

TOWNSHIP OF EAST MARLBOROUGH  
Chester County, Pennsylvania

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1992

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- \* Samples of these forms are included as information items only. They are not to be removed from this document nor photocopied from it for use as part of a subdivision or land development plan submission.

## ARTICLE I

### GENERAL PROVISIONS

#### SECTION 101. SHORT TITLE AND EFFECTIVE DATE

This ordinance shall be known as the East Marlborough Township Subdivision and Land Development Ordinance of 1992. The Ordinance shall become effective five (5) days after its enactment.

#### SECTION 102. PURPOSE

This Ordinance is designed in accordance with Act 247, the Pennsylvania Municipalities Planning Code, and the Township Comprehensive Plan of 1989, for the following purposes:

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

#### SECTION 103. INTERPRETATION

In interpreting and applying the provisions of this ordinance, all requirements

shall be held to be minimum requirements for promoting the above mentioned purposes. Where the provisions of this ordinance impose greater restrictions than those of any other statute, ordinances or regulation, the more restrictive regulations shall be controlling.

#### SECTION 104. AUTHORITY

The Board of Supervisors of East Marlborough shall have the authority to regulate subdivision and land development within the Township upon enacting the Subdivision and Land Development Ordinance. This is in accordance with the provisions of §501 of the Pennsylvania Municipalities Planning Code.

#### SECTION 105. JURISDICTION

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

- A. All major plans shall be referred upon submission to the Board of Supervisors or receiving agent within the Township, to the Planning Commission for review. All other applications relating to subdivision and/or land development plans may be referred upon request to the Board of Supervisors.
- B. The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification, and conditions for approval of such plans.
- C. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation of the granting of modifications to provisions and standards of this ordinance.

#### SECTION 106. VALIDITY AND SEVERABILITY

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

## **SECTION 107. REPEALER**

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

## ARTICLE II

### DEFINITIONS

#### SECTION 201. LANGUAGE INTERPRETATIONS

As used in this Ordinance, words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The word "may" is permissive; the words "shall" and "will" are mandatory.

#### SECTION 202. DEFINITIONS OF TERMS

In this Ordinance, except where context clearly indicates otherwise, the following words and phrases have the meaning indicated.

##### **ACCELERATED EROSION**

The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur from natural processes alone.

##### **ACT**

The Pennsylvania Municipalities Planning Code of July 31, 1968, 53 PS 10101, et seq. (Act 247, as amended).

##### **ACTIVE RECREATION**

Athletic or other leisure activities which typically require a specially designed and constructed facility of some type, such as ball fields, exercise trails, tennis courts, playgrounds, bicycle trails, swimming pools, and similar facilities.

##### **ANCHORING**

The fastening of a mobile home to its pad (or stand) in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.

##### **APPLICANT**

A landowner or developer or his authorized agent (including his heirs, successors, and assigns), as hereinafter defined, who has filed an application for subdivision or land development.

##### **APPLICATION FOR DEVELOPMENT**

Every application, whether preliminary or final, which is required to be filed and approved prior to start of construction or development, including but

not limited to: an application for a building permit, for the approval of a subdivision plan, or for the approval of a land development plan.

#### **BLOCK**

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the Township.

#### **BOARD**

The Board of Supervisors of East Marlborough Township, Chester County, Pennsylvania.

#### **BUILDING**

Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

#### **BUILDING SET-BACK LINE**

An established line within a property defining the minimum required distance between any building to be erected and an adjacent street right-of-way, to provide the front yard specified by the Zoning Ordinance of the Township.

#### **BUFFER**

A strip of land, a mound, or a berm, planted and maintained in shrubs, bushes, trees, grass, or other ground cover material and within which no structure shall be located; or a wall, fence, or similar architectural screen when approved by the Board.

#### **CARTWAY**

The portion of a street right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

#### **CLEAR SIGHT TRIANGLE**

An area of unobstructed vision at a street intersection, defined by lines of sight between points at a given distance from the intersection of the center lines of the traveled ways.

#### **COMMON OPEN SPACE**

A parcel or parcels of land, an area of water, or a combination of land and water within a developed site designed and intended for the use and enjoyment of the residents of that development. It must be substantially free of structures, but may contain such improvements as are in the subdivision or development plan as finally approved and are appropriate for residents' recreations. Streets, off-street parking areas, areas set aside for public utilities (including sewage disposal areas), stormwater retention areas and

unused rights-of-way shall not be included in the calculation of common open space area.

#### CONDOMINIUM

A form of ownership of real property including an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980.

#### DETENTION BASIN

A structure designed to retard surface runoff for a period of time sufficient to cause the deposition of sediment and to reduce the velocity and volume of surface flows leaving a site, thus preventing further erosion.

#### DEVELOPER

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

#### DRIVEWAY

A private vehicular and pedestrian access between a public street and a parking area within a lot or property.

#### EARTHMOVING ACTIVITY

Activity resulting in the movement of earth or stripping of vegetative cover from the earth.

#### EASEMENT

A right-of-way granted for limited use of private land within which the owner of the property shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

#### EASEMENT, CONSERVATION

A voluntarily derived set of use restrictions placed upon the identified land area through which no positive or appurtenant rights are conveyed to the grantee.

#### ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania.

#### FLOODPLAIN

The low area adjoining and including a watercourse or other body of water (such as a pond, marsh, or lake) within East Marlborough Township, Chester County, Pennsylvania, which are subject to inundation by a flood having a frequency of recurrence of one in one hundred years. The basis for

delineation shall be prescribed in §1302(A) of the East Marlborough Township Zoning Ordinance.

#### **GUARANTEE, IMPROVEMENT**

Financial security of a type and in the amount specified by this Ordinance and in accordance with §509 of Act 247 which is provided by a developer in order to assure the completion of improvements to be constructed at the expense of said developer and eventually dedicated to the Township or to a Community Association.

#### **GUARANTEE, MAINTENANCE**

Financial security of a type and in the amount specified by this Ordinance and in accordance with §509 of Act 247 which is provided by a developer to assure proper maintenance for a stated period of time of water mains, sanitary sewer lines, or both when installed by said developer. This term is also applied to similar financial security required to assure proper maintenance of stormwater management facilities.

#### **GUARANTEE, PERFORMANCE**

Financial security of a type specified by this Ordinance and in accordance with §509 of Act 247 which is provided by a developer to secure the structural integrity and proper functioning for a stated period of time of improvements constructed at the expense of said developer and eventually dedicated to the Township or to a Community Association.

#### **HEALTH AUTHORITY**

That department or those departments, state or county, charged with the regulation, authorization, and control and licensing of mobile home parks.

#### **HITCH**

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

#### **IMPERVIOUS SURFACE**

Materials which are impenetrable and thus unable to absorb liquids, such as buildings, structures, and paved areas.

#### **IMPROVEMENTS**

Grading, paving, curbing, street lights and signs, landscaping, water mains, hydrants, sanitary sewer mains including laterals to the street right-of-way line, storm drainage lines, stormwater management structures, sidewalks, monuments, and all other additions to the tract that are required by ordinance or are necessary to result in a complete subdivision or land development in the fullest sense of the term.

#### IMPROVEMENTS, PUBLIC

Improvements, including but not limited to, those contained in the definition of "Improvements" that are intended for dedication to the Township, either in fee or by easement.

#### LAND DEVELOPMENT

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 non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or form of 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; or
3. a subdivision of land.

B. Exempt from this definition are:

1. the conversion of an existing single-family home into not more than three (3) residential units to be available for rent, and
2. the addition of buildings accessory or subordinate to an existing principal building of one thousand (1,000) square feet or smaller.

#### LANDOWNER

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

#### LANE, ACCELERATION or DECELERATION

A lane of a cartway intended for use only by vehicles entering, leaving, or crossing a lane of forward travel without interrupting the flow of traffic.

#### LOT

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

#### LOT AREA

The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within any right-of-way, but including the area of any easement.

#### LOT, CORNER

A lot at the junction of and abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. A lot abutting a curved street shall be deemed a corner lot if the tangent to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

#### LOT, REVERSE FRONTAGE

A lot extending between and having frontage on a two (2) generally parallel streets with vehicular access from only one (1) street.

#### MARKER

A metal pipe or pin of at least one half ( $\frac{1}{2}$ ) inch diameter and at least twenty-four (24) inches in length.

#### MOBILE HOME

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

#### MOBILE HOME LOT or MOBILE HOME SITE

A parcel of land in mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

#### MOBILE HOME PAD

A concrete pad at least six (6) inches in thickness with at least six (6) tie-down rings to which the mobile home shall be secured, and equal in length and width to the dimensions of the mobile home to be placed thereon.

#### MOBILE HOME PARK

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

#### MONUMENT

A tapered survey reference point of stone or concrete having a round top four (4) inches on each side with a length of twenty-four (24) inches and a base the same shape as its top, but two (2) inches larger in dimension. A stone monument shall have a copper or brass dowel plug embedded in the center of its top surface and a concrete monument shall have a vertical reinforcing bar cast integrally in its vertical center and contain a one-quarter (1/4) inch diameter depression in the center of its top surface.

#### OPEN SPACE

A parcel or parcels of land or an area of water, or a combination of land and water, within a development and designed and intended for the use or enjoyment of residents of the development, excluding streets, off-street parking areas, areas set aside for public facilities and private yards. Open Space required by the provisions of this Ordinance shall not include stormwater retention areas or unused rights-of-way.

#### PLAN, AS-BUILT

As required by §804 of this Ordinance, a corrected final plan, showing dimensions and locations of all streets and other improvements as actually constructed.

#### PLAN, CONSERVATION

As required by §504 of this Ordinance, a plan to accompany preliminary and final plan submissions detailing stream channels, tree masses, and other natural features and measures to protect the same and prevent erosion and sedimentation during construction.

#### PLAN, FINAL

As required by §503 of this Ordinance, a complete and exact land development or subdivision plan prepared by a registered engineer, defining property lines, proposed streets, drainage facilities, easements, and other improvements, and which is to be recorded upon approval.

#### PLAN, IMPROVEMENTS CONSTRUCTION

As required by §503 of this Ordinance, a plan prepared by a registered engineer showing the construction details of streets, drains, sewers, water supply systems, bridges, culverts, and other improvements as required by these regulations, and including a horizontal plan, profiles, and cross-sections.

#### PLAN, PRELIMINARY

As required by §502 of this Ordinance, a land development or subdivision plan prepared by a registered engineer, in lesser detail than a final plan, showing approximate property lines, proposed streets, drainage facilities, easements, and other improvements, for consideration prior to preparation

of a final plan.

#### PLAN, PROFILE

As required by §503 of this Ordinance, a plan prepared by a registered engineer or surveyor showing the vertical section of the existing grade and proposed grade along the center line of any proposed street, and any street appurtenances to be constructed or installed, which must include a typical cross-section of the street construction. The profile plan is a required component of the improvement construction plan.

#### PLAN, SKETCH

As described in §501 of this Ordinance, a plan submitted for review and discussion prior to application for preliminary plan approval, not necessarily to exact scale, indicating the location of stream channels, tree masses, and other natural features, and a general layout of the proposed subdivision or land development.

#### PLANNING COMMISSION

The Planning Commission of East Marlborough Township, Chester County, Pennsylvania.

#### PUBLIC HEARING

A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with Act 247.

#### PUBLIC MEETING

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

#### PUBLIC NOTICE

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

#### RESUBDIVISION

A change in map of an approved or recorded subdivision plat if such change affects any street layout on such map, any area reserved thereon for public use, or any lot line. Also, any change affecting any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

#### RETENTION BASIN

A reservoir, formed from soil or other material, which is designed to retain

permanently a certain amount of storm water from a catchment area and which also may be designed to detain temporarily additional storm water runoff from the catchment area. Retention basins also may receive fresh water from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

#### **RIGHT-OF-WAY**

The total width of any land reserved or dedicated as a street, alley, or crosswalk or for any other public or private purpose.

#### **SEDIMENT**

Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

#### **SEWAGE FACILITIES**

All sewage facilities are subject to the regulations of the Pennsylvania Department of Environmental Resources and the Chester County Health Department.

##### **A. INDIVIDUAL ON-SITE SYSTEM**

The disposal of sewage by safe and healthful means, within the confines of the lot on which the use is located.

##### **B. COMMUNITY SEWAGE COLLECTION, TREATMENT, or DISPOSAL SYSTEM**

A sanitary sewage system in which sewage is carried from individual dischargers by a system of pipes to one (1) or more common treatment and disposal facilities employing spray irrigation and/or subsurface land disposal techniques. Treatment and disposal may occur either on-site or off-site.

##### **C. PUBLIC SEWAGE SYSTEM**

An off-site system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly-operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Resources.

#### **SHADE TREE**

A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in this Ordinance.

#### **SHADOW ANALYSIS**

A graphic representation of shadows cast by mature landscaping, screening, and structures, plotted with regard to topography, slope, and direction at 9:00 a.m., noon, and 3:00 p.m. on the date of the winter solstice.

#### SIGHT DISTANCE

The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

##### A. OBJECT SIGHT DISTANCE

shall be measured from a point four and one-half ( $4\frac{1}{2}$ ) feet above the centerline of the road surface to a point one-half ( $\frac{1}{2}$ ) foot above the centerline of the road surface.

##### B. VEHICLE SIGHT DISTANCE

shall be measured from a point four and one-half ( $4\frac{1}{2}$ ) feet above the centerline of the road surface to another four and one-half ( $4\frac{1}{2}$ ) feet above the centerline of the road surface.

#### SKIRTS

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

#### SOLAR ENERGY

Radiant energy (direct, diffused, or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

#### SOLAR SKYSCAPE

The space between a given location and the sun which must remain unobstructed between 9:00 a.m. and 3:00 p.m. mean solar time (winter solstice) in order to permit sufficient solar energy to impinge on that location to allow efficient solar utilization.

#### SPECIMEN TREE

A unique, rare, or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance, or any other characteristic which may be designated as such by the Township.

#### STORM WATER

Water which surfaces, flows, or collects during and subsequent to rain or snowfall.

#### STREET

A right-of-way and improvements therein, whether public or private, used or intended to be used by vehicular traffic or pedestrians. The word "street" includes the words "avenue," "boulevard," "road," "lane," "alley," and similar terms.

A. **COLLECTOR ROAD**

A road designed and located to provide means to drain traffic off local streets.

B. **CUL-DE-SAC STREET**

A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turnaround.

C. **LOCAL ROAD**

A road intended to serve and provide access to the properties abutting thereon and not connecting with other streets in such a manner as to encourage through traffic.

D. **MARGINAL ACCESS STREET**

A local street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and controls intersections with major streets.

E. **MAJOR STREET (ARTERIAL)**

A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

F. **PRIVATE STREET**

A local street, serving only abutting lots, that is not offered or required to be offered for dedication.

G. **SINGLE-ACCESS STREET**

A local street or streets, including but not limited to, cul-de-sac and loop designs, which has only one (1) point of intersection with an existing Township or State road or with a proposed road having more than one (1) access point.

**STRUCTURE**

An assembly of material having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including among other things buildings, signs, fences, walls over four (4) feet in height, aerials and antennae, porches, platforms, piers, pipelines, paddle tennis courts, shelters, swimming pools, tents, towers, trestles, tanks, tennis courts, and telephone poles.

**SUBDIVISION**

- A. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether

immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

B. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street, easement of access, or any residential dwelling, shall be exempted.

C. Any subdivision of land for mortgage purposes shall comply with all of the requirements of this Ordinance and the East Marlborough Township Zoning Ordinance.

D. Types of Subdivision.

1. Major subdivision.

Any subdivision other than a minor subdivision and any land development that does not involve subdivision.

2. Minor subdivision.

A subdivision in which no street is to be constructed or widened, no other improvement that requires a bond or escrow as an improvements guarantee is to be constructed, no earthmoving activities will take place except those normal to construction of a single-family dwelling on each lot, and no more than three lots are created.

## TOWNSHIP

The Township of East Marlborough, Chester County, Pennsylvania.

## TREE MASS

Areas, grove, or stands of large trees (i.e., greater than six [6] inches caliper at a height of four and one-half [4½] feet from the ground) covering an area greater than one-quarter (¼) acre; or, grove of large trees (i.e., greater than twelve [12] inches caliper at a height of four and one-half [4½] feet from the ground) consisting of more than ten (10) individual trees.

## WATERCOURSE

A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

## WATER SUPPLY

A. INDIVIDUAL SYSTEM

A safe, healthful, and adequate supply of water to a single user from a

private well on the lot of the user.

**B. CENTRAL WATER SUPPLY SYSTEM**

A system for supplying water from a common source or sources to all dwellings and other buildings within a development. The water supply source may be located on-site and/or off-site.

**WETLANDS**

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. It is the intention of this definition that a delineated wetland hereunder shall coincide with wetlands as delineated pursuant to the United States Army Corps of Engineers "Wetlands Delineation Manual," as may be amended from time to time.

### ARTICLE III

#### SUBDIVISION AND LAND DEVELOPMENT CONTROL

##### SECTION 301. SUBDIVISION AND LAND DEVELOPMENT CONTROL

- A. No lot, tract, or parcel of land will be subdivided, and no land will be developed, and no street, alley, sanitary sewer, storm sewer, water main, or concomitant facility will be laid out, constructed, opened, or dedicated for public use or travel, or for the use of occupants of building abutting or to abut on them, except according to the provisions of this Ordinance and the East Marlborough Zoning Ordinance, as amended.
- B. No lot in a subdivision may be sold; no permit to build, alter, or repair any building on land in a subdivision or land development may be issued; and no buildings may be erected in a subdivision or land development until a final subdivision or land development plan has been approved and, where required, improvements have been completed or their completion has been assured by a corporate surety bond or the deposit in escrow of funds or securities sufficient to cover the cost of the required improvements as estimated by the Township Engineer.
- C. No section of this Ordinance shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act.
- D. The scope of this Ordinance shall include all matters over which, by law, the Township is authorized to exercise control by enactment and enforcement of this Subdivision and Land Development Ordinance, including but not necessarily limited to:
  - 1. All improvements within the tract undergoing subdivision or land development.
  - 2. The improvement of adjacent public facilities, including streets and drainage facilities which border upon the tract.
  - 3. The installation or enhancement of off-site improvements needed to adequately serve the subdivision or land development, provided that the extent of required off-site improvements shall be economically feasible in relation to the size and scope of the proposed subdivision or land development.

## ARTICLE IV

### PROCEDURE

#### SECTION 401. GENERAL

- A. All preliminary and final subdivision or land development plans shall be reviewed by the Township Planning Commission and the County Planning Commission and shall be approved or disapproved by the Board of Supervisors in accordance with the procedure specified in this Ordinance. Any application not processed as required hereafter shall be null and void unless it was made prior to the adoption of these regulations.
- B. All subdivision applications shall be, for the purposes of procedure, classified as either minor or major. Reference should be made to §202 for the definitions of these terms.
- C. Landowners submitting an application for a minor subdivision may elect to submit such application in the form of a final plan, in which event the procedures set forth in §406 and §407 hereof shall not be applicable. Nothing herein contained, however, shall prevent such landowner from first submitting a sketch plan and/or a preliminary plan.
- D. Major subdivision applications shall be subject to all review procedures specified in this Article.

#### SECTION 402. SUBMISSION TO CHESTER COUNTY AGENCIES

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

- A. Chester County Planning Commission. One (1) print of all plans and referral letters shall be submitted to the Chester County Planning Commission for their review and comment by the Township Secretary.
- B. Chester County Health Department.
  - 1. If a preliminary plan is submitted as hereinafter provided, two (2) additional prints shall be submitted to the Chester County Health Department for review of matters relating to adequacy of the site to sustain on-site water and/or sewage disposal system.

2. One (1) additional print of the final plan shall be submitted to the Chester County Health Department.
- C. Chester County Conservation District. One (1) print of preliminary plans shall be submitted to the Chester County Soil and Water Conservation District for review of matters relating to drainage and abatement of soil erosion.
- D. The applicant shall submit such additional prints of all plans as may be necessary for forwarding by the Township to the said County agencies for their reviews.
- E. Where, by law, submission to a Chester County agency is not mandatory, the Township, in its sole discretion, may elect to waive submission to any one (1) or more of the County agencies.

#### SECTION 403. SUBMISSION OF SKETCH PLAN

- A. A sketch plan for all proposed subdivisions or development of land located within the Township may be submitted to the Township Planning Commission for review.
- B. Such sketch plans may be considered as submitted for informal discussion between the developer and the Planning Commission. Submission of a sketch plan does not constitute submission of an application for approval of a subdivision or land development plan.
- C. For informational purposes, seven (7) copies of the sketch plan shall be submitted to the Township Secretary, for distribution to the Planning Commission and Board of Supervisors.
- D. In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed, or changed in use by grading, excavating, or the removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the developer is strongly urged to consult with the Chester County Soil and Water Conservation District prior to or concurrently with submission of the sketch plan, in order to assure that the proposed subdivision or land development will be compatible with the Conservation Plan to be submitted.

#### SECTION 404. REVIEW OF SKETCH PLAN

- A. The Planning Commission shall consider the suitability of the sketch

plan for the development of the land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing, and compatibility of the plan with the Comprehensive Plan for the Township and shall submit written recommendations to the Board of Supervisors and the applicant.

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

#### SECTION 405. SUBMISSION OF PRELIMINARY PLAN

The preliminary plan shall conform to the most recent administrative regulations adopted by the Board of Supervisors for such purpose.

- A. Prints of the preliminary plan and all required supplementary data shall be initially and officially submitted to the Township Secretary, together with the required fees as prescribed by Resolution of the Board at least ten (10) days prior to the next scheduled Planning Commission meeting. The Township Secretary shall note the date of receipt and shall transmit such plans to (1) the Board of Supervisors, (2) the Township Planning Commission, (3) the Environmental Advisory Council, (4) the County agencies, (5) the Township Engineer, and other such persons or agencies as the Board of Supervisors shall determine.
- B. Official submission of a preliminary plan to the Township Secretary shall consist of:
  - 1. Three (3) copies of the Application for Review of Preliminary Subdivision or Land Development Plan.
  - 2. Twenty (20) prints of the preliminary plan and all supporting plans and information to enable proper distribution and review of the plans, as required by the Board. Preliminary plans shall be sealed by a registered Pennsylvania Professional Engineer.
  - 3. Payment of subdivision application fees and deposit of escrow for plan review cost.
- C. Upon receipt of the above, the Township Secretary shall forward one (1) copy of the Application for Review, nine (9) prints of the preliminary plan, and nine (9) prints of all other required plans to the Township Planning Commission; one (1) print of the preliminary plan to each of

the Chester County agencies; five (5) prints of the preliminary plan and five (5) prints of all other required plans to the Township Board of Supervisors; and one (1) print of the preliminary plans and the stormwater management and water supply plans to the Fire Company having jurisdiction; retaining all other data in the Township files.

#### SECTION 406. REVIEW OF PRELIMINARY PLAN

##### A. Township Planning Commission

1. The Township Planning Commission shall review the plan and the recommendations of the County agencies and the Township Engineer, should such recommendation be made.
2. After such review, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission and the reasons therefore, citing specific sections of statutes or ordinances relied upon to the Township Supervisors and to the applicant.

##### B. Board of Supervisors

1. When a preliminary plan has been officially submitted to the Board of Supervisors by the Planning Commission, such plan shall be placed on its agenda for review and action.
2. In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the Township Engineer, the Planning Commission, the Chester County Planning Commission and all other reviewing agencies, and comments from public hearings, if any, to determine its conformance to existing ordinances. The Board may alter any subdivision or land development plan and specify conditions, changes, modifications, or additions thereto, which it deems necessary, and may make its decision to grant preliminary approval subject to such conditions, changes, modifications, or additions. Notwithstanding the foregoing procedure, the Board shall render a decision on all preliminary plans and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.

3. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the end of the said ninety (90) day period or fifteen (15) days following the decision, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code.

#### SECTION 407. SUBMISSION OF FINAL PLAN

- A. Within one (1) year after approval of the preliminary plan, a final plan and all necessary supplementary data shall be officially submitted to the Township Secretary.
- B. The final plan shall conform to the most recent administrative regulations adopted by the Board of Supervisors for such purpose.
- C. The Board of Supervisors may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed development as shown on the approved preliminary plan, provided that the first final plan section shall be submitted within the said one (1) year period, and the last final plan section shall be submitted within three (3) years of preliminary plan approval.
- D. Official submission of the final plan to the Township Secretary shall consist of:
  1. Three (3) copies of the Application for Review of Final Subdivision or Land Development Plan.
  2. A sufficient number of prints of the final plan and all supporting plans and information to enable proper distribution and review of the plans.
- E. Prints of the final plan and all required supplementary data shall be initially and officially submitted to the Township Secretary. After the required fees and escrow deposits have been paid, the Township Secretary shall note the date of receipt and shall then forward nine (9) prints of the final plan to the Township Planning Commission; one (1) print of the final plan to the Environmental Advisory Council; one (1) print of the final plan to each of the Chester County agencies; five (5) prints of the final plan and one (1) copy of the Application for Final Review to the Township Board of Supervisors, one (1) print of the final plan to the Township Engineer, and one (1) print to the Fire Company having jurisdiction.

#### SECTION 408. REVIEW OF FINAL PLAN

##### A. Township Planning Commission

1. The Planning Commission shall review the plan and the recommendations of the County agencies, the Township Engineer, and any other reviewing agencies.
2. After such meeting, the Secretary of the Planning Commission shall send written notice of the action of the Planning Commission and the reasons thereof, citing specific sections of statutes or ordinances relied upon to the Board of Supervisors and to the applicant.

##### B. Board of Supervisors

1. When a written report on a final plan has been officially returned to the Board of Supervisors by the Planning Commission, such plan shall be placed on the agenda of the Board of Supervisors for review.
2. Upon receipt of the Planning Commission's recommendation and other supporting information, the Board may, at one or more regular or special public meetings, review the final plan and shall, within the time limitations set forth herein below, either approve or disapprove the plan. Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.
3. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than the end of the said ninety (90) day period or fifteen (15) days following the decision, whichever shall first occur. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code.
4. Prints of the final plan as finally approved, with the appropriate endorsement of the Board of Supervisors and the Township Engineer, shall be distributed as follows:

- a. At least three (3) prints, two (2) of which shall be recorded in accordance with §411, to the subdivider.
- b. One (1) print to the Township Planning Commission.
- c. One (1) print to the County Planning Commission.
- d. One (1) print to the County Health Department.
- e. One (1) print to be retained in the Township files.

C. Every final plan approval shall be subject to the following conditions:

- 1. That the landowner shall execute a Subdivision and Land Development Agreement in accordance with §409.
- 2. The landowner shall execute an Improvement Guarantee or escrow agreement in accordance with §410(A), where applicable. If the developer's lending institution requires evidence of a valid proposal before entering into an agreement with the developer, the applicant may request from the Supervisors a resolution indicating that the plan has been approved contingent upon posting of financial security.
- 3. The landowner agrees if requested to tender a deed of dedication to the Township for streets, any and all easements for sanitary sewers, water lines or storm sewers and improvements thereto, including street paving, sidewalks, shade trees, water mains, fire hydrants, sanitary and storm sewers, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements and as are required for the promotion of public welfare, after all streets, sidewalks, sewers and the like are completed and such completion is certified as satisfactory by the Township Engineer. The Board may require that the applicant supply a Title Insurance Certificate from a reputable company before any property is accepted for the Township.
- 4. Whenever the landowner is required to provide open space as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the landowner and the Township, and shall run to the benefit of the township and lot purchasers in the subdivision or land development.
- 5. The submission to the Township of all required permits from agencies having jurisdiction over ancillary matters necessary to

effect the subdivision or land development, such as Pennsylvania Departments of Transportation and Environmental Resources, Public Utility Commission, and Chester County Health Department.

6. A condition of final subdivision or land development approval shall be the setting aside and transferring of funds to the Township for the purpose of mitigating the impact of development on the cost of emergency services within the Township and the acquisition and maintenance of emergency services equipment.
  - a. Concurrently with posting of the Improvement Guarantee under §410 (or, if no Improvement Guarantee is required, concurrently with the release of approved subdivision or land development plan for recording), the applicant shall transfer to the Township funds in accordance with the schedule set forth below.
  - b. The Township shall set aside all funds so transferred and shall use such funds only for purposes of emergency services, by either directly purchasing emergency service equipment for the benefit of the emergency services organizations servicing the Township, or transferring such funds to the organizations providing the emergency services to the Township.
  - c. The amounts to be set aside and transferred to the Township for such purposes are as follows:
    - i. For residential subdivision or land development, the amount of \$200.00 for each approved lot or dwelling unit.
    - ii. For non-residential subdivision or land development, the amount of \$200.00 for each 1,000 square feet of aggregate floor area (or part thereof) of all stories of approved building construction.

#### SECTION 409. SUBDIVISION AND LAND DEVELOPMENT AGREEMENTS

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

1. That the owner agrees that he will lay out and construct all roads, streets, lanes, or alleys together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space and restricted areas, erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that he shall complete these improvements within the time or times specified by the Board of Supervisors.
  2. That the owner guarantees completion and maintenance of all improvements for a period of eighteen (18) months after completion of the development by means of a corporate surety bond or deposit of funds or government securities in escrow, or irrevocable letter of credit acceptable to the Township.
  3. That the owner agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory by the Township Engineer.
- B. Whenever a developer proposes to establish or continue a street which is not offered for dedication to public use, the Board of Supervisors shall require the developer to submit, and also to record with the plan, a copy of an agreement made with the Township Supervisors on behalf of himself, his heirs and assigns, and signed by him, establishing the conditions under which the street may later be offered for dedication stipulating, among other things:
1. That an offer to dedicate the street shall be made only for the street as a whole.
  2. The Township shall not be responsible for repairing or maintaining any undedicated streets.
  3. That the method of assessing repair and maintenance costs of undedicated streets be stipulated, and shall be set forth in recorded deed restrictions so as to be binding on all successors and assigns.
  4. That if dedication be sought, the street shall conform to the Township specifications or that the owners of the abutting lots

shall, at their own expense, restore the street to conformance with the Township specifications.

#### SECTION 410. IMPROVEMENT GUARANTEES

- A. Unless the applicant shall complete the installation of all subdivision improvements (including both public and private improvements) prior to final subdivision approval, the applicant shall deposit with the Township financial security in an amount sufficient to cover the cost of all subdivision improvements (including both public and private improvements) and common amenities, including but not limited to streets and roads, walkways, curbs, gutters, street lights, shade trees, stormwater detention and retention facilities, pipes and other related drainage facilities, recreational facilities, open space improvements, buffer and screen plantings, and except as provided for in §410(F) hereof, water mains and other water supply facilities, fire hydrants, sanitary sewage disposal mains, and other sewage disposal facilities
- B. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit or a restrictive or escrow account in such institution or with a financially responsible bonding company or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth, and shall stipulate that it submits to Pennsylvania jurisdiction and Chester County venue in the event of legal action.
- C. The said financial security shall provide for, and secure to the public, the completion of all subdivision improvements for which such security is being posted within one (1) year of the date fixed in the subdivision plan or subdivision agreement for completion of such improvements.
- D. The amount of financial security shall be equal to one hundred ten (110) percent of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Board of Supervisors of an estimate of costs prepared by a professional engineer chosen by the party posting the financial security to complete the improvements or, in the absence of such an estimate, the costs shall be established by estimate prepared by the Township Engineer. If the party posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be reviewed for adequacy and

shall be increased as needed to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one (1) year period by using the above procedure.

- E. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by sections or stages of development. Approval of subsequent sections or stages may be subject to further requirements or guarantees needed to assure protection of any finally approved section of the development.
- F. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- G. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the municipal engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board of Supervisors his independent evaluation of the proper amount of partial releases.

#### SECTION 411. RECORDING OF FINAL PLAN

Within ninety (90) days of the applicant's execution of the Subdivision and Land Development Agreement and Improvement Guarantee, the final plan

shall be recorded by the applicant in the office of the Recorder of Deeds of Chester County.

#### SECTION 412. PERMITS

- A. Upon submission to the Township of a copy of the Recorder of Deeds receipt for the recording of the final subdivision plan, the Township Secretary shall issue a Subdivision and Land Development permit to the applicant. No construction activities (including earthmoving activities, but not including soil or percolation testing, well-drilling, or similar engineer or surveying activities) shall be commenced by the applicant until the Subdivision and Land Development permit and Land Disturbance permit pursuant to the East Marlborough Township Stormwater Management Ordinance have been issued by the Township Secretary.
- B. No application for a building permit under the East Marlborough Township Zoning Ordinance shall be submitted and no building permit under the East Marlborough Township Zoning Ordinance shall be issued for any building in any subdivision or land development, and no work shall be done on any building in any subdivision or land development until the final plans for the said subdivision or land development have been approved as provided for herein and until a Subdivision and Land Development permit pursuant to §412(A) hereof has been issued. Further, where final subdivision and land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be issued for construction on any such lot until this condition has been complied with.
- C. No water system or sewer system, including extensions to existing or proposed Township systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Resources or from federal or local agencies, as required.

## ARTICLE V

### PLAN REQUIREMENTS

#### SECTION 501. SKETCH PLAN

- A. The sketch plan, drawn to scale, shall be submitted by the applicant as a basis for informal discussion with the Planning Commission and the Board as to the intended use and arrangement of a proposed subdivision or land development.
- B. Data furnished in sketch plan shall be at the discretion of the applicant; however, to obtain maximum benefit, it is suggested that a sketch plan should include the following information:
  - 1. Tract boundaries.
  - 2. Location of the tract.
  - 3. North arrow.
  - 4. Streets on and adjacent to the tract, properly named and identified.
  - 5. Topographical and physical features. U.S. Geologic Survey and Soil conservation Service information may be used but should be plotted to appropriate scale.
  - 6. Proposed general street layout.
  - 7. Proposed general lot layout.
  - 8. In the case of land development plans, proposed general layout including building locations, parking lots, and open spaces.

#### SECTION 502. PRELIMINARY PLAN

The following material shall be submitted for consideration as the preliminary plan for subdivision or land development.

- A. A sketch or map, drawn approximately to scale, showing the location of the proposed subdivision or land development in relation to adjacent properties and existing streets.

- B. Preliminary plans shall be on sheets not larger than thirty-four (34) inches by forty-four (44) inches overall. It is recommended that preliminary plan sheets be held to the following overall sizes: seventeen (17) inches by twenty-two (22) inches, twenty-two (22) inches by thirty-four (34) inches, thirty-four (34) inches by forty-four (44) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, preliminary plans shall be drawn in two (2) or more sections, accompanied by a key diagram showing relative location of the sections. The scale shall not be less than one hundred (100) feet to the inch. All dimensions shall be shown in feet and hundredths of a foot.
- C. Preliminary plans shall include the following information:
1. The limits and dimensions of the tract to be subdivided or developed and the proposed name or identifying title.
  2. Date of drawing, scale, and north arrow.
  3. Name, address, and telephone number of the applicant and the landowner.
  4. The name, seal, and signature of a Pennsylvania professional engineer, landscape architect, surveyor, or land planner who prepared the plan.
  5. An approvals block for signatures.
  6. All existing streets on or immediately adjacent to the tract, including name, right-of-way width, cartway width, and state route (SR) or Township (T) number.
  7. The location and, where applicable, the dimensions, of existing easements, rights-of-way, public lands, tree masses, water bodies, streams, floodplain boundaries, monuments, and other features.
  8. All existing buildings, towers, sewers, water mains, culverts, petroleum product or natural gas mains, fire hydrants, and other significant man-made facilities on the tract.
  9. The zoning applicable to the tract to be subdivided or developed along with all zoning boundaries, if any, that traverse or are within three hundred (300) feet of the tract, including the Special Groundwater Protection District and the Flood Hazard District.

10. The names of owners of all abutting unplatted land and the names of all abutting subdivisions or developments.
11. A preliminary subdivision plan shall show proposed lot layout with lot dimensions sufficiently detailed to demonstrate to the Township that the proposed layout is mathematically attainable within the parcel being subdivided.
12. A preliminary land development plan shall show proposed building locations, location and size of parking lots, provisions for access and traffic control, locations of loading docks, and provisions for landscaping and lighting of the site. The plan shall conform to the requirements of the East Marlborough Township Zoning Ordinance with regard to use, area, and width regulations for the district in which the proposed land development is located.
13. Plans shall include a shadow analysis showing the location of existing trees and new trees and screening, and shadows cast by proposed structures and mature landscaping at 9:00 a.m., noon, and 3:00 p.m. on the date of the winter solstice. Shadows will be plotted with regard to topography, slopes, and direction.
14. Location, width, and names of all proposed streets, including all street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining developed or undeveloped areas, preliminary profiles for proposed streets, proposed minimum setback line for each street, playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use.
15. Where off-site sewer service is anticipated, the preliminary design of sewerage systems including, but not limited to, the location and grade of sewers, pumping stations, force mains, and, where applicable, sewage treatment plants, showing the type and degree of treatment intended and the size, capacity, and the location of treatment facilities.
16. Where off-site water service is anticipated, the preliminary design of water distribution facilities including the size and location of water mains, fire hydrants, storage tanks where appropriate, and wells or other water sources.
17. If land to be subdivided lies partly in another municipality, the applicant shall submit information concerning the location and design of streets, layouts and size of lots, and provisions of

public utilities on land subject to his control within the adjoining municipalities. The design of public improvements shall provide for a smooth, practical transition where specifications vary between municipalities. Evidence of approval of this information by appropriate officials of the adjoining municipalities shall also be submitted.

18. Where the preliminary plan covers only a part of the applicant's entire holdings, a sketch shall be submitted of the prospective street layout for the remainder.
  19. Contour lines at two (2) foot intervals, from field survey and not extrapolated from USGS or similar maps, shall be shown.
  20. Indicate the size of all proposed lots to the nearest tenth (0.1) of an acre (to the nearest hundredth [0.01] acre for all lots less than one [1] acre).
  21. Include a notation of ownership and maintenance responsibilities for all existing and proposed easements and rights-of-way.
  22. Show areas of proposed excavation and fill.
  23. The plan shall show delineation of wetland areas, as defined by the U.S. Army Corps of Engineers.
  24. Include a notation of proposed improvements which will require a permit from the Pennsylvania Department of Environmental Resources.
  25. Where appropriate, include a notation of the need for a PennDOT permit for new accesses onto state roads.
- C. A statement describing proposed public improvements, including streets and gutters, a typical cross-sectional diagram of proposed street construction, and the means of water supply and sanitary drainage to be provided.
- D. Where on-site sewage disposal facilities are anticipated, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Where, in the opinion of the Township Engineer, doubt exists about the ability of the soil to absorb such waste, the Board may require that a feasibility report be prepared by a registered professional engineer certifying that the proposed quantities of waste generated within the subdivision or land development can be adequately and properly disposed of with an on-site sewage disposal

facility.

- E. A statement or certificate by the applicant indicating that the plans are or are not in conformity with engineering, zoning, building, sanitation, and other applicable Township ordinances and regulations, and if they are not so conforming, the reasons for requesting an exception.
- F. Where subdivision of land is proposed as a part of land development encumbering less than the entire tract, a plan shall be submitted showing the proposed division of the entire property and including easements for access to all parcels not fronting on public roads. Such easements shall be a minimum of twenty-five (25) feet wide.
- G. The preliminary plan shall be accompanied by the following supplementary materials:
  - 1. A preliminary Conservation Plan, as stipulated in §504.
  - 2. An Improvement Construction Plan, as stipulated in §202.
  - 3. A Water Supply Plan, as stipulated in §202.
  - 4. A preliminary Landscape Plan.
  - 5. A Traffic Impact Study, where necessary. For subdivisions of fifteen (15) or more units it is presumed necessary; it may be required for subdivisions of fewer than fifteen (15) units at the discretion of the Board of Supervisors.
  - 6. A Community Association Document, where necessary.

#### SECTION 503. FINAL PLAN

Final plans for the subdivision of land and land development shall conform in all important details with preliminary plans as reviewed by the Board, including any conditions specified as a result of preliminary plans. The following shall be submitted by the applicant:

- A. The subdivision or land development plans submitted for review for final approval shall be clear and legible black or blue on white prints of the drawings. Upon completion of review, and for signature by the Board, clear reproducible prints of all plans shall be submitted. Space shall be provided for signature by the Board on the face of the plans.
- B. Final plans shall be on sheets not larger than thirty-four (34) inches by

forty-four (44) inches overall. It is recommended that as far as practicable, final plan sheets be held to the following overall sizes: seventeen (17) inches by twenty-two (22) inches, twenty-two (22) inches by thirty-four (34) inches, thirty-four (34) inches by forty-four (44) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two (2) or more section, accompanied by a key diagram showing relative location of the section. The scale shall not be less than one hundred (100) feet to the inch. All dimensions shall be shown in feet and hundredths of a foot.

- C. Final plans shall include all information required for the preliminary plan as well as the following additional information:
1. Sufficient data to determine readily the location, bearing, and length of every street, lot, and boundary line and to produce such lines upon the ground including the length of all straight lines, radii, lengths of curves, and tangent bearings for each street and all dimensions, angles, or bearings of the lines and areas of each lot and of each area proposed to be dedicated to public use. The gross and net area of the tract shall be shown and the area of proposed lots shall be shown to the nearest one-thousandth (0.001) acre. The area of proposed lots of less than one (1) acre should be indicated to the one-hundredth (0.01) of a square foot.
  2. The plan for lots within a subdivision shall show the proposed house locations and house numbers. All streets shall be named. House numbers shall be assigned throughout the Township by the Postmaster.
  3. The proposed building setback line for each street and the side and rear yard setbacks for each lot.
  4. Where off-site water service or central water supply is to be provided, the final design, including location and size of all water service facilities within the subdivision, shall be shown, including wells, storage tanks, pumps, mains, valves, and hydrants. The plan shall contain a statement that the placement of fire hydrants and the components of the system have been reviewed by the Fire Marshal and that both are compatible with the firefighting methods and equipment utilized by the local fire company.
  5. Location of permanent reference markers.
  6. Where subdivision of land is proposed as a part of land development because of the creation of mortgages encumbering

less than the entire tract, the final plan shall be submitted showing the proposed division of property including easements for access to all parcels not fronting on public roads.

7. Final plans shall show sufficient information so that conformity to zoning and subdivision design standards is demonstrated, including but not limited to the grade of streets, degree of curvature, and sight distance.
- D. Where streets are proposed for dedication, a plan is required of street profiles and cross-sections incorporating the following information:
1. The profile plan shall show the vertical section of the existing grade and proposed grade along the centerline of the proposed street. Where storm drainage or sanitary sewer lines are to be installed, they shall also be indicated on the profile plan.
  2. The horizontal scale on the profile plan shall be not less than one (1) inch equals one hundred (100) feet and the vertical scale shall be not less than one (1) inch equals ten (10) feet or, in cases where larger scales are used, the ratio shall be 1:10 vertical to horizontal.
  3. A typical cross-section street construction shall be shown on the profile plan and shall indicate the following:
    - a. Right-of-way width and the location and width of paving within the right-of-way.
    - b. Type, thickness, and crown of paving.
    - c. The location, width, type, and thickness of sidewalks to be installed, if any.
    - d. Typical location, size, and depth of any underground utilities that are to be installed in the right-of-way where such information is available.
- E. If required, a plan for location and type of street lights to be installed, together with the necessary contract for street light installation for approval by the Township.
- F. Certification by the engineer, land surveyor, landscape architect, or land planner who prepared the plan, that the plans are in conformity with zoning, building, sanitation, and other applicable Township ordinances and regulations. In any instance where such plans do not

conform, evidence shall be presented that an exception has been officially authorized.

- G. A certification of ownership and acknowledgement of the plan, which shall be lettered on the plan, and shall be duly signed by the owner(s) of the property and notarized.
- H. The final plan shall be accompanied by the following supplementary materials:
  - 1. A final Conservation Plan, as stipulated in §504.
  - 2. An Improvement Construction Plan, as stipulated in §202.
  - 3. A Landscape Plan.

#### SECTION 504. CONSERVATION PLAN

A Conservation Plan is required to accompany any preliminary or final subdivision or land development plan. It shall be clearly and legibly drawn to the same scale as that of the preliminary and final plans.

- A. The Conservation Plan shall show the total tract boundaries of the property being subdivided or developed, and shall show:
  - 1. Contour lines at vertical intervals of not more than two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of not more than five (5) feet for land with average natural slope exceeding four (4) percent.
  - 2. Location and elevation to which contour elevations refer; where reasonably feasible such shall be a known, established bench mark.
  - 3. All existing water courses, tree masses, trees over eight (8) inches caliper not part of a tree mass, and other significant natural features within the proposed subdivision and within fifty (50) feet of the proposed subdivision. Where floodplain or groundwater protection areas, as defined in the Township Zoning Ordinance, are located on the tract, such area(s) shall be delineated in accordance with the Flood Hazard District and Groundwater Protection District overlay maps contained in that ordinance.
  - 4. Locations of all soil classifications.

5. Location and results of soil percolation tests whenever on-site disposal of sewage is planned.
  6. Notations indicating:
    - a. all trees or portions of tree masses proposed to be cleared as part of the proposed subdivision or land development plan, together with reasons for such clearing;
    - b. all proposed alterations of the natural grade, whether by cut or by fill, exceeding two (2) feet, together with reasons for such alteration; and
    - c. compliance with all applicable erosion and sedimentation control standards.
- B. A required element of all Conservation Plans shall be a plan for the control of erosion and sedimentation and for stormwater management. The components of that plan shall be as specified in Article V of the Township Stormwater Management Ordinance.
1. All preliminary plans for subdivision or land development must be accompanied by a stormwater management plan; contents of the submitted plan shall reflect discussion by the applicant with the Township Engineer.
  2. As part of any final subdivision or land development plan, in addition to the above requirements, the stormwater management plan shall include the documentation called for in §404(G) of the Stormwater Management Ordinance.

#### SECTION 505. MODIFICATION OF REQUIREMENTS

The above requirements for preliminary and final plans and for supporting data may be modified by the Board as warranted by special circumstances.

## ARTICLE VI

### DEVELOPMENT DESIGN STANDARDS

#### SECTION 601. APPLICATION

- A. The following principals, standards, and requirements shall be applied by the Board in evaluating plans for proposed subdivision and land development. In addition, the standards set forth in the East Marlborough Township Zoning Ordinance for the particular district in which the subdivision or land development is taking place shall govern the layout of lots and the design of buildings, parking lots, and other facilities.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, morals, and general welfare.
- C. Where literal compliance with the standards herein specified is clearly impractical, the Board may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this ordinance.

#### SECTION 602. LAND REQUIREMENTS

- A. Land shall be suited to the purposes for which it is to be subdivided or developed.
- B. Low lying wetlands which are swampy or are subject to periodic flooding shall not be platted for residential development or designated for such other uses as may involve danger to health, safety, or the general welfare of the citizens unless adequate permanent drainage is provided and unless provision is made and indicated on the plan for adequate and healthful disposal of sanitary sewage and drainage of surface and drainage of surface and sub-surface water.

#### SECTION 603. STREET SYSTEM

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

Township.

- B. Proposed streets shall further conform to such Township, County, and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Thoughtful and imaginative design of streets and their relationship to the arrangement and shape of lots is required. An important element is the blending with topography to produce curvilinear design and reasonable grades. The rectilinear design of streets and lots, involving long straight sections of street shall be avoided.
- D. Insofar as possible, streets on which structures are proposed to front shall be oriented in a general east-west direction, so as to provide the maximum number of structures with southern exposure and to provide the opportunity for solar utilization. Street layout should maximize south facing slope. Where topographic or other conditions make east-west orientation of the continuance of existing streets impracticable, such continued streets shall conform to approved plans.
- E. Local streets shall be laid out as to discourage through traffic, but provisions for street connections into and from adjacent areas may be required.
- F. If lots resulting from original subdivisions are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further subdivision shall be provided as necessary.
- G. Where a subdivision abuts or contains an existing or proposed major thoroughfare, the Board may require dedication of additional right-of-way specified hereinafter and marginal access streets, rear service alleys, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major thoroughfare and separation of local and through traffic.
- H. New half or partial streets shall not be permitted except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of this ordinance and where, in addition, dedication of the remaining part of the street has been secured. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract. Where half or partial streets are proposed, the acceptance of

final plans shall be conditioned upon the provisions of guarantees providing for the construction or completion of such streets to Township standards.

- J. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- K. Continuations of existing streets shall be known by the same name, but names for other streets shall not duplicate or closely resemble names for existing streets in the Township or adjacent Townships or Post Office District. The Board may reject street names and suggest alternate names.
- L. Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in improvements provided.

#### SECTION 604. CUL-DE-SAC STREETS

- A. Cul-de-sac streets permanently designed as such shall not exceed five hundred (500) feet in length and shall be provided at the closed end with a paved turnaround having a minimum diameter to the outer pavement edge of eighty (80) feet. Right-of-way shall have a minimum diameter of one hundred (100) feet within the turnaround.
- B. A cul-de-sac street may be extended to a maximum of eleven hundred (1,100) feet in length provided that a stub intersection is provided at or near the midpoint of the cul-de-sac street to provide access to adjacent tracts. A minimum of fifty (50) feet of the stub measured from the cul-de-sac right-of-way line nearest the stub shall be paved in accordance with the full requirements for a local street. A full width right-of-way for this stub shall be extended to the property line of the tract.
- C. Unless future expansion of a cul-de-sac street is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width to the boundary.
- D. The small triangles of land beyond the cul-de-sac turnaround to the

boundary shall be so deeded, that maintenance of these corners of land will be the responsibility of the adjoining owners until the roadway is continued.

#### SECTION 605. STREET WIDTH

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

<u>Type of Street</u>	<u>Right-Of-Way</u>	<u>Cartway</u>
Arterial Street	80'	Per PennDOT
Collector Street, Commercial, Industrial, Marginal Access, & other non-residential streets	60'	36'
Local Street	50'	24'
Private Street	50'	18'

- B. Additional right-of-way and cartway widths may be required by the Board for the following purposes.
1. To promote public safety and convenience.
  2. To provide parking space in commercial districts and in areas of high density residential development.
- C. Rights-of-way of lesser width than prescribed in this section shall not be permitted.
- D. Subdivision abutting existing streets shall provide for dedication, the minimum right-of-way widths for those streets in accordance with the provisions of this section.

#### SECTION 606. INCREASE IN RIGHT-OF-WAY WIDTH

- A. In the case where the lots created within a subdivision are large enough to accommodate either further subdivision, or a higher intensity of development, and thus may result in higher traffic levels; the Township may require that additional right-of-way be provided to permit the future development of a higher order street.
- B. Special topographic circumstances may result in cut/fill slopes

extending beyond the standard right-of way widths established in §605(A). These should in all circumstances be included within the right-of-way to ensure accessibility for maintenance operations.

#### SECTION 607. STREET ALIGNMENT

- A. All changes in the horizontal alignment of streets shall be made with horizontal curves.
- B. To insure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:
  - 1. Local Streets: One hundred fifty (150) feet.
  - 2. Major Thoroughfares: Five hundred (500) feet.
- C. A tangent of at least one hundred (100) feet measured at the center line shall be required between reverse curves.

#### SECTION 608. STREET GRADES

- A. Centerline grades shall be not less than one (1) percent.
- B. Centerline grades shall not exceed ten (10) percent except on major thoroughfares which shall not exceed seven (7) percent.
- C. Vertical curves shall be used at change of grade exceeding one (1) percent and shall be designed in relation to the extent of the grade change to provide the following minimum sight distances:
  - 1. Local Street: Two hundred (200) feet.
  - 2. Major Thoroughfare: Four hundred (400) feet.
  - 3. Collector Street: Three hundred (300) feet.
- D. Street grades in excess of eight (8) percent but not exceeding ten (10) percent will be permitted for short lengths where natural contours provide a condition of minimum grading at the steeper grade.
- E. Under no conditions will maximum grades be permitted with minimum curve radii.

- F. The turnaround portion of a cul-de-sac street shall have a maximum grade to two (2) to four (4) percent across the diameter in any direction.
- G. Wherever possible, the drainage of cul-de-sac streets shall be towards the open end.
- H. Cul-de-sac streets with centerline slopes less than two (2) percent which are level or nearly so across the diameter perpendicular to the centerline must be graded so that there is a minimum two (2) percent fall in all drainage swales around the cul-de-sac.

#### SECTION 609. STREET INTERSECTIONS

- A. Streets entering the opposite sides of another local street shall use right angle intersection whenever feasible, especially when local streets enter into major thoroughfares. There shall be no intersection angle measured at the centerline of less than sixty (60) degrees.
- B. A minimum paving radius of thirty (30) feet shall be provided at all intersections. The Board may increase the required radii where they consider such design advisable at intersections involving major thoroughfares.
- C. Streets entering the opposite sides of another street shall either be directly across from each other or offset by at least two hundred (200) feet from centerline to centerline.
- D. Wherever feasible, intersections along major streets shall be kept to a minimum, at least one thousand (1,000) feet apart, except in those cases deemed by the Board to require close spacing without endangering the safety of the public. Separation distances shall be measured centerline to centerline.
- E. All necessary street name signs and traffic control signs shall be provided and erected by the developer. The street signs shall be of the type existing in the neighborhood and shall be subject to approval by the Board. Street signs shall be erected before acceptance of the street.
- F. Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision obstructing object shall be permitted which obscures vision above the height of thirty (30) inches and below ten

(10) feet measured from the centerline grade of intersecting streets.

- G. At all intersections of local roads the sight triangle shall be a minimum of seventy-five (75) feet measured from the point of intersection along each road centerline.
- H. At all intersections of local roads with other classifications of roads, the following sight triangle dimensions shall be used:

<u>Design Speed Of Intersected Road</u>	<u>Length of Sight Triangle Leg Along Centerline of Closest Lane</u>
Minor Street/ Stop Condition	75'
20 MPH	200
30 MPH	300
40 MPH	400
50 MPH	500

- J. Greater sight triangles imposed by PennDOT for intersections with the State Highway System shall supersede the above.

#### SECTION 610. ACCELERATION, DECELERATION, AND TURNING LANES

Deceleration or turning lanes may be required by the Township along existing and proposed streets as required by a traffic impact study required by §611 or where the Township can justify the need.

- A. Deceleration lanes shall be designed to the following standards:
  - 1. The land width shall be the same as the required width of the roadway moving lanes.
  - 2. The lane shall provide the full required lane width for its full length. It shall not be tapered.

3. The minimum lane length shall be as follows:

<u>Design Speed Of Road</u>	<u>Minimum Deceleration Lane Length</u>
30 MPH	165'
40 MPH	230'
50 MPH	310'

#### SECTION 611. TRAFFIC IMPACT STUDY

All proposed developments of fifteen (15) or more dwelling units shall be accompanied by a traffic impact study to determine the need, if any, for additional traffic lanes (acceleration, deceleration, or turning), signalization, and other roadway improvements. The impact study should be prepared in accordance with the standards established by PennDOT.

#### SECTION 612. STREET CONSTRUCTION

- A. All materials entering into the construction of streets and the methods of construction and drainage shall be in accordance with the applicable requirements of the Pennsylvania Department of Transportation Specifications, Form 408, or the latest revision thereof. Road cross sections shall be as detailed as in the Appendix.
- B. All Township streets shall have a crown of one third (1/3) inch per foot sloping away from the center line unless otherwise directed by PennDOT or the Township Engineer.
- C. Subgrade
  - 1. The area within the limits of the proposed road surface shall be shaped to conform to the line, grade and cross section of the proposed road.
  - 2. Remove or stabilize all unsuitable materials to provide a firm uniform subgrade with no deformation under load.
  - 3. Unsuitable wet areas shall be permanently drained and stabilized.

4. Fills shall be made with suitable materials and thoroughly compacted for full width in uniform layers of not more than eight (8) inches thick.
5. The subgrade shall be thoroughly compacted by rolling with a minimum ten-ton roller and/or a sheep's-foot roller. Compaction of the subgrader shall extend the full width of the cartway, including the width to be occupied by shoulders where applicable. The required road crown shall be built into the shaped subgrade.
6. Backfill of trenches within the cartway and curb area shall be thoroughly compacted prior to application of the base course.

D. Base Course.

1. The Base Course shall consist of a minimum of eight (8) inches of PA #4A crushed stone placed on a two (2) inch initial layer of screenings and rolled uniformly and thoroughly with a ten (10) ton vibratory roller. Rolling shall continue until the material does not creep or wave ahead of the roller wheels.
2. After compaction of the base stone, dry screenings shall be applied in sufficient quantity to fill all of the voids in the rolled stone base. A vibratory roller of PennDOT approved design must be used in this step of construction and rolling shall continue until all voids are filled. Small areas around inlets and manholes that cannot be reached by the vibratory roller shall be compacted with a mechanical tamper or whacker.
3. When the stone surface is tight and will accept no more screenings, all loose screenings shall be broomed from the surface to expose the top one-half ( $\frac{1}{2}$ ) inch of the aggregate over at least seventy-five percent (75%) of the road.
4. Alternatively, the Base Course may consist of a minimum of ten (10) inches of compacted #3A modified stone placed in two (2) five (5) inch lifts with a stone box or paver and rolled uniformly and thoroughly with a ten (10) ton vibratory roller.
5. Measurements of the base course thickness are to be taken from the compacted subgrade, unless otherwise directed by the Township Engineer.

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

E. Binder Course.

An ID-2 binder course with a minimum compacted thickness of two inches (2") meeting the requirements of PennDOT Publication 408, latest edition, shall be applied over the base course. In no case shall the binder course be applied over a frozen, saturated or excessively dirt-laden base course.

F. Wearing Course.

After proper cleaning, repairing and preparation of the binder course as directed by the Township Engineer, a tack coat may be applied to the binder course prior to placing the wearing course. The tack coat, if required, will consist of materials meeting the specifications of PennDOT Publication 408, latest edition, Section 420. The wearing course shall have a minimum compacted thickness of one inch (1") and shall conform to specifications of PennDOT Publication 408, latest edition, Section 420.

G. Joint Seal.

After application of the wearing course, all curb, inlet, manhole, etc. joints shall be sealed with a PennDOT approved joint sealer applied to neat lines with a minimum width of six (6) inches.

D. Grading and Shoulders

Roadways with curb shall be graded from the back of the curb line to the right-of-way line with a slope of one-quarter (1/4) inch per foot pitched towards the curb line so that all runoff within the right-of-way lines will be directed to the curb line. Beyond the limits of the right-of-way line banks shall be sloped to prevent erosion but this slope shall not exceed two (2) horizontal to one (1) vertical in cuts with tops of slopes rounded and three (3) horizontal to one (1) vertical in fills.

E. Street Curbs.

1. Curbs shall be required on all streets and shall be of the vertical type. Rolled curb-and-gutter type may be installed only upon the approval of the Board of Supervisors, except that rolled curbs shall not be used on streets whose grade exceeds six (6) percent, or on any collector or major streets. The transition from one type

of curb to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances.

2. All curbs shall be constructed of Class A cement concrete as specified by PennDOT Publication 408, latest edition. Curbs shall be constructed to the dimensions shown in the Appendix.
3. Curbing shall be constructed in ten (10) foot lengths, with formed or sawn 3/16-inch wide and 2-inch deep contraction joints, tool-edged to a 1/4-inch radius. A premolded bituminous impregnated 1/2-inch expansion joint shall be placed between sections of curbing at intervals of not more than thirty (30) feet.
4. Depressed curbs at driveways shall be between one and two (2) inches above the finished street surface. Pipes, grates, wood planks or other materials shall not be placed in the gutter to form a driveway ramp.
5. Where it is necessary to replace existing vertical curbs with depressed curbing, two - ten (10) foot long sections of existing curb shall be removed down to the subgrade without disturbing the adjacent cartway paving. The depressed curb shall then be formed and poured in place according to the dimensions in the Appendix. Any portions of the cartway disturbed during curbing removal or installation will be repaired to new condition.
6. When curbing must be cut for depressed curb installation, the length of the remaining section shall be no less than four (4) feet between joints and the cut shall be made in a neat manner with a power saw equipped with a proper masonry cutting blade.
7. Any depressed curb sections that are unused when a development or phase of a development is completed, shall be completely removed and replaced with full section upright curbing to line and grade of adjacent curbing. Forming and pouring vertical curbing on top of an existing curb depression will not be permitted.
8. Curbs shall be terminated using a five (5) foot long taper ending flush with the proposed or existing pavement.

#### SECTION 613. PRIVATE STREETS

- A. Private streets are prohibited within subdivisions, unless adequate off-

street parking is shown to exist and proper maintenance of all improvements is guaranteed by the developer.

- B. There shall be a note on each preliminary and final plan indicating those streets that are not intended for dedication.
- C. Private streets shall adhere to all design standards of a public street except for cartway width.
- D. Private streets shall not be considered for dedication unless they meet all public street design standards.

#### SECTION 614. DRIVEWAYS

- A. Private driveways, either individual or shared, shall be provided for all residences and the construction shall be in accordance with the regulations of this Section in order to provide safe access to Township and State roads and to eliminate problems of stormwater runoff.
- B. The edge of the driveway shall be at least forty (40) feet from the intersection corner of corner lots.
- C. The grade of a driveway within the legal right-of-way of the public road, Township or State, shall not exceed five (5) percent. The drive within the property line shall not exceed fifteen (15) percent.
- D. The width of a driveway within the legal right-of-way of the public road or when carried by a bridge shall be a minimum of ten (10) feet, and shall be a minimum of eight (8) feet at all other points within the property line. Adequate turnaround surface shall be provided on the property so egress to the street is in a forward direction. Where the grade of the driveway exceeds ten (10) percent at least one level parking space shall be provided just within the property line for emergency parking.
- E. All driveways shall be surfaced with erosion resistant materials from the edge of the street cartway to a point in the lot twenty-five (25) feet from the right-of-way line of any Township, State or private road. The remainder of the driveway may be construct of any suitable stone or paved surface.
- F. The finished surface of the driveway sloping toward the public road shall be shaped so that no stormwater runoff from the property shall

discharge upon the public right-of-way. This shall be accomplished by providing a minimum crown of two (2) inches or a side to side slope of three (3) inches and shaping the last twenty (20) feet of length of the driveway at the street line so that all surface runoff discharges on the Owner's property. On steep driveways an interceptor may be required at the edges to restrain runoff and deflect it to the side, and installation of a concrete drop structure with steel grade cover across the driveway and connected by storm sewer to an appropriate water course also may be required. Discharge of roof drains or down spouts onto a driveway which slopes toward the street shall not be permitted. No drain pipe from any basement sump pump, foundation drain, disposal field, terrace, roof or pavement shall be discharged onto the public right-of-way.

- G. The sight distance at the intersection of the proposed driveway with any State, Township, or private road, shall be maintained as specified in §608 of this Ordinance.

#### SECTION 615. SIDEWALKS

- A. Sidewalks may be required for residential, commercial and other land development areas as deemed appropriate by the Board of Supervisors.
- B. When provided, sidewalks shall be constructed of concrete with a minimum twenty-eight (28) day strength of 3000 psi, with a minimum width of four (4) feet and a thickness of four (4) inches except at driveway crossings when the sidewalk thickness shall be increased to six (6) inches with reinforcement.

#### SECTION 616. TREE PROTECTION AND INSTALLATION

- A. The standards for protecting and, as necessary, removing trees from a site shall be as established in §1505(C)2, "Conservation of Trees and Natural Features," of the Township Zoning Ordinance.
- B. Shade trees shall be provided and placed between three (3) to five (5) feet back of the right-of-way line of any street so as not to interfere with the installation and maintenance of sidewalks or utilities, unless otherwise specified by the Township Engineer or Shade Tree Commission.

1. Any shade tree to be installed shall have a minimum diameter of two (2) inches at breast height and a minimum height of six (6) feet. Spacing shall be sixty (60) feet on centers.
2. Species shall be selected for hardiness, minimal need for maintenance, compatibility with other features of the site and surrounding environs, and shade potential of the crown, and shall be acceptable to the Board. Use of native species is encouraged.
3. The screening requirements of §1810(D) of the Township Zoning Ordinance shall preempt these standards where the former are applicable.

#### SECTION 617. STORMWATER MANAGEMENT

The management of stormwater on the site, both during and upon completion of the disturbances associated with the proposed subdivision or land development, shall be accomplished in accordance with the standards and criteria of the Township Stormwater Management Ordinance. The design of any temporary or permanent facilities and structures and the utilization of any natural drainage systems shall be in full compliance with the terms of that Ordinance and its Appendices, and the interpretations of the Township Engineer.

- A. At the time of application for a building permit for any approved lot created by a subdivision under terms of this ordinance, issuance of the permit shall be conditioned upon adherence to the terms of §405 of the East Marlborough Township Stormwater Management Ordinance.

#### SECTION 618. BLOCKS

- A. The length, width, and shape of block shall be determined with due regard to:
  1. Provision of adequate sites for building of the type proposed.
  2. Topography.
  3. Requirements for safe and convenient vehicular and pedestrian circulation.
  4. Thoughtful and innovative design to create an attractive

community and opportunities for the utilization of solar energy.

- B. Blocks shall have a maximum length of sixteen hundred (1,600) feet and, as far as practicable, a minimum length of five hundred (500) feet. In design of blocks longer than eleven hundred (1,100) feet, special consideration should be given to access for fire protection whether by an emergency access easement or sidewalk installation.
- C. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major thoroughfare are used.

#### SECTION 619. LOTS AND LOT SIZES

- A. Lot dimensions and areas shall not be less than specified by provisions of the East Marlborough Township Zoning Ordinance.
- B. Minimum building setback line shall be established to provide front yards required by the East Marlborough Township Zoning Ordinance.
- C. Side lot lines shall be substantially at right angles or radial to street lines.
- D. Residential lots shall in general front on a municipal street, existing or proposed. Where it is necessary to create lots without direct frontage on a street, such interior lots shall comply with the following:
  - 1. An interior lot shall have an access strip with a minimum width of twenty-five (25) feet for its entire length.
  - 2. No more than two (2) contiguous interior lots shall be formed, except where allowed on a cul-de-sac bulb. The creation of such lots shall be minimized and limited to those circumstances dictated by the configuration of the site; however, the applicant shall not be permitted to use interior lot design to avoid constructing or extending streets.
  - 3. No more than two (2) lots, stacked upon each other, shall be created along a new or existing street.
  - 4. For interior lot yard measurements refer to the detail found in the Appendix.

- E. Reverse frontage lots are prohibited, except where employed to prevent vehicular access to major thoroughfares.
- F. House numbers shall be assigned to each lot in the Township through the function of the Postmaster.
- G. On a cul-de-sac street, no part of a fifth lot and no more than four (4) lots may have any frontage or driveway on the circumference of the turnaround or its reverse radii.
- H. Where appropriate, lot frontage (and minimum setbacks) may be modified to facilitate solar access.

#### SECTION 620. SANITARY SEWERS

- A. Each property shall be connected to a public sewer system if accessible. Where the public sewer is not yet accessible, but is planned for extension to the subdivision, the subdivider shall install sewer lines, including lateral connections as may be necessary to provide adequate service to each lot when connection with the sewer system is made. The sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped until sewers are provided. On-site disposal facilities shall also be provided in the interim. Design of capped sewer system shall be subject to approval by the Pennsylvania Department of Environmental Resources and the Township.
- B. Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Resources standards and Township Specifications. A copy of the approval of such system shall be submitted with the Final Plan.
- C. Sanitary sewers shall not be used to carry stormwater.
- D. All lots which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system meeting the design standards of Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Resources, and Township Standards.
- E. If on-site sanitary sewage disposal facilities are to be utilized, the Township Planning Commission may require that the subdivider submit

a Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of public sanitary sewer system with a sewage treatment plant. Based on the analysis of this report, the Township may require the installation of a public sanitary sewer system or capped sewer.

- F. Where on-site sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than the proposed building(s) to facilitate gravity flow in accordance with Township and State regulations and shall be so plotted.
- G. The proposed method of sanitary sewage disposal shall be in accordance with the East Marlborough Township's officially adopted Act 537 Sewage Facilities Plan.
- H. When in accord with Title 25, Chapter 71, Section 71.16, Rules and Regulations of the Pennsylvania Department of Environmental Resources Facilities Plan Revision, the procedure set forth in Section 71.15-71.17 of those Rules and Regulations shall be followed.
- J. Sanitary Sewage Disposal Systems
  - 1. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in this Ordinance.
  - 2. Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such a facility approved by the Pennsylvania Department of Environmental Resources, or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that such facilities can be installed by the purchaser of such lot or parcel.
  - 3. In all other cases, the subdivider shall provide a complete community or public sanitary sewage disposal system. The design and installation of such public system shall be subject to the approval of the Township Engineer, the Township Planning Commission and Board of Supervisors. The design and installation of such a community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Resources and such systems shall be further subject to satisfactory provisions for the maintenance thereof.

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

K. Soil Percolation Test Requirements

1. Soil percolation tests shall be performed for all subdivisions wherein building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation. Deep hole test pits are recommended as a further means of guaranteeing suitability of a site.
2. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Resources, by either a registered professional engineer, a registered sanitarian, or the Pennsylvania Sewage Facilities Act sewage enforcement officer at a rate of one (1) per lot.
3. The engineer, sanitarian, or sewage enforcement officer shall enter the result of the test and all other information on five (5) copies of the Subdivision Sewage Disposal Report form, and shall submit these with the Preliminary Plans, provided, however, that where the approval of sanitary sewage disposal facilities is otherwise required by the Pennsylvania Department of Environmental Resources, two (2) copies of the report of investigation and approval may be submitted in lieu of the Subdivision Sewage Disposal Report.
4. Soil percolation tests shall be performed within the site of the proposed on-site sanitary sewage disposal facilities and spaced evenly throughout the property.
5. The results of the soil percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided and of the general area surrounding the tract being subdivided. The Final Plan lot layout shall be based on this

analysis.

#### SECTION 621. WATER SUPPLY

- A. Adequate and potable water supply system(s) shall be installed consistent with design principles and requirements contained in this Ordinance and Township Standards, which are the U.S. Public Health criteria for drinking water as administered by the existing Environmental Protection Agency Safe-Drinking Water Act.
- B. Where the subdivider proposes that individual on-site water supply systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities can be installed by the purchaser of such lot or parcel. Individual on-site wells shall be subject to the Standards provided for within Subsection 501, Chapter 500, Rules and Regulations of the Chester County Health Department.
- C. Wherever feasible, the subdivision shall be provided with a complete public or community water distribution system. The design and installation of such public system shall be subject to the approval of the Township; the design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Resources and such system shall be further subject to satisfactory provision for the maintenance thereof.
  - 1. Where a permit is required by said Department, it shall be presented as evidence of such review and approval in the case of private or public systems before construction commences.
- D. Wherever a public or community water system is provided, fire hydrants suitable for the coupling of equipment serving the Township shall be installed as specified by the Insurance Services Offices of Pennsylvania. Location of hydrants shall be approved by the Township.
  - 1. Generally all fire hydrants will be located on an eight (8) inch line or a looped six (6) inch line. Where a dead end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall be an eight (8) inch minimum diameter.
  - 2. Fire hydrants shall be spaced in a development so that all

proposed building(s) will be no more than six hundred (600) feet from the hydrant measured along traveled ways.

3. All community water systems must provide a minimum of five hundred (500) GPM at a residual pressure of twenty (20) psi for a two (2) hour period.
4. For additional fire protection, a standpipe may be required incorporated into existing and proposed ponds or reservoirs and an access easement provided for emergency use.

#### SECTION 622. OTHER UTILITIES

- A. All other utility lines including, but not limited to electric, gas, street light supply, cable television, and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township and public utility concerned.
- B. In accordance with the provisions of Act 287, all developers, contractors, etc., will contact all applicable utilities and accurately determine the locations and depth of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review and proof shall be presented to the Township prior to Final Plan approval.

#### SECTION 623. PARKING AREAS

At least two (2) off-street parking spaces with access to a public street shall be provided for each proposed dwelling unit. Where such access is to other than a residential service street, adequate turnaround space shall be provided on the lot. Parking areas shall be provided for commercial and industrial uses as required by the Board. Reference should be made to §1810(A) of the Township Zoning Ordinance.

#### SECTION 624. EASEMENTS

- A. Where water or sewer facilities are intended for dedication, the requirements for easement shall be determined by the Board. Easements shall be similarly established as necessary for other utilities.

- B. Storm drainage easements shall be provided as required by the Township Stormwater Management Ordinance.
- C. The Board may require easements as prerequisites to its approval of shared driveways or other access arrangements.

#### SECTION 625. DESIGN STANDARDS FOR LAND DEVELOPMENTS

- A. In the case of any land development or non-residential subdivision, the Board may require compliance with the following design standards contained in the Township Zoning Ordinance.
  - 1. Access and Highway Frontage: §1810(B).
  - 2. Landscaping: §1810(C).
  - 3. Screening: §1810(D).
  - 4. Storage: §1810(E).
  - 5. Interior Circulation: §1810(F).
  - 6. Lighting: §1810(G).
  - 7. Off-Street Loading: §1810(H).
  - 8. Parking: §1810(A).
- B. All residential subdivisions shall comply with the Access and Highway Frontage standards of §1810(B)1 of the Township Zoning Ordinance.

#### SECTION 626. MONUMENTS

- A. Monuments shall be accurately placed at the intersection of all lines forming angles and at changes in direction of lines in the boundary (perimeter) of the property being subdivided. The subdivider, or his representative, shall notify the Township Engineer in order that he may inspect the placement of the monuments before they are covered.
- B. All monuments shall be placed by a registered professional engineer or surveyor so that the scored (by an indented cross or drill hole at not more than one-quarter (¼) inch diameter in the top of the monument)

point shall coincide exactly with point of intersection of the lines being monumented.

- C. Monuments shall be set with their top level with the finished grade of the surrounding ground, except:
  - 1. Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.
  - 2. Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- D. All streets shall be monumented at range line, on the right-of-way lines of the street at the following locations:
  - 1. At least one monument at each intersection.
  - 2. At changes in direction of street lines, excluding curb arcs at intersections.
  - 3. At each end of each curbed street line, excluding curb arcs at intersections.
  - 4. At such places where topographical or other conditions make it impossible to sight between two (2) otherwise required monuments, intermediate monuments shall be placed.
  - 5. At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined for the future.
- E. All lot corners shall be clearly identified by either a monument or an iron pin. Where iron pins are used, they shall be a minimum of one-half ( $\frac{1}{2}$ ) inch diameter solid bar or reinforcing rod, shall be a minimum of twenty-four (24) inch in length, and shall be driven flush with finished grade.

#### SECTION 627. PUBLIC FACILITIES AND OPEN SPACE

- A. In reviewing subdivision and land development plans, the Township Planning Commission shall consider whether community facilities,

especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the development, and shall make such report thereon as it deems necessary in the public interest.

- B. Developers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods such as schools and other public buildings, parks, playgrounds, and play fields. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking, as appropriate to the use proposed. Prior to the preparation of plans, developers of tracts larger than twenty (20) acres should review with the Township Planning Commission and staff of the County Planning Commission, the minimum standards for various community facilities applicable to the tract being subdivided.
- C. In subdivisions which are intended to provide housing for more than ten (10) families, or any subdivision that includes a new public street that is offered for dedication to the Township, the Township Planning Commission shall consider the need for suitable open areas for active recreation and shall make recommendation thereon. The Board of Supervisors shall require as a minimum, that the following amount of playground and neighborhood park acreage be provided.

1.	<u>Families To Be Served</u>	<u>Minimum Active Recreational Acreage</u>
	10 - 24	1.0
	25 - 49	2.0
	50 - 174	3.0
	175 - 374	5.5
	375 - 624	6.5
	625 - 800	8.0
	For each additional 175 families	1.5

2. Such area or areas may be dedicated to the Township by the subdivider if the Board of Supervisors approves such dedication.
3. The subdivision plan shall provide such open space recreation areas as shall be recommended by the Township Planning Commission. Such areas may be retained in private ownership by an association of homeowners in the subdivision, or may, at the

option of the developer and with the permission of the Township, be dedicated for public use.

- D. In designating areas for open space use, within the subdivision plan, whether to be dedicated to the Township or to be retained in the private ownership, the following criteria shall be applied by the developer and the Township:
1. Designated open space shall be consistent with the Township's Comprehensive Plan, or, where applicable, Open Space Plan.
  2. Open space areas shall be consistent with the needs of the future residents of the proposed subdivision and shall be located so as to be easily accessible by said residents.
  3. Open space areas should include the required active recreation area for all age groups and, particularly where the site includes a watercourse of hilly or wooded areas, additional land which is left in its natural state.
  4. At least one-half ( $\frac{1}{2}$ ) of the open space shall have a natural slope of five (5) percent or less that existed prior to development.

## ARTICLE VII

### MOBILE HOME PARKS

#### SECTION 701. PERMITS, LICENSES, AND INSPECTIONS

##### A. Permits Required.

1. It shall be unlawful for any person to construct, alter, extend, or operate a mobile home park within East Marlborough Township unless and until he obtains:
  - a. A valid permit issued by the Chester County Health Department, in the name of the operator, for a specified construction, alteration or extension proposed; and
  - b. A mobile home park permit issued by the East Marlborough Township Zoning Officer in the name of the operator, which shall not be issued until a copy of the Health Department permit has been furnished, all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein have been complied with, and final approval of the application has been granted by the Board of Supervisors.

##### B. Annual Licenses.

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

##### C. Fees.

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

2. The fee for the annual license shall be prescribed by regulation of the Board of Supervisors and shall be submitted to the Zoning Officer with the application for the annual license.
3. Fees for the inspection of a mobile home park during and following construction shall be as specified in §803 of this Ordinance.

D. Inspections.

1. Upon notification to the licensee, manager or person in charge of a mobile home park, the Zoning Officer or his designated representative may inspect a mobile home park at any reasonable time to determine compliance with this Ordinance.
2. Upon receipt of the application for annual license and before issuing such annual license, the Zoning Officer or other designated representative of East Marlborough Township shall make an inspection of the mobile home park to determine compliance with this Ordinance. The Zoning Officer or other representative shall thereafter notify the licensee of any instances of non-compliance with the Ordinance and shall not issue the annual license until the licensee has corrected all such violations.

E. Appeal of Mobile Home Park Permit Denial.

Where the applicant or licensee feels that the Zoning Officer has failed to follow procedures or has misinterpreted or misapplied any provision of this Ordinance in the review of an application for a Mobile Home Park Permit or an annual license renewal, he may appeal such action to the East Marlborough Township Zoning Hearing Board in accordance with §909 of the Pennsylvania Municipalities Planning Code.

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

SECTION 702. DENSITY, DIMENSIONAL, AND GENERAL LAYOUT REGULATIONS

- A. Regulations governing the density of dwelling units in any mobile home park and the dimensions of any mobile home park or mobile home lot therein shall be as specified in Article VI of the East Marlborough Township Zoning Ordinance.
- B. The mobile home park shall be located on a well-drained site, and shall be so located that its drainage will not endanger any water supply. All such mobile home parks shall be in areas free from marshes, swamps, or other potential breeding places for insects or rodents.
- C. Every mobile home lot shall be clearly marked and shall contain a driveway with unobstructed access to a public street. Mobile homes shall be located on such lots so that there will be a minimum of twenty (20) feet between mobile homes and so that no mobile home will be less than sixty (60) feet from the exterior boundary of the mobile home park, other than any public street.
- D. It shall be unlawful to located a mobile home less than twenty-five (25) feet from any public street or so that any part of such mobile home will obstruct any roadway or walkway in a mobile home park. No mobile home lot, service building, or access road (with the exception of the entrance road) shall be located within twenty (20) feet of any public street.
- E. Site Layout.
  - 1. Mobile homes placed on individual lots are encouraged to be placed off-center on the lots so as to provide a large useable open yard space and outdoor living area in one (1) section of the lot.
  - 2. Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.
  - 3. Mobile homes are encouraged to be arranged in a variety of orientations, and are strongly encouraged to have many units with their long axis east-west, offering south exposure to their longest wall and roof areas, and to provide variety and interest. Site layout shall be designed to ensure that mobile home units are offset to block long uninterrupted corridors between the units. When topographic conditions make street orientation for good solar orientation of units difficult or undesirable, lots should be laid out so that units can be oriented to the south to the greatest

extent possible.

### SECTION 703. STREET SYSTEM

#### A. Street Design and Construction Standards.

With the exception of those street standards specified in this Article, the standards in §603 through §612 of this Ordinance shall govern the design and construction of streets in a mobile home park.

#### B. Park Entrances.

Each mobile home park shall have two (2) entrances directly on a paved public road. The entrances shall be paved. The said paved entrances shall be at least thirty-five (35) feet side but not more than fifty (50) feet wide at their point of intersection with the paved public road. The paved entrances shall be at least fifty (50) feet so that a minimum width of twenty-four (24) feet is attained as they connect with or become the interior street. At no point shall the width of the paved entrances be less than the width of the interior street; provided, that if the mobile home park is located so as to provide access to two (2) or more different paved public roads, one entrance may be provided for each such road.

#### C. Street Construction.

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

#### D. Street Widths.

The mobile home park interior street system shall be functionally classified according to collector and minor streets, as defined in the East Marlborough Subdivision and Land Development Ordinance. In no case shall the width of the paved cartway be less than twenty-four (24) feet for a collector street or eighteen (18) feet for a minor street. The minimum right-of-way for all streets shall be fifty (50) feet.

#### E. On-Street Parking.

Street parking on one side of the street only shall be permissible if the street is twenty-four (24) feet or more in width. Parking is prohibited

on streets of any lesser width.

#### SECTION 704. OFF-STREET PARKING AND WALKWAYS

##### A. Driveway and Off-Street Parking Standards.

1. The requirements of §623 of the East Marlborough Subdivision and Land Development Ordinance shall be applicable to all mobile home parks.
2. Off-site common parking areas may be provided in lieu of the required two (2) parking spaces on each mobile home lot, in which case parking shall be provided at the rate of two (2) spaces for each mobile home lot not equipped with two (2) parking spaces.
3. Additional parking spaces for vehicles of non-residents shall be provided, either on-street or as off-street common parking, at the rate of one-half ( $\frac{1}{2}$ ) space for each mobile home lot.

##### B. Walkways.

1. All mobile home parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for their intended uses, durable and convenient to maintain, between the park streets and all community facilities provided for park residents.
2. Where pedestrian traffic is concentrated, each walk shall have a minimum width of four (4) feet.
3. All mobile home sites shall be connected to common walks, and to streets or to driveways connecting to a paved street. Each such walk shall have a minimum width of two (2) feet.

#### SECTION 705. SERVICE BUILDINGS

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

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

#### SECTION 706. WATER SUPPLY

- A. The requirements of §621 of this Ordinance shall be applicable to any system of supply water to any mobile home park.
- B. The following additional requirements are required for individual water-riser pipes for each mobile home lot or site.
  - 1. Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
  - 2. The water-riser pipe shall have a minimum inside diameter of three-quarters (3/4) inches and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
  - 3. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted away from the location of the riser pipe.
  - 4. A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop and waste valves are prohibited.

#### SECTION 707. SANITARY SEWAGE DISPOSAL

- A. The requirements of §620 of this Ordinance shall be applicable to any system and facilities for sanitary sewage treatment and disposal.
- B. The following additional requirements are required for sewage riser pipes on each mobile home lot or site.
  - 1. Each mobile home lot or site shall be provided with at least a four (4) inch diameter sewage riser pipe. The sewage riser pipe shall be so located on each stand that the sewer connection to the

mobile home drain outlet will approximate a vertical position and shall be surrounded by a concrete apron at ground level.

2. The sewer lateral shall have a nominal inside diameter of not less than four (4) inches and the slope of any portion thereof shall be at least one-quarter ( $\frac{1}{4}$ ) inch per foot.
3. The sewage riser pipe shall be provided with suitable fittings so that a water and gas-tight connection can be made between the mobile home drain and the riser connection.
4. The sewage riser pipe shall be equipped with a trap below the frost line and a cap for plugging the sewage riser pipe when a mobile home does not occupy the lot so that an odor-free condition can be maintained.
5. All materials used for sewer connections shall be semirigid, corrosive-resistant, non-absorbent and durable. The inner surface shall be smooth.
6. The rim of the riser pipe shall extend at least two and one-half ( $2\frac{1}{2}$ ) inches above ground elevation. Surface drainage shall be diverted away from the riser pipe.
7. All sewer lateral lines shall be located in trenches of sufficient depth to be free of breakage from traffic or subject to freezing. In mobile home parks where terraced or stepped lot configurations are used the Township Engineer may require that sewer lateral locations and/or profiles be provided.

#### SECTION 708. REFUSE DISPOSAL

- A. The storage, collection, and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect-breeding areas, accident or fire hazards, nor air pollution.
- B. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than two hundred (200) feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- C. Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

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

#### SECTION 709. STORMWATER MANAGEMENT

The provisions of the East Marlborough Stormwater Management Ordinance shall be applicable to all mobile home park developments.

#### SECTION 710. UTILITIES AND EXTERIOR LIGHTING

- A. An electrical outlet supplying at least 110 volts of 60-cycle alternating current shall be provided for each mobile home space. Such electrical outlets shall be grounded and weather-proof.
- B. Public streets, driveways, and walkways shall be lighted at night with a minimum illumination of at least 0.6 foot candles. Lighting fixtures shall be so spaced and so equipped as to provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians.
- C. All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems, and shall be underground.

#### SECTION 711. FUEL SYSTEMS

- A. Fuel Supply and Storage.
  - 1. Liquified Petroleum Gas System
    - a. The design, installation and construction of containers and pertinent equipment for the storage and handling of liquified petroleum gases shall conform to the Act of Pennsylvania Legislation 1951, December 27, P.L. 1793, as it may be amended; and to the regulations therefor promulgated by the Pennsylvania Department of Labor and Industry, or its successor.
    - b. Liquified petroleum gas systems provided for mobile homes, service building, or other structures, when installed, shall be

maintained in conformity with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:

- i. Systems shall be provided for safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- ii. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- iii. All liquified petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.
- iv. Vessels of at least twelve (12) U.S. gallons and less than sixty (60) U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five (5) feet.
- v. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure. Vessels should be screened in accordance to §1810(E) of the Township Zoning Ordinance.
- vi. All pipe connections shall be of a flare type.

## 2. Fuel Oil Supply System

- a. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction.
- b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- c. All fuel oil supply systems provided for mobile homes,

service buildings, and other structures shall have shut-off valves located within five (5) inches of storage tanks.

- d. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home exit, and not less than three (3) feet from any window.
- e. Storage tanks located in areas subject to traffic shall be protected against physical damage. Storage tanks shall be screened in accordance with §1810(E) of the Township Zoning Ordinance.

#### SECTION 712. FIRE PROTECTION

- A. The mobile home park area shall be kept free of litter, rubbish and other flammable materials.
- B. Portable hand-operated fire extinguishers of a type suitable for use on oil fires, and approved by appropriate fire company or authorities shall be kept in each service building under park control and shall be required by the mobile home park operator to be placed in each mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities.
- C. All mobile home parks shall be provided with fire hydrants to meet the specifications of the Middle States Department Association of Fire Underwriters, but in any case, in sufficient number to be within six hundred (600) feet of all existing and proposed structure and mobile homes, measured by way of accessible streets.
- D. Where the water supply system does not provide at least six (6) inch water main, there shall be provided a two (2) inch frost protected water riser within three hundred (300) feet of each mobile home or building.
- E. Fire may be made only for purpose of heating and cooking.
- F. All mobile home parks shall be operated so as to comply with all state and local laws, ordinances and regulations pertaining to fire prevention.
- G. The mobile home park manager shall consult periodically with the appropriate fire company or authorities as to proper fire prevention practices, accessibility of streets, testing of fire hydrant pressure, location and operation of equipment, community education programs, etc.

### SECTION 713. MISCELLANEOUS STRUCTURAL REQUIREMENTS

- A. No permanent additions shall be built onto or become part of any mobile home unless they are in accordance with applicable state and local laws, ordinances and regulations.
- B. All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable state and local laws, ordinances, and regulations.
- C. A concrete pad, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons, shall be used for all mobile homes.
- D. Every mobile home placed within a mobile home park shall be anchored to the mobile home pad where it is located prior to the unit being occupied or used in any other way, or the expiration of seven (7) days, whichever occurs first. The anchoring system shall be designed to resist a minimum wind velocity of ninety (90) miles per hour.
- E. Each mobile home placed within a mobile home park shall, prior to occupancy or other use, be affixed to its mobile home pad in such a way as to prevent tilting of the unit.
- F. Each mobile home placed within a mobile home park shall, prior to occupancy or other use, have a skirt installed which is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.
- G. The hitch or tow bar attached to a mobile home for transport purposes shall be removed and remain removed from the mobile home when it is placed on its mobile home pad.

### SECTION 714. COMMON OPEN SPACE AND BUFFERS

- A. Common Open Space Areas.
  - 1. At least twenty (20) percent of the remaining gross area of each mobile home park, after subtraction of required buffer areas, shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common open space shall be substantially free of structures except for those designed for recreational purposes.

2. Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Common open space areas should include both active recreation areas for all age groups and, particularly where the site includes a watercourse or hilly or wooded areas, land which is left in its natural state.
3. At least twenty five (25) percent of the open space areas shall be located in an area not subject to flooding and which is usable for active recreation. No such active recreational open space areas shall be less than one quarter (1/4) acre in size.

B. Buffer Areas.

1. Buffered setbacks shall consist of a visual screen of mixed evergreen and deciduous plant material of varying species. At the time of planting, a sufficient amount of evergreen material to visually screen the property shall be at least five (5) feet in height (after planting) and the remainder of plantings may be of varying lesser heights.
2. The plantings shall be maintained permanently and replaced within one (1) year in the event of death of any plant material. Plantings shall not be closer than three (3) feet from a property line.
3. All existing deciduous and evergreen trees above two (2) inches in caliper or six (6) feet in height shall be preserved in the buffer areas, except where clearance is required to insure sight distance.
4. Generally, a minimum of thirty five (35) percent of plant material shall be evergreen and ten (10) percent flowering material.

SECTION 715. LANDSCAPING

- A. No portions of tree masses or trees with caliper of four (4) inches or greater shall be cleared unless necessary for effectuation of the proposed mobile home park development. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.
- B. In addition to plantings for buffered setbacks, a mobile home park shall be provided with the following landscaping requirements.

1. Disturbed topsoil shall be stockpiled and replaced after construction.
2. Deciduous trees of varying species shall be planted within the mobile home park at the ratio of two (2) per mobile home. In the event that a substantial number of trees remain after development, the Board of Supervisors may modify this requirement.
3. Deciduous and/or evergreen shrubs of varying species shall be planted within the mobile home park at a ratio of at least four (4) per mobile home; and
4. Planting of landscape material shall be in accordance with a plan prepared by a registered landscape architect, and shall be completed within six (6) months of approval of Final Plan, and failure to carry out the landscaping plan within such time shall warrant denial of the park's annual license under §701(B) hereof.

#### SECTION 716. REMOVAL OF MOBILE HOMES

- A. No mobile home shall be removed from the Township without first obtaining a removal permit from the East Marlborough Township Tax Collector as required by Act No. 54, 1969, of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of Two Dollars (\$2.00) and real estate taxes assessed against the home and unpaid at time the permit is requested.
- B. Any person who removes a mobile home from East Marlborough Township without first having obtained a removal permit shall, upon summary conviction hereof, be sentenced to pay a fine of one hundred (100) dollars and costs of prosecution, or undergo imprisonment for not more than thirty (30) days, or both.

#### SECTION 717. MAINTENANCE OF COMMON AREAS AND FACILITIES

- A. The operator and licensee of a mobile home park shall be responsible for maintaining all common facilities including, but not limited to roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems, and service buildings, in a condition of proper repair and maintenance.
- B. The licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application for

new development or expansion, post with the Township a maintenance bond in a form acceptable to the Township Solicitor in an amount sufficient to cover for a period of two (2) years, the costs of maintenance of all common areas and facilities as described in §714, said costs to be estimated by the Township Engineer or other representative.

## ARTICLE VIII

### CONSTRUCTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

#### SECTION 801. CONSTRUCTION REQUIRED

- A. The applicant shall construct all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas and erosion and sediment control measure in conformance with the Final Plan as approved, the applicable provisions of the Pennsylvania Department of Transportation Specifications, Form 408, dated 1976, or the latest revision thereto, the Stormwater Management Ordinance of the Township or other applicable regulations.
- B. No plan shall be finally approved for recording, and no building permits shall be issued until the developer has completed all required improvements or has provided an improvements guarantee in accordance with §410 hereof.
- C. All trenches or other excavations in existing or proposed Township streets shall be backfilled in accordance with the following:
  - 1. Backfilling shall be done as promptly as possible.
  - 2. The trench shall be backfilled with hand-placed screenings to a height of at least one (1) foot above the top of the conduit, pipe or pipe bell. These screenings shall be thoroughly hand-tamped around the side of the pipe. These screenings shall be placed with the hand shovels and not from trucks or with the use of power equipment and shall be free from refuse, boulders, rocks, unsuitable organic material or other material which, in the opinion of the Township, is unsuitable.
  - 3. When the pipe is located in a dedicated street or any place where paving (including driveways) may be placed, the remainder of the trench shall be backfilled with 2RC or modified stone and promptly compacted. The backfill material shall be mechanically tamped in approximately six (6) inch layers.

4. Backfilling or tamping with trenching machine is prohibited.
5. Where openings have been made in existing Township roads, paving shall be restored in accordance with the paving standards contained in this ordinance. Openings made in State roads shall be restored in accordance with Pennsylvania Department of Transportation Specifications. permits shall be required before paving is opened in any existing State or Township road.
6. Where openings are made behind the curb line, work shall be as specified below. The opening covered with good topsoil so a depth of six (6) inches and seeded or sodded to the satisfaction of the Township Engineer.
7. Whenever the trenches have not been properly filled or if settlement occurs, they shall be refilled, compacted, smoothed off and finally made to conform to the surface of the ground.
8. Frozen earth shall not be used for backfilling, nor shall any backfilling be done when materials already in the trench are frozen.
9. Where excavated material, or any portion thereof, is deemed by the Township Engineer to be unsuitable for backfilling, the developer shall procure and place backfill material approved by the Township.

#### SECTION 802. INSPECTIONS

- A. The construction or installation of all improvements shall at all times be subject to inspections by representatives of the Township. If such inspection reveals that work is not in accordance with approved plans and specifications, that construction is not being done in a workmanlike manner, or that erosion or sediment controls are failing to prevent accelerated erosion or water-borne sediment from leaving the site construction, the said representative is empowered to require corrections to be made and/or the suspension of subdivision approval and to issue a cease and desist order, which may include any or all of the following sanctions:
  1. That no lot in the subdivision shall be conveyed or placed under agreement of sale,

2. That all construction of any lots for which a building permit has been issued shall cease, and/or
  3. That no further building permits for any lots shall be issued.
- B. The said cease and desist order shall be terminated upon the determination by Township representatives that the said defects or deviations from plan requirements have been corrected. In matters concerning the inspection of improvements pertaining to erosion and sedimentation control and stormwater management, the provisions of Article VI of the Stormwater Management Ordinance shall apply.
- C. No underground pipes, structures, subgrades or base course shall be covered until inspected and approved by the Township. The provisions of §601.B of the Township Stormwater Management Ordinance shall apply for inspections of improvements pertaining to erosion and sedimentation control and stormwater management. A minimum of six (6) inspections by the designated representative shall be required. These inspections shall be effected as follows:
1. Excavation and completion of subgrade.
  2. Excavation, installation and completion of drainage structures, community sewage systems or water supply systems.
  3. Before placing first base course and between such base course.
  4. Before binder course.
  5. Before wearing course.
  6. Final inspection in accordance with §803(A).
- D. The developer shall notify the designated representative of the Township (usually the Township Engineer) at least twenty-four (24) hours in advance of commencement of any construction operations requiring an inspection.

#### SECTION 803. RELEASE FROM IMPROVEMENT GUARANTEE

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board, in writing, by certified or registered mail, of the completion of the aforesaid

improvements and shall send a copy thereof to the Township Engineer. The Board shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board and shall promptly mail a copy of the same to the developer by certified mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. 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 nonapproval or rejection.

- B. The Board shall notify the developer by certified mail of the action of the Board with relation to approval, nonapproval, or rejection of improvements.
- C. If any portion of the said improvements shall not be approved or shall be rejected by the Board, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.
- D. Improvement guarantees may be released in stages as construction of a significant portion of street, including all other improvements, is completed and approved by the Board. The Board shall only release the amount specifically provided for the improvement in the improvement guarantee agreement.
- E. The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and acceptance by the Township, and ten (10) percent of the improvement guarantee shall be held back until a performance guarantee as provided for in §806 has been posted and as-built plans are verified and accepted by the Township.

#### SECTION 804. AS-BUILT PLANS

Within thirty (30) days after completion and approval by the Township of subdivision and land development improvements as shown on final plans, and before acceptance of such improvements, the applicant shall submit to the Board a corrected copy of said plans showing actual dimensions and conditions of streets and all other improvements, certified by a professional engineer, to be in accordance with actual construction.

#### SECTION 805. DEDICATION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

- A. Upon completion of any public improvements shown on an approved subdivision plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Township. Said offer shall include a Deed of Dedication covering said public improvements, together with a copy of a Title Insurance Policy establishing the developer's clear title to said property. Such documents are to be filed with the Township Secretary for review by the Township Solicitor. Deeds of Dedication for public improvements may be accepted by resolution of the Board at a regular meeting thereof. The Supervisors may require that at least fifty (50) percent of the lots in any approved subdivision or development (or phase thereof, if final plan approval has been in phases) have certificate of occupancy or dwellings occupied thereon prior to acceptance of dedication. Should the above mentioned roads or streets, even though constructed according to these specifications, deteriorate before the said fifty (50) percent of the lots have dwellings occupied thereon, such roads or streets shall be repaired in a manner acceptable to the Board before being accepted by the Township.
- B. The Board may require that stormwater retention basins or other subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities.

#### SECTION 806. PERFORMANCE GUARANTEE

- A. Where the Board of Supervisors accepts dedication of all or some of required improvements following completion (whether such dedication is of the fee or of an easement), the Board shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the improvement guarantee, as described in §410(B) hereof, shall be for a term of eighteen (18) months from the date of the acceptance of dedication, and shall be in an amount equal to fifteen (15) percent of the actual cost of installation of the improvements so dedicated.

- B. The Board of Supervisors may increase the percentage required in a maintenance bond if all lots in the subdivision or land development do not have dwellings or other principal buildings erected thereon prior to acceptance of dedication.
- C. Where maintenance of storm water retention facilities or private streets is to be the responsibility of individual lot owners, homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Board shall require that maintenance responsibilities shall be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require maintenance funds be established.

## ARTICLE IX

### ADMINISTRATION

#### SECTION 901. HARDSHIP

- A. If any mandatory provisions of this ordinance are shown by the applicant, to the satisfaction of the Board, to be unreasonable and cause undue hardship as they apply to his proposed subdivision, the Board may grant a modification to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured, provided that such modification will not have the effect of nullifying the intent and purpose of this ordinance.
- B. In granting modifications, the Board may impose such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so modified.

#### SECTION 902. RECORDS

- A. The Township shall assign a subdivision application number to all applications, and all matters referring to this should be tied in with and filed in accordance with the subdivision case number. The Township shall keep a record of its findings, decisions and recommendations relative to all subdivision plans filed with it for review.
- B. All such records shall be public records.

#### SECTION 903. FEES

- A. Subdivision and land development application fees and initial escrow deposits for plan review and processing shall be fixed by the Board of Supervisors by resolution. In addition to such fees and escrow deposits, all disbursements by the Township incident to plan review, approval, and processing in excess of the amount required by escrow deposits and all disbursements for inspections of construction, including but not necessarily limited to engineering fees, inspection fees, costs of materials or site testing, and any maintenance costs prior to the acceptance of improvements by the Township shall be reimbursed to actual costs. In addition, any legal fees incurred by the Township in excess of review of the Township's standard forms shall

be reimbursed in the same manner.

- B. All such reimbursements for costs expended prior to establishment of the applicant's improvement guarantee shall be made prior to issuance of any permits. All such reimbursements for costs expended during construction shall be made out of escrow funds established as the improvement guarantee, on a monthly basis.
- C. Resolution of Disputes.
  - 1. In the event the applicant disputes the amount of review fees, the applicant shall, within ten (10) days of the billing date, notify the Township such fees are disputed. In which case, the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
  - 2. In the event that the Township 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 §510(g) of the Pennsylvania Municipalities Planning Code.

#### SECTION 904. PENALTIES

- A. Any person, partnership or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes for the common use of occupants of buildings abutting thereon; who sells or offers to sell, transfers, agrees, or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development or otherwise; or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein, shall be guilty of a misdemeanor. Upon conviction thereof, such person, the members of such partnership, the officers of such corporation, or the agent of any of them responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000) per lot, parcel, or dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Township. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller

or transferor from such penalties or from the remedies herein provided.

- B. In the discretion of the Township, misdemeanor prosecution for violation of this Ordinance may be converted to a civil penalty suit for the amounts set forth as fines hereinabove.

#### SECTION 905. ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

- A. Before voting on the enactment of a proposed subdivision and land development ordinance, the Board body shall hold a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place within the municipality where copies of the proposed ordinance may be secured or examined shall be incorporated in the public notice. Unless the proposed subdivision and land development ordinance shall have been prepared by the Planning Commission, the Board shall submit the ordinance to the Planning Commission at least forty-five (45) days prior to the hearing on such ordinance to provide the Planning Commission an opportunity to submit recommendations. The Township shall also submit the proposed ordinance to the Chester County Planning Commission for recommendations at least forty-five (45) days prior to the public hearing on the ordinance.
- B. Within thirty (30) days after adoption, the Board shall forward a certified copy of the subdivision and land development ordinance to the Chester County Planning Commission.

#### SECTION 906. ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENT

- A. Amendments to the subdivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this article. In addition, in case of an amendment other than that prepared by the Planning Commission, the Board shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. The Township shall also submit the proposed amendment for recommendations to the Chester County Planning Commission at least thirty (30) days prior to the hearing on the amendment.

- B. Within thirty (30) days after adoption, the Board shall forward a certified copy of any amendment to the subdivision and land development ordinance to the Chester County Planning Commission .

SECTION 907. PUBLICATION, ADVERTISEMENT, AND AVAILABILITY OF ORDINANCE

- A. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - 1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - 2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
- B. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board shall, at least ten (10) days prior to enactment, readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- C. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

## LIST OF CONSULTING AND APPROVING AGENCIES

The following agencies are often referred to by the Board of Supervisors when a subdivision and land development plan has been submitted for approval. These agencies are important in that many of the requirements of the "Subdivision and Land Development Ordinance" are performed by these agencies when contacted by the Developer. Therefore, this list tries to indicate the situations in which each agency shall be contacted. If the developer knows of the need to contact any agency, he should make that agency aware of his proposed development.

<u>ITEM</u>	<u>AGENCY</u>	<u>PLAN</u>
Letter confirming water availability	Local Water Authority	Preliminary
Letter confirming sanitary sewer availability	Local Sewer Authority	Preliminary
Zoning Requirements	Township Zoning Officer	Preliminary
Building Permit	Township Zoning Officer	Construction
Sewage Permit, On-lot sewage tests	County Health Department	Construction
Proposed on-lot sewage and sewerage disposal revisions (3 units or more) to official Township Plan	Pennsylvania Department of Environmental Resources	Final
Sewage Feasibility Study	Engineer	Preliminary
Erosion and Sediment Control Permits and Plans	Pennsylvania Department of Environmental Resources	Final
Floodplain locations, soil survey and classifications	Chester County Soil And Water Conservation District	Preliminary
Erosion and Sediment Control Plans	Chester County Soil And Water Conservation District	Preliminary
Highway Permits	PennDOT	Final
Electric power lines and rights-of-way	Local Power Company	Preliminary
Street Light Plan	Local Power Company	Final
Location and depth of lines, acknowledgment of adjoining development	Gas Transmission Company	Preliminary
Grade crossings, sidings, crossings and culvertings	Operating Railroad Company	Preliminary
Street Name approval	Postmaster and Township	Preliminary

**EAST MARLBOROUGH TOWNSHIP**

Chester County, Pennsylvania

**APPLICATION FOR REVIEW OF A PRELIMINARY/FINAL PLAN**

The undersigned hereby applies for Review by the Planning Commission of the Preliminary/Final Plan (circle one) submitted herewith and described below:

1. Name of Subdivision \_\_\_\_\_ Plan Dated: \_\_\_\_\_  
County Deed Book # \_\_\_\_\_ Page # \_\_\_\_\_ Tax Parcel # \_\_\_\_\_
2. Name of Property Owner/s: \_\_\_\_\_  
(if corporation, list corporation's name and address and two officers of corporation)  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone # \_\_\_\_\_
3. Name of applicant: \_\_\_\_\_  
(if other than owner)  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone # \_\_\_\_\_
4. Applicant's interest if other than owner: \_\_\_\_\_
5. Engineer, Architect, Surveyor or Landscape Architect responsible for plan: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone # \_\_\_\_\_
6. Total acreage: \_\_\_\_\_ Number of lots: \_\_\_\_\_
7. Acreage of adjoining land under same ownership in East Marlborough Township (if any):  
\_\_\_\_\_
8. Type of development planned (number of units/lots):  
\_\_\_\_\_ Single family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Two-family \_\_\_\_\_ Limited Industrial  
\_\_\_\_\_ Multi-family \_\_\_\_\_ Other (specify) \_\_\_\_\_
9. Are all streets proposed for dedication? (yes/no) \_\_\_\_\_
10. Have appropriate public utilities been consulted? (yes/no) \_\_\_\_\_

- FEE SCHEDULE FOR SUBDIVISION & LAND DEVELOPMENT:**

Residential - per lot	\$ 100.00
Commercial, ESI, Limited Industrial, per 1000 sq. ft. lot coverage	\$ 10.00
Minimum fee for Commercial, ESI, LI	\$ 300.00

Residential - per lot	\$ 10.00
Commercial, ESI, Limited Industrial, per 1000 sq. ft. lot coverage	\$ 5.00

Date \_\_\_\_\_

- Witnessed:**

(Seal)

(Seal)

(Seal)

(Seal)

## SUBDIVISION REFERRAL LETTER

From: East Marlborough Township      To:  
721 Unionville Road  
Kennett Square, PA 19348

Date: \_\_\_\_\_

The enclosed subdivision and/or land development plan, in (sketch, preliminary, final) form, entitled

\_\_\_\_\_ is submitted for your review by the Township. The property is presently owned by (name and address)

\_\_\_\_\_ The plan has been prepared by \_\_\_\_\_

and is dated \_\_\_\_\_ with most recent revision date \_\_\_\_\_.

Number of lots/units \_\_\_\_\_

Location \_\_\_\_\_

Proposed development use \_\_\_\_\_

This plan has been/is also being submitted to:

\_\_\_\_\_ Chester County Planning Commission      \_\_\_\_\_ Township Engineer

\_\_\_\_\_ Chester County Health Department      \_\_\_\_\_ Chester County Conservation District

\_\_\_\_\_ Other

Comments: \_\_\_\_\_

\_\_\_\_\_ The Township Planning Commission next meets: \_\_\_\_\_

\_\_\_\_\_ The Board of Supervisors next meets: \_\_\_\_\_

This plan is being forwarded on the date of this referral letter: under the Pennsylvania Municipalities Planning Code, the County Planning Commission must respond within 30 days of the date the plan is officially forwarded. It is understood that Pennsylvania Act 93 requires that no action may be taken by the Township until the Chester County Planning review is received, or the time limit expires.

Sincerely,

EAST MARLBOROUGH TOWNSHIP

\_\_\_\_\_  
(name and title)

## SUBDIVISION REGULATIONS: PLAN CHECKLIST

### I. Preliminary Plan Procedure

#### \_\_\_ A. Application

- \_\_\_ 1. Submit twenty (20) copies of the Plan to the Township Secretary.
- \_\_\_ 2. Submit Application Form to the Township Secretary.
- \_\_\_ 3. Submit appropriate fee to the Township Secretary.

#### \_\_\_ B. Filing date (date of complete submission) \_\_\_\_\_ The timed review period constitutes ninety (90) days from the date of the first Township Planning Commission meeting following complete submission of the Plan.

#### \_\_\_ C. Applicant must request to be placed on the agenda of the Township Planning Commission.

### II. Preliminary Plan Requirements

The following information is required to be placed on all preliminary subdivision plans as a minimum.

#### \_\_\_ A. Title Block

- \_\_\_ 1. Name of Plan
- \_\_\_ 2. Municipality in which land is located
- \_\_\_ 3. Date of Plan
- \_\_\_ 4. Scale of Plan (not less than 1 inch to 100 feet)
- \_\_\_ 5. North arrow

#### \_\_\_ B. Location map

#### \_\_\_ C. Approval block

#### \_\_\_ D. Name, signature and seal of registered Pennsylvania professional engineer

#### \_\_\_ E. Name, address and telephone number of applicant

#### \_\_\_ F. Notarized signature block of owner/applicant

#### \_\_\_ G. Owner of record and address

#### \_\_\_ H. Adjacent property owners and subdivisions should be identified

#### \_\_\_ I. Tract Data

- \_\_\_ 1. Existing street on or adjacent to the tract, including name, SR or T numbers, right-of-way and cartway width

- \_\_\_\_\_ 2. Location and dimensions of existing easements, rights-of-way and public land
- \_\_\_\_\_ 3. All existing buildings, towers, sewer and water lines, monuments, culverts, gas or oil pipelines, fire hydrants and other improvements
- \_\_\_\_\_ 4. Zoning of the tract and all zoning boundaries, if any, within 300 feet of the tract. This includes Special Groundwater Protection and Flood Hazard Districts
- \_\_\_\_\_ 5. Acreage of the tract, both gross and net

\_\_\_\_\_ J. Each Lot Being Subdivided

- \_\_\_\_\_ 1. Proposed lot layout with approximate dimensions
- \_\_\_\_\_ 2. Area of each lot
- \_\_\_\_\_ 3. Lot number
- \_\_\_\_\_ 4. All lots shall be enclosed on all sides by a lot line
- \_\_\_\_\_ 5. Proposed building location and improvements
- \_\_\_\_\_ 6. Proposed building setback line
- \_\_\_\_\_ 7. Side and rear yard setback line
- \_\_\_\_\_ 8. Percolation test locations, if applicable
- \_\_\_\_\_ 9. Land dedicated for public use

\_\_\_\_\_ K. Environmental Data

- \_\_\_\_\_ 1. Contour lines at five (5) foot intervals
- \_\_\_\_\_ 2. Elevation data (ie., bench marks, when known)
- \_\_\_\_\_ 3. Soil type and boundaries
- \_\_\_\_\_ 4. Water bodies/streams should be indicated
- \_\_\_\_\_ 5. Floodplain boundary
- \_\_\_\_\_ 6. Location of existing tree masses
- \_\_\_\_\_ 7. Stormwater management facilities should be indicated
- \_\_\_\_\_ 8. Sedimentation and erosion control measures
- \_\_\_\_\_ 9. Wetlands boundary

\_\_\_\_\_ L. Roads

- \_\_\_\_\_ 1. Right-of-way width must be indicated, both existing and ultimate
- \_\_\_\_\_ 2. Right-of-way area to be dedicated or reserved for private use
- \_\_\_\_\_ 3. Cartway width must be indicated
- \_\_\_\_\_ 4. Proposed road name
- \_\_\_\_\_ 5. Road profiles
- \_\_\_\_\_ 6. Storm sewers are to be incorporated into all public streets

\_\_\_\_\_ M. Utilities

- \_\_\_\_\_ 1. All sanitary sewer lines, grades, pumping stations, etc. indicated on the Plan when such systems are proposed
- \_\_\_\_\_ 2. All public water lines, storage tanks, etc. must be indicated on the Plan when such systems are proposed
- \_\_\_\_\_ 3. A fire hydrant system must be incorporated when a public water system is proposed

\_\_\_\_ N. Support Data

- \_\_\_\_ 1. Proposed improvements statement and diagrams
- \_\_\_\_ 2. Planning modules indicating soil suitability for on-site systems
- \_\_\_\_ 3. Certification by the engineer who prepared the plan that the plan is in conformance with zoning, building and other Township regulations

III. Final Plan Procedure

\_\_\_\_ A. Application

- \_\_\_\_ 1. Submit ten (10) copies of the Plan to the Township Secretary
- \_\_\_\_ 2. Submit Application Form to the Township Secretary
- \_\_\_\_ 3. Submit appropriate fee to the Township Secretary
- \_\_\_\_ 4. The Application for a Final Plan must be within one (1) year of granting Preliminary Approval

\_\_\_\_ B. Filing date (date of complete submission) \_\_\_\_\_  
The timed review period constitutes 90 days from the date of the first Township Planning Commission meeting following complete submission of the Plan.

\_\_\_\_ C. Applicant must request to be placed on the agenda of the Township Planning Commission

IV. Final Plan Requirements

The following information is required to be placed on all final subdivision plans as a minimum.

\_\_\_\_ A. Title Block

- \_\_\_\_ 1. Name of Plan
- \_\_\_\_ 2. Municipality in which land is located
- \_\_\_\_ 3. Date of Plan
- \_\_\_\_ 4. Scale of Plan (not less than 1 inch to 100 feet)
- \_\_\_\_ 5. North arrow

\_\_\_\_ B. Location map

\_\_\_\_ C. Approval block

\_\_\_\_ D. Name, seal and signature of registered Pennsylvania professional engineer

\_\_\_\_ E. Name, address and telephone number of applicant

\_\_\_\_ F. Notarized signature block of owner/applicant

\_\_\_\_ G. Owner of record and address

\_\_\_\_ H. Adjacent property owners and subdivisions should be identified

\_\_\_\_ I. Tract Data

- \_\_\_\_ 1. Existing street on or adjacent to the tract, including name, SR or T numbers, right-of-way and cartway width
- \_\_\_\_ 2. Location and dimensions of existing easements, rights-of-way and public land
- \_\_\_\_ 3. All existing buildings, towers, sewer and water lines, monuments, culverts, gas or oil pipelines, fire hydrants and other improvements
- \_\_\_\_ 4. Zoning of the tract and all zoning boundaries, if any, within 300 feet of the tract. This includes Special Groundwater Protection and Flood Hazard Districts
- \_\_\_\_ 5. Acreage of the tract, both gross and net
- \_\_\_\_ 6. Tract limits and dimensions (dimensions in feet and to one-hundredth of a foot).

\_\_\_\_ J. Each Lot Being Subdivided

- \_\_\_\_ 1. Metes and bounds of all proposed streets, lots and boundary lines, including the length of all lines, radii, curves and tangents, whether for private or public use
- \_\_\_\_ 2. Area of each lot
- \_\_\_\_ 3. Lot number
- \_\_\_\_ 4. All lots shall be enclosed on all sides by a lot line
- \_\_\_\_ 5. Proposed building location and improvements
- \_\_\_\_ 6. House numbers for each lot should be shown
- \_\_\_\_ 7. Proposed building, side and rear yard setbacks
- \_\_\_\_ 8. Location of any permanent monuments and markers
- \_\_\_\_ 9. Percolation test locations, if applicable
- \_\_\_\_ 10. Land dedicated for public use

\_\_\_\_ K. Environmental Data

- \_\_\_\_ 1. Contour lines at five (5) foot intervals
- \_\_\_\_ 2. Elevation data (ie., bench marks, when known)
- \_\_\_\_ 3. Soil type and boundaries
- \_\_\_\_ 4. Water bodies/streams should be indicated
- \_\_\_\_ 5. Floodplain boundary
- \_\_\_\_ 6. Location of existing tree masses
- \_\_\_\_ 7. Stormwater management facilities should be indicated, including location, size and invert elevation of all proposed storm sewers, manholes, inlets and culverts, etc.
- \_\_\_\_ 8. Sedimentation and erosion control measures, including temporary berms, retention basins, swales, seepage pits, etc.
- \_\_\_\_ 9. Wetlands boundary

\_\_\_\_ L. Roads

- \_\_\_\_ 1. Right-of-way width must be indicated, both existing and ultimate
- \_\_\_\_ 2. Right-of-way area to be dedicated or reserved for private use
- \_\_\_\_ 3. Cartway width must be indicated

- \_\_\_\_ 4. Proposed grades, degree of curvature, and sight distances of roads on the plan
- \_\_\_\_ 5. Metes and bounds of all streets including lengths of straight lines, radii, curves and tangents
- \_\_\_\_ 6. Road profiles, showing the existing and proposed grade of the center line of the proposed road; stormwater and sanitary sewer lines proposed
- \_\_\_\_ 7. Street cross-sections should be included showing: the right-of-way width, cartway width, type of curb and stormwater control, type of material for road paving, sidewalk width, if applicable, and underground utilities to be installed within the right-of-way
- \_\_\_\_ 8. Storm sewers are to be incorporated into all public streets

\_\_\_\_ M. Utilities

- \_\_\_\_ 1. Where off-site sewer service is proposed the final design for the location and size of sewer lines, manholes, pumping and sewage treatment facilities should be included
- \_\_\_\_ 2. Where off-site water service is proposed the final design should include the location and size of all wells, storage tanks, water mains, valves and hydrants
- \_\_\_\_ 3. A fire hydrant system must be incorporated when a public water system is proposed

\_\_\_\_ N. Support Data

- \_\_\_\_ 1. Proposed improvements statement and diagrams
- \_\_\_\_ 2. Planning modules indicating soil suitability for on-site systems
- \_\_\_\_ 3. Certification by engineer who prepared the plan that the plan is in conformance with zoning, building and other Township regulations

RECOMMENDED STATEMENTS WHICH WILL BE SEPARATE  
INSTRUMENTS REFERENCED TO FINAL PLAN

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1. Where lot sizes are based on the availability of public water supply and/or sewerage disposal systems, the applicable certificates shall be used.

a. WATER

It is hereby certified that the final plan known as \_\_\_\_\_  
(name of subdivision or land development)

has been examined by the \_\_\_\_\_  
(name of company or authority)

and that approval is hereby given for the provision of water to all lots in this

development by the \_\_\_\_\_  
(name of company or authority)

\_\_\_\_\_  
(signature of engineer or officer of company or authority)

b. SEWER

It is hereby certified that the final plan known as \_\_\_\_\_  
(name of subdivision or land development)

has been examined by the \_\_\_\_\_  
(name of company or authority)

and that approval is hereby given for the provision of sanitary sewer facilities to all lots

In this development by the \_\_\_\_\_  
(name of company or authority)

\_\_\_\_\_  
(signature of engineer or officer of company or authority)

**RECOMMENDED CERTIFICATES AND ACKNOWLEDGEMENTS  
TO APPEAR ON THE FINAL PLAN, AS APPLICABLE**

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1. CERTIFICATION BY ENGINEER OR SURVEYOR THAT THE SURVEY AND PLAN ARE CORRECT:

a. I certify that this survey and plan are correct \_\_\_\_\_  
(signature)

b. A seal which includes the name of the engineer or surveyor.

2. CERTIFICATION OF OWNERSHIP AND ACKNOWLEDGEMENT OF SUBDIVISION AND LAND DEVELOPMENT PLANS:

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_, before me, the undersigned officer,  
personally appeared \_\_\_\_\_  
(name of owner)

who being duly sworn according to law, deposes and says that he is the owner and/or equitable owner of the property shown on this plan, and that he acknowledges the same to be his act and plan and desires the same be recorded as such according to law.

Witness my hand and seal the day and date above written.

My Commission Expires:

\_\_\_\_\_  
(Notary Public or other officer)

3. OFFER OF DEDICATION:

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide, said real estate in accordance with this plat, and that all proposed streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public use.

\_\_\_\_\_  
\_\_\_\_\_

4. CERTIFICATE FOR APPROVAL BY THE BOARD OF SUPERVISORS:

Approved by resolution by the Board of Supervisors of East Marlborough Township this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Secretary

5. RECORDING CERTIFICATE:

The recording certificate will be stamped on the plan when it is recorded at the Office of the Recorder of Deeds in West Chester, Pennsylvania. A clear space of approximately 4-1/4" X 1-3/4" shall be allowed on the plan for this purpose.

**BOARD OF SUPERVISORS  
EAST MARLBOROUGH TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 01-05**

02-02

**AN ORDINANCE AMENDING THE EAST MARLBOROUGH TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1992, AS HERETOFORE AMENDED, BY MODIFYING THE SPECIFICATIONS FOR STREET CONSTRUCTION.**

**UNDER AND BY VIRTUE OF THE AUTHORITY SET FORTH IN THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE (ARTICLE 5), 53 P.S. SECTION 10501, ET. SEQ., THE BOARD OF SUPERVISORS OF EAST MARLBOROUGH TOWNSHIP DOES HEREBY ENACT AND ORDAIN THAT THE EAST MARLBOROUGH TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1992, AS HERETOFORE AMENDED, SHALL BE FURTHER AMENDED AS FOLLOWS:**

Section 1.

The following new subsection C.7 is hereby added to Section 612 (Street Construction):

C. Subgrade.

- \*\*\*
7. Prior to application of stone base course, a 4" perforated pipe underdrain shall be placed under the curb or as directed by the Township Engineer. a 2' wide by 3' deep trench shall be excavated on both sides of the road under the area where curbing is to be constructed. The trench shall be wrapped with an approved filter fabric on the bottom and sides of trench with enough excess to cover the top of the trench. A 4" perforated pipe shall be placed on a bed of 6" 2B or 3/4" clean stone, with pipe running the entire length of the curb

with the ends discharging into the inlet boxes and backfilled to subgrade with 18" 2B or 3/4" clean stone and compacted with a plate compactor. After compaction, the top of the stone shall be completely wrapped with fabric and shall be level with the subgrade.

## Section 2.

Subsections D. (Base Course), E. (Binder Course) and F. (Wearing Course) of Section 612 (Street Construction) are hereby repealed, and the following new subsections D. (Base Course), E. (Binder Course) and F. (Wearing Course) are hereby enacted in their stead:

### D. Base Course

1. The base course shall consist of a minimum of 6 inches of 3A modified stone placed with a stone box or paver and rolled thoroughly with a ten (10) ton vibrating roller.
2. After completion of the stone base course, a Bituminous Concrete Base Course (BCBC), with a minimum compacted thickness of five (5) inches, meeting the requirements of PennDOT Publication 408, latest edition, shall be applied over the stone base course. In no case shall the BCBC be applied over a frozen, saturated or dirt laden base course. The BCBC material shall be placed with a paver and rolled with a ten (10) ton vibrating roller. All areas around inlets, manholes and other castings that cannot be reached by a vibrating roller shall be compacted with a mechanical tamper or whacker.

### E. Binder Course

An ID-2 Binder Course with a minimum compacted thickness of two (2) inches, meeting the requirements of PennDOT Publication 408, latest edition, shall be applied over the base course. In no case shall the binder course be applied over a frozen, saturated or dirt laden base course.

F. Wearing Course

After proper cleaning, repairing and preparation of the binder course, as directed by the Township Engineer, a tack coat shall be applied to the binder course prior to placing the wearing course. The tack coat will consist of materials meeting the specifications of PennDOT Publication 408, latest edition, Section 420. The wearing course shall have a minimum compacted thickness of one and one-half inches (1-1/2"), and shall conform to the specification of PennDOT Publication 408, latest edition, Section 420.

Section 3.

This Ordinance shall be effective five (5) days after its enactment.

ENACTED AND ORDAINED by the East Marlborough Township Board of Supervisors this 7<sup>th</sup> day of January, 2002.

**BOARD OF SUPERVISORS  
EAST MARLBOROUGH TOWNSHIP**

Robert M. Mott

Robert F. Weer

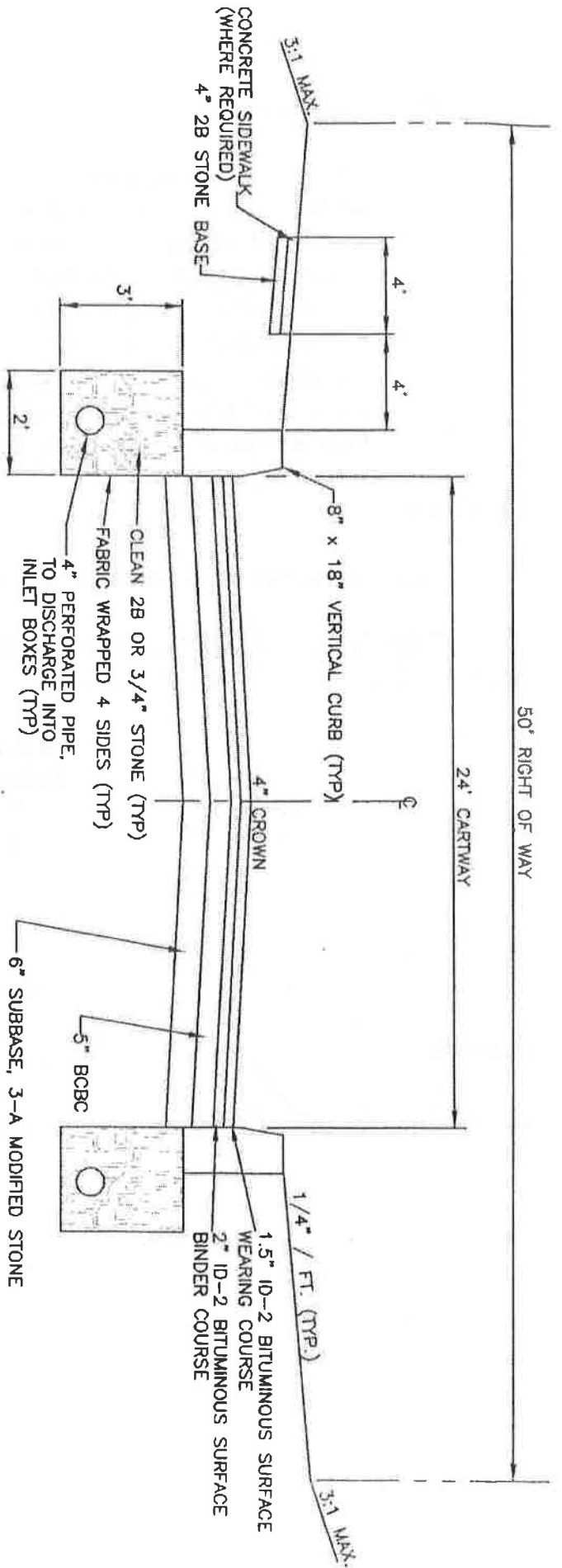
Edwin G. Caudell

Robert E. Hich

Angela H. Walke

Attest:

Janet Lark



NOTE: SEE SPECIFICATIONS FOR MATERIAL AND CONSTRUCTION INFORMATION. CONSTRUCTION TO CONFORM TO LOCAL MUNICIPALITY REQUIREMENTS. CONCRETE TO BE PENNDOT CLASS A CEMENT CONCRETE. SEE OTHER STANDARDS FOR CURB DETAIL.

## ROAD CROSS-SECTION - UPRIGHT CURB

NOT TO SCALE

### INSPECTION SCHEDULE

NOTIFY TOWNSHIP ENGINEER

- 1 MONTH PRIOR TO START OF CONSTRUCTION
- 1 WEEK PRIOR TO SUBBASE INSPECTION
- 48 HOURS PRIOR TO STONE INSPECTION
- 48 HOURS PRIOR TO BITUMINOUS COURSE INSPECTION

**EAST MARLBOROUGH TOWNSHIP**

Chester County, Pennsylvania

**APPLICATION FOR REVIEW OF A PRELIMINARY/FINAL PLAN**

The undersigned hereby applies for Review by the Planning Commission of the Preliminary/Final Plan (circle one) submitted herewith and described below:

1. Name of Subdivision \_\_\_\_\_ Plan Dated: \_\_\_\_\_  
County Deed Book # \_\_\_\_\_ Page# \_\_\_\_\_ Tax Parcel # \_\_\_\_\_
2. Name of Property Owner/s \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_ Phone \_\_\_\_\_
3. Name of Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_ Phone \_\_\_\_\_
4. Applicant's interest if other than owner: \_\_\_\_\_
5. Engineer, Architect, Surveyor or Landscape Architect responsible for plan:  
\_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_ Phone \_\_\_\_\_
6. Total Acreage \_\_\_\_\_ Number of Lots \_\_\_\_\_
7. Acreage of adjoining land under same ownership in EMT (if any): \_\_\_\_\_
8. Type of Development planned (number of units/lots):  
\_\_\_\_\_ Single Family \_\_\_\_\_ Commercial  
\_\_\_\_\_ Two Family \_\_\_\_\_ Limited Industrial  
\_\_\_\_\_ Multi Family \_\_\_\_\_ Other (specify) \_\_\_\_\_
9. Are all streets proposed for dedication? (circle one) Yes No
10. Have appropriate public utilities been consulted? Yes No
11. Type of water supply proposed: Community system \_\_\_\_\_ Individual on-site \_\_\_\_\_



12. Type of sanitary sewage disposal proposed: Individual on-site \_\_\_\_\_  
Public (municipal) system (give length in feet) \_\_\_\_\_  
Semi-public (community) system (give length in feet) \_\_\_\_\_
13. Present Zoning \_\_\_\_\_ Zoning changes, if any, to be requested \_\_\_\_\_  
\_\_\_\_\_
14. Material accompanying this application (list number of copies provided):  
\_\_\_\_\_ Preliminary/Final (circle one) plan \_\_\_\_\_ Deed Restrictions  
\_\_\_\_\_ Planning Modules \_\_\_\_\_ Referral from for County Planning Commission  
\_\_\_\_\_ Other (specify) \_\_\_\_\_
15. Fee received from applicant \$ \_\_\_\_\_

<u>Filing Fee, Sketch Plan</u>	\$1,000
Includes preliminary meeting with consultant(s)	
<u>Filing fee, preliminary plan</u>	
Residential - per unit	\$150.00
Non-residential, per 1000 sq. ft. lot coverage	\$ 35.00
Minimum fee for Non-Residential	\$500.00
<u>Filing fee, final plan</u>	
Residential - per unit	\$125.00
Non-residential, per 1000 sq. ft. lot coverage	\$ 25.00
<u>Storm Water Management</u>	
Permit Fee:	\$100.00

Application, plan and fee received \_\_\_\_\_  
Signature (for receipt only, not approval)

16. I/We agree to reimburse East Marlborough Township for such fees and expenses as the Township or the Board of Supervisors may incur for the services of an Engineer and/or Inspector, the Township Solicitor or other consultant in investigation, tests and advising the Board of Supervisors in relation to these plans.

Witnessed:

\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

Witnessed by Owner (if not applicant):

\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

