

**SUBDIVISION AND LAND DEVELOPMENT**

**FOR**

**WEST PROVIDENCE TOWNSHIP  
BEDFORD COUNTY  
ORDINANCE NO. 05-13-19**

**ADOPTED MAY 13, 2019**

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**ARTICLE I**  
**REPEALER**

**Section 101 - Repealer**

All prior Subdivision and Land Development Ordinances or parts thereof previously enacted by the Township of West Providence and in particular the West Providence Township Subdivision and Land Development Ordinance enacted on February 1, 1993 are amended, revised, and/or repealed to the extent inconsistent herewith.

**ARTICLE II**  
**GENERAL PROVISIONS**  
**TITLE, PURPOSE, AUTHORITY, JURISDICTION**

**Section 201 Title**

This Ordinance shall be known and may be cited as the Subdivision and Land Development Ordinance of the Township of West Providence.

**Section 202 Purpose; Community Development Objectives**

**202.1 Purpose**

The Purpose of this Ordinance is to provide for the orderly, logical, and harmonious development of the Township and to protect, promote, and create conditions favorable to the health, safety, morals, and general welfare of the Township's citizenry.

**202.2 Community Development Objectives**

Development throughout the Township is guided by the following, which is incorporated into the general context of Township and County Comprehensive Planning.

- A. Ensuring that all future development is consistent with the Comprehensive Plan for Bedford County as well as those plans developed by the Township through Local Level Planning Programs.
- B. Providing a framework for the orderly development of appropriate open lands and acreage thereby minimizing the inefficient use of land while preserving the rural community setting.
- C. Assuring uniform and equitable processing of all Subdivision and Land Development Plans by providing uniform standards and procedures.
- D. Establishing requirements, standards, and specifications to aid in guiding elected Public Officials, Planners, Planning Commissions, Subdividers, Developers, Land Surveyors, Landscape Architects, Architects, Engineers, and others in the design and development of Subdivisions and Land Developments throughout the Township.
- E. Assuring a coordination of proposed streets, parks, and other features in and bordering a proposed Subdivision or Land Development, as to such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, with the existing street and highway system of the Township thereby facilitating the rational movement of traffic.
- F. Assuring sites suitable for proposed buildings and human habitation.

- G. Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of the population.
- H. Encouraging and providing for innovations in new Residential Developments such as planned mixed use development, cluster development, and other evolving methods which provide for: a greater variety in type, design, and layout of dwellings; the conservation and more efficient use of usable space in relation to new dwellings; savings on energy, utilities and paving; and integration of slope and other undevelopable areas into the total Development Plan for use as open space.
- I. Protecting the rural character and social and economic stability of West Providence Township.
- J. Protecting and conserving the value of land throughout West Providence Township, and the value of buildings and improvements upon the land and minimizing the conflicts among the uses of land and buildings.
- K. Guiding public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, stormwater management, schools, parks, playgrounds, recreation and other public requirements and facilities.
- L. Ensuring that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- M. Preventing the pollution of air, streams, and ponds; to assure the adequacy of drainage; to safeguard the water table; and to encourage the wise use and management of the natural resources in order to preserve the community and value of the land.
- N. Preserving the natural beauty and topography of West Providence Township and to ensure appropriate development with regard to these natural features.
- O. Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic within West Providence Township, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land.
- P. Providing for the logical and orderly addition and extension of community facilities and public utilities systems to developing areas.
- Q. Upgrading the quality of land records through creation and filing of accurate and legible subdivision and land development plans with the county Recorder of Deeds for future information and use by municipal officials and the general public.



- R. Generally, ensuring the future orderly growth and development of West Providence Township is accompanied by adequate public facilities without negatively affecting the environment and making West Providence Township a better place in which to live and work.
- S. Ensuring that minimum setback lines and minimum lot sizes are applied throughout West Providence Township based on the availability of water and sewage.
- T. Permitting West Providence Township to minimize problems related to development as may exist or which may be foreseen.

## **Section 203 Creation, Authority, and Jurisdiction**

### **203.1 Subdivision Control**

The West Providence Township Board of Supervisors has the jurisdiction, powers, and authorities as particularly and specifically set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and specifically the said West Providence Township Board of Supervisors shall have the jurisdiction and control of all Subdivision and Development of Land located within the limits of West Providence Township. All Plans shall be submitted to the West Providence Township Board of Supervisors for review and approval. This includes all plans, plots, or re-plots of land. No subdivision or Land Development of any lot, tract, or parcel of land within West Providence Township shall be made; no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of these Regulations. No plat shall be accepted for recording by the Bedford County Recorder of Deeds unless such plat officially notes the approval of the West Providence Township Board of Supervisors.

### **203.2 Land Development Control**

Land development must comply with the regulations contained in this Ordinance. Such compliance shall include, but not be limited to: the filing of Preliminary and Final Plans, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Board of Supervisors. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way.

### **203.3 Enforcement**

For any person or persons violating this ordinance the following enforcement actions shall be applied: A letter sent to the violator stating the violation to the ordinance and that a reply is required within twenty (20) days of the mailing date. If within the twenty (20) day reply period no reply is given, then a letter written by

the Township Solicitor will be sent to the violator and a new twenty (20) day reply period will be given. If a reply is not received within the reply period, a final letter stating that legal action may be enforced shall be sent to said violator and given a final twenty (20) day time period to reply before legal action may be enforced. Penalties may be enforced under Article XIII, Section 1305 of this ordinance or similar type action may be enforced. This enforcement section does not preclude the township from taking immediate action (e.g. injunction or civil action) if the violation presents a direct or indirect threat to the public's health, safety, or welfare.

### **203.4 Municipal Liability**

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official, employee, or consultant thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, employees, or consultants.

## ARTICLE III DEFINITIONS

### **Section 301 Interpretation - General Terms**

For the purpose of this Ordinance words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. The words “Person”, “Subdivider”, and “Owner” include a corporation, unincorporated association, and a partnership, or other legal entity, as well as an individual. The word “Street” includes Street, Avenue, Boulevard, Road, Highway, Freeway, Parkway, Lane, Alley, Viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The word “Building” includes structures and shall be construed as if followed by the phrase “Or Part Thereof”. The word “Watercourse” includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words “Should” and “May” are permissive; the words “Shall” and “Will” are mandatory.

### **Section 302 Definitions - Specific Terms**

For the purpose of this Ordinance, the terms or words used herein unless otherwise expressly stated shall have the following meanings:

Administrator - The officer as appointed by the West Providence Township Board of Supervisors to administer these regulations and to assist administratively the other Boards and officers of the Township.

Alley or Service Drive - A minor rights-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

Appeal - A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance.

Applicant - A landowner or developer, as hereinafter defined, who has filed an application for subdivision and/or 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 the start of construction or development, including but not limited to, an application for a building or land use permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Appointing Authority - The West Providence Township Board of Supervisors.

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

Best Management Practice (BMP) - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two

broad categories or measures: "structural" or "non-structural." Non-structural BMPs refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs are measures consisting of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

Block - A tract of land, a lot, or a group of lots bounded by streets, public parks, railroad rights-of way, watercourses, and boundary lines of the Township, non-subdivided land, other definite barriers, or by a combination of the above.

Board - Anybody granted jurisdiction under a land use ordinance or under this Ordinance to render final adjudications.

Board of Township Supervisors - The Board of Supervisors of West Providence Township, Bedford County, Pennsylvania.

Building - A combination of materials to form a permanent structure having walls and a roof including, but not limited to, all mobile homes.

Building, Accessory - A detached, subordinate building typically less than 1,000 square feet in area, the use of which is customarily incidental and subordinate to that of the principal building, structure, or use of the lot, and which is located on the same lot as that occupied by the principal building, structure, or use of the lot.

Building, Principal - A building, the use of which is primary to that of any accessory building, structure, or use of the lot, or any non-agricultural use building greater than 1,000 square feet in area.

Building Setback Line - The line within a property, parallel to, and defining the required minimum distance between the foremost part of any building and the adjacent rights-of-way or property boundary line.

Campsite - Any site intended for temporary and/or seasonal use for camping, inclusive of the area required to sustain a tent, camper, motor home, or other temporary camping facility.

Campground - Any portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of such space.

Cartway (Roadway) - The portion of a street rights-of-way, paved or unpaved, intended 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, an area of land, an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan - The complete Plan plus any Amendments or any of its component parts for the development of Bedford County and West Providence Township providing for the continuing orderly development of the municipality and being recognized by the governing bodies of the County and the Township as the "Official Plan" including such elements as community development objectives, plans and policies for use of the land for housing, for community facilities, for transportation, and for plan implementation.

Concentrated Animal Feeding Operation (CAFO) - Concentrated Animal Feeding Operation – An agricultural operation with greater than 300 AEUs that meets the criteria established by the State Conservative Commission under the authority of 3 Pa.C.S. Chapter 5 in Chapter 83, Subchapter D; any agricultural operation with greater than 1,000 AEUs; or any agricultural operation defined as a large CAFO under 40 CFR 122.23(b)(4). For purposes of this Ordinance, a CAFO shall be considered a land development and shall be subject to review and approval per the regulations found herein.

Condominium - Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial and industrial buildings or on real property.

Construction Plan - The maps or drawings accompanying a subdivision or development plan and showing the specific location and design of improvements to be installed in the subdivision or development in accordance with the requirements of the Planning Commission and Board of Supervisors as a condition of the approval of the plan.

County Planning Commission - The Bedford County Planning Commission

Crosswalk - A right-of-way, municipally or privately owned, intended to provide access for pedestrians.

Cul-de-sac - A short street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Culvert - A pipe, conduit, or similar enclosed structure, including appurtenant works, which carries surface water.

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

Decision - Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Bedford County.

Dedication - The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Density, High - Those residential developments in which the density is equal to or greater than five (5) dwelling units per acre.

Density, Medium - Those residential developments in which the density is between one (1) and four (4) dwelling units per acre.

Density, Low - Those residential developments in which the density is less than one (1) dwelling unit per acre.

Department of Environmental Protection (DEP) - The Pennsylvania Department of Environmental Protection, its Bureaus, Departments or Divisions.

Design Storm - The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24 hour), and used in computing stormwater management control systems.

Detention Basin - An earthen structure constructed either by impoundment of a natural depression or excavation of existing soil, that provides temporary storage of runoff and functions hydraulically to attenuate stormwater runoff peaks.

Determination - Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The governing body (West Providence Township Supervisors)
2. The zoning hearing board
3. The planning agency, only if and to the extent the planning agency is charged with the final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determination shall be applicable only to the boards designated as having jurisdiction for such appeal.

Developer - A person, firm, partnership, corporation, trust, or authorized agent thereof proposing to divide land so as to constitute a Subdivision, or engage in land development, as defined by the Pennsylvania Municipalities Planning Code, Act 247, as amended. (See also Subdivider.)

Development - Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures; the placement of mobile homes; the construction, extension, and/or installation of streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations; and the subdivision of land.

Development Plan - The provision of development including: a planned residential development, a plat of subdivision or land development, all covenants relating to use, location and bulk of buildings and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Drainage - The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility - Any ditch, gutter, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

Drainage Right-of-Way - The lands required for the installation of stormwater sewers, drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway - A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling - Any building which is designed for human living quarters.

Two Family Dwelling - Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit. Examples of specific styles of dwellings or dwelling units include, but are not limited to the, the following:

1. Detached House: A dwelling unit occupying the whole of a freestanding residential structure.
2. Two-Family Dwelling: An attached or semi-attached building containing two (2) independent dwelling units which are entirely separated by vertical walls or horizontal floors; i.e. a duplex.
3. Row House or Town House: A structure with two (2) or more party walls of three (3) or more units not having any horizontal division between units.
4. Apartment: A dwelling unit separated horizontally and/or vertically from one (1) or more other units in a structure.

5. Apartment House or Multiple Dwelling Units: A residential structure containing three (3) or more apartments.
6. Garden Apartment: An apartment house not exceeding three (3) stories in height.
7. High-Rise Apartment: An apartment house exceeding three (3) stories in height.
8. Mobile Home: See definition

Easement - A right-of-way granted, but not dedicated, for specific use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Engineer - A person licensed to practice in the Commonwealth of Pennsylvania as a Registered Professional Engineer.

Engineering Specifications - The engineering criteria of West Providence Township regulating the installation of any improvement or facility.

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

Erosion, Accelerated Water - Erosion of the soil or rock over and above normal erosion brought about by changes in the natural cover or ground conditions, including changes caused by human activity. There are several kinds of accelerated erosion, they are: Sheet, Rill, and Gully erosion.

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

Fill - Any act by which earth, sand, gravel, rock, and/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. The difference in elevation between the point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Financial Security - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit and restrictive of escrow accounts from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Board of Supervisors and to be used wherever required by these regulations. (See Article IV, Section 406)



Floodplain - The Lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood (1% annual chance) as identified in the Flood Insurance Study (FIS) and its accompanying maps prepared by the Federal Emergency Management Agency (FEMA) and the Township's Floodplain Ordinance, as most recently amended.

Governing Body – The West Providence Township Board of Supervisors

Grade - The slope of a road, street, or other public way specified in percentage terms.

Highway Occupancy Permit - A permit issued by the Pennsylvania Department of Transportation for those who desire access to a State highway and/or highway right-of-way.

Infiltration Structures - A structure designed to direct runoff into the ground, e.g., French drains, seepage pits, dry wells, swales, detention basins and seepage trenches.

Land Development - Any of the following activities which involved the improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure.
2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
3. 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 condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Land Use Ordinance - Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended.

Lot - A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, improvements, or development, regardless of how it is conveyed. Lot shall mean parcel, plot, site, or any similar term which shall not be further subdivided.

Lot Area - The horizontal area contained within the property lines of a parcel of land as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

Lot, Corner - A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Frontage - That side of a lot abutting on a street or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Interior - A lot having side lot lines which do not abut on a street.

Lot Line - A line of record bounding a lot which divides one lot from another lot or from a public or private right of way or any other public space.

Lot of Record - Any lot which individually, or as part of a subdivision, has been recorded in the office of the Bedford County Recorder of Deeds.

Lot, Reverse Frontage - A lot extending between and having frontage on an arterial and a minor street with vehicular access solely from the latter.

Maintenance Guarantee - Any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this Ordinance.

Marker - A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Marginal Access Street - A street parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with major traffic streets.

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

Mobile Home - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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 (2) or more mobile home lots for the placement thereon of mobile homes.

Modification of Requirements - Modification of the requirements of one (1) or more provisions of this Ordinance as the literal enforcement will exact undue hardship because of particular conditions pertaining to the land in question. See Article XII.

Monument - Stone or concrete monument of known coordinates, established by Professional Land Surveyors, and utilized to locate property lines.

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

Municipal Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Municipality - The Township of West Providence.

Nonresidential Subdivision - A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Official Map - A Municipal Map adopted by Ordinance pursuant to Article IV of the PA Municipalities Planning Code showing the exact location of the lines of existing and proposed public streets: watercourses and public grounds including widening, narrowing, extensions, diminutions, openings or closing of same, for the entire municipality or part thereof.

Organized Camp - A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth, and adults, with social, recreational, and educational objectives and operated and used for five (5) or more consecutive days during one or more seasons of the year.

Peak Discharge - The maximum rate of flow of water at a given point and time resulting from a storm event.

Planning Commission, County - A planning commission, planning department, or a planning committee of the County. The Bedford County Planning Commission.

Planning Commission, Township - The West Providence Township Planning Commission.

Plan, Final - A complete and exact Subdivision or Land Development Plan prepared for official recording as required by statute; a final plat per the requirements of Section 504 of this Ordinance.

Plan, Preliminary - A subdivision plan or land development plan in lesser detail than the Final Plan per the requirements of Section 503 of this Ordinance.

Plan, Sketch - An informal optional submission preparatory to the Preliminary Plan showing the general intent of the subdivider per the requirements of Section 502 of this Ordinance.

Plan, Stormwater Management - A plan indicating how stormwater will runoff will be managed at the development site in accordance with Section 609 of this Ordinance.

Plat - The map or plan of a Subdivision or Land Development whether preliminary or final indicating the location and boundaries of individual properties.

Property Line Change - A change in lot lines between two (2) adjacent lots of record which does not involve the creation of a third lot.

Public Grounds – includes the following:

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.
3. Publicly owned or operated scenic and historic sites.

Public Hearing – A formal meeting held pursuant to public notice conducted to obtain public comment, and provide information prior to taking action in accordance with this Ordinance, stenographic records of which are retained as transcripts for future use in an appeal or related matter.

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 (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Qualified Professional - Any person licensed by the Commonwealth of Pennsylvania through its licensing or regulating entities, departments, or divisions or otherwise qualified by law to perform the work required by this Ordinance.

Recreational and Seasonal Land Development - The improvement and development of land for camping and/or related activities via the provision of campsites and any supportive facilities on a rental basis.

Recreational Vehicle - A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational Vehicle Park - A lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for vacation or recreation purposes.

Recreational Vehicle Site - A plot of ground within a recreation vehicle park intended for the accommodation of a recreation vehicle, tent, or other individual camping unit on a temporary basis.

Report - Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Reserve Strip - A parcel of ground separating a street from other adjacent properties, or from another street, which shall prevent a street from being connected or extended across property lines.

Resubdivision - Any replatting or resubdivision of land involving changes of street layout, or any land reserved for public use, or any lot line on an approved or recorded plan. Any changes of greater significance shall be considered as constituting a new subdivision of land. (Also see Subdivision.)

Right-of-way - A public thoroughfare for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley and including both cartway and shoulders.

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

Sanitary Sewage Disposal, Community - A sanitary sewage collection system, either publicly or privately owned, in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, Public - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sanitary Sewage Disposal, On-Lot - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Screening - A well-maintained fence, wall, hedge, or vegetative planting at least five (5') feet in height and of a density to conceal, from the view of adjoining property owners, the structure and uses on the premises on which the screening is required to be located.

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.

Septic Tank - A watertight receptacle which receives sewage or industrial wastes and is designed and constructed to provide for sludge storage, sludge decomposition, and the separation of solids from liquids through a period of detention before allowing the liquid to be discharged.

Setback Line - The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front yard setback shall be measured at right angles from the front street right-of-way line which abuts the property on which said building is located and shall be parallel to said right-of-way line.

Shade Tree - A tree in a public place, street, special easement, or rights-of-way adjoining a street as provided in these regulations.

Sight Distance - The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Required sight distance measurements shall be made from a point ten (10) feet from the edge of cartway, to a point three and one-half (3.5') feet above the road surface.

Slope - The rise or fall of the land usually measured as a ratio or a percentage of change in elevation over distance. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>	<u>Slope Class</u>
Nearly level	0-3 percent	A
Gently sloping	3-8 percent	B
Sloping	8-15 percent	C
Moderately steep	15-25 percent	D
Steep	25-35 percent	E
Very Steep	35+ percent	F

Soil Percolation Test - A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Solicitor - The licensed attorney designated by the West Providence Township Board of Supervisors to furnish legal assistance for the administration of this Ordinance.

Stabilization - Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and ensure its resistance to erosion, sliding, or other movement.

Stormwater Management Plan - The plan for managing stormwater runoff as required by the Township Engineer and/or a plan for managing stormwater as required by the Township Stormwater Management Ordinance or Section 609 of this Ordinance.

Street - A strip of land, including the entire rights-of-way, intended for use as a means of vehicular and pedestrian circulation. General classification of streets is as follows:

1. Arterial Streets: Those streets whose primary function is to serve comparatively high volumes of through-traffic at speeds higher than desirable on a collector and minor street.
2. Collector Streets: Those streets which, in addition to providing access to abutting properties, collect traffic from minor streets and provide routes to community facilities and the arterial streets system.
3. Expressway: Those highways whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually, a high degree of access control is provided with few, if any, intersections at grade.
4. Local Streets (Minor Streets): those streets used primarily to provide access to abutting properties; including but not limited to cul-de-sac and marginal access streets.
5. Marginal Access Streets: Minor streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with Arterial Street.
6. Service Street: A minor public rights-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Street Line - The limit of a rights-of-way.

Street, Private - Those streets, also referred to as private roads, not officially dedicated and/or accepted by the municipality.

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

Subdivider - Same as Developer.

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division 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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Major - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of Township facilities, or the creation of any public improvements. Also includes the resubdivision of a parcel existing at the time this ordinance was adopted where the cumulative total of subdivided lots from the original parcel including the remainder exceeds (5) lots. This term shall also apply to the number of residential units proposed in a Land Development Plan when no subdivision is involved.

Subdivision, Minor - Any medium or high density subdivision containing not more than five (5) lots and any low density subdivision which meet all of the following: fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or these regulations. This term shall also apply to the number of residential units proposed in a Land Development Plan when no subdivision is involved.

Substantially Completed - Where, in the judgment of the Township Engineer, at least ninety percent (90%), based on the cost of the required improvements for which financial security was posted pursuant to Article IV, 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 licensed Land Surveyor registered by the Commonwealth of Pennsylvania.

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

Temporary Occupancy - Occupancy of a campground or organized camp for no more than six (6) months in any consecutive twelve (12) month period.

Tent - A portable lodging unit usually made of skins, canvas, plastic, or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

Topographic Map - A map showing the elevations of the ground by contours or elevations including all existing topographic features such as streams, roads, streets, existing facilities, and improvements, as specified herein.

Top Soil - Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

Township - The Township of West Providence, Bedford County, Pennsylvania.



Watercourse - A permanent or intermittent stream, river, brook, creek, channel, or ditch for collection and conveyance of water, whether natural or man-made.

Water Supply/Distribution System, Community - A system for supplying and distributing water from a common source to two (2) or more dwellings and other buildings within a subdivision, neighborhood, or whole community, the total system being publicly or privately owned.

Water Supply /Distribution System, On-Lot - A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Survey - An inventory of the source, quantity, yield, and use of groundwater and of surface-water resources within a municipality.

### **Section 303 Terms Not Defined**

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided, however, that as to those terms which are not defined herein, but are defined in Section 107 of the Act of July 31, 1968, P.L. 247 (53 P.S. 10107), as amended, the Pennsylvania Municipalities Planning code, then said words shall have the meaning as set forth in said section.

**ARTICLE IV**  
**SUBMISSION AND REVIEW PROCEDURES**

**Section 401 General Procedures**

The procedures established in this Article shall apply to all Subdivisions and Land Developments that require review and approval by West Providence Township. It shall be the subdivider's responsibility to observe and follow the procedures established in this Article and to submit all plans and documents as may be required herein.

**401.1 Classification of Subdivision**

Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner or his agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development, which includes a maximum of two (2) steps for a Minor Subdivision and three (3) steps for a Major Subdivision as follows:

A. Minor Subdivision

1. Sketch Plan (optional)
2. Final Plan

B. Major Subdivision

1. Sketch Plan (optional)
2. Preliminary Plan
3. Final Plan

**401.2 Pre-Application Consultation**

Prior to filing an application for approval of a Subdivision or Land Development within the Township, the owner or his authorized agent, shall meet with the West Providence Township Board of Supervisors for an official classification of his proposed Subdivision or Land Development. The Township Board of Supervisors or their agent shall determine whether the proposal shall be classified as: a Minor Subdivision, a Major Subdivision, or a Land Development. At this time, the West Providence Township Board of Supervisors or their agent shall advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

### **401.3 Official Filing Date**

For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the West Providence Township Supervisors next following the date the application and plans are received at the Township Office provided that should said regular meeting occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. On receipt of an application for subdivision or land development approval the West Providence Township Board of Supervisors shall affix to the application both the date of submittal and the official filing date. Within this time period, the Township may return the application to the developer as incomplete with a description of some of the incomplete areas of the plan submission based on the requirements of this ordinance. A portion of the application fee will be retained to cover review and administration costs.

### **401.4 County Planning Commission Reviews**

All plans and attachments shall be submitted to and reviewed by the Bedford County Planning Commission (hereinafter "the Planning Commission") and the Township Board of Supervisors in accordance with its then prevailing rules and regulations. The applicant shall be responsible for paying any fees associated with review by the Planning Commission. The Township shall forward to the subdivider a copy of any report of the Planning Commission. The Township shall not approve an application until the Planning Commission's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Planning Commission.

## **Section 402 Submission and Review of Sketch Plan**

It is encouraged that prior to the preparation of a Preliminary Plan that the Applicant confer with the West Providence Township Board of Supervisors for the purpose of an informal discussion concerning the proposed subdivision or land development. The subdivider may submit a Sketch Plan following the guidelines set forth in Article V, Section 502, of these regulations. The submission of a Sketch Plan is optional. The Sketch Plan shall be submitted for review not less than (10) days prior to the date of the regular meeting of the West Providence Township Board of Supervisors at which it is to be considered.

### **402.1 Sketch Plan Review**

The West Providence Township Board of Supervisors will review the Sketch Plan with the Applicant as it relates to:

- A. The West Providence Township Subdivision and Land Development Ordinance and other local ordinances.
- B. Any Local Level Comprehensive Plan which may exist.
- C. Any zoning ordinance which may exist.

- D. The general suitability of the site for proposed development including slope, wetlands, floodplains, sinkholes and site stability.
- E. The demand for development for the type proposed and the particular location proposed.
- F. The availability of necessary services and facilities.
- G. The improvements and design required by these regulations.
- H. Any proposals of either Local, State or Federal Governments for such improvements as: highways, dams, recreation areas, historic sites, plus any other facility that may have an impact on the proposed subdivision.
- I. The subdivision history of the parcel from the time this ordinance was adopted.

### **Section 403 Minor Subdivision Procedure**

Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Sections 503 and 504 and shall be otherwise reviewed in accordance with the procedures and standards of Sections 403 through 409.

#### **403.1 Additional Subdivision**

Any additional subdivision of a tract, or portion thereof that existed when this ordinance was adopted, from which a minor subdivision has already been formed and may be considered a major subdivision. See Section 302. Subdivision, Major.

#### **403.2 Property Line Changes**

Changes in the lot lines between two (2) adjacent lots of record shall be reviewed and approved by the Board of Supervisors as a minor subdivision, and may exclude certain plan requirements as outlined in Article V, Section 504.4 of this ordinance.

### **Section 404 Official Submission of the Preliminary Plan**

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional Sketch Plan, and after reviewing the Plan requirements of this ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the Preliminary Plan. The Preliminary Plan shall conform to the requirements set forth in Article V, Section 503, of this ordinance. When filing applications for review and approval of subdivision and land development plans, the Applicant shall submit to the West Providence Township Board of Supervisors plans and data at two (2) stages of preparation which shall be designated as: (1) Preliminary Plan and (2) Final Plan. Application forms for the submission of both Preliminary and Final Plans are available in

the West Providence Township Office.

#### **404.1 Application Fee**

The fees for the submission and review of Subdivisions and Land Developments within West Providence Township are noted in Article XI of this Ordinance and by separate Resolution.

#### **404.2 Number of Copies**

When submitting an application for review and approval of a Preliminary Plan, the Applicant shall submit six (6) prints of the proposed subdivision or development plan along with three (3) copies of any proposed covenants to the West Providence Township Board of Supervisors. The West Providence Township Board of Supervisors will then forward copies of the Preliminary Plan to applicable agencies such as Bedford County Planning Commission, Township Planning Commission, Township Engineer, Utilities and Authorities.

#### **404.3 Sewage Facilities Planning Module**

When applicable, the application form shall be accompanied by a Sewage Facilities Planning Module or other applicable sewage facilities planning documentation as required by the Pennsylvania Department of Environmental Protection (PaDEP).

### **Section 405 Review of the Preliminary Plan**

Based on a thorough review of the comments of the above mentioned agencies and of the details of the Preliminary Plan in light of this ordinance, the Township Board of Supervisors shall approve, approve with modification and/or conditions, or disapprove the Preliminary Plan. The West Providence Township Board of Supervisors shall render its decision and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors next following the date the application is filed, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day the application has been filed. The Township shall notify in writing the superintendent of any school district where residential property is proposed for development.

#### **405.1 Changes and Modifications**

The West Providence Township Board of Supervisors may require or recommend changes, conditions, waivers and/or modifications of the Preliminary Plan as a prerequisite for approval of the Final Plan. All conditions imposed by the Township and/or modification requested by the developer must be agreed to in writing by both the Township and developer. This also applies to time extensions for review. Developer shall have sixty (60) days from receipt of notice from the Township to accept or reject such changes, conditions, and/or modifications and to agree to the same in writing. Absent a written extension of time from the Board of Supervisors

to accept or reject the same, the Preliminary Plan shall be deemed denied if not accepted within the sixty (60)-day time period.

#### **405.2 Approval of the Preliminary Plan**

Approval or approval with conditions, revisions, or modifications as stipulated or suggested by the Township Board of Supervisors of the Preliminary Plan shall constitute approval of the subdivision or land development as to the character and intensity of development; the arrangement; and approximate dimensions of streets, lots, and other planned features. However, approval of the Preliminary Plan shall not constitute acceptance of approval for final approval and recording on fulfillment of all requirements of these regulations. The action of the West Providence Township Board of Supervisors shall be communicated to the Applicant in writing no later than fifteen (15) days following the decision.

### **Section 406 Submission of the Final Plan**

After the Applicant has received official notification that his Preliminary Plan has been approved and recommended changes, if any, have been made, he has five (5) years in which to submit a Final Plan. If he does not do so within a five (5) year period, his Preliminary Plan shall be nullified unless a written time extension is approved by West Providence Township Board of Supervisors. The Final Plan must conform to the general scheme of the Preliminary Plan as approved and must contain the information specified in Article V, Section 504. With Township consent, the Final Plan may be a portion of the entire subdivision shown on the Preliminary Plan.

#### **406.1 Provisions for Final Plan Approval**

Before requesting Final Plan approval, the Applicant must submit to the West Providence Township Board of Supervisors either a certificate that all improvements and installations to the subdivision required by this Ordinance have been made as required by this Ordinance, have been made in accordance with specifications, or a bond which shall be deposited with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

- A. When requested by the developer, in order to facilitate financing, the governing body shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall neither be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

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

- G. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the financial security amount may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- H. In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- I. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said 45-day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- J. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- K. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal



authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

- L. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.
- M. As a condition precedent for final plan approval, the developer shall enter into a Developer's Agreement with the Township in such form approved by the Township and its Solicitor detailing, among other things, and not necessarily limited to, any and all improvements remaining or required to be installed by developer, time period for installation, method and manner of providing financial security, dedication of any roads, stormwater management facilities, storm sewers, and/or detention basins within the development to the Township. The Developer's Agreement shall be signed by the Developer and the Township, notarized, and recorded in the Office of the Recorder of Deeds in and for Bedford County.

#### **406.2 Release from Improvement Bond:**

When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten (10) days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, 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 municipal engineer of the aforesaid authorization from the governing body; said 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 municipal engineer, said report shall contain a statement of reasons for such non-approval or rejection.

- A. The municipal governing body shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.
- B. If the municipal governing body or the municipal 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 from all liability, pursuant to its performance guaranty bond or other security agreement.
- C. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- D. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
- E. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.
- F. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. The developer shall not be required to reimburse the municipality for any inspection which is duplicative of inspections conducted by any governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting developer. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applicants.
  1. The municipality shall submit to the developer an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the developer disputes the amount of any such expense in connection

with the inspection of improvements, the developer shall, no later than 100 days after the date of transmittal of a bill for inspection services, notify the municipality and the municipality's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the developer's dispute of inspection expenses. Failure of the developer to dispute a bill within 100 days shall be a waiver of the developer's right to arbitration of that bill under this section.

2. Subsequent to the final release of financial security for completion of improvements for a subdivision or land development or any phase thereof, the professional consultant shall submit to the municipality a bill for inspection services, specifically designated as a final bill, which the municipality shall submit to the developer. The final bill shall include inspection fees incurred through the release of financial security.
3. If the professional consultant and the developer cannot agree on the amount of expenses which are reasonable and necessary, then the developer shall have the right, within 100 days of the transmittal of the final bill or supplement to the final bill to the developer, to request the appointment of another professional consultant to serve as an arbitrator. The developer and the professional consultant whose fees are challenged shall, by mutual agreement, appoint another professional consultant to review any bills the developer has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of same profession as the professional consultant whose fees are being challenged.
4. The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts to implement the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the expense payment.
5. In the event that the municipality's professional consultant and applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of

Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

6. The fee of the arbitrator shall be paid by the applicant if the disputed fees are upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.
7. In the event that the disputed fees have been paid and the arbitrator finds the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:
  - (a.) Award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and
  - (b.) Impose a surcharge of 4% of the amount found as unreasonable or excessive to be paid to the party that paid the disputed fee.
8. A municipality or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.

### **406.3 Remedies to Effect Completion Improvements**

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat, the governing body of the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality 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. 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.

## **Section 407 Review of the Final Plan**

Within ninety (90) days from the submission of the Final Plan, the West Providence Township Board of Supervisors shall review and act on the Plan and notify the Applicant in writing of its action. See Section 401.3 for Official Filing Date. On finding the Final Plan application to be in accordance with the requirements of this ordinance and for compliance with the approved Preliminary Plan, the West Providence Township Board of Supervisors shall affix its seal on the Plan together with the certifying signature of the Chairman. Where modifications of the Final Plan are requested or the Plan is disapproved, the grounds for these actions must be stated in the notification and noted in the West Providence Township Board of Supervisors' records.

### **407.1 Approval of the Final Plan**

Based on a thorough review of the details of the Final Plan, the Township shall approve; approve with conditions, revisions, or modifications; or disapprove the application; render its decision; and communicate its decision to the Applicant within ninety (90) days after the date the Final Plan application was filed. See Section 401.3 for Official Filing Date. The West Providence Township Board of Supervisors shall notify the Applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the Final Plan by the West Providence Township Board of Supervisors shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on any of the municipalities of Bedford County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the municipality in which the subdivision is located shall have accepted or made actual appropriation of the same by entry, use, or improvement.

## **Section 408 Approval of Plats: Miscellaneous Procedures**

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the governing body within such time limits as may be fixed in this Ordinance but the governing body shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of the governing body next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the 30<sup>th</sup> day following the day the application has been filed. See Section 401.4 for Official Filing Date if a Township Planning Agency exists.

### **408.1 Decision of the Governing Body**

- A. The decision of the governing body shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- B. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

- C. Failure of the governing body to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

#### **408.2 Changes in the Ordinance Affecting Plats**

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plat, whether preliminary or final has been approved without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
- C. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, 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. 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 a 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 and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

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 the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with 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.

- E. Failure of landowner to adhere to the aforesaid schedule 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 municipality subsequent to the date of the initial preliminary plan submission.
- F. Before acting on any subdivision plat, the governing body or planning agency, as the case may be, may hold a public hearing thereon after public notice.

### **Section 409 Recording of the Final Plan**

Within ninety (90) days after the date of the approval of the Final Plan by the West Providence Township Supervisors, the Applicant shall record an original of the same with the Bedford County Recorder of Deeds and file with the Township the Recorder's Certificate that the approved Plan has been recorded with the Deed Book and page numbers indicated. If the Applicant fails to record the Plans, the decision of the West Providence Township Supervisors is voided unless the Applicant has obtained a written extension of time approved in writing by the Township. The Applicant shall proceed with the sale of lots and permitted structures only after the Final Plan has been recorded with the County Recorder of Deeds. Recording the Final Plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park, open space, and other public areas to public use unless reserved by the Applicant. The approval of the Final Plan shall not impose any duty on the Board of Supervisors or the Township concerning maintenance or improvements by ordinance or resolution.

**ARTICLE V**  
**PLAN REQUIREMENTS**

**Section 501 Preliminary Considerations**

After the effective date of this ordinance, no person, firm, or corporation proposing to make or having made a Subdivision or Land Development, within the area of jurisdiction of this ordinance, shall proceed with any development such as grading of roads or alleys or any other action before obtaining approval of the proposed subdivision or land development by the West Providence Township Board of Supervisors. The provisions and requirements of this ordinance shall apply to and control all land subdivision and development which has not been recorded in the Office of the Recorder of Deeds in and for Bedford County, Commonwealth of Pennsylvania, prior to the effective date of this ordinance.

For the purposes of this Ordinance, Land Development specifically excludes the addition of accessory buildings having a cumulative area less than 8,000 square feet, including but not limited to, a farm building on a lot or lots. This criteria shall apply to the total accessory building area even if development is to take place in phases. The date of adoption of this Ordinance shall be the starting point from which building area computations shall be cumulatively considered. Such relief, from filing a land development plan shall not relieve the applicant from applying for and obtaining a land use permit or building permit or meeting other Township Ordinance Requirements.

**501.1 Discussion of Requirements**

Before preparing a Sketch Plan or Preliminary Plan for a subdivision or land development, the Applicant may discuss with the Township the procedure for submission of a subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar matter, as well as the availability of existing services. The Township may also advise the Applicant, where appropriate, to discuss the proposed subdivision or land development with those officials (such as the Soil Conservationist, Township Engineer, and Sewage Enforcement Officer) who must eventually approve these aspects of the subdivision or land development plan coming within their jurisdiction.

**501.2 Conformity with Comprehensive Plan**

The layout of the proposed subdivision or land development shall be in conformity with the Comprehensive Plan for Bedford County, and any local level plan which may exist within the area of the proposed subdivision.

No land shall be subdivided or developed:

- A. Unless access to the land over adequate streets or roads exists, or will be provided by the Applicant; or



- B. If such land is considered by West Providence Township as unsuitable for residential use, and appropriate mitigation measures are not possible, by reason of flood plain and flood way location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, unsuitable slope characteristics, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.

## **Section 502 Sketch Plan**

### **502.1 Sketch Plan Submission**

Prior to the official submission of the Preliminary Plan, a subdivision or land development Sketch Plan may be submitted by the Applicant or property owner to facilitate an informal discussion with the West Providence Township Board of Supervisors concerning the proposed subdivision or land development. This informal discussion can be extremely valuable in guiding the Applicant on the proper course in the development of a subdivision or land development thereby reducing the possibility for any costly mistakes. Submission of the Sketch Plan will not constitute formal filing of the plan with the Township.

### **502.2 Recommended items for Sketch Plan Submissions**

- A. Proof of Ownership;
- B. Name of Owner and/or Equitable Owner;
- C. Name and Address of Developer;
- D. Name and Address of Engineer, Surveyor, or Architect (if applicable);
- E. General location within the Township;
- F. Proposed name of subdivision or land development;
- G. Tract boundary including all land which the Applicant intends to subdivide;
- H. General topographical and physical features along with water courses, streams, ponds, flood plains, and wetlands;
- I. Names of adjacent property owners;
- J. North arrow; approximate scale and date of original drawing;
- K. Streets on and adjacent to the tract;
- L. Proposed general street layout;

- M. Proposed general lot layout or development;
- N. Proposed use of the lots or development;
- O. Any other information which would be helpful in the preliminary discussion of what the Applicant intends to do;
- P. Statement of general availability of utilities of water and sewer, etc.;
- Q. Approximate location of proposed stormwater management facilities;
- R. Ingress and egress for emergency vehicles;
- S. List or identify any Agricultural Security Areas within or adjacent to the property;
- T. Identify any conservation easements within the property

## **Section 503 Preliminary Plan**

### **503.1 Preliminary Plan Submission**

The Preliminary Plan shall be accurately drawn to a scale of one (1) inch equals sixty (60) feet or larger unless authorized by the Township [i.e. one (1) inch equals twenty (20) feet, fifty (50) feet, etc.] The Preliminary Plan shall be submitted on the following sheet sizes: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" X 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 503.2.

### **503.2 Required items for Preliminary Plan Submissions**

- A. Notes and Data:
  1. Name of proposed subdivision or land development with identification as a preliminary plan and the name of the municipality in which it is located.
  2. Date of application for subdivision or land development approval.
  3. Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
  4. Name(s) and address of developer, applicant or authorized agent if different from owner.
  5. Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.

6. Tax parcel number(s) of subject tracts.
7. Type of sewage disposal, and water supply to be utilized.
8. Total acreage of the subject tracts, and total number of proposed lots or units (if applicable), total gross square footage of proposed buildings (if applicable).
9. North point, graphic scale, date of original plan along with date and description of revisions to the plan.
10. Base of benchmark for elevations on the plan.
11. Proposed use of property.
12. Number of required parking spaces (if applicable).
13. List of utility companies, PA One Call notice and Project Serial # in accordance with Act 172, as amended, if project involves excavation.
14. Legend describing symbols used on plan.
15. Location map taken from the applicable USGS 7.5 minute Quadrangle at a scale of 1" = 2,000' showing the proposed subdivision or land development in relation to municipal boundaries, public roads, streams, and adjoining areas.
16. Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of said plan.
17. Signed statement by owner listing land or facilities to be offered for dedication to the municipality and acknowledging that the owner will be responsible for maintenance of lands or facilities until they are completed and accepted by the municipality.
18. An approval block for the signatures of the Chairman and Secretary of the Township Board of Supervisors and space to fill in date of approval.
19. A review block for the signatures of the authorized persons of the County and Township Planning Commission along with space to fill in date of signatures.
20. Where applicable, a notice that a highway occupancy permit is required pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428, known as the "State Highway Law," as amended, before driveway access to a State highway is permitted. If such

notice is provided, no Preliminary Plan or Final Plan may receive full, unconditional approval unless applicant provides evidence to the Township that such permit has been issued by the Pennsylvania Department of Transportation and received by the applicant.

21. Identify ingress and egress for emergency vehicles for proposed development.

B. Topographic Mapping of the subject tract showing the following information:

1. Exterior boundary line of tract.
2. Ground elevations indicated by contours at intervals of two (2) feet for land with an average natural slope of eight (8) percent or less and at five (5) foot intervals for land with an average natural slope greater than eight (8) percent, and the location of benchmark and datum used.
3. The name and deed references of all owners of immediately adjacent land.
4. Existing streets on and adjacent to the tract; name, route number, location of rights-of-way, rights of way widths, cartway widths, type of surfacing, elevation of surfacing, and grades.
5. Existing easements, including location, width, and purpose.
6. Existing utilities on or adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances. If any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.
7. Water courses, flood plains, wetlands, geologic features, tree masses, and other significant natural features.
8. Existing man made features including structures, railroads, bridges, and driveways.
9. Buffer areas required by this or other relevant Ordinance.

C. If preliminary plan is proposed to proceed to a final plan with the posting of financial security, the following shall be shown on plans.

1. A statement that approval of the preliminary plans does not authorize construction of facilities, the sales of lots depicted on plans, or recording of the Plan.

2. Location of proposed streets, including rights-of-way, rights-of-way widths, cartway widths, approximate grades, the type and elevation of surfaces, sidewalks, gutters, etc., and any other relevant surface features.
3. Design of proposed sanitary sewage system (if applicable), showing approximate location of manholes, pump stations, treatment facilities, force mains, and sizes of mains. If the subdivision or land development is to be served by a sewer authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission.
4. If on-site sewage disposal is to be utilized, show soil types, location of soil probes and percolation test sites, a listing of the test areas, with a summary of the general suitability of each test area.
5. Design of proposed water distribution system (if applicable) showing approximate location of fire hydrants, pumping facilities, treatment facilities, storage tanks, and sizes of mains. If the subdivision or land development is to be served by a water authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission. In cases when an on-lot water supply is to be utilized, the location of areas for proposed well sites shall be identified.
6. Design of proposed stormwater management system including inlets, culverts, swales, channels, and detention/retention facilities.
7. Proposed lot lines, lot numbers, area of each lot, and proposed minimum front, side, and rear building setback lines.
8. Areas to be reserved for parks, playgrounds or other public uses with statement of who will eventually assume ownership of such areas.
9. Proposed buildings with ground floor area, gross square footage and height of each building, vehicular and pedestrian circulation systems, outdoor storage facilities including bulk trash containers and material storage.
10. Proposed parking areas with handicap stalls, loading areas, driveways, buffer and other landscape areas, and fire lanes.
11. Phasing of project and tentative time table with proposed sequence of the project (if applicable).
12. Proposed easements, including location, width, purpose, and information related to maintenance arrangements.

13. If a preliminary plan is proposed to proceed to construction, with a final plan submitted for approval after completion of required improvements, the following shall be shown on plans:
  - a. That information required by Section 504.1.F and Section 504.2 of this ordinance.
  - b. Profiles showing existing ground surface and proposed street grades, and typical cross sections of the roadways and sidewalks.
14. Additional information when required by the Township in the case of special conditions may include the following:
  - a. Areas to be reserved for any known public use exclusive of single family dwellings.
  - b. A draft of protective covenants in cases where the Applicant wishes to regulate land use within the subdivision or land development and otherwise regulate and protect the proposed development.
  - c. A water and sewerage feasibility report prepared by a registered professional engineer.

## **Section 504 Final Plan**

The Final Plan shall be accurately drawn to a scale of one (1) inch equals sixty (60) feet or larger unless authorized by the Township [i.e. one (1) inch equals twenty (20) feet, fifty (50) feet, etc.] The Final Plan shall be submitted on the following sheet sizes: (a) 18" X 24"; (b) 24" X 36", or (c) 36" X 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 504.1.

### **504.1 Required Information**

The Final Plan shall contain the following information:

- A. That information required by Section 503.2(A), except that plan shall be identified as a Final Plan, and Section 503.2(B) of this Ordinance.
- B. Boundary lines of each lot, and area to be dedicated or reserved for public or community use completely dimensioned in feet and hundredths of feet and bearing with degrees, minutes and seconds, with an error of closure of not more than one (1) foot in two thousand (2,000). All curves shall show radii, lengths of arcs, tangents, and chord bearings with distances.
- C. The location and material of all permanent monuments and lot markers.

- D. Lot numbers area and setback lines on each lot.
- E. All proposed easements and dimensional information and purpose.
- F. Space on lower edge of final plan for acknowledgment of receipt and recording of plan by the Bedford County Recorder of Deeds Office.

The following information regarding proposed improvements:

1. Design of proposed streets including a plan showing geometry and proposed contours, typical cross section and profiles. Details of curbing, inlets or other facilities involved in street construction.
2. Design of stormwater management controls in accordance with the approval of the Township Engineer, and should they exist, the West Providence Township Stormwater Management Ordinance and consistency with the County Stormwater Management Plan.
3. Design of sewage collection and treatment facilities (if applicable) including plan showing location of facilities, profiles, and details, and other information required by the municipal authority or utility company that will assume responsibility for the system upon completion.
4. If on-lot sewage is to be utilized, show soil types, location of soil probes and perc tests, suitable primary and replacement absorption bed areas on each lot with provisions for their protection and reservation, and a summary of the general suitability of each test area. The following statement shall be placed on plan: This is not a guarantee that a sewage permit will or will not be issued for any lot or parcel. The Municipal Sewage Enforcement Officer (S.E.O.) must be contacted to conduct any further tests, as necessary, to determine permit issuance.
5. Design of water supply facilities (if applicable) including plans and details showing location sizing, and installation of mains, valves, fittings, fire hydrants and other appurtenances.
6. Proposed buildings with finished ground floor elevations, ground floor area, gross floor area and height listed.
7. Proposed pedestrian circulation systems including details of construction.
8. Outdoor storage facilities including bulk trash containers and material storage.

9. Proposed parking areas showing parking stalls, handicap stalls, signage, loading areas, fire lines and driveways, with dimensional information, and details of pavement construction.
10. Outdoor lighting showing height, type of fixtures and mountings.
11. Landscaping plan when required by Section 902, or when buffer plantings are required.
12. Grading plans with proposed contours and spot elevations to depict accurately all changes to the topography within the site.
13. Location and details of soil erosion and sedimentation controls.
14. If development proposes access to a State Highway, the following shall be placed on plans: A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the State Highway Law. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit.
15. In developments containing on-lot disposal systems, the DEP planning approval number and DEP approval date shall be shown on the Final Plan.

#### **504.2 Supporting Documentation**

If required, the following documentation shall be submitted prior to Final Plan approval:

- A. A soil erosion and sedimentation control plan as required by Chapter 105 of the rules and regulations of the Department of Environmental Protection along with a letter from the Bedford County Conservation District reviewing said plan, or an earth disturbance permit issued by the Department of Environmental Resources.
- B. Applicable permits issued by the Department of Environmental Protection for waterway obstructions, stream or wetland encroachments, and community water systems.
- C. A Sewage Planning Module and a letter of approval for such from the Department of Environmental Protection.
- D. A water quality management permit, NPDES permit, or other permits that may be required for sewage systems and/or discharges of stormwater.
- E. Documents pertaining to homeowner associations, condominium declarations, and/or restrictive covenants.



- F. Approval by the Bedford County Department of Emergency Services of street names.
- G. Provide Emergency Management Plans for commercial institutions and facilities proposed for development, including but not limited to expansion thereof. (Refer to Section 603 regarding Emergency Access Requirements.)
- H. Applicable Highway Occupancy Permit (HOP) from Pennsylvania Department of Transportation.

### **504.3 Minor Subdivision Exclusions**

The following may be omitted from plans for subdivisions meeting the definition as Minor Subdivisions:

- A. Ground elevation information as otherwise required in Section 503.2 B.2. Topographic mapping on a base using USGS 7.5 minute mapping or better may be substituted.
- B. Information on proposed sewage collection and treatment facilities, other than on-lot as delineated in Section 504.1.F (3), except when located within the future service area of a sanitary sewer system as per an approved Act 537 Plan.
- C. Information on proposed water supply facilities, other than on-lot, as delineated in Section 504.1.F (5).
- D. Information on proposed pedestrian circulation systems as delineated in Section 504.1.F (7).
- E. Information on proposed outdoor storage facilities as delineated in Section 504.1.F (8).
- F. Information on proposed parking facilities as delineated in Section 504.1.F (9) except that driveways will be shown on the plan.
- G. Information on proposed outdoor lighting facilities as delineated in Section 504.1.F (10).

### **504.4 Property Line Changes**

Changes in lot lines between two (2) adjacent lots of record shall be reviewed in accordance with Article IV, Section 403 as a Final Plan; may exclude strict adherence to Section 504.1, Section 504.2, and Section 504.3; and shall include the following information:

- A. Proof of Ownership;
- B. Name of Owners;
- C. General location within the Township;
- D. Tract boundary including all land which the Applicants intend to redivide;
- E. General topographical and physical features such as streams, ponds, etc;
- F. Name of surrounding property owners;
- G. North point, approximate scale, and date of original drawing;
- H. Streets on and adjacent to the affected tracts;
- I. Existing and proposed lot lines; the new lot line(s) will be surveyed as per Section 504.1.;
- J. A statement noting that this plan is for a change in lot lines between existing lots of record, and not for the creation of a new lot;
- K. Any other information which would be helpful in the discussion of what the Applicants propose; and
- L. Spaces for Township approval and recording.

**504.5 Multi-Family Dwellings:**

- A. Application. This section shall apply to the placement of multiple dwelling units on a single lot, whether in a single building or multiple buildings.
- B. Exception: As authorized by the Pennsylvania Municipalities Planning Code, the conversion of an existing single-family dwelling into not more than three (3) residential units (unless such units are intended to be a condominium) shall be exempt from the requirements of this Article. The placement of two or more mobile homes on one lot shall be regulated by Sections 801 and 802 of this Ordinance.
- C. Minor Land Development: For the purpose of this Article, a multi-family dwelling development, including but not limited to a townhouse development, involving not more than five (5) dwelling units shall be considered a minor land development. Six (6) or more dwelling units shall be considered a major land development under this Article.
- D. Density: All multiple-family dwelling land developments shall comply with all standards of this Ordinance to the extent the same are addressed herein.

- E. Setback: Multiple-family dwellings shall increase all side and rear yard setbacks by three (3) feet per unit.

**ARTICLE VI**  
**DESIGN STANDARDS**

**Section 601 General Intent**

In all land developments and subdivisions developed after the effective date of this ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Township standards, in applicable zoning ordinance, building codes, road ordinances, or other ordinances, resolutions, or regulations, require standards that exceed these minimum standards, those Township standards shall apply. Whenever the standards of this Subdivision and Land Development Ordinance exceed those of the other municipal ordinances, the standards of this ordinance shall apply.

**Section 602 General Standards**

The following general standards shall apply to all types of development. The Township will study the following factors affecting the suitability of a proposed subdivision:

**602.1 Lands Subject to Flooding**

Land subject to flooding and land deemed by the Township to be uninhabitable for other reasons shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life, property, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or further aggravate or increase the existing menace unless the site can be made suitable and safe for habitation and the provision of public services

**602.2 Steep Slopes**

Areas characterized by steep slopes (slopes greater than fifteen (15) percent), geologic formations, sink holes, wetlands, or other such features which restrict the usability of the land shall not be subdivided or developed unless the site can be made suitable and safe for habitation and the provision of public services.

**602.3 Site Suitability**

In determining the suitability of land for subdivision, the Township shall refer to applicable studies by the County Planning Commission, State, and Federal agencies including the soil survey prepared by the U.S. Department of Agriculture, Soil Conservation Service.

**602.4 County Comprehensive Plan**

The layout or arrangement of the subdivision or land development shall conform to Bedford County's Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision or

land development shall conform to Comprehensive Plan adopted by West Providence Township and other applicable ordinances which may exist.

### **602.5 Minimum Lot Size Requirements**

Where evidence indicates that the minimum lot size requirements specified in other sections of this ordinance or in any applicable zoning ordinance are not adequate to permit the installation of individual on-lot water and/or sewerage disposal facilities, along with an area to be set aside for a replacement sewage absorption bed, the Township shall require that the Township Sewage Enforcement Officer (SEO) or the State Department of Environmental Protection (DEP) make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the provisions of the Pennsylvania Sewage Facilities Act 537, as amended, plus other applicable State or local regulations. The Township shall review and shall make a final determination on the adequacy of the proposed facility.

### **602.6 Major Subdivision and Local Access**

For Major Subdivisions, a Local Street (or cul-de-sac) may be required by the Township to ensure that the future level of service of existing roads will remain acceptable and future congestion of existing roads will be lessened.

### **602.7 Land Development and Future Traffic Connections**

All land developments will provide for the ability of future traffic connections or Service Drives to all sides of the proposed development through the reserving of adequate road easements. Land developments proposing to develop adjacent to another land development will provide a Service Drive to the adjacent property line of each adjacent land development. Service Drives will be designed and constructed as a Local (Minor) Street.

### **602.8 Reserve Strips**

No subdivision showing reserve strips controlling the access to public ways will be approved, except where the control and disposal of the land comprising such strips are definitely placed within the jurisdiction of the Township under agreement meeting the approval of the Township.

### **602.9 Lot Lines and Jurisdictional Boundaries**

Lot lines shall, where possible, follow municipal and county boundary lines rather than cross them.

## **Section 603 Streets**

### **603.1 General Standards**

The following general standards shall apply to all streets within a subdivision or land development:

- A. The location and width of all streets shall conform to the County and local level Comprehensive Plans or to such parts thereof as may have been adopted by the County or Township.
- B. The proposed street system shall extend existing or recorded streets with the same width or larger but in no case less than the required minimum width.
- C. Where, in the opinion of the Township Supervisors, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
- D. New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major arterial and collector streets into and from adjoining properties.
- E. Where a subdivision abuts or contains an existing street of improper width or alignment, the Township may require the dedication of land sufficient to widen the street or correct the alignment.

### **603.2 Street Pavement Design**

Street pavement design shall conform to the following (Note: Where a specific PennDOT Specification or Publication is referred to herein, such Specification or Publication shall include the latest edition thereof, whether amended, revised, supplemented, and/or replaced):

- A. The road construction standards contained herein are minimum standards. These standards are adequate to provide safe, durable roads for all streets within the Township. In no case should a proposed design provide for less than these standards require. Designs in excess of these standards may be required when conditions warrant. Design criteria to be used shall be Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, Material and construction methods shall comply with PennDOT, Publication 408, and the latest edition of PennDOT "Standards for Roadway Construction, PennDOT Publication 72. The Township reserves the right to approve alternate designs for material type, depth, and width when sound engineering analysis proves the acceptability of the alternate. In no instance shall a proposed alternate design be less than the minimum requirement contained herein.

- B. Roads on the State or Federal System must be designed to the specifications required by the above mentioned agencies, these standards notwithstanding.
- C. All pavements shall be designed for a 20-year service life.
- D. Where it is proposed to use a road prior to the placement of the wearing course, the base course of the road must be structurally designed to support all anticipated loads.
- E. Parking lanes shall be provided where required by the Township. Thickness requirements for parking lanes shall be the same as the thickness requirements for the cartway.
- F. Temporary turnarounds meeting the dimensional requirements contained herein for a cul-de-sac, shall be installed when streets are designed for future extension to adjoining properties or future extension to subsequent phases of a development. Temporary turnarounds shall be provided with easement meeting the rights-of-way requirements herein for cul-de-sacs. Temporary turnarounds shall be constructed of a minimum of 6" of well compacted gravel where development is for residential purposes and intended to be completed within one (1) year of approval to begin work upon the ground and installation of improvements. Where development is for commercial purposes or is not intended to be completed within one (1) year as aforesaid, temporary turnarounds shall be paved in accordance with the requirements for paving of cul-de-sacs set forth herein.
- G. All construction materials, equipment, procedures and methods shall conform to the requirements of the Pennsylvania Department of Transportation Specifications, Publication 408, as amended, unless specifically stated otherwise in this ordinance.
- H. Subgrade (refer to PennDOT Pub. 408, Section 210). Form roadbed to the established subgrade elevation, both longitudinally and in cross section, and compact to a minimum of 98% of maximum dry density as determined by PA Test Method 106. Completed subgrade shall be maintained and protected in advance of succeeding operations. Prior to placement of pavement structure, promptly and satisfactorily reshape and recompact, or remove and replace, damaged or unsatisfactory areas. Correct all surface irregularities exceeding 1 inch by loosening the surface and adding material as required. Compact corrected area and surrounding surface by rolling. The subgrade shall be approved by the Township or its agent prior to placing of subbase.
- I. Subbase (refer to PennDOT, Pub. 408, Section 350). Material shall be type C or better, No. 2A and No. OGS, as specified in PennDOT Pub. 408, Section 703.2 and 703.5. Subbase shall be placed on prepared

subgrade as specified. Do not place subbase material on soft, muddy or frozen areas. Correct unsatisfactory subbase conditions developing ahead of the operations by scarifying, reshaping and recompacting, or by replacement, if directed by the Township. Subbase shall meet the same compaction and grade requirements as specified for subgrade. Where material is too coarse to use compaction method stated, determine compaction based on non-movement of the material under the compaction equipment. Subbase shall be approved by the Township prior to placement of base material.

J. Minimum Pavement cross-section for streets shall be as follows:

<b>Pavement Course</b>	<b>Depth</b>	<b>Material</b>
Wearing Course	2 inches	Hot Mix Asphalt, 9.5 mm, PG 64-22
Base	4 inch	Hot Mix Asphalt, 25 mm, PG 64-22
Subgrade	6 inch	PennDOT Approved 2A Course Graded Aggregate
<p><b>Note:</b> Tack coat is required between layers of HMA if more than 24 hours pass between placement of the base and wearing courses. Per the Township, tack coat may be required after a shorter elapsed time period if the base course is exposed to heavy wear, inclement weather, or requires extensive cleaning.</p>		

K. Street cross slopes shall be a minimum of 2% and a maximum of 3.5%. Shoulder cross slopes shall be a minimum of 2% and a maximum of 6.0%.

### 603.3 Street Drainage Design

Stormwater conveyance systems shall be designed in accordance with the approval of the Township Engineer and the West Providence Township Stormwater Management Ordinance should it exist. All stormwater conveyance systems within rights-of-way to be dedicated to the Township shall conform to the following:

- A. Endwalls and inlets shall be as per PennDOT, Pub. 408, Section 605 and PennDOT, Pub. 72, RC-31 and RC-34.
- B. Pipe culverts shall be as per PennDOT, Pub. 408, Sections 601, 602 and 603. The minimum size of culvert pipes shall be 15" O.D.



### 603.4 Guide Rails

Guide rails requirements and design shall be as per PennDOT, Pub. 13, Design Manual Part Two, Section 12. Material and construction shall be as specified in PennDOT, Pub. 408, Section 1109 and PennDOT, Pub. 72, RC-50, 52, 53, 54, and 55.

### 603.5 Township Inspections

All street construction shall be inspected by the Township or their agent. Contractor shall notify Township 48 hours prior to time when inspection is required. The contractor may not under any circumstances proceed with subsequent stages until authorization to proceed is given by the Township.

### 603.6 Street Rights-of-way and Pavement Widths

Minimum street rights-of-way and pavement widths, if not specified in the county or local level Comprehensive Plans, shall be as set forth in the following table:

<b>Street Rights-of-way and Pavement Widths</b>					
<b>Street Type</b>	<b>ROW Width</b>	<b>Cartway Width</b>	<b>Shoulder Width</b>	<b>Min. Street Grade</b>	<b>Max. Street Grade</b>
Marginal Access & Cul-de-Sacs	40 ft.	20 ft.	4 ft.	1%	12%
Turnaround of Cul-de-Sac (diameter)	100 ft.	80 ft.	4 ft.	1%	5%
Local (Minor)	50 ft.	24 ft.	4 ft.	1%	10%
Collector	60 ft.	32 ft.	6 ft.	1%	10%
Arterial (Major)*	80 ft.	44 ft.	10 ft.	1%	6%
* <b>NOTE:</b> The Board of Supervisors retain the option to allow the determination of rights-of-way width, cartway width, and shoulder width of arterial streets to be determined on the basis of a traffic study furnished by the Applicant and reviewed by the Township Engineer.					

### 603.7 Alignment

Minimum street alignment standards shall be as follows:

- A. The minimum radius at the center line for horizontal curves on arterial streets shall be seven hundred (700) feet; for collector streets, four hundred (400) feet; and for minor streets, two hundred (200) feet. Proper super-elevation shall be provided for curves on arterial streets.
- B. Between reverse curves, a tangent of not less than the following dimensions shall be provided:

1. Arterial Streets - 200 feet;
  2. Collector Streets - 100 feet; and
  3. Minor Streets - 50 feet.
- C. Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, three and one-half (3 1/2) feet above grade, the minimum sight distance shall meet PennDOT publication 70M.

### **603.8 Grades**

Minimum street grade standards shall be as follows:

- A. The minimum grade on all streets shall be one (1) percent. The maximum permitted grade shall be as indicated in the Table provided in Section 603.6.
- B. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds five (5) percent, such leveling areas shall have a minimum length of seventy-five (75) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of three (3) percent.

### **603.9 Horizontal Curves**

Minimum horizontal curves shall be as follows:

- A. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
- B. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
  1. Minor Streets - One hundred fifty (150) feet;
  2. Collector Streets - Three hundred (300) feet; and
  3. Major Streets - Five hundred (500) feet.
- C. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and major streets.
- D. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

### **603.10 Vertical Curves**

When all changes of street grades occur where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances:

- A. Minor Streets - Two hundred (200) feet;
- B. Collector Streets - Three hundred (300) feet; and
- C. Major Streets - Four hundred (400) feet.

### **603.11 Intersections**

The following standards shall apply to all street intersections:

- A. Streets shall intersect as nearly as possible at right angles. No Street shall intersect another at an angle less than seventy-five (75) degrees or more than one hundred five (105) degrees.
- B. No more than two (2) streets shall intersect at the same point.
- C. Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by a least one hundred twenty-five (125) feet between center lines measured along the centerline of the street being intersected.
- D. Intersections with major streets shall be located not less than one thousand (1,000) feet apart measured from centerline to centerline along the centerline of the major street.
- E. Where provided, street curb intersections shall be rounded by a tangential arc with a minimum radius of:
  - 1. Twenty (20) feet for intersections involving only minor streets;
  - 2. Thirty (30) feet for all intersections involving a collector street; and
  - 3. Forty (40) feet for all intersections involving a major street.
- F. Street rights-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

### **603.12 Alleys**

Alleys shall not be permitted in residential subdivisions except where other methods of entrance and exit are impractical. In other types of development, where permitted, their design standards shall be determined by the Township.

### 603.13 Private streets

Private streets are streets not to be offered for dedication and may be allowed in accordance with the following:

- A. Private streets or roads are built to the design standards of this ordinance.
- B. The subdivider or developer enters into a Developer's Agreement prepared by the Township. The Agreement will stipulate the following:
  - 1. The Township does not desire and Developer does not intend for the roads to be dedicated to and/or accepted by the Township.
  - 2. Stipulate the party or entity responsible for maintenance, repair, upkeep, and/or improvements of any of the private roads or streets identified in the Plans.
  - 3. The Developer shall account for maintenance, repair, upkeep, and/or provide for the same through established homeowners association fees, rules, regulations, and/or deed covenants, restrictions, and requirements pertaining to the development that Developer shall further reflect on the Subdivision Plan(s).
- C. All Subdivision Plans, Agreements of Sale; Deeds; and Restrictive Covenants shall indicate in **bold type** that private streets or roads within the Subdivision Plans are and shall remain private in nature, subject only to the unilateral request, if any, of the municipality and/or Commonwealth of Pennsylvania or any successor entity(ies), and that the purchasers of any lot(s) within such Subdivision are fully aware and acknowledge that such roads are private in nature and such purchasers, for themselves and their heirs, executors, administrators, successors and assigns voluntarily waive any right to demand and/or right permitted by law to require the Township and/or its successors and assigns to take responsibility, maintain or improve such private roads.
- D. Any Plans whether Preliminary or Final in nature shall clearly identify the location of private streets and shall list the necessary conditions set forth in this Ordinance for private streets.
- E. All Agreements of Sale, Deeds, Homeowners' Association documents, and Deed Restrictions and Restrictive Covenants shall clearly identify the conditions set forth by this Ordinance. A signature line shall be provided for any purchaser to sign as having read, fully understood, and agreed to as demonstrated by such purchaser's signature.

- F. The Township's approval of a Final Plan identifying private streets does not in any way indicate the Township accepts or assumes ownership or responsibility of such private streets.
- G. Private Streets serving no more than 3 units shall meet the following minimum standards:
1. Constructed to provide a sound, all-weather driving surface, reasonably smooth, free from mud, dust, and/or standing water.
  2. Rights-of-way Width - 40 feet
  3. Cartway Width – 20 feet for roads
  4. Cartway Construction - Six (6) inches of suitable, compacted and graded stone base material to provide a permanent and all-weather surface which will facilitate storm drainage management.
  5. Maximum Allowable Grade - The maximum allowable grade for private roads shall be a twelve (12) percent slope for distances of no more than 500 feet. However, special drainage measures and considerations will be required on grades exceeding a six (6) percent slope, including special roadway cross sections, grading, shoulder construction and stabilization, cross drainage structures, and cut-and-fill slopes, as recommended and/or approved by the Township Engineer.
  6. Cul-de-sac minimum standards – Cul de sacs shall be a minimum of 300 feet in length and a maximum of 800 feet in length. A turn-around area shall be provided at the terminus of all dead-end and/or cul-de-sac segments having an unobstructed maneuvering area equal to a fifty (50) feet turning radius. The internal street and roadway system shall be privately owned and appropriately noted on the Final Plan, and provide safe and convenient access to all camp sites and facilities. The alignment and gradients of all internal streets and roadways shall be properly adapted to the topography, to the types of anticipated traffic, and to the satisfactory control of surface water. Points of connection between the private street and roadway system and the existing public street system shall be designed to avoid congestion and hazardous intersections, in accordance with Section 603.6, Intersections.
  7. The developer must enter an Agreement as discussed previously in this Section.

### **603.14 Dead End Street**

Dead-end streets are prohibited unless constructed as cul-de-sacs at least 300 feet in length and not exceeding 800 feet in length, with the turnaround conforming to applicable standards in this ordinance.

### **603.15 Street Names**

The subdivider may choose street names subject to the approval of the Bedford County Department of Emergency Services. Proposed streets which are in alignment with others already existing and named, shall be assigned the names of the existing streets. In no case shall the name of a proposed street duplicate or confuse an existing street name in the Township, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

### **603.16 Emergency Access Requirements**

- A. All subdivisions or land developments containing fifty (50) or more dwelling units, or non-residential buildings or buildings containing twenty-five thousand (25,000) or greater square feet of gross floor area shall be provided with at least two (2) separate and distinct means of access to the subdivision or land development.
  - 1. Access may be provided through two (2) or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction.
  - 2. Access for a land development may be provided through two (2) or more driveways into the land development. Such driveways shall be separated by a distance of at least one hundred fifty (150) feet and shall comply with all requirements of this Ordinance.
  
- B. If the applicant is unable to provide access to the subdivision or land development through two (2) or more public or private streets each of which intersect with an existing public street or through two (2) or more access drives which intersect with one (1) or more existing public streets, then an emergency access shall be provided.
  - 1. The emergency access shall be improved so that emergency vehicles may safely traverse it, and its location shall be indicated on the plans.
  - 2. The emergency access shall be acceptable to the providers of emergency services within the Township. Applicants proposing to provide an emergency access shall submit evidence of such approval.

3. The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with an existing public street.
4. The emergency access may be located so that access is gained from an adjacent tract. For example, a subdivision or land development adjoining a parking lot of another use may provide emergency access through a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to this emergency access location.

## **Section 604 Blocks**

The length, width, and shape of blocks shall be determined with due regard to this section.

### **604.1 General**

- A. Provision of adequate sites for building of the type proposed;
- B. Natural drainage areas;
- C. Topography;
- D. Requirements for safe and convenient vehicular and pedestrian circulation; and
- E. Other site constraints.

### **604.2 Width**

Blocks subdivided into lots will be two (2) lot depths in width excepting lots along a major thoroughfare which front on an interior street, or are prevented by the site topographic conditions or other inherent conditions of the property in which case the Township may approve a single tier of lots.

### **604.3 Length**

All blocks in a subdivision shall have a maximum length of 1,600 feet and a minimum length of 400 feet. Blocks over 600 feet in length shall require cross walks wherever necessary to facilitate pedestrian circulation and to give access to community facilities. Such cross walks shall have a marked width of not less than ten (10) feet and a stabilized walkway of not less than five (5) feet in width.

## **Section 605 Lots**

Within the Township, the width and area of lots shall be no less than provided in any application or ordinance. In so far as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines. Lot lines should tend to follow municipal boundaries rather than cross them in order to avoid inter-jurisdiction problems.

### **605.1 Frontage**

All lots shall meet the following frontage requirements:

- A. All lots shall have direct access to a public or private street existing or proposed;
- B. Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific topographic problems.

### **605.2 Size**

All lots shall meet the following minimum requirements:

- A. General Standards:
  - 1. Minimum lot size or area herein excludes public or private rights-of-way.
  - 2. When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Sewage Enforcement Officer or the Department of Environmental Protection for factors relating to health and sanitation.
  - 3. The term “Central Water” or “Central Sewer” applies to a public or community facility.
  - 4. Attached Dwelling Residences and Multiple Dwelling Residences are only permitted when lots are served by central water and sewer.
  - 5. Chimneys, flues, towers, spires, cupola domes, pole masts, antennas, barns, and silos shall be exempt from height limitations of this Ordinance provided their location is not in the required building setback unless otherwise expressly regulated by this Ordinance.
  - 6. Lot lines shall be approximately at right angles or radial to street lines so long as reasonable shaped lots result.



B. Single-Family Residential Detached Dwellings:

	<b>On-Lot Water &amp; Sewer</b>	<b>On-Lot Water &amp; Central Sewer</b>	<b>On-Lot Sewer &amp; Central Water</b>	<b>Central Water &amp; Sanitary</b>
Lot Size	43,560 sq. ft.	20,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.
Lot Width	100 feet	85 feet	85 feet	75 feet
Front Setback*	25 feet	20 feet	20 feet	20 feet
Side Setback	12 feet	12 feet	12 feet	12 feet
Rear Setback	25 feet	12 feet	12 feet	12 feet
Height (Maximum)	35 feet	35 feet	35 feet	35 feet

\* The front setback is measured from the public or private street rights-of-way.

C. Two-Family Dwelling; Minimum Required for each Dwelling Unit:

	<b>On-Lot Water &amp; Sewer</b>	<b>On-Lot Water &amp; Central Sewer</b>	<b>On-Lot Sewer &amp; Central Water</b>	<b>Central Water &amp; Sanitary</b>
Lot Size	30,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.
Lot Width	100 feet	75 feet	75 feet	50 feet
Front Setback*	25 feet	20 feet	20 feet	20 feet
Side Setback	12 feet	12 feet	12 feet	12 feet
Rear Setback	25 feet	12 feet	12 feet	12 feet
Height (Maximum)	35 feet	35 feet	35 feet	35 feet

\* The front setback is measured from the public or private street rights-of-way.

D. Attached Dwellings (Townhouses), served by Central Water & Sanitary Only and the minimum required per dwelling unit:

Lot Size	2,500 sq. ft.
Interior Lot Width	20 feet
Front Setback*	20 feet
Side Setback for end units	12 feet
Rear Setback	20 feet
Height (Maximum)	35 feet

\* The front setback is measured from the public or private street rights-of-way.

- E. Multiple Dwelling Residences (Garden Apartments), served by Central Water & Sanitary Only and the minimum required per dwelling unit:

Lot Size	40,000 sq. ft.
Lot Width	150 feet
Front Setback*	20 feet
Side Setback (Exterior)	12 feet
Rear Setback	20 feet
Height (Maximum)	40 feet

\* The front setback is measured from the public or private street rights-of-way.

- F. Non-Residential Uses:

Lot Size	25,000 sq. ft.
Lot Width	125 feet
Front Setback*	40 feet
Side Setback	20 feet
Rear Setback	25 feet
Height (Maximum)	40 feet

\* The front setback is measured from the public or private street rights-of-way.

### **605.3 Buildable Lots**

Lots containing any steep slope (over 15%) or floodplain (floodway and/or flood fringe) shall be enlarged so that the buildable area meets the required minimum lot area per this ordinance

## **Section 606 Easements**

The following shall apply to easements within all subdivisions:

### **606.1 Width**

Easements with a minimum width of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines, or such other greater width as required by the utility company or entity providing service. No structures or new trees shall be placed within such easements.

### **606.2 Location**

Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.

### **606.3 Drainage Easements**

Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with

the line of such watercourse, drainage way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a stormwater system. The minimum width shall be 25 feet from the top of bank or as prescribed by the Township Engineer.

#### **606.4 Other Utilities**

There shall be a minimum distance of one hundred (100) feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line which may traverse the subdivision.

### **Section 607 Community Facilities**

#### **607.1 Adequacy of Community Facilities**

In reviewing subdivision plans, the Township will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. The reservation of land for community facilities will be requested when appropriate; therefore, the subdivider shall give earnest consideration to reserving land for parks, playgrounds, and other community facilities. If a facility of this type has been planned by any group or agency in any area that is to be subdivided, the subdivider shall ascertain from such organization whether or not it intends to use the site. Should the Township or County have adopted a Recreation Plan, the requirements of the Plan will be followed for open space and recreational land reservations and fees in lieu.

#### **607.2 Common Open Space**

In a Subdivision or Land Development consisting of fifteen (15) or more lots and an average gross residential density of two (2) dwelling units per acre or more, six (6%) percent of the land shall be reserved for Common Open Space. Applicant may pay a fee-in-lieu rather than dedicating land within their development. Fees-in-lieu paid to the Township shall be deposited in a dedicated account for park and recreation facilities within the Township.

### **Section 608 Public Utilities**

The following public utilities, when required, shall meet the indicated standards below:

#### **608.1 Underground Installation**

- A. In all subdivisions and land developments submitted to the Township after the effective date of this Ordinance, electric, telephone, and all other utility facilities shall be installed underground.

- B. The Developer shall be required, prior to Final Plan approval and as a condition thereof, to obtain a letter from the appropriate utility company confirming that the Developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission's rules and regulations.

### **608.2 Water**

- A. Where public water lines are required in a new subdivision, they shall be in conformity with any adopted Area wide Water Plan for Bedford County and any applicable water plans, standards, rules, and/or regulations developed for the municipal authority or utility company providing the service in which the proposed subdivision is located.
- B. If the municipality, authority, or utility company providing the service has no such plan, standards, rules, or regulations or has standards below those of the Department of Environmental Protection, the Standards of the Department of Environmental Protection shall apply.
- C. The health and welfare of the Township will be protected to a higher degree when a use is proposed within the defined wellhead protection area as defined by the Bedford County Water Supply Plan and Wellhead Protection Plan. This will include any use that may pollute existing groundwater supplies in this defined area.

### **608.3 Sanitary Sewer**

- A. Where public sewer lines are required in a new subdivision, they shall be in conformity with any adopted area wide Sewer Plan for Bedford County, if any, and any applicable sewer plans, standards, rules, and regulations developed for the municipality and/or by the municipal authority in charge of same in which the proposed subdivision is located.
- B. The design specifications of all sewer lines installed in new subdivisions or new land development shall meet the minimum standards, rules, and regulations set forth by the municipality, municipal authority, or utility company providing the service in which the proposed subdivision is located.
- C. If the municipality, authority, or utility company providing the service has no standards, rules, or regulations or has standards below those of the Department of Environmental Protection, the Standards, rules, and/or regulations of the Department of Environmental Protection shall apply.
- D. Manholes shall be provided at all changes in grades and direction and in no instance shall the distance between manholes exceed four hundred (400) feet.

- E. All sewer pipelines must be at least eight (8) inches in diameter and sewer laterals must be at least four (4) inches in diameter unless otherwise approved by the municipality, municipal authority, or utility company providing the service where the proposed subdivision or land development is located.
- F. Storm sewers or foundation under-drainage systems shall not be connected with the sanitary sewer system.

#### **608.4 On-Lot Sewage Disposal**

- A. Where it is found necessary and feasible to rely upon on-lot systems for sewage disposal, the on-lot sewage disposal systems shall meet the minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, as amended.
- B. Within West Providence Township, the provisions of Act 537 are administered by the Township's Sewage Enforcement Officer (SEO).

#### **608.5 Storm Sewers**

- A. Where storm sewers are required in a new subdivision, they shall be in conformity with any Stormwater Management Plan for Bedford County and any applicable stormwater plans or ordinances developed for the Township in which the proposed subdivision is located.
- B. All stormwater lines shall meet the minimum standards set forth by the Township in this ordinance, in addition to the advice of the Township Engineer.

#### **608.6 Utility Contingencies of Final Plan Approvals**

No final approval to any plan, whether Preliminary or Final, shall be granted with respect to any subdivision plan submitted to the Township for approval until any and all necessary approval(s) of the municipality, authority, or company providing service in the area of the proposed subdivision has been given in writing and demonstrated by the applicant.

### **Section 609 Stormwater Management Standards**

#### **609.1 Purpose of Stormwater Management Standards**

- A. Manage accelerated runoff and erosion and sedimentation problems at their source by regulating activities that cause such problems.
- B. Utilize and preserve the natural drainage systems.

- C. Promote best management practices (BMPs) that incorporate design strategies and technologies to conserve and protect natural resources within West Providence Township.
- D. Ensure stormwater management plans that utilize the best management practices prescribed by the PADEP and mimic the natural hydrologic patterns.
- E. Prevent scour and erosion of stream banks and streambeds.
- F. Provide proper operation and maintenance of all permanent stormwater management BMPs that are implemented within West Providence Township.
- G. Provide performance standards and design criteria for stormwater management and planning within West Providence Township.

**609.2 Applicability**

The following activities are defined as “Regulated Activities” and shall be regulated by this Section:

- A. Land Development or Subdivision resulting in new or additional impervious surfaces (driveways, parking lots, etc.);
- B. Construction of new buildings or additions to existing buildings;
- C. Diversion or piping of any natural or man-made stream channel; and,
- D. Installation of stormwater management facilities or appurtenances thereto

**609.3 Exemption Criteria:**

<b>Stormwater Management Plan Exemption Criteria</b>	
<b>Total Parcel Size</b>	<b>Total Impervious Area Exemption(square feet)</b>
Less than 0.25 acre	2,000
0.25 to less than 0.5 acre	3,500
0.5 to 1 acre	5,000
More than 1 to 2 acres	10,000
More than 2 to 5 acres	15,000
More than 5 acres	20,000 or 5% of parent tract to a maximum of 5 acres.

- A. Regulated activities that meet exemption criteria in the following table may qualify for an exemption of these standards subject to review by the Township Engineer, and at the sole discretion of the Township Supervisors. The exemption criteria shall apply to all regulated activities proposing construction of impervious surfaces after the effective date of this Ordinance.
- B. All requests for exemptions shall be submitted in writing for review by the Township and shall clearly identify the justification and basis for the request. The exemption criteria shall apply to all regulated activities proposing construction of impervious surfaces after the effective date of this Ordinance.
- C. The adoption date of this Ordinance shall be the starting point from which to consider tracts as “parent tracts” in which future subdivisions and respective impervious area computations shall be cumulatively considered.
- D. The total impervious surface area at a site shall be calculated for the area inclusive of both existing and proposed impervious surfaces.
- E. Existing gravel parking areas, driveways, and roads shall be considered semi-impervious. Existing gravel and stone areas shall be included in the impervious area calculations but are to be reduced by a reduction factor of 0.85.
- F. Requests for exemption shall be reviewed by the Township Supervisors on an individual site basis using the criteria outlined in this Section. An exemption shall not relieve the applicant from implementing any measures that would be necessary to protect the public health, safety, welfare, property, or the resources of the people and/or the environment.
- G. Subdivision and Land Development activities receiving an exemption of these standards shall include a statement to this effect on the plans.
- H. Agricultural activities such as growing crops, rotating crops, tilling of soil and grazing animals and other such activities are specifically exempt from complying with these standards provided these activities are operated in accordance with a conservation plan or erosion and sedimentation control plan approved by the Conservation District.

#### **609.4 Authority for Township to Regulate Land Use Activities**

West Providence Township is empowered to regulate land use activities by the authority of the Act of October 4, 1978, P.L. 864 (Act 167), the Stormwater Management Act and the Second Class Township Code, the Act of May 1, 1933 (P.L. 103, No. 69), Re-enacted and Amended November 9, 1995 (P.L. 350, No. 60), as amended.

## 609.5 Plan Requirements

- A. All regulated activities in West Providence Township not granted an exemption in accordance with this Section 609.3 shall submit a Stormwater Management (SWM) Plan to West Providence Township for review.
- B. The SWM Plan shall contain the following, and shall be signed and sealed by a qualified professional:
  1. A general description of the project and a detailed narrative of the stormwater management techniques, types of storage and conveyance facilities, and a comparison between the predevelopment and post development peak runoff rates.
  2. Complete hydrologic, hydraulic, and structural computations for all stormwater management facilities.
  3. Runoff calculations and related design computations of the total drainage areas to the proposed temporary and permanent stormwater management facilities.
  4. Maps of the project areas shall be submitted on twenty-four (24) inch by thirty-six (36) inch sheets. The contents of the map(s) shall include, but not be limited to:
    - (a) The location of the project relative to highways, municipalities or other identifiable landmarks.
    - (b) The one-hundred-year floodplain as determined by the Federal Emergency Management Agency (FEMA).
    - (c) Existing and proposed contours at intervals of two feet. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
    - (d) A map showing the extent of the entire watershed contributing runoff to the site including off-site watersheds, if any.
    - (e) The downstream area affected by stormwater runoff from the proposed development.
    - (f) Other physical features, including sinkholes, streams, existing drainage courses, and areas of natural vegetation.
    - (g) The location of existing and proposed utilities, sanitary sewers, and waterlines on the property being developed and within 50 feet of the subject property lines.



- (h) An overlay of soil boundaries with soil names
- (i) Proposed changes to the land surface listing the amount of existing and proposed impervious surface area.
- (j) Existing and proposed buildings, roads, and parking areas
- (k) Construction details, sections and specifications for building the stormwater facilities
- (l) The location of all erosion and sedimentation control facilities.
- (m) The name of the development, the name and address of the owner of the property, and the name of the individual or firm preparing the plan.
- (n) Date of submission.
- (o) A graphic and written scale of one inch equals no more than 60 feet; for tracts of 20 acres or more, the scale may be increased to no more than 200 feet.
- (p) North arrow.
- (q) The total tract boundary and size with distances indicated to the nearest foot and bearings listed to the nearest degree.
- (r) Existing and proposed land uses.
- (s) A vicinity map showing all existing man made features beyond the property boundary that may be affected by the project.
- (t) Easements surrounding all stormwater management facilities that provide access from the public right of way and that prohibit obstructions from being built in these areas intended for stormwater management.
- (u) A note on the plan indicating the contact information of the person responsible for maintenance of the proposed stormwater management facilities.
- (v) Staging and implementation schedule for constructing the proposed stormwater management facilities.
- (w) A statement, signed by the property owner, acknowledging the proposed stormwater management facilities are to be a permanent feature that can be altered or removed only after approval of a revised plan by the Township.

- (x) Maintenance and ownership provisions in accordance with this Ordinance.

## **609.6 General Standards**

- A. For all Regulated Activities, stormwater BMPs shall be designed, installed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements of the PADEP.
- B. Stormwater facilities shall be provided in order to permit unimpeded flow along natural watercourses, except as modified by stormwater management facilities.
- C. If existing diffused drainage discharge will be concentrated in the post development condition and discharging onto an adjacent property, the Developer must document that adequate downstream conveyance facilities exist to safely transport the concentrated discharge to an existing established watercourse within a designated easement or right of way.
- D. The location, rate and flow characteristics of existing discharge onto adjacent properties shall not be altered without written consent of affected property owner.
- E. Existing non-forested pervious areas must be considered meadow in good condition for pre-development calculations.
- F. Where a development site is traversed by watercourses, drainage easements shall be provided conforming to the line of such watercourses. The width of easements shall be based on the Federal and/or State Regulatory Status of the Watercourse and the physical limits of the regulated features. If the watercourse is not regulated, then easements shall have a minimum width of 20 feet from the top of bank. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement.
- G. Any stormwater facilities regulated by this Ordinance that would be located in or adjacent to waters of the Commonwealth or wetlands shall be subject to approval by PADEP and, if applicable, the U.S. Army Corps of Engineers. When there is a question whether wetlands may be involved, it is the responsibility of the Developer or their agents to demonstrate to the applicable regulatory agencies that the land in question cannot be classified as wetlands.

- H. Any stormwater facilities regulated by this Ordinance that would be located in State Highway rights-of-way shall be subject to approval by the Pennsylvania Department of Transportation.
- I. The proposed grade shall slope away from all structures.
- J. A SWM Plan shall include calculations indicating volumes, velocities of flow, grades, sizes, and capacities of all sediment basins, retention and detention structures, storm conveyance systems and design information sufficient to construct such facilities.
- K. A SWM Plan shall identify pre-development and post-development runoff rates of stormwater runoff for all discharge points associated with a development site.
- L. Erosion and sediment pollution control measures shall be required for all plans submitted and shall be in accordance with the applicable standards and specifications set forth in the latest edition of the DEP Erosion and Sediment Pollution Control Program Manual and all other aspects of DEP Chapter 102 regulations, as amended.
- M. Plans approved by West Providence Township shall be kept on the project site throughout the duration of construction activities.

**609.7 Calculation Methodology**

- A. Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Methods shall be selected by the design professional based on the limitations and suitability of each method for a particular site.
- B. Other recognized methodology for calculating stormwater runoff volumes and rates may be used upon approval by the Township Engineer.
- C. NRCS Rainfall-Runoff Method – The Soil Conservation Service Type II, 24-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the following:

<u>Design Storm Event</u>	<u>24-hr Rainfall Total</u>
2-year	2.62 inches
10-year	3.81 inches
25-year	4.60 inches
50-year	5.27 inches
100-year	5.99 inches

- D. Rational Method – The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves, Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period. The Rational Method is not to be used for calculating runoff volumes.

#### **609.8 Peak Discharge Rate Controls**

- A. Post development peak discharge rates shall not exceed pre development peak discharge rates for the 2, 10, 25, 50 and 100-year design storm events. More stringent criteria may be required by the Township in sensitive areas where stormwater problems presently exist.
- B. If the applicant can mathematically demonstrate that post development peak discharge rates are less than or equal to pre development peak discharge rates without stormwater management controls, then the requirements of this section have been met. Otherwise, the applicant shall provide stormwater management controls as necessary to satisfy the stated requirements.

#### **609.9 Water Quality and Groundwater Recharge**

- A. Stormwater Management facilities providing Water Quality and Groundwater Recharge benefits shall be located, designed, and constructed in accordance with the latest technical guidance published in the PADEP Stormwater Best Management Practices Manual.
- B. The Low Impact Development Practices suggested in the PADEP Stormwater BMP Manual shall be utilized for Regulated Activities to the maximum extent practicable. The goal of such Practices shall be to mimic natural hydrologic patterns by managing stormwater runoff at the source using uniformly distributed, decentralized, micro-scale controls.

#### **609.10 Stormwater Management Facility Design Requirements**

- A. No outlet structure from a stormwater management facility, or swale, shall discharge directly onto a Township or State roadway unless specifically permitted.
- B. The top, or toe, of any slope shall be located a minimum of 10 feet from any property line, easement, or rights-of-way.
- C. Exterior slopes of compacted soil shall not exceed 3:1, and must be further reduced if the soil has unstable characteristics.
- D. Interior slopes of the stormwater basins shall not exceed 3:1.

- E. All stormwater management facilities shall have a minimum bottom slope of 0.7% extending out from the principal outlet structure. Facilities designed as water quality / infiltration BMPs may have a bottom slope of zero percent.
- F. Impervious low-flow channels are not permitted within stormwater management facilities.
- G. All stormwater management facilities shall be designed to completely dewater within 72 hours.
- H. Energy dissipaters and/or level spreaders shall be installed at points where pipes or drainage ways discharge to or from basins. Discharges to drainage swales shall be dissipated, or piped, to an acceptable point.
- I. A safety fence is required for any stormwater management facilities with interior slopes of 3:1 and a basin depth of four (4) feet or greater. Stormwater management facilities having interior slopes of 4:1 or less may be waived of fencing requirements at the sole discretion of the Township Supervisors. Fencing of stormwater management facilities shall be a minimum of four (4) feet high and made of a material acceptable to the Township. A gate with a minimum clearance of 10 feet shall be provided for maintenance access. The Township may increase requirements based on circumstance of use, size, and location of stormwater management facilities.
- J. Principal Outlet Structures: The primary outlet structure shall be designed to pass all design storms without discharging through the emergency spillway.
- K. Emergency Spillways: Any stormwater management facility designed to store runoff shall provide an emergency spillway capable of conveying the 100-year post-development peak flow while maintaining one foot of freeboard. This calculation is to assume the principal spillway is blocked.
- L. Underground stormwater management facilities must provide a method to pass the 100-year post-development peak flow without structural failure, or causing downstream harm or safety risks.
- M. Stormwater Management facilities having 3 feet or more of water depth measured vertically from the lowest elevation in the facility to the crest of the emergency spillway shall meet the following requirements:
  - 1. The top of embankment width shall be a minimum of eight (8) feet.
  - 2. Embankments shall be constructed using suitable soils. Details and construction specifications for berms shall be provided on SWM Plans.

3. A cutoff and key trench of impervious material shall be provided for basins 4 feet or greater in depth. The cutoff trench shall run the entire length of the basin embankment and shall tie into undisturbed natural ground.
4. Anti-seep collars, or a PADEP approved alternative, must be provided on all outflow culverts in accordance with the methodology contained in the latest edition of the PADEP Erosion and Sediment Pollution Control Program Manual.
5. Vertical pipes, inlets, orifices and other types of outlet structures for stormwater management facilities shall have an appropriate trash rack which can be easily maintained and aesthetically-pleasing in appearance. Details and specifications for trash racks shall be provided on SWM Plans.

N. Stormwater Conveyance facilities shall be designed to meet the following requirements:

1. Inlets and cleanout structures for storm sewers shall be installed at the following maximum spacing:

<u>Pipe Diameter (inches)</u>	<u>Maximum Allowable Spacing (feet)</u>
15	200
18-36	300
42-60	500
66 or larger	Unlimited

2. All storm sewer pipes, grass waterways, open channels, swales and other stormwater conveyance facilities that service drainage areas within the site must be able to convey post-development runoff from the 10-year design storm without surcharging inlets, and with adequate freeboard in open drainage ways. Six inches of freeboard shall be provided in swales carrying 14 cfs or less. One foot of freeboard shall be provided for swales carrying 15 cfs or greater.
3. Proposed lots or buildings adjacent to basins or channels conveying offsite flows shall have a finished floor elevation of two feet above the one-hundred-year storm event level calculated for these facilities. The plans shall indicate the minimum first floor elevation based on these design calculations.
4. Storm sewer pipes, grass waterways, open channels, swales and other stormwater carrying facilities that convey off-site water through the site shall be designed to convey the 25-year storm event or larger events, as determined by the Township Engineer.

5. When connecting to an existing storm sewer system, the Applicant must demonstrate that the proposed system will not adversely impact any existing stormwater problems and downstream capacity issues.
  6. The minimum pipe diameter permitted for use in storm sewer systems and /or stormwater carrying culverts shall be 15-inches when located within Township rights of way. In all cases storm pipes or culverts shall have slopes no less than 0.5%.
  7. Outlet protection in accordance with the PADEP Erosion and Sediment Control Program Manual shall be provided for storm sewer pipes, culverts, and other stormwater carrying facilities with an at surface discharge.
  8. Inlets, manholes, pipes, and culverts shall be constructed in accordance with the specifications set forth in PENNDOT Publication 408, and as detailed in PENNDOT Publication 72M - Standards for Roadway Construction (RC) or other details approved by the Township Engineer. All material and construction details must be shown on the SWM Site Plan, along with a note that all construction must be in accordance with PENNDOT Publication 408 and PENNDOT Publication 72M, latest edition. A note shall be included on the plan stating that all frames, concrete top units, and grade adjustment rings shall be set in a bed of full mortar according to Publication 408.
  9. Inlets, junction boxes, or manholes greater than five (5) feet in depth shall be equipped with ladder rungs at 15" centers and shall be detailed on the SWM Plan.
  10. All storm drainage piping shall be provided with either reinforced concrete headwalls or end sections compatible with the pipe material and size at its entrance and discharge.
  11. Stormwater roof drains, springs or sump pump discharges shall be collected so as not to directly discharge onto a sidewalk, street or adjacent property. Roof drains shall not be connected directly to Township storm sewers without approval.
  12. Stormwater conveyance channels shall be designed and installed to avoid trapping excess sediment.
- O. All retaining walls are to be constructed according to sound engineering standards from which plans are submitted to the West Providence Township Engineer for review and approval.

### **609.11 Performance Guarantee**

- A. The applicant shall provide a financial guarantee to the Township for the proper installation and construction of all stormwater management and Erosion and Sediment controls as required by the approved SWM and Erosion Sediment Control plan and this Ordinance in the amount of 110% of the total estimated construction cost of all elements of the approved plan.
- B. Performance guarantees will be released only upon submittal of Record Drawings, which shall consist of a certified As-Built Survey of all stormwater management facilities included in the approved SWM Plan. Record Drawings shall be submitted to the Township Engineer for final approval, and shall include an explanation of any discrepancies, alterations and or modifications with the approved stormwater management plans. Record drawings shall be certified by a qualified professional.

### **609.12 Operation and Maintenance Program**

- A. Each SWM plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all permanent stormwater management facilities. The provisions shall include:
  - 1. Description of maintenance requirements and outline of routine maintenance actions and schedules necessary to ensure proper operation of the facilities.
  - 2. Establishment of suitable easements for access to all facilities from public rights-of-way. Easement locations, dimensions and prohibitions shall comply with this Ordinance. The Township, its agents and employees shall have the right to enter easement areas where stormwater management and erosion and sediment control facilities are located for the purpose of inspecting said facilities.
  - 3. Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management and erosion and sediment control facilities.
  - 4. When ownership will be the responsibility of a Homeowner's Association, an agreement shall be provided to the Township by the Applicant/Owner/Developer defining the terms and conditions under which ownership and maintenance responsibilities will be transferred to the Homeowner's Association. Other items may be required in the agreement where determined necessary to guarantee satisfactory installation and maintenance of all facilities. The agreement shall be subject to the review and approval of the Township and shall be recorded with the County Recorder of Deeds.



## B. Operation and Maintenance Agreements

1. The responsible party or owner responsible for maintenance of the stormwater management facilities shall sign the Stormwater Operation and Maintenance Agreement.
2. If the Township determines that the permanent stormwater management facilities are not being installed in accordance with the approved SWM Plan, the Township shall revoke any existing land use permits until revised Plans are submitted and approved by the Township.

## Section 610 Erosion and Sediment Control

The following standards shall apply to erosion and sediment control within the Township:

### 610.1 General Purpose

- A. The Board of Supervisors finds that the minimization of erosion and control of sedimentation on land development and subdivision are in the public interest, affecting public health, safety and welfare, and, therefore, those regulations governing erosion control and sedimentation control are necessary for the Township.
- B. No changes in excess of 5,000 square feet in area shall be made to the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that an Erosion and Sedimentation Plan (E & S Plan) for minimizing erosion and sedimentation, as required by Chapter 102 of the Rules and Regulations of the Department of Environmental Protection, has been reviewed by the Bedford County Conservation District, or if required, a Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) Permit has been issued.
- C. No subdivision or land development plan authorizing construction shall be approved unless:
  1. Evidence is presented showing a favorable review of the soil erosion and sedimentation control plan by the Bedford County Conservation District, or if applicable, the issuance of an NPDES permit from the Department of Environmental Resources.
  2. Financial security for erosion controls has been included in the financial security for the project as required in Section 609.11 of this Ordinance.

D. Where not specified in this Ordinance, measures used to control erosion and sedimentation shall meet the minimum standards contained in the Erosion and Sediment Pollution Control Program Manual of the Department of Environmental Protection.

E. Performance Principles

1. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize all erosion.
2. Development plans shall preserve important natural features, minimize cut-fill operations, conform to topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
3. Natural vegetation shall be retained, protected and supplemented. A landscape plan may be required by the Township.
4. The disturbed area and the duration of exposure shall be kept to within 20 days after earthmoving ceases.
5. Disturbed soils shall be stabilized as quickly as practicable.
6. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development as per the approved E&S Plan.
7. The structural erosion control and drainage measures shall be installed prior to the earth disturbance within the drainage area in the development.
8. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate and amount of surface water runoff will be structurally retarded.
9. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

F. Grading for Erosion and Other Environmental Controls. In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion as per the approved E&S Plan, the following requirements shall be met:

1. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with Section 603 and as approved in the Final Plan.

2. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage facilities across or above these areas.
3. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
4. Fill placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
5. During grading operations, necessary measures for dust control will be exercised.
6. Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges. DEP Chapter 105 Dam Safety and Waterway Management Permits should be acquired.

## **610.2 Responsibility**

- A. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible. DEP Chapter 105 Dam Safety and Waterway Management Permits should be acquired.
- B. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.
- C. It is the responsibility of any developer or subdivider, and any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the flood plain or rights-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or rights-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed. D.E.P. Stream Permits should be acquired.
- D. The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.

### **610.3 Compliance with Regulations and Procedures**

- A. The Board of Supervisors, in their consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained herein.
- B. The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Erosion and Sediment Pollution Control Program Manual of the Department of Environmental Protection.

### **611 Traffic Impact Studies**

#### **611.1 Uses Requiring a Traffic Study.**

At the time of Preliminary Plan submission, a Traffic Impact Study shall be performed for all developments that generate, individually or cumulatively, a total traffic volume of 800 or greater trips per day as determined by the trip generation rates published by the Institute of Traffic Engineers (ITE), as amended.

#### **611.2 Scope of Study**

Such a traffic study shall meet the requirements set forth below:

- A. The full costs of completing the study and of a review by the Township Engineer or other Township representative shall be borne by the applicant.
- B. The Township shall provide a list of three or more persons or firms that are qualified traffic engineers or traffic planners. The applicant shall select one of the persons or firms from this list.
- C. Prior to initiation of the traffic study, the traffic engineer or planner shall meet with the Township to establish the area to be studied. This area shall be limited to streets and intersections within a maximum of one mile of the proposed project boundaries. If no arterial or collector road as classified in the County or Township Comprehensive Plan is located within one mile of the proposed project boundaries, the study area shall be expanded to include those areas between the proposed project boundaries and the nearest collector or arterial road.
- D. Joint Studies. Joint traffic studies between different applicants are strongly encouraged. If a recent and relevant study is available, that information may be used if applicable as a basis for this required study.

- E. Any study shall include a description of the proposed development, its proposed access, and the surrounding street system. If a development is to occur in stages, each stage shall be described and taken into account in the study. If the applicant owns other lands within the study area, reasonable assumptions shall be made about how that land can be expected to be developed, and shall be taken into account.
- F. The traffic volumes and service levels during the a.m. and p.m., peak hours shall be presented for all streets and intersections in the study area that can be expected to be significantly impacted. Traffic volumes shall be based upon actual counts that occurred within the prior two years and not upon State estimates. The locations of all accidents reportable to the State Police and PennDOT within the study area during a recent two year period shall be noted.
- G. The study shall include an estimate of the number of trips expected to be generated by the use and any future stages during the a.m. and p.m. peak hours. Such estimates shall be based upon the latest published estimates of the Institute of Transportation Engineers, or its successor entity.
- H. The study shall take into account not only the use proposed by the applicant, but also other uses and developments that have received building permits or preliminary subdivision or land development approval from a municipality. The study shall project a.m. and p.m. peak hour traffic volumes and levels of service on impacted intersections and streets. If the traffic generation by the development would be more than 30 percent greater during any hour other than the a.m. or p.m. peak hours on adjacent streets, the study shall analyze both the peak hours for the development and for adjacent streets. The study shall project what directions the traffic generated will head towards.
- I. The study shall use the description of the levels of service (A, B, C, D, E and F) for streets and highways established by the U.S. Department of Transportation.
- J. Heavily traveled intersections at entrances to the development and other major unsignalized intersections in the study area shall be studied to determine whether a traffic signal is warranted by PennDOT criteria.
- K. Clear sight distance shall be provided for each proposed point of ingress and egress. Said sight distance shall be in accordance with prevailing PennDOT requirements for the desirable or safe sight distance as published in Chapter 441 of 67 Pa. Code. Safe stopping sight distance values shall be acceptable only when it is demonstrated to the satisfaction of the Township that it is impossible to achieve the desirable value by locating the access at any point within the property frontage boundaries.

- L. The study may take into account traffic improvements, which are clearly funded and will occur within the next two years. The study shall include suggestions for how each congested or hazardous intersection in the study area should be improved to reduce the hazard or congestion, along with a rough estimate of the cost of that improvement.
- M. The applicant shall respond to the traffic study with proposals on what traffic improvements, rights-of-way dedications, or commitments of financing for specific projects the applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may be staged relative to the stages of the development.

## **Section 612 Stream Channel Construction**

### **612.1 General Standard**

Stream channel construction shall conform to criteria established by the Pennsylvania Department of Environmental Protection.

### **612.2 Permits and Authorizations**

A written permit issued by the Department of Environmental Protection shall be required prior to any construction, operation, maintenance, modification, enlargement, or abandonment of any dam, water obstruction, or encroachment. Evidence of the permit must be presented when requested prior to any approval of a subdivision or land development which authorizes construction.

## **Section 613 Flood Hazard Area Regulations**

The following standards shall apply to Flood Hazard Areas within West Providence Township:

### **613.1 Purpose.**

- A. To regulate the subdivision or development of land within any designated Flood Hazard Area in accordance with the West Providence Township Flood Plain Regulations in order to promote the general health, welfare, and safety of the community.
- B. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.
- C. To prevent individuals from buying lands unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated Flood Hazard Area districts.

## 613.2 Standards and Restrictions in Flood Hazard Areas

- A. To the extent that this section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this ordinance.
- B. Disclaimer of Municipal Liability. The grant of a permit or approval of a Plan for any proposed Subdivision or Land Development to be located within any designated Flood Hazard Area shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, employees or agents.
- C. Application Procedures and Requirements.
  - 1. Pre-Application Procedures.
    - (a) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed;
    - (b) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.
  - 2. Preliminary Plan Requirements. The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:
    - (a) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section;
    - (b) A map showing the location of the proposed subdivision or land development with respect to any designated Flood Hazard Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Flood Hazard Area or Areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions;
    - (c) Where the subdivision or land development lies partially or completely within any designated Flood Hazard Area, or where

the subdivision or land development borders on a Flood Hazard 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 also show contours at intervals of two (2) feet, and shall identify accurately the boundaries of the Flood Hazard Areas;

(d) Such other information as is required by this ordinance.

3. Final Plan Requirements. The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:

(a) All information required for the submission of the preliminary plan incorporating any changes requested by the Board of Supervisors;

(b) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated Flood Hazard Area. All such maps shall show contours at intervals of two (2) feet within the Flood Hazard Area and shall identify accurately the boundaries of the flood prone areas; and,

(c) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other governmental agency, or local municipality where 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 in advance of the proposed alteration or relocation. The Pennsylvania Department of Community and Economic Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the West Providence Township Board of Supervisors meeting at which such plan is to be considered.

D. Design Standards and Improvements in Designated Flood Hazard Areas.

1. General.

(a) Where not prohibited by this or any other laws or ordinances, land located in any designated Flood Hazard Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.



(b) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot above regulatory flood elevation at any point.

2. Building Sites for Residential

(a) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area.

(b) Sites for these uses may be permitted outside the floodway area in a Flood Hazard Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation and provided that the driveway extends to the residence or other type of dwelling or accommodation so as to provide for a safe route and means of exit during flood conditions.

(c) If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures and access shall also meet these requirements.

3. Building Sites for Structures Other Than Residential

(a) These structures shall not be permitted in the floodway area.

(b) Sites for non-residential structures or buildings outside the floodway in a Flood Hazard Area shall be protected as indicated per this Ordinance.

(c) The Board of Supervisors may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be flood proofed to the Regulatory Flood Elevation.

4. If the Township determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

5. When a developer does not intend to develop the plat himself and the Board of Supervisors determines that additional controls are required to insure safe development, they may require the developer to include appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

6. Drainage Facilities.

- (a) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites. The primary objective is to detain a significant amount of stormwater on site for as long as possible to allow stormwater to penetrate the ground rather than run off.
- (b) Plans shall be subject to the approval of the Township Supervisors. The Township, where appropriate, may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with any Township Stormwater Management Ordinance and/or as approved by the Township Engineer. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties including streets.

7. Streets and Driveways.

- (a) The finished elevation of proposed streets and driveways shall not be less than one (1) foot above the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this ordinance shall be submitted with the Final Plan.
- (b) Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

8. All sanitary sewer systems located in any designated Flood Hazard Area whether public or private, shall be flood proofed up to the Regulatory Flood Elevation.

9. All water systems located in any designated Flood Hazard Area, whether public or private, shall be flood proofed up to the Regulatory Flood Elevation.

10. All other public or private utilities and facilities, including gas and electric, shall be elevated or flood proofed up to the Regulatory Flood Elevation.

## ARTICLE VII

### IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

#### Section 701 General Intent

It is the purpose of this Article to set forth the required improvements in all subdivisions and land developments, and the construction standards required. Where not set forth, they shall be in accordance with the prevailing standards as established by the Township Engineer. Alternate improvement standards may be permitted if the Township deems them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Township believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the citizenry of the County.

Any or all of the following improvements as may be required by the Township, pursuant to the authority granted in the municipal code, considering the needs of the area in which the proposed subdivision is located, shall be completed in accordance with the requirements established by this Ordinance as well as in accordance with the requirements of the responsible public authority affected, public officials, or Township Engineer for that portion included in the final plat. If the improvements are not completed, then satisfactory arrangements shall be made with the Township to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plat.

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or financial security has been established with the Township.

#### Section 702 Required Improvements

##### 702.1 Monuments

For all Subdivisions, at least one (1) monument shall be set, preferably at an angle in the perimeter of the subdivision. The monument shall meet the following specifications:

- A. Monuments shall be of concrete or stone with a minimum size of six (6) inches by six (6) inches by thirty (30) inches and shall be marked on the top with a copper or brass dowel;
- B. Monuments shall be set under direct supervision of a Registered Land Surveyor so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the monument is level with the top of the surrounding ground;
- C. Monuments shall be set at the intersection of lines forming angles in the boundaries of the subdivision or development or at the intersection of street lines; and,

- D. Monument locations must be shown on the Final Plan. Any monuments that are removed shall be replaced under direct supervision of a Registered Land Surveyor at the expense of the person removing it.

## **702.2 Markers**

Markers shall consist of iron pipes, iron pins, steel bars, or copper weld markers, at least fifteen (15) inches long and not less than three-quarters (3/4) inch in diameter. Markers shall be set at the beginning and ending of all curves along street property lines;

- A. Markers shall be set at all points where lot lines intersect curves, either front or rear;
- B. Markers shall be set at all corners and angles of the property lines of lots;
- C. Markers shall be set at all other lot corners;
- D. Markers shall be placed so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the marker is level with the top of the surrounding ground; and
- E. Markers shall be set under the direct supervision of a Registered Surveyor.

## **702.3 Streets**

- A. All streets shall be graded to the full width of the rights-of-way to be surfaced. All streets shall be improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the subdivider and approved by the Township Engineer. In subdivisions where sidewalks are not required, the sidewalk areas shall be graded in the same manner as if sidewalks were to be constructed.
- B. Streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications as contained in Section 603 of this Ordinance.
- C. Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Township.
- D. No final grading shall be permitted with a cut face steeper in slope than 2 to 1 vertical except under one or more of the following conditions;

1. The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.
  2. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that they have inspected the site and that the proposed deviation from the specified slope will not endanger any property or result in property damage, is submitted to and approved by the Township Engineer.
- E. No final grading shall be permitted with fill slopes steeper than 3 to 1 vertically.

#### **702.4 Curbs**

- A. Curbs shall be required on new streets in subdivisions which have a typical lot width of interior lots at the building setback lines of less than one hundred (100) feet.
- B. Curbs may be required in any subdivision in which the lot areas or lot widths exceed one hundred (100) feet when the centerline street grade of any street exceeds three (3) percent. In such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion.
- C. The curbing requirement may be waived for low and medium density subdivisions at the discretion of the Township, but when the requirement is waived, grass-lined swales or rock-lined ditches shall be required. Curbs shall be as specified in Section 603.2.G of this Ordinance.
- D. All curbs shall be depressed at intersections to sufficient width to accommodate the requirements of the handicapped. The depression shall be in line with sidewalks where provided.

#### **702.5 Sidewalks**

Sidewalks shall be provided in high density subdivisions and when considered necessary by the Township for the protection of the public or whenever it is determined that the potential volume of pedestrian traffic or safety conditions creates the need for them. Sidewalks shall also be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one (1) or both sides. Sidewalks shall be provided on all streets and parking areas located within multi-family and apartment developments.

When sidewalks are required, they shall meet the following standards:

- A. Sidewalks shall be located within the street rights-of-way, one (1) foot from the rights-of-way line, and shall be a minimum of four (4) feet wide, except along collector and arterial streets, and in the vicinity of shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide.
- B. Generally, a grass planting strip should be provided between the curb and sidewalk.
- C. Sidewalks shall be at least four (4) inches thick, and shall be made of Class A concrete as specified in PennDOT, Publication 408, Section 704 and installed in accordance with PennDOT Publication 408, Section 676, except that aggregate for bed shall be a four (4) inch deep foundation, and concrete shall be broom finished.
- D. Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Township may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Township, and as noted in Section 604.3.
- E. Handicap-accessible ramps shall be provided as per ADA standards, regulations, and requirements, as amended.

## **702.6 Sanitary Sewers**

The method of sanitary waste disposal in a proposed subdivision or land development shall be determined by the Township, and in accordance with any adopted sewer plan and requirements of the municipal or joint municipal authority in charge of providing public sewerage service.

When public sanitary sewer is required, the following standards shall apply:

- A. The municipal authority's existing rules, regulations and specifications shall be followed in constructing and designing the proposed public sanitary sewer facilities for a subdivision or land development.
- B. In areas of the Township where a public sanitary sewer system has capacity and is within one thousand (1,000) feet of, or where plans approved by the governing body provide for the installation of such public sanitary sewer facilities to within one thousand (1,000) feet of the proposed subdivision or land development, the developer shall provide the subdivision or land development with a complete sanitary sewerage system to be connected to the existing or proposed public sanitary sewerage system.

- C. The system shall be designed by a registered professional engineer and meet the requirements of the Pennsylvania Department of Environmental Protection and the municipal authority.
- D. The developer shall submit, accompanying the Preliminary Plan application, two (2) copies of the Sewage Planning Module.
- E. In cases where no municipal sewer system is available under the conditions stated previously, a decision shall be made as to which of the following methods of sewage disposal best meets the needs of the proposed subdivision: a community disposal system, an interim treatment plant, individual on-lot septic tanks, or other satisfactory methods of sewage waste disposal. The Township shall recommend the most suitable type of sewage disposal in consideration of the results of the Sewage Planning Module, the individual site characteristics of the proposed subdivision, and both the short-range (5 to 10 years) water and sewer program and the long-range (20) years water and sewer plan for the Township. Regardless of the method of sewage disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facility Act 537, as amended, and other applicable local, state, and federal regulations. Where required, a DEP Sewage Planning Module approval shall be obtained prior to Township plan approval authorizing construction.
- F. In the event a public sanitary sewer system, community disposal system, and/or interim treatment plant are constructed, the Township will require two (2) copies of as-built drawings. These shall be filed with West Providence Township and with the municipal authority, respectively.

## **702.7 Water**

The method of water service in a proposed subdivision shall be determined by the Township, and in accordance with any adopted water plan and requirements of the municipal or joint municipal authority in charge of providing public water service.

When public water is required, the following standards shall apply:

- A. The municipal authority's existing rules, regulations and specifications shall be followed in constructing and designing the proposed public water facilities for a subdivision or land development.
- B. Where a municipal water supply system has capacity and is within one thousand (1,000) feet of, or where plans approved by the governing body or private water company provide for the installation of municipal water supply facilities to within one thousand (1,000) feet of the proposed subdivision or land development, then the subdivision or land development shall be provided with a complete water main supply system which shall be connected to the municipal water supply.

- C. The system shall be designed by a Registered Professional Engineer and approved by the municipal authority or utility company providing service.
- D. Evidence of issuance of permits from the Pennsylvania Department of Environmental Protection, when such permits are required, shall be presented to the Township prior to approval of plans authorizing construction.
- E. In cases where no municipal or community water supply system is available, each lot in a subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection.
- F. The plans for installation of the mains of a water supply system shall be prepared for the subdivision and land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision will be connected, shall be submitted to the Township. Upon the completion of the water supply system, one (1) copy each of the As-Built plans for such system shall be filed with the Township.

#### **702.8 Stormwater Management Control**

- A. Subdivision and Land Development shall meet the stormwater management provisions of this Ordinance.
- B. Stormwater management control improvements, as required by the Township Engineer and the Township, shall be installed and maintained in accordance with the plans submitted by the subdivider or developer.
- C. The improvements shall be designed and constructed to the standards set forth in Section 609 of this Ordinance and any Township Stormwater Management Ordinance that exists. One (1) copy of As-Built drawings of stormwater management control systems shall be filed with the Township.
- D. Storm sewers shall never be connected to sanitary sewers.

#### **702.9 Off-Street Parking**

- A. Each proposed dwelling unit in a subdivision or land development shall be provided with two (2) off-street parking spaces. Such off-street parking spaces may be provided as an individual garage, carport, and/or driveway, preferable located behind the building line, or in a parking compound adjacent to or near the dwelling units it serves. Driveway and



parking compounds shall provide two (2) usable parking spaces each containing one hundred eighty (180) square feet.

- B. Commercial or Nonresidential developments within the scope of these regulations shall provide paved parking areas. The minimum number of 9 foot x 20 foot parking spaces to be provided will vary depending upon use and/or interior and/or gross square footage area as summarized below:

<u>Land Use</u>	<u>Required Parking Area</u>
Department Stores	1 space per 200 square feet
Other retail	1 space per 250 square feet
Banks and related	1 space per 250 square feet
Offices	1 space per 333 square feet
Houses of Worship	1 space for every 5 seats
Hotels/Motels	1 space per unit
Supermarkets	1 space per 200 square feet
Sit-Down Restaurants	1 space per 333 square feet
Fast-food Restaurants	6 spaces per 200 square feet
Government or Community Buildings	1 space per 3 seats of design capacity

For uses not classified above, not less than three (3) square feet of paved parking area, inclusive of access lanes, for every one (1) square foot of interior floor area is required. In addition, paved truck loading, unloading, and maneuvering areas must be accommodated within the property lines.

- C. All commercial establishments in excess of 10,000 square feet of gross floor areas shall provide a loading dock/berth as specified in Section 903.3.E.

The gross floor area at which point a second dock/berth is required will vary with use as summarized below:

<u>Land Use</u>	<u>Second Loading Dock Required</u>
Wholesale	40,000 square feet
Retail	20,000 square feet
Offices-Services	100,000 square feet
Restaurants	25,000 square feet
Hotels/Schools	100,000 square feet

- D. Industrial developments within the scope of these regulations shall provide a minimum of paved off-street parking in the ratio of one (1) parking space for every employee anticipated during the peak work shift. In addition, paved truck loading areas shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines.

- E. In addition to the requirements for commercial and industrial parking areas previously noted, off-street parking facilities provided shall also include the following:
1. All parking areas shall be illuminated from dusk to dawn using light standards with a maximum height of forty (40) feet, with sharp cut-off shields on the fixtures to allow the direction of lighting on the lot and to avoid glare above the lot and onto adjacent properties.
  2. All parking areas, exceeding 20,000 sf, shall include interior landscaping of a least ten (10) percent of the area of the parking lot, exclusive of any buffer areas required per this Ordinance. The interior of the parking area includes that area between the frontage or buffer yard and any paved walkways or the structure, when a walkway is not necessary.
  3. The principal access point for commercial establishments abutting parking areas shall have at least one paved walkway meeting the requirements of the ADA.
  4. All parking areas shall include adequately sized access drives having a minimum width of twelve (12) feet when separate exit and entrance lanes are provided, and twenty-five (25) feet when combined exit and entrance lanes are provided.
  5. Parking areas shall provide for fire lanes and handicap parking stalls. These shall be appropriately located in relation to the building.
  6. Signage and pavement markings for handicap parking stalls shall comply with the requirements set forth in the ADA.

### **702.10 Street Name Signs**

Street name signs shall be placed at all intersections in conformance with the specifications of the Township. They shall be paid for by the subdivider and installed by the Township.

### **702.11 Buffer Areas**

All non-residential subdivisions and land developments shall include a landscaped buffer area of at least ten (10) feet in width along all public roadways, and ten (10) feet in width along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts existing residential use or residential neighborhood, the project shall comply with the screening requirements of Section 904 of this Ordinance.

## 702.12 Additional CAFO improvements

In addition to Land Development requirements in this ordinance, the following improvements, plans and tests are also required for CAFOs (See definition for Land Development).

- A. Groundwater monitoring wells, manure lagoon covers and operating plans including a closure plan, a mortality disposal plan, a dust control plan and a contingency plan to provide a pre-planned response for potential breaches of the manure lagoons or leakage from the manure lagoons are required to ensure the proposed land development will cause minimal pollution of the air, water or environs. Alternative manure lagoon covers and remedies for odor control will be considered by the Township.
- B. No burying of dead animals will be permitted in the Township. A mortality disposal plan is required.
- C. Test wells are required. Details including type, maintenance, testing times, duration and test parameters will be reviewed and approved by the Township Engineer and include at least tests for nitrate-nitrogen, total nitrogen, fecal coliform, turbidity and total dissolved solids. A copy of all testing results will be provided to the Township. Existing background testing is required prior to site occupancy by animals (new facility) or additional animals (number increase of animals that would qualify the operation as a CAFO).
- D. All manure lagoons will be constructed with an impermeable liner and fenced around the perimeter with at least a six (6) foot high chain-link fence and gates. Lagoon construction plans will be approved by the Township Engineer prior to construction.
- E. The closure plan will include procedures and timing for emptying the manure storage lagoons; emptying the facility of all attached equipment; provide a water test history of the wells and a current test; and removal and disposal of the storage liner, fencing and backfilling or leveling of the lagoons.
- F. Design and construction of manure basins and pits will follow the Soil and Water Conservation Pennsylvania Technical Guide and the Pennsylvania Nutrient Management Act where applicable.
- G. A dust control plan for all buildings housing animals and for all interior roads will be developed.

- H. All stormwater from developed portions of the site will be directed to separate erosion control basins until the site is stabilized and then to permanent stormwater detention basins. Stormwater from these basins will be tested for at least the above noted parameters.
- I. Documents showing compliance with the PA Clean Water Act are required by the Township prior to Final Plan approval.
- J. Dense and opaque, 50 feet in width evergreen buffer areas are required to be planted surrounding the developed areas of the site, except for entrance ways. Mature height of evergreens will be at least 20 feet in height.
- K. The developer will attempt to locate the CAFO in the site where the airshed(s) flows toward a sparsely populated or unpopulated location so as to have the least amount of negative impact on existing air quality for township residents. All State required permits must be obtained and delivered to the Township prior to Final Plan approval.
- L. Exhaust fans for buildings sheltering animals will be buffered by a twenty (20) foot high (at maturity), forty (40) foot wide and sufficiently long U-shaped ring of evergreen trees (with the open end of the U shape facing the building) to capture and detain all exhausts.
- M. Distance of the buffer from the exhaust outlets will be the closest practical for the evergreens to survive the exhaust gases. Alternatives will be considered by the Township.
- N. All required plans in this section are required to be approved by the Township prior to Final Plan approval.

## **Section 703 Other Improvements**

### **703.1 Signs and Lighting**

- A. Signs may be permitted, subject to the approval of the Township
- B. All means of ingress and egress, walkways, and parking areas for nonresidential uses shall be adequately constructed, maintained, and lighted at the expense of the developer.
- C. Street lights are required in all medium and high density subdivisions. The developer shall be responsible for making the necessary arrangements with the applicable utility agencies. The developer shall also be responsible for providing utility easements for future street lighting installations.

## **703.2 Street Trees and Landscaping**

- A. Street trees shall be required for all major subdivisions and land developments and shall conform to the following:
  - 1. Street tree species shall be in accordance with the Township's list of acceptable species.
  - 2. Street trees shall be spaced approximately fifty (50) feet apart along the lot frontage.
  - 3. Street trees shall be located at least ten (10) feet from the street curb or edge of pavement shoulder, and not within the area between the curb and sidewalk provided.
  - 4. Street trees shall be at least 1.75 inches in caliper and four (4) feet in height in planting.
  - 5. Street trees in their mature state shall not be located so as to conflict with existing overhead utilities.
  
- B. Landscaping and screening shall be required for all major subdivisions and land developments and shall conform to the following:
  - 1. Landscaping shall be provided for 5 to 10 percent of the total site area.
  - 2. Existing trees may be preserved to meet the landscaping requirements.
  - 3. Screening shall be provided at the perimeter of high density residential developments, and for non-residential developments and their associated parking facilities.

## **703.3 Fire Hydrants**

Fire hydrants will be provided as an integral part of any water supply system and shall be in accordance with the specifications set forth by the National Fire Protection Association, and as approved by the respective local fire company. The fire hydrants shall be placed at intervals of not more than one thousand (1,000) feet and shall contain a minimum of two (2), two and one-half (2 1/2) inch outlets and one (1), four and one-half (1 1/2) inch pumper outlet, unless otherwise specified other by the local fire company to insure compatibility with firefighting equipment.

**ARTICLE VIII**  
**MOBILE HOME PARK DESIGN STANDARDS**

**Section 801 General Requirements**

The general design standards and required improvements of Articles VI and VII and residential design standards shall apply to mobile home park subdivisions or developments even if streets will not be submitted for dedication. The following additional standards shall also apply to mobile home developments. All skirting and anchoring methods used shall comply with all applicable Township Ordinances and State Building or Construction Codes.

**Section 802 Specific Design Standards**

**802.1 Site Location**

A mobile home park shall be located on land having a reasonably flat terrain (having an average of eight percent [8%] or less). The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one-hundred (100) year flood and shall have access to public roads.

**802.2 Placement of Mobile Homes**

Each mobile home site shall be provided with a foundation which complies with Pennsylvania's Construction Code Act and supporting rules and regulations pertaining thereto.

**802.3 Mobile Home Lot Requirements**

Lot area, dimension, setback, and coverage shall meet with the approval of the Township Supervisors and meet the following minimal requirements:

- A. Minimum Lot Area – 10,000 square feet per lot
- B. Minimum Lot width - 75 feet
- C. Minimum Setback from other homes and buildings - 30 feet
- D. Minimum Setback from streets, paved areas, common areas - 30 feet
- E. Maximum Lot coverage by buildings/structures - 25%

**802.4 Buffer Areas**

- A. All mobile home parks projected to contain ten (10) units or more at full build-out shall be bounded by a buffer area with a minimum of thirty-five (35) feet depth as measured at right angles to the tract boundary lines.

This space shall be used for no other purpose but landscaping, except where access roads and clear sight triangles cross it.

- B. All mobile home parks projected to contain less than ten (10) units at full build-out shall be bounded by a buffer area with a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads and clear sight triangles cross it.
- C. Screening shall be provided in accordance with Section 904 in this Ordinance.

### **802.5 Recreation Areas:**

A mobile home park shall be provided with a recreation area for mobile home residents. The recreation area shall be no less than five percent (5%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to mobiles homes in the park.

- A. Laundromats: All mobile home parks projected to contain more than ten (10) units at full build-out shall provide for at least one (1) laundromat for the exclusive use of residents of that park. At least one (1) washer for every ten (10) mobile homes and one (1) dryer for every fifteen (15) mobile homes shall be provided. The structure housing the laundry facilities shall be easily accessible to all residents of the mobile home park. The water and sewerage systems serving the laundromat shall satisfy all requirements of the Pennsylvania Department of Environmental Protection.
- B. Utilities: All utilities serving mobile home lots shall be placed at least four (4) feet underground. Each mobile home in the park shall be served by public water and sewerage or central water and sewerage systems as well as with electric and other utilities.
- C. Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be handled according to the requirements prescribed by the Township Engineer and the Township's stormwater management provisions of this ordinance.
- D. Storage Sheds: Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home.

- E. Refuse Storage: Each mobile home shall provide its own garbage and refuse containers in accordance with Township regulations pertaining to garbage and other solid wastes, or the mobile home park shall provide a dumpster and private hauling service where individual mobile homes cannot be served.
- F. Sewerage Systems: Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.
- G. Water Systems: Each mobile home lot shall have a water riser pipe with a minimum inside diameter of 3/4-inch which connects the mobile home water supply to the central water system. An outside hose bib shall be supplied for each mobile home.
- H. Sidewalks: All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or Portland Cement Concrete to a depth and width approved by the Township Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.
- I. Parking Areas: Two off-street parking spaces shall be provided for each mobile home. All parking spaces for mobile home lots shall be paved. Each off-street parking space shall contain at least two hundred square feet (200 sq. ft.) and shall not exceed a distance of three hundred square feet (300 sq. ft.) from the mobile home lot that it is intended to serve.
- J. Ingress and Egress: Access Points to public streets from a mobile home park shall be located no less than sixty (60) feet from any public street intersection. Streets within the mobile home park shall be constructed to Township specifications as described in Article VI, except that one-way streets shall be allowed, provided access by fire and other emergency vehicles is not impaired and provided the street plan is reviewed and approved by the Township Engineer. All streets within mobile home parks, whether offered for municipal dedication or not, shall conform to the following:
  - 1. General Requirements - A safe and convenient vehicular access shall be provided from abutting public streets or roads.
  - 2. Access - The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of twenty-four (24) feet. Wherever a street intersects a public street, a stop sign shall be installed and maintained in accordance with Township regulation.



3. Illumination - All parks shall be furnished with lighting units so spaced and equipped to provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting units shall be installed to avoid glare above the lights and onto adjacent properties. Cut-off shields will be required if determined necessary by the Township.
- K. Street Signs: Street identification signs shall be provided for all streets at every intersection in the mobile home park. Such signs shall be purchased by the developer and installed by the Township.

**ARTICLE IX**  
**SUPPLEMENTARY LAND DEVELOPMENT REQUIREMENTS**

**Section 901 General Requirements and Intent**

In accordance with the definition in this Ordinance, as per the Pennsylvania Municipalities Planning Code (MPC), Land Development may include various types of development and subdivision of land. In this regard, Articles VI and VII delineate design standards and construction requirements which are intended to apply to all types of development, while Article VIII applies standards to the design of Mobile Home Parks. It is recognized by the Board of Supervisors that certain types of Land Development may have needs and requirements unmet by these Articles alone. This Article provides such supplementary standards for various forms of non-residential development including but not limited to commercial retail, professional offices, and manufacturing uses. It is the intent of this Article to supplement and not replace any of the standards and requirements of the above referenced previous Articles.

**Section 902 Submission Review Procedures and Plan Requirements**

The submission and review procedures contained in Article IV and Article V shall be required for all Land Development proposals, as noted in each applicable Section of the above referenced Articles. In addition, the following shall be required for all proposals for non-residential development including but not limited to Commercial Retail and Professional Office development, Institutional, Manufacturing, and other Industrial uses:

**902.1 Landscape Plan**

A landscape plan for the site must be prepared by a landscape architect or site planning professional.

**902.2 Sanitary Sewer and Water Studies**

A sewer and water study of the proposed development as directed by the Township Engineer.

**Section 903 Supplementary Requirements**

Non-residential development shall be designed in a manner that maximizes benefits and minimizes conflicts in relation with public safety. Specific supplementary requirements are as follows:

**903.1 Parking Requirements**

In addition to the parking requirements in Section 702.9, all non-residential proposals shall meet the following:

- A. In cases where more than a single row of parking spaces are required due to projected parking demand and/or site conditions the following

design configurations shall be followed:

1. A minimum parking bay width of 45 feet shall be provided for a 45-degree (diagonal) parking, with a one-lane parking lane having a minimum width of 14 feet.
  2. A minimum parking bay width of 65 feet shall be provided for a 90-degree (head-in) parking with a two-way parking lane having a minimum width of 25 feet.
- B. All parking areas shall be paved with an asphaltic surface or with concrete, and include adequate drainage control as approved by the Township Engineer and the Township's stormwater management provisions of this ordinance.
- C. Parking areas shall be designed so that vehicles need not back out onto a public rights-of-way.

### **903.2 Drive-in Facilities**

Proposed developments with Drive-in facilities shall meet the following standards:

- A. No more than two (2) driveways shall be provided to any one property from a public rights-of-way.
- B. The maximum width of driveways shall be no wider than thirty-six (36) feet.
- C. Driveways shall be no closer than thirty (30) feet from any adjacent property line.
- D. The intersection of any private drive and a public rights-of-way shall provide for proper sight distance visibility per Penn DOT standards.
- E. A Highway Occupancy Permit shall be required from the Pennsylvania Department of Transportation for any driveway access to a State Highway, prior to plan approval.
- F. Gasoline or other fuel pumps shall be no closer than twenty (20) feet to any public rights-of-way.
- G. All proposed structures and buildings shall be no closer than fifty (50) feet to any rights-of-way line or road, whether public or private in nature.

### **903.3 Industrial and Commerce Parks**

Proposals for industrial and/or commerce parks or manufacturing facilities shall meet the following requirements:

- A. A fifty (50) foot buffer shall be provided around the proposed Park or facility.
- B. Any outdoor illumination shall be dusk to dawn and of the sharp cut-off variety avoiding glare above and onto adjacent properties.
- C. An internal street or traffic circulation system shall be provided.
- D. All plans for individual structures or buildings shall be subject to review under the requirements of this Ordinance.
- E. Loading docks as required by this Ordinance be at least fourteen (14) feet wide and fourteen (14) feet high, and shall not be located in the front of the building. Access to the loading dock(s) will be provided so that any trucks, tractors or trailers will be able to exit and enter the property in one turn and not block traffic on the public or interior street or driveway system.
- F. All outdoor storage areas shall be buffered by landscaping or a fence.

## **Section 904 Screening**

### **904.1 Purpose**

The purpose of screening is to provide an effective visual barrier and to protect property against traffic, trespass, noise, heat, glare, dust, unsightly or distracting activity, to preserve property values, and assure compatibility of uses. The perimeter of a tract undergoing development shall be screened with a perpetually maintained solid, opaque fence or wall eight (8) feet in height or a vegetated buffer yard under the following circumstances:

- A. Where a proposed non-residential use abuts an existing residential use or residential neighborhood.
- B. Where any proposed multi-family residential use or mobile home park abuts an existing single-family detached, single-family semi-detached, or two-family detached dwelling.
- C. Where mechanical equipment is not enclosed in a structure.
- D. All areas designated for refuse disposal and commercial pick-up trash dumpsters.
- E. Any other instance where screening is required in the Township Code or deemed necessary by the Board of Supervisors.

### **904.2 Vegetative screening**

Vegetative screening, if chosen, shall comply with the following minimum requirements unless otherwise specified within this Ordinance:

- A. The perimeter of the tract undergoing development shall be provided with a twenty (20) foot wide minimum buffer yard, forty (40) foot wide if adjacent to a residential use, which will act as an effective screen separating uses. Entrance or access driveways shall be permitted within any required buffer yard provided that no pavement be located closer than twenty (20') feet to any adjacent property line.
- B. Screening may be included in the required yard space and shall be based on the following criteria:
1. Vegetative screening shall include a variety of deciduous and evergreen species which are indigenous to the area so as to provide a year round visual buffer, but shall include no less than fifty (50) percent evergreens.
  2. Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering, and shall be broken at points of vehicular or pedestrian access, or where necessary for the release of storm water runoff.
  3. Plant materials used in the screen planting shall be at least six (6) feet in height when planted and be of a species which will produce a complete visual screen of at least eight (8) feet in height at maturity.
  4. No plantings shall be placed with their center closer than five (5) feet from the property lines of the tract and no screening shall be required along the line of a public street.
  5. All existing trees within the required buffer yard larger than three (3) inches in caliper and/or eight (8) feet in height shall be preserved wherever possible.
  6. Screening shall be broken only at points of vehicular and pedestrian ingress and egress and shall be designed so as to not obstruct the clear-sight triangles at intersections.
  7. Screening design, including the type of plant materials used, spacing of plant materials, and the use and location of earthen berms, shall be subject to review and approval by the Board of Supervisors upon recommendation of the Planning Commission.
  8. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within one (1) year.
- C. Landscaping required in this section shall be maintained in a healthy, growing condition at all times. It shall be the responsibility of the property

owner of record or his delegated representative to properly maintain and care for any landscape screen or other treatment as approved by the Board of Supervisors. In order to insure proper maintenance of landscaping, a maintenance plan addressing the following shall be required:

1. Project narrative.
2. Description of short-term maintenance procedures for the first year following the date of planting.
3. Long-term lawn and planting maintenance.
4. One-year contractor's warranty of all lawn and plant materials.
5. All required fences or walls shall be permanently maintained in good condition and, whenever necessary, repaired and replaced.

**ARTICLE X**  
**RECREATIONAL AND SEASONAL LAND DEVELOPMENT STANDARDS**

**Section 1001 General Requirements**

A Recreational and Seasonal Land Development includes the improvement and development of land for seasonal and/or leisure time activities. Such developments are for temporary occupancy and are not intended now or in the future for year-round dwelling purposes, and may include travel trailers, motorhomes, campers, lots intended for tents, and land intended for various other outdoor recreational activities such as hunting and fishing. However, developments comprised of cottages, cabins, mobile homes, second homes, other permanent and fixed dwelling structures, and any recreational and seasonal lots for sale are excluded from this Article and are viewed as residential subdivisions or land developments in relation to this Ordinance.

**1001.1 Classification**

Whenever any land development is proposed, before any contract is made for the sale or lease of any part thereof, and before any permit for development in such proposed land development shall be granted, the owner or his agent, shall apply for and secure approval of such proposed land development in accordance with the following procedures for development, which includes a maximum of two (2) steps for a Minor Development and three (3) steps for a Major Land Development are as follows:

- A. Minor Development - includes ten (10) or fewer campsites for recreational and/or seasonal use.
  - 1. Sketch Plan (optional)
  - 2. Final Plan
  
- B. Major Development - includes eleven (11) or more campsites for recreational and/or seasonal use
  - 1. Sketch Plan (optional)
  - 2. Preliminary Plan
  - 3. Final Plan

**1001.2 Pre-Application Consultation**

Prior to filing an application for approval of a Land Development within the Township, the owner or his authorized agent, shall meet with the West Providence Township Board of Supervisors for an official classification of his proposed Land Development. The West Providence Township Board of Supervisors or their agent shall determine whether the proposal shall be classified as a Minor Development

or a Major Land Development. At this time, the West Providence Township Board of Supervisors or their agent shall advise the owner or their authorized agent as to which of the procedures contained herein must be followed.

### **1001.3 Official Filing Date**

For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the West Providence Township Planning Commission next following the date the application and plans are received at the Township Building provided that said regular meeting shall occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. On receipt of an application for land development approval, the West Providence Township Board of Supervisors shall affix to the application both the date of submittal and the official filing date.

### **1001.4 Commission Reviews**

All plans and attachments shall be submitted to and reviewed by the Bedford County Planning Commission and the Township Planning Commission in accordance with its then prevailing rules and regulations. The Township shall forward to the Applicant a copy of any report of either Commission. The Township shall not approve an application until the Commissions' reports are received or until the expiration of thirty (30) days from the date the application was forwarded to the Commissions.

## **Section 1002 Submission and Review of Sketch Plan (Optional)**

The submission and review of the Optional Sketch Plan for Land Developments shall follow the procedures outlined in Article IV, Section 402.

## **Section 1003 Official Submission and Review of the Preliminary Plan**

The submission and review of the Official Preliminary Plan shall follow the procedures outlined in Article IV, Sections 403 through 405. Prior to the review and approval of the Preliminary Plan, the Applicant must make application and meet all requirements of the Pennsylvania Department of Environmental Protection Regulations Title 25, Chapter 191, regarding Organized Camps and Campgrounds, as well as any other State Government regulations which may apply.

## **Section 1004 Official Submission and Review of the Final Plan**

The submission and review of the Final Plan shall follow the procedures outlined in Article IV, Sections 406 through 408.



## **Section 1005 Recording of the Final Plan**

The recording of the Final Plan shall follow the procedures outlined in Article IV, Section 409.

## **Section 1006 Performance Guarantees**

The submission of required performance guarantees shall follow the procedures outlined in Article IV, Section 406.1.

## **Section 1007 Plan Requirements**

Plan Requirements for all Recreation and Seasonal Land Developments shall follow the requirements delineated in Article IV.

## **Section 1008 Design Standards**

Recreational and Seasonal Land Developments shall be designed pursuant to the applicable standards and requirements contained in Article VI and Article VII in this Ordinance.

The following specific Design Standards shall apply to Recreational and Seasonal Land Developments not covered elsewhere in this Ordinance.

### **1008.1 Streets**

Private streets serving recreational and seasonal uses shall comply with Section 603.13.G of this Ordinance.

### **1008.2 Lots**

Individual campsites shall be comprised of a minimum area of at least 3,000 square feet, with no more than a total of fifteen (15) individual campsites per acre. Each campsite shall be accessible from the private street/roadway system without the necessity to cross any other campsite. In addition, Recreation Vehicle campsites shall have a minimum width of forty (40) feet, and a minimum depth of sixty (60) feet or thirty percent (30%) longer than the maximum length of the recreational vehicle anticipated to occupy the space.

### **1008.3 Parking**

Parking spaces shall be provided to accommodate the number and size of vehicles anticipated. Parking spaces for all campsite users shall be on the campsite lot. In addition, a minimum of one (1) parking space for every two (2) campsites shall be provided for visitors. Parking spaces for visitors may be on a common parking area. The parking spaces shall be of a compacted and graded stone base material to provide a permanent and all-weather surface, and support the types, lengths, and weights of vehicles anticipated to use the facility.

#### **1008.4 Campsites**

Individual campsites and accessory buildings shall be designed to be at least fifty (50) feet from any arterial highway, or thirty-five (35) feet from any other type of public rights-of-way. Recreational vehicle campsites for trailers, campers, and/or motorhomes shall contain a stabilized vehicular parking pad of shale, gravel, stone, paving, or other suitable material, and shall be dimensioned that when any space is occupied, no portion of any camping unit shall be within ten (10) feet of any portion of any other camping unit or accessory building, and at least fifteen (15) feet from any internal private roadway.

#### **1008.5 Relationship with Adjoining Properties**

The design of proposed land developments governed by this Section shall take into account potential effects and impacts on adjacent properties. A landscaped buffer strip having a minimum width of ten (10) feet shall be provided along the perimeter of the land development, within which no campsites shall be located. In cases where the buffer area abuts homes, at least fifty (50) percent of trees and shrubs shall consist of evergreens. Landscaping shall be at least three (3) feet in height at time of planting. Density of plantings will obscure the view between adjacent properties except for crossings for interior roads, access, and clear site triangles.

#### **1008.6 Minimum Acreage**

The minimum size for a Recreation Vehicle Park is five (5) acres, of which ten percent (10%) shall be set aside and developed as common use areas for open and unenclosed recreation facilities, which may include any required buffer areas.

#### **1008.7 Campground Register**

Each campground shall have an office in which shall be kept copies of all records pertaining to the management and supervision of the campground. Such records shall be available for inspection by an authorized representative of the Township and shall be on display in a conspicuous place on the premises at all times. It shall be the duty of the owner of the campground or his agent to keep a register of the "head of the family" accommodated in the campers or tents, their regular home address, and the number or description of their vehicles or automobiles. Such register shall be open at all times to inspection by an authorized representative of the Township. The owner or his agent shall prescribe rules and regulations for management of the campground and make adequate provision for enforcement of such rules.

### **Section 1009 Improvements**

Where appropriate the Applicant of any Land Development shall be required to provide the following improvements, or a suitable guarantee pursuant to Section 406.1, and address at least the following:

### **1009.1 Streets and Access Roads**

Streets and access roads, including, where applicable, parking areas, driveways, curb cuts, and traffic control devices. Refer to Sections 603 and 702 of this Ordinance.

### **1009.2 Utilities**

Utilities including, where applicable, stormwater management facilities, sanitary sewer facilities, water facilities, public facilities, gas lines, electrical facilities, telephone, and other utility facilities.

### **1009.3 Other Improvements**

The following are other improvements that may be subject to suitable guarantee:

- A. Any proposed amenities including recreational facilities, meeting facilities, and screening and landscaping.
- B. Any other improvements which may be required for approval.
- C. Procedures and mechanisms guaranteeing the perpetual private maintenance of all improvements by the owner and/or operator of the facility.

## **Section 1010 Minimum Facilities**

At a minimum, Land Developments proposed under this Article shall also include certain facilities, depending upon the type of camping area planned.

Those listed hereafter are minimal requirements and may be subject to more stringent requirements imposed by the regulations of Title 25, Chapter 191 of the Pennsylvania Department of Environmental Protection.

### **1010.1 Tent Camping**

Camping areas intended to primarily serve the needs of overnight tenting campers shall include toilet facilities.

### **1010.2 Recreation Vehicle Camping**

Camping areas intended to primarily serve the needs of overnight camper, trailer, and motor home users shall include the availability of electric service to individual campsites, central travel trailer sanitary and water stations, and toilet facilities.

### **1010.3 Other Amenities**

The applicant may provide enhanced facilities such as laundry, picnic, swimming, and other facilities. The applicant shall specify the manner in which all facilities are to be privately maintained and operate within the confines of permitting from applicable Regulatory agencies.

**ARTICLE XI**  
**FEES**

**Section 1101 Payment of Fees**

**1101.1 Assessed Fees**

The following fees shall be paid by the developer, subdivider, or his agent to the Township of West Providence by check or money order prior to any Plan approval:

- A. An application fee for Preliminary Plan review when such plan is required. The fee shall be as established by Resolution by the Board of Supervisors;
- B. An application fee for Final Plan review, which fee shall be as established by Resolution by the Board of Supervisors;
- C. A fee for review of the plan by the Bedford County Planning Commission payable to the County, if such fee is required;
- D. A financial security in the amount of 110% of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval. (See Article IV);
- E. A financial security insuring to the Township that the structural integrity of any public improvements, that will be dedicated to and accepted by the Township, will be guaranteed for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their actual cost of installation. (See Article IV); and
- F. An inspection fee based on the actual cost of inspection by the Township Engineer of required improvements and cost estimates.
- G. A plan review fee based on the actual cost of any plan reviewed by the Township Engineer.
- H. Attorney's fees actually incurred by the Township in connection with review of any plan by the Township or its Solicitor.

**1101.2 Procedure to Dispute Fees**

- A. The governing body of the municipality shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing contained herein shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 100 days after the date of transmittal of the bill to the applicant, notify the municipality and the municipality's professional consultant that

such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under 53 P.S. Section 510(g).

- B. In the event that the municipality's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in 53 P.S. Section 510(g), provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.
- C. Subsequent to a decision on the application, the governing body of the municipality shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including specifications and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

**ARTICLE XII**  
**MODIFICATION OF REQUIREMENTS**

**Section 1201 General Provisions**

From time to time a situation may arise where the standards of the subdivision and land development ordinance cause an undue hardship or prove unreasonable in application. Faced with this situation, a modification or alteration of requirements can be granted from the literal application of the standards. However, modifications cannot be contrary to the public interest and must observe the basic purpose and intent of the ordinance.

**Section 1202 Request Procedure**

Assurance must be provided that any modification is absolutely necessary and represents the minimum possible modification. Unusual physical circumstances may involve minor adjustments in curve radii, street grade or slope, cul-de-sac length, or problems that will not jeopardize public safety. However, the developer or his agent must not have created the hardship following the effective date of this ordinance.

Any request must be submitted in writing, citing the specific provisions or standards from which relief is requested, and should be part of the preliminary or final plan submission. A request states in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the exact alteration or modification necessary. A record of the request should appear in the official minutes of the West Providence Township Board of Supervisors. This record documents the reasons for the request, facts of unreasonableness and any action taken on the request. Any relief approved should represent the minimum or least possible modification of the standard.

**ARTICLE XIII**  
**ADMINISTRATION, AMENDMENT, AND ENFORCEMENT**

**Section 1301 Revision and Amendment**

The West Providence Township Board of Supervisors may revise or amend in whole or in part these regulations, provided however, that the amendment thereof shall be accomplished in accordance with the provisions of Section 505 of the Act of July 31, 1968 P.L. 247 (53 P.S. Section 10505) as supplemented and amended.

**Section 1302 Reconsideration and Appeal**

Any subdivider aggrieved by a finding, decision, or recommendation of the Township Board of Supervisors may request and shall receive another opportunity to appear before the Township Board of Supervisors to present additional relevant information. This request shall be in writing within thirty (30) days after the original date of action by the Township Board of Supervisors.

Upon receipt of such appeal, the Township Board of Supervisors shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law. Costs of the hearing are charged to and payable by the appellant.

After such hearing, the Township Board of Supervisors may affirm or reverse the original action of the Township Board of Supervisors by a recorded vote and in the manner prescribed by law. The findings and reasons for the disposition of the appeal shall be stated on the records of the Township Board of Supervisors. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.

Any person aggrieved by action of the Board of Supervisors may appeal within thirty (30) days directly to the Court of Common Pleas of Bedford County in accordance with and in a manner prescribed by law.

**Section 1302 Keeping of Records**

The Township Board of Supervisors shall maintain a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public.

**Section 1304 Enforcement Remedies**

Any person who shall subdivide or develop any lot, tract, or parcel of land or shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes, or for common use of occupants of building abutting thereon, or who wills, transfers, or agrees or enters into an agreement to sell any land in a subdivision of land development or erect any buildings thereon without having first complied with the provisions of this ordinance and the Act of Assembly under which they have been adopted shall by the terms of the Act of Assembly, upon being found liable thereof in a civil enforcement proceeding commenced by the municipality



against such person, or the members of such partnership of the officers of such corporation, or the agents of any of them, responsible for such violation pay a judgment not exceeding six hundred dollars (\$600) plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. District justices shall have initial jurisdiction in proceedings brought under this section. Prosecution on the municipality's behalf may be undertaken by its solicitor without initial consent of the District Attorney. In addition to the remedies set forth herein, the municipality shall be permitted to exercise those equitable remedies available to it to stop or prevent continued violation or to require compliance by Court Order with the provisions of this Ordinance, as well as all other civil remedies available to the municipality under law, and recover as a part thereof all attorney's fees and expenses incurred by the municipality in connection therewith.

### Section 1305 Severability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so declared invalid or unconstitutional.

### Section 1306 Effective Date

This ordinance shall become effective five (5) days after the date of final passage. Duly elected and ordained by the Board of Supervisors of West Providence Township, Bedford County, Pennsylvania, this 13<sup>th</sup> day of May, 2019.

WEST PROVIDENCE TOWNSHIP  
BOARD OF SUPERVISORS

BY: *Bochen J. C. M.*  
Chairman

BY: *Thomas K. Brady*  
Supervisor

BY: *Harold L. Smith*  
Supervisor

ATTEST:  
*Patricia L. Linn*  
Secretary

(SEAL)