design (CD-1) Overlay District.

A. General standards to minimize adverse impacts. All subdivisions and land developments shall avoid or minimize adverse impacts on the Township's natural, cultural and historic resources, as defined below.

B. Groundwater resources.

(1) This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses and to protect the base flow of the Township's surface waters. These regulations shall be applied in conjunction with those provided for in other sections of this chapter dealing with groundwater conservation and replenishment.

(2) The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the existing resources and site analysis plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

(3) The proposed subdivision and land development shall be designed in accordance with the general provisions of the Washington Township Wellhead Protection Plan.

C. Stream valleys, swales, springs, and other lowland areas. The Township's Comprehensive Plan describes and maps watercourses (which include stream channels and floodplains), wetlands, lakes, and other lowland areas as natural resource areas that warrant preservation and protection.

(1) The following activities shall be minimized:

(a) Disturbance to streams and drainage swales.

(b) Disturbance to year-round wetlands, areas with seasonally high water tables, and areas of surface water concentration.
(c) Because of their extreme limitations, stream valleys and other lowland areas warrant designation as greenway lands. They may also require adjoining buffer lands to be included in the greenway, to be determined by an analysis of the protection requirements of such areas on a case-by-case basis. In certain instances, seasonal high water table soils may be excluded from the greenway where it can be demonstrated that they are suitable for low-density residential uses and conventional on-site sewage systems.

D. Woodlands. Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes.

(1) Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:

(a) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments, and roads. A closely related function is their enhancement of groundwater recharge.

(b) As a means of ameliorating harsh microclimatic conditions, in both summer and winter.

(c) As a source of wood products, i.e., poles, sawtimber, veneer and firewood.

(d) As habitats for woodland birds, mammals and other wildlife.

(e) As recreation resources for walkers, equestrians, picnickers, and other related outdoor activities.

(f) As visual buffers between areas of development and adjacent roads and properties.

(2) Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as greenway or development lands. Evaluation criteria shall include:

(a) Configuration and size.

(b) Present conditions, i.e., stocking, health, and species composition.

(c) Site potential, i.e., the site’s capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.

(d) Ecological functions, i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.

(e) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
(3) The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist, or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in Subsection D(1) above.

(4) In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards:

(a) Healthy woodlands exceeding one acre shall be preserved and designated as greenway areas to the maximum extent possible. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas.

(b) Subdivisions shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory, and canopy vegetation.

(c) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to vegetation performing important soil stabilizing functions on wet soils, stream banks, and sloping lands.

(d) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on site prior to final plan approval.

E. Upland rural-agricultural areas. These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns, and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. They sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development.

(1) Several elements of these working landscapes lend themselves to incorporation into the Township's greenway network. These include prime agricultural soils and natural features, which visually punctuate the landscape, such as hedgerows, tree copses, stone walls, and visually prominent places such as knolls and hilltops.
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(2) These areas can also accommodate development, with preferred locations being the nonprime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

F. Slopes. Moderately sloping lands (15% to 25%) and steeply sloping lands (over 25%) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads are detrimental to water quality and aquatic life and a potential hazard to public safety.

(1) Areas of steep slope shall be preserved in accordance with § 150-21 of the Zoning Ordinance and as required below.

(2) All grading and earthmoving on slopes exceeding 15% shall be minimized.

(3) No site disturbance shall be allowed on slopes exceeding 25% except grading for a portion of a driveway accessing a single-family dwelling when it can be demonstrated that no other routing, which avoids slopes exceeding 25%, is feasible.

(4) On slopes of 15% to 25%, the only permitted grading beyond the terms described above shall be in conjunction with the siting of a single-family dwelling, its access driveway and the septic system (which should typically be designed with a long, narrow drainage field following the land contours).

(5) Grading or earthmoving on all sloping lands of 15% or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Board no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

G. Significant natural areas and features. Natural areas containing rare or endangered plants and animals, as well as other features of natural significance, exist throughout the Township. Some of these features have been carefully documented, e.g., by the Pennsylvania Natural Diversity Inventory (PNDI), whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Township’s Comprehensive Plan or by the applicant’s existing resources and site analysis plan (as required in § 119-10.1C) by incorporating them into proposed greenway areas or avoiding their disturbance in areas proposed for development.

H. Historic structures and sites. The Township’s documented historical resources begin with the Seneca and Iroquois Native Americans in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Many of the Township’s historic structures and sites have been extensively researched and remain intact. The Township’s extensive historic records are maintained.
by the Pennsylvania Historical and Museum Commission, the Local Historical Society, and/or the Township.

(1) Plans requiring subdivision and land development approval shall be designed to protect existing historic resources of all classes. The protection of an existing historic resource shall include the conservation of the landscape immediately associated with and significant to that resource to preserve its historic context. Where, in the opinion of the Township Council, a plan will have an impact upon an historic resource, the developer shall mitigate that impact to the satisfaction of the Township Council by modifying the design, relocating proposed lot lines, providing landscape buffers, or other approved means.

(2) Township participation, review and approval of the applicant's interaction with the State Historical and Museum Commission with regard to the preservation of historic resources, as required for DEP approval of proposed sewage disposal systems, shall be required prior to detailed final plan approval.

I. Historic rural road corridors and scenic viewsheds. Historic rural roads are located in various parts of the Township. All applications for subdivision and land development shall attempt to preserve the scenic visual corridors along such roads by incorporating them into greenway areas or otherwise providing for building setbacks and architectural designs to minimize their intrusion. In instances where such designs fail to satisfactorily protect corridors, applicants will be required to provide naturalistic landscape buffers to minimize their adverse visual impacts. The species specified for such buffers shall be selected on the basis of an inventory of tree and shrub species found in existing hedgerows and along wooded roadside edges in the vicinity of the development proposal.

J. Trails.

(1) When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Township may require the applicant to make provisions for continued recreational use of the trail.

(2) The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:

(a) The points at which the trail enters and exits the tract remain unchanged.

(b) The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (for example: Bureau of State Parks publication "Non-Motorized Trails").

(c) The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.

(3) When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Township upon recommendation of the Township Solicitor.
§ 119-26.1 SUBDIVISION AND LAND DEVELOPMENT § 119-26.2

(4) The land area permanently designated for trails for public use may be credited toward the greenway land requirement described in § 150-21E of the Zoning Ordinance.

(5) An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the open space requirement described in § 150-21E of the Zoning Ordinance.

(6) Trail improvements shall demonstrate adherence to principles of quality trail design.

(7) Trails shall have a vertical clearance of no less than 10 feet.

(8) Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three feet or greater than six feet.

(9) No trail shall be designed with the intent to accommodate motorized vehicles.

§ 119-26.2. Resource conservation and greenway delineation design process for residential subdivisions with greenway lands within the optional Conservation Design (CD-1) Overlay District only. [Added 7-2-2002 by Ord. No. 4-02]

A. Resource inventory and analysis. The tract’s resources shall be delineated on an existing resources and site analysis plan, as required in § 119-14.1C(2).

B. Four-step design process. Following the resource inventory and analysis, all residential subdivisions with greenway lands shall generally follow a four-step design process as described below. Applicants will be required to document the design process as described in § 119-14.1C(3).

(1) Step 1: Delineation of greenway lands and development areas. Greenway lands and development areas shall be delineated according to the following procedure, as illustrated below, using as an example a hypothetical fifty-acre subdivision parcel.

<table>
<thead>
<tr>
<th>Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total tract area</td>
<td>50</td>
</tr>
<tr>
<td>Adjusted tract area (ATA)</td>
<td>40</td>
</tr>
<tr>
<td>Minimum greenway requirements:</td>
<td></td>
</tr>
<tr>
<td>Constrained land</td>
<td>10</td>
</tr>
<tr>
<td>Add</td>
<td></td>
</tr>
<tr>
<td>Secondary conservation areas (50% of ATA)</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>30</td>
</tr>
<tr>
<td>Development area (50% of ATA)</td>
<td>20</td>
</tr>
</tbody>
</table>
(a) All lands deducted from the gross tract to determine adjusted tract area shall be delineated in their entirety as "constrained land," comprising 10 acres in the illustration.

(b) Additional minimum acreage requirements for greenway areas consist of secondary conservation areas to be calculated on the basis of the standards in § 150-21E of the Zoning Ordinance. In the example, a minimum of 50% of the adjusted tract area (or 20 acres) must be Class B greenway lands.

(c) Total greenway area requirements are the sum of constrained land and secondary conservation areas which, in the example, comprise 30 acres. All primary conservation areas (floodplains, wetlands, and slopes greater than 25%) shall be contained within the greenway lands.

(d) The locations and boundaries of primary conservation areas shall follow the actual boundaries of floodplains, wetlands, and slopes.

(e) The locations and boundaries of secondary conservation areas shall be based upon the applicant's analysis of the tract’s resource features, using the design standards in § 119-16.1. The applicant shall also be guided by any written recommendations provided by the Township regarding the delineation of secondary conservation areas lands, following the site inspection or the pre-sketch conference.

(f) Development areas constitute the remaining lands of the tract outside of the designated greenway areas, which in the above example consist of 20 acres, where house sites, streets and lots are to be delineated in accordance with Steps 2, 3 and 4 below.

(2) Step 2: Location of house sites. Applicants shall identify house site locations in the tract’s designated development areas designed to fit the tract’s natural topography, served by adequate water and sewerage facilities, and provide views of and access to adjoining greenway areas (without encroaching upon them in a manner visually intrusive to users of such areas). House sites should be located no closer than 100 feet and 50 feet from primary and secondary conservation areas, respectively.

(3) Step 3: Alignment of streets and trails.

(a) With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract’s natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.

(b) Streets shall avoid or at least minimize adverse impacts on the greenway areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15% shall be avoided.

(c) Street connections shall generally be encouraged to minimize the number of new culs-de-sac to be maintained by the Township and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels).
(d) A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved greenway lands. Potential trail connections to adjacent parcels shall also be shown in areas where a Township trail network is envisioned.

(4) Step 4: Design of lot lines. Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner.

§ 119-26.3. Resource conservation and greenway design review standards. [Added 7-2-2002 by Ord. No. 4-02]

A. Prioritized list of resources to be conserved. The design of greenway lands in any subdivision or land development plan shall reflect the standards set forth in § 119-26.1, resources identified in the Comprehensive Plan and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract.

(1) High priority.

(a) Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas, which may be required to insure their protection.

(b) Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Diversity Inventory.

(c) Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.

(2) Secondary priority.

(a) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats.

(b) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

(c) Hedgerows, groups of trees, large individual trees of botanic significance, and other vegetation features representing the site’s rural past.

(d) Class I, II and III agricultural soils as defined by the USDA Natural Resource Conservation Service.

(e) Historic structures and sites.
(f) Visually prominent topographic features such as knolls, hilltops and ridges and scenic viewsheds as seen from public roads (particularly those with historic features).

(g) Existing trails connecting the tract to other locations in the Township.

B. Other design considerations. The configuration of proposed greenway lands set aside for common use in residential subdivisions shall comply with the following standards:

1. They shall be free of all structures except historic buildings, stonewalls, and structures related to greenway uses. The Township Council may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the greenway, provided that such facilities would not be detrimental to the greenway (and that the acreage of lands required for such uses is not credited towards minimum greenway acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).

2. They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.

3. They shall be directly accessible to the largest practicable number of lots within the subdivision. Nonadjoining lots shall be provided with safe and convenient pedestrian access to greenway land.

4. They shall be suitable for active recreational uses to the extent deemed necessary by the Township Council without interfering with adjacent dwelling units, parking, driveways, and roads.

5. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision.

6. They shall provide buffers to adjoining parks, preserves or other protected lands.

7. Except in those cases where part of the greenway is located within private house lots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the Township. Provisions should be made for access to the greenway lands as required for land management and emergency purposes.

8. They shall be undivided by public or private streets, except where necessary for proper traffic circulation.

9. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect greenway resources.

10. They shall be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the County Recorder of
§ 119-26.3 SUBDIVISION AND LAND DEVELOPMENT § 119-26.4

Deeds as may be required by the Township Council for the purpose of preserving the common open space for such uses.

(11) They shall be consistent with the Township’s Comprehensive Plan.

C. Ownership and maintenance. Applicants shall demonstrate compliance with greenway ownership and maintenance standards in § 150-211 of the Zoning Ordinance.

§ 119-26.4. Dedication of greenway land for public use. [Added 7-2-2002 by Ord. No. 4-02]

A. Land set-asides for public recreational use and the fee-in-lieu alternative. The following standards shall apply to all new major subdivisions whether or not they are located within the optional Conservation Design (CD-1) Overlay District. All actions by the Township Council under this section must also be consistent with the provisions of the state enabling legislation.

(1) Applicants for new residential developments involving 10 or more dwelling units shall be required to set aside 5% of their gross tract acreage as undivided recreational land designated for public usage. Such land shall be suitable for active and/or passive recreation, with at least half the land suitable for active sports, where the Township Council requires such facilities.

(2) In lieu of a set-aside for public usage, two alternatives exist for the applicant proposing subdivision involving 10 or more dwellings:

(a) The applicant may offer a set aside limited to recreational usage by the residents of the proposed subdivision. If land is set aside in this manner for private recreational use, it shall also be permanently protected through a conservation easement enforceable by the Township and/or a land trust prohibiting future nonrecreational (or commercial recreational) uses.

(b) The applicant may offer to pay a fee to the Township in lieu of any recreational land set-aside. Situations in which it would be appropriate for the Township to accept such offers include cases where the land would not provide a particular public benefit because of its small size or location. Exceptions to this rule, where public use of relatively small land areas would still be appropriate, include situations in which the land could be used to buffer or extend public parks or public school grounds or could provide potential linkage in a future Township trail network.

(c) The decision whether to accept a fee-in-lieu offer by the applicant shall lie with the Township Council, which shall also establish the amount of the fee-in-lieu, based upon the Township’s estimated cost of acquiring land that is similar in area and attributes which would better serve public recreational needs. In appraising alternative sites, the Township shall be guided by the site selection criteria contained in its Comprehensive Plan. Such estimates shall be based on discussions with real estate brokers or appraisers familiar with land values in the locality. All such fees collected shall be deposited in

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an interest-bearing account earmarked for recreational land or facility
provision by the Township, and the applicant shall be informed of the use to
which the fee will be put. Alternatively, the Township Council may establish
a flat fee (based on discussions with real estate brokers or appraisers familiar
with land values in the area) for general use with subdivision applicants.

(3) In Option 3 and 4 subdivisions involving fewer than five dwelling units where, in
the judgment of the Township Council, there would be no particular public benefit
accruing from a public dedication (as described above) or from a set-aside for
shared private recreational usage among the subdivision lot owners, the applicant
may offer to place a conservation easement on certain areas of land within
individual house lots where certain environmentally sensitive features are present
without conferring common access rights or privileges for the subdivision residents
or the broader public. The percentage of land that is thus protected shall generally
be not less than 20% of the gross land area of the subdivision. This land may be
access-restricted not only from the public but also from other residents in the
subdivision.

(4) In Option 1 and 2 subdivisions with fewer than 10 dwelling units, where there
would be no particular benefit accruing from a public dedication (as described
above), the recreational land that is part of the requirement for undivided open
space shall be designated for private shared recreational usage among the
subdivision lot owners.

§ 119-26.5. Resource conservation standards for site preparation and cleanup. [Added
7-2-2002 by Ord. No. 4-02]

A. Conservation practices during site preparation and clean up.

(1) Protection of vegetation from mechanical injury. Where earthwork, grading, or
construction activities will take place in or adjacent to woodlands, old fields or
other significant vegetation or site features, the Township may require that the
limit of disturbance be delineated and vegetation protected through installation of
temporary fencing or other approved measures. Such fencing shall be installed
prior to commencing of and shall be maintained throughout the period of
construction activity.

(2) Protection of vegetation from grading change. Grade changes to occur at any
location of the property shall not result in an alteration to soil or drainage
conditions which would adversely affect existing vegetation to be retained
following site disturbance unless adequate provisions are made to protect such
vegetation and its root systems.

(3) Protection of vegetation from excavations.

(a) When digging trenches for utility lines or similar uses, disturbances to the
root zones of all woody vegetation shall be minimized.
(b) If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

(4) Protection of topsoil.
(a) No topsoil shall be removed from the site.
(b) Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
(c) Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than 10% and by sodding, hydroseeding, or rip-rap on slopes exceeding 10%.
(d) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.

§ 119-27. Assurance for completion and maintenance of improvements.
A. Dedication of improvements. Improvements such as drives, parking areas and stormwater management facilities which are to be privately owned and maintained do not need to be dedicated to or accepted by the Township. However, if the developer proposes and the Township agrees that certain on-site improvements should be dedicated to the Township, the provisions for such dedication and acceptance shall follow Article IV of this chapter. Where improvements consist of public streets, dedication shall be required. Where a developer has proposed improvements on the site plan that are approved by the Township, the developer shall make such improvements as indicated on the plan. Where the developer fails to make or satisfactorily complete such improvements, then the developer shall be considered in violation of this chapter and the actions for the enforcement of this chapter as set forth by Articles IV and X shall be instituted. In addition, all permits which the Township issues (building, zoning, occupancy, etc.) shall be held in abeyance until the developer successfully complies with the requirements of this chapter.

B. Maintenance plan. Where the developer does not intend to maintain the improvement and where a homeowners' association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. It must be approved by the Township.

ARTICLE VI
Improvement and Construction Requirements

A. Standards applicable to all areas.
§ 119-28  WASHINGTON CODE  § 119-29

(1) A subdivision must be coordinated with existing development in the neighborhood so the entire area will be developed harmoniously.

(2) In all subdivisions, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation by the Township. Examples of such features would include but not be limited to large trees or stands of trees, watercourses, historic areas and structures, and scenic views. To ensure the protection of such features, the Township may require additional information to be submitted with the plat plan, such as:

(a) A grading plan showing the existing and proposed ground elevations relative to the features.

(b) The accurate location of the features to be protected.

(c) An explanation of the precautions to be taken by the developer to protect such features.

(3) In areas of a subdivision where the average slope exceeds 15%, the Township may recommend modifications to these regulations.

(4) Where the lots in a subdivision are large enough for resubdivision or where a portion of the tract is not subdivided, suitable access to these areas shall be provided.

(5) Land located in flood-prone area(s) may be platted for development, with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with Chapter 69, Floodplain Management.

(6) When a developer does not intend to develop the plat himself and the Township Council determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and rated on every recorded plat.16

§ 119-29. Monuments and markers.

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in concrete.

16. Editor's Note: Former Section 502, Street Design, which immediately followed this subsection, was superseded 2-2-1999 by Ord. No. 5-98. See now § 119-34.
A. Monuments.

(1) Monuments shall be set:
   (a) At the intersections of all right-of-way lines.
   (b) At the intersection of lines forming angles in the boundaries of the subdivision.
   (c) At such intermediate points as may be required by the engineer.

(2) Monuments shall be six inches square or four inches in diameter, 30 inches long and made of concrete, stone or by setting a four-inch cast iron or steel pipe filled with concrete.

B. Markers.

(1) Markers shall be set:
   (a) At all lot corners except those monumented.
   (b) Prior to the time the lot is offered for sale.

(2) Markers shall be 3/4 of an inch square or 3/4 of an inch in diameter, and 15 inches long.

(3) Markers shall be made of iron pipe or iron or steel bars.

C. Monuments and markers shall be placed before final plan approval is given or the fiscal surety guaranty shall provide for their installation.

§ 119-30. Sewage collection and disposal.

A. Type of sanitary sewage disposal facility. [Amended 2-2-1999 by Ord. No. 5-98]

(1) The developer shall provide the most effective type of sanitary sewage disposal facility consistent with existing physical, geographical and geological conditions and with the Washington Township Official Sewage Facilities Plan. The order of preference of sanitary sewage disposal facilities shall be as follows:

   (a) Connection to a public sanitary sewer system shall be required where such a system can feasibly be provided to the proposed subdivision tract and where such a system can adequately fulfill the sewage disposal needs of the subdivision.

   (b) Connection to a private, community sanitary sewage disposal and treatment plant system, to be provided by the developer. When a private treatment system is to be provided, the developer shall submit a statement from the Pennsylvania Department of Environmental Protection certifying that a permit has been issued approving the proposed facilities. Proof of adequate provision for the operation and maintenance of the treatment plant shall be furnished to the Township.
(c) Where a public sanitary sewer system is not accessible but is planned within five years of extension to the development or within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the street right-of-way. When capped sewers are provided, on-site disposal facilities shall also be provided.

(d) Where connection to a public or private sanitary sewer system is not possible or feasible, an approved individual sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system shall be permitted. All such individual sewage disposal systems shall be constructed in accordance with Pennsylvania Department of Environmental Protection regulations.

(2) Should the developer wish to record any lot which cannot be permitted for on-lot sewage disposal system for open, agricultural or recreational purposes, the Township shall require the developer to note on the face of the plat and in any deed of conveyance that the on-lot sewage system permit was denied.

B. All sanitary sewer systems located in flood-prone areas, whether public or private, shall be floodproofed up to the one-hundred-year-flood elevation.

C. The Township may prohibit installation of sewage disposal facilities requiring soil absorption systems where such system will not function due to high ground water, flooding or unsuitable soil characteristics. The Planning Commission may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

D. The construction drawings for all systems to be eventually connected to the public system shall meet with the approval of the Washington Township Water and Sewer Authority.

E. Storm sewers, where provided, shall not be connected with sanitary sewers.

F. Footer drains or downspouts shall not be connected to the sanitary sewers.

G. Connection to the public sanitary sewer system.  [Added 10-3-2000 by Ord. No. 11-00]

(1) Preliminary approval to connect to the public sanitary sewer system may be granted by Council pursuant to a written request for equivalent dwelling unit (EDU) allocation (WREA), on a form provided to the developer by the Township.

(2) The WREA shall only be considered when accompanied by the submission of a preliminary plan in accordance with § 119-13 of this chapter.

(3) Where the Planning Commission waives the requirement for a preliminary plan pursuant to § 119-11 or 119-12 of this chapter, the developer shall submit the WREA to the Township Manager within 30 days after the date of the meeting at which the Planning Commission approved the waiver.
(4) In those cases involving neither subdivision nor land development as defined in § 119-8 (for purposes of illustration, but not limitation, the erection of a single-family dwelling on an existing parcel), the developer shall submit a WREA, and pay all connection and inspection fees as outlined in this chapter, with the submission of an application for a building permit (see § 150-70B).

(5) The WREA shall contain or be accompanied by:

(a) The name, address and telephone number of the developer.

(b) The name, address and telephone number of the owner (if different from the developer).

(c) The location and/or the address of the development, including Erie County Assessor’s parcel number(s).

(d) A copy of the preliminary plan, or if a preliminary plan has been waived by the Planning Commission in accordance with § 119-11 or 119-12, a sketch plan of the development.

(e) A nonrefundable application fee, as set by Council.

(f) Payment in full of the then-current connection and inspection fees for each EDU as set by Council in accordance with § 105-25.

(6) Approval of the WREA.

(a) In the case of a submission of a WREA pursuant to Subsection G(2) above, Council shall take action in accordance with the time frame outlined in § 119-13.

(b) In the case of a submission of a WREA pursuant to Subsection G(3) above, action on the WREA shall be taken by Council and communicated to the developer not later than 90 days after the date of the meeting at which the Planning Commission approved the waiver.

(c) In the case of a submission of a WREA pursuant to Subsection G(4) above, action on the WREA shall be taken by Council and communicated to the developer not later than 45 days after the date of the submission of the WREA.

(7) When a WREA is denied, the connection and inspection fees paid with the submission of the WREA shall be refunded in full.

(8) EDU allocations are specific to the development or specific parcel, as applicable, referenced in the preliminary plan or sketch plan as indicated in the WREA, and may be transferred with the property to a subsequent owner. EDU allocations may not be transferred to any other development or specific parcel.

(9) Refund of connection and inspection fees.
(a) Before the earlier of 90 days after the date of the grant of the EDUs or the recordation of the subdivision map or site plan, the developer may petition in writing for the cancellation of some or all of the EDUs granted and shall be entitled to a refund of the connection and inspection fees for all EDUs canceled.

(b) After the earlier of 90 days after the date of the grant of the EDUs or the recording of the subdivision map or site plan, no connection or inspection fees shall be refunded.

(10) All EDUs granted by the Council shall expire two years after the date of the grant, unless lateral(s) for the EDU(s) have been connected to the public sanitary sewer system.

(11) The grant of EDU(s) shall be accompanied by a certificate:

(a) Indicating the name and address of the owner, name and address of the developer, location and/or address of the property, including the Erie County Assessor's parcel number(s) and the signature of the Township Manager attesting that the applicable connection and inspection fees have been paid in full, and the signature of the developer or developer's agent acknowledging receipt of a copy of the certificate; and

(b) Containing the following statement at the top, in bold print, in capital letters, and in type larger than any other type on the certificate:

THIS GRANT OF _______ EDU(s) WILL EXPIRE ON ___/__/____. THIS GRANT DOES NOT CONFER ANY VESTED RIGHT IN THE GRANTEE. ALL CONNECTION AND INSPECTION FEES PAID FOR THE EDU(s) GRANTED HEREUNDER ARE NOT REFUNDABLE AFTER THE EARLIER OF ___/__/____ OR THE RECORDATION OF THE SUBDIVISION MAP OR SITE PLAN.

(12) If a developer files a WREA to replace EDU(s) that expired pursuant to Subsection G(10) above, and if EDU(s) are available to be allocated, the developer shall pay the then-current connection and inspection fee(s) for the EDU(s), but shall be credited 50% of the connection and inspection fees paid for the expired EDUs.

§ 119-31. Water supply and distribution systems. [Amended 2-2-1999 by Ord. No. 5-98]

The developer shall provide a water supply and distribution system to service the proposed subdivision or land development through one of the following methods, listed in their order of preference:

A. Connection to a public water supply system where such a system can feasibly be provided and where the capacity of such a system can adequately fulfill the water supply demands of the proposed subdivision or land development. A distribution system shall be designed to furnish an adequate supply of water to each lot or use. A copy of the
approval of such a system by the appropriate public authority or utility company shall be submitted with the final plan.

B. Where a public water supply system cannot feasibly be provided to the proposed subdivision or land development or where a public water supply is not planned to serve the area, the feasibility of constructing a separate water supply system shall be investigated and a report submitted setting forth the findings. If such a system is provided, it shall be reviewed by the Township Engineer and suitable agreements shall be established for the ownership and maintenance of the system. Also, such a system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future. The feasibility report shall include information on the quantity and quality of water available and the effects of the project upon the groundwater table, prepared by a Pennsylvania registered geologist.

C. Where neither of the above alternatives are possible or feasible, an individual water supply system shall be permitted. All such individual systems shall meet the criteria of the Pennsylvania Department of Environmental Protection. All major subdivisions and land development shall submit a report on the quantity and quality of water available to support the proposed project.

D. All water systems located in flood-prone areas, whether public or private, shall be floodproofed to the one-hundred-year-flood elevation.

§ 119-32. Storm drainage.

A. The developer shall make adequate provisions for stormwater runoff in order to:

(1) Permit unimpeded flow of natural watercourses;

(2) Ensure adequate drainage of all low points along the line of streets;

(3) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained;

(4) Provide positive drainage away from on-site sewage disposal;

(5) Take surface water from the bottom of vertical grades, to lead water from springs, to avoid excessive use of cross-gutters at street intersections and elsewhere, and to control the runoff rate. [Amended 2-2-1999 by Ord. No. 5-98]

B. When required by the Township, a stormwater drainage plan for the proposed subdivision or development tract shall be prepared which illustrates the following information:

(1) A location map showing the site in relation to the watershed.

(2) Calculations of runoff for all points of runoff concentration.

(3) Complete drainage systems for the subdivision or development. All existing drainage features which are to be incorporated in the design shall be so identified. If the subdivision is to be developed in stages, a general drainage plan for the
entire subdivision shall be presented with the first stage, and appropriate development stages for the drainage system shall be indicated.

C. General requirements.

(1) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

(2) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the subdivider for properly handling such conditions.

(3) Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.

(4) Drainage structures that are located on state highway rights-of-way shall be approved by the district office of the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Township.

(5) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be not less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept runoff.

(6) In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties.

(7) Stormwater management must be provided in accordance with Chapter 112, Stormwater Management, where applicable. For all other watersheds, stormwater management must be provided with a one-hundred-percent release rate percentage for the two-, ten-, twenty-five and one-hundred-year storm frequencies so that the postdevelopment peak runoff rate is no greater than the predevelopment peak runoff rate. [Added 2-2-1999 by Ord. No. 5-98]

§ 119-33. Erosion and sedimentation control.

It shall be a requirement of all major subdivisions that the developer shall have a soil erosion and sedimentation control plan and/or permit prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), reviewed by the Soil Conservation District and approved by the Erie County Department of Health prior to application. The Township may also require a like plan for any minor subdivision. The plan shall be implemented during the construction of the development.

17. Editor's Note: See Chapter 102 of Title 25 of the Pennsylvania Code.
§ 119-34. Street design and construction standards. [Amended 2-2-1999 by Ord. No. 5-98]

A. Intent. All street design and construction shall conform to the standards and specifications that follow in this chapter. It is the intent of these specifications to designate acceptable quality, and any substitutions of design, construction, materials and/or methods must be approved by the Township at the recommendation of the Township Engineer. [Amended 4-2-2002 by Ord. No. 2-02; 7-2-2002 by Ord. No. 4-02]


C. General requirements.

1. Conformity with related plans and ordinances. The location and function of all streets and improvements in street rights-of-way shall conform to the Township’s Comprehensive Plan, Official Map, Transportation Plan and to other applicable ordinances and plans adopted by the Township. In addition, where street rights-of-way are shown on the Official Map to be located in the property proposed for subdivision or land development, the streets shall be built to the specifications of this chapter in the locations shown on the Official Map as part of the subdivision or land development project.

2. Plan requirements. Street plans, profiles and typical cross sections shall be submitted to the Township by the developer in accordance with §§ 119-14 and 119-14.1, preliminary plan specifications, of this chapter, and §§ 119-16 and 119-16.1, final plan specifications, of this chapter. Street plans, profiles and typical cross sections shall only be approved by the Township after consultation with the Township Engineer. [Amended 7-2-2002 by Ord. No. 4-02]

3. Traffic impact study. A traffic impact study shall be prepared for any subdivision or land development by a registered professional engineer when, in the opinion of the Township Engineer, the proposed project will significantly affect the system of streets in the Township. The study must detail the effect of the subdivision or land development on existing traffic patterns, including estimates of traffic volumes on all roads in the vicinity of the site before and after development. The traffic study must also identify potential problems due to the subdivision or land development and propose solutions to those problems, including review and written comments by the Pennsylvania Department of Transportation. All improvements required as a result of the traffic impact study shall be the responsibility of the developer.
(4) Design speed. The subdivision or land development plan shall state the proposed design speed of all proposed streets. The proposed design speed shall be approved by the Township at the recommendation of the Township Engineer.

(5) Street classification. The subdivision or land development plan shall designate the classification of streets based on their proposed functions. Street classification and function shall only be approved by the Township upon the recommendation of the Township Engineer. Streets shall be classified as follows: [Amended 7-2-2002 by Ord. No. 4-02]

(a) Arterial streets. The function of arterial streets is to link cities and larger towns at relatively high travel speeds with minimal interference to through movement.

(b) Collector streets. The function of collector streets is to move traffic between minor and arterial streets. Collector streets also provide through traffic access to abutting properties.

(c) Minor streets. The primary function of minor streets is to provide access to farms, residences, businesses or other abutting property. Culs-de-sac are considered minor streets.

(d) Marginal access streets. The function of marginal access streets is to provide access to properties that would otherwise be accessible only from high-volume arterial or collector streets.

(e) Alleys, lanes, or shared drives. The function of alleys, lanes, or shared drives is to provide rear access or to serve as a common driveway in residential or commercial developments. The construction of these shall be in accordance with § 119-34 herein. [Added 7-2-2002 by Ord. No. 4-02]

(6) Access to abutting properties. Streets shall be located so as to provide access to parcels adjacent to the development. A subdivision or land development shall prevent the landlocking of any adjacent parcel. The Township may require extension of streets to the boundary of adjacent properties.

(7) Properties abutting arterial streets. Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Township may require marginal access streets, rear service streets, reverse frontage lots or other such treatment in the interest of public safety.

(8) Abutting municipalities. Where streets and sidewalks continue into abutting municipalities, the developer shall coordinate the design with both municipalities in order to ensure uniform design and construction.

(9) Existing streets. Where a subdivision or land development abuts an existing street of improper width or alignment, the Township may require the dedication of additional right-of-way sufficient to widen the street or correct the alignment.

(10) Streets in flood-prone areas. The finished grade elevation of all proposed streets shall not be lower than one foot below the regulatory flood elevation.
(11) Driveway access to streets. For all proposed lots, the developer shall demonstrate the feasibility of safe driveway access to a public street in compliance with the Township driveway permit or the Pennsylvania Department of Transportation highway occupancy permit.

(12) Names of streets. Names of new streets shall not duplicate or approximate the names of existing or platted streets, or approximate such names by the use of a different suffix such as "lane," "way," "drive," "court" or "avenue." In approving the names of proposed streets, consideration should be given to existing or platted street names within the area served by the local post office. New streets shall bear the same name of any continuation or alignment with an existing or platted street.

(13) Street signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Township.

D. Cross section elements. Typical cross sections shall conform to Figure 1. Cross-sectional elements shall also conform to the following requirements:

(1) Right-of-way width. The width of street rights-of-way shall be in accordance with Table 1. Provisions for additional right-of-way may be required by the Township in specific cases for additional cartway width, parking or future widening of the street.

(2) Cartway paving width. The width of street cartways shall be in accordance with Table 1. Travel lanes shall slope away from the roadway center line at a rate of 2%, except where superelevated in accordance with the publication entitled "Residential Streets" and the AASHTO publication "A Policy on the Geometric Design of Highways and Streets." Provisions for additional cartway paving width may be required by the Township in specific cases for public safety and convenience or parking. [Amended 7-2-2002 by Ord. No. 4-02]

(3) Shoulders. The width of shoulders shall be in accordance with Table 1. Shoulders shall slope away from the roadway center line at a rate of 6%, except where the roadway is superelevated in accordance with the publication entitled "Residential Streets" and the AASHTO publication "A Policy on the Geometric Design of Highways and Streets." [Amended 7-2-2002 by Ord. No. 4-02]

(4) Curbs. Use of curbs in lieu of shoulders must be approved by the Township in consultation with the Township Engineer. Curbs shall be constructed in accordance with Figure 2, PennDOT Publication 408 and the following requirements:

(a) An additional four feet of cartway paving width is required along all curbs.

(b) The transition from streets with curb to streets without curb shall only occur at street intersections.

18. Editor's Note: Figure 1, Street Typical Cross Sections, is included at the end of this chapter.

19. Editor's Note: Table 1, Street Design Standards, is included at the end of this chapter.

20. Editor's Note: Figure 2, Curb Typical Section, is included at the end of this chapter.
(c) Expansion joints shall be placed at intervals of not less than 30 feet.

(d) Curb-cut ramps shall be constructed to conform to the requirements of the Americans With Disabilities Act.

(5) Sidewalks. If required by the Township or proposed by the developer, sidewalks shall be constructed in accordance with Figure 3, PennDOT Publication 408 and the following requirements:

(a) Sidewalks shall be graded to have a transverse slope of 1/4 inch per foot.

(b) Transverse expansion joints shall be placed at intervals of not less than 30 feet. Expansion joints shall also be placed where the sidewalk meets existing walks, driveways, curbs, catch basins, utility castings and other rigid structures.

(c) All utility castings for water and gas stops, manholes, etc., shall be adjusted by the developer’s contractor to be flush with the surface of the finished sidewalk.

(d) All sidewalks shall conform to the requirements of the Americans With Disabilities Act.

(e) Sidewalks shall be located a minimum of five feet back from curbs or drainage swales to leave room for trees to be planted between sidewalks and street pavement. [Added 7-2-2002 by Ord. No. 4-02]

(f) Sidewalks shall be required in village developments along at least one side of all streets on which on-street parking is provided and in front of civic, institutional or community uses. Sidewalks shall not be required in lanes or alleys. [Added 7-2-2002 by Ord. No. 4-02]

E. Horizontal alignment. [Amended 7-2-2002 by Ord. No. 4-02]

(1) Curves. Horizontal curves and, if necessary, superelevation shall be designed in accordance with the publication entitled "Residential Streets" and the AASHTO publication "A Policy on the Geometric Design of Highways and Streets," based on the approved design speed for the street.

(2) Sight distance. Sight obstructions such as walls, cut slopes, trees, shrubs, tall crops and buildings shall be offset from a horizontal curve in order to provide sufficient stopping sight distance for that curve. Sufficient stopping sight distance is defined in the publication entitled "Residential Streets" the AASHTO publication "A Policy on the Geometric Design of Highways and Streets," based on the approved design speed for the street.

(3) Tangent sections. Straight sections of streets must be tangent to the beginning or end of adjacent curves. Tangent sections between curves shall be designed in

21. Editor's Note: Figure 3, Sidewalk Typical Section, is included at the end of this chapter.
accordance with the publication entitled "Residential Streets" the AASHTO publication "A Policy on the Geometric Design of Highways and Streets."

(4) Cul-de-sac streets. Permanent cul-de-sac streets shall not serve more than 25 households in areas of the Township without public water lines and fire hydrants. In areas of the Township with public water lines and fire hydrants, cul-de-sac streets should not exceed 600 feet in length, as measured from the center line of the intersecting street to the end of the paved cul-de-sac. Permanent cul-de-sac streets shall have a paved or landscaped turnaround with a minimum diameter of 80 feet and a minimum right-of-way of 100 feet. Longer temporary cul-de-sac streets may be permitted in instances where the temporary cul-de-sac street is planned to become a through street in the future. Prior to the acceptance of the street by the Township, the temporary cul-de-sac street shall have a paved or landscaped turnaround with a minimum diameter of 80 feet and a minimum right-of-way of 100 feet.

(5) Loop lane streets. Permanent loop lane streets shall consist of two parallel lanes 16 feet to 18 feet wide within a one-hundred-thirty-foot-wide right-of-way separated by a bioretention area or planting strip perhaps 30 feet to 50 feet wide. Such streets shall not exceed 700 feet, if desired.

(6) Turning-T streets. Turning-T's provide for three-point turns and are appropriate in very low traffic situations. Turning-T's are recommended as a variation from culs-de-sac that serve 12 or fewer homes.

F. Vertical alignment.

(1) Street grade. For all streets, the minimum grade shall be 0.5%. Maximum street grades shall be in accordance with Table 1.22

(2) Vertical curves. Vertical curves shall be parabolic, centered on the intersection of vertical tangents and of sufficient length to provide for sufficient sight distance. The minimum length of vertical curves shall be in accordance with the publication entitled "Residential Streets" and the AASHTO publication "A Policy on the Geometric Design of Highways and Streets," based on the approved design speed. [Amended 7-2-2002 by Ord. No. 4-02]

G. Intersections.

(1) Number of streets. No intersection shall involve the junction of more than two streets.

(2) Clear sight triangle. Obstructions such as walls, cut slopes, trees, shrubs, tall crops and buildings which obscure visibility at the intersection of two streets shall not be located within the clear sight triangle. The sides of a clear sight triangle are measured along the center lines of the intersecting streets, as shown in Figure 4.23 The sides of a clear sight triangle shall not be shorter than the values specified

22. Editor's Note: Table 1, Street Design Standards, is included at the end of this chapter.

23. Editor's Note: Figure 4, Clear Sight Triangle, is included at the end of this chapter.
in Table 1. Whenever a portion of the clear sight triangle occurs within the proposed building setback line, such portion shall be shown on the final plan of the subdivision or land development and shall be considered a building setback line.

(3) Sight distance for stop control intersections. Intersections with stop control shall be designed and constructed such that stopped drivers have sufficient sight distance to make a safe departure through the intersection area. Sufficient sight distance for intersections with stop control is defined in the publication entitled "Residential Streets" and the AASHTO publication "A Policy on the Geometric Design of Highways and Streets," based on the approved design speed for the through street. [Amended 7-2-2002 by Ord. No. 4-02]

(4) Angle of intersection. The horizontal angle between intersecting streets shall be 90° wherever possible. In no instance, however, shall streets intersect at angles less than specified in Table 1.

(5) Approaches to intersection. Within 50 feet of the intersection of the street center lines, approaching streets shall follow a straight line and have a maximum grade of 3%.

(6) Minimum distance between intersections. The minimum distance between intersections shall be as specified in Table 1. The distance between intersections is measured along the center line of the street, from the center line of one intersecting street to the center line of the second intersecting street.

(7) Corner radii. The radii of the edge of pavement (or curb, if required) at the corners of intersecting streets shall be designed in accordance with the publication entitled "Residential Streets" and the AASHTO publication "A Policy on the Geometric Design of Highways and Streets." [Amended 7-2-2002 by Ord. No. 4-02]

H. Street grading and paving standards. Drainage facilities, side slopes, subgrade, subbase and pavement shall conform to the typical section shown in Figure 1 and to the following requirements. It is the intent of these specifications to designate acceptable quality, and any substitutions of materials or methods must be approved by the Township in consultation with the Township Engineer. The clearing and grading of more land than is essential for the construction of the street and utilities is prohibited. [Amended 7-2-2002 by Ord. No. 4-02]

(1) Drainage facilities. Ditches shall be installed on the sides of all streets, except in fill sections where the topography clearly allows surface water to drain away from the street. Ditches shall be constructed to allow the subbase to drain freely. The use of storm sewers and subdrains in lieu of ditches must be approved by the Township in consultation with the Township Engineer. Subdrains shall outfall to storm sewer catch basins or manholes, or to natural drainage channels. All subdrains shall parallel the roadway as nearly as possible and shall be constructed in accordance with the standard shown in Figure 5. The Township may direct that

24. Editor’s Note: Figure 1, Street Typical Cross Sections, is included at the end of this chapter.

25. Editor’s Note: Figure 5, Subdrain Typical Section, is included at the end of this chapter.
additional subdrains be added where conditions warrant based on the recommendation of the Township Engineer. All storm sewers and ditches must be constructed in accordance with the stormwater management plan for the site, as approved by the Township.

(2) Side slopes. Side slopes for fills shall slope away from the outside edge of the shoulder at a maximum rate of three feet horizontal to one foot vertical. For fills greater than 15 feet in depth, a guide rail shall be installed in accordance with Figure 1. Where required, ditches or storm sewers shall be constructed in accordance with Figure 1.

(3) Subgrade. The subgrade shall be uniformly shaped to facilitate drainage, and any irregularities from planned grade shall be corrected by excavation or embankment of the subgrade. The subgrade shall be graded to drain toward and be extended through to the ditch, fill slope or subdrain on the nearest side of the street. Fill material and subgrade excavation, embankment and compaction shall be performed in accordance with the latest edition of PennDOT Publication 408. The prepared subgrade shall be protected from undue rutting by trucks or other equipment and, if such damage occurs, the subgrade shall be reshaped and compacted. The subgrade shall be inspected by an agent of the Township prior to placement of geotextile fabric.

(4) Geotextile fabric. Prior to the placement of subbase material, Class 4 geotextile fabric shall be installed over the subgrade in accordance with the latest edition of PennDOT Publication 408.

(5) Subbase. Street subbase shall be constructed in accordance with the latest edition of PennDOT Publication 408, with a minimum depth of eight inches of PennDOT approved No. 2A coarse aggregate, spread and compacted in four-inch layers. If paving does not immediately follow installation of the subbase, the subbase shall, if recommended by the Township Engineer, be regraded and new material added and compacted to provide an even and properly graded surface for the pavement. The subbase shall be inspected by an agent of the Township prior to construction of the pavement.

(6) Pavement. Bituminous prime coat and pavement base courses, binder courses and wearing courses shall be constructed in accordance with the latest edition of PennDOT Publication 408.

(a) Minor streets serving residential properties. For minor streets serving residential properties, the minimum pavement design shall consist of one of the following four alternatives:

[1] Six inches crushed aggregate base course; bituminous prime coat; two inches ID-2 binder course; 1.5 inches ID-2 wearing course.

[2] Five inches aggregate-cement base course; bituminous prime coat; two inches ID-2 binder course; 1.5 inches ID-2 wearing course.
[3] Bituminous prime coat; 4.5 inches bituminous concrete base course; 1.5 inches ID-2 wearing course.

[4] Bituminous prime coat; five inches aggregate-bituminous base course; 1.5 inches ID-2 wearing course.

(b) All other streets. For minor streets serving commercial and industrial properties, marginal access streets, collector streets and arterial streets, the minimum pavement design shall consist of one of the following four alternatives:

[1] Eight inches crushed aggregate base course; bituminous prime coat; two inches ID-2 binder course; 1.5 inches ID-2 wearing course.

[2] Five inches aggregate-cement base course; bituminous prime coat; two inches ID-2 binder course; 1.5 inches ID-2 wearing course.

[3] Bituminous prime coat; four inches bituminous concrete base course; two inches ID-2 binder course; 1.5 inches ID-2 wearing course.

[4] Bituminous prime coat; five inches aggregate-bituminous base course; two inches ID-2 binder course; 1.5 inches ID-2 wearing course.

(c) Alternate bituminous concrete materials. For the construction of minor streets serving residential properties, FB-2 binder course and FB-2 wearing course may be used in lieu of ID-2 binder course and ID-2 wearing course, provided that a bituminous seal coat, in accordance with the latest edition of PennDOT Publication 408, is applied to the street one year after installation of the FB-2 wearing course.

(d) Shoulders. Shoulders shall be constructed of PennDOT approved No. 2A coarse aggregate, spread and compacted in four-inch layers to match the grade of the adjacent pavement.

(e) Additional pavement design requirements. For streets that are proposed to serve industrial and commercial developments or other developments which may generate extremely heavy traffic loads, the Township, at the recommendation of the Township Engineer, may require pavement design calculations and alternative pavement design as needed to accommodate the traffic anticipated by the proposed development.

§ 119-35. Block standards.

A. General. The length, width and shape of blocks shall be determined with due regard for the provision of adequate sites for buildings of the type proposed, topography, other Township ordinances, and requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

B. Block length. The length of blocks shall not exceed 800 feet between intersecting streets. [Amended 7-2-2002 by Ord. No. 4-02]
C. Pedestrian crosswalks. In blocks where there is a high density of lots, or where there are interior parks and playgrounds or where access to a school or shopping center is necessary, pedestrian crosswalks may be required in locations determined by the Township. Such crosswalks shall have rights-of-way of not less than 10 feet in width; paved walks of not less than five feet shall be placed within this right-of-way. [Amended 7-2-2002 by Ord. No. 4-02]

D. Block depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

(1) Where reverse frontage lots are required along a major street.

(2) Where presented by the size, topographical conditions or other inherent conditions of property, in which case the Township may approve a single tier of lots.

E. Commercial and industrial blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above, if required by the nature of the use. In all cases, however, adequate provisions shall be made for off-street parking and loading areas, as well as for traffic circulation and parking for employees and customers, as required by Chapter 150, Zoning.

§ 119-36. Lot standards.

A. General.

(1) The size, shape and orientation of lots shall be appropriate for the type of development use contemplated. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

(2) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

(3) Depth and width of parcels intended for nonresidential areas shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks and landscaping.

(4) If, after subdividing, there exists remnants of land, they shall be either incorporated in existing or proposed lots or legally dedicated to public use, if acceptable to the municipality.

B. Lot frontage.

(1) All lots shall front on a public street or on a private street. [Amended 4-2-2002 by Ord. No. 2-02]

(2) Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential, commercial or industrial developments from arterial or major streets to overcome specific disadvantages of topography and orientation.

C. Size and setbacks.
The minimum permitted lot area, minimum lot width, minimum front yard, minimum side yard and minimum rear yard lot requirements are established within Chapter 150, Zoning, and the minimum standards must be met for all subdivision and development activity. These standards vary depending upon the zoning district in which the proposed subdivision may be located, as well as the water and/or sewer facilities.

D. Lot sizes and soils evaluation tests. Where sanitary sewage disposal will be provided by on-lot facilities:

1. The size of the lot shall be calculated exclusive of any right-of-way space or area.

2. The applicant shall arrange for soils evaluation tests to be made on the tract in order to provide the data necessary for the platting of lots of adequate size. Soil evaluation tests are not necessary for any lot which is 10 acres or more in size, in accordance with current state regulations.

Soils evaluation tests shall be conducted in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

The results of these evaluation tests shall be submitted to the Township in a report signed by the developer and by an agent of the Erie County Department of Health (the local DEP agent).

Location of sanitary sewage facilities. [Amended 7-2-2002 by Ord. No. 4-02]

(a) From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field, as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as designated by Chapter 150, Zoning.

(b) Sanitary sewage disposal facilities shall be permitted to be located within the common open space or greenway land area of major subdivision and land development plans, as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

Location of on-lot water systems. [Amended 7-2-2002 by Ord. No. 4-02]

(a) Where on-lot water is to be used, the lot shall be large enough so that the water source shall be located not closer to the absorption field than the distance specified in accordance with the requirements of the Erie County Health Department.

(b) Private water systems shall be permitted to be located within the common open space or greenway land area of major subdivision and land development plans so that the water source shall be located not closer to the absorption field than the distance specified in accordance with the requirements of the Erie County Health Department.
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(6) The approval of the Township Council will not be given to a subdivision where on-lot sewage disposal is to be provided, unless the size of the lots and the disposal system conforms to the requirements of the standards indicated in accordance with the "Rules and Regulations of the Pennsylvania Department of Environmental Protection," but in no case shall the lot size be less than as designated by Chapter 150, Zoning.

E. Access driveways. Where access is to a state road or highway, a written permit of authorization must be obtained from the district office of the Pennsylvania Department of Transportation approving the location, design and mode of construction of that portion of the driveway within the state right-of-way. The design, construction and maintenance of such driveways shall conform to Pennsylvania Department of Transportation Regulations, Chapter I, Regulation 100.


A. Utility easements shall be provided for wires, conduits, storm and sanitary sewers and gas, water and/or other utility lines intended to service abutting lots. No structures or trees shall be placed within such easements. Local utility companies shall be consulted by the developer when locating utility easements. The minimum width of the easement shall be 15 feet and it should be placed at the side or rear of lots wherever possible.

B. In residential subdivisions of 25 or more dwelling units, electric, telephone and cable television utility distribution and service lines shall be installed underground in compliance with the rules and regulations of the Pennsylvania Public Utility Commission.

C. Conservation or drainage easements may be required by the Township when a subdivision is traversed by a watercourse, drainageway, channel or stream. A conservation or drainage easement may be required that conforms substantially with the water line of such watercourse, drainageway, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. [Amended 7-2-2002 by Ord. No. 4-02]

§ 119-38. Dedication of recreation and greenway land areas. [Amended 7-2-2002 by Ord. No. 4-02]

The Township may require that areas for parks and playgrounds be dedicated to the Township for recreation purposes. The size of land required, as well as its location, will depend upon the density of the subdivision or land development. Dedication of greenway land for public use in major subdivision and land development plans within the optional Conservation Design (CD-1) Overlay District is regulated by § 119-26.4 of this chapter.
§ 119-39. Dedication of improvements. ²⁶

A. The recording of the final plan, following approval by the Township Council, has the effect of an irrevocable offer to dedicate all streets and other public ways and areas to public use. The offer, however, does not impose any obligation on the Township concerning maintenance or improvement until the proper authorities of the Township have made actual acceptance, either by ordinance or by resolution.

B. Upon installation by the developer and subsequent inspection by the Township Engineer, the developer shall take final steps to dedicate the improvements and have them accepted by the Township.

C. The developer, prior to the dedication of any improvements, shall file a maintenance guaranty with the Township in accordance with § 119-22.

ARTICLE VII
Mobile Home Parks

§ 119-40. Application procedures and issuance of permit.

A. Permits required. It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of Washington Township unless a valid permit has been issued by the Pennsylvania Department of Environmental Protection in the name of such person for the specific construction, alteration or extension proposed, and also a plan approval and license by the Township of Washington.

B. Application to the Pennsylvania Department of Environmental Protection. All applications for permits shall be made by the owner of the mobile home park or his authorized representative to the Pennsylvania Department of Environmental Protection in accordance with its rules and regulations.

C. Application to Township concerning mobile home parks. Copies of the application submitted to the Pennsylvania Department of Environmental Protection shall be concurrently filed with the Township Manager. Such application shall be accompanied by a plan at a scale not smaller than one inch equaling 40 feet and containing the following information:

(1) All information as required by the Pennsylvania Department of Environmental Protection.

(2) The name of the mobile home park.

(3) The name and address of the owner of record and/or applicant.

(4) The name of the engineer, surveyor or other qualified person preparing the plan.

(5) North arrow, scale and date of plan preparation.

²⁶ Editor’s Note: Former Section 607, Street Signs, Section 608, Utilities, and Section 609, Sidewalks, which immediately preceded this section, were repealed 2-2-1999 by Ord. No. 5-98.
(6) A location map.

(7) Site data:
   (a) The number of mobile home lots.
   (b) The total number of acres.
   (c) The number of lots/ acres.
   (d) The zoning district - special exception use approval.
   (e) The number of off-street parking spaces.

(8) Topography showing existing and proposed contours at intervals of two feet or five feet, depending upon the slope of the land.

(9) The location of any existing bodies of water or watercourses, floodplain areas, tree masses, buildings or structures, public facilities and any other man-made or natural features within or near the proposed mobile home park area.

(10) A stormwater management plan (in accordance with § 119-32).

(11) Existing and proposed property, lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas and the location of all utilities and easements.

(12) The location and dimension of all mobile home stands.

(13) The location of all existing and proposed streets, with information concerning pavement widths, types of paving and street names.

(14) Typical cross sections of all streets.

(15) Street center-line profiles.

(16) The location of all off-street parking areas.

(17) The location and dimension of all pedestrian ways and sidewalks.

(18) The location of proposed recreation areas.

(19) The location of all plantings and landscaping.

(20) The location, dimensions and proposed use of all service and accessory structures.

(21) The location and type of all fire extinguishers and waste containers.

(22) The location of bench mark and datum used.

(23) The location of proposed monuments and markers.

(24) The engineer’s or surveyor’s seal with certification that survey and plans are correct.
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(25) Block for review by the Planning Commission and Erie County Planning Department.

(26) Block for approval by the Township Council.

D. Review of plans.

(1) The procedures to be followed in reviewing proposed plans which have been submitted to the Township for approval shall be the same as those contained in § 119-9, Preapplication investigation, § 119-10, Sketch plan procedures, § 119-13, Preliminary plan procedures, and § 119-15, Final plan procedures, of this chapter.

(2) At the time a final plan is approved, the Township Council shall authorize the Township Zoning Officer to issue a permit to the applicant.

E. Plan review fees. Each application for a preliminary plan approval shall be accompanied by a filing fee of $20, plus $2 per mobile home lot.

§ 119-41. Registration and licensing.

A. License required. It shall be unlawful for any person to operate any mobile home park within the limits of the Township unless he holds a certificate of registration issued annually by the Pennsylvania Department of Environmental Protection, and a license of written approval issued annually by the Township.

B. Renewal licenses. Annual licenses shall be issued by the Township Zoning Officer upon the furnishing of proof by the applicant that his park meets the standards prescribed by the Pennsylvania Department of Environmental Protection and this chapter.

C. Application to Township for annual license. Applications for initial or renewal licenses to operate a mobile home park shall be made, in writing, to the Township Zoning Officer using a form furnished by the Township. All such applications shall be accompanied by a fee of $25 and shall contain any change in the information submitted since the original license was issued or latest renewal issued.

D. Transfer of ownership. Every person holding a certificate and/or license shall file a written notice to the Pennsylvania Department of Environmental Protection and the Township Zoning Officer within 10 days after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. If the certificate of registration and/or license is transferred by the Pennsylvania Department of Environmental Protection, proof of such transfer shall be furnished to the Township Zoning Officer.

E. Suspension. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provisions of this chapter or of any regulations adopted pursuant thereto, the Township Zoning Officer shall give written notice to the person to whom the DEP certificate of registration and Township license was issued, advising him that, unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Township shall be suspended. At the end of such period, such mobile home park shall be inspected.
and, if such conditions or practices have not been corrected and the licensee has not requested a hearing, the Township Zoning Officer shall suspend the license and give notice, in writing, of such suspension to the person to whom the certificate and license is issued.

§ 119-42. Inspections of mobile home parks.

The Township Zoning Officer or other authorized Township representative may inspect a mobile home park periodically to determine compliance with this chapter. As a result of such inspection, the Township Zoning Officer may give notice for any violations of this chapter.

§ 119-43. Design and construction requirements.

A. Minimum park area and lot area, size, height and yard requirements. A mobile home park shall have a gross area of at least five acres. The minimum standards for lot area, size, height and yard requirements shall be as established in Chapter 150, Zoning (§ 150-21).

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; and

(3) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.

C. Stormwater management.27

(1) The ground surface in all parts of a park shall be graded and equipped to drain 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 watercourses and ensure the adequate drainage of all locations within the park.

(2) A drainage plan shall be prepared and submitted prior to the granting of a plan approval or license for any mobile home park (see § 119-32).

(3) All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

D. Soil and ground cover requirements.

(1) 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.

27. Editor’s Note: See also Ch. 112, Stormwater Management.
(2) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests.

E. Park areas for nonresidential uses.

(1) 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.

(2) Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

F. Screening. Mobile home parks shall provide a screen planting (trees, shrubs) along the property boundary line separating the park and adjacent uses.

G. Placement of mobile homes.

(1) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

(2) All mobile homes shall be properly placed upon a mobile home stand and securely fastened to the foundation.

H. 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 36 feet.

(3) Other internal streets shall be as follows:

   (a) Where parking is permitted on both sides, a minimum width of 36 feet will be required.

   (b) A minimum pavement width of 28 feet will be required where parking is limited to one side.

   (c) A minimum pavement width of 25 feet will be required if no on-street parking is allowed.

   (d) Dead-end streets shall be provided at the closed end with a paved turnaround having an outside diameter of at least 60 feet.

(4) Grades of all streets shall be at least 0.5% and not more than 8.0%.

(5) Intersections of more than two streets are prohibited.

(6) Within 100 feet of an intersection, streets shall be at approximately right angles. In no case shall streets intersect at less than 75°.
(7) If intersecting streets are not in alignment, a distance of at least 125 feet shall be provided between the center line of intersecting streets.

(8) Minimum curb or edge-of-pavement radii at intersections shall be as follows:
   (a) Minor street with minor street: 15 feet.
   (b) Minor street with collector street: 20 feet.
   (c) Collector street with collector street: 20 feet.

(9) All streets shall be constructed in accordance with Township specifications.

(10) All streets within the park shall be privately owned and maintained.

I. Off-street parking areas. A paved off-street parking space for two motor vehicles shall be provided at each mobile home lot.

J. Walks.
   (1) All mobile home parks shall be provided with pedestrian walks on both sides of the street. Such walks shall be at least 3 1/2 feet in width.
   (2) All mobile home lots shall be connected to a pedestrian walk with an individual walk at least two feet in width.
   (3) All pedestrian walks shall be constructed of a hard, durable, all-weather material that can be easily maintained, in accordance with Township specifications.

K. 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 5,000 square feet and a minimum width of 50 feet frontage.
   (3) The total number of lots in a park shall not exceed an average density of seven 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.

L. Recreation areas.
   (1) In all mobile home parks, a recreation area or areas with suitable facilities shall be maintained within the park for the use of all park residents.
   (2) Land required for such recreation areas shall not be less than 10% of the gross area of the mobile home park.
§ 119-44. Water supply.

A. General. All mobile home parks shall be served with a private community water supply system, and every mobile home, service building and other accessory facilities shall use water from the system exclusively. The plans for the private water supply and distribution system must be approved by the Erie County Department of Health.

B. Individual connections.

(1) Individual water riser pipes having an inside diameter of no less than 1/2 inch shall be provided on each mobile home stand and shall terminate no less than four inches above the ground level.

(2) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.

(3) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot.

§ 119-45. Sewage disposal.

A. General. All mobile home parks shall be connected to the public sewage system, if feasible, and every mobile home, service building and other accessory facilities shall use the public sewage system exclusively. All such proposed sewage disposal facilities shall be approved by the Washington Township Water and Sewer Authority. Should public hookup be unavailable or nonfeasible, then a private sewage collection and treatment system must be provided and be approved by the Erie County Department of Health.

B. Individual connections.

(1) Individual sewer riser pipes having at least a four-inch diameter shall be located on each mobile home stand and shall extend at least one inch above the ground level.

(2) Provisions shall be made for plugging the sewer riser pipe when the mobile home lot is unoccupied.

§ 119-46. Electrical distribution system.

A. General. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company’s specifications regulating such systems.

B. Power distribution lines.

(1) All power lines shall be placed underground at least 18 inches below the ground surface and shall be insulated and specifically designed for such installation. Such lines shall be located not less than one foot in distance from any other utility lines, facility or installation.
(2) Meter poles shall have a maximum height of six feet.

C. Individual electrical connections. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

D. Required grounding. All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for the mobile home or other equipment.

§ 119-47. Service buildings and other park service facilities.

A. Applicability. Nonresidential uses, other than those listed below, are prohibited from locating within mobile home parks. The requirements of this section shall apply to the following park-related structures:

   (1) Management offices, repair shops and storage areas.

   (2) Laundry facilities.

   (3) Indoor recreation areas.

B. Facilities.

   (1) Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.

   (2) Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

C. Structural requirements for buildings.

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

   (2) All rooms containing lavatory facilities shall:

      (a) Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbant, waterproof material or covered with moisture-resistant materials.

      (b) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of the floor area served by them.

      (c) Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.
(3) Toilets shall be located in separate compartments equipped with self-closing doors.

The storage, collection and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with all applicable Township and state regulations.

§ 119-49. Insect and rodent control.
Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable state regulations.

§ 119-50. Fuel supply and storage.
A. Natural gas system.
   (1) Natural gas piping systems, when installed in mobile home parks, shall be installed and maintained in conformity with the specifications of the company serving the area.
   (2) Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

B. Liquefied petroleum gas (LPG) systems. Liquefied petroleum gas systems provided for mobile homes, service buildings and other structures, when installed, shall be maintained in conformity with any applicable rules and regulations and shall include the following:
   (1) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
   (2) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
   (3) All LPG piping outside of the mobile homes shall be well-supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
   (4) Vessels of more than 12 and less than 60 U.S. gallons' gross capacity may be securely, but not permanently, fastened to prevent accidental overturning.
   (5) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specially approved by the authority having jurisdiction.
C. Fuel oil supply systems.
   (1) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with any applicable rules and regulations.
   (2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
   (3) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shutoff valves located within five inches of storage tanks.
   (4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit.
   (5) Storage tanks located in areas subject to traffic shall be protected against physical damage.

§ 119-51. Fire protection.
A. Local regulations. The mobile home park area shall be subject to any local fire protection rules and regulations.
B. Litter control. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
C. Fire extinguishers. Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control, and a sufficient number shall be maintained throughout the park in readily accessible and well-marked positions.
D. Fire hydrants. Fire hydrants shall be installed if the water supply source is capable to serve them. Fire hydrants, if provided, shall be located within 600 feet of any mobile home, service building or other structure in the park and shall meet the requirements of the local fire protection agency.

§ 119-52. Park management.
A. The management of the mobile home park shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition. All interior park streets shall be maintained and improved as necessary to avoid deterioration and hazards to park residents and visitors. Snow removal and deicing compounds shall also be provided by park management as necessary for the health, safety and welfare of the park residents and visitors.
B. The park management shall supervise the placement of each mobile home on its lot in accordance with the standards of this article.
C. The park management shall give authorized Township officers and state health officials free access to the mobile home lots and other park facilities for the purpose of inspection.

D. The park management shall maintain an up-to-date register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The management shall notify the Township's Zoning Officer and Tax Collector, in accordance with state and local taxation laws, on the arrival and departure of each mobile home.


No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Township without first obtaining a removal permit from the Township Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of $2 and real estate taxes assessed against the home and unpaid at the time the permit is requested.

§ 119-54. Notices; hearings; orders; records; appeals.

A. Notice. Whenever the Township Zoning Officer or other authorized representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit, certificate or license was issued, as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow a reasonable time for the performance of any act it requires;
4. Be served upon the owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; and
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter or any part thereof, and with the regulations adopted pursuant thereto.

B. Hearing. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Township Council, provided that such person shall file in the office of the municipal authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Township Zoning Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an
opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the day on which the petition was filed, provided that, upon application of the petitioner, the Township Zoning Officer may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

C. Findings and order. After such hearing, the Township Council shall make findings as to compliance with the provisions of this chapter and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice, which shall be served as provided in Subsection A(4). Upon failure to comply with an order sustaining or modifying a notice, the license of the mobile park affected by the order shall be revoked.

D. Record; appeal. The proceedings at such a hearing, including the findings and decision of Township Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Township, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the Township Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this commonwealth.

§ 119-55. Violations and penalties.

A. Summary offense. Any person who violates any operation or maintenance provision of this article shall be guilty of a summary offense and, upon conviction, shall be required to pay a penalty for the use of Washington Township in a sum not less than $25 nor more than $300, together with the costs of prosecution, and, in default of such payment, shall be imprisoned in county prison for a term not to exceed 10 days. Each day during which any violation of this chapter continues shall constitute a separate offense. The Township may also bring any actions at law or equity to enforce the terms of this chapter at its sole discretion.

B. Revocation or suspension of license. Upon repeated violations by the same licensee, his right to the issuance of a license or to continued operation under a license may be suspended for a fixed term or permanently revoked after notice and hearing by the Washington Township Council, subject to the right of appeal to the Erie County Court of Common Pleas.

ARTICLE VIII
Fees

§ 119-56. Required fees and deposits. [Amended 11-5-1997 by Ord. No. 9-97]

A. The following fees shall be paid by the developer to the Township at the time the preliminary application is submitted:
§ 119-56

WASHINGTON CODE

§ 119-57

(1) An application fee, in an amount established by Township resolution at the annual organizational meeting of the Council, for all major subdivisions (five or more lots).

(2) An application fee, in an amount established by Township resolution at the annual organizational meeting of the Council, for all minor subdivisions (four lots or less).

(3) A developer’s fee, in an amount established by Township resolution at the annual organizational meeting of the Council, to cover all costs incurred by the Township, permitted under Act 247 of 1968, as amended, as a result of any subdivision and/or land development, including but not limited to administrative costs, engineering fees, inspection fees, consulting fees and legal fees. These costs include but are not limited to:

(a) Reviewing the plan for conformance to the provision of the codes and ordinances of the Township;

(b) Site inspections for conformance to survey;

(c) Preparing cost estimates of required improvements;

(d) Inspection of required improvements during installation; and

(e) Final inspection of required improvements.

B. The developer shall, at or before the time of submission of any subdivision and/or land development preliminary plan, make an initial deposit in an amount established by Township resolution, which deposit shall be applied against such costs. If at any time during the development it is determined by the Township that the amount of the initial deposit, or any subsequent deposit, is or will be inadequate to fully cover anticipated costs, the developer shall increase the deposit by an amount established by the Township. Failure to pay the initial deposit at or before the time of submission of any subdivision and/or land development preliminary plan, or failure to pay any additional deposits within 10 days after notice by the Township, will cause immediate suspension of review and/or issuance of any and all approvals or permits. Any remaining balance of the deposits will be returned to the developer after the completion of the development, and dedication and acceptance of all public improvements.

ARTICLE IX

Modifications

[Amended 5-2-2000 by Ord. No. 6-00]

§ 119-57. Granting of modification.

If any portion of this chapter is shown by the developer to be unreasonable in its application, or that the literal enforcement of any of the provisions of this chapter will exact undue hardship not of the developer’s own making because of peculiar conditions pertaining to the land in question, the Township Council may grant a modification from the literal requirements

28. Editor’s Note: See 53 P.S. § 10101 et seq.
of such provision, provided that such modification will not be contrary to the public interest, that justice will be done and that the purpose and intent of this chapter is observed.

§ 119-58. Modification procedure; fee.

A. Any request for a modification shall be in writing and shall accompany and be a part of the application for development or the submission of the plan, preliminary and/or final, to which it refers. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of this chapter involved and the minimum modification necessary.

B. All proposals for modifications from the provisions of this chapter shall be reviewed by and a recommendation shall be made by the Planning Commission.

C. All proposals for modifications from the provisions of this chapter shall be reviewed by and shall have effect only when approved by the Township Council.

D. A record of the action on all modifications from the provisions of this chapter shall appear in the official minutes of the Planning Commission and of the Township Council.

E. A fee, payable to the Township, in the amount of $150 must accompany the written modification request. Any necessary costs over and above this amount that are incurred by the Township to process and hear the modification request (i.e., potential stenographic records) shall be payable by the applicant. This fee is subject to change at the annual reorganization meeting of the Township Council.

ARTICLE X
Administration, Enforcement and Penalties

§ 119-59. Administration and enforcement.

A. The Washington Township Planning Commission and Township Council shall have the duty and authority for the administration and general enforcement of the provisions of this chapter, as specified or implied herein.

B. Permits required by the Township for the erection or alteration of buildings in a development shall not be issued by the Township Zoning Officer until he has ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded in accordance with the provisions of this chapter.

C. The Township Zoning Officer shall require that each application for a building permit contain all the necessary information and shall issue no permit until it is determined that the site and plan for the proposed building, alteration or other improvement is acceptable in accordance with the provisions of this chapter and other pertinent ordinances and laws of this Township.
§ 119-60. Violations and penalties.

A. Any person, partnership or corporation who or which, being owner or agent of the owner of any lot, tract or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this chapter and of the lot regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor and, upon conviction thereof, such person, or the members of such partnership, or its officers, shall pay a fine not exceeding $1,000 per lot or parcel or per dwelling unit within each lot or parcel.

B. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The county may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, in addition to the penalty herein provided.

§ 119-61. Action for relief by Township.

The Township Council may obtain a writ of injunction against the owner or agency who attempts the improper sale or conveyance of land made prior to final plan approval of any development.

§ 119-62. Other actions.

Nothing herein shall prevent the Township Council from taking such other action necessary to prevent or remedy any violation.

§ 119-63. Appeals.

The landowner or any person aggrieved may appeal directly to court the decision of the Township respecting a subdivision or land development plan, preliminary or final. Such appeal shall be filed not later than 30 days following the date of the decision being appealed.

§ 119-64. Conflict with other provisions.

Whenever there is a difference between the minimum standards or provisions specified within this chapter and other ordinances or laws in force within the Township, the most restrictive and/or highest standard or provision shall govern.
### Township of Washington

#### Table 1

**Street Design Standards**

[Amended 7-2-2002 by Ord. No. 4-02]

<table>
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<td>10%</td>
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<td>4</td>
<td>2 (3 for shared)</td>
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**NOTE:**

1Arterial street design criteria are recommended values only. Arterial street design criteria shall be determined by the township on a case-by-case basis after consultation with the Pennsylvania Department of Transportation and the Township Engineer.
SUBDIVISION AND LAND DEVELOPMENT

Figure 1, Street Typical Cross Section

Typical Section

Fill Section Alternative (Fills over 15'-0")

Storm Sewer Alternative

119:A3 09-27-2002
Figure 2, Curb Typical Section
SUBDIVISION AND LAND DEVELOPMENT

Figure 3, Sidewalk Typical Section

- 2' minimum distance to outside of curb or shoulder
- Broom finished surface in transverse direction
- 4" Class A Cement Concrete
- 6" x 6" No. 10 wire mesh
- 6" compacted gravel or crushed stone

1.5' Min.
Figure 4, Clear Sight Triangle
SUBDIVISION AND LAND DEVELOPMENT

Figure 5, Subdrain Typical Section

SUBDRAIN TYPICAL SECTION