

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

**WILMINGTON TOWNSHIP
LAWRENCE COUNTY,
PENNSYLVANIA**

ORDINANCE No. , 2015
incorporating as a recodification
ORDINANCE No. ?, 1973
ORDINANCE No. 2, 2005
ORDINANCE No. 6, 2007

ORDINANCE NO. __ OF 2015
TOWNSHIP OF WILMINGTON
LAWRENCE COUNTY, PENNSYLVANIA

**SUBDIVISION AND LAND DEVELOPMENT PROVISIONS OF SECTION II OF THE
WILMINGTON TOWNSHIP ZONING ORDINANCE OF 1973 AS AMENDED.**

This Ordinance repeals Section II of the Wilmington Township Zoning Ordinance of 1973 and all subsequent amendments (Ordinance 5 of 2005 (April 12, 2005) and Ordinance 6 of 2007 (September 4, 2007)) and replaces that Section with the following new Section II which is a recodification of the sections that have been repealed.

SECTION II: SUBDIVISION AND LAND DEVELOPMENT

Article XXI

Purpose per "Pennsylvania Municipalities Planning Code"

- Section 2100.** This Section shall be known as the Wilmington Township Subdivision and Land Use Ordinance.
- Section 2101.** This Section is created in reference to the provisions of the "Pennsylvania Municipalities Planning Code" (Act 247) effective January 1, 1969, and as amended through April 2005
- Section 2102.** All Subdivision and Land Development Plats of land situated within the Township shall be submitted for approval to the Township Planning Commission whose action shall be considered as the action of the Governing Body as per Section 501 of the Pennsylvania Municipalities Planning Code.

Article XXII

Definitions

- Section 2200.** Unless otherwise expressly stated, the following words shall have the meaning herein indicated:
1. **APPLICANT:** A landowner or developer as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
 2. **APPLICATION FOR DEVELOPMENT:** Shall mean every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited, to an application for a building permit or the approval of a subdivision plot or plan or for the approval of a development plan.

3. COUNTY: Shall mean the County of Lawrence, Pennsylvania.
4. DEVELOPER: Shall mean any landowner, agents of such land owner, or tenant with the permission of landowner, who makes or causes to be made a subdivision of land or a land development.
5. FARM BASED BUSINESS:
 - a. The selling at retail to the general public of what is primarily grown or produced on the farm (see sec. 100.34 of the Zoning Ordinance), or
 - b. The sale, repair, or production of goods which, while ancillary to the primary use of the land as a farm (see sec. 100.34 of the Zoning Ordinance), are in keeping with the agricultural endeavor. Examples of the latter include woodworking, furniture making, harness shops, quilt shops, light machine repairs, etc. This definition excludes slaughterhouses, saw mills, automotive repair or body shops, soil and mineral extraction, etc. It also excludes those activities specifically noted as excluded in the definition of a farm (see sec. 100.34 of the Zoning Ordinance).
6. GOVERNING BODY: Shall mean the Planning Commission of Wilmington Township, Lawrence County, Pennsylvania except as noted in Sections 2200.14, 2301.8 (c,d), 2301.4, and 2500.11, and Articles XXVII, XXVIII, and XXXI of this Ordinance where it shall mean the Supervisors of Wilmington Township.
7. IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways (exclusive of those in minor subdivisions), culverts, and street shade trees.
8. LAND DEVELOPMENT: Any of the following activities:
 - a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
 - b. A subdivision of land.
 - c. "Land Development does not include development which involves:
 - 1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - 2) The addition of an accessory building, including farm buildings and/or buildings used for farm based businesses, on a lot or lots subordinate to an existing principal building; or
 - 3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage

by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

9. **LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.
10. **LOT LINE ADJUSTMENT:** A Minor Subdivision of land resulting in revised property boundaries between two (2) or more existing lots; not involving the creation of any new lot nor any intention to build a new structure (beyond accessory buildings); and where such lot line change is in full compliance with this Ordinance, the Township Zoning Ordinance, and any other applicable ordinances.
11. **LOTS:** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessory buildings and open spaces belonging to the same; and for the purpose of this ordinance, no lot area shall include any of that area contained between existing or proposed public rights-of-way lines.
12. **MAJOR SUBDIVISION:** Any Subdivision or Land Development not classified as a Lot Line Adjustment or Minor Subdivision.
13. **MINOR SUBDIVISION:** Any division or re-subdivision of a lot, tract, or parcel of land into four (4) lots or less, and where:
 - a. All lots front on an existing improved public street;
 - b. The subdivision does not involve or require construction of improvements or the extension of utilities;
 - c. The subdivision does not cause adverse effects to adjoining properties; and
 - d. The proposed subdivision does not constitute an Additional Subdivision as provided by section 2301.6.A.
14. **MUNICIPAL ENGINEER:** Shall mean a duly register professional engineer employed by the municipality or engaged as a consultant thereto.
15. **MUNICIPALITY:** Shall mean the Township of Wilmington, Lawrence County, Pennsylvania.
16. **OFFICIAL FILING DATE:** The date when the complete application is submitted and all fees are paid to the Township (both Township fees and County fees) and filed with the Township Secretary.
17. **OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by non-recreational structures, roads, street right-of-ways, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this Ordinance.

18. **PLANNING AGENCY:** Shall mean the Wilmington Township Planning Commission.
19. **PLAT:** Shall mean the map or plan of a subdivision or land development, whether preliminary or final.
20. **PROFESSIONAL CONSULTANTS:** Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.
21. **PUBLIC GROUNDS:** Includes (1) parks, playgrounds and other public areas; and (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
22. **PUBLIC NOTICE:** Shall mean notice given not more than thirty (30) days and not less than seven (7) days in advance of any public hearing required by law. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the Township of Wilmington, Lawrence County, Pennsylvania. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
23. **SIGHT DISTANCE:** Includes Safe Sight Distance, Safe Stopping Sight Distance, Passing Sight Distance, and Decision Sight Distance as defined and regulated by Pennsylvania Code Title 67, Chapter 441 and PennDOT Design Manual, Part 2, Publication 13 (or their replacements).
24. **STREETS:** Streets are hereby defined as a public right-of-way for vehicular or other traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley or however otherwise designated and for the purpose of this ordinance shall be classified as follows:
 - a. Arterial Streets are those which are used primarily for through, fast, or heavy traffic.
 - b. Collector Streets are those which carry traffic from minor streets to the major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments.
 - c. Minor Streets are those which are used primarily for access to the abutting properties.
 - d. Marginal Access Streets are minor streets which are parallel to and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic.
 - e. Alleys are minor ways which are used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
25. **STRUCTURE:** Shall mean any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
26. **SUBDIVIDER:** Is hereby defined as a person, co-partnership or corporation, who or which owns land in the municipality and for which a Land Subdivision application is filed and processed under the provisions of this ordinance.
27. **SUBDIVISION:** Shall mean:
 - a. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot

development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

- b. Any development of a parcel of land or plan thereof, which involves the installation of streets or alleys or both, whether or not proposed for dedication, and any development of land for a shopping center or a multiple dwelling building.

28. TOPOGRAPHIC MAP: Shall mean a map showing the elevations of the ground by contours or elevations.

Article XXIII

Plan Requirements and Processing Procedures

Section 2300. The plan requirements and processing procedures shall be followed by the applicant as set forth herein and shall be submitted to the official Planning Commission of the Municipality for review and approval. No person proposing a Subdivision or Land Development shall sell, transfer, lease or otherwise convey any lot, parcel, or tract in a subdivision, or commence the construction of any buildings or improvements until the Final Plan of the proposed subdivision or land development has received final approval from the body designated by the Supervisors to make such approval and the plan is recorded, or until the provisions of Article V, section 509 of the Pennsylvania Municipalities Planning Code have been met (*cf.*, Article XXVII of this Ordinance).

Section 2301. SUBMISSION PROCEDURES

1. OFFICIAL FILING DATE

- a. For the purpose of these regulations, the official filing date shall be the date of complete application submission and all fees due to the Township have been paid (including those required by the County), and both are filed with the Township Secretary. An application will not be deemed complete unless all applicable fees have been paid by the applicant, and the application and plans conform to the plan requirements set forth in this Ordinance. It is the responsibility of the applicant to make sure all required application materials are included.
- b. All applications for Subdivision and/or Land Development shall be filed with the Township Secretary no later than twenty-one (21) days prior to a regularly scheduled meeting of the Township Planning Commission.
- c. Upon receipt of an application for Subdivision or Land Development the Township Secretary shall affix to the application the date of submittal.
- d. As a courtesy, a member of the Planning Commission, at their discretion, may review the application to ascertain that all required elements are present. If elements are missing the member of the Planning Commission will, if possible, contact the applicant to inform him or her of the deficiency. Corrections and additions to the application made no later than fourteen (14) days prior to the meeting of the Planning Commission shall be deemed to be a part of the application record. The Township Secretary shall affix the date of receipt to any such additions. This review by a member of the Planning Commission shall be for the assistance of the applicant only, and shall not be considered in any way to be binding on the applicant or any of the reviewing agencies.
- e. The application record shall be closed as of fourteen (14) days prior to the regularly

scheduled meeting of the Planning Commission. The Township will not accept changes or amendments to the application after the time noted above unless the applicant applies, in writing, for a rescheduling of the meeting at which the application is to be considered by the Planning Commission, and makes suitable provision for an extension of the review time. This policy shall apply at all stages of the approval process.

2. APPLICATION FORMS

All applications for Subdivision or Land Development shall include completed application forms as adopted by the Lawrence County Planning Commission and any additional forms as required by resolution of the Board of Supervisors.

3. LAWRENCE COUNTY PLANNING COMMISSION REVIEW

As required by the Pennsylvania Municipalities Planning Code, a copy of all Preliminary and Final plans shall be forwarded by the Township Secretary to the Lawrence County Planning Commission for review and comment in accordance with its then prevailing rules and regulations. The Township Secretary will forward the plans to the County after the time for additions to the record is ended.

4. FEE SCHEDULE

a. Fees for Review

The Township Supervisors shall establish, by resolution, a schedule of fees for Subdivision and Land Development Applications, to defray the cost of processing. In addition, the Applicant shall pay such review fees which shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or other professional consultant for similar services in the Township. Such fees shall be charged in accordance with the provisions and limitations of section 503(1) of the Municipalities Planning Code, and in no event shall fees exceed the rate or cost charged by the Engineer or professional consultant to the Township when fees are not reimbursed or otherwise imposed on the applicants. Such resolution shall be duly recorded and such fee schedule shall be reproduced and made available upon request to the Township. No application shall be accepted or acted upon until payment of the processing and review fees as established by the resolution and fee schedule.

1. The Township shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this section shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the Applicant disputes the amount of any such review fees, the Applicant shall, no later than forty-five (45) days after the date of transmittal of the bill to the applicant, notify the Township and the Township's professional consultant in writing that such fees are disputed and shall explain in writing the basis of their objections to the fees charged. In that case, the Township shall not delay or disapprove a Subdivision or Land Development application due to the Applicant's dispute over fees. Failure of the applicant to dispute a bill within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under section 510(g) of the MPC.
2. In the event the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the Applicant and the Township shall follow the procedure for dispute resolution set forth in Municipalities Planning Code section 510(g), provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being

- disputed.
3. Subsequent to a decision on an application, the Township shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.
- b. Fees for Inspection of Required Improvements
- The Township Supervisors shall establish, by resolution, a schedule of fees for the Township's inspection of improvements required under the provisions of the Ordinance, including, but not limited to, the payment of fees charged by the Township's professional consultants for their inspection. Such fees shall be charged in accordance with the provisions and limitations of section 510(g) of the Municipalities Planning Code. In no event shall fees exceed the rate or cost charged by the professional consultant to the Township when fees are not reimbursed or otherwise imposed on the applicants, nor shall the applicant be required to reimburse the governing body for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such resolution shall be duly recorded and such fee schedule shall be reproduced and made available upon request to the Township. The release, in whole or in part, of any Financial Security posted in connection with such improvements and, if applicable, the acceptance of such improvements by the Township, shall be contingent upon the payment of the proper fees as established by the resolution and the fee schedule.
1. The Township shall submit to the applicant an itemized bill showing work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the Applicant disputes the amount of any such expense in connection with the inspection of the improvements, the Applicant shall, no later thirty (30) days after the date of transmittal of the bill for inspection services, notify the Township and the Township's professional consultant in writing that such inspection expenses are disputed as unreasonable or unnecessary and shall explain in writing the basis of their objections to the fees charged. In that case, the Township shall not delay or disapprove a request for release of financial security, a Subdivision or Land Development application, or permit related to development due to the Applicant's dispute over inspection expenses. Failure of the applicant to dispute a bill within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under section 510(g) of the MPC.
 2. In the event the Township's professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and the Professional Consultant shall follow the procedure for dispute resolution set forth in Municipalities Planning Code section 510(g).
5. LOT LINE ADJUSTMENT PROCEDURE
- Lot Line Adjustment plans shall be initiated and submitted for review in the form of a Final Plan as specified in section 2304. Such plans must include all relevant information required by sections 2303 and 2304 of this Ordinance. The applicant shall submit the original and three (3) copies of all documents and prints. One copy shall be for transmittal to the County for their review. The others shall be used by the Township in their review.

6. MINOR SUBDIVISION PROCEDURE

Minor Subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in section 2304. Such plans must include all relevant information required by sections 2303 and 2304 of this Ordinance. The applicant shall submit the original and four (4) copies of all documents and prints. One copy shall be for transmittal to the County for their review. The others shall be used by the Township in their review.

At the option of the subdivider or developer, a Preliminary Plan may be submitted. Such plans must meet all the requirements of section 2303 and must include all applicable fees.

a. Additional Subdivision

Once four (4) or more lots have been subdivided from the land contained in any given tract, any additional subdivision from either the residual tract or one of the new tracts shall be deemed to be a major subdivision for the purposes of this Ordinance and shall follow the procedure for review of a major subdivision, if the additional subdivision is submitted for review within five (5) years of the approval of the most recent subdivision.

7. MAJOR SUBDIVISION AND LAND DEVELOPMENT PROCEDURE

a. Pre-Application Plan

Prospective Subdividers and Developers are strongly urged to present a Pre-Application Plan to the Township Planning Commission prior to the submission of a Preliminary Plan, to obtain information and guidance before entering into any commitments or incurring substantial expenses with regard to site and plan preparations. Such plan should include the information noted in section 2302 of the Ordinance and is subject to the filing deadlines noted herein. Three (3) copies of all materials shall be submitted to the Township for this review.

Submission of a Pre-Application Plan will not constitute a formal filing of a Subdivision or Land Development plan. The review of the Pre-Application Plan is intended to be advisory only and shall not bind the Township to approve any application.

b. Preliminary Plan

A Preliminary Plan application shall be required for all Major Subdivisions and Land Developments. The Preliminary Plan must address all applicable elements of section 2303.

It is the responsibility of the Subdivider or Developer to coordinate plans with the respective private and public service agencies including, but not limited to, (where applicable) Lawrence County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and Township Authorities. Evidence that plans have been submitted to appropriate agencies shall be included in the application. Positive reviews from all agencies whose approval is required for the Preliminary Plan shall be required before the Township can approve the application.

The applicant shall submit to the Township the original and five (5) copies of all required documents and prints. One copy shall be for transmittal to the County Planning Commission and one shall be given to the Township Engineer for his or her review and comment. The other copies shall be used by the Township in their review.

In cases where the Subdivision or Land Development adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the developer shall submit the plans to the Pennsylvania Department of Transportation for review.

c. Final Plan

A Final Plan application shall be required for all Major Subdivisions and Land Developments. This may be submitted only after the applicant has been notified that the Preliminary Plan has been approved. The Final Plan must address all applicable elements of

section 2304.

It is the responsibility of the Subdivider or Developer to coordinate plans with the respective private and public service agencies including, but not limited to, (where applicable) Lawrence County Conservation District, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and Township Authorities. Evidence that plans have been submitted to appropriate agencies shall be included in the application. Positive reviews from all relevant agencies shall be required before the Township can approve the application.

The applicant shall submit to the Township the original and five (5) copies of all required documents and prints. One copy shall be for transmittal to the County Planning Commission and one shall be given to the Township Engineer for his or her review and comment. The other copies shall be used by the Township in their review.

In cases where the Subdivision or Land Development adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the developer shall submit the plans to the Pennsylvania Department of Transportation for review unless evidence is provided that PennDOT's approval of the Preliminary Plan was to be considered as final approval.

8. RECORDING OF FINAL PLANS

a. Final Fees and Conditions

Upon approval of the Final Plan, and within 30 days of approval, the subdivider or developer shall pay any outstanding balance on review fees, post any required improvement security, pay any required inspection fees, and satisfy any other conditions attached to the approval of the Final Plan.

b. Recording and Copy Requirements

Upon satisfaction of all conditions attached to the approval, the mylar and one copy of the final record Plat will be signed by the appropriate Township Officials and the mylar released for recording. Within ninety (90) days of the Final Plan approval, the Township Secretary must receive a copy of the final mylar Plat that includes evidence that the final mylar plat has been recorded in the office of the Lawrence County Recorder of Deeds. Failure to have the plan recorded within this time frame or any alteration of the plat as recorded from the copy retained by the Township shall render the approval of the Township null and void. The final Plat must be recorded before proceeding with the sale of lots or construction of buildings and improvements. No permit shall be issued until a copy of the recorded plat is received by the Township.

c. Dedication

Recording the final Plat shall be an irrevocable offer to dedicate all streets and other public ways to public use. The approval of the final Plat shall not impose any duty upon the Township concerning maintenance of improvements offered for dedication nor shall such approval be construed as an acceptance of such dedication.

d. Non-Dedication

The subdivider shall place a notation on the final Plat if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the Owner, and the Township shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the Plat."

Section 2302. PRE-APPLICATION PLANS AND DATA: Previous to [or in conjunction with] the filing of an application for approval of the Preliminary Subdivision Plan the applicant

shall submit to the Planning Commission the following plans and data:

1. GENERAL INFORMATION shall describe or outline existing covenants, land characteristics, community facilities and utilities; and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed protective covenants and proposed utilities and street improvements.
2. LOCATION MAP shall show the relationship of the proposed subdivision and land development to existing community facilities which serve or influence it and shall include development name, location and any existing facilities; traffic arteries; public or other schools, parks, playgrounds; utilities; churches; shopping centers; airports; hospitals; principal places of employment; title; scale; north arrow; and date.
3. SKETCH PLAN on a topographic survey shall show in a simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and may be free-hand on a print of the topographic map.

Section 2303. PLAT AND DATA FOR PRELIMINARY APPROVAL: Previous to the filing of an application for Final Approval of the Subdivision Plan, the applicant shall submit to the Planning Commission the following plans and data:

1. BACKGROUND AND TOPOGRAPHIC DATA: The Preliminary Plan shall provide a narrative and such supporting documentation as is necessary to explain the nature and intent of the proposed Subdivision or Land Development, shall include the information required in section 2302, and shall include the following topographic data:
 - a. Boundary Lines: Or property lines by bearings and distances.
 - b. Existing Easements: Location, width and purpose.
 - c. Existing Streets: On and adjacent to the tract by name, right-of-way, location; type, width and elevation of surfacing; walks, curbs, gutters, culverts, etc.
 - d. Existing Utilities: On and adjacent to the tract; location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if any of the above are not available at site indicate direction and distance to the nearest ones and furnish statement of availability.
 - e. Other Existing Conditions: Water courses, marshes, rock outcrop, wooded areas, houses, barns and other significant features. If the applicant's tract is located where flood hazard exists the following regulations shall apply.
 1. The applicant shall prepare a contour map of the proposed area with such contour intervals as the Planning Commission shall determine to be necessary and shall prepare drainage plans or flood control devices satisfactory to the Planning Commission whenever the Planning Commission shall consider that such are necessary. No Plat shall be approved for which the Planning Commission finds that drainage or flood control protection is necessary until the Planning Commission shall approve the plans for drainage and flood control.
 2. Land Subject to Flooding - Land subject to flooding and deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for such other uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the subdivision shall be set aside on the plat for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.
 3. Adequate Building Site - To insure that residents will have sufficient flood free land

- upon which to build a house, the Planning Commission may require elevations and flood profiles. Each lot shall contain a building site which shall be completely free of the danger of flood waters on the basis of available information.
4. Street Elevation - The Planning Commission shall not recommend approval of streets subject to inundation or flooding. All streets must be adequately located above the line of flood elevation to prevent isolation of areas by flood.
 - f. Proposed Public Improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - g. Ground Elevations: On tract based on datum plan approved by Municipal Engineer; for land that slopes less than two percent (2%) show elevations at all breaks in grade and along drainage channels or swales not more than 100 feet apart; for land that slopes more than two percent (2%) show contours with an interval of not more than five (5) feet and less in cases where necessary to show irregular land for planning purposes.
 - h. Title and Certificates: Present tract designation according to official recorder's office; title under which subdivision is to be recorded; names and addresses of owners; acreage, scale, north point, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey.
2. PRELIMINARY PLAT shall be at a scale of one inch (1") to two hundred feet (200') or larger. If necessary to show proposed improvements, landscaping, etc., a larger scale (e.g., one inch (1") to thirty feet (30') may be used). The plat shall contain a title block which shall include the name and location of the proposed subdivision or land development; the words "PRELIMINARY PLAN;" the name, address, and telephone number of the owner of record and the developer; the name and plan book volume and page numbers of any previously recorded plans; the source of the title to the land as shown by the books of the Lawrence County Recorder of Deeds; the date of preparation, sheet number, north arrow, and graphic and written scale; the name, address, and telephone number of the firm that prepared the plans, and the name, seal, and registration number of the Surveyor or Engineer responsible for preparing the plan.

The Plat shall show all of the information required in section 2303.2, as well as the following information [where applicable]:

 - a. Streets: Names, right-of-way and cartway widths; approximate grades and typical cross sections.
 - b. Easements: Location, width and purpose.
 - c. Utilities: Location, type and approximate size; this information may be shown on a separate exhibit.
 - d. Lots: Lot lines, numbers and block numbers.
 - e. Sites: If any, to be reserved for parks, playgrounds or other public uses.
 - f. Sites: If any, for shopping centers, churches, industry, multi-family dwellings, or any other non-public use exclusive of single family dwellings.
 - g. Building Lines: Give dimensions of minimum building set-back lines.
 - h. Site Data: Including number of residential lots, typical lot size, and acres in other public and non-public land use.
 - i. Location of Bench Mark.
 - j. Surface water drainage: General plans for the collection of surface water.
 - k. All lots, municipal boundaries, easements, and public and private right-of-ways within one hundred feet (100') of the proposed subdivision or land development.
 - l. Existing buildings or structures (and their use), driveways, water wells, septic and sewer systems, oil and gas wells, pipelines, and utilities.
 - m. Existing watercourses, wetlands, water bodies, storm sewers, culverts, bridges, and other

- drainage features with associated inverts, sizes, widths, lengths, and materials.
- n. Soil types and boundaries.
 - o. The Pennsylvania One Call System Serial Number for the location.
 - p. For roadways or driveways exiting onto township or state roads
 1. The sight distance in each direction
 2. The distance to the nearest driveway/roadway on either side of the proposed intersection
 3. The posted speed limit for the road to be entered.
 - q. For subdivisions with onlot septic systems, ensure on the drawings with appropriate notes as covenants that the primary and alternate disposal sites will be marked and protected from damage which would make them unsuitable for future use.
 - r. The following certificates, where applicable, shall appear on the Preliminary Plan:
 1. Certificate for review by the Lawrence County Planning Commission
 2. Certificate for the review of the Township Planning Commission
 3. Certificate for surveyor's signature and seal.
3. **PRELIMINARY ENGINEERING PLANS:** The developer shall submit preliminary engineering plans with scaled dimensions for the proposed subdivision or land development showing:
- a. Horizontal centerline with bearings and distances, cross sections, and vertical profiles of proposed streets within the plan.
 - b. A preliminary stormwater management plan.
 - c. Preliminary design plans for any bridge or culvert.
 - d. Preliminary designs of sewer and water supply plans.
4. **OTHER REQUIRED INFORMATION:** The developer shall submit the following additional information as applicable.
- a. A written report on the feasibility of connection to an existing sewer system, including distances to the nearest public sewer, and service load of the subdivision or land development. This report shall include a letter from the Township or Sewer Authority indicating they have capacity to convey and treat the proposed flow from the subdivision or land development.

If connection to a public sewer system is not feasible, a report on the feasibility of a private sewer system and treatment works, including the design, population, location, and type of treatment and receiving system.

If connection to a public or private sewer system is not feasible, a report on the feasibility of on-lot sewage disposal, prepared in accordance with the required procedures of the Pennsylvania Department of Environmental Protection.
 - b. Sewage facilities planning modules prepared pursuant to the regulations of the Department of Environmental Protection.
 - c. Phasing schedule for submission of applications for final approval of plans to be developed in phases.
 - d. Any additional information as required by the Township as necessary to evaluate the character and impact of the proposed subdivision or land development
5. **DRAFT OF PROTECTIVE COVENANTS:** Whereby the applicant proposes to regulate land use in the subdivision or land development and otherwise protect the proposed development.

Section 2304. PLATS AND DATA FOR FINAL APPROVAL. Prior to final approval by the Planning Commission and in strict accordance with the regulations and procedures of this Ordinance all Final Plats (Subdivision Plats) shall be submitted for final approval as follows:

1. **GENERAL INFORMATION:** A narrative shall be provided reviewing the location, nature, and

- intent of the proposed subdivision or land development. This narrative shall also discuss any revisions made to the approved preliminary plan in response to formal communications from the Township. Any changes made in the preliminary plan without the approval of the Township may be grounds for denial of the Final Plan.
2. FINAL PLAT OR FINAL SUBDIVISION PLAN shall be drawn in ink on tracing cloth, mylar or approved equal, in sheets not larger than 30" x 36" long and shall be at a scale of one hundred feet (100') to one inch (1") or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The FINAL PLAT shall show:
 - a. Primary control points, approved by the Municipal Engineer, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property line of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.
 - c. Name and right-of-way width of each street or other right-of-way.
 - d. Location and dimensions and purpose of easements.
 - e. Number to identify each lot.
 - f. Purpose for which sites, other than residential lots, are dedicated or reserved.
 - g. Minimum building setback line of all lots and other sites.
 - h. Location and description of survey monuments.
 - i. Names of record owners of adjoining unplotted land.
 - j. References to recorded subdivision plats of adjoining platted land by record name, date and number.
 - k. Certification by surveyor or engineer certifying to accuracy of survey and plat.
 - l. Certification of title showing that applicant is the landowner.
 - m. Statement by owner dedicating streets, rights-of-way and any sites for public use.
 - n. Title, scale, north arrow and date.
 - o. Additional Notices and Certifications: In addition to those noted above, the final plat shall include the following notices and certifications:
 1. Notation on the plat of any modifications or waivers granted to the requirements of this Ordinance or as required by Preliminary Plan approval.
 2. Certificate for review by the Lawrence County Planning Commission
 3. Certificate for the review of the Township Planning Commission
 4. Certificate for surveyor's signature and seal.
 5. A certificate to provide for the recording of the plan, including the date by which the plan must be recorded.
 6. In keeping with the requirements of the Lawrence County Recorder of Deeds, the plat for recording must be 18"x24".
 3. PERMITS AND APPROVALS: The applicant shall submit certified copies of all permits and approvals required by the applicable federal, state, county, and township laws, codes, ordinances, and regulations, including but not limited to:
 - a. Lawrence County Conservation District approvals and permits
 - b. Pennsylvania Department of Environmental Protection approved Planning Module, sewage facilities permits, general permits, wetland encroachment permits, stream encroachment/obstruction permits, etc.
 - c. Commonwealth of Pennsylvania Highway Occupancy Permit
 - d. An executed sewer service agreement with the appropriate sewer authority
 - e. An executed water service agreement with the appropriate water authority

- f. Any other necessary approvals.
4. **CONSTRUCTION DRAWINGS:** Construction drawings for Public and Private Improvements shall be prepared by a registered Engineer, drawn at a scale no smaller than one inch (1") equals fifty feet (50'). The drawings and supporting narrative and calculations shall demonstrate that all applicable standards of Articles XXV and XXVI, and XXVII of this Ordinance and all applicable requirements of other related Ordinances have been met.
5. **SIGNAGE:** A proposed traffic warning and regulatory control signage plan, prepared in accordance with PennDOT Publications 201 and 238 (or their replacements).
6. **COVENANTS:** A copy of any Declaration of Covenants, Grants of Easements, Conditions and Restrictions, Homeowners Association By-Laws, and/or mechanisms for transfer of title of common stormwater management areas, etc.
7. **IMPROVEMENT SECURITY:** Calculation of improvement security in accordance with the requirements of section 2704 of this Ordinance.

Article XXIV

Modifications

Section 2401. REASONS: The Planning Commission may grant a modification or waiver of the requirements of one or more provisions of this Ordinance for the following reasons, provided that such modification or waiver will not be contrary to the public interest and that the purposes of the Ordinance are observed.

1. **HARDSHIP.** The literal enforcement of the provisions will exact undue hardship because of peculiar conditions pertaining to the land in question and the modification is the minimum necessary to afford relief; or
2. **ALTERNATIVE STANDARDS.** An alternative standard can be demonstrated to provide equal or better results in furthering the objectives of this Ordinance, or to promote economy and ingenuity in layout and design of subdivisions and land developments that are in accordance with modern and evolving principles of site planning and development.

Section 2402. CONDITIONS OF MODIFICATIONS. In granting modifications or waivers the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified or waived, and that the public interest is preserved.

Section 2403. REQUIREMENTS FOR REQUESTS. All requests for modifications or waivers shall be in writing, and shall accompany and be part of the Application for Development. The requests shall state in full the grounds and facts of the request for modification or waiver, including which of the above reasons is the basis of the request, the provision of the Ordinance involved, and the minimum modification necessary.

Section 2404. RECORDS. The Planning Commission shall only grant requests for modifications or waivers in writing, setting forth the reasons that justify the modification or waiver.

Article XXV

Design Standards

Section 2500. STREETS: The arrangement, character, extent, width, grade and location of all streets shall conform to the General Community Plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets and shall conform to the following Design Standards in a manner acceptable to the Planning Commission.

1. Where not shown on the General Community Plan, the arrangement of streets in a subdivision shall either:
 - a. Provide for the continuation or projection of existing principal streets in surrounding areas; or
 - b. Conform to the neighborhood plan to meet a particular situation where topographic or other conditions make continuance or projection of existing streets impracticable.
2. Minor streets shall be so laid out that their use by through-traffic will be discouraged.
3. Where a subdivision abuts or contains an existing or proposed arterial street or a railroad right-of-way or rail crossings, access thereto shall be limited to a minimum number of intersections as practicable and such major access intersections with arterial streets and/or rail crossings shall be determined with due regard to sight distance, distance between intersections, approach grades and requirements for future grade separations.
4. Marginal access streets paralleling such limited access arterial streets shall be required, in such cases where practicable, reversing the frontage of residential properties with a screen planting contained in the non-access reservation strip along the rear of and between the property line and the arterial street right-of-way; such reserve strips shall be prohibited except where their control is definitely placed with the municipality, or where the municipality under sanction of their solicitor approves a duly recorded control to be exercised by others.
5. Street jogs with centerline offsets of less than one hundred and twenty-five (125') feet shall be avoided.
6. A tangent at least one hundred (100') feet long shall be introduced between curves on arterial and collector streets.
7. When connecting street lines deflect from each other more than ten (10°) degrees, they shall be connected with a curve with a radius adequate to assure sight distance.
8. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60°) degrees.
9. Alleys shall be permitted only in cases where necessary.
10. Street right-of-way widths shall be not less than as follows:

Arterial Streets.....	80 to 120 feet
Collector Streets.....	60 to 80 feet
Minor Streets.....	50 feet
Marginal Access Streets.....	50 feet
Alleys.....	20 feet
11. Dead-end streets and cul-de-sac streets shall not be permitted unless the applicant can demonstrate to the satisfaction of the Township that construction of a through street is not feasible. Dead-end streets, designed to be so permanently, shall not be longer than 1,600 feet nor serve more than thirty-two (32) dwelling units, and shall be provided with a turn around having an outside road diameter of at least eighty feet (80'), and a property line diameter of at least one hundred feet (100'). A snow storage area shall be provided along the right-of-way of the turn around. The snow storage area shall be contained within an easement not less than fifteen feet

- (15') measured from the right-of-way line, and of sufficient length as deemed necessary by the Township to provide adequate snow storage area.
12. No street grade shall be less than one-half of one (0.5%) percent or more than ten (10%) percent, unless topographic conditions make a steeper grade necessary.
 13. Where the grade of any street at the approach to an intersection exceeds seven (7%) percent, a leveling area shall be provided having not greater than four (4%) percent grades for a distance of twenty-five (25') feet measured from the nearest right-of-way line of the intersecting street.
 14. Curb Radii - At street intersections curb radii shall be not less than fifteen (15') feet for intersections between minor streets, twenty-five (25') feet for intersection with minor and collector and thirty-five (35') feet at intersections of collector with collector or such greater radii as is required for the specific intersections.
 15. Half streets or partial streets shall not be permitted except where essential to the reasonable subdivision of the tract and where satisfactory assurance for dedication of the remaining portions of the street can be secured.

Section 2502. BLOCKS.

1. The length, width and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites for the special type of use contemplated.
 - b. Requirements as to lot size and dimensions.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of topography.
2. Block lengths shall not exceed eighteen hundred (1800') feet.
3. In cases where the block length exceeds six hundred (600') feet or where deemed essential to provide pedestrian circulation to schools, playgrounds, shopping centers and other community facilities, an easement for a cross walk shall be provided of not less than ten (10') feet wide.

Section 2503. LOTS.

1. Lot dimensions and areas shall conform to the minimums required by the Township Zoning Ordinance for the districts in which the subdivision is located and shall be subject to all applicable State and Township regulations regarding lot area including Act 537 (Pennsylvania Sewage Facilities Act) as amended.
2. The subdividing of the land shall be such as to provide each lot with satisfactory access by means of a public street.
3. Front, side and rear yards shall be in conformance with the Township Zoning Ordinance.

Section 2504. DRIVEWAYS.

1. General:
 - a. Driveway locations shall be submitted to the Planning Commission for review and approval after comment from the Supervisors, Township Engineer, and applicable fire and police departments.
 - b. Driveways shall be located no less than sixty feet (60') from any street intersection (measured from the intersection of the ultimate right-of-way lines). Sight distance requirements for all residential and non-residential driveways shall be in accordance with PennDOT Chapter 441.
 - c. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications as described in sections 2200.15 and 2500 of this Ordinance. A corner lot created by a proposed street and an existing street which are of the same classification shall gain access to the proposed street.

- d. All driveways serving single family dwellings shall be at least five feet (5') from any side or rear lot line.
 - e. All driveways serving single family dwellings shall be a minimum of eight feet (8') in width with a grade not to exceed fifteen percent (15%). Maximum change in grade at any location on the driveway shall not exceed eight percent (8%).
 - f. Driveways shall be constructed to conform to the finished shoulder of the street. All descending or ascending driveway grades shall begin at the street right-of-way. No stormwater shall be permitted to drain onto streets from driveways.
 - g. Intersection of single family driveways with cartways shall be installed with minimum paving radii of five feet (5') at both sides.
 - h. Provisions "B" through "G" shall control unless there be more restrictive PennDOT regulations for driveways connecting to State roads.
2. Driveway Culvert Pipes:
- a. Driveways shall be constructed in a manner which does not impede the flow of stormwater in roadside drainage facilities. Where drainage culverts are required:
 - 1. Driveway culverts must include flared end sections.
 - 2. End of pipes must extend a minimum of five feet (5') beyond edge of paving.
 - 3. Minimum pipe length is twenty feet (20').
 - 4. Minimum pipe size shall be fifteen inch (15") smooth bore plastic, or as otherwise approved by the Township Engineer, or by PennDOT is the driveway connects to a State road.
 - 5. Where an existing roadside drainage swale is too shallow to permit installation of a driveway pipe, a concrete trench box with grate may be required to be installed to the grate. Trench boxes must extend beyond edge of driveway paving a minimum of five feet (5').
3. Non-Residential Driveways:
- a. Design requirements shall be in accordance with Section 915 of the Township Zoning Ordinance and PennDOT Chapter 441.
 - b. Driveways shall be paved. Design of paving section shall be in accordance with specified loading and frequency of loading. Paving specification shall be in accordance with the standards of Ordinance #1 of 1974 ("Specifications for Opening and Improvement of Streets for Public Travel"). The design shall be approved by the Township Engineer. Upon recommendation of the Township Engineer lesser design standards may be approved by the Township.

Section 2505. PUBLIC GROUNDS AND OPEN SPACES. Where a proposed park, playground, school, easement or other public use shown in the General Community Plan or in the opinion of the Planning Commission is necessary, the Planning Commission may require the dedication or reservation of such area within the subdivision or land development in a reasonable manner.

Section 2506. STORM DRAINAGE:

- 1. Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.
- 2. Storm sewers, culverts, and related installations shall be provided:
 - a. To permit unimpeded flow of natural water courses.
 - b. To ensure adequate drainage of streets.
 - c. To intercept storm water runoff along streets at intervals reasonably related to the extent and

grade of the area drained.

- 3. In the design of storm sewerage installations, special consideration shall be given to avoiding problems which could arise from concentration of storm water run-off over adjacent properties.
- 4. The developer shall submit his engineer's calculations upon which the size of conduits, culverts and other portions of the proposed storm sewer systems has been based.

Section 2507. OPEN SPACE IN AGRICULTURAL ZONES. Any Major Subdivision proposed within an Agricultural Zone must reserve at least twenty-five percent (25%) of the land in the subdivision as Common Open Space. Further, the developer and each subsequent owner must maintain within the subdivision and on each lot at least twenty-five percent (25%) of the trees that were present before the subdivision was created, or that were planted in accordance with this ordinance, whichever is greater. The Subdivider or Developer shall require the enforcement of this standard by means of a covenant that shall run with the land.

Article XXVI

Improvements and Construction Requirements

Section 2600. MONUMENTS. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as may be required by the Municipal Engineer. The monuments shall be of such material, size and length as may be approved by the Municipal Engineer.

Section 2601. UTILITY AND STREET IMPROVEMENTS.

- 1. Utility and street improvements shall be provided in each new subdivision in accordance with standards and requirements described in the following schedules.
- 2. The standards and specifications for each general type of development shall be as follows, and as indicated in Section 2602 hereof:
 - a. For apartment, row house, and similar multi-family residential types, improvements to be in accord with STANDARD A.
 - b. For one-family detached dwellings with typical lot widths of less than one hundred and fifty (150') feet improvements to be in accord with STANDARD B.
 - c. For Country Homes with a lot area of 40,000 square feet or greater and a lot width at the building line of one hundred and fifty (150') feet or greater, improvements to be in accord with STANDARD C.
 - d. For Commercial, Industrial and other special type uses, the standards shall be as determined by the Planning Commission and the Municipal Engineer.

Section 2602. SCHEDULE OF MINIMUM REQUIREMENTS FOR UTILITIES AND STREET IMPROVEMENTS. All utilities and street improvements shall be installed in a manner and in accordance with Township specifications.

STANDARD

A B C

- x x 1. Public water.
- x x 2. Public sanitary sewer (if feasible).

- x x x 3. Arterial Streets: Cross sections in accordance with General Community Plan and as determined by Planning Commission, Municipal Engineer and State Highway Department.
- 4. Collector Streets:
 - a. Original cartway construction shall not be less than twenty (20') feet in width with berms on each side constructed and of a width as determined by the Township Engineer.
- 5. Minor and Marginal Access Streets:
 - a. Original cartway construction shall not be less than twenty (20') feet in width with berms on each side constructed and of a width as determined by the Township Engineer.
- x x x 6. Alleys: Paved full width.
- x x x 7. Grading and Centerline gradients of Streets: Per approved plans and profiles.
- x x x 8. Storm sewer system and other drainage improvements: Per approved plans and profiles.
- x x 9. Curbs shall only be required when necessary to control storm water runoff. The decision as to the need shall be at the discretion of the Township Engineer.
 - a. Cement - 24" x 8" with 6" top battered to 8" at a point 7" below the top.
 - b. Extruded bituminous curb shall be held in place with an epoxy adhesive.
- x x x 10. Pavement of all streets - conform to P.D.H. Standards.
- x x 11. Sidewalks: 4" Portland Cement Concrete where deemed necessary for public safety at schools, churches and other places of public assembly, in the opinion of the Planning Commission.
- x x x 12. Street trees: 1½ " caliper - 40 feet to 60 feet apart (accepted shade trees) street trees shall be planted between the sidewalk and the building line at least 5' from the sidewalk. Street trees may be eliminated where, in the opinion of the Planning Commission, sufficient trees exist and will be permitted to remain. In no circumstances will any of the following trees be permitted either to remain or to be planted as street trees:
 - a. Poplars; all varieties.
 - b. Willows; all varieties.
 - c. White Silver Maple (Acer Saccharinum).
 - d. Aspen; all varieties.
 - e. Common Black Locust.
- x x x 13. Seeding of Planting Strips.
- x x x 14. Street Names Signs at all intersections to conform to P.D.H. Standards. The Subdivider may chose his names subject to the approval of the approving authority. No street, other than extension of an existing street, shall be given a name identical to, or closely similar to, that of an existing street in any municipality within the greater Wilmington Area.

In cases where the above requirements are deemed not appropriate by the Planning Commission and the Township Engineer to serve in the public interest, the right is reserved to increase, change, alter or substitute materials, manner and specifications for utility and street improvements when such changes, alterations, etc., are approved by the Planning Commission.

Article XXVII

Required Improvements and Financial Security

Section 2700. GENERAL. The required improvements shall be designed, furnished, and installed by the Developer in accordance with the provisions of this Ordinance and other codes of the Township prior to the approval of the Final Plat. In lieu of completion of required improvements prior to the approval of the final plat, Financial Security shall be posted

and agreements to install improvements shall be executed upon Final Plan approval, before the Final Plat is signed and released for recording.

1. The Developer shall dedicate all land required for rights-of-way and easements within the subdivision or land development, and furnish and install all improvements to provide a complete and coordinated system of streets and utilities for the neighborhood, in accordance with this Ordinance.

Section 2701. REQUIRED IMPROVEMENTS. All improvements shall be dedicated without cost to the Township as required by this Ordinance and/or as stipulated in an improvements agreement, and in a manner approved by the Township consistent with sound construction methods. These may include:

1. Grading.
 - a. Grading of roadways and street rights-of-way and grading of slopes adjacent to roadways and street rights-of-way.
 - b. Grading of all drainage swales on public or private property and grading of individual lots to establish positive drainage away from buildings and to eliminate low spots. As far as practical, such grading shall minimize disturbance to earthworks, vegetation, and naturally occurring stormwater management areas.
 - c. Implementation and maintenance of soil erosion control and sedimentation control facilities.
 - d. Replacement of topsoil and vegetative restoration in disturbed areas not stabilized with building, paving, or other non-vegetative ground cover.
 - e. Removal of temporary soil erosion and sedimentation control facilities when no longer needed.
2. Street or road subbase, base, and paving.
3. Curbs and gutters.
4. Sidewalks, crosswalks, pathways, and bike paths.
5. Underground facilities for electric, telephone, and television cable lines.
6. Storm sewers and drainage facilities.
7. Public sanitary sewer system.
8. Public or centralized water supply and distribution system including, but not limited to, wells, pumping equipment, water laterals, submains, storage tanks, and equipment systems (if required).
9. Street name signs at all street intersections, and official traffic control signs and markings.
10. Permanent monuments and lot pins.
11. Fire hydrants.
12. Street lights.

Section 2702. CONSTRUCTION OF FACILITIES.

1. **STANDARDS AND INSPECTION.** The Developer shall construct and install, at no expense to the Township, the improvements specified in this Ordinance. Construction and installation of such facilities and utilities shall be subject to inspection by appropriate Township, public agency, or public utility officials during the progress of the work.
2. **SITE ACCESS.** During the construction and installation of all facilities and utilities required by this Ordinance, the Developer shall insure that access to the job site from a public road shall be kept clear and free of all obstructions and otherwise in passable condition to all areas of the job site for emergency, fire, and police vehicles. In the event of a dispute, passable access for the foregoing purposes shall be determined by the Township Engineer.

Section 2703. GENERAL STANDARDS. The following principles of subdivision and land

development, general requirements, and minimum standards of design shall be observed by the Developer in all instances.

1. It is the Developer's responsibility to comply with all applicable plans, ordinances, statutes, regulations, etc., of Wilmington Township, Lawrence County, the Commonwealth of Pennsylvania, and the United States of America.
2. Proposed subdivisions and land development shall be coordinated with existing nearby development so that the area as a whole may develop harmoniously. Provision shall be made to assure that the street patterns included in a proposed subdivision shall complement existing or proposed streets.
3. In those cases where precise design standards are not specified in this Ordinance, or other ordinances adopted by Wilmington Township, design standards shall conform to generally accepted engineering practice.

Section 2704. IMPROVEMENT SECURITY

1. The Subdivider or Developer shall deposit with the Township a financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater management facilities, recreational facilities, open space improvements, or buffer and screen plantings that may be required.
2. When requested by the Developer, the Township shall furnish the Developer with a signed copy of a resolution or letter of conditional approval indicating the approval of the Final Plan contingent upon the Developer obtaining satisfactory financial security, which must be presented to the Township within ninety (90) days. The resolution or letter of conditional approval shall expire and be deemed to be revoked if the Financial Security Agreement is not executed within ninety (90) days unless a written extension is granted by the Township.
3. Without limitation as to the types of Financial Security that the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purpose of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such security shall provide for, and secure to the public, the completion of any improvements fixed in the formal action or accompanying agreement for completion of such improvements.
4. **AMOUNT OF FINANCIAL SECURITY.** The amount of financial security shall be equal to one hundred, ten percent (110%) of the estimated cost of the required improvements for which financial security is to be posted. The cost of the required improvements shall be estimated as of ninety (90) days following the date scheduled for the completion of said improvements. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or rescheduled date of completion. Subsequent to such said adjustment, the Township may require the Developer to post additional security in order to assure that the financial security equals one hundred, ten percent (110%).
5. **BASIS FOR ESTABLISHING AMOUNT OF SECURITY.**
 - a. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an Applicant or Developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania.

The costs shall be certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the Applicant or Developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in the Commonwealth and chosen mutually by the Township and the Applicant or Developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the Applicant or Developer.

- b. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred, ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure or as established by the Township Engineer. In the case where development is projected over a period of years, the Township may authorize submission of Final Plans by section or stages of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the subdivision or land development.
6. DISPUTE OVER AMOUNT OF FINANCIAL SECURITY. Whenever a dispute may arise between an Applicant or Developer and the Township in that neither party can reach an accord on the amount of financial security to be posted, the procedures set forth in Section 509(g) of the Municipalities Planning Code shall be employed.
 7. CONTRACTS. As a condition of Final Plan approval for all Subdivisions and Land Developments, the Applicant or Developer shall enter into a written agreement with the Township in a manner and form approved by the Township Solicitor, where the Applicant or Developer shall agree to:
 - a. Construct or cause to be constructed, at their own expense, all streets, curbs, sidewalks, fire hydrants, street lights, drainage facilities, street signs, monuments, capped sewers, parks, and other improvements shown on said Final Plan when required to do so by the Township in accordance with the Final Plan, as finally approved, and in strict accordance with the standards and specifications of the Township.
 - b. Maintain, at their own cost, said streets, curbs, sidewalks, fire hydrants, street lights, drainage facilities, street signs, monuments, capped sewers, parks, and other improvements, until the same are accepted or condemned by the Township for public use, and for a period of eighteen (18) months thereafter, to repair and reconstruct the same or any part of one of them when such repair or reconstruction shall be specified by the Township as necessary by reason of faulty construction, workmanship, or materials, and at or before acceptance of such improvements by the Township.
 - c. Obtain the easements and releases required when any street, drainage facility, or other improvement within a Subdivision abuts or traverses lands of persons other than the person holding legal title to the lands of the Subdivision, at his own cost, and obtain from the owner of lands so abutted or traversed full releases from all damages that may result from change in grade, construction or otherwise of the street, drainage facility, or other improvement, and such releases shall insure to the benefit not only of the owner of the Subdivision, but to the Township as well.

- d. Promptly reimburse to the Township, reasonable attorney's fees and engineer's fees in accordance with this Ordinance.
- e. Construct, or cause to be constructed, at their expense, road improvements along the frontage of the tract in accordance with this Ordinance.
- f. Additional conditions as may be determined to be necessary by the Township Solicitor.

Section 2705. RELEASE OF IMPROVEMENT SECURITY

1. PARTIAL COMPLETION AND RELEASE OF FINANCIAL SECURITY.

- a. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.
- b. Any such request shall be in writing, addressed to the Township, and the Township shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plans.
- c. Upon such certification, the Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer as fairly representing the value of the improvements completed. If the Township fails to act within said forty-five (45) day period, the Township shall be deemed to have approved the release of the funds as requested.
- d. The Township shall, prior to the final release at the time of completion and certification by its Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements for purposes of securing the maintenance bond on said improvements.
- e. If the required financial security of one hundred, ten percent (110%) is secured in separate accounts, and the specified ten percent (10%) remains secured for the life of the security agreement and the construction period or until dedication, then the ten percent (10%) specified above shall not be retained from the requested partial release.

2. COMPLETION OF IMPROVEMENTS AND RELEASE FROM FINANCIAL SECURITY.

- a. When the Developer has completed all of the necessary and appropriate improvements, the Developer shall notify the Township in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.
- b. The Township shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, to the Township, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- c. The Township shall notify the Developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing, by certified or registered mail, of the action of the Township with regard to the Engineer's report.
- d. If the Township or the Township's Engineer fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Developer shall be released from all liability, pursuant to the performance guaranty bond or

- other security agreement.
- e. If any portion of said improvements shall not be approved, or shall be rejected by the Township, the Developer shall proceed to complete the same, and, upon completion, shall follow the procedure for notification contained in paragraph A of this section.
 - f. Upon satisfactory completion of all the necessary and appropriate improvements as approved by the Township Engineer, and receipt by the Township of the appropriate letter of certification of said improvements, the Township shall release or authorize to be released the balance of the financial security, minus the ten percent (10%) as specified above in Section 2705.1(d). The ten percent (10%) shall be retained until such time as the Developer establishes additional financial security to ensure the structural integrity and functioning of the specified improvements as specified in Section 2706.
 - g. Improvements shall not be deemed complete until "as-built" plans for all streets, utilities, and stormwater management facilities are submitted to and approved by the Township Engineer.

Section 2706. MAINTENANCE SECURITY

1. **REQUIREMENTS.** When the Township accepts dedication of all or some of the required improvements following completion, the Township shall require the posting of financial security as a maintenance guaranty to secure the structural integrity of said improvements, as well as the function of said improvements, in accordance with the design and specifications as depicted on the Final Plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be fifteen percent (15%) of the actual cost of installation of said improvements.
2. **RELEASE OF MAINTENANCE SECURITY.**
 - a. To secure release from the maintenance guaranty and financial security, the Developer shall notify the Township by certified or registered mail ninety (90) days, or as otherwise specified in the guaranty, prior to the expiration date of said maintenance guaranty, and request an inspection and written report by the Township as to the structural integrity and functioning of the improvements.
 - b. Upon receipt of said report and approval of the Engineer of the structural integrity and functioning of said improvements, the Township shall release or authorize release of the maintenance guaranty financial security.
 - c. If the specified improvements are not found acceptable to the Township Engineer, the Developer shall correct the same to the satisfaction of the Township and Township Engineer before the maintenance guaranty financial security is released

Section 2707. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS. In the event that any improvements that may be required have not been installed as provided in this section or in accord with the approved Final Plan, the Township is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township may, at their option, install part of such improvements in all or part of the Subdivision or Land Development, and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of improvements. All the proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other purpose.

Article XXVIIIViolations, Remedies, and Appeals

Section 2800. ENFORCEMENT. It shall be the duty of the Township Supervisors to enforce the provisions of this Ordinance. In order to properly carry out this responsibility, the Township Supervisors can appoint an Agent and grant to the duly appointed agent the power and authority to administer and enforce the provisions of this Ordinance in their stead. The Agent shall be responsible to the Township Supervisors and shall report periodically to them concerning the administration of the Ordinance and such report shall contain all the information necessary to permit the Township Supervisors to ascertain that the Ordinance is being administered and enforced in accordance with the law. The Agent shall require that an application for a building permit shall contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved Final Plat (Land Subdivision Plan). No Building Permit shall be issued until the Agent has certified that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plat (Subdivision or Land Development Plan).

Section 2801. PREVENTIVE REMEDIES

1. **COURT ACTIONS.** 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.
2. **PERMIT DENIALS AND CONDITIONS.**
 - a. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property that has been developed or that has resulted from a Subdivision or Land Development in violation of this Ordinance. As an additional condition for issuance of a permit or the granting of an approval 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. This applies 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 the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - b. **NO EXEMPTION.** 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 remedies provided in this section.

Section 2802. ENFORCEMENT REMEDIES.

1. **INITIAL JURISDICTION.** District Justices shall have initial jurisdiction in proceedings brought under this section.
2. **CIVIL ENFORCEMENT ACTION.** When the Township finds that any person, partnership, or corporation has violated any provision of this Ordinance, or any condition imposed by the Township pursuant to this Ordinance, or has proceeded without satisfying the requirements of this Ordinance, the Township may institute civil enforcement proceedings.
3. **JUDGMENT.** Where the district justice finds the person, partnership, or corporation liable for such violations, the person, partnership, or corporation shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees, incurred by the Township. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice.
4. **ENFORCEMENT OF JUDGMENT.** If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
5. **CONTINUING VIOLATIONS.** Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice. Thereafter, each day a violation continues shall constitute a separate violation.
6. **ORDER OF STAY TOLLING PER DIEM JUDGMENTS.** 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 a violation and judgment.
7. **ENFORCEMENT BY THE TOWNSHIP.** Nothing 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 the section.

Section 2803. APPEALS. Appeals from any action or decision under this Article shall proceed in accordance with the Municipalities Planning Code.

Article XXIX

Mobile Home Parks

Section 2900. APPLICABILITY. The standards set forth under this Article are intended to apply to those Mobile Home Parks where lots within the park are intended for occupancy, rental, or lease. Where lots are to be offered for sale, the development shall be treated as a regular Subdivision and subject to all the requirements of such within this Ordinance.

Section 2901. PERMITS. No person, firm, or corporation shall operate, construct, alter, or extend any mobile home park unless he holds valid permits from the Pennsylvania Department of Environmental Protection and from Wilmington Township for the specific operation, construction, alteration, or extension proposed.

Section 2902. PLAN REQUIREMENTS

1. **REVIEW PROCEDURES AND REQUIREMENTS.** No person, firm, or corporation shall

construct, maintain, or operate a mobile home park without obtaining plan approval from the Township. The procedures and requirements for preparing and reviewing mobile home park plans shall be the same as for Major Subdivision and Land Development Plans. Except as otherwise specified in this Article, the design standards and improvement requirements for mobile home parks shall be the same as for other subdivisions and land developments in accordance with the provisions of this Ordinance.

2. OWNER RESPONSIBILITY FOR MAINTENANCE. A notation shall be placed on the land development plan stating that the mobile home park owner shall be responsible for maintenance of all park facilities including roads, stormwater facilities, sewage and water facilities, and recreational and open spaces.

Section 2903. DESIGN STANDARDS

1. LAND AND LOT REQUIREMENTS.

- a. The minimum area of the tract or park shall be ten (10) acres.
- b. Mobile home lots shall have a minimum width of six thousand (6,000) square feet, and a minimum lot width of sixty (60) feet. The total number of lots within the park shall not exceed an average density of two (2) per acre.
- c. Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home and to ensure that the mobile home remains level and stable.
- d. Each mobile home lot shall be provided with anchoring systems to resist overturning or lateral movement of mobile homes from wind forces. Such systems shall be designed and installed in accordance with NFPA No. 501-A, "Standards for the Installation of Mobile Homes.
- e. Every mobile home shall be provided with a patio slab at the length of approximately one-third (1/3) of the length of the mobile home, and set in such a manner that it lies below the front door of the home. The recommended slab size is ten feet by twenty-five feet (10' x 25').
- f. An enclosure or skirt of comparable material shall be installed around the entire base of the mobile home. This enclosure shall provide sufficient ventilation to inhibit decay of the structure.

2. SETBACK AND YARD REQUIREMENTS.

- a. All Mobile Homes shall be located at least twenty-five feet (25') from all Mobile Home Park property boundary lines.
- b. A mobile home, including its accessory building, shall be a minimum distance of twenty feet (20') from the pavement of an adjoining park street, common parking area, or other common area or structures.
- c. Mobile homes shall be separated from each other, and from other buildings and structures, by a distance of at least twenty feet (20') on all sides. A mobile home accessory building shall not be closer than three feet (3') from the mobile home it serves, or closer than twenty feet (20') from a mobile home on an adjacent lot.

3. INTERNAL STREET SYSTEM.

- a. All internal streets shall be constructed with a smooth, hard, and dust free surface that shall be durable and well drained. Minimum cartway width shall be twenty feet (20') and the minimum right-of-way shall be fifty feet (50').
- b. At points where the internal streets intersect public streets, the internal street shall have a cartway width of thirty-five feet (35') for a length of at least twenty feet (20') from the public street, and this section shall be paved.
- c. Dead-end streets shall have a turnaround at the closed end with a outside road diameter of at least eighty feet (80').

- d. Speed bumps shall be constructed at one hundred, fifty foot (150') intervals on all internal streets.
 - e. Minimum street grade shall be one percent (1%) and the maximum grade shall be twelve percent (12%).
 - f. Streets shall intersect at approximately right angles. No more than two (2) streets shall intersect at any point, and a distance of at least one hundred, fifty feet (150') shall be maintained between the centerlines of offset intersecting streets.
 - g. All lots shall be assigned street numbers and all park streets shall be named.
4. PARKING AREAS.
- a. All parking within the mobile home park shall be located off-street.
 - b. Sufficient parking spaces shall be provided to meet the needs of occupants and guests without interference with normal movement of traffic. Such facilities shall be provided at a rate of at least two (2) parking spaces per lot, located in adjacent parking bays. Additional parking space shall be provided in a central area, with one (1) parking stall for every two (2) lots.
5. UTILITIES.
- a. Public or private community sewage and water systems shall be provided for the Mobile Home Park. Individual on-lot systems shall be unacceptable. These systems shall be constructed and operated in accordance with the requirements of the Department of Environmental Protection, or other regulatory body, authority, or agency having jurisdiction.
 - b. All utilities shall be installed underground in accordance with the specifications of the serving utility company or authority.
6. LIGHTING.
- a. Streets and walkways designed for the general use of the residents of the Mobile Home Park shall be lighted during the hours of darkness. Such lighting shall not be under the control of the mobile home occupant.

Article XXX

Land Development Standards

Section 3001. JURISDICTION. Certain physical developments are classified as Land Developments in the Pennsylvania Municipalities Planning Code (see the definition of Land Development at 2200.6 of this Ordinance). Land Developments are subject to regulation under this Ordinance. The applicable design and construction standards in this Ordinance shall be applied to all land developments within the Township. In land development there is not necessarily a division of land such as would occur in a Subdivision, although building and/or use areas may be sold at the time of development or at some future time. It shall be unlawful for an applicant to construct land developments as defined herein without complying with all applicable requirements of this Ordinance.

Section 3002. PROCEDURE. The proposed Land Development shall be processed by the same procedure as that used for a Major Subdivision (see section 2301.7). This shall include all submission requirements (see section 2301). In processing a land development the three stage procedure established in this Ordinance for Major Subdivisions shall be used: Pre-Application Plan (not mandatory); Preliminary Site Plan; and Final Site Plan. Unless otherwise noted, the processing requirements, drawing sizes, certifications,

acknowledgments, number of copies, etc., for submission of land development site plans shall be the same as for a major subdivision. The Final Site Plan shall be recorded in the office of the Lawrence County Recorder of Deeds.

Section 3003. PLAN REVIEW.

1. ITEMS FOR REVIEW. In addition to the other Final Plan requirements for a Major Subdivision (section 2301.7, *cf.*, sections 2303 and 2304), the following items shall be included for final plan review for all land developments, as applicable:
 - a. Site plans as required in this Article, engineering plans detailing the construction of all required improvements, and other plans and information establishing compliance with the design standards of this Article.
 - b. Proof of approvals, where applicable, by all appropriate public and governmental authorities or agencies, included, but not limited to:
 1. Occupancy permits for any road entrances onto existing roads or highways.
 2. Approvals from the Department of Environmental Protection or other Commonwealth, County, or Municipal agencies relating to sewage facilities, water obstructions, air quality, etc.
 - c. In the case of multi-owner or multi-tenant developments, proof of the organization, and means for management and maintenance of common open space, parking, and other common utilities or improvements. Instruments demonstrating creation of an association, entity, or other means of assuring continuing maintenance shall be required.
2. SITE PLAN. In lieu of a plot plan, the Developer shall submit a Site Plan. Such plan shall be at a scale of one inch to twenty feet (1":20'). Where it is planned that the building and parking lot development will cover an area in excess of twenty-five thousand (25,000) square feet, combined topographic data at two foot (2') contour intervals shall be required. In addition to the other applicable requirements for Preliminary and Final Subdivision and Land Development Plans, each land development site plan shall include:
 - a. Existing site conditions (topography), as needed, drainage, tree clusters, buildings, utilities, streets, and adjacent properties.
 - b. Proposed developments, including buildings (with frontal elevations), parking, vehicular and pedestrian access areas, storm drainage, landscaping, utility location and size.
 - c. Property information with boundary survey completed by a Professional Land Surveyor.

Section 3004. DESIGN STANDARDS.

1. GENERAL. In addition to the applicable design standards of this Ordinance and of the Wilmington Township Zoning Ordinance, Land Developments shall meet the design standards listed below. Where criteria for facilities for transportation and parking are not specified in this Ordinance or in the Wilmington Township Zoning Ordinance, the criteria shall be based on an accepted source, such as The Dimensions of Parking (Washington, D.C.: Institute of Transportation Engineers).
2. FLEXIBILITY. The Township recognizes that the design process should be somewhat flexible, pursuant to Section 503(2)(5) of the Pennsylvania Municipalities Planning Code. As such, Modifications to the requirements of this Ordinance may be requested. Such requests shall be made and may be granted only in accordance with Article XXIV of this Ordinance.
3. ADDITIONAL STANDARDS.
 - a. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate Sight Distance, and shall have the capacity to accommodate the projected traffic.

- b. The Developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including, but not limited to, street access signs, water supply facilities, sewage disposal facilities, and stormwater management facilities.
- c. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the Developer or other private association or entity. In either case, the streets shall meet the standards as delineated in this and other applicable Ordinances (see e.g., sections 2500, 2504.3, and 2701 of this Ordinance).
- d. Service and waste storage and disposal areas for the Land Development shall be planned and constructed such that they are not visible from adjacent streets.
- e. Building locations and areas, and roadways and driveways shall be sufficient for reasonably anticipated vehicular traffic, use, and circulation.
- f. A parking and access plan shall be submitted along with estimated traffic flows. The Developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon the requirements set forth in Article X of the Wilmington Township Zoning Ordinance. In no case shall the plan provide that vehicles seeking access to the Site be permitted to park or stage on any street or road within the Township.
- g. A Stormwater Management Plan meeting the requirements of the Pennsylvania Stormwater Management Act shall be provided.
- h. Any exterior lighting shall be of a design and size compatible with adjacent areas, and in accordance with the standards of the Illuminating Engineer Society.
- i. Water and sanitary sewer service shall be provided by the available respective water and sewer providers in accordance with local standards and requirements. All such utilities shall be underground.
- j. All Land Developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by the Department.
- k. For industrial complexes, all individual tenants must have access to an interior circulation roadway, maintained in common, that leads to a municipal street.
- l. For commercial and industrial complexes, size and configuration of lots, blocks, and buildings shall be adequate to provide for loading facilities for large vehicles.

Section 3005. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS
 Insofar as the Land Development involves the lease of rental of buildings and/or space on the site, and site improvements (e.g., streets, parking areas, stormwater drainage facilities, etc.) are intended to be privately maintained or maintained by a non-public organization or entity created by or contracted by the Developer, there is no need for Township acceptance of the site improvements. However, in such instances streets and stormwater drainage facilities shall be designed and built to the standards established in this Ordinance. The Township shall ascertain that these improvements are built to such standards. Where the Developer does not intend to maintain the improvements, and where a homeowners' or tenants' association or similar organization will not be organized for these responsibilities, the Developer shall submit a plan for maintenance of such facilities. This document (plan) shall clearly establish the responsibility for maintenance and shall be legally enforceable. The Maintenance Plan must be formally approved by the Township. Any proposed improvements to be offered for public dedication shall follow the requirements of the Second Class Township Code and the requirements set forth elsewhere in this Ordinance. Among other remedies to enforce this Section, the Township may deny the issuance of Building Permits.

Article XXXI**Additional****Section 3100. SEVERABILITY.**

The provisions of this Ordinance are severable and if any provisions, sentence, clause, section, part of application thereof shall be held illegal, invalid, or unconstitutional, such illegality, invalidity or unconstitutionality shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or applications. It is hereby declared to be the legislative intent of the Supervisors of Wilmington Township that this ordinance would have been adopted had such illegal, invalid or unconstitutional provision, sentence, clause, section or part not been included therein and if such illegal, invalid or unconstitutional application had been specifically exempted therefrom.

In any case where a provision of this ordinance is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of this Municipality or law, rule or regulation of the Commonwealth of Pennsylvania, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance or code of this Municipality or law, rule or regulation of the Commonwealth of Pennsylvania which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

Section 3101. REPEALER

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights accrued, or liability incurred, or any cause or causes of action accrued, or existing, under any ordinance repealed by this Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3103. In any instance where the terms of the amendment of Ordinance 2 of 2005 or subsequent amendments are inconsistent with the terms of the Subdivision and Land Development Ordinance of Wilmington Township, as adopted October 1, 1973, the terms and conditions of said amendments shall prevail.

ENACTED AND ORDAINED by the Board of Supervisors of Wilmington Township, Lawrence County, Pennsylvania this 6th day of July 2015.

Wilmington Township Board of Supervisors

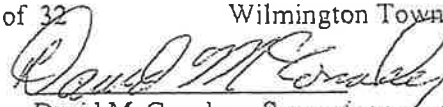
William S Allen
William S. Allen, Chairman, vice

D. Elder
Darren Elder, Supervisor

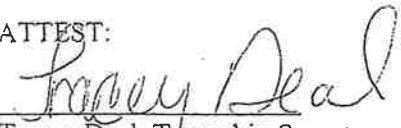
Wilmington Township SALDO

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Wilmington Township SALDO


David McConahay, Supervisor / chairman

ATTEST:


Tracey Deal, Township Secretary