

ARTICLE IV

PROCEDURES AND JURISDICTION

SECTION 400: PLAN AND APPROVING AGENCY

All Final Subdivision and Land Development Plans shall be subject to approval or rejection by the Board of Supervisors. In the event such a plan is disapproved, the reasons therefore shall be set forth in writing. All plans shall be referred to the Planning Commission for its review and recommendations.

SECTION 401: SUBMITTAL OF PLANS

The subdivider or land developer shall submit to the Township Secretary all plans and documents and fees required in this Ordinance along with a completed and signed subdivision application form at least twenty-one (21) calendar days prior to the next regular scheduled meeting of the Planning Commission. Upon receipt of any application and a determination that said application is complete, the Township Secretary shall distribute the required number of copies to the Township agencies concerned. Applications shall not be considered complete and plats will not be reviewed until such time as all modifications of design requirements and all amendments have been obtained from the necessary Township agencies. The Township shall also require approval by the County Conservation District prior to the approval of any application involving earthmoving activity. All plans, when first submitted, shall be considered Preliminary Plans, except Minor Subdivisions. If the subdivider or land developer makes substantial revisions in his plans after they have been approved in Preliminary form, such revised plans shall be treated as Preliminary Plans when re-submitted.

Upon approval of the Preliminary Plans, Final Plans shall be submitted by the subdivider or land developer in the same manner as Preliminary Plans and the Township Secretary shall distribute the required number of copies to the appropriate agencies concerned as provided for in this Ordinance.

SECTION 402: REVIEW OF PLANS

Subdivision and land development plans will usually be reviewed by Letterkenny Township Planning Commission at its first regular meeting following the date of submittal, providing that such plans are submitted at least twenty-one (21) calendar days prior to that meeting. The subdivider, or his duly authorized representative, shall attend this meeting of the Planning Commission to discuss the subdivision plan unless excused by the Commission. The Planning Commission shall forward the Plans and the Commission's recommendation to the Board of Supervisors, for consideration.

SECTION 403: APPROVAL OF PLANS

Approval of Preliminary Plans by the Letterkenny Township Board of Supervisors shall be considered approval of the design of streets and lots and such other features as may be shown on the plans, subject to any conditional or specified changes to be incorporated in the Final Plans. No subdivision or land development plan shall be approved unless all specified items within this Ordinance have been included or addressed in a manner satisfactory to the Township Board of Supervisors.

The Board's approval of the Final Plans shall be given only after the requirements and conditions indicated on or in connection with Preliminary Plan approval have been met, and the said approval shall constitute a Revision in the Official Plan of the Township of which it is made a part thereof.

No subdivision or land development plans shall be approved unless: (1) All of the requirements of this Ordinance have been met, and (2) There has been an erosion and sedimentation control plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation, or (3) There has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary. The Board's approval of the final plans shall be given only after the requirements and conditions indicated on or in connection with the preliminary plans have been met; and said approval shall constitute final Township approval for the purpose of recording the plans in the Office of the County Recorder of Deeds. Before acting on any plan, the Board of Supervisors may arrange for a public hearing thereon after giving such notice, as it may deem necessary and desirable in each case.

SECTION 404: OVERALL MASTER PLAN REQUIREMENTS

- A. When the total of all lots subdivided from a parcel or tract of land exceeds five (5) lots within the last 5 years, it shall be incumbent upon the subdivider to submit to the Township an Overall Master Plan parcel or tract of land before any further subdivision or land development plans may be approved by the Township. Such Overall Master Plan shall illustrate the following features in general terms without necessity of detailed engineering design.
 1. The property lines of the host parcel and other lot previously subdivided.
 2. Generalized lot layout with intended consideration for sewer, water, roadway, and storm drainage control.
 3. Generalized location of major topographic features such as swales, watercourses, rock outcroppings, and related characteristics.
 4. Generalized indication of the use or uses of the property in terms of the uses permitted by the Township Zoning Ordinance.
 5. The Overall Master Plan shall be submitted at a scale of not smaller than 1" = 200 feet.
- B. Effect of Overall Master Plan: The Overall Master Plan will be used by the Township to assist in evaluating further subdivision submittals of the applicant. When on the recommendation of the Planning Commission and action of the Board of Supervisors, it is deemed that further subdivisions depart substantially from the concepts presented in the Overall Master Plan, a revised Master Plan shall be required prior to approval of any future subdivision plans of the applicant.

ARTICLE V

PRE-APPLICATION CONSULTATION

SECTION 500: PRE-APPLICATION CONSULTATION

The pre-application consultation with the Township is voluntary, and communications shall be kept as confidential as possible. The subdivider or developer, before going ahead with the Preliminary Plan procedure or with steps to acquire land or subdivide, should familiarize herself/himself with the regulations and should consult with the Township about the following factors:

- A. The suitability of the site for development.
- B. The demand for a development, the type proposed, and the particular location proposed.
- C. The accessibility of the site.
- D. The availability of public facilities such as schools, parks, water, sanitary and storm sewers, etc., and the public services of police, fire, refuse disposal, etc.
- E. The effect on the project of any contemplated improvements or the proposals of any comprehensive plan and these regulations.
- F. Sewage facility requirements of the Department of Environmental Protection and the Township.
- G. Erosion and sedimentation control plans and permits as required by the Department of Environmental Protection and as reviewed by the Franklin County Conservation District.
- H. Precautionary measures to preserve or protect environmental, historic and natural features.
- I. Approvals by the applicable State and Federal agencies.

SECTION 501: SKETCH PLAN SUBMISSION

It is suggested that prior to the consultation with the Planning Commission, the subdivider prepare a sketch plan of his proposed development. It is suggested that the subdivider or developer submit sufficient data to the Planning Commission for purposes of generally illustrating and discussing the proposed project.

ARTICLE VI

MINOR SUBDIVISIONS

SECTION 600: QUALIFICATIONS

A Minor Subdivision, as defined, may be directly submitted for Final Plan approval in accordance with Section 800 of this Ordinance and the plans and data requirements set forth In Articles VII and VIII. However, with multiple Minor Subdivisions within any given tract; exceeding five (5) lots within the preceding five years, or adjacent or adjoining tracts having been or expected to be subdivided, or whenever other circumstances warrant, the Commission may deny the Minor Subdivision provision within this Ordinance and may require that such plans be processed as Preliminary initially..

ARTICLE VII

PRELIMINARY PLANS

SECTION 700: PRELIMINARY PLAN SPECIFICATIONS

The following materials and data shall be submitted with an application for review and approval of the Preliminary Plans:

- A. Six (6) copies of the subdivision or land development plan in the form of a map or series of maps on sheet sizes either 18 inches by 24 inches or 24 inches by 36 inches drawn to a scale not smaller than 100 feet to the inch and showing the following:
 1. A location map showing the proposed project in relation to the adjacent properties and existing streets in the vicinity.
 2. The layout of lots showing dimensions, lot numbers, and approximate areas of each lot, location of existing and proposed streets, including the name, route number, and widths of the rights-of-way and cart way.
 3. The limits and dimensions of the tract or tracts being subdivided or developed and the proposed name or identified title of the project. The tract's (s') present deed reference and tax map and parcel number. The name of the municipality(ies) and county(ies) involved. Sheet numbers for each plan sheet.
 4. The date, scale (both written and graphic) and north point.
 5. The location and dimensions where applicable of existing buildings, roads, easements, rights-of-way, public lands, streams, and any other monuments.
 6. The location and dimensions of proposed easements or rights-of-way and land reserved for public purposes, the dimensions of existing or proposed sanitary or storm sewers and water facilities.
 7. Existing topographic contours at not more than ten feet (10'0") vertical intervals or at such horizontal intervals of not more than one hundred feet (100'0"). The location, description and elevation of the benchmark to which the elevation refer. Any projects connecting to a public sewer system shall be referenced to the Authority datum. The Planning Commission may also require supplemental plans showing proposed final contour at a minimum 2-foot contour interval. For any project not being connected to any public facilities within the Township, an assumed datum may be used for the topographic contours but shall be stated on the plans as assumed datum. Otherwise an established survey datum shall be utilized.
 8. The name, address, telephone and e-mail address of the owner and the subdivider or developer.
 9. The name, seal and signature, address, telephone number and e-mail address of the Professional Engineer or Professional Land Surveyor who shall have prepared the plans.
 10. The names of the owners of the adjoining tracts together with the deed references.

11. Building restriction lines, percolation test sites, and the location and description of the survey monuments.
12. Signed and notarized statement certifying that the undersigned applicant has legal or equitable title in the land shown on the respective plan, and a dedicatory statement to the Township for proposed Township streets, public utility easements and/or lines, or other proposed Township improvements.
13. Finished first floor elevation of all proposed buildings.
14. Clear sight triangle and sight distance at proposed street intersections and driveways.
15. Pennsylvania One Call System, Inc, notification with serial number(s).
16. A list of utilities with contact addresses and telephone number.
17. An inventory of all permits/approvals/ required by other agencies along with date submitted and approval dates.
18. When a plat proposes development of a property in phases, a supplementary plan shall be provided indicating the ultimate development and the individual phases. The applicant shall also provide a schedule indicating the timing of the phases, the number of lots, and specific improvements. Said schedule shall be updated annually with the Township following Preliminary Plan approval.
19. Details of any requested modifications of requirements from This Ordinance including dates of approval
20. Classification of the subject property per the latest edition of the Township Comprehensive Plan's Future Land Use Plan.
21. All plats shall contain a note regarding the status of wetlands on-site based upon a minimum of three factors: (1) the presence or absence of hydric soils or soils with inclusions of hydric components as classified by the USDA Natural Resource Conservation Service, (2) National Wetlands Inventory mapping, and (3) an inspection of the property by the responsible surveyor or engineer. If wetlands are present or suspected on-site, the plan shall clearly state whether or not any disturbance of these areas is proposed. Where deemed necessary by the Township Board of Supervisors upon recommendation by the Township Planning Commission, an analysis of wetland conditions on the subject property shall be performed. Such analysis shall be prepared by a recognized professional wetlands consultant and shall clearly state the existence or nonexistence of any wetlands and shall delineate the field determined boundaries of those areas should they exist. A note shall also be added which states that Letterkenny Township assumes no responsibility with regard to wetlands analyses and delineations. Plats shall also include the location and boundaries of any 100-year floodplain and/or floodway within the subject property as identified on the latest edition of FEMA's Flood Insurance Rate Maps for the Township.
22. Lighting Plan for outdoor and street lighting, as applicable. Said plans shall be professionally prepared and shall include details explaining the type of lighting proposed, the proposed height of all light standards, and a photometric analysis illustrating proposed light intensities across the subject property and beyond property lines.

23. Landscaping, buffering and screening Plan, if required, prepared by landscape architect, arborist or other qualified professional.
 24. A separate plan showing all of the existing conditions within the tract. Said plan shall also include existing uses of the subject property and existing uses of all adjacent properties. Existing buildings, wells and septic systems on adjacent lots within 100 feet of the subject property.
- B. Five copies of cross-section drawings of all proposed streets showing rights-of-way, cartway widths, location of sidewalks and planting strips.
- C. Five copies of profile drawings of all proposed streets showing existing and proposed grades.
- D. Five copies of plans and profiles of existing and/or proposed sanitary sewer and storm sewer systems, water distributions systems, and any other pertinent utilities. The plans shall include grades, pipe sizes, and location of valves and fire hydrants. All storm sewer plans shall indicate the point or points where surface water enters and leaves the project, contributing area of runoff and the estimated volume and method of determination.
- E. When any subdivision or land development is subject to the rules and regulations of the Department of Environmental Protection with regard to the disposal of liquid wastes, the applicant shall submit a Supplemental Planning Module or Plan Revision Module to the Township's Official Sewage Facilities Plan for the subdivision or land development of which the subdivider shall prepare six copies of the form supplied by the Department of Environmental Protection for use of the Township.
- F. In the event the plan proposes extension of utility service into the project by any Authority or Municipality other than Letterkenny Township or its agencies, a statement from that authority or municipality regarding the adequacy of such service extension shall be submitted.
- G. Whenever a subdivision or land development proposes earthmoving, construction or development of any type, the applicant shall prepare, for the use and review of the Township, two (2) copies of an Erosion and Sedimentation Control Plan, pursuant to the Rules and Regulations of the Pennsylvania Department of Environmental Protection relative to Erosion and Sediment Control (Chapter 102). If earth disturbance activities are in excess of one (1) acre, the plan shall also be submitted to the County Conservation District for review and determination of adequacy. Where a site has potential to discharge to waters of the Commonwealth classified as High Quality or Exceptional Value pursuant to Chapter 93, a copy of the plan shall be submitted to the Conservation District for review and determination of adequacy. An NPDES Permit may be required when earth disturbance activities exceed five (5) acres or if there is a point source discharge to surface waters of the Commonwealth when earth disturbance activities exceed one (1) acre. Under any other circumstance, the Board of Supervisors may, at its discretion, request a review and determination of adequacy from the Conservation District for any Erosion and Sedimentation Control Plan. Should an NPDES Permit be required, a land use permit shall not be issued until permit coverage is received.
- H. Two copies of the Stormwater Management Plan required by this Ordinance.
- I. Whenever a subdivision or land development is subject to the requirements of Section 909, the applicant shall submit two (2) copies of a Traffic Impact Study for the Township's review and approval. The Traffic Impact Study shall be prepared in accordance with the criteria set forth in Section 909 and the recommendations of the Township Engineer.

- J. Whenever a subdivision or land development is subject to the requirements of Section 911, the applicant shall submit two (2) copies of a Water Impact Study for the Township's review and approval. The Water Impact Study shall be prepared in accordance with the criteria set forth in Section 911 and the recommendations of the Township Engineer.

SECTION 701: PRELIMINARY PLAN PROCEDURE

- A. The applicant, at least twenty-one (21) days prior to the meeting of the Commission at which initial consideration is desired, shall file with the Township Secretary six (6) copies of the Preliminary Plan and the accompanying documentation and one (1) copy of the Plan and documentation to the Township Engineer. It shall be the responsibility of the applicant to distribute copies to the Franklin County Planning Commission and the Franklin County Conservation District as required. B. The Engineer shall review the plat in the context of the standards and requirements of this Ordinance, from the standpoint of planning and engineering requirements and considerations, and shall prepare and transmit a written report thereon to the Planning Commission in such a fashion as not to delay the Planning Commission's action on the application in accordance with the provisions of this part. The Planning Commission shall receive and review the report of the Township Engineer, the County Planning Department, and, when applicable, the County Conservation District. The Planning Commission shall not take action upon any application until the County Planning Department review and report is received, or until the expiration of thirty (30) days from the date the application was received by the County Planning Department. All other reviews and reports shall also be received prior to any action by the Planning Commission.
- B. The Engineer shall review the plat in the context of the standards and requirements of this Ordinance, from the standpoint of planning and engineering requirements and considerations, and shall prepare and transmit a written report thereon to the Planning Commission in such a fashion as not to delay the Planning Commission's action on the application in accordance with the provisions of this part. The Planning Commission shall receive and review the report of the Township Engineer, the County Planning Department, and, when applicable, the County Conservation District. The Planning Commission shall not take action upon any application until the County Planning Department review and report is received, or until the expiration of thirty (30) days from the date the application was received by the County Planning Department. All other reviews and reports shall also be received prior to any action by the Planning Commission.
- C. The Township Planning Commission shall take official action on the Preliminary Plan within sixty-two (62) days of the first Planning Commission meeting at which the plan is considered. The Commission shall note its action on three (3) copies of the plans. The three (3) noted copies of the plan then shall be forwarded to the Board of Supervisors along with recommendations concerning the Preliminary review. In the event that the Planning Commission recommends disapproval by the Board of Supervisors of the application, it shall furnish along with such recommendation a written statement of the defects in the application, citing the specific provisions and section numbers of this Ordinance with which the application does not comply. Upon its approval of the preliminary plat, the Planning Commission shall also recommend to the Board of Supervisors that the appropriate sewage planning documentation be formally adopted and submitted to the Pennsylvania Department of Environmental Protection for its review. In the event that the Planning Commission determines to recommend approval of the application subject, however, to certain conditions, the Planning Commission shall procure the applicant's written acceptance or rejection of any and all conditions proposed for imposition relative to the application,

prior to submitting the application to the Board of Supervisors. In the event of the applicant's failure to accept such conditions in writing within sixty-two (62) days of the first Township Planning Commission meeting at which the application was considered, the Planning Commission's recommended approval of the application shall be rescinded automatically.

D. Approval or Rejection of Plans:

The Board of Supervisors shall take official action on the Preliminary Plan after it has received the review of the Commission. Such official action by the Board of Supervisors shall be taken within ninety (90) days of the first Township Planning Commission meeting at which the application is considered. The Board of Supervisors shall note its action on all three (3) copies of the preliminary plat application. One (1) copy shall be retained for Township use. In the event that the Township Board of Supervisors denies a preliminary plat application, written notice of such denial shall be furnished to the applicant, by first class mail, postage prepaid, by the Township Secretary, which notice shall inform the applicant of the defects in the application, citing the specific provisions and section numbers of this Ordinance, or other applicable laws or regulations, with which the application does not comply. Such written notice of denial shall be mailed within the aforesaid ninety (90) day time limit. The applicant shall be likewise informed of the approval of his preliminary plat application. The Board may also conditionally approve a preliminary plat by so notifying the applicant in writing, which notification shall include a specific statement of any and all conditions proposed for imposition. In the event of the applicant's failure to accept such conditions in writing within thirty-one (31) days of the conditional approval, the proposed approval of the plat shall be rescinded automatically, provided, however, that, in such event, the Board shall comply with the requirements of this Section relating to written notice of preliminary plat denial.

- E. Whenever a subdivision or land development involves non-residential development, the plans shall be submitted by the applicant to the Fire Chief for review and comment in accordance with fire protection and emergency management industry standards. Similarly, residential projects consisting of multiple structures on a single property, any residential project involving new street construction (whether public or private), or a residential subdivision of greater than five (5) new dwelling units shall also be submitted for review and comment by the Fire Chief. The Fire Chief shall have forty-five (45) days following receipt of the plan, to provide comments to the Township for consideration.
- F. When a plan is tabled by the Planning Commission or the Board of Supervisors to comply with the review comments generated by the Planning Commission/Board of Supervisors, Codes staff, Municipal Engineer, County Planning Commission and other review entity(s), the applicant shall provide a written response to all the comments along with a revised application package before the next Planning Commission/Board of Supervisors meeting date.
- G. During the plan review process the applicant may grant an extension of time up to 90 days for the Township to act on the plan in writing.

ARTICLE VIII

FINAL RECORD PLANS

SECTION 800: PLAN REQUIREMENTS

The Planning Commission may require that the following materials be submitted with an application for approval of a Final Plan. Final Plans shall conform in all important details with Preliminary Plans as previously approved and any conditions specified in the approval of the Preliminary Plans shall be incorporated in the Final Plans.

The Final Plan submission shall occur not more than five (5) years following the date of approval of the Preliminary Plan. Failure to submit the Final Plan within this time period shall make the approval of the Preliminary Plan null and void unless an extension of time is requested by the subdivider or land developer prior to the five (5) year time limit and an extension is granted by the Board of Supervisors. The applicant may constitute only that portion of the approved Preliminary Plan, which the applicant proposes to record and develop at that time, provided that such portion conforms to all requirements of the approved Preliminary Plan and this Ordinance.

The Final Plan shall contain the following data:

- A. Six (6) copies of the plan in the form of a map or series of maps on sheet sizes either 18 inches by 24 inches or 24 inches by 36 inches, drawn to a scale not smaller than 100 feet to an inch and showing the following:
 1. The items required to be shown in Preliminary Plans, as specified in Article VII, Section 700 of this Ordinance.
 2. Final topographic contours in those areas recommended by the Commission and approved by the Supervisors at not more than two-foot vertical intervals.
 3. The location and method of proposed street lighting facilities and the location of street signs.
 4. The location of minimum building setback lines.
 5. The complete metes and bounds description of each lot, tract or parcel with a minimum error of closure of one part in ten thousand.
 6. Lot and section numbers.
 7. Offer of Dedication to the Township or Township Authority wherever and whichever case is applicable, of streets, rights-of-way, easements and sites for other public use.
- B. Four (4) copies of a utility map or maps showing the tract boundaries, existing and proposed streets, lot lines, sanitary sewer and storm sewer facilities, water lines, and, where applicable, curbs, sidewalks, fire hydrants and manholes.

- C. Four (4) copies of profile and cross-section maps or diagrams of streets showing proposed grades of curbs, sanitary and storm sewers, water lines, underground utilities, and storm water management facilities. Grades shall be shown at a minimum scale of fifty (50) feet horizontal and five (5) feet vertical.
- D. Prior to final approval, the applicant shall provide evidence that the erosion and sedimentation control plan has been registered with and approved by the County Conservation District. The applicant shall also be required to provide copies of application, notification, and/or permit approval from the appropriate State and Federal agencies for obstruction and/or encroachments to any waters of the Commonwealth.
- E. Suitable documentation that the plans are in conformity with building, sanitation and other applicable Township Ordinances and regulations; and with the regulations governing the extension of utility services into the Township. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- F. Such certificates, affidavits, endorsements or dedications as may be required by the Commission or the governing body of the Municipality in the enforcement of these regulations.
- G. Evidence of the issuance of any driveway permit required by PennDOT or Letterkenny Township.
- H. A statement of the types of structures to be erected, and summary table of the number of structures and dwelling units proposed.
- I. Suitable documentation that the plans are in conformity with building, sanitation and other applicable Township Ordinances and Regulations and with the regulations governing the extension of utility services into the Township. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- J. Evidence that the subdivider or developer has installed the necessary street and other improvements as required in Section 900 of this Ordinance in accordance with Township standards and specifications, or that the subdivider has furnished the Township the guarantees required by Section 802 of this Ordinance.

SECTION 801: REVIEW PROCEDURE – APPROVAL OF PLANS

- A. At least twenty-one (21) days prior to the meeting of the Planning Commission at which initial consideration is desired, the subdivider or developer shall submit six (6) copies of the Final Plan and accompanying documentation to the Township Secretary. The Final Plan submission shall occur not more than five (5) years following the date of approval of the Preliminary Plan. Failure to submit the Final Plan within the time period shall make the Preliminary Plan null and void unless an extension of time is requested by the subdivider or developer and granted in writing by the Board of Supervisors.
- B. Copies of the Final Plan and supporting data shall be distributed by the Township Secretary to the following agencies where applicable:
 1. Three (3) copies to the County Planning Commission for review and comment.

2. One (1) copy to the Township Engineer for review and preparation of cost estimates on improvement construction.
3. One (1) copy to the Township Municipal Authority if applicable.
4. One (1) copy to the Electric Power Company.
5. Remaining copies to the Township Planning Commission.

C. Approval or Rejection of Plans: All applications for approval of a plan, whether preliminary or final, shall be acted upon by the Board of Supervisors which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission's 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 (30th) day following the day the application has been filed.

1. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than 15 days following the decision.
2. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case, cite to the provision of the statute or ordinance relied upon.

D. Distribution of the copies of the plan as finally approved shall be as follows:

1. One (1) copy to the Engineer.
2. One (1) copy to be retained in the Township Secretary's file.
3. One (1) copy to the Planning Commission.
4. Two (2) copies to the subdivider or developer.

E. Within ninety (90) days following approval by the Board of Supervisors, the Final Plan shall be recorded by the subdivider or developer at the County Recorder of Deeds office. The subdivider or developer shall not present a plan for recording and the Recorder of Deeds shall not accept any plan for recording unless the plan has been officially approved and signed by the Board of Supervisors.

F. The Township Board of Supervisors shall not approve a Final Plan without a favorable report from the Department of Environmental Protection regarding the Official Plan Revision or Supplement where applicable. However, failure of the Department of Environmental Protection to report to the Township within the time prescribed by law from the date the last supplement was sent shall constitute approval.

SECTION 802: COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PRE-REQUISITE TO FINAL PLAN APPROVAL

No plan shall be finally approved unless the streets shown on such plan have been improved to a permanently passable condition, as specified in Article IX, Sections 903 and 904, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and any other improvements as may be required by the Letterkenny Township Subdivision and Land Development Ordinance, as amended, have been installed in accordance with such Ordinance.

In lieu of the completion of any improvements required as a condition for final approval, the developer shall deposit with Letterkenny Township, financial security in an amount sufficient to cover the cost of any improvements or common amenities, including, but not limited to, road, storm water detention and/or retention basins, other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings, all improvements recited above, and all improvements as shown on the developer's subdivision or development plan. The type of financial security to be posted with Letterkenny Township shall be in such form as may, from time to time, be approved by the Legislature of the Commonwealth of Pennsylvania, or such other form as may be deemed acceptable by the Board of Supervisors.

Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required within one year of the date fixed in the subdivision plan for completion of such improvements. The amount of financial security shall be equal to 110% of the cost of the required improvements for which financial security is to be posted. The cost of improvements shall be established by submission to the Board of Supervisors of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security to complete the improvements, or in the absence of such bona fide bids, the cost shall be established by estimate prepared by a Pennsylvania Registered Engineer. If the party posting the financial security requires more than one year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be increased by an additional 10% for each one year beyond the first anniversary date from the posting of financial security, or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one year period by using the above bidding procedure. In a case where development is projected over a period of years, the Letterkenny Township Board of Supervisors may authorize submission of final plans by sections or stages of development subject to requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the Board that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the governing body shall authorize the release by the bonding company or lending institution of an amount as estimated by the municipal engineer which fairly represents the value of the improvements completed or, if the Board of Supervisors fails to act within said 45-day period, the Board shall be deemed to have approved the release of the funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the designs and specifications as depicted on the final plan, for a term not to exceed 18 months from

the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section and otherwise required by law, with regard to the installation of such improvements and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

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

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth herein, the municipality shall not condition in issuance of building, grading or other permits relating to the erection of placement of improvements, including building upon the lot or land as depicted upon the final plan upon actual completion of the improvements depicted upon the final approved plan. Moreover, if said financial security has been provided, building or other permits shall not be withheld following the improvement of the streets providing access to and from existing public roads to such buildings or buildings to a mud-free or otherwise permanently passable condition as required in Article IX, Section 904 hereof, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use and occupancy of the building or buildings.

In any case where public improvements are required, two copies of as-built drawings of all streets, stormwater management facilities, and any other required improvements shall be provided to the Township. Said as-built drawings shall be prepared, signed and sealed by a licensed engineer or surveyor. Prior to the release of any security guaranteeing said improvements, the Township shall approve the construction of the improvements following a review of the as-built drawings relative to the approved subdivision or land development plan and the findings of a site inspection. In the case of construction following Preliminary Plan approval and without guarantee for the completion of improvements, the Township shall withhold Final Plan approval until such as-built drawings are provided and the Township has approved the construction of the subject improvements based upon the approved Preliminary Plan design. When applicable, the cost of preparing said as-built drawings shall be included in the financial security provided by the applicant as a guarantee for completion of public improvements.

ARTICLE IX

DESIGN STANDARDS

SECTION 900: APPLICATION OF STANDARDS

In considering applications for subdivision of land and land development, the Planning Commission shall be guided by the standards set forth hereinafter. The said standards shall be considered to be minimum requirements and shall be waived by the Township Supervisors only under circumstances adjudged, in their opinion, that the literal application of these standards in certain cases would work undue hardship or would be plainly unreasonable; the Township Supervisors may grant such reasonable exceptions as will not be contrary to the public interest.

SECTION 901: GENERAL SITE SUITABILITY

No land shall be subdivided if such land is considered by the Commission to be unsuitable for the use proposed by reason of flooding or improper drainage, topography or other features harmful to the health, safety and general welfare of future residents and the community as a whole, unless the plans for the project shall provide adequate safeguards against such hazards.

All development shall be coordinated with the existing nearby neighborhoods so that the community as a whole may develop harmoniously.

SECTION 902: BLOCKS AND LOTS

- A. BLOCK LENGTH: The design of blocks shall be not less than 600 feet or more than 1200 feet long.
- B. BLOCK WIDTH: Blocks shall be designed to a width of two tiers of lots and shall conform to the standards set forth herein.
- C. GRADING: Blocks and lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent undesirable collection of storm water. Drainage shall be provided for according to recommendations of the Engineer or such other official as may be designated by the Board of Supervisors. Topsoil shall be preserved and redistributed as ground cover, consistent with the erosion and sedimentation control measures recommended by the Franklin County Conservation District.
- D. RESIDENTIAL UNITS:

1. Single-Family Residential Lots: (Minimum Requirements):

	<u>On-Lot Water and Sewer</u>	<u>On-Lot Sewer/ Central Water</u>	<u>On-Lot Water/ Central Sewer</u>	<u>Central Water and Sewer</u>
Frontage	125 feet	125 feet	90 feet	80 feet
Lot Depth	175 feet	175 feet	150 feet	120 feet
Lot Area	40,000 sq. ft.	25,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.

2. Single-Family Semi-Detached Dwelling Unit: (Minimum Requirements for Each)

	<u>On-Lot Water and Sewer</u>	<u>On-Lot Sewer/ Central Water</u>	<u>On-Lot Water/ Central Sewer</u>	<u>Central Water and Sewer</u>
Lot Size	30,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	8,500 sq. ft.
Lot Width	125 feet	100 feet	75 feet	75 feet
Lot Depth	175 feet	175 feet	100 feet	100 feet

Setbacks for Single-Family and Semi-Detached Units:

Public or private				
Street and Front yard	35 ft. from <u>R/W</u>	35 ft. from <u>R/W</u>	35 ft. from <u>R/W</u>	30 ft. from <u>R/W</u>
Side yards (ea)	15 feet	15 feet	12 feet	12 feet
Rear yards	35 feet	35 feet	30 feet	30 feet
Height (max.)	35 feet	35 feet	35 feet	35 feet
Off-street Parking Per dwelling	2 spaces	2 spaces	2 spaces	2 spaces

- a. When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township's Sewage Enforcement Officer or the Department of Environmental Protection for factors related to health and sanitation.
- b. Businesses conducted out a residence shall provide adequate parking off-street for all business related clientele, plus two spaces for the residents.
- c. Side and rear yard set backs for non-permanent and permanent storage buildings shall be regulated as follows: For buildings of 200 square feet or less – 5 feet, for buildings greater than 200 square feet but not greater than 700 square feet – 10 feet, for buildings greater than 700 square feet all standard setbacks shall be met. Front yard setbacks shall not be encroached upon under any circumstance.

3. Townhouses: Attached Residences: (Minimum Requirements)

- a. For each attached residential dwelling project there shall be a minimum lot area of one acre.

Per Dwelling Unit:

Lot Area	2,500 square feet
Interior	18 feet
Public or Private Street and Front Yard	20 feet
Side Yard for End Units	20 feet
Rear Yard	30 feet
Off-Street Parking	2.0 spaces
Height	35 feet
Active Play Area	100 square feet
Minimum Distance between Groups/Units	40 feet

- b. No less than three (3) and no more than eight (8) dwellings shall be permitted in a unit or group.
- c. Central water supply and sewerage shall be provided for developments containing more than three (3) dwelling units.
- d. A recreation area shall be furnished in townhouse development projects containing more than eighteen (18) dwelling units. Such area shall not be less than ten thousand (10,000) square feet in land area, nor less than fifty (50) feet in its smallest dimension. For each dwelling unit above eighteen (18), an additional three hundred (300) square feet per dwelling unit shall be allocated to the total recreation area.
- e. Where any townhouse project is proposed to be developed in conjunction with apartments, the recreation area requirements as provided in Sections 4(a) and 4(d) shall be designed for and made accessible to the townhouse residents in addition to the requirements for multiple dwelling residents. The Board of Supervisors reserve the right to increase the active play area requirements upon recommendation of the Planning Commission when in its opinion additional area is necessary to accommodate the needs of the mixed used development in accordance with the spirit and objectives of the Ordinance.

4. Multiple Dwelling Residences – Garden Apartments: (Minimum Requirements)

- a. Each multiple dwelling residential project shall contain a minimum of one acre of lot area in accordance with the following standards:

Lot Width	150 feet
Lot Depth	150 feet
Each Side Yard (exterior)	20 feet
Rear Yard	30 feet
Public or Private Street and Front Yard	30 feet
Off-Street Parking per dwelling unit	2.0 spaces
Minimum Distance between Units	40 feet
Height (maximum)	35 feet (2-1/2 stories)
Recreation Area (minimum)	5,000 sq. ft.

Per Dwelling Unit:

Efficiency	75 sq. ft.
1 Bedroom	100 sq. ft.
2 Bedroom	125 sq. ft.
3 or more Bedrooms	150 sq. ft.

- b. The maximum number of dwelling units permitted shall be determined on the basis of two thousand (2,000) square feet of lot area exclusive of public rights-of-way for each dwelling unit.
- c. The length of any unit shall not exceed one hundred and fifty feet (150'0").
- d. Central water supply and sewerage shall be provided.
- e. There shall be a minimum one hundred foot (100'0") setback from the property line adjacent to any existing dwelling or residential district.

5. Homeowners Association

- a. Whenever a developer or owner proposes to provide land or structures for the benefit of only particular homeowners of a project such as usable open space and active play areas, a Homeowners Association shall be established in accordance with the following provisions:
 - (i) The Homeowners Association shall be established as an incorporated organization operating under recorded land agreements through which each lot owner (and any succeeding owner) is automatically a member, and each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities. Additionally, specific provisions shall be established, which define completely all membership requirements of all non-lot owners in the event rental units are included in the project.
 - (ii) The Homeowners Association's Declaration of Covenant, Conditions, and Restrictions shall as a minimum establish the following:
 - (a) Property Rights including the owner's easements of enjoyment and delegation of use.
 - (b) Membership and Voting Rights including any distinction between membership classes.
 - (c) Covenant for Maintenance Assessments including the creation of the lien and personal obligation of assessments, purpose of assessments, the maximum annual assessments, special assessments for capital improvements, uniform rate of assessment, due dates, effect of non-payment of assessments, and subordination of the lien to mortgages.
 - (d) Architectural and Exterior Maintenance Control.
 - (e) General Provisions including enforcement, amendments, and property annexation procedures.

(iii) The developer or owner shall assume all responsibilities for the Homeowners Association until seventy-five percent (75%) of the dwelling sites are sold or until such time as the Homeowners formally assume such responsibility. Once the Homeowners Association is established, the developer or owner shall be responsible for payment of dues to the Homeowners Association for lots which he owns.

(iv) Staged Developments: If the developer or owner proposes to construct the project over a period of separate stages, the Homeowners Association shall also be staged consistent with the development time schedule.

(v) Approval: The Township Supervisors shall retain the right to review and approve the Articles of Incorporation and all Declarations of Covenants, Conditions, and Restrictions of the Homeowner Association. (For the sake of consistency within the Township, it is recommended that the United States Department of Housing and Urban Development, Federal Housing Administration's Suggested Legal Documents for Planned Unit Developments, FHA Form 1400 and VA Form 26-8200 be consulted.)

E. COMMERCIAL LOTS: (Minimum Requirements)

Minimum Frontage	-	200 feet
Minimum Depth	-	200 feet
Minimum Area	-	1 acre

Setbacks:

Front Yard	-	50 feet
Side Yard	-	25 feet
Rear Yard	-	50 feet

Maximum lot coverage by impervious area, including building and parking, will be 75%.

The general lot configuration shall not exceed two and one-half times the frontage for the depth as a maximum factor.

For all commercial and industrial business not conducted within a residence, the general standards above shall apply.

When on-lot sewer facilities are to be utilized, the minimum lot size may be increased by the Township Sewage Enforcement Officer or the Department of Environmental Protection for factors relating to public health and sanitation.

F. SOIL ANALYSIS AND PERCOLATION TESTS: For each application, a soil analysis and percolation test shall be required by the Township on each proposed lot. From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection; but in no case shall the lot size be less than that set forth in Section 902 of this Ordinance.

G. LOT DESIGN: Double fronting lots shall not be permitted. Lots shall be designed to have sidelines at approximately right angles or be radial to street lines so long as reasonably shaped lots result.

H. HOUSE NUMBERS: House numbers may be assigned to each lot by the Township in accordance with the approved Franklin County Plan.

I. FLAG LOTS:

1. "Flag-shaped" or panhandle lots shall have a minimum of fifty (50) feet of frontage. The area of the panhandle or flag staff portion of the lot shall not be included in the calculation of required minimum lot area.
2. No more than two flag lots may be located adjacent to one another. A minimum separation distance of 400 feet shall otherwise be employed for flag lots located along the same side of the street. Said separation shall be measured at the street frontage between the centerlines of the respective staves or handles. No more than two tiers of flag lots shall be permitted. The maximum flag staff or panhandle length shall be 500 feet. Flag lots shall not be permitted on the turnarounds of cul-de-sacs.
3. Building setbacks shall begin beyond the terminus of the staff or handle. A driveway setback of six feet shall be required within the staff or handle. Driveways shall also be set back a minimum of 20 feet from any adjacent existing structure.
4. Shared access shall be required for any two flag lots placed side by side. The driveway shall be subject to a common access easement between the two users and an agreement to this effect shall be reviewed and approved by the Township Solicitor prior to Final Plan approval.
5. Flag lots shall be permitted for single-family detached dwellings only. Only one such dwelling shall be permitted for a single flag lot.
6. The flag staff or panhandle shall be used exclusively for access and shall not be used for other purposes including, but not limited to, buildings, wells or septic systems.

J. ENVIRONMENTAL SELF-SUFFICIENCY:

Each new lot created in the Township shall be designed in such a manner to be individually self-sufficient for both water supply and sewage disposal, or be connected to available public or private water and sewer facilities.

K. LOT FRONTAGE:

All lots shall abut an existing or proposed street.