

# SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

## HENRY CLAY TOWNSHIP FAYETTE COUNTY

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*Secretary's  
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# ARTICLE I

## GENERAL PROVISIONS

### Title, Purpose, Authority, and Jurisdiction

Section 101 Title: This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Township of Henry Clay .

Section 102 Purpose: The Purpose of this Ordinance is to provide for the maintenance of a rural agricultural community with complimentary orderly and harmonious development, and to protect, promote, and create conditions favorable to the health, safety, morals, and general welfare of the Township's Citizenry by:

- 102.1 Insuring that all future development is consistent with the Comprehensive Plan for Fayette County, the Henry Clay Township Comprehensive Development Plan, and other plans developed through local level planning programs.
- 102.2 Providing for the orderly development of appropriate non-agricultural acreage in concert with environmental and natural capacities and limitations.
- 102.3 Assuring uniform and equitable processing of all Subdivision Plans by providing uniform standards and procedures.
- 102.4 Establishing requirements, standards, and specifications to aid in guiding elected Public Officials, Planners, Planning Commissions, Sub-dividers, Developers, Land Surveyors, Landscape Architects, Architects, Engineers, and others in the design and development of Subdivisions and Land Developments throughout the Township.
- 102.5 Assuring a coordination of proposed streets, parks, and other features in and bordering a proposed Subdivision or Land Development, as to such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, with the existing street and highway system of the Township thereby facilitating the rational movement of local traffic.
- 102.6 Providing for adequate oversight of subdivision and land development to assure that public concerns with accessibility, storm water management, on-lot sewage disposal, water supply, and other factors are taken into account.
- 102.7 Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of the population.

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- 102.8 Encouraging and providing for innovations in new Residential Developments such as planned mixed use development, cluster development, and other evolving methods which provide for a greater variety in type, design, and layout of dwellings; the conservation and more efficient use of usable space in relation to new dwellings; savings on energy, water use, infrastructure, and paving; and integration of slope and other undevelopable areas into the total Development Plan for use as open space.
- 102.9 Protecting the character and the social and economic stability of Henry Clay Township, by promoting a harmony between existing development, existing villages, future development, and the natural environment.
- 102.10 Protecting and conserving the value of land throughout Henry Clay Township, and the value of buildings and improvements upon the land and minimize the conflicts among the uses of land and buildings.
- 102.11 Guiding public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, stormwater management schools, parks, playgrounds, recreation and other public requirements and facilities.
- 102.12 Maintaining the viability of existing Village Centers in the Township and the village concept in general, and encouraging this concept for future development.
- 102.13 Preventing the pollution of air, streams and ponds; to assure the adequacy of drainage of facilities; to safeguard the groundwater resources; and to encourage the wise use and management of the natural resources in order to preserve the community and value of the land.
- 102.14 Preserving the natural beauty and topography of Henry Clay Township and to ensure appropriate development with regard to these natural features.
- 102.15 Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic within Henry Clay Township, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and building lines.
- 102.16 Providing for the logical and orderly addition and extension of the community facilities and public utilities systems to developing areas while minimizing impacts on agricultural land, and insuring that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 102.17 Upgrading the quality of land records through creation and filing of accurate and legible subdivision plans with the County Recorder of Deeds for future information and use by municipal officials and the general public.
- 102.18 Generally, insuring the future orderly growth and development of Henry Clay Township is well-planned and accompanied by adequate public facilities without negatively affecting the environment.

- 102.19 Insuring that minimum setback lines and minimum lot sizes be applied throughout Henry Clay Township based on the availability of water and sewage.
- 102.20 Permitting Henry Clay Township to minimize developmental and related problems as may exist or which may be foreseen, by encouraging development on land exhibiting the appropriate soils, slope, and other physiographic and environmental characteristics.

When development throughout the Township is guided by the foregoing and incorporated into the general context of the Henry Clay Township Comprehensive Plan, a mutual benefit will be derived by the developer, the buyer, the adjacent local municipalities, the Township, the County, and the general public.

Section 103 Creation, Authority, and Jurisdiction:

- 103.1 Subdivision Control: The Henry Clay Township Board of Supervisors has the jurisdiction, powers, and authorities as particularly and specifically set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and specifically the said Henry Clay Township Board of Supervisors shall have the jurisdiction and control of all Subdivision of Land located within the limits of Henry Clay Township. All Plans shall be submitted to the Henry Clay Township Board of Supervisors for review and approval. This includes all plans, plots, or re-plots of land. No Subdivision or Land Development of any lot, tract, or parcel of land within Henry Clay Township shall be made; no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of these Regulations. No plat shall be accepted for recording by the Fayette County Recorder of Deeds unless such plat officially notes the approval of the Henry Clay Township Board of Supervisors.
- 103.2 Land Development Control: Land development must comply with the regulations contained in this Ordinance. Such compliance shall include, but not be limited to: the filing of Preliminary and Final Plans, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Board of Supervisors. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way.



103.3

**Enforcement:** For any person or persons violating this ordinance the following enforcement actions should be applied: A letter sent to the violator stating the violation to the ordinance and that a reply is required within twenty (20) days of the mailing date. If within the twenty (20) day reply period no reply is given then a letter written by the Township Solicitor will be sent to the violator and a new twenty (20) day reply period will be given. If a reply is not received within the reply period; a final letter stating that legal action may be enforced shall be sent to said violator and given a final twenty (20) day time period to reply before legal action may be enforced. Penalties may be enforced under Article XII, Section 1205 of this ordinance or similar type action may be enforced.

## ARTICLE II

### DEFINITIONS

#### Section 201 Interpretation - General Terms

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

#### Section 202 Definitions - Specific Terms

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

Abandonment: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor resuming the use of the property.

Abut: To physically touch

Access Drive: See "Street."

Accessory Building: See Building, Accessory.

Addition: A structure added to a structure after the original.

Administrator: The officer as appointed by the Henry Clay Township Board of Supervisors to administer these regulations and to assist administratively the other Boards and officers of the Township.

Aisle: The traveled way by which cars enter and exit parking stalls.

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

Apartment Unit: One or more rooms with private bathroom and kitchen facilities comprising an independent self contained dwelling unit in a building containing more than two or more units.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as authorized by the provisions of Article V.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for subdivision and/or development including his heirs, successors and assigns.

Application for Development: Every application, whether preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Appointing Authority: The Henry Clay Township Board of Supervisors.

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

Block: A unit of land containing one or more lots, bounded by existing and proposed streets, waterways, railroads, public lands, municipal boundary lines or other barriers to adjacent development.

Board: Any body granted jurisdiction under a land use ordinance or under this act to render final adjudications.

Board of Supervisors: The Board of Supervisors of Henry Clay Township, Fayette County, Pennsylvania.

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

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

Candlepower: Luminous expressed in terms of candelas.

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

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

Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular traffic.

Certificate of Occupancy: A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all applicable municipal codes and ordinances.

Change of Use: Any use which is substantially different from the previous use of a building or parcel of land.

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Commerce Park: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of non-retail professional, business, personal, and other service uses, with special measures for traffic circulation, parking, utilities, and compatibility.

Common Open Space: A parcel or parcels of land, an area of land, an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of (the planned residential) a development, not including streets, off-street parking areas, and areas set aside for public facilities.

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

Concept Plan: A rough sketch map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of classification and discussion.

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

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

County: Fayette County, Pennsylvania.

County Planning Commission: The Fayette County Office of Planning and Community Development.

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

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

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

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

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

Density: The number of Persons, Families, Dwelling Units, or housing Structures per unit of land.

High Density: Those residential subdivisions and land developments in which the density is equal to or greater than four (4) dwelling units per acre.

Low Density: Those residential districts in which the density is between one (1) and three (3) dwelling units per acre.

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

Department of Environmental Protection (PADEP): The Pennsylvania Department of Environmental Protection, its Bureaus, Departments, or Divisions, or other appropriate agency.

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

Determination: Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the governing body and the local planning commission, only to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determination shall be applicable only to the boards designated as having jurisdiction for such appeal.

Detention Basin: A detention basin is designed to hold water; then allow it to drain completely after a storm event at a rate that is equal to or less than that prior to the basin being developed. Retention ponds are not permitted by ordinance.

Developer: A person, firm, partnership, corporation, trust, or authorized agent thereof proposing to divide land so as to constitute a Subdivision, or engage in land development, as defined by the Pennsylvania Municipalities Planning Code, Act 247, as amended by Act 170 of 1988. (See also Subdivider.)

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

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

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

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

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

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

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

Dwelling or Dwelling Unit: A dwelling unit of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

- a. Detached House: A dwelling which is not attached to any other dwelling by any other means.
- b. Twin or Semi-Detached House: A residential structure occupied by two (2) dwelling units with a common wall.
- c. Duplex: A residential structure divided horizontally into two (2) dwelling units.
- d. Row House or Town House: A structure with two (2) or more party walls of three (3) or more units not having any horizontal division between units.
- e. Apartment: A dwelling unit separated horizontally and/or vertically from one (1) or more other units in a structure.
  1. Apartment House or Multiple Dwelling Unit: A residential structure containing three (3) or more apartments.
  2. Garden Apartment: An apartment house not exceeding three (3) stories in height.

3. High-Rise Apartment: An apartment house exceeding three (3) stories in height.

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

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

Engineering Specifications: The engineering criteria of Henry Clay Township regulating the installation of any improvement or facility.

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

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

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

Farm: A parcel of land used for agricultural activities.

Fill: Sand, gravel, earth or other material placed or deposited so as to form an embankment or raise the elevation of the land surface. The term includes material used to replace an area with aquatic life with dry land or to change the bottom elevation of a surface water area.

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

Floodplain: The Lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

Frontage: That side of a lot abutting on a street; the front line.

Governing Body: The Henry Clay Township Board of Supervisors.

Government Agency: Any department, commission, independent agency or instrumentality of the United States, of a state, commonwealth, county, incorporated or unincorporated municipality, township, authority, district or any other governmental unit.

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

Hearing: An administrative proceeding conducted by a board pursuant to Section 909.1 of Act 170 of 1988 of the Pennsylvania Municipalities Planning Code.

Industrial: Those fields of economic activity including construction contractors, mining, manufacturing, transportation, communication, electric, gas, gas, sanitary services, and wholesale trade.

Industrial Park: A tract of land that has been planned, developed, and operated as an integrated facility intended for a number of individual industrial uses, with special measures for traffic circulation, parking, utilities, and compatibility.

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

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

- a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure.
- b. 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.
- c. A subdivision of land.

For the purposes of this Ordinance, Land Development specifically excludes the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

- d. Land Development shall not include:
  1. The conversion of an existing single family detached dwelling or single family semi detached dwelling into not more than three residential units, unless such units are intended to be condominiums.
  2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or



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

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

Lot Area: The area contained within the property lines of the individual parcel of land, excluding space within the street right of way. The lot area includes the area of any utility easement or storm water management facility, but does not include the 'flag pole' of flaglots unless otherwise specified in the municipal ordinance.

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

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

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

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

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

Lot, Through or Double Frontage: A lot with both front and rear street frontage.

Maintenance Guarantee: Any security, other than cash, which may be accepted by Henry Clay Township for the maintenance of any improvements required by this ordinance.

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

Marginal Access Streets: Minor collector streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with an arterial street.

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

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

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modifications: Waivers of the requirements of one (1) or more provisions of the ordinance as the literal enforcement will exact undo hardship because of particular conditions pertaining to the land in question.

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

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

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

Municipality: The Township of Henry Clay .

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

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

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

Planning Commission, Local: The Henry Clay Township Board of Supervisors as established and appointed by the Board of Supervisors.

Plan, Sketch: An informal optional submission preparatory to the Preliminary Plan showing the general intent of the subdivider. (See Concept Plan)

Plan, Final: A complete and exact Subdivision Plan prepared for official recording as required by statute; a final plat.

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

Preliminary Plan: A subdivision plan or land Development Plan in lesser detail than the Final Plan. The plan of a proposed subdivision or land development, including all supplementary information required by this ordinance or applicable municipal ordinance to obtain preliminary approval.

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

Public Grounds:

1. Parks, playgrounds, trails, paths, and other recreational areas and other public areas
2. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities
3. Publicly owned or operated scenic and historic sites.

Public Hearing: Conducted to obtain, add, and provide information, stenographic records of which are retained as transcripts for future use in an appeal or related matter.

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

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

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

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

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

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

Regulatory Flood Elevation: The elevation which includes the 100-year floodplain plus a freeboard safety factor of one (1) and one-half (1/2) feet.

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

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

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

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

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

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

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

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

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water) it is usually referred to as "sediment".

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

Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

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

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

**Shopping Center:** A group of retail establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision of goods delivery separated from customer access, and protection from the elements via a canopy or other enclosure.

**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. Sight distance measurements shall be made from a point ten (10) feet from the edge of cartway, three and one-half (3 1/2) feet high, to a point three and one-half (3 1/2) feet above the road surface.

**Slope:** The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>
(a) Nearly level	0-3 percent
(b) Gently sloping	3-8 percent
(c) Sloping	8-15 percent
(d) Moderately steep	15-25 percent
(e) Steep	25-35 percent
(f) Very steep	35+ percent

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

**Solicitor:** The licensed attorney designated by the Henry Clay Township Board of Supervisors to furnish legal assistance for the administration of this ordinance.

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

**Storm Water Management Plan:** The plan for managing storm water runoff as required by the Township Engineer and/or a plan for managing storm water as required by any Township Storm Water Management Ordinance.

**Streets:** A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation, and further defined by the following:

**Arterial Streets:** Those streets whose primary function is to serve comparatively high volumes of through-traffic at speeds higher than desirable on a collector and minor street.

Collector Streets: Those streets which, in addition to providing access to abutting properties, collect traffic from minor streets and provide routes to community facilities and the arterial streets system.

Expressway: Those highways whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high speed traffic. Usually, a high degree of access control is provided with few, if any, intersections at grade.

Local Streets (Minor Streets): Those streets used primarily to provide access to abutting properties; including but not limited to Cul-de-sac and marginal access streets.

Marginal Access Streets: Minor streets parallel and adjacent to arterial streets providing access to abutting properties and control of intersections with arterial street.

Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Street Line: The limit of a right-of-way.

Street, Private: Those streets not officially dedicated and/or accepted by the municipality.

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

Subdivider: Same as developer.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, Major: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of Township facilities, or the creation of any public improvements.

Subdivision, Minor: Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, or these regulations.

Substantially Completed: Where, in the judgement of the Township Engineer, at least ninety percent (90%)--based on the cost of the required improvements for which financial security was posted pursuant to Article II--of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

Surveyor: A licensed "Land Surveyor" registered by the Commonwealth of Pennsylvania.

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

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

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

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

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

Township: The Township of Henry Clay , Fayette County, Pennsylvania.

Trailer: A vehicular portable structure built on, or designed to be mounted, on a chassis or wheels, or constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for travel, recreation, and vacation and commonly known as travel trailers, pick-up coaches, motor homes, or camping trailers.

Waiver: When the subdivider can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and where, in the opinion of the Township, a departure from this ordinance may be made without destroying the intent of such provisions, the Township may authorize a waiver. A modification to the minimum standards of this Ordinance. (Refer to Modification.)

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

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

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

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

### Section 203 Terms Not Defined

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided, however, that as to those terms which are not defined herein, but are defined in Section 107 of the Act of July 31, 1968 P.L. 247 (53 P.S. 10107), as amended by Act 170 of 1988, the Pennsylvania Municipalities Planning Code then said words shall have the meaning as set forth in said section.



## ARTICLE III

### SUBMISSION AND REVIEW PROCEDURES

#### Section 301 General Procedures

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

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

- (a) Minor Subdivision
  1. Sketch Plan (optional)
  2. Final Plan
- (b) Major Subdivision
  1. Sketch Plan (optional)
  2. Preliminary Plan
  3. Final Plan

301.2 Pre-Application Consultation: Prior to filing an application for approval of a Subdivision or Land Development within the Township, the owner or his authorized agent, may meet with the Henry Clay Township Board of Supervisors for an official classification of his proposed Subdivision or Land Development. The Henry Clay Township Board of Supervisors will determine whether the proposal shall be classified as a Minor Subdivision, a Major Subdivision, or a Land Development and make advisory comments. At this time, the Local Board of Supervisors may advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

301.3 Official Filing Date: For the purpose of these regulations, the official filing date for required Plans shall be the date of the regular meeting of the Henry Clay Township Board of Supervisors next following the date the application and plans are received at the Township Building provided that said regular meeting shall occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. On receipt of an application for subdivision or land development approval the Henry Clay Township Board of Supervisors shall affix to the application both the date of submittal and the official filing date.

The official filing date of an application shall be when the Henry Clay Township Board of Supervisors certifies that the application is complete and the applicable fees paid in full.

301.4 Fayette County Office of Planning and Community Development Review: All plans shall be submitted to and reviewed by the Fayette County Planning Commission in accordance with its then prevailing rules and regulations. The Township shall forward to the Applicant a copy of any report of the Fayette County Office of Planning and Community Development. The township shall not take action on an application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the county.

301.5 Henry Clay Township Board of Supervisors Review: All plans shall be submitted to and reviewed by the Henry Clay Township Board of Supervisors for advisory comments at its regular meeting. The Henry Clay Township Board of Supervisors may review the plans with engineering, planning, and/or other technical consultants to assist in the preparation of an advisory report for the Board of Supervisors. The Township shall forward to the Applicant a copy of any report of the Township Board of Supervisors. The township shall not take action on an application until the Township Board of Supervisors report is received or until the expiration of thirty (30) days from the date the application was certified complete to the Township Board of Supervisors.

#### Section 302. Submission and Review of "Sketch Plan" (Optional)

It is encouraged that prior to the preparation of a "Preliminary Plan" that the Applicant confer with the Henry Clay Township Board of Supervisors for the purpose of an informal discussion concerning the proposed subdivision or land development. The subdivider may submit a "Sketch Plan" following the guidelines set forth in Article IV, Section 402, of these regulations. The submission of a "Sketch Plan" is optional. When this option is chosen by the Applicant, the Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular or special meeting of the Henry Clay Township Board of Supervisors at which it is to be considered.

302.1 "Sketch Plan" Review: The Henry Clay Township Board of Supervisors will review the "Sketch Plan" with the Applicant as it related to:

- (a) The Comprehensive Plan for Fayette County

- (b) The Henry Clay Township Comprehensive Development Plan or any other Local Level Comprehensive Plan which may exist
- (c) Other relevant ordinances which may exist
- (d) The general suitability of the site for proposed development
- (e) The demand for development for the type proposed and the particular location proposed
- (f) The availability of necessary services and facilities
- (g) The improvements and design required by these regulations
- (h) Any proposals of either Local, State or Federal Governments for such improvements as highways, dams, public grounds, and any other facility that may have an impact on the proposed subdivision.

Section 303 Minor Subdivision Procedure

Minor subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 404 and shall be otherwise reviewed in accordance with the procedures and standards of Section 303 through Section 309.

303.1 Property Line Changes: Changes in lot lines between two (2) adjacent lots of record shall be reviewed and approved by the Board of Supervisors as a minor subdivision, and shall exclude certain plan requirements as outlined in Article IV, Section 404.4 of this Ordinance.

Section 304 Official Submission of the "Preliminary Plan"

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional "Sketch Plan", and after reviewing the Plan requirements of this ordinance, the Applicant is then in a position to proceed with the preparation and official submission of the "Preliminary Plan". The "Preliminary Plan" shall conform with the requirements set forth in Article IV, Section 403, of this ordinance. When filing applications for review and approval of subdivision and land development plans, the Applicant shall submit to the Henry Clay Township Board of Supervisors plans and data at two (2) stages of preparation which shall be designated as: (1) "Preliminary Plan" and (2) "Final Plan". Application forms for the submission of both "Preliminary" and "Final" Plans are available in the Henry Clay Township Office.

304.1 Application Fee: The fees for the submission and review of Subdivisions and Land Developments within Henry Clay Township shall be established by an adopted Resolution by the Board of Supervisors.

304.2

Number of Copies: When submitting an application for review and approval of a "Preliminary Plan", the Applicant shall submit three (3) copies of prints of the proposed subdivision or development plan, and supporting information along with three (3) copies of any proposed covenants to the Henry Clay Township Board of Supervisors. The Developer will then forward copies of the "Preliminary Plan" to the Pennsylvania Department of Environmental Protection, any other applicable agency, and Pennsylvania Department of Transportation if applicable, and the Fayette County Office of Planning and Community Development, and the Township Engineer.

304.3

Sewage Facilities Planning Module: When applicable, the application form shall be accompanied by Sewage Facilities Planning Module as required by and submitted to the Pennsylvania Department of Environmental Protection (PADEP) or any other applicable agency.

### Section 305 Review of the "Preliminary Plan"

On receipt of the recommendations from the prints and information distributed to the Local Planning Commission (if one exists), the County Planning Commission, and the Township Engineer, if the same have been received within a period of thirty (30) days of such transmittal, or such reasonable further time as may be requested by these agencies, the Henry Clay Township Board of Supervisors shall review the application. Based on a thorough review of the and on receipt of the recommendations of the other agencies noted in Section 304.2 if the same has been received within a period of ten (10) days of such transmittal, comments of the above mentioned agencies and of the details of the "Preliminary Plan" in light of this ordinance, the Township Board of Supervisors shall approve, approve with modification, or disapprove the "Preliminary Plan". The Henry Clay Township Board of Supervisors shall render its decision and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body next following the date of 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.

305.1

Changes and Modifications: The Henry Clay Township Board of Supervisors may require or recommend changes or modifications of the "Preliminary Plan" as a prerequisite for approval of the "Final Plan".

Waivers to the requirements of this ordinance may be granted pending their being submitted in writing and acted upon at the public hearing for the application. These requests should be submitted to the appropriate outside agencies for their review and comment at least thirty (30) days prior to the public hearing on said application.

305.2

Action on the "Preliminary Plan": Approval or approval with conditions, revisions, or modifications as stipulated or suggested by the Township Board of Supervisors of the "Preliminary Plan" shall constitute approval of the subdivision or land development as to the character and intensity of development; the arrangement; and approximate dimensions of streets, lots, and other planned features. However, approval of the "Preliminary Plan" shall not constitute acceptance of approval for final approval and recording on fulfillment of all requirements of these regulations. The action of the Henry Clay Township Board of Supervisors shall be communicated to the Applicant in writing no later than fifteen (15) days following the decision. When the application is not approved in terms as filed, the written decision shall specify the defects found in the application, describe the requirements which have not been met, shall cite the provisions of the statute or ordinance relied upon, and shall be communicated or mailed to the applicant not later than fifteen (15) days following the date of the decision.

Failure of the Township to notify the applicant in writing within fifteen days of the public hearing on said application will be considered approved by the municipality.

#### Section 306 Submission of the Final Plan

After the Applicant has received official notification that his "Preliminary Plan" has been approved and recommended changes, if any, have been made, he has five (5) years in which to submit a final plan. If the applicant does not do so within a five (5) year period, his "Preliminary Plan" shall be nullified unless a written time extension is approved by Henry Clay Township Board of Supervisors. The "Final Plan" must conform to the general scheme of the "Preliminary Plan" as approved and must contain the information specified in Article IV, Section 404. The "Final Plan" may be a portion of the entire subdivision shown on the "Preliminary Plan".

306.1

Provisions for "Final Plan" Approval: Before requesting "Final Plan" approval, the Applicant must submit to the Henry Clay Township Board of Supervisors either a certification by a licensed engineer that all improvements and installations to the subdivision required by this Ordinance have been made as required by this Ordinance and have been made in accordance with the specifications and approved plans, or a bond which shall deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required have been installed in accordance with this Ordinance.

In lieu of the completion of any improvements required as a condition for the final approval of a plat, this Ordinance provides for the deposit with the municipality of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

1. When requested by the developer, in order to facilitate financing, the governing body or the planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed.

The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

2. Without limitation as to other types of financial security which the municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
3. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
4. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action or approval or accompanying agreement for completion of the improvements.
5. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality may require the developer post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, in accordance with applicable Prevailing Wage Rates for Pennsylvania (if applicable), submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.
7. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
8. In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
9. As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification of governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said 45-day period, the governing body shall be deemed to have approved the release of funds as requested.

The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

10. Where the governing body accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
11. 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.
12. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the municipality shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.



Release from Improvement Bond:

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The applicant's engineer shall certify that all completed work complies with the approved plans.

The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements.

The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate acceptance or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be accepted or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such non approval or rejection.

2. The municipal governing body shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.
3. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been accepted and the developer shall be released from all liability except that required under Section 306.1 (10), pursuant to its performance guaranty bond or other security agreement.
4. If any portion of the said improvements shall not be accepted or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
6. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

7. The township prescribes that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements, including resident inspection for those improvements as determined by the township. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipalities when fees are not reimbursed or otherwise imposed on applications.
- (a) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the municipality that such expenses are disputed as unreasonable or unnecessary, in which case the municipality shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expense.
  - (b) If, within 20 days from the date of billing, the municipality and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and municipality shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
  - (c) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - (d) In the event that the municipality and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

- (e) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the municipality shall pay the fee of the professional engineer, but otherwise the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer.

306.3

Remedies to Effect Completion Improvements:

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat the governing body of the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 307 Review of the "Final Plan"

Within ninety (90) days from the submission of the "Final Plan", the Henry Clay Township Board of Supervisors shall review and act on the Plan and notify the Applicant in writing of its action, unless the applicant requests a time extension. On finding the "Final Plan" application to be in accordance with the requirements of this ordinance and for compliance with the approved Preliminary Plan, the Henry Clay Township Board of Supervisors shall affix its seal on the Plan together with the certifying signature of the Chairman. Where modifications of the "Final Plan" are requested or the Plan is disapproved, the grounds for these actions must be stated in the notification and noted in the Henry Clay Township Board of Supervisors' records.

307.1

Approval of the "Final Plan": Based on a thorough review of the details of the "Final Plan", the Township shall approve; approve with conditions, revisions, or modifications; or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the "Final Plan" application was filed. The Henry Clay Township Board of Supervisors shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision.

The approval of the "Final Plan" by the Henry Clay Township Board of Supervisors shall not be deemed an acceptance of the proposed dedication and shall not impose any duty on any of the municipalities of Fayette County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the municipality in which the subdivision is located shall have accepted or made actual appropriation of the same by entry, use, or improvement. 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 provisions of the statute or ordinance relied upon.

Section 308 Approval of Plats: Miscellaneous Procedures

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the governing body within such time limits as may be fixed in this Ordinance but the governing body shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body next following the date the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

1. The decision of the governing body or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
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 the provisions of the statute or ordinance relied upon.
3. Failure of the governing body to render a decision and communicate it to the applicant within the time and in the manner required in Section 308.1 herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
4. Changes in the ordinance shall affect plats as follows:
  - (a) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed.

In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- (b) When an application for approval of a plat, whether preliminary or final has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
- (c) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- (d) Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- (e) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such a schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.
- (f) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage as approved by the governing body in its discretion.

Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.

- (g) Failure of landowner to adhere to the aforesaid schedule of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.
5. Before action on any subdivision plat by the Board of Supervisors, the applicant shall state that all rights-of-way, streets, sewer and water facilities, and other public improvements shall be certified by a licensed engineer to have been completed in accordance with the approved plans.
  6. Before acting on any subdivision plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

Section 309 Abbreviated procedures for Minor Plans and Plat Requirements.

Application. This section offers an option to combine preliminary and final applications for minor subdivision and land developments and a simple sign off process for plat adjustments. The option is available for review of minor plans and plan adjustments in the township.

Review Procedures.

1. If the plan meets no objections or needs no modifications, The Township shall notify the applicant within fifteen (15) days by phone or writing. Failure to do so will grant the application approval.
2. If there are suggested revisions to the plan, conditions or recommendations made and the plan denied, written notice of such denial shall be given to the applicant in the time frame mentioned in Section 305.2 above.
3. Following completion of the review and approval, the Board of Supervisors shall accept the final plan in the form specified in Section 404 for recording, with all required signatures.
  - (a) The County Planning Department will review the signed transparency for compliance with requirements of the Records Office.

Section 310 Recording of the "Final Plan"

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

## ARTICLE IV

### PLAN REQUIREMENTS

#### Section 401 Preliminary Considerations

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

- 401.1 Discussion of Requirements: Before preparing a Sketch Plan or Preliminary Plan for a subdivision or land development, the Applicant should discuss with the Township the procedure for adoption of a subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Township shall also advise the Applicant, where appropriate, to discuss the proposed subdivision or land development with those officials (such as the Soil Conservationist, Township Engineer, and Sewage Enforcement Officer) who must eventually approve these aspects of the subdivision or land development plan coming within their jurisdiction.
- 401.2 Conformity with Master Plan: The layout of the proposed subdivision or land development shall be in conformity with the Comprehensive Plan for Fayette County, the Henry Clay Township Comprehensive Development Plan as periodically updated, and any local level plan which may exist within the area of the proposed subdivision.
- 401.3 Site Considerations: No land shall be subdivided or developed:
- (a) Unless access to the land over adequate streets or roads exist, or will be provided by the Applicant; or
  - (b) If such land is considered by Henry Clay Township as unsuitable for residential use by reason of floodplain and floodway location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, unfavorable topographic features, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.



Section 402 "Sketch Plan" (optional)

Prior to the official submission of the "Preliminary Plan", a subdivision or land development "Sketch Plan" may be submitted by the Applicant or property owner to facilitate an informal discussion with the township officials concerning the proposed subdivision or land development. This informal discussion may be extremely valuable in guiding the Applicant on the proper course in the development of a subdivision or land development thereby reducing the possibility for any costly mistakes. Submission of the "Sketch Plan" will not constitute formal filing of the plan with the Township. The "Sketch Plan" need not be drawn to scale or contain precise dimensions.

The following items are suggested for inclusion in the "Sketch Plan" presentation:

- (a) Proof of Ownership;
- (b) Name of Owner;
- (c) General location within the township;
- (d) Proposed name of subdivision or land development;
- (e) Tract boundary including all land which the Applicant intends to subdivide;
- (f) General topographical and physical features along with water courses, streams, ponds, flood plains, and wetlands;
- (g) Names of surrounding property owners;
- (h) North point; approximate scale and date of original drawing;
- (i) Streets on and adjacent to the tract;
- (j) Proposed general street layout;
- (k) Proposed general lot layout or development;
- (l) Proposed use of the lots or development;
- (m) Any other information which would be helpful in the preliminary discussion of what the Applicant intends to do; and
- (n) Statement of general availability of utilities of water and sewer, etc.

## Section 403 "Preliminary Plan"

The "Preliminary Plan" shall be accurately drawn to a scale of one (1) inch equals one hundred (100) feet or larger, unless otherwise approved [i.e. one (1) inch equals twenty (20) feet, fifty (50) feet, etc.]. The "Preliminary Plan" shall be submitted on an 8 1/2" X 14" sheet if a one or two lot subdivision, or the following sheet sizes if a more than two lot subdivision: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" X 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 403.1.

403.1 Required Information: The "Preliminary Plan" shall contain the following information:

### A. Title Block Requirements

The following are required to be included in the Title Block of all subdivision and site plan applications.

1. Name of proposed subdivision or land development with identification as a preliminary plan and the name of the municipality in which it is located.
2. Date of application for subdivision or land development approval.
3. Name, address of record owner of the tract along with deed book and page numbers of the deeds conveying the property to the owner.
4. Name(s) and address of developer, applicant or authorized agent if different from owner.
5. Name, address, and seal of Registered Professional Engineer, Architect, Surveyor, or Landscape Architect responsible for the plan.
6. Tax parcel number(s) of subject tracts.
7. Type of sewage disposal, and water supply to be utilized. If on-lot groundwater is proposed to be used, a hydrogeological analysis including data on the source and supply must be submitted.
8. Total acreage of the subject tracts, and total number of proposed lots or units (if applicable).
9. North point, graphic scale, date of original plan along with date and description of revisions to the plan.
10. Base of benchmark for elevations on the plan.
11. Proposed use of property.

12. Number of required parking spaces (if applicable).
13. List of utility companies in accordance with Act 172, if project involves excavation.
14. Legend describing symbols used on plan.
15. Location map showing the proposed subdivision or land development in relation to municipal boundaries, public roads, streams, and adjoining areas.
16. Signed, notarized statement by the owner certifying ownership of the property, acknowledging their intention to develop the property as depicted on the plans, and authorizing recording of said plan.
17. Signed statement by owner listing land or facilities to be offered for dedication to the municipality and acknowledging that the owner will be responsible for maintenance of lands or facilities until they are completed and accepted by the municipality.
18. A place for the signatures of the Chairman and Secretary of the Township Board of Supervisors and space to fill in date of approval.
19. Evidence of submission of Sewer Planning Modules to the Department of Environmental Protection or any other applicable agency.
20. Letter of capacity assurance from municipality if connection to an existing sewage system is proposed.

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

1. Exterior boundary line of tract.
2. Ground elevations indicated by contours at intervals of two (2) feet for land with an average natural slope of ten (10) percent or less and at five (5) foot intervals for land with an average natural slope greater than ten (10) percent, and the location of benchmark and datum used.
3. The name and deed references of all owners of immediately adjacent land.
4. Existing streets on and adjacent to the tract; name, location of Right-of-Way, Right-of-Way widths, cartway widths, type of surfacing, elevation of surfacing, driveway cuts, and approximate grades.
5. Existing easements, including location, width, and purpose.

6. Existing utilities on and the parcel in question adjacent to the tract including location, type, size, and invert elevation of sanitary and storm sewers, location and size of water mains and valves, fire hydrants, street lights, gas lines, oil and similar transmission lines, and power lines with utility poles, transformers, and related appurtenances.

If any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.

7. Water courses, flood plains, wetlands, geologic features, soil types, tree masses, and other significant natural features
8. Existing manmade features including structures, railroads, bridges, and driveways.
9. Buffer areas as required by this or other relevant Ordinance.

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

1. A statement that approval of the preliminary plans does not authorize construction of facilities or the sales of lots depicted on plans.
2. Location of proposed streets, including right-of-ways, Right-of-Way widths, cartway widths, approximate grades, and the type and elevation of surfaces, sidewalks, gutters, etc.
3. Design of proposed sanitary sewage system (if applicable), showing approximate location of manholes, pump stations, treatment facilities, force mains, and sizes of mains. If the subdivision or land development is to be served by a sewer authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission.
4. If on-site sewage disposal is to be utilized, show soil types, location of soil probes and percolation test sites, a listing of the test areas, with a summary of the general suitability of each test area.
5. Design of proposed water distribution system (if applicable) showing approximate location of fire hydrants, pumping facilities, water and wastewater treatment facilities, storage tanks, and sizes of mains. If the subdivision or land development is to be served by a water authority or agency, verification of the capacity to serve the proposed subdivision or land development must accompany the submission. In cases when an on-lot water supply is to be utilized, the location of areas for proposed well sites shall be identified.

The horizontal and vertical spacing between potable water sources ( wells, wellhead and mains ) and sewage treatment facilities on both the lot in question and adjacent lots.

6. Design of proposed stormwater management system including inlets, culverts, swales, channels, and detention/retention facilities.
7. Proposed lot lines, lot numbers, approximate area of each lot, and proposed minimum front, side, and rear building setback lines.
8. Areas to be reserved for parks, playgrounds or other public grounds with statement of who will eventually assume ownership and/or maintenance responsibilities of such areas.
9. Proposed buildings with ground floor area, gross square footage, and height of each building, and vehicular and pedestrian circulation systems, outdoor storage facilities including bulk trash containers and material storage. (when applicable)
10. Proposed parking areas with handicap stalls, loading areas, driveways and driveway location at the street line accessing a proposed street for each lot, buffer and other landscape areas, and fire lanes.
11. Phasing of project and tentative time table with proposed sequence of the project (if applicable).
12. Proposed easements, including location, width, purpose, and information related to maintenance arrangements.
13. A Highway Occupancy Permit issued by the Pennsylvania Department of Transportation, if the subdivision or land development proposes access to a State road, and/or a Township Driveway Permit issued by Henry Clay Township, if the subdivision or land development proposes access to a Township road.
14. If a preliminary plan is proposed to proceed to construction, with a final plan submitted for approval after completion of required improvements, the following shall be shown on plans:
  - (a) A statement that approval of preliminary plan authorizes construction of facilities depicted on plans, but does not authorize sales of lots or use of facilities.
  - (b) That information required by Section 404.1(g) and Section 404.2 of this ordinance.

15. Additional information is required by the Township in the case of special conditions may include the following:

- (a) Profiles showing existing ground surface and proposed street grades, and typical cross sections of the roadways and sidewalks.
- (b) Areas to be reserved for schools, shopping, churches, industries, multi-family dwellings, or any other known public use exclusive of single family dwellings.
- (c) A draft of protective covenants in cases where the Applicant wishes to regulate land use within the subdivision or land development and otherwise regulate and protect the proposed development.
- (d) A water and sewerage feasibility report prepared by a registered professional engineer.
- (e) A Soil Erosion and Sediment Control Plan prepared by an Engineer Licensed in the Commonwealth of Pennsylvania and in compliance with the County Soil Conservation Service.

#### Section 404 Final Plan

The "Final Plan" shall be accurately drawn to a scale of one (1) inch equals one hundred (100) feet or larger [i.e.: one (1) inch equals twenty (20) feet, fifty (50) feet, etc.] The "Final Plan" shall be submitted on an 8 1/2" X 14" sheet if a one or two lot subdivision, or the following sheet sizes if a more than two lot subdivision: (a) 18" X 24"; (b) 24" X 36"; or (c) 36" X 42". The sheets comprising a submission shall be on one common size and shall contain the information noted in Section 404.1.

404.1 Required Information: The "Final Plan" shall contain the following information:

1. That information required by Section 403.1(A), except that plan shall be identified as a "Final Plan," and Section 403.1(B) of this Ordinance.
2. Boundary lines of each lot, or area to be dedicated or reserved for public or community use completely dimensioned in feet and hundredth of feet and bearing with degrees, minutes and seconds. With an error of closure of not more than one (1) foot in two thousand (2,000). All curves shall show radii, lengths of arcs, tangents, and chord bearings with distances.
3. The location and material of all permanent monuments and lot markers.
4. Lot numbers, area and setback lines on each lot.
5. All proposed easements with dimensional information and purpose.

6. Space on lower edge of final plan for acknowledgement of receipt and recording of plan by the Fayette County Recorder of Deeds Office.
7. The following information regarding proposed improvements:
  - (a) Design of proposed streets including a plan showing geometry and proposed contours, typical cross section and profiles. Details of curbing, inlets or other facilities involved in street construction.
  - (b) Design of stormwater management controls in accordance with the approval of the Township Engineer and/or the Henry Clay Township Stormwater Management Ordinance.
  - (c) Design of sewage collection and treatment facilities (if applicable) including plan showing location of facilities, profiles, and details, and other information required by the municipal authority or utility company that will assume responsibility for the system upon completion.
  - (d) Must show that lots are acceptable for sewage before plans are approved or lots are sold.
  - (e) Design of water supply facilities (if applicable) including plans and details showing location sizing, and installation of mains, valves, fittings, fire hydrants and other appurtenances.
  - (f) Proposed buildings with finished ground floor elevations ground floor area, gross floor area and height listed. (when applicable)
  - (g) Proposed pedestrian circulation systems including details of construction. (when applicable)
  - (h) Outdoor storage facilities including bulk trash containers and material storage.
  - (i) Proposed parking areas showing parking stalls, handicap stalls, signage, loading areas, fire lines and driveways, with dimensional information, and details of pavement construction.
  - (j) Outdoor lighting showing type of fixtures and mountings.
  - (k) Landscaping plan when required by Article VIII, Section 802, or when buffer plantings are required.
  - (l) Grading plans with proposed contours and spot elevations to depict accurately all changes to the topography within the site.
  - (m) Location and details of soil erosion and sedimentation controls.

- (n) If development proposes access to a State Highway, the following shall be placed on plans: "A Highway Occupancy permit issued by the Pennsylvania Department of Transportation is required pursuant Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law". Access to the State Highway shall be only as authorized by a Highway Occupancy Permit. All of which should be noted on the Plan notes.
- (o) Profile and detail of "typical" driveway showing materials, profile, elevation, and connection with public street.

404.2 Supporting Documentation: If relevant to the proposed subdivision or land development, the following documentation shall be required and submitted prior to "Final Plan" approval.

1. A soil erosion and sedimentation control plan as required by Chapter 105 of the rules and regulations of the Department of Environmental Protection or any other applicable agency along with a letter from the Fayette County Conservation District Reviewing said plan.
2. Applicable permits issued by the Department of Environmental Protection or any other applicable agency for waterway obstructions, stream or wetland encroachments, and community water systems.
3. A Sewage Planning Module and a letter of approval for such from the Department of Environmental Protection or any other applicable agency.
4. A water quality management permit, NPDES permit, or other permits that may be required for sewage systems and/or discharges of storm water.
5. Documents pertaining to homeowner associations, condominium declarations, and/or restrictive covenants.
6. Approval by the U.S. Postal Service and/or emergency dispatching agencies, of street names.

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

1. Ground elevation information as otherwise required in Section 403.1 B.- 2. Topographic mapping on a base using USGS 7.5 minute mapping or better, may be substituted.
2. Information on proposed streets as delineated in Section 404.1-7 (a).



3. Information on proposed sewage collection and treatment facilities, other than on-lot, as delineated in Section 404.1-7(c), except when located within the future service area of a sanitary sewer system as per an approved Act 537 Plan.

404.4

Property Line Changes: Changes in lot lines between two (2) adjacent lots of record shall be reviewed in accordance with Article III, Section 303 as a Final Plan; may exclude adherence to Section 404.1, Section 404.2, and Section 404.3; and shall include the following information:

1. Proof of Ownership;
2. Name of Owners;
3. General location within the township;
4. Tract boundary including all land which the Applicants intend to redivide;
5. General topographical and physical features such as streams, ponds, etc;
6. Names of surrounding property owners;
7. North point, approximate scale, and date of original drawing;
8. Streets on and adjacent to the affected tracts;
9. Existing and proposed lot lines;
10. A statement noting that "This plan is for a change in lot lines between two (2) existing lots of record, and not for the creation of any new lot"; and
11. Any other information which would be helpful in the discussion of what the Applicants propose.

## ARTICLE V

### DESIGN STANDARDS

#### Section 501 General Intent

In all land developments and subdivisions in Henry Clay Township proposed to be developed after the effective date of this ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Township standards or other ordinances, resolutions, or regulations require standards that exceed these minimum standards, those Township standards shall apply. Whenever the standards of this subdivision ordinance exceed those of the other municipal ordinances, the standards of this ordinance shall apply.

#### Section 502 General Standards

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

- (a) Land subject to flooding and land deemed by the township and permitted under its flood plain ordinance to be uninhabitable for other reasons shall not be plated for residential occupancy, nor for such other uses as may increase danger to health, life, property, groundwater, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life, property, or further aggravate or increase the existing menace. (No fill or building in floodway)
- (b) Areas characterized by steep slopes [slopes greater than twenty-five (25) percent], unsuitable geologic formations, sink holes, wetlands, or other such features which restrict the useability of the land shall not be subdivided or developed.
- (c) In determining the suitability of land for subdivision, the Township shall refer to the Henry Clay Township Comprehensive Plan, applicable studies, plans, and reports adopted by the County Board of Supervisors, State, and Federal agencies including the soil survey prepared by the US Department of Agriculture, Soil Conservation Service.
- (d) The layout or arrangement of the subdivision or land development shall conform to the Fayette County Comprehensive Plan, the Henry Clay Township Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision or land development shall conform to any "Local Level" Comprehensive Plan or other applicable ordinances which may exist.

- (e) Where evidence indicates that the minimum lot size requirements specified in other sections of this ordinance are not adequate to permit the installation of individual on-lot water and/or sewerage disposal facilities, along with an area to be set aside for a replacement sewage absorption bed, the township shall require that the Township Sewage Enforcement Officer (SEO) or the State Department of Environmental Protection (PADEP) or any other applicable agency make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the provisions of the Pennsylvania Sewage Facilities Act 537, as amended, plus other applicable State or local regulations. The township shall review and shall make a final determination on the adequacy of the proposed facility.
- (f) Subdivisions and Land Developments showing reserve strips controlling the access to public ways will be permitted as long as construction and maintenance are the responsibility of the applicant or owner, and designated as such on all maps and plans.
- (g) Lot lines shall, where possible, follow municipal and County boundary lines rather than cross them.

### Section 503 Streets

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

- (a) The location and width of all streets shall conform to the County and Henry Clay Township Comprehensive Plan or to such parts thereof as may have been adopted by the county or township.
- (b) The proposed street system shall extend existing or recorded streets with the same width or larger but in no case less than the required minimum width.
- (c) Where, in the opinion of the Township Supervisors and/or Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
- (d) New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major arterial and collector streets into and from adjoining properties.
- (e) Where a subdivision abuts or contains an existing street of improper width or alignment, the township may require the dedication of land sufficient to widen the street or correct the alignment.
- (f) Private streets (streets not to be offered for dedication) are discouraged in all developments except mobile home parks, if permitted they shall be designated as "Private Streets" on all maps and plans.

- (1) All private streets shall have a fifty foot (50') Right-of-Way, a ten foot (10') cartway and be paved in accordance with Township specifications if so required by the Board of Supervisors.

(g) Street pavement design shall conform with the following:

1. The Township reserves the right to approve alternate designs for material type, depth, and width when sound engineering analysis proves the acceptability of the alternate. In no instance shall a proposed alternate design be less than the minimum requirement contained herein.
2. The road construction standards contained herein are minimum standards. These standards are adequate to provide safe, durable roads for all streets within the Township. In no case should a proposed design provide for less than these standards require. Designs in excess of these standards may be required when conditions warrant. Design criteria to be used shall be Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design. Material and construction methods shall comply with the latest edition of PennDOT "Specification," Publication 408, and "Standards for Roadway Construction," PennDOT Publication 72.
3. Roads on the State or Federal System must be designed to the specifications required by the above mentioned agencies, these standards notwithstanding.
4. Parking lanes shall be provided where required by the Township. Thickness requirements for parking lanes shall be the same as the thickness requirements for the cartway.
5. Subgrade: In accordance with the latest edition of PennDOT Pub. 408, Section 210. The subgrade shall be approved by the Township prior to placing of subbase.
6. Temporary turnarounds meeting the dimensional requirements contained herein for a cul-de-sac, shall be installed when streets are designed for future extension to adjoining properties or future extension to subsequent phases of a development. Temporary turnarounds shall be provided with easement meeting the Right-of-Way requirements herein for cul-de-sacs. Temporary turnarounds shall be constructed of a minimum 6" of well compacted gravel.
7. All construction materials, equipment, procedures and methods shall conform to the requirements of the Pennsylvania Department of Transportation Specifications, Publication 408, most recent addition, unless specifically stated otherwise in this ordinance.
8. Subbase: In accordance with the latest edition of PennDOT Pub. 408, Section 350. Subbase shall be approved by the Township prior to placement of base material.
9. Bituminous concrete base course: In accordance with the latest edition of

PennDOT Pub. 408, Section 305. Bituminous concrete base course shall be approved by the Township prior to the placing of the wearing course.

10. ID-2 bituminous wearing course: In accordance with the latest edition of PennDOT Pub. 408, Section 420. Material shall conform to the latest edition of PennDOT Pub. 408, Section 420.2 a,b, and c. Skid resistance level shall be as required by the latest edition of PennDOT Pub. 242. A tack coat shall be applied to the surface of any pavement that has been in place for more than seven (7) days prior to placement of subsequent course.
11. Plain cement concrete curb (where required - By the Supervisor and Ordinance): In accordance with the latest edition of PennDOT Pub. 408, Section 630. Curbing shall be plain cement concrete curb as shown in PennDOT standards for roadway construction, Pub. 72, RC-64.
12. Shoulders: In accordance with the latest edition of PennDOT Pub. 408, Section 653. Shall be Type 3 as shown in PennDOT standards for roadway construction, Pub. 72, RC-25, and as specified in PennDOT, Pub. 408, Section 653.2, except bituminous surface treatment is not required. Shoulders less than 6' in width will not be required to use full depth asphalt.
13. Pavement structures shall be as follows:

CLASSIFICATION OF STREET	DEPTH OF COURSES		
	Surface	Base	Subbased
Marginal access and cul-de-sac	1-1/2"	4-1/2"	8"
Local (Minor)	1-1/2"	4-1/2"	8"
Collector	4"*	6"	10"
Arterial	4"*	8"	12"

\* Consists of wearing and binder courses.

12. Street cross slopes shall be at a rate of 1/4 inch per foot for tangent alignments and shall be sloped in accordance with the super elevation requirements of the latest edition of the PennDOT Design Manual, Part 2. Shoulder cross slopes shall be a minimum of 1/2 inch per foot and a maximum of 3/4 inch per foot.
- (h) Stormwater conveyance systems shall be designed in accordance with the approval of the Township Engineer and/or the Henry Clay Township Storm Water Management Ordinance. All stormwater conveyance systems with in rights-of-way to be dedicated to the Township shall conform with the following:

1. End walls, and inlets shall be as per the latest editions of the PennDOT Pub. 408, Section 605 and PennDOT Pub. 72, RC-31 and RC-34.
  2. Pipe culverts shall be as per the latest edition of PennDOT Pub. 408, Section 601, 602 and 603. Corrugated polyethylene culvert pipe is acceptable up to and including 36" I.D. The minimum size of culvert pipes shall be 15" I.D.
- (i) Guide rail and median barrier requirements and design shall be as per PennDOT, Pub. 13, Design Manual Part Two, Chapter 12. Material and construction shall be as specified in PennDOT, Pub. 408, Section 1109 and PennDOT, Pub. 72, RC-50, 52, 53, 54, and 55.
- (j) All street construction shall be inspected by the Township. Contractor shall notify Township 48 hours prior to time when inspection is required. The contractor may not under any circumstances proceed with subsequent stages until authorization to proceed is given by the Township.

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

STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS

STREET TYPE	STREET WIDTH	SHOULDER MINIMUM	MINIMUM GRADE	MAXIMUM GRADE
<u>Marginal Access and Cul-De-Sac</u>				
Right-of-way	50'			
Cartway	18'	6'	0.5%	10%
<u>Turnaround of Cul-De-Sac</u>				
Right-of-way (min. diameter)	100'			
Cartway (minimum to edge of pavement)	50'			
Length (maximum)	1,500' - unless approved by Township	6'	0.5%	10%
<u>Local (Minor)</u>				
Right-of-way	50'			
Cartway	18'	6'	0.5%	10%
<u>Collector</u>				
Right-of-way*	50'	6'	0.5%	10%
Cartway*	20'			
<u>Arterial (Major)</u>				
Right-of-way *	80'	10	0.5%	5%
Cartway *	44'			

\* NOTE: The Board of Supervisors retains the option to allow the determination of right-of-way width, cartway width, and shoulder width of Collector and Arterial Streets to be determined on the basis of a traffic study furnished by the applicant.

503.2 Alignment: Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, four and one-half (4 1/2) feet above grade, the minimum sight distance shall be as follows:

- (a) The minimum radius at the center line for horizontal curves on arterial streets shall be seven-hundred (700) feet; for collector streets, three-hundred (300) feet; and for minor streets, one-hundred (100) feet. Proper super-elevation shall be provided for curves on arterial streets.

(b) Between reverse curves, a tangent of not less than the following dimensions shall be provided:

1. Arterial Streets - 200 feet;
2. Collector Streets - 100 feet; and
3. Minor Streets - 50 feet.

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

1. Minor Streets - Two-hundred (200) feet;
2. Collector Streets - Three-hundred (300) feet; and
3. Major Streets - Four-hundred (400) feet.

**503.3 Grades:** Minimum street grade standards shall be as follows:

(a) The minimum grade on all streets shall be one (1) percent. The maximum permitted grade shall be as follows:

1. Arterial Streets - Five (5) percent;
2. Collector Streets - Ten (10) percent; and
3. Minor Streets - Twelve (12) percent, for a maximum distance of twelve-hundred (1,200) feet. (15% for Max. 300')

(b) Intersection shall be approached on all sides by leveling areas. Where the grade exceeds five (5) percent, such leveling areas shall have a minimum length of seventy-five (50) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of four (4%) percent.

(c) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

**503.4 Intersections:** The following standards shall apply to all street intersections:

(a) Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle less than seventy-five (75) degrees or more than one-hundred five (105) degrees.

(b) No more than two (2) streets shall intersect at the same point.

(c) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one-hundred twenty-five (125) feet between center lines measured along the centerline of the street being intersected.

(d) Intersections with major streets shall be located not less than one-thousand (1,000) feet apart measured from centerline to centerline along the centerline



- (c) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one-hundred twenty-five (125) feet between center lines measured along the centerline of the street being intersected.
- (d) Intersections with major streets shall be located not less than one-thousand (1,000) feet apart measured from centerline to centerline along the centerline of the major street.
- (e) Street curb intersections shall be rounded by a tangential arch with a minimum radius of:
  - 1. Twenty (20) feet for intersections involving only minor streets;
  - 2. Thirty (30) feet for all intersections involving a collector street; and
  - 3. Forty (40) feet for all intersections involving a major street.
- (f) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections and handicapped accessible.

503.5 Alleys: Alleys shall be permitted in residential subdivisions and designated as "private streets" on all maps and plans.

503.6 Names: The subdivider may choose street names subject to the approval of the Township, and in conformance with the Fayette County 9-1-1 Process. Proposed streets which are in alignment with others already existing and named, shall be assigned the names of the existing streets. The name of a proposed street shall not duplicate or confuse an existing street name in the Township, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

#### Section 504 Blocks

The length, width, and shape of blocks shall be determined with due regard to the following:

- (a) Provision of adequate sites for building of the type proposed;
- (b) Topography;
- (c) Requirements for safe and convenient vehicular and pedestrian circulation; and
- (d) Other site constraints.

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

504.2 Length: All blocks in a subdivision shall have a maximum length of 1,200 feet and a minimum length of 400 feet. Blocks over 600 feet in length may include cross-walks wherever necessary to facilitate pedestrian circulation and to give access to community facilities. Such cross walks shall have a width of not less than ten (10) feet and a stabilized walkway of not less than five (5) feet.

### Section 505 Lots

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

505.1 Frontage: All lots shall meet the following frontage requirements:

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

505.2 Size: All lots shall meet the following minimum requirements:

- (a) In all sections of the township not served by sanitary sewer nor public water facilities, each lot shall have a minimum width of one-hundred and fifty (150') feet at the building line and a minimum area of 43,560 square feet in order to accommodate a second disposal bed if the first fails. In addition, in sections of the Township requiring the utilization of on-lot sewage disposal, the minimum lot size shall be large enough to accommodate the original absorption bed, and a tested, preserved, and reserved area for a replacement absorption bed.
- (b) In all sections of the township served by either public water supply or public sewerage, each lot shall have a minimum width of one hundred and fifty (150') feet at the building line and at least 21,780 square feet in area per single family dwelling; not less than 12,000 square feet in area per family for duplex dwellings with a width of not less than seventy-five (75) feet at the building line; and not less than 7,500 square feet in area per family for row houses and apartments.
- (c) In all sections of the township served by both public water supply and public sewerage, each lot shall have a minimum width of one hundred (100') feet at the building line and a minimum area of nine thousand (9,000) square feet.

505.3 Width: Corner lots for residential use shall have a width of at least twenty (20) percent greater than the aforementioned required widths to permit appropriate building set back from and orientation to both streets.

505.4 Setback Lines: Structures built on lots shall meet the following setback lines depending upon the availability of public water and sanitary sewer service.

- (a) In all sections of the township, structures shall be constructed no closer than thirty-five (35) feet from the road right-a-way or at least sixty (60') feet from the road centerline, whichever is greater, ten (10') feet from side, and twenty-five (25') feet from rear property lines. In sections lacking public water and/or sanitary sewer service, setbacks shall be adequate to permit the proper installation and functioning of such systems.
- (b) In all sections of the township served by sanitary sewer and public water facilities, structures shall be constructed no closer than twenty-five (25) feet from front, ten (10) feet from side, and twenty-five (25) feet from rear property lines, except that minimum front yard setbacks may be changed to conform with the average setback of existing adjacent structures.

#### Section 506 Easements

The following shall apply to easements within all subdivisions:

- (a) Easements with a minimum of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to serve abutting lots. No structures or trees shall be placed within such easements.
- (b) Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.
- (c) Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a storm water system.
- (d) There shall be a minimum distance of one-hundred (100) feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line which may traverse the subdivision.

## Section 507 Community Facilities

In reviewing subdivision plans, the township will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. The reservation of land for community facilities will be requested when appropriate; therefore, the subdivider shall give earnest consideration to reserving land for parks, playgrounds, churches, schools, and other community facilities. If a facility of this type has been planned by any group or agency in any area that is to be subdivided, the subdivider shall ascertain from such organization whether or not it plans to use the site.

## Section 508 Public Utilities

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

508.1 Water: Where public water lines are required in a new subdivision, they shall be in conformity with the adopted Water Plan for Fayette County and any applicable water plans developed for the municipal authority or utility company providing the service to the Township. Whenever the municipality, authority, or utility company providing the service has no standards, or has standards below those of the Department of Environmental Protection or any other applicable agency, and the Standards of the Department of Environmental Protection or any other applicable agency shall apply. Public water lines should be located between the curb line and the property line within any street right-of-way.

508.2 Sanitary Sewer: Where public sewer lines are required in a new subdivision, they shall be in conformity with any Areawide Sewer Plan for Fayette County or any applicable Act 537 Sewer Plans developed for the Township. The design specifications of all sewer lines installed in new meet the minimum standards set forth by the municipal authority or utility company providing the service in which the proposed subdivision is located. Whenever the municipality, authority, or utility company providing the service has no standards, or has standards below those of the Department of Environmental Protection or any other applicable agency, and the Standards of the Department of Environmental Protection shall apply.

Public sewer lines shall be located in shoulder or separate easement of any street right-of-way and/or utility easement as is reasonably possible to accommodate practical installation, future maintenance, and future replacement. All such sewer lines shall provide sewage connectors to the property lines of each and every lot and said sewage collection lines shall be properly capped. Manholes shall be provided at all changes in grades and direction and in no instance shall the distance between manholes exceed four-hundred (400) feet. All sewer pipelines must be at least eight (8) inches in diameter and sewer lateral must be at least four (4) inches in diameter. Storm sewers or foundation under-drainage systems shall not be connected with the sanitary sewer system.

508.3 On-lot Sewage Disposal: Where it is found necessary, feasible, and in compliance with the Henry Clay Township Act 537 Plan to rely upon on-lot systems for sewage disposal, the on-lot sewage disposal systems shall meet the minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, as amended. Within Henry Clay Township, the provisions of Act 537 are administered by the Township's SEO.

Refer to Pennsylvania Department of Environmental Protection (PA DEP) Chapter 73 for design of systems.

508.4 Storm Sewers: Where storm sewers are required in a new subdivision or land development, they shall be in conformity with any applicable storm water management ordinance, and/or any storm sewer plans developed for the Township.

Section 509 Stormwater Drainage: Subdivision and Land Development Plans shall include measures which direct storm water into the natural drainage system serving the area. All Stormwater Management must comply with Township Ordinance # 2 of 1994; storm water management.

Section 510 Lot Grading The following standards shall apply to lot grading for Subdivisions and Land Developments:

- (a) Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
- (b) A Grading and Draining Plan shall be required for all subdivisions and land developments, except minor subdivisions. Lot grading shall be:
  - (1) Designed as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%). These shall be sodded, planted or lined in accordance with PaDEP Erosion and Sediment Control Program Manual, April 1990, as amended or superseded.
  - (2) Proposed contouring shall be provided for all detention/retention areas. Other contouring shall be provided as necessary to depict the proposed grading where typical sections and standard details are inadequate.
- (c) No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
  - (1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to and accepted by the Township. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
  - (2) A retaining wall constructed according to sound engineering standards from which plans are submitted to and accepted by Henry Clay Township.

(d) No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

(1) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.

(2) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and accepted by the Township.

(3) A wall is constructed to support the face of the fill.

(e) The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence or suitable barrier no less than three (3) feet in height accepted by the Township.

(f) All lots must be kept free of any debris or nuisances whatsoever.

#### Section 511 Erosion and Sediment Control

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

(a) General Purpose.

(1) The Board of Supervisors and/or Planning Commission (if one is established) finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and, therefore, those regulations governing erosion control and sedimentation control are necessary for the township.

(2) No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation, as required by Chapter 102 of the Rules and Regulations of the Department of Environmental Protection (PaDEP), or any other applicable agency has been reviewed by the Fayette County Conservation District, or if required, any NPDES Stormwater Permit has been issued.

(3) No subdivision or land development plan authorizing construction shall be approved unless:

(a) Evidence is presented showing a favorable review of the soil erosion and sedimentation control plan by the Fayette County Conservation District, or if applicable, the issuance of a NPDES Stormwater Permit, by PADEP.

(b) Financial security for erosion controls has been included in the financial security for the project as required in Section 309 of this Ordinance.

(4) Where not specified in this Ordinance, measures used to control erosion and sedimentation shall meet the minimum standards contained in the "Erosion and Sediment Pollution Control Program Manual" of the Department of Environmental Protection or any other applicable agency.

(b) Performance Principles.

(1) Stripping for vegetation, grading or other development shall be done in such a way that will prevent all but minor erosion.

(2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(4) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

- (9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(c) Grading for Erosion and Other Environmental Controls.

In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- (1) Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development.
- (2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
- (3) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (4) Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
- (5) During grading operations, necessary measures for dust control will be exercised.
- (6) Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

(d) Responsibility.

- (1) Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- (2) Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider and contractor.
- (3) It is the responsibility of any developer or subdivider, and any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the flood plain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed.



- (4) The subdivider or land developer shall provide and install, at his expense, in accordance with township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.
- (e) Compliance with Regulations and Procedures.
- (1) The Board of Supervisors and/or Planning Commission (if one is established), in their consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in Sections 511,(b) 511,(c) hereof.
- (2) The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the PaDEP Erosion and Sediment Pollution Control Program Manual, April 1990, as amended or superseded with the most current issue.
- (f) Stream Channel Construction on watersheds shall conform to criteria established by the Pennsylvania Department of Environmental Protection or any other applicable agency.
- (g) A written permit issued by the Department of Environmental Protection or any other applicable agency shall be required prior to any construction, operation, maintenance, modification, enlargement, or abandonment of any dam, water obstruction, or encroachment. Evidence of the permit must be presented when requested prior to any approval of a subdivision or land development which authorizes construction.

#### Section 512 Flood Hazard Area Regulations

All developments within Flood Hazard Areas as defined by Ordinance No. 2 of 1981 shall be regulate by and conformed to ordinance No. 2 of 1981.

## ARTICLE VI

### IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

#### Section 601 General

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

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

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

#### Section 602 Required Improvements

602.1 Monumentation: Monuments shall consist of iron or steel bars, and shall be a minimum size of 5/8 inch in diameter, and thirty (30) inches long.

- (a) Monuments shall be set all points of curve tangency on all street right-of-way and property lines;
- (b) Monuments shall be set at all points where lot lines intersect curves, either front or rear;
- (c) Monuments shall be set at all of the property lines of lots;
- (d) Monuments shall be set at all lot corners of the lot in question and lots bounding said parcel.
- (e) Monuments shall be set so that the top of the monument is 1" higher than the top of the surrounding ground.
- (f) Monuments shall be set under the direct supervision of a Registered Surveyor.

602.2 Streets: All streets shall be graded to the full width of the right-of-way surfaced and improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the subdivider.

- (a) Streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications as contained in Section 503 of this Ordinance.
- (b) Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Township. All underdrains must be a minimum 4" PVC perforated pipe and in accordance with PENN DOT Publication 408, as amended and detailed in Construction Drawings. These Underdrains are subject to the review and approval of the Henry Clay Township Engineer.

602.3 Curbs: Curbs shall be required on new streets in subdivisions which have a typical lot width of interior lots at the building setback lines of less than one-hundred (100) feet, in all High Density Subdivisions, and for Land Developments. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed one hundred (100) feet when the centerline street grade of any street exceeds three (3) percent. In such cases curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived at the discretion of the Township, upon the request and justification by the Applicant and after a recommendation of the Township Board of Supervisors. When the requirement is waived, grass-lined swales or rock-lined ditches shall be required. Curbs shall be as specified in Section 503 of this Ordinance. All curbs shall be depressed at intersections to sufficient width to accommodate the requirements of the handicapped. The depression shall be in line with sidewalks where provided.

602.4 Sidewalks: Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one (1) or both sides. Sidewalks shall also be provided when considered necessary by the Township Supervisors for the protection of the public or whenever it is determined that the potential volume of pedestrian traffic or safety conditions creates the need for them, based on the recommendation of the Township Board of Supervisors. Sidewalks shall be provided on all streets and parking areas located within multi-family and apartment developments, and for Land Developments as noted in Section 803 (d) (3).

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

- (a) Sidewalks shall be located within the street right-of-way, one (1) foot from the right-of-way line, and shall be a minimum of four (4) feet wide, except along collector and arterial streets, and in the vicinity of shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide.

- (b) Sidewalks shall be at least four (4) inches thick, and shall be made of Class A concrete as specified in PennDOT, Publication 408, Section 704 and installed in accordance with PennDOT Publication 408, Section 676, except that aggregate for bed shall be a four (4) inch deep foundation, and concrete shall be broom finished.
- (c) Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Township Supervisors may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Township Supervisors, and as noted in Section 504.2.
- (d) Handicap-accessible ramps shall be provided on all sidewalks at street intersections. Maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curb shall be installed at ramp so as to create a lip of no greater than one-half (1/2) inch. Ramps shall be concrete as specified in Section 602.4 (c) of this Ordinance with a non-slip finish.
- (e) Maximum slope of banks measured perpendicular to the center line of the street should be three (3) to one (1) for fills, and two (2) to one (1) for cuts.

602.5 Sanitary Sewers: The method of sanitary waste disposal in a proposed subdivision shall be determined by the Township, in accordance with the Act 537 Plan. Generally, where an existing or proposed public sanitary sewer system is accessible to a High Density Subdivision and the capacity exists to serve the proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewerage system to be connected to the existing or proposed public sanitary sewerage system. The system shall be designed by a registered professional engineer and meet the requirements of the Pennsylvania Department of Environmental Protection or any other applicable agency, and the respective municipal authority.

To aid the Township Supervisors in making their decision upon the best method of sanitary waste disposal within a proposed subdivision, the subdivider shall submit, accompanying the "Preliminary Plan" application, two (2) copies of the "Sewage Planning Module" and a copy of the transmittal letter to PaDEP which accompanied the Planning Module Submission.

In cases where no municipal sewer system is available under the conditions stated previously, a decision shall be made as to which of the following methods of sewage disposal best meets the needs of the proposed subdivision: a community disposal system; an interim treatment plant; individual on-lot septic tanks or other satisfactory methods of sewage waste disposal. The Township shall recommend the most suitable type of sewage disposal in consideration of the results of the Sewage Planning Module, the individual site characteristics of the proposed subdivision, and both the short-range (5 to 10 years) water and sewer program and the long-range (20 years) water and sewer plan for Henry Clay Township.

Regardless of the method of sewage disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facility Act 537, as amended, and other applicable local, state, and federal regulations. Where required, a DEWIER Sewage Planning Module approval shall be obtained prior to Township plan approval authorizing construction.

Upon completion of the sanitary sewer system, community disposal system, and/or interim treatment plant, one (1) copy of as-built drawings shall be filed with Henry Clay Township, and one (1) copy shall be filed with the respective municipal authority.

602.6 Water: Where an existing or proposed public water supply system is accessible to a High Density Subdivision and the capacity exists to serve the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply. The system shall be designed by a Registered Professional Engineer. The system design shall be approved by the municipal authority or utility company providing service. Evidence of issuance of permits from the Pennsylvania Department of Environmental Protection or any other applicable agency, when such permits are required, shall be presented to the Township Supervisors prior to approval of plans authorizing construction.

If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. In cases where no municipal or community water supply system is available, each lot in a subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Protection or any other applicable agency.

The plans for installation of the mains of a water supply system shall be prepared for the subdivision with the cooperation of the applicable water supply agency, and accepted by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision will be connected, shall be submitted to the Township. Upon the completion of the water supply system, one (1) copy each of the As-Built plans for such system shall be filed with the Township.

602.7 Storm Water Management Control: Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface run-off away from buildings and into the natural drainage system of the area. Storm water management control improvements shall be considered for all High Density Subdivisions, all land developments, and as recommended by the Township Board of Supervisors. The improvements shall be installed and maintained in accordance with the plans submitted by the subdivider or developer and accepted by the Township. The improvements shall be designed and constructed to the standards set forth in Section 509 of this ordinance and/or any Township Stormwater Management Ordinance.

One (1) copy of As-Built drawings of stormwater management control systems shall be filed with the Township. Under no circumstances shall storm sewers be connected with sanitary sewers.

602.8 Off-Street Parking: Off-street parking shall meet the following standards:

- (a) Each proposed dwelling unit in a subdivision shall be provided with two (2) off-street parking spaces. Such off-street parking spaces may be provided as an individual garage, carport, and/or driveway, preferably located behind the building line, or in a parking compound adjacent to or near the dwelling units it serves. Driveway and parking compounds shall provide two (2) usable and paved parking spaces each containing two hundred (200) square feet.
- (b) Non-residential subdivisions and land developments within the scope of this Ordinance shall provide paved parking areas in conformance with Article VIII, Section 803 of this Ordinance.

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

602.10 Buffer Areas: All non-residential subdivisions and land developments shall include a landscaped buffer area of at least five (5) feet in width along all public rights-of-way, and ten (10) feet in width along property lines abutting existing homes and/or homes under construction. In cases where the buffer area abuts homes, at least fifty (50) percent of the trees and shrubs shall consist of evergreens. Landscaping shall be at least three (3) feet in height and spaced no further than three (3) feet apart, at the time of planting, unless an alternate planting plan by a landscape professional is approved by the Board of Supervisors.

### Section 603 Recommended Improvements

Although not required, the following improvements are recommended as valuable to public safety, convenience, and attractiveness of a subdivision. They are viewed as assets to the Township, the potential buyer, and future residents of the Township.

603.1 Street Lights: In accordance with the conditions to be agreed upon by the subdivider, the Township Supervisors and the appropriate public utility, street lights are required to be installed in all subdivisions. The subdivider shall be responsible for making the necessary arrangements with the applicable agencies, and whether or not street lights are initially installed, the subdivider shall be responsible for providing utility easements for future street lighting installations.

603.2 Shade Trees: All possible efforts should be made by the subdivider to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of two (2) inches shall be planted between the sidewalk and the building line at least five (5) feet from the sidewalk, or between the curb and sidewalk provided the planting strip is a minimum of six (6) feet wide. Preserved shade trees may be included in the buffer areas required under Section 602.10.

603.3 Underground Wiring: All electric, telephone, and television cable lines be placed underground. Electric, telephone, and television cables and appurtenances shall be constructed in accordance with the rules, regulations, and specifications of the respective utility providers.

## ARTICLE VII

### MOBILE HOME PARK DESIGN STANDARDS

#### Section 701 General Requirements

The general design standards and required improvements of Articles V and VI and residential design standards shall apply to mobile home park subdivisions or developments even though streets will not be submitted for dedication. The following additional standards shall also apply to mobile home developments.

#### Section 702 Specific Design Standards

- (a) Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average of eight percent [8%] or less). The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one-hundred (100) year flood and shall have access to public roads.
- (b) Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the axles of the mobile home. The poured concrete base shall measure two (2) feet deep and two (2) feet wide for each of the two (2) strips unless another system is approved by the Township. Each mobile home site shall also be provided with a poured concrete outdoor patio four inches (4") deep and at least one-hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home should be attached to a concrete base. Each mobile home shall have skirting around the base between the bottom of the exterior and the ground. The length of each mobile home unit shall be parallel with the contour of the land so that no end of the unit is elevated higher than the other from the ground. The minimum size requirement for a Mobile Home Park shall be three (3) acres.
- (c) Mobile Home Lot Requirements: Lot area, dimension, setback, and coverage shall meet with the approval of the Township Supervisors and meet the following minimal requirements:
  - (1) Minimum Lot Area - 5,200 square feet per lot
  - (2) Minimum Lot width - 45 feet
  - (3) Minimum Setback from other homes and buildings - 30 feet
  - (4) Minimum Setback from streets, paved areas, common areas - 30 feet
  - (5) Maximum Lot coverage by buildings/structures - 25%



- (d) Buffer Areas: All mobile home parks projected to contain more than ten (10) units at full build-out shall be bounded by a buffer area with a minimum of thirty-five (35) feet depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it.

All mobile home parks projected to contain less than ten (10) units at full build-out shall be bounded by a buffer area with a minimum of ten (10) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it. Buffer areas shall be landscaped and consist of at least 50% evergreens. All landscaping shall be at least three (3) feet in height at the time of planting.

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

- (f) Utilities: All utilities serving mobile home lots shall be placed underground in accordance with the requirements of the respective utility companies. Each mobile home in the park shall be served by public water and sewerage or approved central water and sewerage systems as well as with electric and other utilities.

- (g) Drainage: Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be handled according to the requirements prescribed by the Township Engineer and/or in any Township Stormwater Management Ordinance.

- (h) Refuse Storage: Each mobile home shall provide its own garbage and refuse containers in accordance with any Township regulations pertaining to garbage and other solid wastes, or the mobile home park shall provide a dumpster and private hauling service where individual mobile homes cannot be served.

- (i) Sewerage Systems: Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.

- (j) Water Systems: Each mobile home lot shall have a water riser pipe with a minimum inside diameter of 3/4-inch which connects the mobile home water supply to the central water system. An outside hose bib shall be supplied for each mobile home.

- (k) Sidewalks: All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of ID-2 bituminous concrete or a hard surface to a depth and width approved by the Township Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.
- (l) Parking Areas: Two off-street parking spaces shall be provided for each mobile home. All parking spaces for mobile home lots shall be provided with a minimum of a tar and chip surface.
- (m) Ingress and Egress: Access points to public streets from a mobile home park shall be located no less than sixty (60) feet from any public street intersection. Streets within the mobile home park to be offered for municipal dedication shall be constructed to township specifications as described in Article V. All streets within mobile home parks, whether offered for municipal dedication or not, shall conform to the following:
- (1) General Requirements - A safe and convenient vehicular access shall be provided from abutting public streets or roads.
  - (2) Access - The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of twenty-four (24) feet. Wherever a street intersects a public street, a stop sign shall be installed and maintained in accordance with Township regulations.
  - (3) Illumination - In accordance with the conditions to be agreed upon by the subdivider, the Township Supervisors and the appropriate public utility, street lights are required to be installed in all subdivisions. The subdivider shall be responsible for making the necessary arrangements with the applicable agencies, and whether or not street lights are initially installed, the subdivider shall be responsible for providing utility easements for future street lighting installations.
  - (4) Paving - All streets shall be provided a minimum of a tar and chip surface unless to be dedicated to the Township which shall be durable and well-drained under normal use and weather conditions.
- (n) Street Signs: Street identification signs shall be provided for all streets at every intersection in the mobile home park. Such signs shall be purchased by the developer and installed by the Developer.

## ARTICLE VIII

### SUPPLEMENTARY LAND DEVELOPMENT REQUIREMENTS

#### Section 801 General Requirements and Intent

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

#### Section 802 Submission Review Procedures and Plan Requirements

The submission and review procedures contained in Article III and Article IV shall be required for all Land Development proposals, as noted in each applicable Section of the above referenced Articles. In addition, the following shall be required for all proposals for Commercial, Retail, and Professional Office development in excess of 5,000 square feet, and for all proposals for manufacturing uses:

- (a) A traffic study analyzing the capacity of area streets, roads, and intersections abutting the development, as determined by the Board of Supervisors. The study shall include at a minimum an analysis of the system before development, at each phase of development (if applicable), and at full build-out. The study shall include an analysis of capacities, levels of service, and improvements required to maintain acceptable levels of service.
- (b) A landscape plan for the site prepared by a landscape design or site planning professional.
- (c) A sewer and water study of the proposed development.

#### Section 803 Parking Requirements

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

- (a) All non-residential proposals shall meet the following:
  - (1) In cases where more than a single row of parking spaces are required due to projected parking demand and/or site conditions the following design configurations shall be followed:

- A minimum parking bay width of 45 feet shall be provided for 45-degree [diagonal] parking, with a one-lane parking lane having a minimum width of 14 feet.
  - A minimum parking bay width of 61 feet shall be provided for 90-degree [head-in] parking with a two-way parking lane having a minimum width of 25 feet.
- (2) All parking areas shall be stabilized with compacted stone or gravel, or with a bituminous or concrete surface, and include adequate drainage control as approved by the Township.
  - (3) Parking areas shall be designed so that vehicles need not back out onto a public right-of-way.
- (b) Commercial land developments within the scope of these regulations shall provide stabilized parking areas. The minimum number of 9 foot x 18 foot parking spaces to be provided will vary depending upon use and/or interior and/or gross square footage area as summarized below:

(1)	Department Stores	-	1 space per 200 square feet
(2)	Other Retail	-	1 space per 300 square feet
(3)	Banks and related	-	1 space per 250 square feet
(4)	Offices	-	1 space per 500 square feet
(5)	Houses of Worship	-	1 space for every 5 seats
(6)	Hotels/Motels	-	1 space per unit
(7)	Supermarkets	-	1 space per 200 square feet
(8)	Sit-Down Restaurants	-	1 space per 333 square feet
(9)	Fast-food Restaurants	-	1 space per 35 square feet
(10)	Community Buildings	-	30% of capacity in persons

For uses not classified above, not less than three (3) square feet of stabilized parking area, inclusive of access lanes, for every one (1) square foot of interior floor area.

In addition, stabilized truck loading, unloading, and maneuvering can be accommodated within the property lines. All commercial establishments in excess of 10,000 square feet of gross floor areas shall provide a loading dock/berth. The gross floor area at which point a second dock/berth is required will vary with use as summarized below:

- |                      |   |                     |
|----------------------|---|---------------------|
| (1) Wholesale        | - | 40,000 square feet  |
| (2) Retail           | - | 20,000 square feet  |
| (3) Offices/Services | - | 100,000 square feet |
| (4) Restaurants      | - | 25,000 square feet  |
| (5) Hotels/Schools   | - | 100,000 square feet |

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

(d) In addition to the requirements for commercial and industrial parking areas noted in (b) and (c) above, parking facilities provided shall also include the following:

(1) Illumination: If provided, all parking areas shall be illuminated by light standards with a maximum height of forty (40) feet, with sharp cut-off shields on the fixtures to allow the direction of lighting on the lot and to avoid glare above the lot and on adjacent properties.

(2) Interior Landscaping: All parking areas shall include interior landscaping of at least ten (10) percent of the area of the parking lot, exclusive of any buffer areas provided under Article VI, Section 602.11. The interior of the parking area includes that area between the frontage or buffer yard and any paved walkways or the structure, when a walkway is not necessary.

(3) Sidewalks: The principal access point for commercial, service, and industrial establishments abutting the parking lot shall have a paved walkway with a minimum width of five (5) feet.

(4) Access Drives: Each parking area shall include adequately sized access drives having a minimum width of twelve (12) feet when separate exit and entrance lanes are provided, and twenty (20) feet when combined exit and entrance lanes are provided.

(5) Special access designation: Fire lanes and handicap parking stalls appropriately located in relation to the structure shall be designated by signage and pavement markings.

SECTION 804      Supplementary Requirements

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

- (a) Proposed developments with drive-in facilities shall meet the following standards:
- (1) No more than two (2) driveways shall be provided to any one property from a public right-of-way.
  - (2) Driveways shall be no closer than thirty (30) feet from any adjacent property line.
  - (2) The maximum width of driveways shall be no wider than fifty (50) feet.
  - (4) The intersection of any private drive and a public right-of-way shall provide for proper sight distance visibility.
  - (5) A State Highway Occupancy Permit shall be required from the Pennsylvania Department of Transportation for any driveway access to a State Highway, and a Township Highway Occupancy Permit shall be required from the Henry Clay Township Board of Supervisors for any driveway access to Township Road prior to plan approval.
  - (6) Gasoline or other fuel pumps shall be no closer than twenty-five (25) feet to any public right-of-way.
- (b) All proposed structures and buildings shall be no closer than fifty (50) feet to any right-of-way line.
- (c) Proposals for industrial parks and/or commerce parks shall meet the following requirements:
- (1) A fifty (50) foot buffer shall be provided around the proposed Park.
  - (2) Any internal illumination shall be of the sharp cut-off variety avoiding glare above and onto adjacent properties.
  - (3) An internal street or traffic circulation system shall be provided.
  - (4) All plans for individual structures or buildings shall be subject to review under the requirements of this Ordinance.

(d) **Proposals for industrial facilities shall meet the following requirements:**

- (1) **Loading docks as required by Section 803 above shall be at least fourteen (14) feet wide and have a clearance of at least fourteen (14) feet, and shall not be located in the front of the building.**
- (2) **All outdoor storage areas shall be buffered by landscaping or an opaque fence.**
- (3) **Manufacturing buildings may not cover more than twenty-five percent (25%) of the lot.**

## ARTICLE IX

### RECREATIONAL AND SEASONAL LAND DEVELOPMENT STANDARDS

#### Section 901 General Requirements

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

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

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

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



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

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

Section 902 Submission and Review of "Sketch Plan" (Optional)

The submission and review of the Optional Sketch Plan for Land Developments shall follow the procedures outlined in Article III, Section 302.

Section 903 Official Submission and Review of the "Preliminary Plan"

The submission and review of the Official Preliminary Plan shall follow the procedures outlined in Article III, Sections 304 and 305. Prior to the review and approval of the Preliminary Plan, the applicant must make application and meet all requirements of the Pennsylvania Department of Environmental Protection Regulations Title 25, Chapter 191, regarding Organized Camps and Campgrounds, as well as any other State Government regulations which may apply.

Section 904 Official Submission and Review of the "Final Plan"

The submission and review of the Final Plan shall follow the procedures outlined in Article III, Sections 306 and 307.

Section 905 Recording of the "Final Plan"

The recording of the Final Plan shall follow the procedures outlined in Article III, Section 308.

Section 906 Performance Guarantees

The submission of required performance guarantees shall follow the procedures outlined in Article III, Section 306.1.

### Section 907 Plan Requirements

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

### Section 908 Design Standards

Recreational and Seasonal Land Developments shall be designed pursuant to the applicable standards and requirements contained in Article V and Article VI in this Ordinance, except for the following:

- (a) Sections 503 and 602.3 Streets (with the exception of Section 503.6 which remains in effect for situations as noted in Section 908.1 below)
- (b) Section 504 Blocks
- (c) Section 505 Lots
- (d) Section 602.4 Curbs
- (e) Section 602.5 Sidewalks
- (f) Section 602.9 Off-Street Parking

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

908.1 Streets: The Land Development shall be designed to provide an access and internal traffic circulation system adequate to accommodate the type and volume of traffic to be generated, and shall be constructed to provide a sound, all-weather driving surface, reasonably smooth, free from mud, dust, and/or standing water.

908.2 Lots: Individual campsites shall be comprised of a minimum area of at least 1,500 square feet, with no more than a total of fifteen (15) individual campsites per acre. Each campsite shall be accessible from the private street/roadway system without the necessity to cross any other campsite. In addition, Recreation Vehicle campsites shall have a minimum width of forty (40) feet, and a minimum depth of fifty (50) feet or thirty percent (30%) longer than the maximum length of the recreational vehicle anticipated to occupy the space.

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

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

908.5 Relationship with Adjoining Properties: The design of proposed land developments governed by this Section shall take into account potential effects and impacts on adjacent properties. A landscaped buffer strip having a minimum width of twenty (20) feet shall be provided along the perimeter of the land development, within which no campsites shall be located.

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

#### Section 909 Improvements

Where appropriate the Applicant of any Land Development shall be required to provide the following improvements, or a suitable guarantee pursuant to Section 306.1, and address at least the following:

- (a) Streets and access roads, including where applicable parking areas, driveways, curb cuts, and traffic control devices.
- (b) Utilities including, where applicable, storm water management facilities, sanitary sewer facilities, water facilities, pumping facilities, gas lines, electrical facilities, telephone, and other utility facilities.
- (c) Any proposed amenities including recreational facilities, meeting facilities, and screening and landscaping.
- (d) Any other improvements which may be required for approval.
- (e) Procedures and mechanisms guaranteeing the perpetual private maintenance of all improvements by the owner and/or operator of the facility.

#### Section 910 Minimum Facilities

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

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

- (b) Camping areas intended to primarily serve the needs of overnight camper, trailer, and motorhome users shall include the availability of electric service to individual campsites, central travel trailer sanitary and water stations, and toilet facilities.
- (c) Camping areas intended to serve as longer term destinations shall include back-in parking at campsites, individual electric and water connections, central travel trailer sanitation station, and central toilet and shower facilities.

The above are minimal requirements, subject to more stringent requirements imposed by the regulations of Title 25, Chapter 191 of the Pennsylvania Department of Environmental Protection or any other applicable agency. The applicant may provide enhanced facilities such as laundry, picnic, swimming, and other facilities. The applicant shall specify the manner in which all facilities are to be privately maintained.

## ARTICLE X

### FEES

#### Section 1001 Payment of Fees

The following fees shall be paid by the developer, subdivider, or his agent to the Township of Henry Clay by check or money order:

- (a) An application fee for Preliminary Plan review when such plan is required. The fee shall be as established by Resolution by the Board of Supervisors.
- (b) An application fee for Final Plan review, which fee shall be as established by Resolution by the Board of Supervisors.
- (c) A fee for review of the plan by the Fayette County Planning Commission, in accordance with its "Schedule of Fees for Review of Sewage Facilities Planning Modules and Applications for Subdivisions and Land Developments".
- (d) Any fees charged by Consultants, Engineers, Reports, Stenographers, Cost Estimates, verifications or any other work with the Township Engineer or Planning Consultant.
- (e) A financial security in the amount of 110% of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval. (See Article III).
- (f) A final security for the maintenance of improvements for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their actual cost of installation. (See Article III).
- (g) An inspection fee based on the actual cost of inspection by the Township Engineer of required improvements.
- (h) Road Opening Permits, Inspection reports, Municipal Lien Letters or other municipal service fees.
- (i) Developers agreement or memorandum of understanding for payment of all fees involved will be required within sixty (60) days of final approval.

## ARTICLE XI

### RELIEF FROM REQUIREMENTS

#### Section 1101 General Provisions

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

Assurance must be provided that any modification is absolutely necessary and represents the minimum possible modification. Unusual physical circumstances may involve minor adjustments in curve radii, street grade or slope, cul-de-sac length, or problems over the width of an existing right-of-way. In most cases, minor design modifications will not jeopardize public safety.

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

## ARTICLE XII

### ADMINISTRATION, AMENDMENT, AND ENFORCEMENT

#### Section 1201 Revision and Amendment

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

#### Section 1202 Modification of Requirements

1202.1 Modified Standards: The provisions of these regulations are the minimum standards for the protection of the public welfare. The Henry Clay Township Board of Supervisors reserves the right to modify or to extend these regulations as may be necessary in the public interest.

1202.2 Waiver: If a majority of the Township Board of Supervisors feels that this ordinance causes undue hardship upon a particular subdivision, they may grant a waiver providing it does not nullify the intent and purpose of this ordinance. In granting waivers, the Township Board of Supervisors may impose such conditions as will, in its judgement, advance the achievement of the intent of this ordinance. The standards and requirements of these regulations may be modified by the Township Board of Supervisors in the case of a plan or program for complete community, new town, neighborhood, cluster subdivision, or mobile home park which in the judgement of the Township Board of Supervisors provides adequate open and public spaces and improvements for circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions which will assure conformity to and achievement of the development goals of the Township.

#### Section 1203 Reconsideration and Appeal

1203.1 Any subdivider aggrieved by a finding, decision, or recommendation of the Henry Clay Township Board of Supervisors may request and shall receive another opportunity to appear before the Township Board of Supervisors to present additional relevant information. This request shall be in writing within thirty (30) days after the original date of action by the Township Board of Supervisors.

1203.2 Upon receipt of such appeal, the Township Board of Supervisors shall hold a hearing after proper notification of all parties concerned and in a manner prescribed by law.

1203.3

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

1203.4

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

#### Section 1204 Keeping of Records

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

#### Section 1205 Penalties

Any person who shall subdivide or develop any lot, tract, or parcel of land or shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or for common use of occupants of building abutting thereon, or who wills, transfers, or agrees or enters into an agreement to sell any land in a subdivision of land development or erect any buildings thereon without having first complied with the provisions of this ordinance and the Act of Assembly under which they have been adopted shall by the terms of the Act of Assembly be guilty of a misdemeanor and upon conviction thereof, such person, or the members of such partnership of the officers of such corporation, or the agents of any of them, responsible for such violation pay a fine not exceeding five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

#### Section 1206 Severability

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



Section 1207 Effective Date

This Ordinance shall become effective five (5) days after the date of final passage.

Duly elected and ordained by the Board of Supervisors of Henry Clay Township, Fayette County, Pennsylvania, this 2 day of June, 1997.

OF

HENRY CLAY TOWNSHIP BOARD  
SUPERVISORS

ATTEST:

Margaret Rishel  
Secretary

Clarence M. Sarver  
Chairman

Wayne D. DeLoach

(SEAL)

Charles E. Brown

June 2, 1997

I, Margaret Rishel, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of Henry Clay Township, Fayette County, Pennsylvania, on June 2, 1997.

Margaret Rishel  
Township Secretary

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OF

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ALBERTA

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