

## **Chapter 2**

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**Part 1****General Provisions****§2-101. Short Title and Effective Date.**

This Chapter shall be known as the “New London Township Subdivision and Land Development Ordinance of 1983.” The Chapter shall become effective 5 days after its enactment.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-102. Purpose.**

This Chapter is designed in accordance with the Pennsylvania Municipalities Planning Code, Act 247, the Township Comprehensive Plan of 1982 and Zoning Ordinance of 1982 [Chapter 1] for the following purposes:

- A. To assist the orderly, efficient, and integrated development of land in accordance with the Comprehensive Plan.
- B. To promote, protect, and facilitate public health, safety and welfare of the community.
- C. To assure sites suitable for building purposes and human habitation.
- D. To facilitate efficient movement of people and goods.
- E. To ensure coordination and conformance of subdivision and land development plans with improvement plans of the Township whether they be traffic circulation, community services, etc.
- F. To provide a systematic and uniform procedure for reviewing plans to ensure: equitable processing of all subdivision and land development proposals.
- G. To promote relationships between land use and building design which facilitate the use of renewable energy resource and enhance the conservation of depletable energy resources.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-103. Interpretation.**

In interpreting and applying the provisions of this Chapter, all requirements shall be held to be minimum requirements for promoting the above-mentioned purposes. Where the provisions of this Chapter impose greater restrictions than those of any other statute, ordinances or regulations, the more restrictive regulations shall be controlling.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-104. Authority.**

The Board of Supervisors of New London Township shall have the authority to regulate subdivision and land development within the Township upon enacting this Chapter. This is in accordance with the provisions of the Municipalities Planning Code, Article V, §501, 53 P.S. §10501 *et seq.*

(Ord. 2003-9-1, 9/4/2003)

**§2-105. Jurisdiction.**

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

A. All major plans shall be referred upon submission to the Board of Supervisors, or receiving agent within the Township, to the Planning Commission for review. All other applications relating to subdivision and/or land development plans may be referred upon request to the Board of Supervisors.

B. The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions for approval of such plans.

C. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation or the granting of modifications to provisions and standards of this Chapter.

(Ord. 2003-9-1, 9/4/2003)

**§2-106. Validity and Severability.**

Should any Section or provision of this Chapter be declared by the courts as unconstitutional or invalid for any reason, such a decision shall not affect the validity of the Chapter as a whole or any other part thereof.

(Ord. 2003-9-1, 9/4/2003)

**§2-107. Repealer.**

All ordinances inconsistent herewith are hereby replaced, upon the legally effective date of this Chapter.

(Ord. 2003-9-1, 9/4/2003)

**Part 2****Subdivision and Land Development Control****§2-201. Subdivision and Land Development Control.**

1. No lot, tract or parcel of land will be subdivided, and no land will be developed, and no street, alley, sanitary sewer, storm sewer, water main or concomitant facility will be laid out, constructed, opened or dedicated for public use or travel, or for the use of occupants of buildings abutting or to abut on them, except according to the provisions of this Part and the New London Township Zoning Ordinance of 1982 [Chapter 1], as amended.

2. No lot in a subdivision may be sold, no permit to build, alter or repair any building on land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development until a final subdivision or land development plan has been approved and, when required improvements have been completed or their completion has been assured by a corporate surety bond or the deposit in escrow of funds or securities sufficient to cover the cost of the required improvements as estimated by the Township Engineer.

3. No Section of this Part shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*

4. The scope of this Chapter shall include all matters over which, by law, the Township is authorized to exercise control by enactment and enforcement of this Chapter including, but not necessarily limited to:

A. All improvements within the tract undergoing subdivision or land development.

B. The improvement of adjacent public facilities, including streets and drainage facilities which border upon the tract.

C. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development.

5. Where a proposal to expand an existing nonresidential building or parking area or change an existing use to a new or different nonresidential use can demonstrate compliance with the terms of this subsection, the applicant may request that the Board of Supervisors grant a waiver from the requirement to submit an otherwise required land development plan.

A. The planned development may not exceed either of the following disturbance thresholds:

(1) The floor area of the existing building will not be increased by more than 10% of the square footage of the building at the time of application, or the amount of additional floor area will not exceed 500 square feet, whichever is less.

(2) The existing impervious surface area of the lot will not be increased by

more than 20% of the square footage of impervious surface area at the time of application, or the amount of additional impervious surface will not exceed 4,000 square feet, whichever is less.

B. If the planned development will fall below the thresholds in paragraph .A, the applicant shall have the burden of demonstrating that the proposal is for improvements or enhancements to an existing structure and/or lot that comply fully with the design standards addressed in Part 13 of the New London Township Zoning Ordinance [Chapter 1, Part 13], the relevant general standards in Part 14 of that Ordinance [Chapter 1, Part 14], applicable area/bulk and design standards in the NLV District and/or the Traditional Neighborhood Development Overlay District within the Zoning Ordinance [Chapter 1], and any other applicable requirements of the Zoning Ordinance [Chapter 1]. The applicant shall demonstrate compliance with this subsection by executing a zoning compliance checklist, as provided by and in consultation with the Zoning Officer.

C. A fully-engineered site plan generally shall not be required as part of the applicant's submission to the Zoning Officer for review against the zoning compliance checklist. The level of detail of any such submission, however, shall be at the discretion of the Zoning Officer and shall be sufficient to enable an accurate determination of the plan's compliance.

D. If the Zoning Officer determines that the planned development complies with paragraphs .A and .B, she/he shall so indicate by signing and executing the zoning compliance checklist. If the proposal does not comply fully with the applicable provisions of the Zoning Ordinance [Chapter 1], the Zoning Officer shall indicate the area or areas of deficiency, and the applicant may modify and resubmit the proposal, along with the applicable fee.

E. Where the Zoning Officer has signed and executed a zoning compliance checklist, the applicant may attach the completed checklist to a written request to the Board of Supervisors for the waiver. Any such request shall be submitted to the Township Planning Commission for review and recommendation to the Board of Supervisors. The Planning Commission may return the request for waiver to the applicant if it finds that necessary compliance with zoning ordinance terms has not been achieved. In such case, applicant shall have the right to alter and resubmit the plan to the Planning Commission for its further review and recommendation.

F. A potential applicant for a special exception or conditional use may consult with the Zoning Officer and complete a zoning compliance checklist prior to submitting such application, in order to determine if a land development plan would be required following a possible favorable decision from the Zoning Hearing Board or Board of Supervisors.

G. Applicants utilizing the provisions of this subsection shall pay a fee and/or provide an escrow amount, as determined by resolution of the Board of Supervisors, to cover costs incurred by the Zoning Officer.

H. Where the procedures authorized by this subsection are followed by an applicant and the requirement for a land development plan is waived by the Board of Supervisors, subsequent use of these procedures for that property shall be permissible only to the extent that the limits on building square footage and/or impervious surface stated in paragraph .A, above, are not exceeded by the aggregate

dimensions represented by the combined applications.  
(*Ord. 2003-9-1, 9/4/2003*; as amended by *Ord. 2008-4, 7/16/2008, §1*)



**Part 3****Procedure****§2-301. General.**

Hereafter, all preliminary and final subdivision or land development plans shall be reviewed by the Township Planning Commission and the County Planning Commission and shall be approved or disapproved by the Board of Supervisors in accordance with the procedure specified in this Chapter. Any application not processed as required hereafter shall be null and void unless it was made prior to the adoption of these regulations.

A. All subdivision applications shall, for the purposes of procedure, be classified as either minor or major. Reference should be made to §4-103 for their definition. Any land development application shall be considered a major proposal.

B. Landowners or developers submitting an application for subdivision or land development shall apply for and secure approval in accordance with the following procedures:

(1) *Minor Subdivision Proposal.*

(a) Sketch plan (optional, but strongly encouraged).

(b) Final plan.

(2) *Major Subdivision or any Land Development Proposal.*

(a) Sketch plan (optional, but strongly encouraged).

(b) Preliminary plan.

(c) Final plan.

C. Subparagraphs (1) – (3) and (5) – (7) below are required under this Chapter for any major subdivision or land development proposal, as defined above. Subparagraphs (1) – (3) and (6) – (7) are required for any minor subdivision proposal. Subparagraph (4) is optional but strongly recommended as an important, valuable step that will speed the review process and may result in lower costs for the project. These steps may be combined only at the discretion of the Township:

(1) Pre-application meeting.

(2) Site inspection, by applicant and Township representatives.

(3) Pre-plan submission conference.

(4) Sketch plan submission and review.

(5) Preliminary plan submission, determination of completeness, review and decision.

(6) Final plan submission (incorporating all preliminary plan approval conditions and documentation of all other agency approvals, as applicable),

determination of completeness, review and decision.

(7) Recording of approved final plan with County Recorder of Deeds.

(Ord. 2003-9-1, 9/4/2003)

### **§2-302. Preparation for Submission of Plans.**

Every applicant is strongly encouraged to submit a sketch plan to the Township for informal discussion of the proposed subdivision or land development. Where a sketch plan is submitted, the applicant is further encouraged to undertake the following initial steps prior to the preparation and submission of the sketch plan. Where a sketch plan is not submitted, or where the applicant chooses not to undertake the steps described in this Section prior to submission of the sketch plan, these steps shall be required as part of the preliminary plan submission and review process.

A. *Pre-Application Meeting.* A pre-application meeting shall be held between the applicant and the Township Engineer to introduce the applicant to the Township's zoning and subdivision/land development regulations and procedures, to discuss the applicant's objectives, to appraise the applicant of the availability of natural features information from the Township, and to schedule a site inspection and plan submissions, as described below.

B. *Site Inspection.*

(1) The applicant, the Township Engineer and at least one other member of the Township Planning Commission shall arrange and conduct a site inspection of the property. Other Township representatives may be involved, as deemed appropriate by the Township and/or as requested by the applicant. The purpose of the site inspection is to familiarize Township officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated open space lands (if applicable), potential locations for proposed buildings, and proposed street alignments.

(2) The applicant is strongly encouraged to distribute copies of an existing resources and site analysis plan, prepared in accordance with the standards in §2-403.D, prior to or at the on-site meeting.

(3) Comments by Township representatives shall be interpreted as being suggestive only. It shall be understood by all parties that no formal recommendations can be offered and no official decisions can be made at the site inspection.

C. *Summary of Site Inspection Findings.* Following the site inspection and prior to the submission of a plan, the applicant shall have the opportunity to meet with the Planning Commission to discuss the findings of the site inspection for purposes of developing a mutual understanding on the general approach to subdividing and/or developing the tract. At the discretion of the Planning Commission, this conference may be combined with the site inspection. A written summary of the site inspection findings and subsequent discussions shall be prepared by the Township. Such a summary shall be submitted to the applicant,

who will be encouraged to express concurrence or discuss its findings with the Planning Commission prior to the preparation of any plan. A copy of the written summary shall be submitted to the Board.

(Ord. 2003-9-1, 9/4/2003)

**§2-303. Submission to Chester County Agencies.**

Plans shall be submitted by the designated party to the following agencies for review:

A. *Chester County Planning Commission.* One copy of a preliminary major subdivision/land development plan or final minor subdivision/land development plan shall be submitted to the Chester County Planning Commission along with a transmittal letter from the Township Secretary by the applicant.

B. *Chester County Health Department.* A copy of a preliminary major subdivision or land development plan or final minor subdivision plan along with the applicable planning module documents shall be submitted to the Chester County Health Department for review of matters relating to the wastewater treatment and disposal system by the Township.

C. *Chester County Conservation District.* One copy of a preliminary major subdivision/land development plan shall be submitted to the Chester County Conservation District for review of matters relating to drainage and abatement of soil erosion by the applicant.

D. The applicant shall submit such additional prints of all plans as may be necessary to the said County agencies for their reviews.

E. Where, by law, submission to a Chester County agency is not mandatory, the Township, in its sole discretion, may elect to waive submission to any one or more of the County agencies.

(Ord. 2003-9-1, 9/4/2003)

**§2-304. Sketch Plan.**

1. *Submission.*

A. Where the applicant submits a sketch plan for a proposed subdivision or land development within the Township, it shall be referred to the Planning Commission for review. Submission of a sketch plan shall not constitute the formal filing of a plan with the Township, and shall not commence the statutory review period as required by the Municipalities Planning Code. The procedures for submission of a sketch plan may be altered only at the discretion of the Township.

B. Content of the sketch plan should be as described in §2-402. Seven copies of the sketch plan may be submitted to the Township Secretary, for distribution to the Planning Commission. The applicant shall submit the sketch plan at least 7 days prior to the Planning Commission meeting at which it is to be discussed.

2. *Review.*

A. The Planning Commission shall review the sketch plan in accordance with the applicable criteria of this Chapter and other New London Township ordinances. The Planning Commission shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Chapter, and may suggest possible plan modifications that would increase its degree of conformance. The review shall include, but not be limited to, consideration of the following factors:

(1) The general location of all areas proposed for land disturbance (streets, grading, foundations, yards, septic disposal systems, stormwater management areas, etc.) in relation to notable features of natural or cultural significance, including those identified on the Township's Map of Potential Conservation Lands and, when submitted by the applicant, the existing resources and site analysis plan.

(2) The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining tracts.

(3) The location of proposed access points along the existing road network.

(4) The compatibility of the proposal with respect to tile objectives and policy recommendations of the New London Township Comprehensive Plan and Open Space Plan.

(5) Consistency with the New London Township Zoning Ordinance [Chapter 1].

B. Following the meeting at which the sketch plan is reviewed, the Planning Commission shall prepare a summary of its recommendations to the applicant and shall present such summary to the applicant and the Board of Supervisors. Unless promptly advised otherwise by the Board, the applicant will be able to use the findings and recommendations of the Planning Commission in the preparation of the preliminary plan.

C. The applicant may, but need not, request further review of the sketch plan by the Board. If further review is requested, the Board, after considering the oral or written recommendations of the Planning Commission, shall advise the applicant as to plan modifications it shall deem necessary or advisable.

*(Ord. 2003-9-1, 9/4/2003)*

## **§2-305. Preliminary Plan.**

### *1. Submission.*

A. Submission of the preliminary plan shall be made in compliance with Township administrative procedures established for such purpose. Prior to submission of the preliminary plan, the applicant shall have participated in the steps described in §§2-302.A through .C, above.

B. Prints of the preliminary plan and all required supplementary data, as prescribed in §2-403, shall be initially and officially submitted to the Township Secretary, together with the required fees as prescribed by resolution of the Board.

The applicant shall submit the preliminary plan at least 7 days prior to the Planning Commission meeting at which it is to be discussed.

C. Official submission of a preliminary plan to the Township Secretary shall consist of:

(1) Three copies of the application for review of preliminary subdivision or land development plan.

(2) A sufficient number of prints of the preliminary plan and all supporting plans and information to enable proper distribution and review of the plans, as required by the Board.

(3) Payment of subdivision application fees and deposit of escrow for plan review costs, as required by §2-803.

A review of the plan will not commence until the above items have been submitted by the applicant and determined satisfactory by the Township.

D. Upon receipt of the above, the Township Secretary shall note the date of receipt and shall distribute the plans to the Planning Commission, the Board of Supervisors, the Township Engineer and to whomever else the Supervisors shall determine, such as the chief of the fire company having jurisdiction.

E. Copies of the plan shall be submitted to Chester County agencies as outlined in §2-303.

## 2. *Review.*

### A. *Township Planning Commission.*

(1) The Township Planning Commission shall review the plan and the recommendations of the County agencies and the Township Engineer, should such recommendation be made.

(2) After such review, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission to the applicant and the Board of Supervisors. Where the Planning Commission recommends denial of the plan, the written notice shall give the reasons therefore, citing specific sections of statutes or ordinances relied upon.

(3) Upon Planning Commission approval of the preliminary subdivision/land development plan, at least three copies of the plan shall be signed by the Planning Commission (one each for the Township Engineer, Planning Commission and Supervisors). Additional copies will be signed at the applicant's request.

(4) If the site of a proposed subdivision or land development is located in both New London Township and an adjacent municipality, the applicant shall discuss with the Township Planning Commission the applicable area and bulk regulations, design standards and required public improvements on the land subject to his control in the adjacent municipality. The Planning Commission shall be kept apprised of the status of review and approval of that portion of the plan submitted to the adjacent municipality, including in particular any

measures proposed to assume coordinated and compatible site planning of the tract as a whole.

B. *Board of Supervisors.*

(1) When a preliminary plan has been officially submitted to the Board of Supervisors by the Planning Commission, such plan shall be placed on its agenda for review and action.

(2) The Board shall render a decision on all preliminary plans and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application was filed, provided that should the next regular meeting have occurred more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the date the application was filed.

(3) In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the comments of the Township Engineer, the Planning Commission, the Chester County Planning Commission and all other reviewing agencies, and comments from public hearings. The Board may specify conditions, changes, modifications or additions.

(4) A required element of any preliminary plan shall be the applicant's written certification, on a form provided by the Township, that he understands and agrees that the content and terms of the preliminary plan may need to be modified, changed and/or made more specific on the basis of the more detailed information that will be submitted as part of the final plan. The certification will not affect the applicant's vested right to prepare the final plan on the basis of the approved preliminary plan. It serves to acknowledge the decreased level of detail required at the preliminary plan stage, the purpose of which is to allow greater flexibility and creativity in the review and approval of the preliminary plan.

(5) Upon approval of the preliminary subdivision/land development plan by the Board of Supervisors, at least three copies shall be signed by the Board (one each for the Township Engineer, Planning Commission and Supervisors). Additional copies will be signed at the applicant's request.

(6) The decision of the Board shall be communicated to the applicant personally or mailed to him at his last known address not later than (1) 15 days following the decision, or (2) the end of the said 90 period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 2003-9-1, 9/4/2003)

**§2-306. Final Plan.**

1. *Submission.*

A. Within 1 year after approval of the preliminary plan, a final plan and all

necessary supplementary data shall be officially submitted to the Township Secretary. The applicant shall submit the final plan at least 7 days prior to the Planning Commission meeting at which it is to be discussed.

B. The Board of Supervisors may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed development as shown on the approved preliminary plan, provided that the first final plan section shall be submitted within the said 1 year period, and the last final plan section shall be submitted within 3 years of preliminary plan approval.

C. Official submission of the final plan to the Township Secretary shall consist of:

(1) Three copies of the application for review of final subdivision or land development plan.

(2) A sufficient number of prints of the final plan and all supporting plans and information to enable proper, distribution and review of the plans.

(3) Payment of subdivision application fees and deposit of escrow for plan review costs, as required by §2-803.

(4) A fully executed and acknowledged deed of dedication, sufficient to comply with §2-306.2.B(6)(c). [*Ord. 2004-04*]

(5) A certificate of title insurance, from a reputable company, providing proof that the area described in the deed of dedication, is free and clear of any encumbrances and/or liens. The applicant shall provide an updated version of this certificate at the time of acceptance by the Township. [*Ord. 2004-04*]

A review of the plan will not commence until the above items have been submitted by the applicant and determined satisfactory by the Township.

D. Upon receipt of the above, the Township Secretary shall note the date of receipt and shall distribute the plans to the Planning Commission, the Board of Supervisors, the Township Engineer, and to whomever else the Supervisors shall determine, such as the chief of the fire company having jurisdiction.

E. Copies of the plan shall be submitted to Chester County agencies as outlined in §2-303.

2. *Review.*

A. *Township Planning Commission.*

(1) The Planning Commission shall review the plan and the recommendations of the Chester County agencies, the Township Engineer and any other reviewing agencies.

(2) After such meeting, the Secretary of the Planning Commission shall send notice of the action of the Planning Commission and the reasons for it, citing specific sections of statutes or ordinances relied upon, to the applicant and the Board of Supervisors.

B. *Board of Supervisors.*

(1) When a report on a final plan has been officially returned to the Board of Supervisors by the Planning Commission, such plan shall be placed on the agenda of the Board of Supervisors for review.

(2) Upon receipt of the Planning Commission's recommendation and other supporting information, the Board may, at one or more regular or special public meetings, review the final plan and shall, within the time limitations set forth herein below, either approve or disapprove the plan. Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application was filed; provided, that should the said next regular meeting have occurred more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the day the application was filed.

(3) The Board may consider and, where deemed appropriate, approve aspects of the final plan which deviate from the terms of the approved preliminary plan, where the results of engineering required to be presented as part of the final plan demonstrate, to the satisfaction of the Board and the Township Engineer, that the proposed deviations from the preliminary plan are necessary and appropriate.

(4) The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than (1) 15 days following the decision, or (2) the end of the said 90 day period, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(5) Approved final subdivision/land development plans, with the appropriate endorsements of the Planning Commission and Board of Supervisors, shall be distributed by the applicant as follows:

- (a) One set to the Board of Supervisors.
  - (b) One set to the Township Planning Commission.
  - (c) One set to the Township Engineer.
  - (d) One set to the Township Zoning Officer.
  - (e) One set to the local fire department.
  - (f) Plus the number of sets required by the applicant for distribution the applicable County and/or State agencies and his personal use.
- (6) Every final plan approval shall be subject to the following conditions:
- (a) The applicant shall execute a subdivision and land development agreement in accordance with §2-307.

(b) The applicant shall execute a performance guarantee or escrow agreement in accordance with §2-307, where applicable.

(c) The legal owner of the land shall execute and deliver a deed of dedication to the Township, which shall hold this executed and acknowledged document in escrow, until:

- 1) The owner and/or developer completes all of the improvements on this final plan, as required as a condition for the approval of the final plan.
- 2) The owner and/or developer provides the performance guarantee or escrow agreement and security, as required in §2-308.
- 3) The Township determines that it is in the best interest of the Township to accept the offer of dedication.

The delivery of this deed to the Township shall constitute a continuing offer to dedicate the land and improvements for public use, which is irrevocable after the recordation of the final plans. The decision by the Township to accept an offer of dedication shall not affect its right to demand payment under the terms of any improvement and/or maintenance guarantee the applicant provides. The Township shall incur no responsibility for these improvements until the Board of Supervisors accepts the offer of dedication by resolution at a public meeting. This deed shall include an offer for dedication for streets, any and all easements for sanitary sewers, water lines or storm sewers (including all stormwater conveyancing facilities but excluding stormwater basins or berms) and improvements thereto, including hydrants, sanitary and storm sewers, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements and as shall be required for the promotion of public health, safety and welfare, after all streets, sidewalks, sewers and the like are completed as certified by the Township Engineer, or constructed to a level which, in the sole discretion of the Township, is deemed acceptable and/or necessary for public use and acceptance. The Board will require the applicant to supply a title certificate, from a reputable title insurance company, at the time of the delivery of the final plans and at the time of acceptance by the Township, certifying that the land included in the deed of dedication is free of all liens and encumbrances.

[*Ord. 2004-04*]

(d) Whenever the applicant is required to provide open space as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the applicant and the Township, and shall run to the benefit of the Township and lot owners in the subdivision or land development.

(e) The applicant shall comply with agency permit requirements as follows:

- 1) The applicant shall submit to the Township copies of all required

permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as the Pennsylvania Department of Environmental Protection, Pennsylvania Public Utilities Commission and Chester County Health Department.

2) In the case where construction activities are proposed in or near floodplains, wetlands or hydric soils, either a permit from the Pennsylvania Department of Environmental Protection for the activity or a letter stating that a permit is not required shall be submitted.

3) Where the plan requires a highway access permit or permits from the Pennsylvania Department of Transportation, the applicant shall note that requirement on the final plan and shall pursue the permit or permits in accordance with the terms of §508(6) of the Municipalities Planning Code, 53 P.S. §10508(6).

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §III(a), (b)*)

### **§2-307. Subdivision and Land Development Agreement.**

1. Every applicant for final plan approval shall execute a form of agreement to be approved by the Township before the final plan is released by the Board of Supervisors and filed on record. The agreement shall specify the following, where applicable:

A. That the owner or developer agrees that he will lay out and construct all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, trails, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space and restricted areas, and erosion and sediment control measures, in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that he shall complete these improvements within the time or times specified by the Board of Supervisors. The owner or developer may, at any date not less than 60 days prior to the specified completion date, request an extension of said completion date. The Board of Supervisors may accept or modify the requested extension or, where required improvements are not completed within the originally specified time period, may draw upon the performance guarantee provided under the terms of §2-308 to construct and complete said improvements. [*Ord. 2004-04*]

B. That the applicant guarantees completion and maintenance of all improvements by means of a corporate surety bond or deposit of funds or government securities in escrow or irrevocable letter of credit acceptable to the Township, as specified in §2-308.

C. That the applicant agrees to deliver an executed and acknowledged deed or deeds of dedication along with this agreement, which shall constitute an irrevocable offer of dedication whenever the final plan is recorded. Owner agrees that Township may accept this offer, at any time after the plans are recorded, by resolution of the Board of Supervisors at any public meeting. The decision by the Board of Supervisors to accept this offer of dedication shall not diminish or affect the requirements to complete all improvements and provide the security for the

improvement and/or maintenance as may be required by other Sections of this Chapter. The deed of dedication shall include an offer to dedicate such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements. Unless the Township determines, in its sole discretion, to accept these improvements prior to their completion, the applicant must complete all improvements, as will be certified by the Township Engineer, if required by the Supervisors. The applicant will deliver a title certificate, from a reputable title insurance company along with this agreement, and also at the time of acceptance of this deed of dedication by the Township, indicating that the land described in the deed or deeds of dedication is free and clear of all liens and encumbrances. [*Ord. 2004-04*]

D. That the applicant agrees to notify all lot owners that: (1) the applicant is responsible for maintenance and snow removal on roads within the subdivision or land development until the Township accepts public dedication of such roads; and (2) the school district, at its discretion, may not provide transportation service within such roads until the Township accepts public dedication. The applicant shall agree that, upon occupancy of the first dwelling unit in a residential development, he will maintain the roads in a safe, passable condition until dedication is accepted by the Township.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004., §§III(c), VI(a)*)

**§2-308. Performance Guarantees.**

1. In lieu of the completion of all improvements required as a condition for final approval of a subdivision or land development plan, the applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all subdivision improvements (including both public and private improvements) and common amenities, including, but not limited to, streets and roads, walkways, curbs, gutters, street lights, shade trees, stormwater detention and/or retention facilities, pipes and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings and, except as provided for in subsection .C hereof, water mains and other water supply facilities, fire hydrants and sanitary sewage disposal mains and other sewage disposal facilities.

A. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution or with a financially responsible and satisfactorily rated bonding company or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth, and shall stipulate that it submits to Pennsylvania jurisdiction and Chester County venue in the event of legal action.

B. The said financial security shall provide for, and secure to the public, the completion of all subdivision improvements for which such security is being posted within 1 year of the date fixed in the subdivision plan or subdivision agreement for

completion of such improvements and is to be renewed as required. The party posting the financial security shall notify the Township not less than 90 days prior to the termination date of the security of his intention to terminate the security; absent such notification, the security shall continue in effect pending receipt of the 90 day termination notification.

C. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Board of Supervisors of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the costs shall be established by estimate prepared by the Township Engineer. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security shall be increased by an additional 10% for each 1 year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 125% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1 year period by using the above bidding or estimating procedure.

2. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

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

4. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release, or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Board of Supervisors may, prior to final release at the time of completions and certification by the Township Engineer, require retention of 10% of the estimated cost of the aforesaid improvements. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board of Supervisors his

independent evaluation of the proper amount of partial releases.

5. Where the applicant proposes to construct and complete the required improvements prior to the submission and approval of a final plan, he shall submit as part of the preliminary plan application an improvement construction plan, as otherwise required by §2-406, and an erosion/sedimentation control and stormwater management plan, as otherwise required by §2-405. The construction of improvements shall be in accordance with the terms of those plans following their approval by the Township. The applicant also shall comply with the requirements of §2-803 regarding the payment of fees for inspection of the improvements construction.

(Ord. 2003-9-1, 9/4/2003)

### **§2-309. Recording of Final Plan.**

Within 90 days of the applicant's execution of the subdivision and land development agreement and performance guarantee, the final plan shall be recorded by the applicant in the Office of the Recorder of Deeds of Chester County. The applicant shall return two copies of the plan, as recorded, to the Township.

(Ord. 2003-9-1, 9/4/2003)

### **§2-310. Permits.**

1. *Commencement of Development.* No construction or land disturbance activities (excluding soil or percolation testing, well drilling, or similar engineering or surveying activities) shall be commenced until the applicant submits to the Township Secretary a copy of the Recorder of Deeds' receipt for recording of the final plan.

2. *Erosion and Sediment Control Permit.* No application for an erosion and sediment control permit required by New London Township shall be submitted, and no erosion and sediment control permit shall be issued for any subdivision or land development, and no work shall be done on any building in any subdivision or land development until: (i) the final plans for the said subdivision or land development have been approved as provided for; (ii) a subdivision and land development agreement has been completed pursuant to §2-307 hereof, and (iii) the terms of subsection .1, above, have been met.

3. *Building Permit.* No application for a building permit under the New London Township Zoning Ordinance [Chapter 1] shall be submitted, and no building permit shall be issued for any subdivision or land development, and no work shall be done on any building in any subdivision or land development until: (A) the final plans for the said subdivision or land development have been approved as provided for; (B) a subdivision and land development agreement has been completed pursuant to §2-307 hereof, and (C) the terms of subsection .1 above, have been met.

4. *Other Permits.* No water system or sewer system, including extensions to existing or proposed Township systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection, or from other Federal, State, County or local agencies, as required.

(Ord. 2003-9-1, 9/4/2003)

**§2-311. Plan Amendments.**

1. Major modifications of the approved final plan, as determined by the Township, shall be resubmitted and reprocessed in the same manner as the original plan. At the discretion of the Township, all site disturbance activities shall cease, pending approval of modified plans.

2. During the course of the inspection of site improvements, the Township Engineer may approve requests for incidental or minor adjustments to the terms of the approved final plan. Such approvals shall be made only where:

A. The Township Engineer determines that the requested adjustment will not qualify as a major modification under the terms of subsection .1, above.

B. Such proposed adjustment is considered by the Township Engineer to be de minimus in relation to the objectives and approved terms of the final plan and to represent a preferred alternative in terms of long-term performance of the site improvements and/or minimized disturbance to or protection of existing natural features or other desirable site amenities.

C. The proposed adjustment will not produce deleterious off-site impacts in comparison to the terms of the approved final plan, and will not significantly alter site design or site improvement conditions upon which owners of lots within the tract may have relied.

D. The specific adjustments to the approved final plan, as authorized by the Township Engineer, are shown on the as-built plans submitted under the terms of §2-704 of this Chapter, including a specific notation of the changes from the approved final plan and the date of approval by the Township Engineer.

3. Minor adjustments to the final plan, as authorized in subsection .2, above, are most likely to include, but need not be limited to, the following:

A. Subgrading

B. Finish grading

C. Design of stormwater management facilities

D. Design of erosion/sedimentation control facilities

These potential field changes shall be listed in a note on the final, recorded plan for purposes of informing prospective lot or tract purchasers.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §V(a))

**Part 4****Plan Requirements****§2-401. Purposes and Applicability.**

The provisions of this Part shall apply to all subdivision and land development applications in New London Township. For the convenience of applicants, the Township provides a plan requirements checklist listing all documents that must be submitted under the terms of this Chapter at each step of the review process. Copies of this checklist are available from the Township office.

(Ord. 2003-9-1, 9/4/2003)

**§2-402. Sketch Plan.**

1. The applicant is strongly encouraged to submit a sketch plan as a basis for informal discussion with the Planning Commission and, as appropriate, the Board of Supervisors as to the intended use and design of a proposed subdivision or land development. The sketch plan process allows all parties to develop a better understanding of the property and to help establish an overall design approach that respects its special or noteworthy features while providing for the type and intensity of use permitted under the Zoning Ordinance [Chapter 1].

2. Prior to preparation of a sketch plan, the applicant is strongly encouraged to participate in a pre-application meeting and a site inspection with Township representatives, as described in §2-302 of this Chapter.

3. To initially identify the site's natural features and facilitate the review process, the applicant shall utilize information compiled by the Township and made available at cost. Use of the Township information by the applicant in preparing and submitting plans shall be considered necessary, but should not be assumed sufficient in cases where the applicant can obtain additional pertinent information to document the application.

4. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Commission, the sketch plan should include the information listed below. This information will otherwise be required as part of the preliminary plan submission its preparation and presentation at the sketch plan stage is intended to allow potential site design issues to be resolved early in the process and enable the preliminary plan to be prepared with greater consistency with Township objectives.

A. *Scale.* A scale of either 50 or 100 feet to an inch is recommended to facilitate preliminary and final plan preparation. In the event that the tract contains more than 100 acres, it is recommended that the sketch plan be drawn to a scale no less than 200 feet per inch.

B. Tract boundaries as per the legal description within the deed.

- C. Location map.
- D. North arrow.
- E. Streets on and adjacent to the tract, properly named and identified.
- F. Total area of the tract.
- G. Adjacent property owners.
- H. Zoning district(s).
- I. Name and address of the legal owner, equitable owner, and/or applicant.
- J. Name and address of the professional engineer, surveyor, planner, architect, landscape architect, or site designer responsible for preparing the plan.
- K. Significant natural and cultural features drawn from Township compiled, information, and their potential impact on site design. Submission of an existing resources and site analysis plan, as described in §2-403 of this Part, is recommended.
- L. A site design plan showing the proposed development and design of the site, including proposed new intersections with existing streets. This can be prepared in the form of an overlay sheet on the existing resources and site analysis plan, where that plan has been submitted. Where a residential cluster or lot-averaging design option will be utilized, the applicant is encouraged to generate a site design in general accordance with the four step design process described in §2-403, below.
- M. General description of proposed method of water supply, sewage disposal, and stormwater management.
- N. In the case of a land development plan, proposed location of buildings, other major structures, parking, and other improvements.

(Ord. 2003-9-1, 9/4/2003)

### **§2-403. Preliminary Plan.**

The following materials shall be submitted for consideration as the preliminary plan for subdivision or land development:

- A. *Scale.* Except as otherwise noted, the preliminary plan shall be at a scale of 50 feet = 1 inch or 100 feet = 1 inch feet to the inch. In the event that the tract contains more than 100 acres, a key plan shall be included at a scale of 200 feet to the inch.
- B. *Title Block.* Including:
  - (1) Name of the proposed subdivision or land development or other identifying title.
  - (2) Name of the municipality in which the tract is located, where any part of the tract lies outside New London Township.
  - (3) Date on which the plan was prepared, including all revisions and

description of each.

(4) Name, address, license number, and a seal of the registered engineer, surveyor, landscape architect, or land planner who certified the plan.

(5) Statement identifying the plan to be a preliminary plan.

(6) Scale of the plan (in text and graphic forms).

C. *Site Context Map.* A site context map, showing the location of the proposed subdivision within its neighborhood context. For sites under 100 acres in area, such maps shall be at as scale not less than 1 inch = 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch = 400 feet, and shall show the above relationships within 2,000 feet of the site. Features to be shown shall include topography, stream valleys, wetland complexes, woodlands over ½ acre in area, ridge lines, public roads and trails, utility easements and rights-of-way, public land, and land protected under conservation or agricultural easement. The site context map should be prepared on the basis of information compiled by the Township and made available to the applicant at cost.

D. *Existing Resources and Site Analysis Plan.* Except for subdivisions in which all proposed lots are to be 10 acres or more in area, an existing resources and site analysis plan shall be prepared to provide a comprehensive analysis of existing conditions. The applicant shall utilize the natural features information compiled by the Township and made available at cost for initial identification of the tract's features. The following information shall be included in this plan:

(1) An aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the tract boundaries clearly marked.

(2) Topography, the contour lines of which shall generally be at 5 foot intervals, based upon U.S.G.S. quadrangle maps. The determination of any other appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15% and 25%, and slopes exceeding 25%, shall be clearly delineated.

(3) The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands, as defined by this Chapter. Additional areas of wetland on the tract also shall be indicated, as evident from testing, visual inspection or the presence of wetland vegetation.

(4) Vegetative cover conditions on the tract according to general cover type, including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, wetland, tree mass, trees with a caliper in excess of 15 inches, and the actual canopy line of individual trees (of caliper greater than 15 inches) and tree masses. Vegetative types shall be described by plant community, relative age and condition.

(5) Soil series, types, and phases, as mapped in the *Soil Survey of Chester*

*and Delaware Counties* (U.S. Department of Agriculture, Natural Resources Conservation Service), and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic systems). Hydric soils and soils with seasonal high water table shall be clearly delineated.

(6) Ridge lines and watershed boundaries.

(7) Scenic resources on and as seen from the site, including scenic vistas, exceptional views, and scenic roads, as documented in the New London Township Comprehensive Plan, geologic formations on the tract, including rock outcroppings, cliffs, sinkholes, and fault lines.

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

(10) Locations of all historically significant sites or structures on the tract including, but not limited to, cellar holes, stone walls, earthworks and graves.

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

(12) All easements and other encumbrances of property which are or have been filed or recorded with the Chester County Recorder of Deeds office.

(13) Total acreage of the tract.

E. *Primary Site Design Plan.*

(1) Tract boundaries as per the legal description within the deed, including metes and bounds for each property line.

(2) For any subdivision proposing to use the residential cluster or lot-averaging design option, as provided in the New London Township Zoning Ordinance [Chapter 1], a design plan for the tract showing open space lands, house sites, streets and lot lines developed in accordance with the following four step design process. All other subdivision proposals are encouraged to follow the applicable provisions of the four step process:

(a) *Step 1: Delineation of Open Space Lands.*

1) For residential cluster development, the minimum percentage and acreage of required open space lands shall be calculated by the applicant and submitted in accordance with the provisions of the New London Township Zoning Ordinance [Chapter 1]. Open space lands shall include all primary conservation areas, as defined by this Chapter; they shall also include all secondary conservation areas, as defined by this Chapter or, if that is not feasible, as much of those areas as the open space design can accommodate, as determined in consultation with the Planning Commission.

2) Proposed open space lands shall be designated using the existing resources and site analysis plan as a base map.

3) In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of highest to least suitability for inclusion in the proposed open space lands, in consultation with the Planning Commission.

4) Secondary conservation areas shall be delineated on the basis of those priorities, as well as practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties and the applicant's subdivision objectives.

5) Applicants proposing to use the lot-averaging design option shall demonstrate an analysis of the site in terms of all primary and secondary conservation areas that it contains. Such analysis, and a resulting minimum level of disturbance to those areas, shall be reflected in the proposed house sites and lot lines.

*(b) Step 2: Location of House Sites.*

1) Potential house sites shall be tentatively located, using the proposed open space lands as a base map as well as other relevant data on the existing resources and site analysis plan, such as topography and soils.

2) House sites should generally be located no closer than 100 feet from primary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential benefits of such locations to provide attractive views and visual settings for residences.

3) Where house siting is being done as part of a sketch plan submission, and the proposed dwellings are to be served by individual on-lot sewage systems, the suitability of each house site for such a system shall be demonstrated on the basis of soils information.

4) Where house sites are submitted as part of a preliminary plan, the suitability of each house site for an on-lot sewage system shall be demonstrated by the results of a percolation test and deep hole test pit for each site, in accordance with the terms of §2-519.1 of this Chapter.

*(c) Step 3: Alignment of Streets and Trails.* Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Part 5 of this Chapter and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the Township and to facilitate access to and from homes in different parts of the tract and adjoining parcels. In accordance with §2-503.5, the developer may be required to: 1) construct a direct and complete connection between the street system proposed for the tract and existing streets on adjoining parcels, and/or 2) dedicate to the Township as a fee simple parcel the right-of-way

for a street spur, extending to the tract boundary, that will enable the future construction of a connecting street and, as deemed appropriate by the Board, grade such right-of-way area in accordance with the standards of this Chapter. [Ord. 2004-04]

(d) *Step 4: Drawing in the Lot Lines.* Upon completion of the preceding three steps, lot lines shall be drawn as required to delineate the boundaries of individual residential lots.

(e) Applicant should be prepared to submit four separate sketch maps indicating the findings of each step in the design process, if so requested by the Planning Commission or Board.

(3) Where the four step design process is not utilized, the preliminary site design plan shall show the approximate lot locations, lot area and lot line dimensions for each proposed lot.

(4) All existing streets on or immediately adjacent to the tract, including name, legislative route or Township designation, right-of-way width and cartway width.

(5) All proposed streets within the tract, including name, location, right-of-way, and cartway width

(6) The location and, where applicable, the dimensions of existing easements, public lands, and utility lines on or adjacent to the tract.

(7) A preliminary land development plan, where applicable, shall show proposed building locations, parking lots, provisions for access and traffic control, locations of loading docks and provisions for the landscaping and lighting of the site.

(8) Existing Township zoning regulations applicable to the tract, including district designation, lot area, building setback lines, dimension requirements, and zoning boundaries that traverse or are within 300 feet of the tract (including flood hazard and steep slope districts).

(9) Average lot size, as a noted on the plan.

(10) Names of owners of all properties, including names of any subdivisions, adjacent to the tract.

(11) North arrow.

(12) An approval block for signatures.

(13) Notarized signature of the landowner, verifying his/her awareness of the proposed subdivision or land development.

(14) The name and address of the landowner.

(15) The name and address of the applicant/equitable owner.

(16) Where a central water supply system is proposed, the preliminary design of water distribution facilities including the size and location of water

mains, fire hydrants, storage tanks and, where appropriate, wells or other water sources.

(17) Where individual water supply systems are proposed, documentation as to an adequate supply should be indicated. Approximate location of well sites should be indicated.

(18) Where a community or public sewage system is proposed, the preliminary design of sewage systems including, but not limited to, the location and grade of sewers, pumping stations, force mains, and, where applicable, sewage treatment facilities, showing the type and degree of treatment intended and the size, capacity, and location of treatment facilities.

(19) Where individual on-site sewage disposal systems are proposed for residential subdivisions not utilizing the four step design process, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Such statement shall be based on results of soil percolation tests for each lot, in accordance with the terms of §2-519.1. Soil percolation test sites and the approximate location of the system should be indicated.

(20) If land to be subdivided lies partly in an adjacent municipality, the applicant shall submit information concerning the location and design of streets, layout and size of lots, and provisions of public utilities on land subject to his control within the adjacent municipality. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by the appropriate officials of the adjacent municipality shall also be submitted.

(21) A statement describing proposed erosion/sedimentation control and stormwater management, including general descriptions of accelerated erosion control, sedimentation control and stormwater management, both during and after construction.

(22) Except where an erosion/sedimentation control and stormwater management plan, in accordance with §2-405, and an improvements construction plan, in accordance with §2-406, are included as part of the preliminary plan submission, the applicant shall provide a certification, in the form of a note on the preliminary plan that is specifically signed by the applicant and notarized, such note to read:

“The applicant understands that approval of the preliminary plan by the Board of Supervisors may be conditioned upon the requirement that the applicant submit more detailed information as part of the final plan application, in accordance with §2-404 of this Chapter. The applicant further understands and agrees that the content and terms of the preliminary plan, if approved, may require modification and/or greater specificity on the basis of the more detailed information that will be submitted as part of the final plan. The applicant and Township agree that, through the imposition and acceptance of this condition of preliminary plan approval, the terms of §508 of the Municipalities Planning Code regarding the status of an approved

preliminary plan have been met.

The increased level of detail in the final plan submission may lead to necessary modifications to certain terms of the approved preliminary plan, which may include but need not be limited to:

- (a) Erosion/sedimentation control and stormwater management, as required by §2-405.
- (b) Street design and construction, as required by §2-406.
- (c) Community and/or public sewage systems, as required by §2-404.F(11).
- (d) Central water supply systems, as required by §2-404.F(12).
- (e) Final and exact lot lines and dimensions, as required by §§2-404.F(4) and (5).
- (f) Street lights, as required by §1-404.F(17).
- (g) Open space ownership and management, as required by §2-404.I

[Note: This language also should be made part of the application form to be submitted with a preliminary plan, to further inform the applicant and support the approach being taken by the Township.]

[*Ord. 2004-04*]

(23) A statement or certificate by the applicant indicating that the plans are or are not in conformance with engineering, zoning, building, sanitation and other applicable Township ordinances and regulations and, if they are not so conforming, the reasons for seeking the appropriate regulatory relief.

(24) Where the preliminary plan covers only part of the applicant's entire holdings, and where specifically required by the Planning Commission, an additional plan shall be submitted showing the remainder of the land and any implications for its future use and design that may be posed by the submitted plan.

(25) Where the applicant proposes to complete the subdivision or land development in sections, he shall submit, pursuant to §508(4) of the MPC, as amended, 53 P.S. §10508(4), a delineation of the proposed sections and a schedule of deadlines within which applications for final approval of each section are intended to be filed.

(26) At the applicant's discretion, an erosion/sedimentation control and stormwater management plan, in accordance with the terms of §1-405, and an improvements construction plan, in accordance with the terms of §1-406, may be submitted. [*Ord. 2004-04*]

*F. Preliminary Resource Impact and Conservation Plan.*

(1) A preliminary resource impact and conservation plan shall be prepared for all major subdivision and land development applications to categorize the

impacts of the proposed activities and physical alterations on those resources shown on the existing resources and site analysis plan. All proposed improvements including, but not limited to streets, buildings, utilities, and stormwater management facilities, as proposed in the accompanying preliminary plan documents, as well as potential grading and fill, shall be taken into account in preparing the preliminary resource impact and conservation plan. The plan shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent practicable.

(2) Using the existing resources and site analysis plan as a base map. Impact areas shall be mapped according to the following categories: (a) primary impact areas, i.e., areas directly impacted by the proposed development; (b) secondary impact areas, i.e., areas in proximity to primary areas which may be impacted; and (c) designated protected areas, either to be included in proposed open space lands or an equivalent designation such as dedication of a neighborhood park site.

(3) This requirement for a preliminary resource impact and conservation plan may be waived by the Board, upon recommendation of the Planning Commission, if, in its judgment, the proposed development areas, as laid out in the preliminary plan, would be likely to cause no more than an insignificant impact upon the site's resources.

*G. Preliminary Open Space Ownership and Management Plan.* Using the preliminary site design plan as a base map, the boundaries, acreage, and proposed ownership of all proposed open space areas shall be shown. In addition, the applicant shall submit a preliminary open space ownership and management plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. Such management plan shall be consistent with the requirements of §1-1314.7.B of the Zoning Ordinance [Chapter 1].

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §§II(a), VIII)

#### **§2-404. Final Plan.**

Final plans for subdivision and land development shall conform in all important details with preliminary plans as approved by the Board, including any conditions specified as a result of the review and approval of preliminary plans. Final plan documents shall consist of and be prepared in accordance with the following standards:

##### *A. Scale and Size.*

(1) The subdivision or land development plans submitted for final approval shall be clear and legible black or blue on white prints of the drawings. Space shall be provided for signature by the Board on the face of the plans.

(2) Final plans shall be on sheets not larger than 34 inches by 44 inches overall. It is recommended that, as far as practicable, final plan sheets be held to the following overall size:

(a) 17 inches by 22 inches, 22 inches by 34 inches, 34 inches by 44

inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two or more sections, accompanied by a key diagram showing relative location of the sections. The scale shall not be less than 100 feet to the inch. All dimensions shall be shown in feet and hundredths of a foot.

*B. Title Block including:*

(1) Name of the proposed subdivision or land development or other identifying title.

(2) Name of the municipality in which the tract is located, where any part of the tract lies outside New London Township.

(3) Date the plan was prepared, including all revisions and a description of each.

(4) Name, address, license number, and seal of the registered engineer, surveyor, landscape architect, or land planner who certified the plan.

(5) Statement identifying the plan to be a final plan.

(6) Scale of the plan.

*C. Site Context Map.* A site context map shall show the location of the proposed subdivision within its neighborhood context. For sites under 100 acres in area, such maps shall be at a scale not less than 1 inch = 200 feet and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of 100 acres or more, the scale shall be 1 inch = 400 feet, and shall show the above relationships within 2,000 feet of the site. Features to be shown shall include topography, stream valleys, wetland complexes, woodlands over one-half acre in area, ridge lines, public roads and trails, utility easements and rights-of-way, public land, and land protected under conservation or agricultural easement. The site context map should be prepared on the basis of information compiled by the Township and made available to the applicant at cost.

*D. Existing Resources and Site Analysis Plan.* A plan, as stipulated in §2-402.4, consistent with the terms of preliminary plan approval and modified as necessary to reflect the proposal for final approval. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography, and shall be coordinated with official U.S.G.S. benchmarks. Contour intervals shall be as stipulated in §2-405.1.B(3).

*E. Final Resource Impact and Conservation Plan.*

(1) This plan shall comply with all of the requirements for the Preliminary Resource Impact and Conservation Plan, as set forth in §2-403.F, to reflect all proposed improvements described in accompanying final plan documents as required under this Section.

(2) The applicant shall submit an accompanying Resource Assessment Report describing: (a) impacts of the proposed development on existing

resources, correlated to the areas depicted on the final resource impact and conservation plan, and (b) measures taken to minimize and control such impacts, both during and following site disturbance and construction. The qualifications and experience of the preparer of this report shall be provided.

(3) The plan shall include a limit-of-disturbance line, which must be exact in relation to the proposed retention of existing trees. For any tree proposed for retention, the limit-of-disturbance line must be a minimum of 1 foot outside the tree's canopy.

*F. Final Site Design Plan.*

(1) All existing streets on or adjacent to the tract including name, legislative route or Township number, right-of-way width and cartway width.

(2) Existing Township zoning regulations applicable to the tract including district designations, lot area, building setback lines, dimension requirements, and zoning boundaries that traverse or are within 300 feet of the tract (including flood hazard and steep slope districts). The plan shall be in conformance with the requirements of the New London Township Zoning Ordinance [Chapter 1].

(3) The names of owners of all abutting unplatted land and the names of all abutting subdivisions or developments.

(4) Exact metes and bounds for all proposed subdivision lines to the nearest hundredth of a foot.

(5) Exact lot areas to the nearest hundredth of an acre.

(6) Approximate distance to the intersection of the centerlines of the nearest established street intersection.

(7) Complete curve data for all street centerline and street right-of-way line curves proposed on a plan, including radius, tangent, arc and chord.

(8) Required sight triangle areas at all proposed intersections.

(9) The plan for lots within a subdivision shall show the proposed house locations and house numbers, and all streets shall be named. House numbers shall be established in a logical sequence and shall be approved by: (a) the postmaster serving the location of the subdivision, and (b) the Township Emergency Management Coordinator to assure consistency with the requirements of the County 911 system.

(10) The proposed building setback line for each street and the side and rear yard setbacks for each lot.

(11) Where a community or public sewage system is to be provided, the final design of all facilities including, but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.

(12) Where a central water supply system is to be provided, the final design including location and size of all water service facilities within the

subdivision, including wells, storage tanks, pumps, mains, valves and hydrants.

- (a) The plan shall contain a statement that the placement of fire hydrants, if contemplated, and the components of the system have been reviewed by the chief of the fire department serving the area, if requested by the Supervisors, and that both are compatible with the firefighting methods and equipment utilized by the local fire company.
- (13) Location of permanent reference monuments, consistent with the requirements of §2-523 of this Chapter.
- (14) A final land development plan shall show proposed building locations, location and size of parking lots, provisions for access and traffic control, locations of loading docks, and provisions for landscaping and lighting of the site.
- (15) Where subdivision of land is proposed as a part of land development because of the creation of mortgages encumbering less than the entire tract, the final plan shall be submitted showing the proposed division of property including easements for access to all parcels not fronting on public roads.
- (16) Final plans shall show sufficient information so that conformity to zoning and subdivision design standards is demonstrated including, but not limited to, the grade of streets, degree of curvature, sight distance, etc.
- (17) If required, a plan for location and type of street lights to be installed, together with the necessary contract for street light installation, for approval by the Township.
- (18) Certification by the engineer, land surveyor, landscape architect or land planner who prepared the plan that the plans are in conformity with zoning, building, sanitation and other applicable Township ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- (19) A certification of ownership and acknowledgment of the plan, which shall be lettered on the plan, and shall be duly signed by the owner(s) of the property and notarized.
- (20) A plan note informing that incidental or minor adjustments to the approved final plan may be approved subsequently by the Township Engineer, subject to the terms of §2-311. Such adjustments, which shall be shown on submitted as-built plans, are most likely to include, but need not be limited to, the following:

- (a) Subgrading.
- (b) Finish grading.
- (c) Design of stormwater management facilities.
- (d) Design of erosion/sedimentation control facilities.

[Ord. 2004-04]

G. Erosion/sedimentation control and stormwater management plan, in accordance with the terms of §2-405.

H. Improvements construction plan, in accordance with the terms of §2-406.

I. *Final Open Space Ownership and Management Plan.* Using the final site design plan as a base map, the precise boundaries, exact acreage, and proposed ownership of all proposed open space areas shall be shown. A narrative report shall also be prepared indicating how and by whom such open space areas will be managed, and demonstrating compliance with §1-1314.7.B of the New London Township Zoning Ordinance [Chapter1].

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §V(b))

**§2-405. Erosion/Sedimentation Control and Stormwater Management.**

1. An erosion/sedimentation control and stormwater management plan is required to accompany the final subdivision or land development plan. It shall be clearly and legibly drawn to the same scale as that of the final plan. Contents of the submitted plan shall reflect discussion by the applicant with the Township Engineer if requested by the Board. The minimum components of the plan are as follows:

A. A narrative summary of the project, including:

(1) General description of the project.

(2) General description of accelerated erosion control.

(3) General description of sedimentation control.

(4) General description of stormwater management, both during and after construction.

(5) Date project is to begin and expected date final stabilization will be completed.

B. Mapping of various physical features of the project area, both existing and proposed, including:

(1) The location of the project relative to highways, municipal boundaries, and other identifiable landmarks.

(2) Property lines of proposed project area.

(3) Contour lines at vertical intervals of not more than 2 feet for land with average natural slope of 4% or less, and at intervals of not more than 5 feet for land with average natural slope exceeding 4% (include location and elevation to which contour lines refer).

(4) Acreage or square footage of the project.

(5) Streams, lakes, ponds, or other bodies of water within the subject property or within 50 feet of any boundary of the property.

(6) Other significant natural features, including existing drainage swales,

tree masses, and areas of trees and shrubs to be protected during constructions.

(7) Proposed location of underground utilities, sewer and/or water lines.

(8) Scale of map and north arrow.

(9) Existing roads and easements.

- C. Mapping of the soils and underlying geology of the project area, including:
- (1) Soil types, including depth, slope, texture, structure, and locations.
  - (2) Geologic formations underlying the project area and extending 50 feet beyond all property boundaries.
- D. A map of proposed alterations to the project area, including:
- (a) Changes to land surface and vegetative cover.
  - (b) Areas of cuts.
  - (c) Areas of fill.
  - (d) Structures, roads, paved areas, and buildings.
  - (e) Proposed stormwater control facilities.
  - (f) Finished contours at intervals as described in subsection .1.B(3), above.
- E. Calculations and description of the amount of runoff from the project area and the upstream watershed area, in accordance with the terms of §2-518 of this Part, including:
- (1) Method of calculation and figures used (including square footages for impervious surfaces of buildings, driveways, parking areas, etc.).
  - (2) Factors considered.
- F. The staging of earthmoving activities, described in the narrative, including:
- (1) Cover removal, including all cuts and fills.
  - (2) Installation of erosion and sedimentation control facilities and practices.
  - (3) Installation of improvements, including streets, storm sewers, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational facilities and other structures.
  - (4) Program of operations to convert erosion and sedimentation controls to permanent stormwater management facilities, including a chart of the relative time sequence of activities.
- G. Temporary control measures and facilities for use during earthmoving, in both map and narrative form, including:
- (1) Purpose.
  - (2) Temporary facilities or other soil stabilization measures to protect existing trees and shrubs from earthmoving activities.
  - (3) Types, locations, and dimensional details of erosion and sedimentation control measures and facilities.
  - (4) Design considerations and calculations of control measures and facilities.
  - (5) Facilities to prevent tracking of mud by construction vehicles onto

existing roadways.

H. Permanent stormwater management program (indicating as appropriate, measures for groundwater recharge) and facilities for site restoration and long-term protection, in both map and narrative form, including:

- (1) Purpose and relationship to the objectives of this Part.
- (2) Establishment of permanent vegetation or other soil stabilization measures.
- (3) Installation of infiltration facilities, rooftop storage, cisterns, seepage pits, french drains, etc., to serve structures.
- (4) Use of semi-pervious materials for driveways, parking areas, etc.
- (5) Types, locations, and dimensional details of storage and conveyance.
- (6) Location of wells and septic tank leach fields.
- (7) Design considerations and calculations supporting the stormwater management program.

I. A narrative description of the maintenance procedures for both temporary and permanent control facilities, and of ownership arrangements, including:

- (1) The methods and frequency of removal of, and ultimate disposal site for sediment and other materials removed from control facilities, both during and upon completion of the project.
- (2) The proposed ownership and financial responsibility for maintenance of the permanent control facilities.

*(Ord. 2003-9-1, 9/4/2003)*

#### **§2-406. Improvements Construction Plan.**

An improvements construction plan shall be required to accompany the final plan whenever an improvement is to be constructed or installed.

A. *Scale.* The improvements construction plan shall have the same scale as required for the final plan.

B. *Data.* The improvements construction plan shall contain sufficient information to provide working plans for the layout and construction of proposed streets, utilities, stormwater retention structures and other improvements. Such a plan shall include, but need not be limited to, the following:

- (1) A horizontal plan showing details of the horizontal layout as follows:
  - (a) Specific information shown on the final plan pertaining to the street to be constructed.
  - (b) Centerline with bearings, distances, curve data and stations corresponding to the profile.

- (c) Right-of-way and curb lines with radii at intersections.
  - (d) Beginning and end of proposed construction.
  - (e) Elevations of the curb at tangent points of horizontal curves, at street intersections and at the projected intersections of curb lines.
  - (f) Location, size, elevation and distances between manholes of sanitary sewers and lateral connections of water, gas, electric and other utility poles, pipes or conduits, and of storm drains, inlets and manholes.
  - (g) Location, type, and size of curbs and width of paving.
  - (h) Location of fire hydrants and street lights.
  - (i) Location of survey monuments and references to survey points.
  - (j) Courses and distances to existing public streets.
- (2) A profile plan indicating final grade of streets and sewers, and the extent of cut and fill operations.
- (a) The profile plan shall show the vertical section of the existing grade and proposed grade along the centerline of the proposed street. Where storm drainage and/or sanitary sewer lines are to be installed, they shall also be indicated on the profile plan.
    - 1) Grade elevations shall be at 50 foot intervals and at tangent points. On vertical curves, the elevations shall be at 25 foot intervals.
    - 2) Profile of sanitary sewer and storm drains with profile of present and finished ground surface showing manhole and inlet locations with elevations at top of manholes and inlets.
    - 3) Profile of sanitary sewer and storm drains showing size of pipe, grade, cradle (if any), and elevations at flow line.
  - (b) The horizontal scale on the profile plan shall be not less than 1 inch equals 100 feet and the vertical scale shall be not less than 1 inch equals 10 feet or in cases where larger scales are used, the ratio shall be 1:10 vertical to horizontal.
  - (c) A typical cross-section street construction shall be shown on the profile plan and shall indicate the following:
    - 1) Right-of-way width and the location and width of paving within the right-of-way.
    - 2) Type, thickness and crown of paving.
    - 3) Type and size of curb with detail of concrete chair.
    - 4) The location, width, type, and thickness of sidewalks to be installed, if any.
    - 5) Grading of sidewalk area.
    - 6) Typical location, size and depth of any underground utilities that are to be installed in the right-of-way where such information is

available.

*(Ord. 2003-9-1, 9/4/2003)*

**Part 5****Design Standards****§2-501. Application.**

1. The following principles, standards and requirements shall be applied by the Board in evaluating plans for proposed subdivision and land development. In addition, the standards set forth in the New London Township Zoning Ordinance [Chapter 1] for the particular district in which the subdivision or land development is taking place shall govern the layout of lots and/or design of buildings, parking lots and other facilities.

2. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety and general welfare.

3. Where literal compliance with the standards herein specified is clearly impractical, the Board may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Chapter.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-502. Land Use Requirements.**

1. Proposed land uses shall conform to all existing regulations of the Township.

2. Land subject to hazards to life, health or property, such as may arise from fire, floods, disease, or other causes, shall not be divided for building purposes unless the hazards have been eliminated or unless the plans show adequate safeguards against them. This shall include the filling in of abandoned wells, cesspools, grading or taking precautions around abandoned quarry holes, gravel pits, and the demolition of walls of abandoned buildings, and filling in of foundation holes, etc. Such lands, unsuitable and not plotted for building purposes and human habitation, shall in every case be provided with adequate permanent drainage so that they shall not become a breeding place for insects, nor otherwise be a danger to the health, safety or general welfare of the citizens. Such areas, if at all possible, shall be arranged as to be left in private neighborhood ownership, as extended backyards, or park or recreational area, etc., so that it will be privately maintained.

3. Land use shall be developed in such manner as to be in keeping with the community concept of a high quality rural residential area. Natural development of the terrain shall be preserved to the greatest possible extent and excessive or promiscuous removal of soil or ground cover, unnecessary removal of trees or "over excavation" will not be permitted. Terracing rather than leveling will be favorably considered. Springs and water courses shall be preserved.

4. Proposed subdivision shall be coordinated with existing nearby neighborhoods so that the community, as a whole, may develop harmoniously.

(Ord. 2003-9-1, 9/4/2003)

**§2-503. Street System.**

1. Proposed streets shall be consistent with such street plans or parts thereof as have been officially prepared and adopted by the Township, including recorded subdivision plans and the official map of the Township.

2. Proposed streets shall further conform to such Township, County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

3. The street pattern shall be related to topography so as to produce usable lots, reasonable street and driveway grade, and proper alignment and drainage, with particular attention to snow plowing, access of fire equipment and parking problems.

4. Insofar as possible, streets on which structures are proposed to front shall be oriented in a general east-west direction, so as to provide the maximum number of structures with southern exposure and to provide the opportunity for solar access. Street layout should maximize south-facing slope. Where topographic or other conditions make east-west orientation of the continuance of existing streets impracticable, such continued streets shall be consistent with existing streets.

5. Local streets shall be designed to encourage sound traffic management and the avoidance of excessive speeds. The Board, as it deems necessary and appropriate, may require:

A. The construction of a street extension or spur on the subject tract and, as necessary, within an adjacent tract on which a street extension or spur has been designated, to provide adequate connections to streets on adjoining developed tracts.

B. Dedication to the Township, as a fee simple parcel, of the right-of-way for a street spur, extending to the tract boundary, that will enable the future construction of a connecting street. In such case, the Board may require that the developer install the curbing radii at the intersection of the designated street spur with the constructed street on the tract, consistent with the requirements of this Chapter for such curbing radius. The plan for the street spur shall include construction specifications, road profiles, and necessary grading plans to assure the feasibility of its future construction. As it deems appropriate, the Board may require actual grading of the right-of-way for the street spur, and may require dedication of an easement covering the full extent of this right-of-way.

C. The escrowing of funds by the developer, in an amount deemed sufficient by the Township Engineer, to cover the future cost of construction of the connecting street spur, such funds to be made available, by means of a legal instrument acceptable to the Township Solicitor, to:

(1) The Township, where the newly-constructed street will become part of the public street system and owned by the Township.

(2) The homeowners association or other responsible party acceptable to the Township, where the newly-constructed street will not be dedicated to the

Township.

[Ord. 2004-04]

6. If lots resulting from original subdivisions are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further subdivision shall be provided as necessary.

7. Where a subdivision abuts or contains an existing or proposed major streets, the Board may require dedication of additional right-of-way specified hereinafter and marginal access streets, rear service alleys, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street and separation of local and through traffic.

8. New half or partial streets shall not be permitted except where essential to the reasonable subdivision of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, dedication of the remaining part of the street has been secured. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract. Where half or partial streets are proposed, the acceptance of final plans shall be conditioned upon the provisions of guarantees providing for the construction or completion of such streets to Township standards.

9. Dead-end streets shall be prohibited except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

10. Continuations of existing streets shall be known by the same name, but names for other streets shall not duplicate or closely resemble names for existing streets in the Township and/or Post Office district. Street names are subject to the approval of the Board. The applicant shall provide all street signs required, and such signs shall be of the type approved by the Board. (See §2-508.6).

11. Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in improvements provided.

12. *Improvement of Existing Streets and Intersections.* Where a subdivision or land development abuts an existing Township and/or State street the developer shall make the following improvements:

A. The existing street shall be improved to the cartway width established for new streets. Improvements shall include, but not be limited to, the installation of curb if required, widening and paving of the cartway, grading of shoulders and installing stormwater management facilities in accordance with the applicable Sections of this Chapter. Notwithstanding the foregoing, State streets shall be improved in accordance with the requirements of the Pennsylvania Department of Transportation (PennDOT) and any conditions imposed upon the granting of highway occupancy permit.

B. In cases where the subdivision or land development is situated only on one side of an existing street, the Board of Supervisors, at their discretion, may require

that one or both sides of the street be improved.

(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §II(b))

**§2-504. Cul-de-sac Streets.**

1. Cul-de-sac streets shall be limited to 600 feet in length measured from the center line of an existing or proposed street to the center of the cul-de-sac turnaround. Cul-de-sac streets in excess of 600 feet in length must comply with §1-1316.4.B(1) of the New London Zoning Ordinance [Chapter 1].

2. When required for future expansion, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width.

3. The small triangles of land beyond the cul-de-sac turnaround to the boundary shall be so deeded that maintenance of these corners of land will be the responsibility of the adjoining owners until the roadway is continued.

(Ord. 2003-9-1, 9/4/2003)

**§2-505. Street Width.**

1. The minimum right-of-way, cartway and shoulder width for all new streets in the Township shall be as follows:

Type of Street	Right of Way	Cartway	Shoulder
Arterial Street	80 feet	Per PennDOT	Per PennDOT
Collector Street, Commercial, In- dustrial, Marginal Access and other non-residential streets	60 feet	36 feet	6-10 feet
Local Street	50 feet	24 feet	4-6 feet
Private Street	50 feet	24 feet	4-6 feet

2. Additional right-of-way and cartway widths may be required by the Board for the following purposes:

A. To promote public safety and convenience.

B. To provide parking space in commercial districts and in areas of high density residential development.

3. Right-of-way of lesser width than prescribed in this Section shall not be permitted.

4. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional cartway and/or right-of-way width shall be required to meet the

provisions of this Section.

5. In the case where the lots created within a subdivision are large enough to accommodate either further subdivision or a higher intensity of development, and thus may result in higher traffic levels, the Township may require that additional right-of-way be provided to permit the future development of a higher order street.

(Ord. 2003-9-1, 9/4/2003)

**§2-506. Street Grades.**

1. Centerline grades of all proposed roads shall not be less than 1%.
2. Centerline grades of all proposed roads shall not exceed the following:
  - A. *Arterial Street* - Per PennDOT Design Standards Manual.
  - B. *Collector Street* - 7%
  - C. *Local Street* - 10%
  - D. *Private Street* - 12%
3. Vertical curves shall be used at change of grade exceeding 1% and shall be designed in relation to the extent of the grade change to provide the minimum sight distances:
  - A. *Arterial Street* - 400 feet.



B. *Collector Street* - 300 feet.

C. *Local Street* - 200 feet.

4. Under no conditions will maximum grades be permitted with minimum curve radii.

5. The turnaround portion of a cul-de-sac street shall have a maximum grade of 2% to 4% across the diameter in any direction.

6. Whenever terrain permits, the drainage of cul-de-sac streets shall be toward the open end.

7. Cul-de-sac streets with centerline slopes less than 2% which are level or nearly so across the diameter perpendicular to the centerline must be graded so that there is a minimum 2% fall in all drainage swales around the cul-de-sac.

(Ord. 2003-9-1, 9/4/2003)

**§2-507. Street Alignment.**

1. Whenever street lines are deflected in excess of 5°, connections shall be made by horizontal curves.

2. To insure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

A. *Arterial Street* - 500 feet.

B. *Collector Street* - 300 feet.

C. *Local Street* - 150 feet.

3. A tangent of at least 100 feet measured at the centerline shall be required between reverse curves

(Ord. 2003-9-1, 9/4/2003)

**§2-508. Street Intersections.**

1. Streets entering another street shall use right-angle intersections whenever feasible, especially when local streets enter into major streets. There shall be no intersection angle measured at the centerline of less than 60°, nor more than 120°.

2. All street intersections shall have a minimum paving radius corresponding to the following curb radii:

A. 40 feet for all intersections involving arterial streets.

B. 30 feet for all intersections involving collector streets.

C. 20 feet for all intersections involving only local streets.

3. Streets entering the opposite sides of another street shall either be directly across from each other or off-set by at least 200 feet from centerline to centerline.

4. Wherever feasible, intersections along major streets shall be kept to a minimum,

at least 1,000 feet apart, except in those cases deemed by the Board to require closer spacing without endangering the safety of the public. Separation distances shall be measured centerline to centerline.

5. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 50 feet of the intersection of the nearest right-of-way lines.

6. All necessary street names, signs and traffic control signs shall be provided and erected by the developer. The street signs shall be of the type existing in the neighborhood and shall be subject to approval by the Board. Street signs shall be erected before acceptance of the street. Traffic control signs shall be per PennDOT regulations and approval. Street name signs shall be erected at all intersections and shall be visible from both directions when approaching an intersection. Generally, the sign shall be parallel to the street that it is identifying. Street name signs shall be mounted on a post or standard that shall consist of sufficient length to allow the bottom of the sign to be 8 feet from the curb or ground final grade and to allow at least 3 feet being embedded in the ground. The post shall be embedded in a hole at least 9 inches in diameter, 3 feet deep, and shall rest on steel plate or flat stone at the bottom of the hole and have at least 2½ feet of concrete poured around it. The remaining 6 inches or more above the concrete shall be adequately backfilled with dirt and tamped.

A. The post shall be equipped with such standard rust-proofed hardware as to hold the nameplate rigidly in a proper and permanent position. The signs themselves shall be of a rust-proof material of the proper thickness and properly reinforced to have rigidity and stiffness. The backgrounds and the letters shall be acceptable contrasting colors. The letters shall have a minimum height of 3½ inches.

B. The signs shall be located as close to the side of the cartway or curb as practical but no part of the nameplate shall be permitted to overhang any part of the cartway or curb. Types and samples of street nameplates, standards, installation and location shall be submitted for review and approval of the Township.

7. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision obstructing object shall be permitted which obscures vision above the height of 30 inches and below 10 feet measured from the centerline grade of intersecting streets.

8. At all intersections of local roads the sight triangle shall be a minimum of 75 feet measured from the point of intersection along each road centerline.

9. At all intersections of local roads with other classifications of roads, the following sight triangle dimensions shall be used.

<b>Design Speed of Intersected Road</b>	<b>Length of Sight Triangle Along Centerline of Closet Lane</b>
Local Street or Stop Condition	75 feet
20 mph	200 feet

<b>Design Speed of Intersected Road</b>	<b>Length of Sight Triangle Along Centerline of Closet Lane</b>
30 mph	300 feet
40 mph	400 feet
50 mph	500 feet

10. Greater sight triangles imposed by PennDOT for intersections with the State highway system shall supersede the above.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-509. Acceleration, Deceleration and Turning Lanes.**

Deceleration or turning lanes may be required by the Township along existing and proposed streets as required by a transportation impact study required by §2-405 or where the Township can justify the need:

A. Deceleration lanes shall be designed to the following standards:

- (1) The lane width shall be the same as the required width of the roadway moving lanes.
- (2) The lane shall provide a 75 foot taper in addition to the minimum lane width so that a proper transition from street to deceleration lane may be made.
- (3) The minimum lane length shall be as follows:

<b>Design Speed of Road</b>	<b>Minimum Deceleration Lane Length</b>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

B. Acceleration lanes are only required when indicated as needed by transportation impact study. The design shall be as per the recommendation of the Township Engineer.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-510. Curbs.**

- 1. Curbs may be required to be installed at the discretion of the Board to facilitate stormwater runoff on proposed streets. Where no curb is provided, there shall be a stabilized shoulder provided with a minimum width of 6 feet.
- 2. Where required, curbs shall be installed along both sides of all proposed streets. Curbs shall be either the vertical type or the rolled curb type except that rolled curbs shall not be used on streets whose grade exceeds 7% or any collector or arterial street.

The transition from one type to another shall be made only at a street intersection.

3. In areas where curb is not used, satisfactory provisions, such as drainage swales, must be made to avoid erosion. The use of drainage swales will be allowed only on streets with a grade less than 7%. Curbs must be provided for streets with a grade in excess of 7%.

4. Curbs shall be provided on all new parking areas located within a land development. Precast concrete curb (bumper guards) may be used upon approval of the Board.

5. All curbs shall conform to specification for Class A concrete, as specified by PennDOT, with a minimum compressive strength of 3,000 pounds p.s.i. after 28 days.

6. Curbs and drainage swales shall be constructed to the dimensions shown in Appendix D.

7. Curbing shall be constructed in 10 foot lengths. A pre-molded expansion material having a minimum thickness of ¼ inch shall be placed between sections of curved curb and at intervals of not more than 30 feet. Intermediate joints between 10 foot sections shall be formed of two layers of single-ply bituminous paper.

8. The depressed curb at driveways shall be no higher than 1½ inch above the street surface. The length of this depressed curb shall not exceed 35 feet without a safety island. This safety island shall not be less than 15 feet in length. Pipes or grates or other constructions shall not be placed in the gutter to form a driveway ramp.

9. Excavations shall be made to the required depth, and the material upon which the curb is to be constructed shall be compacted to a firm, even surface. Where the sub-grade is soft or spongy, as determined by the Township Engineer, a layer of crushed stone not less than 4 inches thick shall be placed under the curb.

(Ord. 2003-9-1, 9/4/2003)

### **§2-511. Street Construction.**

1. All materials entering into the construction of streets and the methods of construction and drainage shall be in accordance with the applicable requirements of the Pennsylvania Department of Transportation Specifications, Form 408, or the latest revision thereof. Road cross-sections shall be as detailed as in the Appendix.

#### *2. Subgrade.*

A. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade and cross-section of the proposed road.

B. Remove or stabilize all unsuitable subgrade materials.

C. Wet or swampy areas shall be permanently drained and stabilized.

D. Fills shall be made with suitable materials and thoroughly compacted for full width in uniform layers of not more than 8 inches thick.

E. The subgrade shall be thoroughly compacted by rolling with a minimum 10 ton roller and/or a sheeps foot roller over 6 inches.

F. Backfill of trenches within the cartway and curb area shall be thoroughly compacted prior to application of the base course.

3. *Base Course.*

A. Base course shall consist of 8 inches of PA #4A crushed stone placed on a 2-inch initial layer of screenings and rolled uniformly and thoroughly with a 10-ton roller. Rolling shall continue until the material does not creep or wave ahead of the roller wheels.

B. After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller of PennDOT approved design must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or whacker.

C. When the stone surface is tight and will accept no more screenings, all loose screenings shall be broomed from the surface to expose the top ½ inch of the aggregate over at least 75% of the road.

D. No base material shall be placed on a wet or frozen subgrade.

E. As an alternate, an aggregate-lime-pozzolan base course may be used when approved by the Township. This "possopac" base course must be applied with an approved paver to a thickness to be determined by the Township Engineer.

F. Application of a "possopac" base course shall be followed immediately by application of the binder course.

G. A second alternative base course is the use of 8 inches of 3A modified stone. This alternative requires an additional 1 inch of ID-2 binder course in addition to the 2 inches called for in subsection (4), bringing the total thickness of ID-2 binder course to 3 inches.

4. *Bituminous Surface.*

A. Bituminous material shall be D-2 or FB-1 hot mix, with 2 inches of binder course and 1 inch of surface course after compaction.

B. The completed road surface shall have a uniform slope of ¼ inch per foot from edge to centerline except that on super-elevated curves, this slope shall not be less than ¼ inch per foot and shall extend up from the inside edge to the outside edge of the paving.

C. As an alternate, the road may be constructed of 6 inches of compacted aggregate bituminous base course and 1½ inches wearing course. The type and installation of road material shall be equal or superior to that required in the Pennsylvania Department of Transportation Specifications, Form 408.

5. *Grading and Shoulders.*

A. Roadways shall be graded for not less than 8 feet beyond the edge of the proposed paving on each side. This grading width shall be increased as necessary

where sidewalks and/or planting strips are to be provided. Shoulders shall be graded with a slope of 1 inch per foot. Beyond the limits of this grading, banks shall be sloped to prevent erosion but this slope shall not exceed 2 horizontal to 1 vertical with tops of slope in cuts rounded.

B. Where a cut to attain the maximum grade for a road exceeds 8 feet, the Board may allow the 2:1 ratio to be increased to 1:1 or 1.5:1. This would allow for a more gradual blend with the existing slope and facilitate stormwater runoff. (See Appendix A).

(*Ord. 2003-9-1, 9/4/2003*)

### **§2-512. Driveways.**

1. Driveways shall be provided for all properties. Design and construction specifications, procedures, permit requirements, etc., shall be as contained in the “New London Township Driveway Ordinance,” *Ord. 2010-05*, as amended [Chapter 3, Part 6]. [*Ord. 2010-03*]

2. The edge of the driveway shall be at least 100 feet from the intersection right-of-way lines of corner lots when accessing onto a major or collector street, 50 feet when accessing onto any other street.

3. The grade of a driveway within the legal right-of-way of the public road, Township or State, shall not exceed 5%. The grade within the property line shall not exceed 15% for the first 50 feet.

4. The width of a driveway within the legal right-of-way of the public road or when carried by a bridge shall be a minimum of 10 feet and shall be a minimum of 8 feet at all other points within the property line. Adequate turnaround surface shall be provided on the property so egress to the street is in a forward direction. Where the grade of the driveway exceeds 10%, at least one level parking space shall be provided just within the property line for emergency parking.

5. The finished surface of the driveway sloping toward the public road shall be shaped when possible so that no stormwater runoff from the property shall discharge upon the public right-of-way. Discharge of roof drains or down spouts onto a driveway which slopes toward the street shall not be permitted. No drain pipe from any basement sump pump, foundation drain, disposal field, terrace, roof or pavement shall be discharged onto the public right-of-way.

6. The sight distance at the intersection of the proposed driveway with any State, Township or private road shall be maintained as specified in §2-508 of this Chapter.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2010-03, 7/1/2010, §1*)

### **§2-513. Sidewalks.**

1. Sidewalks may be required on both sides of new streets in subdivisions or land developments where curbs are required. Sidewalks may be required on only one side of the street in subdivisions or land developments if there are residential or commercial lots on only one side of the street.

2. Sidewalks shall be required in planned residential developments and apartment

developments, and where a subdivision or land development abuts a collector or arterial street.

3. Sidewalks shall be required in any subdivision or land development where it is desirable, in the opinion of the Board, to continue sidewalks that are existing in adjacent developments, or to provide access to community facilities (schools, shopping areas, recreational areas, etc.) or to insure the safety of pedestrians in unusual or peculiar conditions with respect to traffic.

4. Sidewalks shall be provided along all new streets and parking areas located in land developments unless it can be shown, to the satisfaction of the Board, that pedestrian traffic does not follow or mix with vehicular traffic, in which case, both sidewalks and curbs may not be required.

5. Sidewalks shall be located within the street right-of-way 1 foot from the right-of-way line. Generally, a grass planting strip should be provided between the curb and sidewalk.

6. All sidewalks shall conform to specifications for class A concrete, as specified by PennDOT, with a minimum compressive strength of 3,000 p.s.i. after 28 days.

7. Sidewalks shall be a minimum of 4 feet wide except along collector and arterial streets and adjacent to shopping centers, schools, recreational areas and other community facilities where they shall be a minimum of 5 feet wide.

8. Where sidewalks abut the curb or a building, wall or other permanent structure, a pre-molded expansion joint  $\frac{1}{4}$  inch in thickness shall be placed between the curb and the sidewalk for the full length of such structure. Sidewalks shall be constructed in separate slabs 30 feet in length except for closures. The slabs between expansion joints shall be divided into blocks 5 feet in length by scoring transversely.

9. Sidewalks shall have a minimum thickness of 4 inches when used solely for pedestrian traffic and a minimum thickness of 6 inches at all driveways.

10. Excavation shall be made to the required depth and a layer of crushed stone or cinders not less than 4 inches thick shall be placed and thoroughly compacted prior to laying the sidewalk.

11. Sidewalks will not be accepted for dedication by the Township. Maintenance will be the responsibility of the private landowner.

12. Sidewalks will not be required in R-1 and R-2 Residential Districts except for PRD or cluster developments. The Township Board of Supervisors may require sidewalks in all other developments.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-514. Blocks.**

1. The length, width and shape of blocks shall be determined with due regard to:
  - A. Provision of adequate sites for building of the type proposed.
  - B. Topography.

C. Requirements for safe and convenient vehicular and pedestrian circulation.

D. Thoughtful and innovative design to create an attractive community and opportunities for the utilization of solar energy.

2. Blocks shall have a maximum length of 1,500 feet and as far as practicable, a minimum length of 1,000 feet along major streets and 500 feet along all other streets. In design of blocks longer than 1,000 feet, special consideration should be given to access for fire protection whether by an emergency access easement or sidewalk installation.

3. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a major thoroughfare are used.

*(Ord. 2003-9-1, 9/4/2003)*

### **§2-515. Lots and Lot Sizes.**

1. Lot dimensions and area shall not be less than specified by provisions of the New London Township Zoning Ordinance [Chapter 1].

2. Minimum building setback line shall be established to provide front yards required by the New London Township Zoning Ordinance [Chapter 1].

3. Side lot lines shall be substantially at right angles or radial to street lines.

4. Residential lots shall in general front on a street, existing or proposed. Where it is necessary to create lots without direct frontage on a street, such interior lots shall have an access with a minimum width of 50 feet. No more than two contiguous lots with only 50 feet of frontage shall be so formed within 200 feet of the turnaround of a cul-de-sac street.

5. Reverse frontage lots are prohibited except where employed to prevent vehicular access to major thoroughfares.

6. On a cul-de-sac street, no more than five lots may have any frontage or driveway on the turnaround.

7. Recognize the desirability of modifying lot frontage and minimum setbacks, where appropriate, which will facilitate solar access.

*(Ord. 2003-9-1, 9/4/2003)*

### **§2-516. Parking Areas.**

At least two off-street parking spaces with access to a public street shall be provided for each proposed dwelling unit. Where such access is to other than a residential service street, adequate turnaround space shall be provided on the lot. Parking areas shall be provided for commercial and industrial uses as required by the Board. Reference should be made to Part 13 of the Township Zoning Ordinance [Chapter 1].

*(Ord. 2003-9-1, 9/4/2003)*

**§2-517. Shade Tree Requirements.**

Any subdivision/land development proposing the creation of a new public road(s) shall provide shade trees along its length. The design of such landscaping shall be as follows:

A. Trees shall be separated by no more than 50 feet, measured parallel to the street, and no more than 100 feet measured diagonally across the proposed street. Trees are not to be located within the Township right-of-way.

B. All trees shall be a minimum of 15 in height, from good nursery stock, and of a species indigenous to the area having a deep root system.

C. Planting species may be mixed, provided they grow to a height which will provide adequate shade during the summer, along the entire cartway.

D. Shade trees shall be continually maintained. The applicant shall be responsible for plantings for a period of 1 year after dedication of the road(s) or the sale of the lot on which the trees were planted. All non-surviving trees shall be replaced within 6 months. Violation of this provision will result in a citation by the Zoning Officer. The landowner would be responsible for maintenance after the 1-year period expires.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-518. Stormwater Management.**

The management of stormwater on the site, both during and upon completion of the disturbances associated with the construction of the proposed subdivision or land development, shall be accomplished according to the regulations listed in Chapter 5, "Water," Part 1, Stormwater Management.

*(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2008-4, 7/16/2008, §2)*

**§2-519. Sanitary Sewers.**

1. Each lot shall be served by an individual on-site or community sewage disposal system, where feasible. Such a system shall meet the design standards of 25 Pa.Code, Chapter 73, Rules and Regulations, of the Pennsylvania Department of Environmental Protection, and Township standards.

2. If accessible, each property shall be connected to a public sewer system. Where the public sewer is not yet accessible, but is planned for extension to the subdivision, the subdivider shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the



laterals shall be capped until sewers are provided. On-site disposal facilities shall also be provided in the interim. Design of capped sewer system shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Township.

3. Sanitary sewers shall not be used to carry stormwater.

4. Where on-site sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than the proposed building(s) to facilitate gravity flow in accordance with Township and State regulations and shall be so placed.

5. The proposed method of sanitary sewage disposal shall be in accordance with the New London Township's officially adopted Act 537 Sewage Facilities Plan.

6. When in accord with 25 Pa.Code §71.16, Rules and Regulations of the Pennsylvania Department of Environmental Protection Facilities Plan Revision, the procedure set forth in §§71.15- 71.17 of those rules and regulations shall be followed.

7. Where stream discharge of wastewater is proposed, Pennsylvania Department of Environmental Protection Regulations, including Title 25, Chapters 93, 95 and 97 Rules and Regulations, shall be followed.

8. *Sanitary Sewage Disposal System(s).*

A. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in this Chapter.

B. Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such a facility approved by the Pennsylvania Department of Environmental Resources, or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities can be installed by the purchaser of such lot or parcel.

C. In all other cases, the subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Township Engineer, the Township Planning Commission and Board of Supervisors. The design and installation of such a community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Protection, and such systems shall be further subject to satisfactory provisions for the maintenance thereof.

D. Where studies by the Township Planning Commission or Board of Supervisors indicate that a construction or extension of sanitary trunk sewers to serve the property being subdivided appears probable within a reasonably short time (up to 10 years), the Township Planning Commission and the Board of Supervisors shall require the installation and capping of sanitary sewer mains and house connections, in addition to the installation of temporary individual, on-site sanitary sewage disposal systems. It shall, however, be the responsibility of the Township to supervise the design and installation of such sewers.

9. *Soil Percolation Test Requirements.*

A. Soil percolation tests shall be performed for all subdivisions wherein building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation. Deep hole test pits are recommended as a further means of guaranteeing suitability of a site. Deep hole test pits shall be dug and the results obtained and made available prior to preliminary plan approval.

B. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection, by either a registered professional engineer, or registered sanitarian and/or the Pennsylvania Sewage Facilities Act sewage enforcement officer at a rate of one per lot.

C. The engineer, sanitarian and/or sewage enforcement officer shall enter the result of the test and all other information five copies of the subdivision sewage disposal report form and shall submit these with the preliminary plans; provided, however, that where the approval of sanitary sewage disposal facilities is otherwise required by the Pennsylvania Department of Environmental Protection, two copies of the report of investigation and approval may be submitted in lieu of the subdivision sewage disposal report.

D. Soil percolation tests shall be performed within the site of the proposed on-site sanitary sewage disposal facilities and spaced evenly throughout the property. Such test shall be completed before final plan approval is granted.

E. The results of the soil percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided. The final plan lot layout shall be based on this analysis.

*(Ord. 2003-9-1, 9/4/2003)*

### **§2-520. Water Supply.**

1. Adequate and potable water supply system(s) shall be installed consistent with design principles and requirements contained in this Chapter and Township standards, which are the U.S. Public Health criteria for drinking water as administered by the existing Environmental Protection Agency Safe Drinking Water Act.

2. Where the subdivision is to be served by a central water distribution system, the design and installation of such system shall be subject to the requirements of the Pennsylvania Department of Environmental Protection, and such system shall be further subject to satisfactory provision for the maintenance thereof. Each system shall be privately-owned under the regulations of the Pennsylvania Public Utilities Commission (PUC). Where a permit is required by the Department of Environmental Protection, it shall be presented as evidence of such review and approval before construction commences.

3. If the applicant for subdivision, or land development proposes that the subdivision or land development be served by a central water supply system, the applicant shall submit a proposed public water supply study as evidence of sufficient water supply quality and quantity. The contents of this study shall include those

specific items as described in the *Public Water Supply Manual* of the Pennsylvania Department of Environmental Protection. Where the water supply system occurs under the jurisdiction of the Pennsylvania Public Utilities Commission, the water supply study shall also include those items of information required by the PUC.

4. Standards and materials for the construction of any central water supply system shall meet or exceed those requirements described in the *Public Water Supply Manual* of the Pennsylvania Department of Environmental Protection and shall be subject to the approval of the Township Engineer.

5. Where applicable, water supply systems shall comply with Delaware River Basin Commission "Groundwater Protected Area" regulations.

6. Wherever a public or community water system is provided, fire hydrants suitable for the coupling of equipment serving the Township shall be installed as specified by the Insurance Services Offices of Pennsylvania. Location of hydrants shall be approved by the Township. Applicant is responsible for coordinating this through the chief of the fire company having jurisdiction.

A. Generally all fire hydrants will be located on an 8-inch line or a looped 6-inch line. where a deadend line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall be an 8-inch minimum diameter.

B. Fire hydrants shall be spaced in a development so that all proposed building(s) will be no more than 600 feet from the hydrant measured along traveled ways.

C. All community water systems must provide a minimum of 500 GPM at a residual pressure of 20 p.s.i. for a 2-hour period.

D. For additional fire protection, a standpipe may be required to be incorporated into existing or proposed ponds or reservoirs and an access easement provided for emergency use.

(Ord. 2003-9-1, 9/4/2003)

### **§2-521. Other Utilities.**

1. All other utility lines including, but not limited to, electric, gas, street light supply, cable television, and telephone, shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township and/or public utility concerned.

2. In accordance with the provisions of Act 287, all developers, contractors, etc., will contact all applicable utilities and accurately determine the locations and depth of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review, and proof shall be presented to the Township prior to final plan approval.

3. *Street Lights.*

A. Street lights shall be generally installed at:

(1) All street intersections.

(2) At changes of grade in excess of 5%, or at maximum allowable changes in horizontal alignment.

(3) At all other locations considered hazardous by the Board.

B. Where required by this Chapter, the owner shall install or cause to be installed, at the owner's expense, metal pole street lights serviced by underground conduit in accordance with a plan to be prepared by the owner's engineer and approved by the Board of Supervisors. The requirements of metal poles may be waived in such instances as approved by the Board due to the existence of wooden poles already in place. The owner shall be responsible for all costs involved in lighting the streets from the date of first dwelling unit occupancy until such time that the streets are accepted by the Township. In addition, as a minimum in single-family subdivisions, appropriate conduit and wiring shall be installed underground even though standards and lighting fixtures might not be constructed immediately.

C. All lighting and accessory equipment shall be standard equipment provided by PECo or variations approved by PECo and Board of Supervisors.

*(Ord. 2003-9-1, 9/4/2003)*

#### **§2-522. Easements.**

1. Where central water and/or sewer facilities are proposed, the requirements for easement shall be determined by the Board. Easements shall be similarly established as necessary for other utilities.

2. Storm drainage easements shall be provided as required by §2-518 herein.

3. The Board may require easements as prerequisites to its approval of shared driveways or other access arrangements. The Township's policy on shared driveways is that the shared portion shall be separated at the street right-of way line wherever possible. In the event that it is impossible to separate them at that point, then an easement would be required.

*(Ord. 2003-9-1, 9/4/2003)*

#### **§2-523. Monuments.**

1. Monuments shall be accurately placed at the intersection of all lines forming angles and at changes in direction of lines in the boundary (perimeter) of the property being subdivided. The subdivider, or his representative, shall notify the Township Engineer in order that he may inspect the placement of the monuments before they are covered.

2. All monuments shall be placed by a registered professional engineer or surveyor so that the scored (by an indented cross or drill hole at not more than ¼ inch diameter in the top of the monument) point shall coincide exactly with point of intersection of the

lines being marked with monuments.

3. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:

A. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.

B. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.

4. All streets shall be marked with monuments at range line, on the right-of-way lines of the street at the following locations:

A. At least one monument at each intersection.

B. At changes in direction of street lines, excluding curb arcs at intersections.

C. At each end of each curbed street line, excluding curb arcs at intersections.

D. At such places where topographical or other conditions make it impossible to sight between two otherwise required monuments, intermediate monuments shall be placed.

E. At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined for the future.

5. All lot corners shall be clearly identified by either a monument or an iron pin. Where iron pins are used, they shall be a minimum of ½ inch diameter solid bar or reinforcing rod, shall be a minimum of 24 inches in length, and shall be driven flush with finished grade.

(Ord. 2003-9-1, 9/4/2003)

#### **§2-524. Recreation Lands and Facilities.**

##### *1. Residential Subdivisions and Land Developments.*

A. In reviewing a sketch plan or preliminary plan for a proposed subdivision or land development for purposes of residential development, the Township Planning Commission and the applicant shall consider the needs of the prospective residents for recreation lands and facilities, and shall discuss their findings in relation to the requirements of this Section as they deem necessary. Particular attention will be paid to identifying the need for active recreational opportunities and meeting those needs, whether on-site or off-site.

B. Any preliminary plan for subdivision or land development for residential purposes shall demonstrate a proposed means of complying with the requirements of this Section. In the review of the preliminary plan, the Board, upon recommendation of the Planning Commission, shall determine whether recreation lands and facilities and/or a fee in lieu of land and facilities will best meet the Township's objectives for active recreation opportunities or, as specified in subsection .1.C, below, other open space areas.

C. The Board of Supervisors, at its sole discretion, may determine that land within the tract that meets other objectives can satisfy some or all of the requirements of this Section. It shall be the burden of the applicant to demonstrate

why such land is a suitable alternative to active recreation lands and facilities and how it will serve the residents of the development. In reaching its decision, the Board shall evaluate the applicant's proposal in relation to objectives and factors that may include, among others:

- (1) Opportunities for passive recreation.
- (2) Protection of important and characteristic scenic and/or natural features, with special emphasis on woodland, particularly where such features are delineated in the Township Comprehensive Plan.
- (3) Retention, creation, and/or improvement of important trail linkages or corridors, consistent with the terms of §1-524.2, below.
- (4) Neighborhood or sub-neighborhood scale park areas designed especially for the ages and needs of the prospective new residents, e.g., tot lots, fitness trails, etc.

The applicant must also demonstrate that the active recreation needs of the residents are adequately addressed by this proposal, and that the proposed alternative is consistent with the Township's recreation and open space goals and programs including, but not limited to, those presented in the Recreation Plan element of the Township Comprehensive Plan.

D. Where the Board determines that the preliminary plan does not provide land meeting the criteria of subsections .1.B or .1.C, above, it shall require that a fee be paid in lieu of recreation land and facilities, as stipulated in subsection .1.H, below.

(1) The Board, at its sole discretion, may accept a combination of land/facilities and fee where that arrangement best meets the purposes of this Section and the needs of the residents.

(2) Where a combination of land/facilities and fee is proposed, the applicant may request that, in determining the partial fee amount, the Board give appropriate credit for the value of any improvements within the open space that may be proposed. The Board may credit some, all, or none of this value. [*Ord. 2007-3*]

E. In determining its preference for the set-aside of recreation land within the proposed development or the payment of a fee in lieu of land and facilities, the Board may, as it deems appropriate, be guided by the following additional criteria:

- (1) The provisions of the Township Comprehensive Plan.
- (2) The proximity of the proposed development to existing or proposed public open space and recreation areas.
- (3) The natural and scenic characteristics of the tract on which the development is proposed and their compatibility with active and passive recreation.
- (4) Any existing commitments of the Township to purchase or improve land for open space and recreational purposes.

F. The standards of this Section are intended to apply to all residential subdivisions and land developments.

G. *Minimum Amount of Recreation Land and Facilities.* Where the Board determines that a set-aside of land and the provision of recreation facilities within

the tract proposed for development will satisfy the requirements of this Section, the minimum amount of such land to be set aside shall be calculated on the basis of one acre per 20 new dwelling units to be constructed on the tract, or the proportional equivalent thereof. The type and extent of facilities shall be as determined appropriate by the Board of Supervisors.

H. *Standards for Fee in Lieu of Land and Facilities.*

(1) Where a fee is to be contributed in lieu of the set-aside of land and development of facilities for active recreation, the amount of the fee shall be established by resolution of the Board of Supervisors.

(2) A note shall be placed on the plan submitted for final approval, stipulating the amount of the fee to be paid, as established through subsection .1.H(1), and the means of payment, consistent with subsection .1.H(3).

(3) The amount of the fee, as determined by subsection .1.H(1), shall be paid in full or otherwise secured in a manner deemed acceptable by the Board of Supervisors, as a condition of final plan approval and prior to recording of the approved final plan.

(4) All fees received pursuant to this Section shall be placed in a Special Capital Reserve Fund for Open Space, the purpose of which shall be to hold, invest and disburse such monies. Disbursements from this fund shall be made from time to time as the Board shall deem appropriate, only in conjunction with the planning, purchase, improvement, replacement, and addition to Township lands for use as open space and recreation for the benefit of the citizens of the Township as provided for in the Second Class Township Code or other applicable rules, regulations, or statutes. All sums received for and deposited in the open space fund shall be held, invested, and reinvested in the same manner as other funds of the Township, but shall not be considered part of the general revenues of the Township.

I. *Characteristics and Design Standards for Recreation Lands and Facilities.*

In designating lands for recreation purposes within the subdivision or land development plan, the following criteria and standards shall be adhered to by the applicant. Areas shall be:

(1) Consistent with the Township's Comprehensive Plan.

(2) Suitable for active recreation uses, unless deemed acceptable by the Board for other purposes, and in any case without interfering with adjacent dwelling units, parking, driveways, and roads.

(3) Comprised of open land which contains none of the following features: floodplains, woodlands, slopes exceeding 15%, wetlands, and surface waters, except where the Board specifically accepts land with such features as satisfying the purposes of this Section, consistent with subsection .1.C, above.

(4) Interconnected with park land or with open space areas on abutting parcels, except where deemed by the Board to be undesirable and/or practical. [Ord. 2007-3]

(5) Comprised of areas not less than 100 feet in width and not less than 15,000 square feet of contiguous area, except that the minimum width may be reduced to not less than 15 feet where that portion of the open space is being

used solely as a trail corridor between areas of open space and/or residential development, either on or adjacent to the tract, in accordance with subsection .2, below.

(6) Provided with sufficient perimeter parking when necessary, and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, maintenance equipment, and other vehicular traffic, and containing appropriate access improvements.

(7) Undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Township Engineer and Planning Commission.

(8) Free of all structures, except those related to outdoor recreation use.

(9) Suitably landscaped either by retaining existing natural cover and/or in accordance with a landscaping plan for enhancing open space areas through plantings which are consistent with the purposes of this Section and which minimize maintenance costs.

(10) Where not dedicated to the Township, made subject to the terms of a conservation easement, as stipulated in §1-1314.7.K of the Township Zoning Ordinance [Chapter 1], for the purpose of preserving the open space land for the purposes intended.

*J. Ownership and Management.* The open space shall be owned and managed in accordance with the terms of §§1-1314.8 and 1-1314.7.N, respectively, of the Township Zoning Ordinance [Chapter 1].

2. *Trails.* Pedestrian and/or bicycle trails shall be maintained, established, and/or extended for public use so as to facilitate pedestrian circulation and passive recreation within the tract. Where the connection of such trails to other trails or open space areas off the site is desirable and practical and will further Township recreation and circulation objectives, as determined by the Board, such connection shall be encouraged. [Ord. 2007-3]

*A. Existing Trails.*

(1) On any tract containing an existing pedestrian and/or bicycle trail corridor or pathway, as identified by the applicant or the Township, the plan for the development of the tract shall incorporate and protect the continuing viability of the trail. Where an existing trail does not meet Township standards for such a trail, it shall be brought into compliance with such standards by the applicant.

(2) The applicant may request the relocation of the existing trail corridor elsewhere within the tract when, in the opinion of the applicant, the existing location impedes the appropriate development of the tract in accordance with other applicable standards of this Chapter. Any such proposed relocation must be approved by the Board of Supervisors and accomplished in a manner consistent with all applicable Township standards.

(3) By means of the existing and/or relocated trail, the plan for the tract shall maintain connections to existing trails on contiguous properties.

[Ord. 2007-3]

*B. Creation of Trail Corridors and Links.*

(1) Where the tract does not contain an existing trail, the Board of Supervisors may require that a trail be created to enable pedestrian and/or bicycle circulation within the tract and, where deemed by the Board to be desirable and practical, connections to existing trail corridors off the site.

(2) Any newly-created trail generally shall be unrelated to and separate from streets within the tract. A trail route may utilize a sidewalk only where site design or open space alternatives do not exist; approval of any such trail routing on sidewalks shall be at the sole discretion of the Board of Supervisors. At the option of the applicant, and consistent with Township plans, the trail may be located adjacent to existing or proposed lot lines and/or within protected open space.

*(3) Ownership and Trail Easement Terms.*

(a) Trail corridors traversing areas of protected or common open space shall be owned and maintained by a homeowners association or similar entity, or by means of dedication to an organization capable of carrying out ownership and maintenance responsibilities that is specifically approved by the Board of Supervisors. Where a trail corridor traverses an individual lot or tract containing no protected or common open space, the lot or tract owner shall be responsible for ownership and maintenance of the trail.

(b) Regardless of trail ownership, the developer shall, as a condition of final plan approval, prepare and submit a continuing offer of dedication of a trail easement to the Township. Such easement shall, at minimum, cover the full width of the trail corridor right-of-way, as required by this Section. Terms of the easement shall, at minimum: 1) stipulate that there is no cost to the Township of easement acquisition (other than any costs incidental to the transfer); 2) establish a maintenance agreement acceptable to the Township; and 3) guarantee to the Township the right of entry for inspection and emergency maintenance purposes. If the offer of dedication of the easement is accepted by the Board, it shall have the right to make the trail accessible to the public.

(4) Where a trail is to be created or improved, its design, construction, and materials shall be consistent with the standards contained herein.

(5) The applicant shall obtain any applicable permits, approvals, or waivers from other regulatory agencies with jurisdiction over proposed trail location, materials, construction, or road crossing, or where the identified trail corridor will impact natural resources for which disturbance permits are required, including but not limited to stream crossing or wetland disturbance.

(6) With the exception of motorized wheel chairs and maintenance vehicles, motorized vehicles may not be used on trails.

[Ord. 2007-3]

*C. Trails Meeting Minimum Open Space Requirements.*

(1) Where an existing trail is retained on the site, either in its existing location or through relocation, or a new trail corridor is created on the site, the Board may, as it deems appropriate, allow the land area devoted to such trail

corridors to qualify in calculating the amount of open space required under subsection .1.G, above.

(2) The Board may consider the costs incurred by the applicant to develop the trail in its determination of the amount of any fee required of the applicant, consistent with the terms of subsection .1.D(2), above.

D. *Design and Construction Standards for New or Improved Trails.* Where a new trail is to be created on a tract, or an existing trail is to be improved, such trail shall meet the following standards:

(1) *Trail Design.*

(a) Trails shall be logically related to the arrangement and shape of lots and open space areas.

(b) Trails shall be logically related to environmental features so as to minimize disturbance to such features.

(c) Trails shall be curvilinear in design, constructed on reasonable grades, and have proper drainage.

(d) Trails shall provide for adequate visibility and sight distances, and shall include design features, as determined appropriate by the Township, to notify trail users of road crossings or other potentially hazardous locations. Such required features may include signage, bollards, fencing, gates, striping or other trail surface treatment, or other measures deemed necessary by the Township.

(e) Dead-end trails shall be avoided, except as logical termini or as stubs to permit future trail extension into or from adjoining tracts.

(2) *Trail Widths.*

(a) The minimum right-of-way, cartpath, and shoulder widths for all new trails in the Township shall be as follows:

<b>Right-of-Way</b>	<b>Cartpath</b>	<b>Shoulders</b>
12'	6' (4' min. for one way)	1-2' (per shoulder)

(b) Additional cartpath widths may be required by the Board of Supervisors for the following purposes:

- 1) To promote public safety and convenience
- 2) To accommodate special topographical circumstances which may result in cut/fill slopes extending beyond the standard trail width. These should in all circumstances be included within the trail width to assure accessibility for maintenance operations.

(3) *Trail Alignment.*

(a) To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be 25 feet.

(b) Cross grades and longitudinal grades shall be designed to prevent erosion and uncontrolled runoff conditions.

(4) *Trail Grades.*

(a) Grades for any trail shall not exceed 5%, except that steeper grades

may be permitted for short lengths, in no event exceeding 200 feet, where natural contours provide conditions for minimal grading at the steeper grade.

(b) Under no conditions will maximum grades be permitted with minimum curve radii.

(c) Applicants shall only propose locating a trail on a slope steeper than permitted above if it can be demonstrated that all other options for trail location have been exhausted. Under such circumstances, the Board of Supervisors may require the use of switchbacks as an effective technique for traversing steep slopes. Under certain circumstances, the Board of Supervisors may require the construction of stairs for safe climbing. When stairs are used, documentation of their design and construction shall be required. In particular, methods used to prevent erosion, safeguard the public, and provide long-term maintenance shall be documented.

(5) *Trail Construction.*

(a) All materials entering into the construction of trails and the methods of construction and drainage shall be in accordance with the terms of this Section and the applicable standards of the American Association of State Highway and Transportation Officials (AASHTO). Trails shall not be designed and constructed for speeds in excess of 10 mph.

(b) Surfacing shall consist of a 6-inch base surface of crushed stone with a 2-inch asphalt top coat. The asphalt top coat shall consist of a wearing course containing no more than ½-inch crushed stone.

(c) All trails shall be underlined with Class 4 geotextile fabric.

(d) Overhead clearance for all trails shall be no less than 10 feet.

(e) Trail shoulders shall be free of woody vegetation, graded to provide adequate drainage and smooth transition from the trail cartpath surface, planted and maintained with appropriate ground cover, and underlined with geotextile fabric.

(6) *Trail Lighting.*

(a) Trail lighting is generally not required unless the Board of Supervisors determines that parking areas, trailheads, or major road crossings warrant such.

(b) In the event lights are used, the style, type and manufacturer of trail lights shall be subject to the approval of the Township.

(7) *Trail Signage.*

(a) All aspects of trail signage, including design, number, and location, shall be reviewed by the Planning Commission and subject to the discretion and approval of the Board of Supervisors.

(b) Signs shall be clearly readable, easily understood, and sized according to the scale of the trail. Signs shall be constructed of durable material and shall not detract from the scenic quality of the trail.

(c) Where applicable, signs shall conform to the requirements of the Pennsylvania Department of Transportation (PennDOT) *Handbook of*

*Approved Signs* or as otherwise approved by PennDOT.

(8) *Trail Maintenance.*

(a) Trails shall be maintained by individual lot owners, a homeowners association or similar entity, or an organization capable of carrying out maintenance responsibilities. Such maintenance responsibilities shall be established in accordance with the terms of §2-706.3 of this Chapter otherwise applicable to private streets.

(b) Clearing of snow and similar winter maintenance shall not be required except where otherwise specifically mandated, e.g., as part of a sidewalk system.

(c) While it is anticipated that trail usage will contribute significantly to trail maintenance, responsible parties shall inspect trails on a periodic basis and provide needed maintenance. The Township shall have the right, but not the obligation, to keep trails passable.

(d) If the Township determines at any time that a trail or portion thereof has been improperly maintained, the owner shall be advised of corrective measures required by the Township. If such measures are not taken by the owner, the Township may cause the work to be done and lien all costs against the owner.

[*Ord. 2007-3*]

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §VII; and by Ord. 2007-3, 1/2/2007, §4*)

**§2-525. Wetlands.**

1. *Indication of Wetlands on a Property.* The existence of wetlands shall be indicated by any one or more of the following:

A. National Wetlands Inventory mapping, as prepared by the U.S. Fish and Wildlife Service or any other governmental agency having jurisdiction.

B. Hydric soils or soils with hydric inclusions, as depicted in the Soil Survey of Chester and Delaware Counties and/or in USDA NRCS Hydric Soils Lists.

C. Where the above wetland indicators are not found on the site, but the Township nonetheless believes wetlands may exist on the site, the Township may require a determination of whether hydrophytic vegetation or hydrologic conditions exist, based upon on-site investigations performed by a qualified professional meeting the criteria in subsection .3.A, below, in accordance with the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989, or as later amended.

2. *Requirements for Wetland Delineation, Jurisdictional Determination.*

A. Where the existence of wetlands on a property is indicated on the basis of subsection .1, above, a wetland delineation shall be performed and the results shall be reflected in the proposed plan. Should the applicant request a waiver of this requirement, the Board of Supervisors shall be under no obligation to grant such a request but may consider the following factors, among others: (1) the extent to which the applicant can demonstrate that the proposed plan for the site will have no impact on the indicated wetland area (e.g., where such area is to be contained

entirely within protected open space); (2) whether the proposed plan includes conditions described in paragraph .B, below; and (3) whether a delineation is necessary to meet requirements of the Township Zoning Ordinance [Chapter 1].

B. Where a wetland delineation is performed in accordance with paragraph .A, above, and (1) site disturbance activities will occur within 100 feet of the delineated wetland boundary, and/or (2) the proposed plan includes any stream crossing, the Board shall require that a jurisdictional determination be made by the U.S. Army Corps of Engineers. Results of this determination shall be reflected in the proposed plan.

C. Where a wetland delineation is to be performed, it shall be conducted in accordance with the terms of subsection .3, below.

D. The applicant's compliance with the terms of this Section shall not reduce or eliminate the need to adhere to other wetland regulations of County, State, and/or Federal agencies that may be applicable to the proposed plan for the site.

### 3. *Determination of Wetland Boundary.*

A. Examination of the site shall be performed by a qualified professional, who may be a licensed professional engineer, hydrogeologist, soil scientist, or similarly qualified party experienced in wetland ecology, selected by the applicant.

B. If, after examination of the site, a qualified professional determines that wetlands are not located on the site, the following note must appear on the plan or application being submitted:

"This site has been examined by [name and address], a qualified professional, and no wetlands were found to exist."

Submissions containing this note must be accompanied by a written statement, signed by the examining professional and attesting to the fact that the site was examined in accordance with the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, dated January 10, 1989, or as later amended, and no wetlands were found to exist. In addition, a written statement of the qualifications of the professional who examined the site shall accompany the submission.

C. Should the Township suspect that wetlands exist on the site, contrary to the applicant's findings as documented in paragraph .B, above, the Township shall, at its discretion, request that either the U.S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, the U.S. Fish and Wildlife Service, or a qualified professional selected by the Township review the applicant's findings and the basis for the Township's concerns. In the event it is determined that wetlands exist on the site, the applicant will be required to perform a delineation in compliance with the requirements of paragraph .D, below, and secure any required wetlands permits or waivers pursuant thereto. All costs associated with work necessitated by the terms of this subsection shall be borne by the applicant.

D. If, after examination of the site, a qualified professional determines that wetlands do exist on the site, a plan shall be submitted to the Township showing the delineation, indicating how the wetlands will be protected, and indicating any areas where disturbance cannot be avoided. The qualifications of the professional who examined the site shall accompany the submission.

E. Should the Township Engineer or other qualified professional engaged by the

Township to review the applicant's plan dispute the delineation performed by the applicant, the Township Engineer or qualified professional and the applicant may, through joint site inspections, arrive at a mutually agreeable boundary. All costs associated with work necessitated by the terms of this subsection shall be borne by the applicant. At no time shall the Township be held accountable for any additional boundary modifications imposed by State or Federal agencies. The results of all joint site inspections shall be reported to the Planning Commission and Board of Supervisors.

F. Should the applicant and Township not agree on a delineation, the applicant may appeal to the appropriate regulatory agencies including, but not limited to, the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection, and the U.S. Fish and Wildlife Service, for boundary confirmation. On the basis of the confirmed delineation, the applicant shall secure the requisite wetlands permits or waivers pursuant thereto from the appropriate regulatory agencies.

G. All potential impacts on wetlands from the proposed activity shall be addressed in compliance with applicable regulations. Where wetlands exist and disturbance permits and/or mitigation activities are required, final plan approval or issuance of applicable permits from the Township shall be contingent upon the applicant receiving all necessary wetlands permits or waivers pursuant thereto.

*(Ord. 2003-9-1, 9/4/2003; as added by Ord. 2004-04, 11/18/2004, §I)*

**Part 6****Mobile Homes****§2-601. Definitions.**

For the purposes of this Part, the following words and phrases shall have the meaning ascribed to them in this Section:

*Anchoring* - the fastening of the mobile home to its pad (or foundation) in order to prevent upset or damage due to wind, erosion, flooding or other natural forces.

*Health Authority* - that department or those departments, State or County, charged with the regulation, authorization and control and licensing of mobile home parks.

*Hitch* - a device which is part of the frame or attaches to the frame of a mobile home and connects it to a power source for the purpose of transporting the unit.

*Mobile Home* - a transportable single-family dwelling intended for permanent occupancy contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation. All mobile homes shall meet construction standards set by the U.S. Department of Housing and Urban Development. Reference date 7.

*Mobile Home Lot or Site* - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the owner or occupants of the mobile home erected on the lot.

*Mobile Home Pad* - a concrete pad at least 6 inches in thickness with at least six tie-down rings to which the mobile home shall be secured, and equal in length and width to the dimensions of the mobile home to be placed thereon. Pads are only required in mobile home parks.

*Mobile Home Park* - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

*Skirts* - panels specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground or pad elevation below.

(Ord. 2003-9-1, 9/4/2003)

**§2-602. Permits, Licenses and Inspections.**

1. *Permits*. It shall be unlawful for any person to construct, alter, extend, or

operate a mobile home park within New London Township unless and until he obtains:

A. A valid permit issued by the Chester County Health Department, in the name of the operator for a specified construction, alteration or extension proposed.

B. A mobile home park permit issued by the New London Township Zoning Officer in the name of the operator, which shall not be issued until a copy of the Health Department permit has been furnished, all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein have been complied with and final approval of the application has been granted by the Board of Supervisors.

2. *Annual Licenses.* In addition to the initial permits, the operator of mobile home park shall apply to the Chester County Health Department and to the New London Township Zoning Officer on or before the first day of December of each year for an annual license to continue operation of the mobile home park during the following calendar year. The Zoning Officer shall issue the annual license upon satisfactory proof that the park continues to meet the standards prescribed by State, County and Township agencies having jurisdiction and the standards of this Chapter. The license so issued shall be valid for the calendar year applied for, or part thereof, remaining at the time of issuance.

3. *Fees.*

A. Fees for the initial application and preliminary and final approvals shall be prescribed by resolution of the Board of Supervisors.

B. The fee for the annual license shall be prescribed by resolution of the Board of Supervisors and shall be submitted to the Zoning Officer with the application for the annual license.

C. Fees for the inspection of a mobile home park during the following construction shall be as specified in §2-803 of this Chapter.

4. *Inspections.*

A. Upon notification to the licensee, manager or person in charge of a mobile home park, the Zoning Officer or his designated representative may inspect a mobile home park at any reasonable time to determine compliance with this Part.

B. Upon receipt of the application for annual license and before issuing such annual license, the Zoning Officer or other designated representative of New London Township shall make an inspection of the mobile home park to determine compliance with this Part. The Zoning Officer or other representative shall thereafter notify in writing the licensee of any instances of noncompliance with this Part and shall not issue the annual license until the licensee has corrected all such violations.

C. Every person holding a permit under this Part shall keep, or cause to be kept, a register, which shall at all times be open for the inspection of any official of the Township. Such register shall show, for each mobile home accommodated in such mobile home park, the following information:

(1) The lot number of the lot on which such mobile home is parked or

located.

(2) The names and addresses of all persons using such mobile home for living or sleeping purposes.

(3) The date of arrival of each mobile home at such mobile home park and the date of departure therefrom.

5. No permit issued under this Part shall be transferable to a different location. No person, holding a permit under this Part shall extend or reduce the area of any mobile home park, add any new facility or structure, until notice of such proposed change shall have been given to the Zoning Officer and/or Inspector shall have ascertained, after investigation as in the case of an original application for a permit, that such proposed changes are in accordance with all the requirements of this Part, and shall have signified that fact by his approval.

6. *Applicability to Existing Parks.*

A. Mobile home park facilities which exist in New London Township at the time of the adoption of this Chapter shall be exempt from all of the requirements of this Part except those stated in subsections .2, .3.A through .3.C These exemptions are to remain in effect so long as the ownership of said existing mobile home park facilities remain the same as the ownership of record at the time of the adoption of this Chapter.

B. Notice must be provided to the Township Supervisors of the sale of any mobile home park facility within New London Township and the new owner of the said mobile home park facility shall be responsible for bringing the park and its operation into conformance with this Part.

C. Any additions or modifications made to any existing mobile home park facility subsequent to the adoption of this Chapter must conform to all the provisions and specifications of this Part.

7. *Appeal of Mobile Home Park Permit Denial.* Where the applicant or licensee feels that the Zoning Officer has failed to follow procedures or has misinterpreted or misapplied any provision of this Part in the review of an application for a mobile home park permit or an annual license renewal, he may appeal such action to the New London Township Zoning Hearing Board in accordance with §909.1(a)(3) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10909.1(a)(3).

(Ord. 2003-9-1, 9/4/2003)

**§2-603. Density, Dimensional and General Layout Regulations.**

1. Regulations governing the density of dwelling units in any mobile home park and the dimensions of any mobile home park or mobile home lot therein shall be as specified in Part 15 of the New London Zoning Ordinance. [Chapter 1]

2. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply. All such mobile home parks shall be in areas free from marshes, swamps or other potential breeding places

for insects or rodents.

3. Every mobile home lot shall be clearly marked and shall contain a driveway with unobstructed access to a public or private street. Building setbacks shall be as established in §1-1503.3 of the New London Zoning Ordinance. [Chapter 1]

4. It shall be unlawful to locate a mobile home so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park.

5. *Site Layout.*

A. Mobile homes placed on individual lots are encouraged to be placed off-center on the lots so as to provide a large usable open yard space and outdoor living area in one section of the lot.

B. Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.

C. Mobile homes are encouraged to be arranged in a variety of orientations, and are strongly encouraged to have many units with their long axis east-west, offering south exposure to their longest wall and roof areas, and to provide variety and interest. Site layout shall be designed to ensure that mobile home units are offset to block long interrupted corridors between the units.

(Ord. 2003-9-1, 9/4/2003)

**§2-604. Street System.**

1. *Street Design and Construction Standards.* With the exception of those street standards specified in this Part, the standards in §§2-503 through 2-512 of this Chapter shall govern the design and construction of streets in a mobile home park.

2. *Park Entrances.* Each mobile home park shall have one of many entrances directly on a paved public road. The entrance shall be paved. The said paved entrance shall be at least 35 feet wide if only one and at least 25 feet wide if two or more but not more than 50 feet wide at its point of intersection with the paved public road. The paved entrance shall be at least 50 feet in length and designed so that a minimum width of 24 feet is attained as it connects with or becomes the interior street. At no point shall the width of the paved entrance be less than the width of the interior street. If the mobile home park is located so as to provide access to two or more different paved public roads, one entrance may be provided for each such road.

3. *Street Construction.* All entrances, interior streets, and other heavily traveled areas shall be constructed in accordance with the materials and methods as specified in the most current Pennsylvania Department of Transportation regulations, so that the surface shall be smooth, hard, durable, dust-free, and well-drained under normal use and weather conditions.

4. *Street Widths.* The mobile home park interior street system shall be functionally classified according to collector and local streets as defined in this Part. In no case shall the width of the paved cartway be less than 24 feet for a collector street or 18 feet for

a local street. The minimum right-of-way for all streets shall be 50 feet.

5. *On-Street Parking.* Street parking on one side of the street only shall be permissible if the street is 24 feet or more in width. Parking is prohibited on streets of any lesser width.

(Ord. 2003-9-1, 9/4/2003)

**§2-605. Off-Street Parking and Walkways.**

1. *Driveway and Off-Street Parking Standards.*

A. The requirements of §1-617 of this Chapter shall be applicable to all mobile home parks.

B. Off-site common parking areas may be provided in lieu of the required two parking spaces on each mobile home lot, in which case parking shall be provided at the rate of two spaces, for each mobile home lot not equipped with two parking areas.

C. Additional parking spaces for vehicles of non-residents shall be provided, either on-street or as off-street common parking, at the rate of one and one-half spaces for each mobile home lot.

2. *Walkways.*

A. All mobile home parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for their intended uses, durable and convenient to maintain, between the park streets and all community facilities provided for park residents.

B. Where pedestrian traffic is concentrated each walkway shall have a minimum width of 4 feet.

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

(Ord. 2003-9-1, 9/4/2003)

**§2-606. Service Buildings.**

1. Where a service building is provided, it must contain a toilet and lavatory for each sex and storage areas for occupants of the park. In addition, the applicant may provide laundry facilities, management office, repair shop, indoor recreational facilities and/or commercial uses to supply essential goods and services to park residents only. It is also recommended that the applicant provide shelter waiting areas for transportation and a mailbox area for residents.

2. Construction of service buildings shall be in compliance with all applicable building codes, plumbing codes, etc., and shall be maintained in a clean, sanitary and structurally safe condition.

(Ord. 2003-9-1, 9/4/2003)

**§2-607. Water Supply.**

The requirements of the Township Zoning Ordinance [Chapter 1] and §2-520 of this Chapter shall be applicable to any system of supply water to any mobile home park.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-608. Sanitary Sewage Disposal.**

The requirements of the Township Zoning Ordinance [Chapter 1] and §2-519 of this Chapter shall be applicable to any system and facilities for sanitary sewage treatment and disposal.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-609. Refuse Disposal.**

1. The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards or air pollution.

2. All refuse shall be stored in fly-tight, water tight, rodent-proof containers, which shall be located not more than 200 feet from any mobile home space and no less than 50 feet from the mobile home park boundary. Containers shall be provided in sufficient number and capacity to properly store all refuse.

3. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

4. All refuse shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-610. Stormwater Management.**

The provisions of §2-518 of this Chapter shall be applicable to all mobile home park developments.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-611. Utilities and Exterior Lighting.**

1. An electrical outlet supplying at least 100 amp, 110 volts of 60 cycle alternating current shall be provided for each mobile home space. Such electric outlets shall be grounded and weather-proof.

2. Public streets, driveways and walkways shall be lighted at night with a minimum illumination of at least 0.6 foot candles. Lighting fixtures shall be so spaced and so equipped as to provide adequate levels of illumination throughout the park for

the safe movement of vehicles and pedestrians.

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

(Ord. 2003-9-1, 9/4/2003)

## **§2-612. Fuel Systems.**

### 1. *Fuel Supply and Storage.*

#### A. *Liquified Petroleum Gas Systems.*

(1) The design, installation and construction of containers and pertinent equipment for the storage and handling of liquified petroleum gases shall conform to the Act of Pennsylvania Legislation 1951, December 27, P.L. 1793, as it may be amended, 35 P.S. §1321 *et seq.*, and to the regulations therefore promulgated by the Pennsylvania Department of Labor and Industry, or its successor, 34 Pa. Code §13.1 *et seq.*

(2) Liquified petroleum gas systems provided for mobile homes, service building, or other structures, when installed, shall be maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:

(a) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

(b) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

(c) All liquified petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.

(d) Vessels of at least 12 U.S. gallons and less than 60 U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than 5 feet and no closer to any window than 3 feet.

(e) No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.

(f) All pipe connections shall be of a flare type.

#### B. *Fuel Oil Supply Systems.*

(1) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.

(2) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

(3) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within 5 inches of storage tanks.

(4) All fuel storage tanks or cylinders shall be securely placed and shall not be less than 5 feet from any mobile home exit, and not less than 3 feet from any window.

(5) Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 2003-9-1, 9/4/2003)

### **§2-613. Fire Protection.**

1. The mobile home park area shall be kept free of litter, rubbish and other flammable materials.

2. Portable hand-operated fire extinguishers of a type suitable for use on oil fires, approved by the local fire chief of his designated representative, and shall be kept in each service building under park control and shall be required by the mobile home park operator to be placed in each mobile home in a fixed location, preferably near a door but not in close proximity to cooking facilities.

3. All mobile home parks shall be provided with fire hydrants to meet the specifications of the Insurance Services Company of Pennsylvania, and locations and minimum flow requirements shall be as specified by the Township Supervisors in consultation with the chief of the fire department serving the area.

4. Approved heat and/or smoke detectors shall be required by the mobile home park owner to be placed in each mobile home in the park.

5. All mobile home parks shall be operated so as to comply with all State and local laws, ordinances and regulations pertaining to fire prevention.

6. Mobile home park manager shall consult periodically with the appropriate fire company or authorities as to proper fire prevention practices, accessibility of streets, testing of fire hydrant pressure, location and operation of equipment, community education programs, etc.

(Ord. 2003-9-1, 9/4/2003)

### **§2-614. Miscellaneous Structural Requirements.**

1. *Additions.* No permanent additions shall be built onto or become part of any mobile home unless they are in accordance with applicable State and local laws, ordinances and regulations.

2. *Alterations.* All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable State and local laws,

ordinances and regulations.

3. *Mobile Home Pad.* A concrete pad, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons, shall be used for all mobile homes located in mobile home parks.

4. *Anchoring.* Every mobile home placed shall be anchored to the mobile home pad or foundation where it is located prior to the unit being occupied or used in any other way or the expiration of 7 days, whichever occurs first. The anchoring system shall be designed to resist a minimum wind velocity to 90 miles per hour.

5. *Stability.* Each mobile home placed shall, prior to occupancy or other use, be affixed to its mobile home pad in such a way as to prevent tilting of the unit.

6. *Skirts.* Each mobile home placed within a mobile home park shall, prior to occupancy or other use, have a skirt installed which is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.

7. *Hitch.* The hitch or tow bar attached to a mobile home for transport purposes shall be removed and remain removed from the mobile home when it is placed on its mobile home pad or permanent location.

(Ord. 2003-9-1, 9/4/2003)

## **§2-615. Common Open Space and Buffers.**

### 1. *Common Open Space Areas.*

A. At least 30% of the gross area of each mobile home park shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common open space shall be substantially free of structures except for those designed for recreational purposes.

B. Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Common open space areas should include both active recreation areas for all age groups and, particularly where the site includes a watercourse or hilly or wooded areas, land which is left in its natural state.

C. At least 25% of the open space areas shall be located in an area not subject to flooding and which is usable for active recreation. No such active recreational open space areas shall be less than 1 acre in size.

### 2. *Buffer Areas.* The entire perimeter of the mobile home park shall be buffered.

A. Buffered setbacks shall consist of a visual screen of mixed evergreen and deciduous plant material of varying species. At the time of planting, a sufficient amount of evergreen material to visually screen the property shall be at least 5 feet in height (after planting) and the remainder of plants may be of varying lesser heights.

B. The plantings shall be maintained permanently and replaced within one year in the event of death of any plant material. Plantings shall not be closer than

3 feet from a property line.

C. All existing deciduous and evergreen trees above two inches in caliper and/or 6 feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.

D. Generally, a minimum of 35% of plant material shall be evergreen and 10% flowering material.

*(Ord. 2003-9-1, 9/4/2003)*

### **§2-616. Landscaping.**

1. No portions of tree masses or trees with caliper of 4 inches or greater shall be cleared unless necessary for effectuation of the proposed mobile home park development. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.

2. In addition to plantings for buffered setbacks, a mobile home park shall be provided with the following landscaping requirements.

A. Disturbed topsoil shall be stockpiled and replaced after construction.

B. Deciduous trees of varying species shall be planted within the mobile home park at the ratio of two per mobile home. In the event that a substantial number of trees remain after development, the Board of Supervisors may modify this requirement.

C. Deciduous and/or evergreen shrubs of varying species shall be planted within the mobile home park at a ratio of at least four per mobile home.

D. Planting of landscape material shall be in accordance with a plan prepared by a registered landscape architect and shall be completed within 6 months of approval of final plan, and failure to carry out the landscaping plan within such time shall warrant denial of the parks annual license under §2-602.2 hereof.

*(Ord. 2003-9-1, 9/4/2003)*

### **§2-617. Removal of Mobile Homes.**

1. No mobile home shall be removed from the Township without first obtaining a removal permit from the New London Township Tax Collector as required by Act 54, 1969, of the Pennsylvania General Assembly, 72 P.S. §5020-407. Such permit shall be issued upon payment of a fee of \$2 and real estate taxes assessed against the home and unpaid at time the permit is requested.

2. Any person who removes a mobile home from New London Township without first having obtained a removal permit shall, upon summary conviction hereof, be sentenced to pay a fine of \$100 and costs of prosecution or undergo imprisonment for not more than 30 days, or both.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-618. Maintenance of Common Areas and Facilities.**

1. The operator and licensee of a mobile home park shall be responsible for maintaining all common facilities including, but not limited to, roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems, and service buildings, in a condition of proper repair and maintenance.

2. If upon inspection by a Zoning Officer or other representative it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee shall be considered to be in violation of this Chapter, and the Zoning Officer shall notify in writing the operator or licensee of the particulars of any such violation. The operator and licensee shall thereafter have 30 days in which to correct any such violations, except that whenever the Township finds that an emergency exists which requires immediate action to protect the public health or safety, it may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Part, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

3. The mobile home park operator is responsible for the maintenance of the health, safety, welfare consideration of the park. When the park is inspected, the park operator will be notified in writing of any deficiencies found and will be given 15 days to correct the source. The Zoning Officer will have the right to void the New London Township mobile home park permit if the deficiencies are not corrected. See §2-602.

*(Ord. 2003-9-1, 9/4/2003)*



**Part 7****Construction and Acceptance of Public Improvements****§2-701. Construction Required.**

1. The applicant shall construct all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, trails, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas, erosion and sediment control measures in conformance with the final plan as approved, the applicable provisions of the Pennsylvania Department of Transportation Specifications, Form 408, dated 1976, or the latest revision thereto, or other applicable regulations. [*Ord. 2004-04*]

2. No plan shall be finally approved for recording, and no building permits shall be issued until the developer has provided a performance guarantee in accordance with §2-308 hereof. Where the approved final plan includes installation and construction of a trail or trails within the tract, no building permits shall be issued for the proposed development, or for the relevant phase of the proposed development, until the locations and routes of the trails approved for the tract, or for the relevant phase thereof, have been physically identified and marked on the site, and such locations and routes have been inspected and approved by the Township.

A. Where the trail route is contained within common open space, not more than 25% of the building permits for dwelling units approved for the site, or the relevant phase thereof, shall be issued until those portions of the trail have been constructed, inspected by the Township Engineer, and determined to be in compliance with the requirements of this Chapter.

B. Where the trail route crosses within the lines of an individual residential lot, no use and occupancy permit shall be issued for the lot until that portion of the trail has been constructed, inspected by the Township Engineer, and determined to be in compliance with the requirements of this Chapter.

[*Ord. 2004-04*]

3. All trenches or other excavations in existing or proposed Township streets shall be backfilled in accordance with the following:

A. Backfilling shall be done as promptly as possible.

B. The trench shall be backfilled with hand-placed screenings or 2RC stone to a height of at least 1 foot above the top of the conduit, pipe or pipe bell. These screenings shall be thoroughly hand-tamped around the side of the pipe. These screenings shall be free from refuse, boulders, rocks, unsuitable organic material or other material which, in the opinion of the Township, is unsuitable.

C. When the pipe is located in a dedicated street or any place where paving (including driveways) may be placed, the remainder of the trench shall be backfilled with 2RC or modified stone and promptly compacted. The backfill material shall be mechanically tamped in approximately 6 inch layers.

D. Backfilling or tamping with trenching machine is prohibited.

E. Where openings have been made in existing Township roads, paving shall be restored in accordance with the paving standards contained in this Chapter. Openings made in State roads shall be restored in accordance with Pennsylvania Department of Transportation specifications. Permits shall be required before paving is opened in any existing State or Township road.

F. Where openings are made behind the curb line, work shall be as specified below. The opening shall be covered with topsoil to a depth of 6 inches and seeded or sodded to the satisfaction of the Township Engineer.

G. Whenever the trenches have not been properly filled or settlement occurs, they shall be refilled, compacted, smoothed off, reseeded or sodded if along the street, paved in the street and finally made to conform to the surface of the ground.

H. Frozen earth shall not be used for backfilling, nor shall any backfilling be done when materials already in the trench are frozen, or exposed to freezing temperatures for more than 8 hours.

I. Where excavated material, or any portion thereof, is deemed by the Township Engineer to be unsuitable for backfilling, the developer shall procure and place backfill material approved by the Township.

(*Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §VI(b)*)

### **§2-702. Inspections.**

1. The construction or installation of all improvements shall at all times be subject to inspection by representatives of the Township. If such inspection reveals that work is not in accordance with the approved plans and specifications, that construction is not being done in a workmanlike manner, or that erosion or sediment from leaving the construction site the said representative is empowered to require corrections to be made and/or the suspension of subdivision approval and to issue a cease and desist order, which may include any or all of the following sanctions:

A. That no lot in the subdivision shall be conveyed or placed under agreement of sale.

B. That all construction on any lot for which a building permit has been issued shall cease.

C. That no further building permits for any lot shall be issued.

2. The said cease and desist order shall be terminated upon the determination by the Township representatives that the said defects or deviations from plan requirements have been corrected.

3. After commencement of initial earth moving operations, the Township Engineer or his designate shall inspect at the following points in the development of the site, or of each stage thereof:

A. Upon completion of stripping, the stockpiling of topsoil, the construction of temporary stormwater management and erosion control facilities, disposal of all unsuitable materials and preparation of the ground.

B. Upon completion of rough grading, but prior to placing top soil, installing permanent drainage or other site improvements, or establishing covers.

C. During construction of the permanent facilities at such time(s) as specified

by the Township Engineer.

D. Upon completion of permanent stormwater management facilities, including established ground covers and plantings for that purpose.

E. Upon completion of final grading, vegetative control measures, and all other site restoration work undertaken in accordance with the approved plan and permit.

F. The Township Engineer may make random inspections as he deems necessary and appropriate.

4. No underground pipes, structures, sub-grades or base course shall be covered until inspected and approved by the Township. A minimum of six inspections by the designated representative shall be required. These inspections shall be effected as follows:

A. Excavation and completion of subgrade.

B. Excavation, installation and completion of drainage structures, community sewage systems or water supply systems.

C. Before placing first base course and between such base course.

D. Before binder course.

E. Before wearing course.

F. Final inspection in accordance with §2-703.1.

5. The developer shall notify the designated representative of the Township (usually the Township Engineer) at least 24 hours in advance of commencement of any construction operations requiring an inspection.

6. In the review of any stormwater management plan, the Township Engineer shall have discretion to modify or waive the otherwise applicable inspection schedule called for in this Section. Such modifications or waivers shall be reported to the Board of Supervisors.

*(Ord. 2003-9-1, 9/4/2003)*

### **§2-703. Release From Performance Bond.**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board, and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Board; and said report shall be detailed and shall indicate approval or rejection of said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report, shall contain a statement of reasons for such non-approval or rejection. The Township Engineer shall maintain a permanent file of his inspections.

2. The Board shall notify the developer, in writing, by certified mail of the action of the Board with relation to approval, non-approval or rejection of improvements.

3. If any portion of the said improvements shall not be approved or shall be

rejected by the Board, the developer shall proceed to complete the same and upon completion, the same procedure of notification as outlined herein shall be followed.

4. Improvement bonds, or funds in escrow, may be released in stages as construction of a significant portion of street, including all other improvements, is completed and approved by the Board. No work shall be initiated on subsequent phases of any subdivision or land development, building construction or other permitted activity until the Township Engineer has inspected and approved the work in the present phase.

5. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and acceptance by the Township, and 10% of the performance guarantee shall be held back until a maintenance guarantee as provided for in §2-706 has been posted and as-built plans are verified and accepted by the Township.

*(Ord. 2003-9-1, 9/4/2003)*

#### **§2-704. As-Built Plans.**

Prior to approval by the Township of subdivision and land development improvements as shown on final plans, the applicant shall submit to the Board a corrected copy of said plans showing actual dimensions and conditions of streets, other improvements, and any other changes resulting from minor plan amendments approved by the Township Engineer. Such as-built plans shall be certified by a professional engineer or professional surveyor to be in accordance with actual construction, and shall be recorded in the office of the Chester County Recorder of Deeds.

*(Ord. 2003-9-1, 9/4/2003; as amended by Ord. 2004-04, 11/18/2004, §V(c))*

#### **§2-705. Dedication and Acceptance of Public Improvements.**

1. Applicant will deliver executed and acknowledged deed or deeds of dedication for all public improvements shown on the plan at the time applicant delivers the final plan and subdivision/land development agreement to the Township. The delivery of this deed or deeds shall constitute a continuing offer by the owner and/or applicant for dedication of this land and improvements for public use and acceptance by the Township. The Board of Supervisors shall determine when, and whether, it is in the best interests of the health, safety and welfare of this Township to accept the offer of dedication.

In the event developer completes all improvements and satisfies all conditions, the Board of Supervisors will accept this offer of dedication provided the Township Engineer certifies, if requested by the Board, that the developer has completed all improvements as disclosed in the plan and satisfied all conditions. Should developer fail to complete the improvements and/or satisfy all conditions, and the Township completes the improvements with the proceeds of the financial security, Township may accept the offer of dedication by resolution at a public meeting.

2. The applicant must provide a title insurance policy, establishing that the land described in the deed or deeds of dedication is free of all liens and encumbrances, or as may be acceptable to the Township at the time of the delivery of the final plans for review and upon acceptance by the Township. The Township Solicitor must approve the

deed or deeds of dedication and the status of the land under the terms of the title insurance policy. The Board of Supervisors may accept an offer of dedication by resolution at a public meeting. The Supervisors may require that at least 50% of the lots in any approved subdivision or land development (or phase in those instances in which the Board of Supervisors has approved development in phases) have a certificate of occupancy. In those developments in which a homeowners association is to be created, the developer must provide proof that the association lawfully exists, and that the association has sufficient assets and ability to satisfy the requirements of that association, as approved by the Township in the preliminary and/or final plan.

3. The Board may require that stormwater retention basins, trails, or other subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowners association or similar entity, or an organization capable of completing the maintenance responsibilities.

(*Ord. 2003-9-1*, 9/4/2003; as amended by *Ord. 2004-04*, 11/18/2004, §III(d))

**§2-706. Maintenance Guarantee.**

1. Where the Board of Supervisors accepts dedication of all or some of required improvements following completion (whether such dedication is of the fee or of an easement), the Board shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guarantee, as described in §2-308.1.A hereof, shall be for a term of 18 months from the date of the acceptance of dedication and shall be in an amount equal to 15% of the actual cost of installation of the improvements so dedicated shall be for a term of 18 months from the date of the acceptance of dedication and shall be in an amount equal to 15% of the actual cost of installation of the improvements so dedicated.

2. The Board of Supervisors may increase the percentage required in a maintenance bond if all lots in the subdivision or land development do not have dwellings or other principal buildings erected thereon prior to acceptance of dedication.

3. Where maintenance of stormwater retention facilities or private streets is to be the responsibility of individual lot owners, homeowners association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Board shall require that maintenance responsibilities shall be set forth in perpetual covenants or deed restrictions binding on the landowners successors in interest, and may further require maintenance funds be established.

4. Stormwater management facilities and systems that are located on an individual lot, and are the responsibility of that landowner to maintain and assure the performance of, shall be maintained and their performance guaranteed in accordance with §§2-308.1.B, 2-706 and 2-706.3 of this Chapter. Obligations shall include the perpetuation of infiltration facilities and/or the maintenance of facilities constructed by the individual lot owner under terms of his building or stormwater permit, e.g., cisterns, downspout connections, seepage pits, etc.

5. On or before the completion of subdivision or land development improvements, the permanent stormwater management system for a tract shall begin to function in

accordance with the approved stormwater management plan. Temporary sediment trapping facilities in detention basins, upon inspection, shall be converted into permanent stormwater management basins; and/or additional facilities designed to serve more than individual lots shall begin operation. All such work shall be as specified in the approved plan. Continued functioning of these facilities shall be guaranteed and maintenance, as necessary, performed by the developer in accordance with the provisions of this Chapter.

6. If the Township determines at any time that required permanent stormwater management facilities have been eliminated, altered, or improperly maintained, the owner shall be advised of corrective measures required by the Township. If such measures are not taken by the owner, the Township may cause the work to be done and lien all costs against the property.

7. Prior to final inspection required as part of any approved subdivision or land development, or building permit, the land developer or permit holder shall present an "as-built" plan of sewage and water supply facilities and stormwater management facilities, showing drainage easements and/or drainage deed restrictions (as specified in Appendix A, Section V), detention or retention basins, infiltration structures, and the size, storage capacity, and cross sections of same for recording in the Township's stormwater facilities files.

8. Where the maintenance of stormwater management facilities and systems it is the responsibility of an individual lot owner, the terms of that maintenance agreement and a description of the facilities and systems on the lot, as called for in subsections (4) and (7) of this Section, shall be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest.

9. At the time of dedication of the streets the developer shall donate an amount equal to 15% of the cost of construction of the stormwater basins to provide a permanent maintenance fund for stormwater management facilities. This donated sum may only be used by New London Township to maintain the structural integrity and functionality of the stormwater basins.

*(Ord. 2003-9-1, 9/4/2003)*

**Part 8****Administration****§2-801. Hardship.**

1. If any mandatory provision of this Chapter is shown by the applicant, to the satisfaction of the Board, to be unreasonable and cause undue hardship as it applies to his proposed subdivision, the Board may grant a modification to such applicant from such mandatory provision, so that substantial justice may be done and the public interest secured; provided, that such modification will not have the effect of nullifying the intent and purpose of this Chapter.

2. In granting modifications, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-802. Records.**

1. The Township shall assign a subdivision application number to all applications, and all matters referring to this should be tied in with and filed in accordance with the subdivision case number. The Township shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review.

2. All such records shall be public records.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-803. Fees.**

1. No application for preliminary or final approval shall be deemed to have been submitted until the application fee and escrow deposit, as set forth below, shall have been paid.

2. A subdivision or land development application fee and an escrow deposit shall be, submitted with any application for preliminary or final plan approval to cover the costs of plan review and processing. Amounts of the application fee and escrow deposit shall be fixed by the Board of Supervisors by resolution. The escrowed funds shall be used to reimburse the Township for actual expenditures incident to these processes including, but not limited to, fees of the Township Engineer, legal fees, and other plan review consultants. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpended balance in the escrow deposit shall become part of the second deposit required in subsection .3, below.

3. As a condition of final plan approval and recording, and following the establishment of any required performance guarantee, a second escrow deposit shall be established to cover the costs of (A) inspections of improvements construction; (B) materials or site testing, (C) other monitoring, administrative, or consultant costs or

fees incurred during development and construction; and (D) maintenance costs (e.g., snow removal) prior to the acceptance of improvements by the Township. Any costs incurred by the Township in excess of the amount held in escrow shall be fully reimbursed by the applicant. Any unexpended balance in the escrow deposit following: (A) acceptance of dedication of improvements by the Township for a major subdivision or land development, or (B) completion of all site development work and inspections for a minor subdivision plan, shall be returned to the applicant. The amount of the escrow deposit shall be fixed by resolution of the Board of Supervisors.

4. The fees and escrow deposits required by this Section shall constitute a lien against the property, and the Township shall have the authority to collect all such fees and deposits provided for herein in like manner as other municipal claims are collected or by action in assumpsit.

(Ord. 2003-9-1, 9/4/2003)

#### **§2-804. Remedies.**

##### *1. Preventative Remedies.*

A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

##### *2. Enforcement Remedies.*

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

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

D. District justices shall have initial jurisdiction in proceedings brought under this Section.

*(Ord. 2003-9-1, 9/4/2003)*

**§2-805. Revision and Amendment.**

1. The Board of Supervisors may, from time to time, revise, modify and amend these regulations by appropriate action in accordance with the provisions of §505 of the Municipalities Planning Code, as amended, 53 P.S. §10505.

2. Notice of the date, time and place of such a public meeting, together with the brief summary setting forth the principal provisions of the proposed revisions, modifications or amendments shall be published in one newspaper of general circulation in the Township once a week for 2 successive weeks in advance of such meeting.

3. In case of an amendment not prepared by the Planning Commission, the Board shall submit such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

*(Ord. 2003-9-1, 9/4/2003)*

